ECONOMIC AND SOCIAL COUNCIL

COMMISSION ON HUMAN RIGHTS
Forty-fourth session

SUMMARY RECORD OF THE SECOND PART* OF THE 56TH MEETING

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

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

CONTENTS

Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission, alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms; national institutions for the promotion and protection of human rights (continued)

Organization of the work of the session (continued)

* The summary record of the first part of the meeting appears as document E/CN.4/1988/SR.56.

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GE.88-12242/4486G
CONTENTS (continued)

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependant countries and territories, including:

(a) Question of human rights in Cyprus;

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group established by the Commission at its forty-third session (continued)
1. Mr. MEZZALAMA (Italy) said that it was due to the efforts of all the delegations which had participated in the work of the informal open-ended Working Group established under Commission decision 1987/108 to submit views and proposals to the Special Commission of the Economic and Social Council that it had been possible to draft a report (E/CN.4/1988/WG.7/WP.1/Rev.2). Some amendments, that would be read out by the representative of Ireland, had been made to that text.

2. In the first part of the draft report, the Working Group presented the background to that question and referred to the Commission's mandate, after which it described the methods of work of the Commission and the Sub-Commission, mentioned the role assigned to the Centre for Human Rights and, finally, recalled the measures already taken to reform and rationalize the functioning of the Commission and the Sub-Commission. In paragraphs 20 to 30, the Working Group drew some conclusions and formulated several proposals that could be usefully taken into consideration by the Special Commission when it came to consider the Commission's methods of work. Since all the regional groups had been represented in the Working Group, he hoped that the Commission would be able to adopt that draft report, even though it was not available in all the working languages.

3. Mr. BIGGAR (Ireland) presented the purely formal amendments that the delegations participating in the work of the Working Group had decided to make to the text of the English version of the draft report. Firstly, the subheading "Work of the Commission" should be inserted before paragraph 7. Secondly, in paragraph 26, the fourth sentence should be deleted and replaced by the following text: "The Sub-Commission, when examining items which are extensively discussed elsewhere in the United Nations system should concentrate its attention on those specific human rights issues on which it can make a distinctive contribution". The purpose of that amendment was to bring the text of the report into line with that of draft resolution E/CN.4/1988/L.52 (operative paragraph 12), which the Commission had adopted by consensus. Finally, in paragraph 29, the words "It is essential that" in the fourth line should be placed at the beginning of the paragraph. He also indicated that the secretariat should fill in the blanks left in paragraph 7 (b) and in footnote No. 1 at the end of the text.

4. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt the report of the Working Group (E/CN.4/1988/WG.7/WP.1/Rev.2), as amended, without putting it to a vote.

5. It was so decided.
6. Mr. PALACIOS (Spain) said that, although his delegation had not wished to oppose the adoption of the report, it felt that it must protest at the fact that the text of the report had not been distributed in the Commission's working languages.

7. Mr. LEPRETTE (France) supported the Spanish delegation and drew the secretariat's attention to the fact that that procedure was not in conformity with resolution 36/117, which had been adopted unanimously by the General Assembly in December 1981.


9. Mr. KOLBY (Norway) said that, as in the past few years, the Commission had again been obliged to hold additional meetings at the present session in order to complete its work. The purpose of draft decision E/CN.4/1988/L.78 was to request the Economic and Social Council to authorize the Commission to hold 20 additional meetings at the following session. Since that draft decision was traditionally submitted by the co-ordinator of the Group of Western European and other States, during the present year that role would be assumed by the Norwegian delegation, which hoped that the text would be adopted by consensus, as in the past.

10. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/1988/L.78 without putting it to a vote.

11. It was so decided.

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;

(b) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII); REPORT OF THE WORKING GROUP ESTABLISHED BY THE COMMISSION AT ITS FORTY-THIRD SESSION (agenda item 12) (continued)

Right of Reply

12. Mr. OULD M. LEMINE (Observer for Mauritania), speaking in exercise of the right of reply following the serious accusations that had been made against Mauritania by the International Movement for Fraternal Union among Races and Peoples, reaffirmed, first of all, that respect for human rights and fundamental freedoms had been a kingpin of Mauritanian policy since 12 December 1984. The general amnesty that had been proclaimed on that date,
the abolition of the exit visa requirement for all Mauritanians, the positive steps taken to promote female emancipation, the literacy campaign and the organization of free and democratic elections, with numerous candidates and without interference by the authorities, were all self-evident facts that could not be regarded as demagogy.

