COMMISSION ON HUMAN RIGHTS
Forty-fourth session

SUMMARY RECORD OF THE THIRD PART */ OF THE 44th MEETING (PUBLIC)

Held at the Palais des Nations, Geneva,
on Wednesday, 2 March 1988, at 8.50 p.m.

Chairman: Mr. SENE (Senegal)

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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 public meeting was called to order at 8.50 p.m.

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


1. The CHAIRMAN, reporting on the work of the Commission on Human Rights in a closed meeting, pursuant to Economic and Social Council resolution 1503 (XLVIII), said that as decided by the Commission at that closed meeting and in accordance with established practice, he wished to announce that the Commission had completed its consideration of agenda item 12(b). It had considered the cases of the following nine countries: Albania, Benin, Brunei Darussalam, Grenada, Honduras, Iraq, Pakistan, Paraguay and Zaire. Pursuant to paragraph 8 of Council resolution 1503 (XLVIII), members of the Commission were required not to divulge confidential decisions taken or to refer to relevant confidential documents.

2. The Commission had completed its consideration of the situations in Albania, Benin, Grenada, Iraq and Pakistan and had further decided that the decision concerning Albania adopted at its closed meeting would be made public pursuant to paragraph 8 of Council resolution 1503 (XLVIII).

3. Mr. OBREGON (Costa Rica), referring to the situation of human rights in El Salvador, said that Central America was undoubtedly one of the hot spots of contemporary geopolitics, with its long history of dictatorships and human rights violations. In that respect, Costa Rica was the exception which confirmed the rule. Paradoxically, the army-backed dictatorships had never been as persistently placed in the dock as the democratic Governments of countries which were currently striving to build up democratic institutions. The situation in El Salvador was appreciably different from that of 10 years before and in particular there had been a laudable change in the country in the past year. It was that which required analysis and not the events of five years previously.

4. According to the report of the Special Representative of the Commission (E/CN.4/1988/23), by September 1987 the number of political prisoners in El Salvador had declined to less than half the figure for September 1986. However, where criminal justice was concerned, the Special Representative had referred to the slowness of the investigations into the assassination of Mgr. Romero, although the suspect in that particular case in fact enjoyed immunity, which meant that the Government was powerless to bring him to justice. The Special Representative had also mentioned the Amnesty Act which would benefit political prisoners and common criminals. Given the situation in El Salvador, it was perhaps better that such an Act should be too broad rather than draw too fine a distinction between political and other offences, since it was very difficult to classify political crimes in a country which had been engaged in armed strife for many years. The army of El Salvador did indeed make mistakes, but it recognized them and had improved its general patterns of conduct.
5. The Government of El Salvador had shown great interest in consolidating
democracy in El Salvador and eradicating all types of human rights violations
in conformity with the Esquipulas II Agreement. Furthermore, in October 1987,
El Salvador had acceded to the Inter-American Convention to Prevent and Punish
Torture. The Special Representative had concluded that the Salvadorian
authorities remained firmly committed to a policy of respect for human rights,
as reflected in the gradual decline in the number of attacks on human life.

6. An important point made by the Special Representative was that the
Government was unable to control the entire State apparatus and hence
 guarantee fully all types of human rights. A number of Central American
Governments were facing the same problem. However, the evident determination
of the Central American Presidents to foster democracy in their countries and
to prevent other nations from continuing to dictate events in the region, as
demonstrated by President Arias' peace plan, must be recognized as an
achievement.

7. His country therefore requested that the mandate of the Special
Representative should be terminated in recognition of the Government's efforts
to promote democracy and human rights. Failure to do so would merely
encourage the armed insurrection which held out the prospect of yet another
totalitarian State.

8. Ms. de RUSSOMANO (Inter-American Commission on Human Rights, Organization
of American States) said that during the past year the Inter-American
Commission on Human Rights had adopted a number of resolutions on alleged
human rights violations, had carried out observer missions in situ in Haiti,
El Salvador, Suriname, Nicaragua and Guatemala, and had also submitted a
lengthy and well-documented report on the human rights situation in Paraguay
to the General Assembly of the Organization of American States (OAS).

9. She stressed the importance of three cases submitted by the
Inter-American Commission to the Inter-American Court of Human Rights
concerning enforced disappearances in Honduras; a decision would be handed
down in the near future.

10. The Inter-American Commission had attached great importance to the
exercise of political rights which contributed to upholding the system of
representative democracy and to consolidating the observance of human rights.
In its report on the human rights situation in Paraguay, the Inter-American
Commission had expressed the hope that the positive initial steps taken by the
Government of that country could result in a radical change in the state of
human rights in Paraguay. It had also voiced a desire that the ongoing
political process in Chile would lead to a genuinely democratic system in that
country. It trusted that suitable conditions would be established for broader
participation by the people in the planned elections so that the results of
the latter would accurately reflect the wishes of the Chilean people.

