COMMISSION ON HUMAN RIGHTS

Forty-fourth session

SUMMARY RECORD OF THE FIRST PART* OF THE 57TH MEETING

Held at the Palais des Nations, Geneva,
on Friday, 11 March 1988, at 3 p.m.

Chairman: Mr. MEZZALAMA (Italy)
later: Mr. SENE (Senegal)

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* The summary record of the second part of the meeting appears as document E/CN.4/1988/SR.57/Add.1.

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The meeting was called to order at 3.35 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued)

Rights of reply

1. Mr. BAISSA (Observer for Democratic Yemen) said that, during the debate on agenda item 12, reference had been made to his country in a statement completely devoid of objectivity which had sought to dramatize the situation and which, consequently, required clarification. Since its independence, Democratic Yemen had been endeavouring to achieve the targets that it had set and to ensure the freedom of its population. Like other developing countries, it had chosen a political and social system that was compatible with the actual situation in the country. It laid no claim to perfection and was aware that the system had shortcomings which, moreover, had been criticized by the local media. At the forty-third session of the Commission, the delegation of Democratic Yemen had itself referred to the sanguinary events of January 1986 and had explained the measures that the present Government had taken to restore security and stability in the country, to strengthen national unity and to consolidate the rule of law; general amnesty laws had been promulgated, detainees had been released and the rights of all persons were guaranteed.

2. The general amnesty law did not apply to the persons who had brought about those events. However, those individuals had been tried with all the safeguards provided by law and the Constitution. The Government had not decreed a state of emergency or in camera proceedings, nor had it established emergency courts or referred that matter to the military courts. The trial had been held in public in the presence of international organizations, such as Amnesty International. Journalists, as well as the International Red Cross, had been permitted to visit the detainees and convicted persons in their prison. The sentences had been passed in accordance with the principle that every crime should be punished. However, in response to the appeal that some countries and organizations had made for humanitarian treatment, the People's Supreme Council had exercised its prerogatives to intervene in favour of the persons who had been sentenced to death. Capital punishment was an exceptional phenomenon in Democratic Yemen and the authorities were endeavouring to abolish it.

3. The developing countries had to accept some sacrifices in order to consolidate their sovereignty in situations that were aggravated by a shortage of resources and a lack of understanding on the part of the major Powers. The United States which, as a super-Power, had an enormous international responsibility, had made erroneous and unfounded accusations against small countries such as Democratic Yemen. However, the policy that the United States was pursuing in regard to the protection of human rights was purely formal and deceived no one, particularly in view of the manner in which that country was supporting dictatorships in Latin America, repressive activities, the counter-revolutionary movement in Nicaragua, repression of the Palestinian resistance by the Israeli régime, and mercenary activities in Angola. The United States attacked countries that were not willing to fall into line with its policy or its economic and social system and which were not
furthering its aims. International organizations had also suffered the consequences of that policy. For further details concerning the destabilization operations that the United States had organized against Democratic Yemen, reference could be made to the work entitled The Veil, which had been written by a United States journalist. For its part, the Commission should safeguard its reputation and remain aloof from the self-seeking interests of some countries. Its task was not to condemn or accuse, but rather to preserve humanitarian ideals.

4. Mr. AL-KADHI (Iraq) said that he wished to reply to the tendentious allegations made by the observer for Iran who, although the Commission was not the appropriate forum, had seen fit to refer to the war between Iraq and Iran in order to justify the latter's position. However, the report of the Special Representative on the human rights situation in Iran (E/CN.4/1988/24) was clear; it showed the extent of the violations of fundamental principles and human rights that were occurring in that country. Moreover, the fact that Iran had not wished to receive the Special Representative warranted the concern shown by the international community. At all events, violations of human rights could not be justified by the state of war, since respect for human rights was an indivisible international obligation. For the same reason, the international community should not be selective in its defence of human rights.

5. The observer for Iran had raised the Kurdish question in the hope of justifying the human rights situation in his country. However, Iraq was the only country in which the Kurds had been granted autonomy since 1974. Moreover, the eighth periodic report submitted by Iraq to the Committee on the Elimination of Racial Discrimination (CERD/C/132/Add.2) contained details concerning the extensive development that had taken place in the region of Kurdistan within the context of the autonomy that it had been granted in 1974. The Iranian Government, on the other hand, was giving no thought to its Kurdish citizens and their national rights.