13. The discussion on the eradication of vestiges of slavery in Mauritania was closed. The position of the Mauritanian Government in that regard was well known and the Commission had already conducted an on-site investigation into that question, as a result of which it had been able to ascertain the true situation, as opposed to the untruths which, at the time, had been propagated by another non-governmental organization. One further aspect should be noted: slavery had never assumed a racial character in Mauritania, as had been acknowledged in the report that had been prepared in the light of the investigation conducted by the mission sent by the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

14. The trial held in November 1987, which had lasted more than a month, concerned military personnel who had conspired to overthrow the authorities in power and expose the population to slaughter and devastation. On their own admission, those military personnel belonged to a small racist and terrorist group whose "programme" stipulated that: "The legitimate aspirations of the Mauritanian negroes can be satisfied only through armed violence ... A military cell shall be established which, at the appropriate time, shall gradually enter the active phase ...". To put into effect that incitement to violence that military personnel, acting on behalf of that group, had organized the conspiracy in question, which was directed not only against the person of the Head of State but against the Mauritanian people as a whole, who had regarded it as a catastrophe.

15. Nevertheless, the trial had been conducted in a spirit of strict respect for the laws and regulations in force and the accused had enjoyed full legal aid by members of the bar. As had been attested by the Mauritanian League for Human Rights, all the conspirators and, consequently, all the accused belonged to a black minority, the very minority which had been the most outspoken in its condemnation of that crime. Moreover, the conspirators could hardly be presented as the victims of racial segregation, as had been asserted by the International Movement for Fraternal Union among Races and Peoples, since they had included a former Minister of the Interior, the Economy and Finance, a former Director-General of National Security, the deputy to the principal private military secretary to the Chief of State, the officer commanding the Presidential Guard and the general staff liaison officer. Their conspiracy had been a crime against Mauritanian society as a whole since, in addition to instigating a mutiny within the armed forces, it would also have caused the death of innocent civilians.

16. Mauritania was a meeting point of cultures and civilizations and, for centuries, had set an example of a life of harmony in a total symbiosis of different races. That resolute desire for peaceful co-existence was reinforced by community of religion, Islam, which was synonymous with tolerance, solidarity, justice and equality, as could be attested by persons who were really familiar with Mauritania.
17. Could any State or democracy regard the propagation of racism, the dissemination of racial hatred, open incitement to civil war and conspiracy against State security and the peaceful life of its citizens as fundamental human rights? At all events, such practices would not be tolerated in Mauritania. Current events that were making front-page news showed that the oldest democracies did not act otherwise in the face of identical, and sometimes even less serious, phenomena. All the accusations made against Mauritania by the International Movement for Fraternal Union among Races and Peoples were unfounded, erroneous and attributable to ignorance of the history, the nature and the present situation of Mauritanian society and to a quest for the sensational, which detracted from all the statements made by that non-governmental organization. His delegation hoped that, in future, that organization would take the trouble to verify the objectivity of its sources before making such accusations. Its ill-considered attitude during the present debate did not serve the cause of human rights.

18. Mr. MAXIM (Observer for Romania) reaffirmed his Government's commitment to the cause of human rights and pointed out that, over the years, it had been able to solve numerous humanitarian problems, such as family reunification and marriages between Romanian citizens and foreigners, and was determined to continue that course of action. Accordingly, his delegation firmly rejected the allegations that had been made by some speakers when referring to the human rights situation in Romania, as well as the unacceptable language that they had used, which was inconsistent with their diplomatic status. Although some organs of the press might take the liberty of saying whatever they wished, it was inadmissible that heads of delegations should act in the same manner. When some speakers attacked States and denigrated the Government of a State Member of the Organization on the basis of individual cases on which, moreover, they had totally one-sided information, they were acting in a manner contrary to the norms governing relations among States.

19. Although it would be easy to find arguments with which to reply to the rhetoric of those speakers by referring to the human rights situation in their own countries, Romania did not intend to embark on that baneful and pointless course of action. While ignorance of the true situation in a country might be excusable, bad faith and a desire to discredit others and engage in polemics, regardless of the consequences, certainly were not. However, it was true that Romania did not share the opinion of those other countries concerning the significance of some human rights, particularly those that it regarded as the most important.

