COMMISSION ON HUMAN RIGHTS

Forty-fourth session

SUMMARY RECORD OF THE SECOND PART* OF THE 54th MEETING

Held at the Palais des Nations, Geneva, on Wednesday, 9 March 1988, at 6 p.m.

Chairman: Mr. SENE (Senegal)

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* The summary record of the first part of the meeting appears as document E/CN.4/1988/SR.54.

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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 and 725)


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

1. Ms. PARKER (International Confederation of Free Trade Unions), speaking on agenda item 5, said that September 1987 had marked the fourteenth anniversary of the dictatorial military régime in Chile, a country that continued to be in a state of escalating internal conflict. The Government's methods for muzzling or preventing any type of public expression included the detention of trade union leaders, the nomination of people without suitable academic qualifications to top university posts, the expulsion of ex-parliamentarians, the replacement of detentions with disappearances, the refusal to reinstate certain exiles, and the persecution of the independent media. Extremists of the opposition acted similarly, through kidnappings, bombings, attacks and assassination attempts. All those tactics accelerated the polarization of a society where force and arbitrary violence had taken precedence over dialogue and reason. That situation furthered the aims of the ruling régime and made the struggle for democracy extremely difficult.

2. In the light of that situation and with the active support of the international trade union movement, the Chilean democratic trade unions were involved in an intensive mobilization campaign in support of free elections in the country. Their educational programme directed at all workers was part of a wider national campaign of the entire democratic opposition for the political and social mobilization of the population excluding any form of violence. The aim was to promote the concepts of popular sovereignty and universal suffrage in view of the next presidential election while intensifying pressure on the armed forces to amend the 1980 Constitution to allow open and genuine elections to take place.

3. The situation of the independent trade union movement itself remained extremely precarious. The Government's promises to remove restrictions on trade union activities had not been given effect, and the National Workers' Command (CNT) had recently been the target of renewed repression as a result of the national strike it had called on 7 October 1987 to press for better working conditions and the restoration of freedom and democracy. During the strike, two young people and a two-year-old child had been killed by the security forces, and several of the union's officers, including its President and General Secretary, had been sentenced to prison. Journalists had been arrested and detained for publishing articles critical of the régime and a number of public service workers as well as 2,000 teachers had been dismissed by the Government for similar reasons.

4. For more than 14 years the military dictatorship in Chile had deprived the population of its basic freedoms and had been directly responsible for thousands of killings, disappearances, cases of torture, abductions and every
other form of human rights abuse. In view of the growing climate of revolt and despair, international support and solidarity were of vital importance to the Chilean people in their struggle for freedom and human rights. She trusted that the efforts of the Commission and the Special Rapporteur would continue to contribute effectively to the co-ordination and strengthening of a world-wide action campaign aimed at bringing an end to the repression and suffering imposed on the Chilean people.

5. Referring to agenda item 12, she noted that the recent signing of the INF Treaty between the Governments of the United States of America and the Union of Soviet Socialist Republics had been a significant step towards improved international relations. However, problems between nations were not the only cause of conflict and tension. Unrest, violence, hardship and destruction found their origin in the national context in conditions of widespread poverty, unemployment, insecurity and the denial of civil rights and liberties.

6. Members and leaders of trade unions remained amongst the major victims of those situations, as indicated by reports of the ILO Committee on Freedom of Association. The most tragic cases were those involving the killing, abduction, physical ill-treatment or indiscriminate imprisonment of trade unionists. In El Salvador, despite efforts to promote democracy in the previous eight years and the holding of elections in 1984, the country remained in the grip of civil war, violence, growing poverty and social marginalization. The old oligarchies, acting in alliance with the military, continued to exercise a disproportionate influence over the economic and political situation, and the Government had not succeeded in submitting the armed forces to civilian rule. Unemployment bordered on 70 per cent of the active population, food, accommodation and health conditions were well below the minimum standards, and the illiteracy rate was 60 per cent. The Government had taken a series of austerity measures and, through its security forces, had conducted a campaign of repression aimed at containing the growing discontent among the working population. Killings and disappearances of politicians and trade union activists continued to take place. For that reason, her organization had recently submitted a complaint to the ILO concerning the sharp increase in the infringement of trade union rights in El Salvador, documenting 132 serious cases of human and trade union rights violations committed by the armed forces, the death squads, the police and the Government authorities during the period of August-December 1987.