6. Mr. CASTRIOTO DE AZAMBUJA (Brazil), replying to the statements made by the representatives of Terre des Hommes and the Indian Council of South America, said that he wished to provide some clarifications concerning Brazil's policy towards indigenous populations. The aim of that policy, which was being implemented primarily through the Ministry of the Interior and the National Foundation for Assistance to Indigenous Populations (FUNAI), was to protect and assist indigenous groups in accordance with the guidelines laid down by the National Congress, particularly in Act No. 6003/73, which was known as the "Indian Statute". With regard to the question of lands, the rapidity with which Indian lands had been demarcated during the last few years clearly illustrated the Government's concern over that sensitive issue. Since the beginning of 1985, 95 new Indian areas had been demarcated, or were in the process of being demarcated, on about 13 million hectares of land; that far exceeded what had been done between 1910 and 1984, when 91 areas, covering 12 million hectares, had been demarcated. The 186 areas thus demarcated covered a total of 25 million hectares, which was equivalent to the territorial extent of five medium-sized European countries.

7. The invasion of Indian areas by miners and settlers was illegal and was being repressed, as far as available resources allowed, by FUNAI and the Federal Police. Under the terms of Act No. 6001 of 19 December 1973 and Federal Decree No. 88,985 of 10 November 1983, exploitation of the soil in
those areas was restricted to the indigenous inhabitants. The exploitation of
strategic minerals had been entrusted to State-owned enterprises under a
concession granted by the Government. The latter authorized private companies
to engage in profit-making activities in the Indian areas only on an
exceptional basis and always under FUNAI supervision.

8. With regard to the Yanomami lands, it should be noted that, under FUNAI
Regulation No. 1817, promulgated on 8 January 1985, an area covering over
9 million hectares had been set aside as a "Yanomami Indian park". That
regulation prohibited the entry, transit or residence in that area of any
non-Indian individual or group not duly authorized by the Foundation, which
had an obligation to ensure that activities carried out by non-Indians in that
area were consistent with the welfare of the indigenous population.

9. The policy that Brazil was pursuing in that and other fields was not
immune to failures or shortcomings. The difficulties encountered in
ensuring compliance with the law were largely attributable to budgetary
restrictions and the very dimensions of the national territory. However, the
Government's policy could not be blamed for isolated breaches of the law.
Although his delegation welcomed constructive criticism from any interested
parties and was willing to transmit such criticism to the competent
authorities, it could not fail to express its disappointment when otherwise
well-intentioned non-governmental organizations saw fit to resort to sweeping
generalizations and hyperbole, which did not contribute to an objective
assessment of such sensitive questions.

10. Mr. YIANGOU (Cyprus) said that, two days previously, the Turkish
delegation had made yet another attempt to mislead the Commission and divert
its attention from the actual situation, namely the illegal occupation of
37 per cent of the territory of Cyprus, which had led to the continuous
violation of the human rights of both Greek and Turkish Cypriots. Returning
to its favourite subject, that delegation had repeated the same groundless
allegations to the effect that the Turkish Cypriots had suffered from the
situation prior to the invasion in 1974. If that were true, they had suffered
as a result of policies that they themselves had chosen. At all events, the
facts spoke for themselves: the Turkish occupation forces were still on
Cypriot territory and had even been reinforced. Moreover, settlers had also
been installed illegally on Cypriot territory and the Turkish Cypriots
themselves were protesting almost daily at the manner in which they were being
treated by those settlers. Several articles that had appeared in the Turkish
Cypriot press could be quoted in that regard.

11. The truth of the matter was that no refugee had recovered his home and
property and no missing person had been traced. Those were facts and not
unfounded allegations or accusations. If facts had been distorted, the blame
lay with the Turkish delegation, which had sought to portray the Greek
Cypriots as being motivated by a feeling of hatred towards their compatriots,
the Turkish Cypriots. That allegation could apply only to Turkey itself which,
through its invasion, its actions and its behaviour, had shown that it
was pursuing a policy of racial hatred and extermination of the Greek
Cypriots. He did not intend to repeat the facts and figures, which had
already been given by his delegation in a previous statement.