20. The current figure of 30 million unemployed in the Western countries testified to the flagrant violation of one of those fundamental rights, namely the right to work and to a decent and dignified life. If the representatives to whom he was replying were so meticulous in regard to respect for human rights, they should not be unaware of the calamities constituted by unemployment, drug addiction, prostitution and xenophobia, not to say racism, which continued to be rampant in their countries and affected the lives of hundreds of thousands, if not millions, of men and women in the so-called free world. If the situation of the developing countries had deteriorated dramatically in recent years, affecting the lives of hundreds of millions of people, that was due to the catastrophic policy that was being deliberately pursued by some Western countries and which constituted the most serious violation of the fundamental rights of peoples.
21. It was well known that, as a result of decisions taken by some Western Governments, without a state of war being declared, bombs had been dropped on the cities of other States and numerous acts of sabotage had been committed against foreign States causing the loss of countless human lives and various political personalities, heads of Government and State had been assassinated. Were those not the most flagrant and criminal violations of human rights? How could they be compared with the false accusations that had been made against Romania? Such remarks were reminiscent of the bygone cold war period and were hardly likely to stimulate a constructive dialogue, let alone strengthen co-operation for the promotion of human rights.

22. In his country's view, there was no problem that could not be discussed within the Commission, provided that it was done in a spirit of mutual respect and with due consideration for differing situations and policies. To use the rostrum of an organ of the United Nations to insult a Member State was not only inacceptable, it was an act that ran counter to the purposes of the Organization. His delegation could not agree to those representatives presenting themselves as the holders of a sort of monopoly in respect of the truth as far as human rights were concerned, since that was pretension bordering on hypocrisy. Romania would not allow itself to be drawn into the polemics sought by some delegations.

23. Mr. Delgado (Peru) took the Chair.

24. Mr. VILLAROEL (Philippines), speaking in exercise of the right of reply for the second time, said that the reported 70 killings of which Amnesty International had spoken in its statement on the previous Friday should be placed in proper perspective. According to Mr. Fidel Ramos, the Philippine Secretary of National Defence, there was an "undeclared war" situation in the Philippines and the communist insurgents currently controlled 20 per cent of the villages in the country. It was against that background that the Commission should view the deaths reported by Amnesty International, which had acknowledged that most of the victims had been members of left-wing organizations operating openly in the country. Amnesty International had concluded its statement on the Philippines by saying that, although the Government had initiated investigations into many of those cases, there had been very few prosecutions.

25. He gave an assurance that the Government of the Philippines would prosecute violators of human rights, if they were found guilty in the light of evidence against them, and it would ensure that they were punished. If Amnesty International had been referring to the incidents that had occurred at Lupao, it should be noted that the Philippine Commission on Human Rights, after studying the complaints, affidavits and other evidence, had found a prima facie case against 32 officers and men belong to the 14th Infantry Battalion for the murder of 17 persons, for the attempted murder of 6 others and for armed robbery. Accordingly, those persons would be charged with the violation of articles 93 and 94 of the Articles of War and of articles 348 and 250 of the Philippine Revised Penal Code. That matter had been referred to the Judge Advocate General's Office of the Armed Forces of the Philippines and the Philippine Commission on Human Rights had recommended that further proceedings be instituted in view of the new evidence that had come to light.
26. With regard to the incident at Mendiola, a civil action had been brought against the Philippine Government by the victims and their families, who were claiming 2.6 million pesos in actual damages, 650,000 pesos for moral damages and 198,575 pesos for burial expenses. Actual and moral damages amounting to a total of 3.1 million pesos had also been claimed by 62 persons who had been wounded in the incident. At the same time, the Committee on Human Rights of the House of Representatives of the Philippine Congress had adopted a resolution endorsing the compensation claims of the victims of the incidents at Lupao and Mendiola and recommending their immediate approval. It had also recommended the immediate application of the rehabilitation programmes promised to the victims and their families, mainly in the form of training assistance with a view to employment. Moreover, the House of Representatives was currently studying Bill No. 26 entitled "Act authorizing payment of compensation and providing other forms of assistance to the rehabilitation of the victims of human rights violations and their families".