7. In Paraguay, despite the lifting of the state of siege in April 1987, the situation remained very much under the totalitarian control of the régime that had ruled and exploited the country for over 34 years. Individual freedoms were totally restricted, all attempts to set up rural or urban organizations were systematically repressed, freedom of expression and information were curtailed, arbitrary detention and solitary confinement were frequently accompanied by inhuman and degrading treatment, and entry to and exit from the country were rigorously controlled. Although Paraguay had ratified ILO Conventions No. 87 on freedom of association and protection of the right to organize, and No. 98 on the right to organize and collective bargaining, the Government constantly faced charges in the Committee on Freedom of Association on account of the arrest, detention and ill-treatment of trade union leaders, the systematic breaking-up of legitimate trade union meetings and demonstrations, and the raiding of trade union offices and property.
Intimidation and persecution by employers went hand in hand with police repression, especially against the organizations belonging to the Movimiento Intersindical de Trabajadores (MIT). Arbitrary suspensions were followed by unfair dismissal, wage cuts were used as intimidation, and workers were being arrested. Independent media workers were under constant pressure and control by the authorities, and the position of agricultural workers was even worse. Other complaints received by her organization concerned similar violations, on a less massive scale, in Peru, the Dominican Republic, Brazil, Haiti, Guatemala, the Philippines, Honduras, Colombia, Chile and South Africa.

8. In addition to physical violence and repression, serious interference in trade union affairs also occurred in the form of legal and administrative sanctions designed to curtail the rights and normal functioning of trade unions. A growing problem in that respect was the refusal of certain national authorities to grant travel visas for trade unionists to attend international meetings, an indispensable trade union right.

9. In Colombia, in the first nine months of 1987, there had been over 500 cases of summary or arbitrary executions, many of which appeared to be the work of State security forces, paramilitary groups or individuals connected therewith. There was ample information pointing to the existence of various lists of trade unionists who had received death threats. Most of the killings and threats were believed to be the work of paramilitary groups, the number of which had officially been stated to be 140 in a communication to the parliament by the Minister of Government, Cesar Gavilla Trujillo, of 30 December 1987. There was reason to believe that that phenomenon was directly related to Colombian legislation, which allowed the abusive use of firearms by private individuals acting with the agreement or collaboration of the armed forces. The current wave of uncontrolled and mostly unpunished summary executions could not be stopped unless the Government was determined to repeal that legislation or at least provide sufficient safeguards. In conclusion, she congratulated the Special Rapporteur on Summary or Arbitrary Executions for his efforts to contribute to the elimination of that scourge and expressed the hope that the Commission would continue to give him every support in the fulfilment of his mandate.

10. Ms. AHIABA (Indian Council of South America), noting that there were five indigenous peoples in Chile, drew the Commission's attention to the situation of the Mapuche people. The Special Rapporteur's report on the human rights situation in Chile (E/CN.4/1988/7) referred to various violations of the rights of the Mapuches, especially the official Government policy of dividing indigenous lands under Decree-Law No. 2568, as mentioned in paragraphs 62-64 of the report. The result of that legislation had been the division of the community system inherent in the Mapuche lifestyle, culture and tradition. The system of granting a loan for an individual property deed led those Indians who had agreed to the new system proposed by the Government into debt and caused their lands to be seized. In the zones of Valdivia and Temuco, the Mapuches had grouped themselves into organizations affiliated with a national collective of 600,000 debtors who were having difficulty paying back their loans. Indigenous communities in that situation were often ejected from their homes, the offices of their organizations were raided and their leaders detained and ill-treated, as the Special Rapporteur had mentioned. She described in detail one such raid, concerning the "Tallos Bajos" community in the commune of Panguipulli, Province of Valdivia, on 13 November 1987.
11. Her organization regretted that, although the report documented violations of the Mapuche people's rights, the Special Rapporteur had made no reference to that situation in his conclusions and recommendations.

12. She requested consideration by the Special Rapporteur of the violations of the rights of the Mapuche people in his following report, recognition and respect of the official indigenous and Mapuche organizations in Chile, and the abolition of the current indigenous legislation, which limited the rights of the Mapuche people and their recognition under the Constitution.

13. In connection with agenda item 12, attention should be drawn to the violation of indigenous rights in Argentina and Brazil. In Brazil, 9,000 Yanomami Indians were threatened with genocide due to the massive invasion of their territory by some 10,000 prospectors in search of gold and other minerals. At the end of 1986 the Brazilian Government had announced its plan for developing the Amazon region, which included the installation of military posts and an infrastructure at strategic points along the frontier, the construction of hydroelectric dams, settlement, economic development through forestry and mining, and special programmes for the integration of the Indians into national society. One of the initiatives of the Calha Norte project was to increase the presence of the non-indigenous society in Yanomami territory, to the consternation of the Yanomami, who had not yet had much contact with the national society. In some cases the prospectors' invasions had turned into armed clashes and even caused deaths among the Indians. Plans to conduct a census for the purpose of delineating the Yanomami lands did not take account of the invasion of the territory by thousands of prospectors. If drastic measures were not adopted immediately, the Yanomamis faced imminent physical and cultural destruction.

