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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-first session

SUMMARY RECORD OF THE 18th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 18 August 1989, at 10 a.m.

Chairman: Mr. YIMER

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The meeting was called to order at 10.15 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (continued) (E/CN.4/Sub.2/1989/11, 12, 13, 14 and Add.1, 15, 46, 48, 52; E/CN.4/Sub.2/1989/NGO/2 and 3; E/CN.4/1989/7, 8, 23-27)

1. Ms. PARKER (Friends of the Earth), speaking on behalf of her own organization, the Sierra Club Legal Defence Fund and the Association of Humanitarian Lawyers, drew attention to the relationship between human rights and the environment. Man-made environmental damage obviously affected the right to life - and on a scale far beyond intentional or arbitrary deprivation of life by Governments. Hence, Governments should take steps to protect life by assuring a safe environment. The relationship between the right to life and the right to a safe environment had the following corollary principles: the duty to monitor risks and establish early warning systems, the duty to share with other States information about known risks, and the duty to assume criminal or civil responsibility under international law for creating environmental conditions that threatened life.

2. At present, unprecedented assaults were being waged on the environment and intentional acts of Governments and human enterprises might well have set in motion irreversible forces that could result in the loss of the planet's ability to support life. All would suffer, but most of all the world's poor, particularly the people in the urban ghettos and the indigenous peoples in the world's rain forests. The poorer, less developed countries suffered from the removal and export of their natural resources for the profit of developed countries. The culprits were often private corporations, in the past thought to be beyond the reach of international law, but now increasingly subject to international scrutiny. In that connection, she referred to the World Charter for Nature (General Assembly resolution 37/7) stated, that individuals, groups and corporations should implement the applicable international legal provisions for the conservation of nature and the protection of the environment.

3. Two particularly serious types of activity affecting the environment and the right to life were the destruction of the world's tropical and semi-tropical rain forests and the misuse of dangerous pesticides and defoliants. The destruction of the rain forests frequently had serious effects on the indigenous peoples whose life, livelihood and culture were inextricably linked to the forests, and who faced extermination through the spread of disease, destruction of food and water supplies, and drastic changes in their culture. Often, they ended up as impoverished peasants pushed further and further away from their traditional lands, swelling the ranks of the unemployed, urban poor. A report prepared by the Sierra Club Legal Defence Fund, the Friends of the Earth's consulting organization, which had been circulated, showed potential violations of the right to life caused by a proposed oil road to be built by Conoco through Yasune National Park in Ecuador, one of South America's largest preserved areas in the Amazon basin and traditional home of the Huaorani Indian nation. The situation was not unique to Ecuador; in the past all such roads into the Amazon region had resulted in the destruction of the natural environment and a serious

disturbance to the Indian peoples through colonization by settlers. In 20 years, the Huaorani nation had been reduced from 20,000 persons to between 2,000 and 3,000. Other rights affected by Conoco's activities in Ecuador were the right to self-determination of Indian peoples, the right to freedom from cruel, inhuman and degrading treatment, the right to protection from arbitrary deprivation of property, and the right to health and a sound environment. Other oil companies involved in the Ecuadorian Amazon were Texaco, Petro-Canada, the French company Elf-Aquitaine, Esso Hispanoil and the Brazilian company Braspetrol, all of which had substantial concessions. The Brazilian Amazon was similarly invaded, with the same devastating effects on Indian peoples and the Amazon eco-system. In effect, large-scale deforestation was taking place in most of the world's remaining forested areas. In Tibet, another of the world's forest preserves was being decimated by the Chinese administration and the Tibetan people were excluded from forest management and development programmes in their own territory, with serious implications under the Charter of Economic Rights and Duties of States.