27. His delegation took exception to the view expressed by the observer for Canada to the effect that the appointment of a special rapporteur by the Commission might have proved helpful in the restoration of human rights in the Philippines. He reminded the Commission that it was the entire Filipino people who, two years ago, had restored human rights and fundamental freedoms in the Philippines during the course of what was surely one of history's most remarkable revolutions. While his delegation had no intention of minimizing the useful role that special rapporteurs could and did play in the restoration of human rights in certain circumstances, the situation in the Philippines was different and could not justify the proposal to dispatch a special rapporteur to that country.

28. Mr. FAIRWEATHER (Observer for Canada), replying to the statement made by the Grand Council of the Cree of Quebec on 4 March, in which the situation of the indigenous peoples of Canada had been compared to that of the black majority in South Africa, said that such a comparison did disservice not only to the struggle against apartheid but also to the cause of indigenous peoples throughout the world. There were fundamental differences between the indigenous peoples of Canada and the black majority in South Africa: the former were full Canadian citizens, who enjoyed not only the same rights as all other Canadians, but also the Aboriginal and Treaty Rights recognized in the Constitution. The system established for the administration of Indian lands in Canada was designed to protect the landed base of the Indian communities while, at the same time, enabling them to participate in the management of their lands and resources. Although the Indians of Canada were not required to live on reserves, some had chosen to do so. Self-government could not be equated to South Africa's "separate development". In fact, greater self-government was being sought by aboriginal communities, not imposed by the Government.

29. Their consultative status with the Economic and Social Council afforded organizations such as the Grand Council of the Cree an excellent opportunity to draw international attention to the concerns of the indigenous peoples of the world. However, the statement made by that organization showed that a number of points to which his delegation had referred under agenda item 19 required clarification, particularly in regard to the meaning of the word "treaty". The Government had treaty relationships with some, but not all, of
the indigenous peoples in Canada. His delegation did not want the proposed study to be restricted solely to those populations with treaty relationships. Although indigenous treaties in Canada were protected by the Constitution, a distinction should be drawn between treaties in domestic law and treaties in international law. The James Bay Agreement, for example, was a treaty in Canadian domestic law, but it could not be regarded as a treaty in international law, as had been suggested.

30. Mr. LOAIZA (Observer for Bolivia) drew attention to a written statement submitted by the World Federation of Trade Unions (E/CN.4/1988/SR/6) which contained a section on Bolivia. Lacking information, that organization passed judgments that were as categorical as they were inaccurate on the human rights situation in Bolivia; on the basis of a few incidents related to measures which the authorities had been compelled to take in order to guarantee public security, and consequently to guarantee respect for human rights, it indulged in generalizations that were very far from the truth by stating, for instance, that there were no democratic freedoms in Bolivia. If that were so, how was it that popular elections organized on the basis of direct universal suffrage could be won by the opposition parties, as had recently occurred in the municipal general elections?

31. The same organization claimed that trade union activists and champions of civil rights had been kidnapped. However, the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1988/19) showed that the last case of disappearance in Bolivia had been reported to the Group in 1982. Since the restoration of the democratic régime in 1982, as the Latin American Federation of Associations of Relatives of Missing Detainees had testified at the forty-third session, and afterwards in a statement at the current session, there had been no cases of disappearances. There was full enjoyment of democratic freedoms in Bolivia, there were no political prisoners or gaol trade unionists and there were no Bolivians in exile, assigned to forced residence or persecuted on account of their political or trade union activities.

32. There was unemployment in Bolivia, as the organization in question stated, as well as social problems due to the major economic crisis that affected the whole of Latin America and stemmed from the unequal terms of trade on the international market and the slump in the commodities market. It was true that miners had lost their jobs since tin prices had collapsed. Bolivia would like the World Federation of Trade Unions, instead of simply making statements, to indicate its willingness to work for the restoration and creation of jobs by participating concretely in the struggle for economic rights.

33. According to the Indigenous World Association, Bolivia was selling off its forests to absorb its foreign debt, a measure which was doing a disservice to the Bolivian forest populations. That interpretation was far from the truth. The measures taken were quite simply designed to prolong the status of a zone declared to be an environmental protection area. Far from harming the indigenous populations living in the area in question, they were helping them to preserve their habitat and to avoid the irrational use of natural resources, as well as to prevent incursions by strangers into those territories where the status quo guaranteed the activities of those populations.
34. In conclusion, his delegation wished to say that in Bolivia, the rule of law was fully respected, with a constitutional system of Government which guaranteed open, pluralist and free activities at the political and trade union levels, and that human rights were fully respected, under domestic law and the international covenants on human rights to which Bolivia had acceded.