11. The Inter-American Commission considered as an event of the greatest
importance the simultaneous adoption of the measures provided for in the
Esquipulas II Agreement, namely, dialogue with the unarmed opposition, amnesty
for those who had taken up arms, a cease-fire, the cessation of external aid
to armed groups, the termination of states of emergency and the restoration of
civil and political freedoms.
12. It had consistently drawn attention to the need to eliminate violence as a means of political confrontation. International law, human rights and peace constituted an indissoluble whole in that the observance of human rights within States was essential for their domestic peace while the rule of international law was essential for peace between States.

13. With reference to the Additional Protocol to the American Convention on Human Rights concerning the abolition of the death penalty, the Inter-American Commission considered that, 20 years after the signing of the Convention, appropriate conditions had emerged for the adoption of such an instrument. The proposal that States parties to the Additional Protocol would not apply the death penalty under any circumstances to any one person under their jurisdiction had been supported by the OAS General Assembly.

14. Another proposal of the Inter-American Commission had been that OAS Member States should consider the adoption of an Inter-American Convention on Enforced Disappearances, given that a policy of disappearances had come to constitute an important instrument in the repression and physical suppression of dissidents in many Latin American countries and that special measures were required to eradicate it.

15. The Inter-American Commission on Human Rights was the most important body in the inter-American system for the protection of human rights. Its work was the material expression of its intention not to accept any systematic violation of economic, social, cultural, civil or political rights.

16. Mr. NAHIMANA (Observer for Burundi) said that his Government had always shown respect for the ideals and principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights and had constantly combated racism, apartheid and discrimination. The Government of Burundi was convinced that apartheid was a crime against humanity, the negation of the universal principle of the equality of all human beings, and a threat to international peace and security. It condemned any form of collaboration with the South African régime as a breach of the international community's duty.

17. The Burundi Movement for the Support of Southern Africa was active throughout the country. Its aim was to contribute to a national campaign against apartheid, to foster public awareness of the crime of apartheid and racial discrimination and to provide whatever assistance it could to the South African people in their fight for liberation. The legislation of Burundi furthermore established penal sanctions for racial or ethnic discrimination.

18. Burundi had been involved in a process of change since 3 September 1987, when the previous régime had been overthrown and the Third Republic had emerged. The previous régime had had little respect for human rights, but the Government of the Third Republic had released all persons arbitrarily detained, including prisoners of opinion, and had decreed measures of amnesty on behalf of common criminals. It had also taken other steps to establish a society based on respect for human rights and fundamental freedoms.
19. Mr. WAKPELLE (International Federation Terre des Hommes) said that the indigenous population of Brazil had been dispossessed of their lands and subjected to policies of forced assimilation, leading to a loss of identity and untold misery. In the valley of Javari in eastern Amazonas, 3,000 Indians were facing extinction. They had suffered from massacres and despoliation at the end of the nineteenth century during the rubber boom then, after a period of comparative peace, had since 1945 been subjected to the activities of timber-exploiters. The National Indian Foundation (FUNAI) had been set up by the Brazilian Government with the stated purpose of providing assistance to the Indians, but in fact all it had done was forcibly to integrate the Indians into the national community. The State oil company, Petrobras, had recommenced exploration in the Javari valley in 1983 and had subsequently destroyed much of the territory of the Matsés Indians. Not only had the Government of Brazil turned a blind eye to violence against its indigenous population but it had promoted the militarization of some 6,500 miles of frontier (Calhe Norte project) which would effectively destroy the lives of some 60,000 Indians. In 1985, various bishops of the National Conference of Brazilian Bishops and Members of the Indigenous Missionary Council had filed a collective suit in the Federal Justice Department against FUNAI, Petrobras, and the Brazilian Geology Company, but nothing had been achieved. The authorities responsible for furnishing indigenous communities with titles to their territories had spent inordinately long periods delimiting the lands attributed to those communities, while so-called "extensive surveying work" had been continuing for many years.

20. His organization was not against progress, but it opposed the form in which it was being carried out without respect for people who had been there for centuries. Thousands of Indians had died of a whole range of foreign diseases alien to their physiology, as a result of exposure to "progress".

21. All forest Indians of South America had a close relationship with their land, which was not a commodity to be acquired but a material element to be enjoyed freely. They had a natural and inalienable right to keep the territories they possessed and the natural cultural heritage contained in them. Brazil's economic improvement could not lie solely in the expropriation of indigenous lands, which had failed to reduce its foreign debt. The gold extracted from the indigenous territories was used to buy political influence instead of contributing to the health needs of the indigenous population. Medical and health personnel had largely been expelled from the indigenous communities.