4. Regarding the misuse of dangerous pesticides, her organization had circulated a report by the Association of Humanitarian Lawyers concerning two aerial fumigation programmes in Guatemala being carried out jointly by the United States and Guatemalan Governments, using substances, including ethylene dibromide, banned in the United States and elsewhere. The fumigations had resulted in the deaths of Guatemalans, the destruction of agriculture and the contamination of drinking water. Allegations persisted that pesticides and defoliants had been used irresponsibly - mothers' milk contained alarming levels of malathion, pesticide-related illness was widespread and there had been a large-scale flight of the rural, mostly Indian population. Guatemalan environmental groups feared permanent ecological damage, especially in El Peten, one of the world's largest remaining forest areas, which the Government had prevented them from studying.

5. Friends of the Earth urged the Sub-Commission to ask the expert for Guatemala, Mr. Gros Espiell, to take up the question of the fumigations in Guatemala in his report to the Commission at its forty-sixth session. They also asked the Sub-Commission to tackle the issue of human rights and the environment. A start could be made by authorizing the preparation of a note - with no financial implications - setting out methods and mechanisms to be undertaken by the Sub-Commission and the Commission. The Commission could play a significant role in stopping the deterioration of the environment and in safeguarding human life for the present and future generations.

6. Ms. GRAF (International League for the Rights and Liberation of Peoples) said that during the past 28 years, successive Ethiopian régimes had pursued a policy of coercion, and gross human rights violations, ranging from arbitrary arrest, detention, torture and extrajudicial execution to blanket bombardment and destruction of entire villages in order to crush the struggle of the Eritrean people. In pursuit of its objective of seeking a political solution, the Eritrean People's Liberation Front had achieved important military victories since the beginning of 1988, regaining control over more than 80 per cent of Eritrean territory, in response to which the Ethiopian Government had intensified its military reprisals against Eritrean civilians, more than 200,000 of whom had been displaced, thousands killed, injured, arrested or disappeared, and thousands of hectares of farmland left uncultivated. Those atrocities were legitimized in the name of the state of emergency decrees of 1970 and 1988, authorizing the Ethiopian army and police

to arrest, detain and kill suspected civilians and search and loot their dwellings. In the past year, the Government had also intensified its campaign of forced drafting, especially of young Ethiopians and Eritreans, aged 14 or 15.

7. Detailed evidence of gross human rights violations committed by the Ethiopian armed forces was given in a joint written statement submitted by a number of non-governmental organizations for circulation in the Sub-Commission. Civilian cases recorded since February 1989 included: the killing and stoning to death of defenceless civilians, the burning of buildings and the seizing of 250 quintals of corn valued at \$1.20 million for troops stationed at Asmara.

8. Ethiopia continued to ignore the legitimate aspiration of the Eritrean people to self-determination, emanating from the 1889-1941 Italian colonialization of Eritrea, on the basis of which the United Nations had recognized Eritrea but unjustly imposed a federation with Ethiopia in General Assembly resolution 390 (V) of 1950. Haile Salassie's unilateral abrogation of the federal arrangement by coercive means, contrary to the terms and intent of the United Nations Federal resolution, did not nullify Eritrea's sovereignty. Furthermore, General Assembly resolutions, in particular resolution 1514 (XV) on the granting of independence to colonial countries and peoples and resolution 2625 (XXV) supported Eritrea's claim for self-determination.

9. Although the Charter of the United Nations called upon all member States to solve conflicts by peaceful means, successive Ethiopian régimes had persisted in using military force to solve the Eritrean question. Their refusal to engage in peace talks had jeopardized the livelihood of both Ethiopians and Eritreans and had become a factor of destabilization and insecurity in the Horn of Africa. The abortive coup d'etat of 16 May 1989, supported by a large part of the army, showed that the Ethiopian armed forces and police were becoming aware of the impasse in which the country found itself, as evidenced by their demand for an end to the conflict.