12. The Turkish delegation had spoken of a Greek Cypriot dream concerning the
future of the island. If, indeed, there was a dream in that regard, it could
be found in the minds of the Turks, concerning whom the last British Governor 
of Cyprus had said, after the invasion: "The Turks want to be masters of the 
North and they want to share the South". Turkish policy on Cyprus had not 
changed; it was a policy of partition and eventual annexation by force.

13. The complacency that the international community was showing towards 
Turkey for strategic, economic or other reasons seemed to have been 
misinterpreted as absolution. That was one of the risks involved in any 
manifestation of tolerance. For its part, the Cypriot Government would 
continue to support the Secretary-General of the United Nations in the mission 
of good offices entrusted to him by the Security Council and welcomed, in 
particular, the recent appointment of Mr. Camilion as the Secretary-General's 
special representative on Cyprus. Mr. Camilion could count on the full 
co-operation of the Cypriot Government, which had recently accepted the 
Secretary-General's proposals aimed at breaking the deadlock and preparing the 
way for a resumption of dialogue and negotiation. Unfortunately, those 
proposals had been rejected by Turkey, which was persisting in its 
intransigence and arrogance.

14. The Cypriot Government continued to favour a just, viable and lasting 
solution to the problem of Cyprus, in other words a solution that would 
guarantee the promotion and protection of the human rights and fundamental 
freedoms of all Cypriots, both Greek and Turkish, which were currently being 
blatantly disregarded by the occupation forces and settlers from Turkey.

15. Mr. ABDEL MONIEM (Observer for the Sudan), speaking in exercise of the 
right of reply, said that a non-governmental organization had taken the Sudan 
to task on the question of the situation in the southern part of the country 
and had affirmed that the racial conflict in that region had led to the civil 
war in the Sudan which, although brought to an end through the agreement 
concluded at Addis Ababa in 1972, had once again broken out because the 
authorities in northern Sudan had not fulfilled their obligations under that 
agreement, as a result of which hundreds of Sudanese from the southern tribes 
had been massacred. The Sudanese Government had also been accused of engaging 
in the slave trade and the organization in question, the International 
Movement for Fraternal Union among Races and Peoples, had even quoted the 
prices that were allegedly being charged: 600 Sudanese pounds for a boy and 
400 for a girl.

16. In fact, that constituted a tissue of lies which reflected that 
organization's biased attitude and revealed its total lack of objectivity and 
responsibility. The civil war in the Sudan had broken out in 1955, i.e. 
before independence, which had been achieved in 1956. The Sudan had made 
considerable efforts to put an end to that civil war, particularly by 
organizing a round-table in 1965. Although the Addis Ababa Agreement had 
brought the war to an end, the situation had once again deteriorated a few 
years later as a result of various conflicts in the south. Since some of the 
population wanted that region to be divided into three sub-regions, the 
Sudanese authorities at the time had approved that division. However, that 
formula had not been acceptable to all the inhabitants of the southern region 
and the ensuing rebellion had led to a wave of emigration to a neighbouring 
country. A "liberation army" had been formed in a foreign country. Moreover, 
strong opposition to the régime in power had been expressed not only in the 
south but also in the north.
17. That situation had led to a national uprising on 26 March 1985, during which the régime in power had been overthrown. Following free elections, a Coalition Government had been formed and a cease-fire had been declared in the southern part of the country. All the parties were currently hoping to meet within the framework of a constituent assembly, in which seats would also be allocated to representatives of the liberation movement, provided that the latter respected the cease-fire. A conference attended by all the parties would then study methods of distributing powers and resources among the various regions, as well as the form of government to be adopted, and its conclusions would serve as a basis for the establishment of the country's permanent constitution. The Sudanese Government was ready to establish peace in the country through dialogue and was making every effort to achieve that goal.