35. Mr. VIGNY (Observer for Switzerland) said that his delegation was taking the floor in order to present its views on the problems which the organization Centre Europe-Tiers Monde (CETIM) had raised at the 54th meeting in respect of asylum. The policy with regard to refugees was one of the most sensitive of the Government's tasks, as far as public opinion was concerned. The Government did not claim to be infallible in that regard, and merely tried to do its best, aware that it often had to make do with the least bad solution. The criticism of Switzerland was directed against the legislation on asylum as well as its implementation. Individual cases had been cited; on one of them, that of Mr. Misey, documentation was annexed to the written text of his delegation's statement.

36. First of all, with regard to the criticism that Switzerland was infringing the principle of non-refoulement because of the legal prescriptions applicable to the presentation of an application for asylum at the frontier, his delegation wished to say that it was not possible to infer from any international instrument the existence of an obligation for a State to authorize or simplify the admission of an alien to its national territory in order to enable him to apply for asylum. In the case of an application for asylum made at the frontier, the principle of non-refoulement, set forth in article 33 of the Convention relating to the Status of Refugees, meant that a refugee should be authorized to enter the country of asylum when turning him back at the frontier would have the consequence of compelling him to return, either directly or indirectly, to the persecuting country. However, that claim to refuge in no way involved any right to obtain temporary or permanent asylum. The State of refuge could therefore refer the refugee forthwith to another country where he was not threatened with persecution.

37. On that assumption, the principle of non-refoulement conferred on the refugee only the right to continue his flight and to seek asylum in conformity with article 14, paragraph 1, of the Universal Declaration of Human Rights. Swiss legislation concerning the procedure for asylum at the frontier took into consideration the de facto situation currently prevailing at Swiss frontiers and in adjacent States; it also reflected the efforts of European countries of admission to restrain uncontrolled emigration flows and to avert the abuse of national legislation on asylum matters.

38. Consequently, Swiss legislation on asylum stated that applications might be submitted only at the frontier, at one of the border posts designated for that purpose. Nowadays, an admission was granted solely by the Delegate of the Federal Council for Refugee Affairs who authorized admission either when the applicant arrived directly from a country where he appeared to be in danger or when the alien was able to give credibility to his assertion that he would be compelled by that country, in violation of the principle of non-refoulement, to go to a country where he appeared to be in danger.
39. The situation was different in the case of an alien who, since his departure, had passed through one or more countries in which he was in no way exposed to a serious threat within the meaning of the law on asylum or contrary to human rights. Having regard to the fact that all the countries that bordered on Switzerland had undertaken to respect and effectively discharged the obligations stemming from the principle of non-refoulement, it was only reasonable to require that an asylum-seeker should comply with the regulations concerning admission to Switzerland. In such a case, the Delegate to the Federal Council for Refugee Affairs could authorize admission to Switzerland in the case of an asylum-seeker who had close relations with persons living in Switzerland or who argued convincingly that he had fled his country of origin, or the country of last residence, for reasons related to refugee status and who had arrived at the Swiss frontier without delay. If, in violation of those requirements and without being in a situation of need, an alien tried to enter Switzerland illegally, he was handed over to the competent authorities of the neighbouring country, under the agreements relating to the handing over of persons at the frontier. He then had the choice of submitting his application for asylum either at an appropriate border post or at a Swiss representation abroad. Consequently, the criticism that Switzerland had failed to respect the principle of non-refoulement in its procedure for asylum at border posts was unfounded. Swiss procedure was in conformity with the recommendations of the UNHCR Executive Committee and the Committee of Ministers of the Council of Europe.

40. The CETIM also accused the Swiss authorities of failing to apply to unsuccessful applicants article 33 of the Convention relating to the Status of Refugees. The Swiss delegation would merely draw attention to the fact that, from a practical viewpoint, the Swiss authorities responsible for asylum questions considered, in each individual case, whether it was reasonable to require the applicant to return to the country of origin. If such was not the case, alternative measures are taken and the period of stay of the alien is regulated in accordance with the provisions governing temporary admission and internment. In the Sahili case quoted by the CETIM, at the time when the decision concerning return had entered into force, there had been no objective indication that pointed to the existence of danger, within the meaning of the law on asylum, in the eventuality of a return to the country of origin. The very opposite could be asserted, in view of the many journeys made by the applicant to his country of origin. It was not therefore possible to speak of an infringement of the principle of non-refoulement.