14. In Argentina the authorities had been making efforts since 1984 to promote the rights of the country's indigenous peoples. Act No. 23,302 of 1985 represented progress in that direction, but since rules governing its implementation had not yet been enacted, it had not been possible to use it to prevent abuses and arbitrary actions against Indians. Recently the Government of Chaco Province had sold, to a private forestry company, 8,000 hectares of the 150,000 hectares reserved for the indigenous communities of the area by the national decree of 19 February 1924. The provincial government proposed to assign only 50,000 hectares to the indigenous communities, in contradiction with that decree and with ILO Convention No. 107. The deforestation would affect the hunting and fishing resources of 4,000 Toba and 1,500 Criollo Indians. In the Las Palmas-La Leonesa zone, four indigenous Toba communities were subjected to pressure every year by the authorities of the sugar mill located in the zone, which owned 80,000 hectares. In May 1987 the Chaco Province legislature had enacted a law recognizing the lands of the Wichi, Toba and Mocovi communities an ironic initiative considering the long history of racial, social, economic and cultural discrimination against the indigenous peoples of that Province.

15. In Tucumán Province, the Chalchaqui community had been the subject of collective threats, individual and collective attacks and forced displacement since 1984 by Gustavo Teran Molina, who had appeared before the community in 1983 to announce that he was the new owner of the land. From then on he had made the Indians sign an annual land tenancy contract, and when they were unable to make their payments, he threatened them, accompanied by armed
individuals, and confiscated livestock, tools and other property indispensable for the community's survival. He had brought false police and administrative charges against the staff of the community's school in an attempt to have the school closed, had driven 1 member of the community to suicide and had ousted 10 indigenous families.

16. After describing two more instances of dispossession, in Jujuy and Formosa Provinces, she said that the Government of Rio Negro Province had refused to allow participation by indigenous peoples in a body established by legislation on their behalf.

17. She appreciated the fact that the Latin American States were severely hampered in the financial area by their external debt, which in itself was a collective, international violation of human rights. However, the survival of indigenous peoples and the defence of their lands from continuing invasions and attacks required States to introduce appropriate legal and executive mechanisms to avoid ethnocide and safeguard the peace and well-being of the community of man.

18. Ms. SLESZYNSKA (Christian Democratic International) said that the person who was to have spoken on behalf of her organization, Mr. Ricardo Arias Calderon, had recently been refused entry to his home country, Panama, and sent back to Costa Rica. That was a flagrant violation of article 12 (4), of the International Covenant on Civil and Political Rights, and she hoped that the Commission would call upon the Panamanian authorities to allow Mr. Arias Calderon to return to his country.

19. Violations of fundamental freedoms in Panama were well known, including the illegal removal from office of the President of the Republic. In a letter of 28 December 1987, her organization had, in conformity with the procedure provided by Economic and Social Council resolution 1503 (XLVIII), drawn the Commission's attention to violations of articles 4, 5, 7, 8 and 25 of the Covenant, verified by the Inter-American Commission on Human Rights. She appealed to the Commission to appoint a Special Rapporteur to examine the human rights situation in Panama and to place that question on the agenda for its following session.

20. In Paraguay, opponents of the régime were tortured and ill-treated and spent long years in prisons known for their cruel practices. Freedom of association, assembly and information must immediately be restored in the country.

21. Another case involved a European country, where a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities had been arrested and prevented from fulfilling the duties entrusted to him by the United Nations. A second, similar case had recently occurred in the same country. Those cases reflected the system of terror prevailing under its régime, which completely ignored its duties as a Member of the United Nations. Her organization therefore believed that a Special Rapporteur should be appointed to inform the Commission of the situation regarding human rights violations in Romania.
22. **Mr. OZADOVSKI** (Observer for the Ukrainian Soviet Socialist Republic) said that, under agenda item 12, the Commission traditionally considered situations involving gross and systematic violations of human rights in specific countries or regions, such as southern Africa, the Arab territories occupied by Israel and El Salvador. However, it was no less important to discuss and analyse certain phenomena which gave rise to many gross violations of human rights and which therefore concerned either the international community as a whole or, as was often the case, one particular section of it. In a statement made earlier in the session on agenda item 12, the group of socialist countries had already expressed their concern at the increasing trend towards totalitarianism in a number of the developed Western countries. Equally alarming, moreover, was the growing militarism and continued militarization of society in some Western countries, in particular the United States.

23. Militarism meant not only external military force: it was also a weapon in the internal struggle to suppress undesirable economic and political movements. For instance, the McCarthyism of the 1950s and the current wave of anti-communism and chauvinism in the United States were glaring examples of how an alleged "external threat" could be used to crush opposition, develop the cult of force and justify intolerance. Militarism also brought about a "siege mentality", deforming the whole system of traditional democracy and leading to the collapse of moral values, as well as providing a breeding ground for the racist, anti-Semitic, neo-Fascist and terrorist groupings now appearing in abundance in the United States. Such militaristic attitudes had a particularly dangerous influence on the younger generation, to whom the news media and television - not to mention films in the "Rambo spirit" - were depicting war, brutality and violence as the norm of everyday life.