10. The International League for the Rights and Liberation of Peoples therefore respectfully requested the Sub-Commission to appeal to the Ethiopian Government to cease bombing and military harassment of the civilian population, to respect the human rights of the Eritrean prisoners in Eritrea and Ethiopia; to recognize as prisoners of war its own soldiers captured by the Eritrean forces, who were currently treated as deserters; and to hold a referendum in Eritrea under United Nations auspices enabling the Eritrean people to choose between regional autonomy within Ethiopia, federal association with Ethiopia and full independence for Eritrea.

11. Mr. HARTLEY (World University Service) expressed concern about the consistent pattern of violations of human rights in China and El Salvador, particularly as it affected the educational community. He stressed that his concentration on those two countries in no way diminished his organization's continuing concern about the similar pattern in other countries such as Colombia, Guatemala and Haiti.

12. The World University Service was concerned mainly about the adverse implications of the student repression in China in June 1989 on the right to education and to academic freedom. It strongly denounced the unprecedented

and brutal massacre of students and emphasized the importance of drawing lessons from that event in order to help to prevent a similar occurrence in any other country or in China. Except for a very few incidents of confrontation with the army, the protest movement had been peaceful and non-violent, the students exercising two basic rights of freedom of opinion and expression and freedom of association, two important conditions for academic freedom. That freedom was desperately lacking in China, a shortcoming which had led to the tragic events in June and the continuing reverberations.

13. The educational system in China, especially higher education, was undergoing a crisis which could not be repaired by repression. Expenditure on education was inadequate, resulting in poor facilities, low pay for teachers and poor quality of education. The student movement had sought a dialogue with the Government on such questions as greater expenditure on education, higher salaries for intellectuals, a crackdown on Government corruption, greater press freedom and the lifting of restrictions on demonstrations, and the repression had come about largely because of the Government's inability to meet those demands.

14. Two reprisal measures introduced by the authorities, namely, the denial of State assigned employment to graduating students known to have participated in demonstrations and the drastic reduction in student intake into the universities were clear curtailments of the right to education and the right to eventual employment.

15. The World University Service respectfully proposed the following measures: the immediate release of all detainees, students, intellectuals and workers; the immediate lifting of martial law and the repeal of the ban on autonomous student and worker unions; a comprehensive compensation scheme for all victims and their families; the immediate repeal of arrest orders on all leaders; and a free and open dialogue between the Government and the leaders of the pro-democracy movement.

16. In El Salvador, the member organization of the World University Service, together with the university community as a whole, had suffered a marked increase in repression, even before the new far-right-wing Arena Government had come to power on 1 June. The universities, primary and secondary school teachers and the trade union movement had suffered increased harassment, arbitrary arrest with both physical and psychological torture, assassination and disappearance. Since December 1988 the First Infantry Brigade had maintained a military encirclement of the National University campers in San Salvador, violating its autonomy, and military incursions into university campuses had become commonplace, with soldiers threatening, arresting and even assassinating students and professors. The Government justified those actions by claiming that the rebels maintained and manufactured weapons in the national university, but after more than seven months of constant control, it had not found any weapons. A delegation of well-known independent personalities which had carried out a detailed survey of the campus had been unable to find any evidence to justify those claims.

17. Repression included bomb threats, the placing and explosion of bombs in university buildings and the homes of professors; one bomb had destroyed the printing facilities of the university publishing house. Much of the repression was carried out by so-called death squads, under the orders of

superior officers. The party now in power had traditionally been closely tied to the death squads. On 5 April 1989, Maria Christina Gomez, a teacher, had been arrested in front of her school, by heavily-armed men dressed as civilians, and her body had been found an hour later in a neighbouring cemetery, tortured with acid. Evidence showed that the Salvadorian air force had been responsible for the assassination.

18. In the past month, the situation had worsened. Over 30 university students had been arrested, including an official of the General Association of Salvadorian University Students, and at a press conference and rally on the national university campus to protest against those arrests, Treasury Police and the First Infantry Brigade had fired on the students, wounding more than 20.