41. As for the accusation that Swiss law on asylum did not respect the right to be heard, it was generally agreed, and it was the view of the UNHCR, that it was the responsibility of each signatory State to establish and comply with an appropriate procedure for conferring refugee status. In Swiss law, an applicant was heard by the cantonal authorities concerning his reasons for asylum, according to a system established by the Delegate to the Federal Council for Refugee Affairs, in the presence of an interpreter if necessary, in the presence of a representative of a Swiss mutual assistance organization and, if the person concerned so wished, a third party of his choice. A second hearing by the Federal authorities took place if the latter considered that a further investigation was needed. It was therefore true that the applicant was not necessarily heard personally by the decision-making authorities, but he had the possibility of stating his case at first instance during a hearing lasting several hours.
42. On the question of the detention of asylum-seekers pending their refoulement, the CETIM had cited the case of Mr. Maza, who had left Switzerland very recently. Mr. Maza had been held in detention because he had constituted a security risk for Switzerland and not because he was an asylum-seeker whom the authorities were preparing to return to his country of origin.

43. As to the complaint concerning the length of the procedure, it should be noted that the Swiss Federal Council had adopted a clear-cut policy, which was also the hallmark of the two revisions of the law on asylum, of guaranteeing henceforward the admission of persons who were genuinely persecuted, avoiding misuse of the right of asylum, expediting and rationalizing the procedure by granting all the guarantees in accordance with the rule of law and furnishing assistance to those required to leave Switzerland. In conclusion, in cases of unusual hardship, mainly arising from a protracted procedure Switzerland granted permission for a stay to be made for humanitarian reasons.

44. Mr. DOK HUN (Democratic People's Republic of Korea) rejected the unjustified attacks made against his country by the delegation of the United States. When it came to violating human rights, what was worse than contempt shown for a nation and its right to self-determination? The United States had occupied South Korea for over 40 years and had set up a veritable nuclear arsenal in that country. Two hundred thousand men equipped with deadly weapons aimed at the northern part of the Korean peninsula were currently taking part in military exercises. The population of the Democratic People's Republic of Korea lived in a state of permanent anxiety, aware that their national sovereignty was always at the mercy of violence.

45. If the Commission failed to denounce those acts, the United States would inevitably feel itself encouraged to persist in such violations. The Democratic People's Republic of Korea was a small country which would never pose a threat to it. Its people had only one wish, namely, to live in peace. The United States invoked the risk of a southward invasion, but such an eventuality was unthinkable as the Democratic People's Republic of Korea had less than one third of the population of South Korea and far fewer military forces. The population of the North had had the painful experience of barbarous atrocities committed by so-called "civilized Americans". They had been the first victims of chemical and bacteriological bombs after the Second World War. The United States Eighth Army Command had given the order to its men to spare no one. That was the true picture of the United States that was threatening the human rights not only of Koreans but of mankind as a whole. The Democratic People's Republic of Korea also addressed the same condemnation to the Japanese authorities who were slandering it and called upon both countries to cease forthwith their hostile acts against it.

46. Mr. TLILI (Observer for Tunisia) said that his delegation was compelled to exercise its right of reply following the statement made under item 12 by the Union of Arab Jurists affirming that Tunisia had introduced a state of emergency for a month with effect from 26 January 1987. That was an untruth and unjustified accusation, since Tunisia had not decreed a state of emergency in 1987, even for one day. Tunisia was a party to the International Covenant on Civil and Political Rights, article 4 of which, relating to the state of emergency, it scrupulously respected.
47. The error was all the more unforgivable because developments in the human rights field in Tunisia during that period had been in marked contrast to what had been inferred by the Union of Arab Jurists. They had included an amnesty for political prisoners, the reappearance of publications that had been suspended, a strengthening of political multipartism, the establishment of a constitutional council and the consolidation of republican institutions. All observers of Tunisian political life had noted these developments with the sole exception, curiously enough, of the Union of Arab Jurists. Moreover, a daily newspaper with an international readership reporting the statements by the representative of that organization had corrected them on its own initiative, avoiding any mention of Tunisia among the countries cited as having promulgated a state of emergency in 1987.