22. The credibility of the Commission on Human Rights was at stake in face of Brazil's flagrant disregard of its international obligations as a party to the International Convention on the Elimination of All Forms of Racial Discrimination and to the Convention on the Prevention and Punishment of the Crime of Genocide. He appealed to the Commission to ask the Government of Brazil to desist from a policy which was tantamount to genocide. That plea was especially for the children in the socio-economic development of whose environment his organization had been actively involved for more than 20 years.

23. His organization wished to propose a number of solutions to the problem, including the elaboration of an indigenous policy directed at the Indians and their needs, the speeding up of land demarcation for the tribes, the expulsion of all exploiters from the Javari valley, the exclusion in perpetuity of
sacred or historic land from licences or concessions, the examination of all current mining and exploration activity to determine damage caused and compensation therefor, the provision of effective technical and financial assistance to indigenous communities seeking to protect their lands against the unauthorized activities of multinational corporations, systematic vaccination for all indigenous groups contacted, and the immediate initiation of a dialogue with the representatives of indigenous groups.

24. **Ms. K. PARKER** (Human Rights Advocates), referring to the situation in Chile, said that the decision of 13 November 1987 by the Chilean Martial Law Court not to apply the death penalty to the first of 15 political prisoners currently facing the death penalty to have a case reach that Court could be considered a modest juridical victory for all political prisoners in Chile. However, the régime had decided to appeal to the Chilean Supreme Court, a simple majority of whose members could overturn the decision of the Court Martial.

25. Her organization had been concerned for some time about the plight of Chilean political prisoners in judicial proceedings because of the régime's failure to adhere to the international human rights law applicable to their cases. It had sent a representative to Chile in October 1987 to assess the court proceedings on political prisoners with particular attention to death penalty cases. All 15 of the death penalty prisoners were members of the two opposition groups Revolutionary Left Movement (MIR) and Manuel Rodríguez Patriotic Front.

26. The conclusions of Human Rights Advocates concerning the judicial situation in Chile were that the Chilean régime was devoid of all legitimacy since it had come to power without the benefit of genuine elections; the régime had subordinated the judiciary to the executive power, which meant that the Chilean people were deprived of their rights to impartial tribunals and effective remedies for acts violating fundamental rights; the régime had militarized the judiciary - political opponents were required to defend themselves before military tribunals in breach of the rule of international law that military courts could only be used to try and sentence military personnel for military offences; since the tribunals trying political prisoners could not legitimately exercise jurisdiction over them, any prison sentence, *prima facie*, resulted in arbitrary detention and any death sentence carried out would be a summary or arbitrary execution; the régime could not legally invoke "state of siege" or "state of exception or emergency" powers under article 4 of the International Covenant on Civil and Political Rights because those powers could only be invoked to protect the Chilean people and State and not in defence of an illegal régime.

27. Human Rights Advocates had also taken note of the findings of the Special Rapporteur regarding the operation of the military tribunals in Chile and the role of the Special Military Prosecutor (E/CN.4/1988/7, paras. 105-108). Act No. 18,667, recently promulgated, had further impaired the defence rights of detainees by strengthening military control of the administration of justice.

28. Her organization asked both the Special Rapporteur for Chile and the Special Rapporteur on Summary and Arbitrary Executions to continue to pay particular attention to the death penalty cases in Chile.
29. Mr. BOS (Baha'i International Community), said that since 1979 the Baha'is in the Islamic Republic of Iran had faced systematic persecution in the course of a Government-sponsored campaign to annihilate them as a religious community. The Iranian Government had consistently denied that it was engaged in religious persecution and had sought to justify its actions by alleging, without any credible evidence, that the Baha'i faith was a subversive political organization. Within Iran, the Islamic clergy had sought to stigmatize the Baha'i faith by declaring its followers to be "unprotected infidels", thus implying that Baha'is were non-persons whose right to life was officially denied.

30. The Commission had before it the Special Representative's report (E/CN.4/1988/24) which referred to the prevailing conditions affecting the Baha'i community and reflected the terms of the mandate renewed by the Commission in 1987. In that report the Special Representative had placed the question of the violation of human rights and fundamental freedoms in its proper perspective and had commented that the situation in the Islamic Republic of Iran justified international concern, study and constant monitoring by competent United Nations organs.

31. While there had been no basic change in the situation of the Baha'i community in Iran, there had been some slight improvements; a number of Baha'is had been released from prison although 200 remained in custody because of their religious beliefs and the Iranian policy of arbitrary arrest and release seemed calculated to maintain maximum pressure on the Baha'i community; the sentences of a number of other Baha'is had been reduced from 15 to 10 years; there had been some improvement in the harsh conditions imposed on Baha'i prisoners in the city of Yazd, although Baha'i farmers had been denied membership in co-operatives; and in Abadih, the properties of seven Baha'is had been returned to them, although the Government still held numerous confiscated Baha'i-owned properties. All Baha'i holy places in Iran remained desecrated and confiscated and Baha'is continued to be denied any right to profess their religion. The Iranian Government had also recently expanded its campaign to deny Baha'is the opportunity to earn their living in the private sector.