19. The new Government was now beginning to legalize its repression. On 23 June, the President had introduced draft reforms to the Penal Code which would significantly erode legal protection for persons detained on political charges and suppress the activities of human rights groups, labour unions, the press, universities and other individual institutions. Human rights monitors who in any way motivated other States or international organizations to state their concern for the human rights situation in the country, or anyone who provided testimony to an international non-governmental organization, could be punished by five to ten years' imprisonment.

20. Those reforms could be approved at any time, since the Government had a majority. Only opposition inside El Salvador and internationally was delaying approval. The World University Service called upon the Sub-Commission to express its concern about the human rights situation in El Salvador, and in particular the harassment and repression suffered by the university community. It also called upon the Sub-Commission to request the Government of El Salvador to remove its proposed Penal Code reforms.

21. Ms. SMITH (Indigenous World Association) said that the Traditional Navajo, the Traditional Hopi and the Traditionals of many other native American tribes felt that the United States Trust Policy systematically discriminated against them, as aboriginal peoples, on the basis of their race, by defining their status before the law as wards of a guardian. Contrary to the claim that the policy was designed to preserve their culture and race, it had a harmful effect on her people, who were not allowed to continue their own traditions and had been forced to adopt a Western lifestyle with inferior values and customs. In her own lifetime, Indian children had been forcibly taken away to Government boarding schools, far from their families and homes. Denying Indian families even the basic right of bringing up their own children was highly discriminatory. The fact that Indian children had the highest suicide rate of any group in the United States of America testified to the disastrous results of the practice. Today, not children, but whole families were being taken away from their traditional homelands. Since the infamous Long Walk in 1868 when 8,500 Navajo people had been forced to walk from Arizona to New Mexico, many native American tribes had been moved great distances to accommodate the needs of white settlers. The Native Americans believed that Government relocation programmes were designed to destroy their culture and identity.

22. The United States of America claimed that the relocation was necessary because there was a conflict between the Navajo and the Hopi, yet Traditional Hopi, had consistently opposed the relocation and come to the defence of her tribe. Contrary to the Government's claim that those who had already been relocated had done so voluntarily, they had been harassed and pressured into moving, their livestock impounded and their wells destroyed. The only counsel given by so-called counsellors had been that if they did not accept the relocation benefits and leave, they would be evicted without benefits.

23. The United States Trust Policy had forced the Navajo to accept a Tribal Council which had never been able to come to an agreement with the Hopi Tribal Council that would prevent the relocation, yet both Tribal Councils had reached agreement on economic development plans for the so-called disputed area: they were acting not to preserve the traditional communities, but focused primarily on mineral rights rather than human rights. Mr. Richard Schifter, Chief of the United States Bureau of Human Rights had stated in an article in the North Dakota Law Review in 1974 that legislation calling for relocation on the basis of race was an invidious form of racial discrimination. The Navajo people called upon Mr. Schifter to support the moratorium legislation pending before both Houses of Congress and to ensure that their human rights rights were protected.

24. Miss ATTAH said that the achievement of universal respect for human rights and fundamental freedoms for all without distinction was still a formidable challenge facing the United Nations and its Member States. Despite the elaboration of numerous international instruments and the adoption of numerous resolutions, the situation was still unsatisfactory. However, she wished to express her appreciation to those States that had made genuine efforts in the field of human rights and was particularly pleased about the reconciliation meeting on Cambodia currently taking place in Paris.

25. In speaking of violations, she did not intend to stand in judgement on the States concerned. With the exception of South Africa, she merely wished to draw attention to particular acts in the hope that something would be done about them.

26. South Africa, the bastion of racism and racial discrimination, was a class on its own. It differed from other countries in that its violations were government policy. Discrimination against the black people of South Africa was vast and continuous. For four consecutive years, more than 40,000 black Africans had been detained under the emergency regulations imposed by the racist régime. As far as the current developments in the leadership were concerned, from his recent utterances there was little to look forward to in Mr. de Klerk's constitutional plan, which was nothing but a rehash of old apartheid principles and should be condemned by the international community and by the Sub-Commission. Apartheid was not reformable: it had to be completely dismantled. She therefore reiterated her earlier appeal for the international community to continue supporting all measures to that end.