48. Mr. WAKARABI (Observer for Indonesia) said that he wished to reply to a number of statements made under agenda item 12. His delegation had stated on various occasions in the Commission that the people of East Timor had exercised their right to self-determination by integration with Indonesia on 17 July 1976, in conformity with General Assembly resolutions 1514 (XV), 1541 (XV) and 2625 (XXV). Since then, East Timor had become an integral part of Indonesia, forming its twenty-seventh province. Consequently, it was the duty of the Indonesian Government to protect and maintain the fundamental rights of its citizens as well as to preserve the social, religious and cultural identity of all its people.

49. With regard to the concern expressed by one delegation over the restrictions placed on freedom of movement in East Timor, Indonesia had repeatedly informed the Commission that there were no restrictions for independent observers and humanitarian organizations such as the ICRC, UNHCR, UNICEF and the CRS which have been operating in East Timor for a number of years, as well as for various governmental delegations, many of which had published favourable reports.

50. With reference to the support expressed by several members of the Commission for the ongoing dialogue between Indonesia and Portugal under the auspices of the Secretary-General of the United Nations, his delegation wished to assure the Commission that the Indonesian Government would continue to co-operate with the Secretary-General in discharging that task. However, a dialogue could be successful only if the parties showed sincerity and consistency in their approach and avoided any duplicity.

51. In conclusion, one delegation had expressed concern about executions after prolonged incarceration. The long wait has been due to the lengthy testimonies and the fact that the sentences were handed down only after all legal remedies had been exhausted. That was the procedure followed by any law-abiding society, and the issue was therefore a legal one rather than a human rights issue. In response to the statement made by a non-governmental organization regarding the province of Irian Jaya, his delegation invited the members of the Commission to refer to the statement it had made under agenda item 9 as well as its statements at the preceding sessions.
52. Mr. OMAR (Observer for the Libyan Arab Jamahiriya) said that he wished to reply to the statement made by the racist Zionist organization calling itself the World Union for Progressive Judaism, which endlessly rehashed the same ideas and the same statements. That organization had expressed misgivings about the situation of Jews in certain regions of the world, particularly in the Arab countries, and it had mentioned Libya, recognizing that there were no Jews in that country. Then, as usual, it had had recourse to lies and deception to sow confusion and discord pretending to forget that what had happened to the Jews has stemmed from the premeditated activity of international Zionism to compel Arab Jews to leave their countries.

53. Various incidents attested to that, as did an article published by the newspaper Yediot Aharonot on 22 January 1988 under the following heading: "The role of the Mossad in the departure of North African Jews for Israel". The article had reviewed a work published in 1971, a chapter of which, censored at the time and published only recently, showed how international Zionism had made contact with the North African Jews and established the Mossad's first base for espionage in that region and how it had poisoned the life of North African Jews. However, Zionism had not been able to apply the methods it had used in the Arab world elsewhere. It had therefore resorted to other methods, such as pressure, slander, lies, noisy and reiterated interventions in all forums to mislead the great Powers, all without regard for the wrong thus inflicted on the Jews themselves and on the Palestinian people.

54. The representative of racist Zionism had spoken about the many Jews who were patiently waiting a solution of their problems and had requested the Soviet delegation to make representations to his Government in order to allow Soviet nationals to emigrate. He was forgetting, however, or pretending to forget what international Zionism had done to the millions of Palestinians who had been waiting for 40 years to return to their country. He had dwelt compassionately on the reunification of a certain number of Jewish families, but he forgot, or pretended to forget, what Zionism had done to disperse Palestinian families, thousands of whom were waiting to be reunited. He would merely mention the case of a young Palestinian married to a Swedish woman and the father of a child, who had decided to return and live in Jerusalem. When his wife and son had joined him there, the Zionist authorities had forbidden them to move in with him. There was also the case of Dr. Awad Moubarak, the well-known pacifist who had had to leave his country. Zionist circles were familiar with that story, which was also the story of 70,000 Palestinians denied the right to return to the West Bank to live with their families.