32. The Baha'i International Community welcomed the amelioration in the conditions under which the Baha'is in Iran were compelled to live. At the same time it continued to be gravely concerned for their well-being because the Iranian legal system left the door open for discrimination against them. In 1979, when the Iranian Government had been drafting its new Constitution, the Baha'is had unsuccessfully requested recognition as a minority religion. That denial of freedom of religion exposed Baha'is to denial of education and employment, confiscation of savings, murder and assault, imprisonment without charge, summary execution, and the desecration and occupation of their holy places.

33. The motivation for the persecution of the Baha'is was religious prejudice, since the Islamic establishment regarded their faith as a dangerous heresy. The Islamic Revolution had brought to power elements of the fundamentalist clergy who were strenuously opposed to the Baha'i faith. Fortunately through the vigilance of the Commission and the international community, the representatives of the Islamic Republic of Iran had not been permitted to expunge from the records of the United Nations the existence of a
totally defenceless and law-abiding community of people whose appeals to their Government for justice had yet to be answered. In no other country were the Baha'is subjected to a systematic campaign such as that to which they had been exposed in Iran for the previous eight years.

34. Mr. BARSH (Four Directions Council) said that, from a global point of view, the most urgent threats to indigenous and tribal peoples were agrarian colonization or resettlement schemes, the destruction of forest areas by over-intensive commercial logging practices, and military build-ups along sensitive or contested frontiers that ran through indigenous or tribal areas. The common element in that situation was conflict over the control, use and distribution of the land on which indigenous and tribal peoples depended for their survival. Those problems were found in every region and in countries at every stage of development.

35. Displacing indigenous and tribal communities would only provide short-term relief from the tremendous pressures for internal expansion in poor and overcrowded States, while creating far greater domestic inequalities and therefore antagonisms. Most such projects enjoyed support from the more developed countries which might be better used for technology transfer and industry, and financial aid for them kept developing countries poor and made indigenous and tribal peoples poorer.

36. The destruction of forest ecosystems was an even more widespread threat to indigenous and tribal survival. Among the areas of most concern were the tropical rain forests of Malaysia, Indonesia and Amazonia and the temperate rain forests of the west coast of Canada. The Canadian situation was particularly interesting because it involved the same destructive pattern of over-harvesting in a highly developed country that had the technological and economic capacity to conserve its forests and ignored the fact that the forest ecosystem supplied food and materials to the indigenous people living in it. In that regard, his organization opposed the proposals being made by some non-governmental organizations to help settle some of the external debt burden of Latin American States in exchange for setting aside forest areas as ecological parks, without even consulting the indigenous peoples who lived in those forests.

37. Perhaps the greatest threat to indigenous survival was military activity along sensitive frontiers. As indigenous and tribal peoples tended to be concentrated in isolated geographical areas where international frontiers were poorly defined or actively disputed, they tended to be the losers in regional conflicts, as in Central America and the Himalayan region. Even when a State fortified its frontiers in self-defence, intensive long-term military activity was disruptive of tribal areas and might lead to their remaining indefinitely under de facto military Governments.

38. An important point was that the overall economic and strategic environment of States was a major factor in their conduct towards indigenous and tribal peoples. Huge external debt burdens, stalled development, trade strategies relying on expanded primary production and regional conflicts made it very difficult for even the most progressive democratic Governments to protect indigenous and tribal cultures. There was unavoidably an element of international responsibility for those conditions. The external environment, however, did not excuse a complete lack of basic national measures for the
protection of human rights. In his organization's view, the demarcation and legal guarantee of the lands occupied and used by indigenous and tribal peoples, as already required by International Labour Organisation Convention No. 107, should be an absolute minimum standard for all countries.

39. It was significant that a number of Governments were considering basic legal or constitutional reforms to strengthen indigenous land rights, for example, the progressive proposal for the protection of Indian lands and communities being discussed by the Brazilian National Constitutional Assembly. It was also hoped that further progress would be made on regional autonomy for the Indians of Nicaragua's Atlantic coast and on Australia's proposal for a treaty with the Aboriginal Australians. A great disappointment had been the breakdown of constitutional talks on indigenous rights in Canada, rendered even more frustrating by the subsequent agreement to give the French speaking province of Quebec a special constitutional status within the Canadian federal system. The juxtaposition of an agreement on Quebec and no agreement on the indigenous peoples gave the appearance of a double standard.