18. Concerning the allegations made by the International Movement for Fraternal Union among Races and Peoples, he said that the victims of the air disaster to which that organization had referred were not members of the Dinka tribe but civilians, and the disaster had been caused by an act of terrorism perpetrated by the rebels. With regard to the slave trade, it was evident that the authors of the book published on that question knew very little about the tribes of which they were speaking. That book, which was full of errors, was not based on any cogent proof. Its authors had omitted to state the position of the authorities and had not even explained how slavery could exist in a society that had long been characterized by democratic pluralism. The Sudan had nothing to hide. Anyone was free to go there to see for himself what was happening. However, it might be advisable to review the criteria governing the granting of observer status to some non-governmental organizations.

19. Mr. DELGADO BARRETO (Peru) said that, on coming to power on 28 July 1985, Mr. Alan García, President of the Republic of Peru, had affirmed that his Government would give special attention to the question of respect for human rights. He had also specified the methods that would be used to combat the Shining Path, a terrorist group notorious for the atrocities that it had committed since 1980.

20. On 16 June 1986, the outbreak of a general mutiny in three Lima prisons had prompted the Government to declare a state of emergency in several provinces, in which about 50 per cent of the total population lived, in view of the fact that public order was being disturbed by an unprecedented wave of violence and terrorism. In conformity with the law, the President of the Republic had called in the armed forces to restore order and authority in those penal institutions, to free the hostages who were being held by the mutineers, to recover the weapons that the latter had seized and to supervise the transfer of the mutineers to other penitentiaries. Unfortunately, the armed forces had exceeded their orders to the extent of committing murder, since most of the mutineers who died had been killed after they had already surrendered. Those murders and the persons responsible therefor had been severely condemned by the President of the Republic, who had ordered an investigation. He could obviously neither approve, excuse nor cover up the excesses committed by the police and the army, which should be above that type of brutal, primitive reaction, and the persons responsible were to be prosecuted and punished. A commission of inquiry had therefore been established and instructed to uncover the truth and punish the guilty parties. That commission had submitted two reports, one of which had been
signed by five representatives of the opposition parties and the other by seven representatives of the parties in power. Those reports had been transmitted to the judicial authorities and the Supreme Court had decided that the matter fell within the jurisdiction of the military courts.

21. One of the principal causes of terrorism in the developing countries could unquestionably be found in the social injustice of systems that did not permit the majority of the people to satisfy their most elementary needs and forced them to live not only in poverty but in a state of wretchedness that derogated from their most basic human rights. When poverty became collective and permanent, it was attributable to the social, economic, political and cultural structures prevailing at the international and national levels. In the light of that situation, it was important to reach a world-wide agreement on a strategy to promote the establishment of a new international economic order and to give practical effect to the right to development. Respect for human rights implied primarily protection of the sacred right to life, and that applied equally to the Peruvian children who died of malnutrition every year, the peasants, police officers and military personnel who were murdered by the Shining Path, the peasants who were mistaken for terrorists and the rebels themselves, when they were murdered after surrendering.

22. Mrs. MARTINS GOMES (Portugal) said that, contrary to the affirmation of the representative of Indonesia, East Timor had not exercised its right to self-determination through integration in Indonesia in July 1975. Such an affirmation must be regarded as a deliberate attempt to mislead the international community and, in particular, the non-aligned countries, which attached special importance to respect for the right to self-determination. If the Committee on Decolonization considered the situation in East Timor every year, it evidently did so because that Territory was not yet self-governing and because General Assembly resolutions 1514 (XV) and 1541 (XV), which had been quoted by the Indonesian delegation itself, had not been respected. Under the terms of those resolutions, independence, free association and free integration with an independent State were the three ways in which a Non-Self-Governing Territory could achieve self-determination, provided that the population of the Territory had been able freely to express its wishes. In East Timor, however, no internationally recognized act of that type had taken place. Portugal had no claim to sovereignty over East Timor and was ready to recognize a genuine act of self-determination in that Territory, if such occurred. Her delegation shared the Indonesian delegation's view that the dialogue established under United Nations auspices on the subject of East Timor must be sincere. It must also be based on respect for established principles, and no compromise or concession was possible on the principle of self-determination. As long as the Territory of East Timor was under the control of Indonesia, it was the latter that must make concessions, since that matter involved the question of respect for international principles.