24. Militarism, above all, was responsible for inciting hatred, imposing "enemy image" stereotypes and developing prejudices regarding the moral and cultural ideals and values of other peoples. Such stereotypes and prejudices often led to some of the most flagrant human rights violations against not only individuals but entire peoples. Such intolerance, moreover, had given birth to a doctrine that legitimized military, economic and political support by the United States for mercenaries and any other forces prepared to fight the lawful Governments of countries categorized by Washington as "Marxist-Leninist". Proclaiming mere commitment to the ideas of socialism and Marxism-Leninism as a *casus belli*, the United States had thus sought to justify its intervention in the Bay of Pigs, the undeclared war against Nicaragua and now the launching of a diplomatic war against Cuba. In his delegation's view, the danger of the militaristic corruption of diplomacy and the cultivation of hatred and violence, which ran counter to the very essence of human rights, must not be underestimated and he therefore urged the Commission to speak out against such developments.

25. **Ms. BRENTLEY** (World Association of World Federalists), speaking on agenda item 12, said that 15 years after the Holocaust and 12 years after the adoption of the Universal Declaration of Human Rights, Jean-Paul Sartre had written that terror made man into a social entity. Twenty years after the adoption of the Universal Declaration, the world had stood by in silence as conflicts between the political interests of China, the USSR and the United States of America had allowed the ruthless murder of 2 million people by Pol Pot in Kampuchea in the name of an abstract ideology. Terror was to have taught the Khmers brotherhood and to have forged them into a social
entity. Forty years after the adoption of the Universal Declaration, it had failed in both, as it had also failed for the Afghan people. For it was not terror, which outraged the conscience of mankind through the perpetuation of barbarous acts, that made man into a social entity, but the recognition of the inherent dignity of man and the promotion of social progress. The States Members of the United Nations promoted a common understanding towards that end.

26. In 1986, the wife of President Cerezo of Guatemala had called for the creation of a Central American Human Rights Community. It was to be hoped that the Esquipulas Agreements had been the first step towards the establishment of such an entity.

27. The promotion of human rights and the quest for a common understanding were the duty not only of Member States but also of international agencies, Governments, non-governmental organizations and individuals, as mentioned in the International Covenant on Civil and Political Rights. To that end, Solidarnosc in Poland had transformed itself from a trade union into a national human rights movement and called on workers, intellectuals and the people of Central and Eastern Europe also to strive for a common understanding of how the promotion of human rights would best be achieved. Sadly, those initiatives had been interpreted by the Polish Government as a threat to international security and construed as a ground for the imposition of martial law. Martial law had since been lifted and liberalization in some measure restored, but Solidarnosc had joined with other human rights groups in Eastern and Central Europe to promote co-operation in the area of human rights by, in particular, seeking the release of each other's activists. She described in detail two such joint actions, on behalf of workers in the German Democratic Republic and in Romania. In the latter case, the police in Poland had intervened to prevent democratic and Solidarnosc leaders from demonstrating in front of the Romanian Embassy. Unfortunately, the law in Eastern Europe did not respect the rights of the individual and due process, did not allow for an independent hearing and was arbitrary in nature. For example, one person arrested on 9 November 1987 had been tried on 9 January 1988 under summary proceedings instituted on 4 January 1988.

28. Solidarnosc leaders had issued an appeal to the Chairman of the Commission to exercise his good offices to ensure the release of 22 political prisoners in Poland, 11 trade unionists and 11 freedom and peace activists. She hoped that the appeal by the representative of the German Democratic Republic for co-operation in the field of human rights would be interpreted in the spirit of the statement by Pope John-Paul II that solidarity was the basis for human rights and that the Governments of Central Europe would respect the common understanding that their peoples had forged by allowing for the implementation of a rule of law.

29. Ms. SANTIAGO (Women's International League for Peace and Freedom) said that she was a United States citizen working in Nicaragua as a legal investigator documenting the massive and systematic violations of human rights committed by the "contras" against the civilian population in the war zones of that country. In Jinotega, she had comforted some of the 43 civilians wounded when a United States-made anti-tank mine had detonated under a passenger bus. In Matagalpa, she had seen how the "contras", faithful to their CIA booklet, "Psychological Operations in Guerrilla Warfare", adequately described by Amnesty International as the "United States Government terror manual" had
tortured, killed and mutilated the bodies of four workers of a church-sponsored health centre, while other "contras" had set the men's homes on fire and ransacked the clinic. Also in Matagalpa, "contras" had attacked a co-operative and burned 40 homes and the co-op's only tractor. In Jinotega she had documented the summary execution of two Nicaraguan construction workers and the United States engineer Benjamin Linder, ambushed, wounded and shot in the head for trying to build hydroelectric plants to bring light to the small peasant communities of the region. On more than one occasion she had attended Mass with peasants in parish houses with dirt floors and bamboo roofs and witnessed how "contras" in full United States-supplied military regalia had intimidated the priest and the parishioners. At other times she had found empty shells marked "NATO" scattered amidst the rubble after "contra" attacks on peasant co-operatives.