40. His organization emphasized those tentative initiatives because it believed that the best way to ensure the development and human rights of indigenous peoples was through constitutional measures based on agreement with those peoples themselves. It hoped that more States would begin to see indigenous and tribal communities as partners in national development, rather than as obstacles in the path of economic or military objectives.

41. Ms. SEIGEL (International Council of Jewish Women) said that she wished to draw the Commission's attention to the difficult conditions under which a sizeable minority of Jewish people lived, particularly with reference to the right to leave their country and to freedom of thought, religion and belief. Her organization was impressed by the progress made in the USSR, where 8,155 exit visas had been issued in 1987. Many more "refuseniks", however, were still unable to leave because of national secrecy rules and because of new regulations governing emigration. Her organization welcomed the news that, following the visit of the United States Secretary of State to Moscow, the requirement that emigrants must have an immediate relative abroad would be suspended in 1988 and the national secrecy regulations would immediately be reviewed.

42. Soviet Jews wanted to have the opportunity to learn Hebrew, which was their ancestral language. Also lacking in the Soviet Union were Jewish schools and books in adequate numbers as well as films, radio and television programmes about the "Jewish nationality", as it was known there. Jewish history was conspicuous by its absence, although anti-Zionist and anti-religious literature was regularly published.

43. Efforts were being made to gain recognition and support for Jewish culture. Moscow and Leningrad, where there were large concentrations of Jews, each had only one Jewish bookshop. In Leningrad, the great Judaica collection in the Institute of Oriental Studies was open only to scholars with a special pass. The two official Yiddish publications had only a tiny circulation.

44. Her organization was also concerned about the welfare of the small Jewish community in Ethiopia and appealed to the Government of that country to permit those people to join their families in Israel on purely humanitarian grounds.
Another small community was that of Syria, where about 5,500 Jews lived under difficult conditions, affecting their right to property and including heavy taxation and the impossibility of leaving the country except for very short trips. There were also reports that Jews in Damascus had been kept in custody without charge and had been maltreated.

45. Mr. BALIAN (Human Rights Advocates), addressing the issue of continuing violations of human rights in Turkey, said that torture was still practised in that country on a routine basis and on a massive scale. According to the Turkish Human Rights Association, not one prison in Turkey met the United Nations Standard Minimum Rules for the Treatment of Prisoners. The International Committee of the Red Cross (ICRC) was still denied visiting rights to detention centres, and thousands of prisoners were on hunger strike in Turkish prisons in protest against their conditions of detention.

46. On the positive side, direct military rule had been ended and martial law lifted, although many aspects of martial law still continued under civilian rule. The basic problem of human rights in Turkey stemmed from the repressive 1982 Constitution drafted by the military rulers, articles 13 and 15 of which enabled all fundamental rights and freedoms to be restricted; there was no legal protection for freedom of expression; the authorities could use force against suspected dissidents; they had effective control over State radio and television and the power to confiscate publications deemed prejudicial; any amnesty for political prisoners charged with "crimes against the State" was precluded. The Constitution severely limited political life in prohibiting students from joining political parties, while it banned persons dismissed from public service for political reasons from being elected to Parliament and prohibited officers of labour unions and professional organizations from serving in Parliament.

47. The Turkish Penal Code, known as the "Mussolini Laws", because of the sanctions borrowed from Fascist Italy of the 1930s, allowed persons to be gaolled for damaging Turkey's reputation abroad, enabled journalists, publishers, writers, translators and academics who disseminated material considered by the authorities to be Communist propaganda, to be imprisoned, and caused thousands of Turkish citizens to lose their nationality. The right to unionize was also severely curtailed under the Constitution.

48. For many years it had been the policy of Turkish Governments to seek the assimilation of non-Turkish ethnic citizens into the mainstream of Turkish society. The Greek community and the much-depleted Armenian population continued to be subject to Government procedures which restricted the operation of community affairs and deliberately destroyed their cultural heritage. The Constitution barred publication of books and other material in the Kurdish language and forbade its use for any official purpose, including court proceedings; it was not taught in any school in Turkey, although the Kurdish population numbered 8 million.

49. Considering the number and reliability of the allegations of a consistent pattern of gross violations of human rights and fundamental freedoms in Turkey, Human Rights Advocates called upon the Commission to take formal note of the seriousness of the violations and to appoint a Special Rapporteur to investigate the human rights situation in Turkey.
50. Mr. ENNALS (Minority Rights Group) said that his organization wished to remind the Commission of the responsibility which it had accepted a year previously in considering the problem of Sri Lanka, when it had urged the Government of that country to allow ICRC to visit places of detention, relieve those suffering from human rights violations and introduce the international presence essential for bringing about a settlement of the internal conflict in that country.