55. The Libyan Arab Jamahiriya was not opposed to the defence of human rights, whether individual or collective. It was against lies, mystification and duplicity. It was against the contempt shown for the Commission, whose prestige and objectivity it wished to be maintained and which might be discredited by the demagogy and deceit of Zionist organizations. As the Libyan Arab Jamahiriya had already stated on 22 February, the Commission on Human Rights should recommend to the Economic and Social Council the establishment of standards and criteria with which organizations would have to comply in order to be allowed to sit as observers. It would thus be possible to ensure that they played their proper role, without misrepresenting it.
56. Mr. SANG OCK LEE (Observer for the Republic of Korea) recalled that his delegation had already reported the conclusions of the investigation conducted on the Korean Air flight 858 incident, which clearly established that two North Korean agents had planted a time-bomb in the aircraft, killing the 115 people aboard. However, on 7 March, the North Korean observer, had tried to present a false picture of the human rights situation in the Republic of Korea with a view to distracting attention from that incident, and had even claimed that the South Korean Government had fabricated the entire affair. The Republic of Korea had not wished to comment on such disgusting lies, but the audacity shown by the North Korean delegation proved that, far from regretting its criminal act, North Korea might intend to repeat it. It should clearly understand that the international community did not condone bomb attacks on civilian aircraft.

57. No one believed the allegation made by North Korea that the Government of the Republic of Korea had destroyed Korean Air flight 858. He was sure that the observer for North Korea did not believe it either. The North Korean authorities had already made a similar claim in 1983 after their agents had caused the deaths of 17 high ranking officials of the Republic of Korea, including 4 cabinet ministers, during a State visit by the President to Burma. The Burmese Government had severed diplomatic relations with North Korea and had withdrawn recognition of it, after the investigation conducted by the Burmese authorities had established that the perpetrators of the attack had been North Korean agents acting on the instructions of the North Korean authorities. Even today, North Korea denied those findings and accused the Government of the Republic of Korea of being behind the act.

58. If anyone continued to harbour any doubts about the facts, his Government was willing to provide access to the available evidence, including statements by the North Korean woman agent. The representatives of a number of Governments who had already interviewed her were totally convinced that her confession was truthful and had been given freely and willingly. Independent investigations conducted by other sovereign Governments had led to the same conclusion, namely, that there was no doubt about the culpability of the North Korean agents. More than 70 countries and a number of international organizations had already condemned that heinous act and it was to be hoped that the North Korean authorities would understand the message from the international community and renounce their policy of violence.

59. Mr. VILLARREAL (Observer for Panama) expressed surprise at the statements made by the representative of the United States of America, and protested against the Commission's deliberations being used to settle political differences between countries on issues that did not come within the Commission's competence. Panama had ratified all the international instruments aimed at guaranteeing the protection and promotion of human rights and the Panamanian Government considered that it had made a notable contribution to the standard-setting activity of the United Nations in that field. It wished to inform the Commission that there were no political prisoners in Panama, that no case of torture had occurred in that country, that there was no political persecution and that, despite the interference in the country's internal affairs, and the destabilization and economic blockade by the United States, democratic pluralist principles and institutions were still in force and in place in Panama.
60. Mr. BENHIMA (Observer for Morocco) said that the World Union for Progressive Judaism had engaged in a disgusting defamation of Morocco, describing as confused and incoherent the historically established facts concerning the situation of Jews in Morocco, where in effect the problem of the Jewish minority did not arise. The World Union for Progressive Judaism was surprised that the Jewish community in Morocco had declined from 300,000 members in 1948 to 10,000 today; the last figure was inaccurate, however, since 30,000 Jews were living in Morocco at the present time. In 1948, when the Jewish emigration had begun, Morocco had not been in command of its destiny, since it had been a French protectorate, and that outflow that been planned, encouraged and carried out by Zionist organizations anxious to change the demographic balance in Palestine. After Morocco had acceded to independence in 1956, Moroccan Jews, availing themselves of the same freedoms as other citizens, had decided to emigrate of their own free will. Some of them had gone to Israel, where everyone was aware of the treatment meted out to the Sephardim, and that had led hundreds of families to return to Morocco after losing their illusions in the "promised land".

61. Moreover, most of the Moroccan Jews who had left Morocco in 1956 had avoided going to Israel, and had chosen to live in Western Europe, the United States and Canada, without, however, relinquishing their Moroccan nationality. Their representatives had come to Marrakech the week before, on the occasion of the Festival of the Throne, to reaffirm their attachment to their country and their allegiance to the King. His delegation could make available to the World Union for Progressive Judaism a list of representatives of Moroccan Judaism throughout the world who, at the time when that organization had been exuding hatred in the Commission, had been taking part together with their Muslim fellow-countrymen in celebrating their national festival at Marrakech.

The meeting rose at 9.05 p.m.