30. What the Pentagon had labelled "low-intensity conflict" translated in real terms to 4,000 Nicaraguan soldiers killed or captured since 1980 and 9,000 civilians killed or kidnapped in the same period. Such a disproportionate number of civilian victims could not be dismissed as the distasteful side effects of armed conflict; it was no less than the predicted and desired effect of an explicitly spelled out modus operandi of a United States-proxy army.

31. As a group, civilians constituted what United States army generals had called the "soft targets" which the "contras" should attack instead of trying to fight the Sandinistas directly. Boys 12 years and over were kidnapped and forced to fight in the "contra" army, adolescent girls were raped and forced to cook and to wash "contra" uniforms, State workers and civilians associated with social programmes were prime targets for summary executions, civilians travelling in passenger buses were the preferred targets for minings or ambushes, and attacks on co-operatives were systematic.

32. The war against the civilian population of Nicaragua was being sponsored by the United States in continued flagrant contempt for international law, the 1986 decision of the International Court of Justice and the Esquipulas Agreements of 1987. She urged the United States delegation to the Commission to commit the United States to respect international law and human rights inside and outside its borders and to allow the Esquipulas Agreements to progress towards a stable and lasting peace in the region.

33. Ms. ALARCON (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that FEDEFAM had studied with interest the report on the human rights situation in El Salvador (E/CN.4/1988/23). It was concerned at the way in which the serious problem of disappearances was dealt with and the fact that no mention was made of the persecution suffered by the relatives of the disappeared. She described in detail the abduction of the three trade unionists mentioned in paragraph 33 of the report and noted that witnesses had recognized the abductors as military agents in civilian dress; at least one of the three men had been seen in the offices of the National Police. It was clear that all the internal legal remedies had been without effect. As for the disappearance of Mr. Jorge Salvador Ubau Barrientos, the Rector of the University of El Salvador had declared publicly that Mr. Ubau was being held by the Government as part of military aggression aimed at bringing the University to its knees where economic repression had failed. In paragraph 37 of the report, the Special Representative seemed to be giving
greater credibility to talk he had heard than to public statements by the highest authorities of Salvadorian universities, charges by Mr. Ubaa's relatives and evidence supplied by humanitarian bodies that Government security forces had been responsible for his disappearance.

34. The Special Representative contradicted himself in his report, for example, when he remarked that he did not exclude the possibility of participation by the death squads whereas it was a well-known fact that the resurgence of death squads was aimed at covering up the responsibility of the security and armed forces for human rights violations.

35. In November 1987, the Government of El Salvador had prevented many delegations of relatives from attending the seventh FEDEFAM Congress by denying them visas. In addition, the bombing on 28 May 1987 of the headquarters of a member organization of FEDEFAM had never been investigated and, on the contrary, persecution of the relatives had continued.

36. On 14 January 1988 Miguel Angel Pavon Salazar, the President of that country's Human Rights Committee and the principal witness in the case against the State of Honduras in the Inter-American Court of Human Rights for the disappearance of four persons, had been the victim of a cowardly assassination in Honduras. She quoted from the last article written by Mr. Pavon to the effect that injustice was the principal enemy of peace in the region. The signing of the Esquipulas Agreements had been an event of great significance, but it should not divert attention from the persistence of human rights violations in Guatemala, El Salvador and Honduras. The authorities of those countries did not have the political will to investigate and punish crimes against humanity by the military and security forces and continued to enact legislation to protect them.

37. The signing of the peace plan in 1987 had provided Central America with a historic possibility of establishing the conditions that would lead to a firm and lasting peace, but that process must go together with the establishment of the bases of genuine democratic coexistence where the serious problem of disappearances would not be ignored. That problem should not be the subject of ideological or political debate, and her organization found it a great disillusionment that the Commission, which should be a humanitarian body, was in fact an essentially political and diplomatic one. In conclusion, she requested that the situation of El Salvador should continue to be dealt with under agenda item 12, that the Special Representative's mandate should be extended and that he should pay particular attention to the problem of disappeared persons and their relatives; that the human rights situation in Central America, and especially Guatemala and El Salvador, should continue to be studied; and that the Commission should make a special appeal to the Governments of Honduras, El Salvador and Guatemala to guarantee respect for life and for the personal freedom of relatives of the disappeared and members of humanitarian organizations.

38. Mr. DUVAL (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that he represented the League of Former Haitian Political Prisoners, Parents and Friends of Disappeared. Since 7 February 1986 and the taking over of the reins of power by the National Council of Government, 15,000 Haitian citizens had been killed by the military and Macoute forces; there were 200 political prisoners in Haitian prisons and
over 100 cases of disappearance. Despite the hope created by the 7 February movement, the structures that had permitted the horrors of the past were still in place, and the new commanders, whether military or civilian, were behaving in a way reminiscent of the late François Duvalier and his son Jean-Claude.