51. During the past 12 months there had been dramatic changes in the situation in Sri Lanka. The presence of Indian peace-keeping forces in Sri Lanka as a result of an intergovernmental agreement of July 1987 had been the subject of euphoric hopes among all concerned with the achievement of a peaceful settlement and the protection of human rights. Regrettably, that agreement had not been as effective as hoped. There had been reports from responsible eye-witnesses of human rights violations by the Indian peace-keeping force itself, as well as of continued violations by those taking up arms against the peace agreement.

52. The problem of refugees was a serious one. UNHCR had played an active role in Sri Lanka in advising Governments of asylum on the return of refugees to Sri Lanka. His organization hoped that, before the end of the session, the United Nations agencies and ICRC would be authorized to continue their operations in Sri Lanka and that Governments of countries in which refugees had sought asylum would not return them to Sri Lanka unless UNHCR so recommended. The Commission could not wash its hands of its responsibility but must recognize that the situation of unrest was continuing in 1988.

53. Mr. CAPULONG (World Alliance of Reformed Churches), referring to the situation in the Philippines, said that the Government of that country, with its democratic Constitution and elective legislature and its declared support for international instruments on human rights, could be expected to be a champion of the cause of human rights. Ironically, the existence of gross and systematic violations of human rights in the Philippines had become well known and had repeatedly been verified by international fact-finding missions. It had been established that the "total war" policy of the Aquino Government and its support for the operation of right-wing vigilante groups had directly encouraged the commission of those violations. The Philippine Government had attempted to justify those facts by claiming that such "occurrences" should be viewed in the light of "internal threats" to the security of the State, by which it meant the security of those who ruled.

54. The State existed to care for people in peace, justice and freedom, to safeguard their well-being and to realize their possibilities. The experience of the Philippine people was a gross betrayal of that concept; more than 70 per cent lived below the poverty line, millions were unemployed and all exposed to danger of death. When people clamoured for change they were branded as subversives and enemies of the State. The national security of the Philippines was being threatened because the Government espoused the interests of the rich and powerful to the detriment of the poor and powerless, by permitting the former to run and exploit the economic and political system which enslaved the poor. The same elitist vision had ruined the Marcos régime, and yet the same Marcos power structures were being enhanced while the same military ascendancy, depredations, and human rights violations to protect those structures were being witnessed once again.
55. The Government still enjoyed some measure of goodwill on the part of its people following the 1986 revolution. It must, however, move rapidly to dismantle the vigilante groups, eliminate the death squads, observe the ways of justice, implement genuine land reform and preserve the sovereignty of the Philippine people.

56. Mr. MacDERMOT (International Commission of Jurists) said that his organization did not agree with the representative of Costa Rica concerning the situation in El Salvador. Reports persisted of the systematic torture and ill-treatment of detainees, while trade unionists, former prisoners, returned refugees and human rights activists had been particular targets for violent attacks in recent months. ICJ wished to draw particular attention to the case of Herbert Anaya, Co-ordinator of the non-governmental El Salvador Human Rights Commission, who had been shot dead on 25 October 1987. Mr. Anaya was the seventh Human Rights Commission official to have been killed or to have disappeared since 1981. He had been detained in May 1986 along with other human rights workers and, while in prison, had managed to prepare a report documenting the systematic torture of detainees.

57. While welcoming the Amnesty Act of October 1987 promulgated in response to the Central American peace agreement, ICJ was concerned about the broad immunity granted to members of the armed forces or security services involved in unspeakable crimes of torture, murder and disappearances. Under the amnesty, some 480 political prisoners had been released, but some of them had already been victims of renewed repression. ICJ believed it essential that the Commission should continue to monitor the situation in El Salvador closely by extending the Special Representative's mandate.

58. Alarming reports continue to be received from Colombia of gross and systematic human rights violations by the security forces and by paramilitary groups believed to be linked to the army or to the traffic in narcotics. The report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1988/19) stated that 551 fully documented cases of reported disappearances had been transmitted to the Colombian Government, of which 500 cases remained unclarified. It had been admitted in the Colombian House of Representatives that 140 death squads were operating in Colombia. More than 1,000 deaths, including peasants, trade unionists, students, journalists, human rights advocates and politicians, had been attributed to those organizations during 1987. Many journalists, lawyers and politicians had gone into voluntary exile in response to multiple death threats. Although most of the killings were carried out by armed men in plain clothes, there were cases in which the victim had been seen being detained by members of the security forces. Under the state of siege declared in Colombia in 1984 and still in force, the police and the security forces were under the command of the military authorities. The Colombian Government had failed to bring to justice any of the perpetrators of assassinations, who continued to operate with complete impunity, to the extent that there had been 11,000 homicides in 1986. As in some other Latin American countries, the civilian authorities were unable to control the criminal activities of certain paramilitary squads linked with the security services, the armed forces and drug traffickers.