23. What impression was created by a country which claimed that executions after prolonged incarceration, as had recently occurred in Indonesia, had nothing to do with respect for human rights and posed problems of an exclusively legal nature? It was to be hoped that the States members of the Commission would not forget that their primary aim should be the defence of established principles of justice. Portugal had always done so, and would continue to do so, as a member of the international community and of the Commission on Human Rights and in its capacity as the recognized administering
Power in East Timor, during the negotiations under the auspices of the Secretary-General of the United Nations. Her delegation sincerely hoped that the Indonesian authorities would follow that example.

24. Mr. DEMIRALP (Observer for Turkey) said that, in spite of tragic past experience, the Cypriot Government continued to regard the question of Cyprus as an opportunity to engage in rhetoric, although it would do better to devote its energy to solving the problem, thereby serving the interests of the Cypriot people, including the Greek Cypriot community. Its persistent endeavours to turn the Turkish Cypriots into a minority in their own homeland and to conclude agreements that would leave the door open to Enosis constituted the main obstacle to a mutually acceptable negotiated settlement. That also explained why it had rejected the proposals of the Secretary-General of the United Nations. It was merely seeking to restore the conditions prevailing before 1974, when the Turkish Cypriots had been systematically eliminated with a view to turning Cyprus into a Hellenic state inhabited solely by Hellenes.

25. Mr. NASSERI (Observer for the Islamic Republic of Iran) said that it might be wondered how the representative of Iraq, which was under the heel of a criminal and aggressive régime, dared to speak of respect for human rights. It was sufficient to refer to the private proceedings of the Commission to realize what was happening in that country. At all events, the Commission had long been renowned for its selectivity and it was high time that it abandoned that type of attitude.

26. Mr. MONSHEMVULA OMVUANE (Observer for Zaire) said that the statement made on 8 March 1988 by the representative of the International Movement for Fraternal Union among Races and Peoples revealed a total lack of awareness of the economic, social and human rights situation in Zaire. The presence at the current session of the Commission on Human Rights, as at its previous one, of the Minister for Citizens' Rights and Freedoms of Zaire testified to the importance that his country attached to the question of human rights. It should also be noted that, in its report for 1987, Amnesty International, which had sent a delegation to Zaire at the invitation of the Government, had declared that there had been no violations of human rights in Zaire in 1987. His country had nothing to hide and was quite willing to receive representatives of the International Movement for Fraternal Union among Races and Peoples so that they could obtain first-hand knowledge of the situation in the country.

27. Mr. SUPANDAR (Observer for Indonesia), speaking in exercise of the right of reply for the second time, said that his delegation would refrain from commenting on the remarks made by the representative of Portugal in exercise of her right of reply. Indonesia had clearly explained its position on the question of East Timor in its previous statements to the Commission during the consideration of the relevant agenda items.

28. Mr. YIANGOU (Cyprus), speaking in exercise of the right of reply for the second time, said that the Government of the Republic of Cyprus had never rejected any proposal by the Secretary-General of the United Nations. It had merely suggested that priority should be accorded to the consideration of some highly important questions, such as the withdrawal of the occupation forces from its national territory, the protection of the human rights and fundamental freedoms of all Cypriots, whether Greek or Turkish, and the
question of effective guarantees against any interference in the internal affairs of the Republic of Cyprus. His Government was willing to respond to Turkey's invitation to enter into a dialogue, provided that it was a constructive dialogue relating to the substantive issues and genuinely intended to solve the problem.

29. Mr. AL-KADHI (Iraq), speaking in exercise of the right of reply for the second time, said that Iran had always sought to draw Iraq into futile polemics in the hope of diverting the international community's attention from the real situation. His delegation could only hope that the Iranian Government would co-operate with the Commission's Special Rapporteur and that the real situation in that country would finally come to light. The resolutions that had been adopted and the observations that had been made during the discussions revealed no selectivity on the part of the Commission and he expressed the hope that they would lead to practical measures in Iran that would reflect that country's willingness to ensure respect for humanitarian principles.

The meeting was suspended at 5.05 p.m.

The summary record of the second part of the meeting appears as document E/CN.4/1988/SR.57/Add.1.