39. Two forces dominated the political arena. On the one side the democratic and popular forces, although not yet sufficiently organized, had the will to fight the old practices by which human rights had been trampled upon. They comprised the human rights organizations, the trade unions, the national democratic organizations and the progressive sector in the Church. On the other side were the conservative and reactionary forces, hostile to all change. That sector was represented by the National Council of Government, the Macoutes and the army, a majority of corrupt functionaries, certain foreign Powers interested in maintaining the status quo and some sectors of the traditional élite anxious to protect their interests. Those forces featured the practices of corruption, theft, intimidation and the arbitrary characteristics of the old régime.

40. Although the conquests of 7 February had not been completely destroyed, there was a constant danger that the National Council of Government would complete its coup d'État and end all the freedom enjoyed by the democratic organizations during the previous two years. The democratic forces must be correctly organized to usher in a new age where society would be fairer and more humane. After 31 years of a régime that had sown terror, one of the most important tasks was the revival of the nation's pride, which could not take place without economic, social and political changes.

41. The following facts spoke eloquently of the current situation of human rights in Haiti. On 19 March 1986, after a minor incident between an army captain and a taxi driver, the army had intervened, leaving five dead. On 26 April 1986, at Fort Dimanche, at the commemoration of the killings of 26 April 1983, the parents and friends of the victims had been fired upon without warning by the army. The result had been 7 deaths and 51 injuries, and the National Council of Government had failed to carry out its promises to investigate the incident. At the beginning of November 1986, two notorious criminals of the Duvalier régime had been acquitted in a military court, and one was currently the Mayor of Port-au-Prince. At the same time the houses of political and democratic leaders had been raided. After describing other cases of disappearance and killings by the army, he said that, far from taking steps to change the situation, the authorities tended to perpetuate the violations. Two days after the 29 November massacre on the day of the so-called election when the Macoute and the military had bombed polling places and fired on voters, the new President had embarked on a tour of Latin America to justify the criminal conduct of the military junta. That sad situation only increased the democratic forces' determination to establish the conditions necessary for the rise of the rule of law in Haiti.

42. Ms. HANASBEY (Survival International) said that unlike Papua New Guinea, which had become a Melanesian sovereign State, the inhabitants of West Papua had been sold out to a neo-colonial State, the Republic of Indonesia, which suppressed its Melanesian culture by military force. West Papuan women in particular were the victims of aggression by the Indonesian military and sexual abuse while in prison, and many became widows after their husbands were tortured to death by the military or killed after their release.
43. In the course of military operations, a refugee exodus had swelled across the border into Papua New Guinea; many had died of malnutrition and disease in the refugee camps. The influx of thousands of Javanese transmigrants meant that ancestral lands were being alienated and villagers were being threatened with food shortages.

44. Those examples of the brutal oppression to which West Papuan women were exposed were well known to Amnesty International, the Anti-Slavery Society and Survival International. She therefore urged the Commission to incorporate West Papua in the agenda of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and to consider the human rights situation in West Papua as part of its own agenda. To that end, the Commission should request the Indonesian Government to allow free access to West Papua.

45. Mr. GIACOSA (International Youth and Student Movement for the United Nations) said that his organization had followed with concern the deterioration of the human rights situation in several countries of the world during 1987. The violent repression of the Palestinian people in the occupied territories did not appear likely to improve, and the restrictions on journalists imposed on 4 April were a flagrant attack on freedom of information. The Israeli authorities should put an immediate end to the repression in the occupied Arab territories.

46. In 14 years, the international community had not succeeded in ending the Turkish military occupation of 37 per cent of the territory of Cyprus. It was inadmissible that 170,000 Greek Cypriots, ousted from their lands by force, should have to live as refugees in their own country. Those Greek Cypriots still living in the occupied area were the victims of a discriminatory policy that included restrictions on freedom of movement, religious freedom, the right to own property, the right to work and political rights. The establishment of Turkish settlements in the zone under foreign military occupation was a violation of article 85 of the Additional Protocol to the 1949 Geneva Convention. Moreover, the problem of dozens of persons who had disappeared immediately following the occupation had not yet been resolved. He hoped the Commission would continue to deal with the case of Cyprus on a priority basis and thus help to achieve a peaceful solution that would include the return of the displaced population and the recovery of its property, the immediate withdrawal of the occupation forces and the guarantee of the territorial integrity, independence, sovereignty and non-alignment of the Republic of Cyprus.