59. With regard to the Republic of Korea, his organization welcomed the political developments leading to the direct presidential elections, the installation of a new Government under President Roh Tae Woo and the recent
release of approximately 1,400 political prisoners. There had been a very considerable improvement in the situation since January 1987 as the result of the action taken following the death of a student from torture.

60. The mission sent to Korea by ICJ the previous year had recommended to the Government that the National Security Act should be repealed, since the ordinary laws were sufficient to deal with any threat to public order or national security, that precise guidelines should be formulated for the police, that detainees should be able to see a lawyer within 24 hours of their arrest, that the United Nations Standard Minimum Rules for the Treatment of Prisoners should be applied, and that the Government guidelines for the press should be abolished.

61. Ms. P. PARKER (International Human Rights Internship Programme), referring to the need for adequate investigations of summary or arbitrary killings, said that the General Assembly and the Commission on Human Rights had repeatedly encouraged the Special Rapporteur on the subject to take a role in developing international standards designed to ensure that investigations were conducted in all cases of suspicious death including provisions for an adequate autopsy. In his report (E/CN.4/1988/22), the Special Rapporteur had set out a series of elements to be included as a minimum in such standards. They included the need for promptness in the investigation of a death, the impartiality of the persons carrying out the investigation, the need for a thorough investigation including an adequate autopsy, collection and analysis of evidence and statements from witnesses, protection of complainants, witnesses and persons investigating, as well as their families, from violence or threats, participation of the family of the victim in investigatory proceedings and access to substantive information at various stages of the investigation, publication of the methods and findings of the investigation and, in cases in which the normal investigatory procedure was inadequate, an independent commission of inquiry to carry out impartial and effective investigations. The degree of detail suggested in the report of the Special Rapporteur and incorporated in the standards to be considered at the meeting of the Committee on Crime Prevention and Control in Vienna in August 1988 was appropriate. The nature of the investigatory process, however, was highly technical and would benefit from the availability of even more fully elaborated guidelines. A technical handbook along those lines had been developed by the Minnesota Lawyers International Human Rights Committee and could be referred to in the international standards and distributed to law enforcement officials and forensic medical personnel seeking advice in helping to deal with summary or arbitrary executions.

62. The need for international standards in investigating arbitrary killings and the desirability of technical assistance for such investigations could be illustrated by the situation in many countries. In Australia, the deaths of over 100 Aborigines in custody had led to the appointment in August 1987 of a Royal Commission to study the problem. The Minnesota Lawyers Committee had sent a mission to Australia in December 1987 to monitor the investigation and to provide technical assistance. In Haiti, by contrast, no impartial commission had yet been appointed to investigate the recent deaths of citizens which had occurred in various public gatherings and in custody. Members of the Minnesota Lawyers Committee had visited Haiti on two occasions during the previous two years but no investigation had been undertaken into the deaths of
several hundred persons under various circumstances. There again, international standards for investigation would help to implement the fundamental right to be free from arbitrary killings.

63. Those cases were by no means the only instances in which new international standards pertaining to death investigations could prove helpful. Such standards would permit those concerned with protecting human rights to be better equipped to detect somewhat elusive evidence of wrongdoing, but they would also serve as a basis for criticizing those who hid behind vague assurances that an investigation was being conducted.

64. Ms. HERTZ CADIZ (World Federation of Democratic Youth), referring to the situation in Chile regarding the execution of political opponents, said that since 11 September 1973 the right to life had been systematically violated by the military régime. The use of political executions - assassinations by State agents for the deliberate purpose of exterminating opponents - was a new phenomenon in Chile which was in keeping with the ideological framework of the military régime and the counter-insurgency techniques taught to Latin American military officials.

65. During the early phase of repression, the methods used had been execution by firing squad and summary execution without trial. Immediately after the coup d'état, the military Junta had declared that there was a state of civil war, thus allowing the courts martial to operate. In legal terms the courts martial had been a farce in which all principles of due process had been ignored, the criminal law had been applied retroactively and persons had been condemned to death for acts which had taken place before 11 September 1973. More than 100 Government officials and political leaders had been executed by firing squad at that time. Simultaneously, more than 15,000 supporters of the Unidad Popular Government had been summarily executed in the month following the coup d'état. A number of persons who had previously been sentenced to imprisonment by a court martial had been sentenced to death by firing squad.

66. In 1974 a new political assassination technique had been introduced - the death of political opponents in fictitious clashes staged by the security services and the National Information Agency (CNI). The victims were more carefully selected and were militant members of parties outlawed by the military régime, the aim being to destroy any possibility of the opposition's survival. The biggest such operation had been conducted on 15 and 16 June 1987, when 12 persons had been gunned down by CNI agents in Santiago, during "Operación Albania".