27. She commended the Sub-Commission's statement calling for an immediate halt to the present military action in Lebanon in order to end the suffering of the civilian population, and appealed to all foreign military participants to withdraw from Lebanon and leave the Lebanese to settle their differences in their own way.

28. She was deeply concerned about the violations of human rights of the Arabs in the territories occupied by Israel which continued unabated. Israel's reaction to the intifada had been to introduce more repressive measures. The Government's decision to increase the term of internment for Arabs in the occupied territories to one year was a retrogressive move and she called on the authorities to repeal it. She called on them to ban the game based on the simulated killing of Arabs.

29. The human rights of indigenous peoples were daily violated by the States in which they lived. Despite the Provisions of the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid, indigenous peoples were subjected to the threat of racial and cultural annihilation. Their relocation by some Governments should be repudiated, since they were vulnerable and unable to put forward their own grievances.

30. With regard to China, she agreed that the recent events had been tragic, but considered that they were the internal affair of the Chinese people. She supported all the reforms undertaken by China in recent years, aimed at improving the welfare of its people, and urged the Government to continue with its reforms and not to be distracted from its path.

31. Violations were rife in many parts of the world, but the situation could not be improved unless the root cause was tackled. It was not enough to criticize countries or elaborate instruments, since many violations, particularly in the third world, were the result of the economic situation. The international community must deal with those economic problems and that would require the assistance and co-operation of the rich and developed countries.

32. Mrs. LACOURT (International Federation - Terre des Hommes) said that her Federation was extremely concerned at the continued political, economic and social violence, in the Philippines, originating from inside and outside the country, involving frequent violations of human rights and great suffering. True, the Government was facing an extremely complex situation, but its achievements did not satisfy the legitimate hopes of the people.

33. For three years, the living conditions of the most disadvantaged sections of the people had remained unchanged or had worsened. Forty per cent of the population of the Philippines was under 15 years of age and 20 per cent was aged between 15 and 24. Between 60 per cent and 80 per cent of children were suffering from malnutrition. There had been a welcome increase in the minimum daily wage, but it would not affect the majority at the very bottom of the wage scale or with no income at all.

34. She would mention only some of the most serious violations of human rights in the Philippines, which were all too often the work of individuals or groups belonging either to the rebel forces, the numerous armed groups such as the non-authorized vigilantes, to the Civilian Armed Forces Geographical Units (CAFGU) connected with the regular army, and the regular army itself. Practically the whole country, including areas inhabited by indigenous people, was heavily militarized because of the open conflict between the Government and the rebel forces. The rule of force and arbitrary methods prevailed in those regions, and the civil authorities were unable to guarantee the basic rights of the citizens.

35. She quoted some examples and figures which were approximate but had been confirmed by numerous national and international organizations. In three years from March 1986 to March 1989, more than 12,700 persons had been arbitrarily arrested for political motives; at least 1,883 persons had been victims of torture; there had been 1,468 victims of extra-judicial executions and 162 cases of involuntary disappearance.

36. Numerous arbitrary massacres were carried out by the armed groups. Two recent examples were the killing of five fish farm workers at Paombang, north of Manila, on 28 April 1989, and the killing of a family of 6 children from 19 days to 18 years old, one young man of 19 and a widow of 50 in the province of Agusan del Norte on 21 June 1989. The reason given in those cases and many others was suspicion of supporting the NPA.

37. Peasants were suspected by belligerents of feeding, sheltering and informing the other side. They were threatened on all sides and often killed, their houses burned, their fields plundered, their cattle confiscated by all the forces involved. In addition, the large-scale evacuation of very poor rural people was ordered by the regular forces or the CAGFUs or undertaken spontaneously following massacres or serious threats. The vigilantes in particular were highly fanatical. The peasants sometimes merely fled the fighting.