47. The conflict between the Islamic Republic of Iran and the Republic of Iraq had entered its eighth year despite the efforts of the United Nations, and a number of Governments and the firm support of the community of non-governmental organizations. That war, which like all wars was the occasion for numerous human rights violations, jeopardized the future of the youth of both nations. Large amounts of resources had been wasted on weapons that could have been used for the development of both countries. The recent outbreak of the "war of the cities" could only escalate the violence. The Commission should consider at its current session the serious human rights violations caused by that absurd and tragic conflict and the international community should take the necessary measures to end it, in particular by stressing the urgent need to implement United Nations Security Council resolution 598 (1987).
48. In Latin America, the adoption of broad amnesty laws made it difficult to prosecute those responsible for the murder or disappearance of political opponents. It was also distressing to note how the judiciary was hampered in its efforts to investigate serious human rights violations, as attested by the report of the Special Representative on El Salvador. In connection with that country, the violence against members of the academic community during 1987 and early 1988 was a matter for concern. According to the annual report of his organization's regional office for Latin America, journalistic sources and reliable human rights organizations such as Amnesty International, between February 1987 and January 1988 there had been 10 cases of military or paramilitary raids on university campuses, the arrest of 17 university students, teachers and workers, and 5 murders, 2 injuries and 1 disappeared person. He appealed to the competent Salvadorian authorities to take the necessary measures to end such events and to dismantle completely the paramilitary groups known as the "death squads". The Commission should also continue to grant priority to its consideration of the situation in El Salvador.

49. In Guatemala a series of formal human rights measures had been taken, as indicated in the reports of the Special Rapporteur and the Working Group on Enforced or Involuntary Disappearances. However, human rights violations had not ceased, as demonstrated by the murders of two students that had occurred since the beginning of the Commission's session. The Commission should therefore keep the human rights situation in that country under review.

50. **Mr. MASHALL** (International Youth and Student Movement for the United Nations) said that for the past 14 years the Commission, through its various mechanisms, had been giving priority to the study of the human rights situation in Chile. Despite the reports and the oral and written testimony of the thousands of victims of torture and ill-treatment, and despite the Commission's resolutions concerning Chile, none of its requests or recommendations had been acted upon by the Chilean authorities.

51. Three different states of emergency had been in effect in Chile during 1987; in all of its resolutions, the Commission had requested the Chilean authorities to lift those states of emergency, which were the occasion for serious and continued human rights violations. The situation had continued to deteriorate, and in 1987 there had been 51 deaths as a result of intervention by the forces of repression. On 15 and 16 June 1987, 12 young people had been killed by Agents of the National Information Agency (CNI), which had also been responsible for an explosion concerning the deaths of a further 3 young people. He reminded the Commission that the universities continued to be run by Government-appointed rectors and that the secret police continued to repress and threaten student leaders in the universities. In early September 1987, the régime had resumed the disgraceful practice of disappearances with the abduction and disappearance of five young members of the opposition. The military courts had requested the death penalty for 14 opponents of the régime, and Prosecutor Tores had announced publicly that he intended to request the death penalty in respect of other detainees whose cases he was currently investigating. In conclusion, ISMUN invited the Commission to adopt a strong resolution calling on the Santiago authorities to put an end to torture and other cruel, inhuman or degrading treatment or punishment, to clarify cases of disappearance, suspend the death sentences, release the political prisoners, end the interventions in the universities and abolish the practice of exile.
Mrs. OOURTCHEVA (Women's International Democratic Federation), speaking on agenda item 5, expressed her organization's concern over the continuing violations of human rights in Chile. According to humanitarian groups, the Pinochet régime had resumed the practice of large-scale murders and forced disappearances of opponents of the régime in an attempt to maintain a climate of insecurity and terror and to intimidate the population. For the period between January and November 1987, there had been 4,797 arbitrary detentions, 118 cases of torture and 581 cases of cruel, inhuman or degrading treatment. Among those detained had been 204 youngsters, 60 of whom had been subjected to torture and ill-treatment. The list of 750 people declared disappeared since the coup d'état in 1973 was increasing. Among the 470 political prisoners, including 62 women, only 65 had been sentenced; the rest were in detention, some for several years.

Act No. 18,662 of 29 September 1987, governing the implementation of article 8 of the 1980 Constitution, was a serious attack on freedom of thought and a violation of article 19 of the Universal Declaration of Human Rights. On the basis of that law, large sections of the population were threatened with deprivation of their rights to elect and be elected, to hold public office and to represent social organizations. The arbitrary application of article 24 of the Constitution prevented thousands of Chileans from returning home.

Those facts illustrated the gravity of the situation in Chile, the severe abuse of the right to life and to integrity and security of the person, freedom of association, participation in political activities and the exercise of public freedoms. Her organization appealed to the Commission to use all its authority to put an end to the repression the country had been suffering since 1973 and to help the Chilean people regain its identity and rights.

Ms. LOPEZ (Colombia) said that the delegations of Argentina, Mexico, Peru and Colombia had held consultations with members of the Commission, including the delegation of Cuba, for the purpose of making a constructive contribution to the Commission's work. Cuba had offered to invite the Chairman of the Commission and a number of Member States designated regionally to visit the country for the purpose of observing the human rights situation there. She proposed the following text to serve as a basis for the adoption of a decision:

"Having regard to the invitation of the Government of Cuba, the Commission on Human Rights decides:

(a) To accept the invitation that the Chairman and five members of the Commission, appointed following regional consultations, should visit Cuba in order to observe the human rights situation;

(b) That the Chairman of the Commission, together with the five other members of the mission, shall prepare a report to be submitted for consideration by the Commission, which shall decide on the manner in which the report will be examined."