67. It was a matter of extreme gravity that for the past 14 years the impunity enjoyed by the State's agents had been encouraged by the behaviour of the judiciary, which had not had the strength of will to put an end to those human rights violations. The ordinary and military courts had further applied the Amnesty Decree-Law of 1978, the aim of which was to extinguish the criminal liability of State agents involved in such violations. In the case of proceedings for political crimes committed since 1978, investigations generally did not make any progress, responsibilities were not determined, no co-operation was required from the State services and no support from the higher courts was given to honest magistrates who endeavoured to establish the facts.
68. Mr. PRIELAIDA (International Federation of Free Journalists) said that his organization had noted during the session that many delegates from democratic countries had stressed the fact that their constitutions guaranteed freedom of speech and ideas and that all their citizens were equal before the law. Curiously enough, those same democracies were the ones which put obstacles in the way of investigations by the Commission's working groups and in the way of journalists who endeavoured to verify the application of those constitutional guarantees. Without freedom of communication, the news which reached journalists must be treated with reservations. The goal of the press was to inform the public while observing certain ethics which could not be dictated by a régime or a party. Freedom of information guaranteed peace among nations.

69. Articles 50 and 52 of the Soviet Constitution guaranteed freedom of conscience, thought and religion. However, in the Soviet Union priests, historians and journalists had been imprisoned or even killed for their views. The same article of the Soviet Constitution safeguarded the right to profess any religion or to profess none, but while atheist propaganda was encouraged by the authorities, any public expression of religion was severely repressed. Despite its insistence that it did not interfere in Church affairs, the State reserved the right to oversee the appointment of priests and bishops and to dismiss and exile them. Religious publications were forbidden and the Catholics of Lithuania had to rely on clandestine publications whose editors were persecuted for their opinions. For the Soviet régime, the Catholic religion in Lithuania was synonymous with nationalism, and both were to be rooted out.

70. The Soviet Union paraded as a champion of human rights and self-determination but it might be asked how it applied article 1 of the International Covenant on Civil and Political Rights in the cases of Afghanistan, the Baltic States, Lithuania, Latvia and Estonia. A question could also be raised concerning its observance of the freedom of movement provided for in article 12 of the Covenant. The subjection of the individual and of nations necessarily led to violence, as had been seen in the case of the Kurds in Turkey, the Palestinians, and many ethnic groups in Latin America. However, the same was also true of the recent movements in the Baltic region and Soviet Armenia.

71. Ms. MESSIDORO (International Association against Torture) said that, in the opinion of her organization, the increasing politicization of the Commission was detracting from its activities, which should be based on exclusively humanitarian considerations. Paradoxically, many of the States which accused others in the Commission of violating human rights were themselves equally responsible for such violations and refused to admit it.

72. In its latest mission to El Salvador, the International Association against Torture had observed the climate of terror and fear, the threats from death squads and the daily phenomenon of disappearances. According to information received, there were still secret prisons while psychological and physical torture were carried out in the official prisons. Trade unionists were constantly under surveillance by the police, and members of humanitarian organizations met with obstacles in carrying out their work of reporting violations, while those responsible for assassinations went unpunished.
73. Her organization hoped that the mandate of the Special Representative for El Salvador would be extended and that the international organizations would have the will to denounce all acts violating the national sovereignty and physical safety of the inhabitants of El Salvador as well as human rights violations in El Salvador, Guatemala and Honduras.

74. Mr. CACERES (International Association against Torture) said that in 1987 his organization had recorded 47 arbitrary executions, 71 enforced disappearances and 414 arbitrary arrests in El Salvador and had established that the Government forces systematically applied cruel and inhuman treatment to prisoners during interrogation.

75. The torturers of El Salvador went unpunished despite public denunciation of various deaths due to torture in its prisons. The Government made every attempt to conceal the existence of political prisoners in El Salvador.

76. The Esquipulas II Agreement offered hope to the people of Central America who desired peace, justice and freedom. It was, however, to be observed that serious human rights violations in El Salvador were continuing despite the signing of the Agreement while the Government was using it to cover up its plans to persecute and exterminate the impoverished sectors in the country. The amnesty decreed in El Salvador pardoned those responsible for mass executions of civilians, enforced or involuntary disappearances and cases of torture of detainees.

77. He had been very disappointed by the report on the situation of human rights in El Salvador (E/CN.4/1988/23) and thought that it did not reflect the many human rights violations committed by the Government. That was probably due to the lack of attention paid by the Special Representative to the reports of independent human rights organizations.

78. In the name of the victims of violence in El Salvador his organization requested that the mandate of the Special Representative for El Salvador should be extended, that a watch should be kept on the fate of human rights activists in El Salvador and that the Special Representative should be more objective in his investigation of human rights violations in that country.

The meeting rose at 11.45 p.m.