38. From January 1988 to March 1989, over 200,000 persons had been uprooted, more than half of them children. Since 23 April 1989, in the province of Negros Occidental, some 35,000 people had had to leave their homes including 16,229 who had regrouped in the tiny region of Sipalay. Some of the military claimed that the population transfers protected the people from being killed, but if there was indeed a desire to protect them, it was tragically inadequate. Such transfers completely disorganized the cycle of crops, the only source of income and food for peasant families. Harvesting and sowing often had to be abandoned at critical times. Moreover, the temporary arrangements sometimes made for the families were totally inadequate from the point of view of health conditions, food supplies and medical care, and were worsened by overcrowding. Child mortality was rising rapidly; malnutrition and epidemics were taking their toll of children who were often already in bad health. The people, saved from death by shooting, were facing death through famine and contagious diseases.

39. People working in various social welfare areas in a non-violent fashion were being faced with serious infringements of their freedom. Such persons had exercised their freedom of opinion and expression to dispute certain governmental decisions and practices. They were immediately suspected of supporting the rebels, their basic rights were flouted and they were threatened, arrested or killed. The same treatment was meted out to health workers in poor urban areas or country districts where the peasants were suspected rightly or wrongly of belonging to the rebel side. Health workers were now hesitating to treat such persons because they feared that they would become suspect and arrested. Thus the most disadvantaged sectors of society had even less access to the basic health care to which they had the right according to the Constitution of the Philippines and the Hippocratic Oath whose principles of neutrality were acknowledged in various international instruments. Government Decree No. 212 was now requiring medical staff to give information about any patient seriously or slightly wounded on pain of sanctions, thus placing them in a moral dilemma.

40. The position of collectively transferred peasants was extremely serious. She therefore recommended that the Sub-Commission should ask the Government of the Philippines: to take urgent measures in favour of such displaced persons; to make massive increases in efforts in the social, medical and economic fields in order to improve the living standards of the poorest people so that they should not lose all hope in their Government; to give priority at all times and in all places to children and mothers who were destitute to ensure their immediate survival and their possible development in the future; to guarantee non-governmental relief associations free access to help displaced populations wherever they were; to ensure that only members of the Philippines army were authorized to use military arms, uniforms and equipment as well as directives for military activities, thus effectively stopping the many other armed groups or militias who were carrying out independent, uncontrolled, arbitrary and murderous activities against innocent persons; to establish all the necessary legal machinery to ensure, following recent parliamentary decision, that members of the armed forces were given no immunity for having violated human rights; to do everything in its power to relaunch a dialogue with the rebel forces and to seek a peaceful solution to conflicts.

41. Mr. de ARAUJO (International Federation of Rural Adult Catholic Movements) said that he wished to try to break the silence that had surrounded East Timor for the past 14 years. Others had described how the Indonesian army had "liberated" East Timor and integrated it with Indonesia, but he believed that his statement would help to make the nature of Indonesian intervention in East Timor even clearer.

42. In 1975 he had been working as a nurse. Three weeks after the invasion he had been sent to work in the radiology section of the civilian hospital at Dili which was then occupied by the army. He had worked at the military hospital for a period of 11 months up to November 1986, during which time he had been interrogated and beaten three times. The third time he had been tortured by electric shocks by a Red Beret doctor. On 8 November 1988 he had been arrested by Captain Tarigan, taken to the military police command and then to Comarca prison, where he had remained for 29 months. He had witnessed indescribable physical and moral torture of all kinds, the torturers rivalling each other in zeal. They were congratulated on their action by their commander who noted down their discoveries. After leaving prison he was appointed head of secretariat services in the health service. In June 1980 when the Timorese had attacked radio and television transmitters and Indonesian munition dumps in Dili, he was again arrested and imprisoned for 43 days at Mes Krem, with many others. He was beaten by a Captain Zamirad. He had witnessed sadistic scenes which would remain forever in his memory. After leaving prison, he had put his name down on the list of the International Red Cross to leave Timor, and after 10 years he had finally been able to do so.