Mr. ROA KOURI ( Observer for Cuba) said that he had been authorized by his Government to confirm the statement of the representative of Colombia and read out a letter from his Government to that effect. The Cuban Government would facilitate access by the members of the Commission to the competent authorities and officials dealing with prisons and penitentiaries in the country and to all documents of interest.
57. Mr. AMSELEM (United States of America) said that the Colombian proposal was a surprise to his delegation, although it did not appear to have been a surprise to everyone. The procedure followed had been highly irregular: the observer for Cuba had had no basis on which to address the Commission, having already exhausted his right to speak.

58. The text of document E/CN.4/1988/L.26, concerning the human rights situation in Cuba, already reflected numerous suggestions for improvements. However, his delegation remained open to further suggestions, especially in view of the fact that the Cuban Government was for the first time showing a willingness to have a United Nations organ look into the situation in that country. He therefore invited the sponsors of the Colombian proposal to meet his delegation to discuss ways to adjust document E/CN.4/1988/L.26 according to the suggestions made.

59. The CHAIRMAN expressed the hope that the consultations would be devoid of confrontation and would lead to a consensus conducive to the promotion of human rights.


60. Draft resolution E/CN.4/1988/L.62/Rev.1 was adopted without a vote.

61. The CHAIRMAN noted that the adoption of document L.62/Rev.1 would automatically cancel draft resolution IX recommended by the Sub-Commission (E/CN.4/1988/37, p. 9), which dealt with the same subject.


62. Mr. KONATE (Senegal) said that after consultations among interested delegations, it had been agreed to delete the second preambular paragraph of draft resolution E/CN.4/1988/L.101.

63. Draft resolution E/CN.4/1988/L.101, as amended, was adopted without a vote.

Draft resolution E/CN.4/1988/L.102

64. Draft resolution E/CN.4/1988/L.102 was adopted without a vote.

HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (agenda item 15) (continued) (E/CN.4/1988/L.70, L.73, L.75 and L.90)

Draft resolution E/CN.4/1988/L.70

65. Mr. KAMIYAMA (Japan), speaking in introduction of draft resolution E/CN.4/1988/L.70, said that it was a procedural resolution designed to enable the Commission to update studies undertaken in the field in the light of advances made in the previous decade. The sponsors drew the attention of the Commission to the statements made by delegations during the general debate.

66. Draft resolution E/CN.4/1988/L.70 was adopted without a vote.
Draft resolution E/CN.4/1988/L.73

67. Mr. YAKOVLEV (Union of Soviet Socialist Republics), introducing draft resolution E/CN.4/1988/L.73, said that the text contained several new provisions concerning the right to life. In particular, it emphasized the need to intensify efforts to foster the spirit of mutual respect, understanding and confidence and to combat attempts to incite enmity, hatred and intolerance and to impose "enemy image" stereotypes. He hoped that it would be adopted by consensus.

68. A vote was taken by roll-call on draft resolution E/CN.4/1988/L.73.

In favour: Algeria, Argentina, Bangladesh, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Colombia, Costa Rica, Cyprus, Ethiopia, German Democratic Republic, India, Iraq, Mexico, Mozambique, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Rwanda, Sao Tome and Principe, Somalia, Sri Lanka, Togo, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, France, Germany, Federal Republic of, Italy, Japan, Norway, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Gambia, Ireland, Senegal, Spain.

69. Draft resolution E/CN.4/1988/L.73 was adopted by 30 votes to 9, with 4 abstentions.

Draft resolution E/CN.4/1988/L.75

70. Mr. KOMISSAROV (Byelorussian Soviet Socialist Republic) said in introduction to draft resolution E/CN.4/1988/L.75 that it stressed the importance of the implementation by all States of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, and requested once again the Sub-Commission to undertake a study on the use of scientific and technical achievements to ensure the right to work and development. As with such resolutions in the past, he trusted that it would be adopted by a majority vote.

71. A vote was taken by roll-call on draft resolution E/CN.4/1988/L.75.

In favour: Algeria, Argentina, Bangladesh, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Colombia, Costa Rica, Cyprus, Ethiopia, German Democratic Republic, India, Iraq, Mexico, Mozambique, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Rwanda, Sao Tome and Principe, Somalia, Sri Lanka, Togo, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: None.
Abstaining: Belgium, France, Gambia, Germany, Federal Republic of, Ireland, Italy, Japan, Norway, Portugal, Senegal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

72. Draft resolution E/CN.4/1988/L.75 was adopted by 30 votes to none, with 13 abstentions.


73. Ms. YOUNG (United Kingdom) drew the Commission's attention to document E/CN.4/1988/L.90, containing amendments to draft resolution X recommended by the Sub-Commission (E/CN.4/1988/37, p. 10).

74. Document E/CN.4/1988/L.90 was adopted without a vote.

75. Draft resolution X, as amended, was adopted without a vote.

The meeting rose at 9.35 p.m.