43. There had been a wave of arrests in October and November 1988 before and after the visit of the Indonesian President to Dili. The opening up of East Timor on 1 January 1989 had had little effect. A few tourists were allowed to enter, but no representatives of humanitarian organizations such as Amnesty International. Freedom of movement for the Timorese was still limited and people from Dili who wanted to go to Manatuto, 50 kilometres away, were unable to do so because they had no identity documents. In April a group of officials from the public education service who wished to go to Baucau had been prevented and beaten.

44. Each new visit to East Timor was preceded by further arrests, as at the moment because of a possible visit by the Pope. Colonel Bimo, head of the Secret Service of the Operational Command of Eastern Timor had stated that the arrests were carried out for the Pope's security. The local Catholic Bishop said that they were to eliminate "undesirables" and create an atmosphere of fear. The Catholic Church was also a victim of the repression. Priests were summoned to the military command and interrogated about their sermons. Some of those who had been arrested in October and November had been released on condition that they spied upon parish priests and staff, which meant that in order to avoid being accused of not wishing to collaborate they had to make or even invent accusations.

45. The position in the countryside was also very bad: people had been displaced before the invasion and many villages destroyed. The peasants now lived in "strategic" villages under the strictest supervision of Indonesian military personnel. During the day-time they had to mount guard against the Timorese resistance and could not go beyond a distance of 5 kilometres. They were unable to cultivate their fields and were therefore at the risk of periodic famine.

46. He urged the Sub-Commission in the name of justice to take into consideration the widespread repression in East Timor over the last 14 years. Indifference or silence would contribute to the physical, cultural and moral extermination of a small people merely because they persisted in asking for their freedom and independence.

47. Mr. CALI (International Indian Treaty Council) said that there had been a regrettable escalation in violations of all human rights in Guatemala, affecting town and country dwellers alike, with an increasing deterioration in the social and cultural situation of the indigenous peoples.

48. The health budget had been cut down by 22 million quetzals, the price of medicines had increased by 150 per cent and hospitals were meeting only 30 per cent of needs in the capital and 15 per cent in the interior. In 1987 the Guatemalan Paediatric Foundation had stated that Guatemalan infant mortality was the highest in Central America and the third highest in the world. Life expectation in urban areas was 61 years in 1986 and 48 years among the indigenous population, and that situation had worsened because of the measures adopted by the army and the Government against the people. The illiteracy rate in Guatemala was 67.4 per cent and in the indigenous areas it was as high as 95 per cent, mainly among women. Those figures showed the impact of racial discrimination in Guatemalan society.

49. The right to a decent living was receding all the time, particularly in rural areas where unfair land distribution directly affected indigenous peoples. Some 70 per cent of cultivable land was in the hands of 2 per cent of the population, and most people had small unproductive plots or none at all. Even though the minimum wage for rural workers was supposed to be 4.50 quetzals, it was generally only 2 quetzals per day. More than 50,000 indigenous and other workers had taken part in a protest movement in January 1989 in estates on the south coast to demand a minimum wage of 10 quetzals. From 5 June the employers had granted a wage increase which helped to alleviate the serious economic situation. The protest movement had spread to other sectors and more than 70,000 workers throughout the country took part in it for two weeks. The Government's reply had been the murder

of Professor Filipe Mis Galves by agents of the national police. Dionisio Guerra, José Vásquez and Maritza Hurtarte de Ruiz had been seriously wounded by the police. Resources continued to be invested in arms to be used in the areas of conflict and in salary increases for government officials and army officers.

50. As in 1981 and 1982, the indigenous people of Guatemala had again been the victims of massacres by the army, and there had been large-scale murder. Those massacres were not shown on television and there was no mention of tortured Guatemalans in the national or international press: the Guatemalan régime did not make that mistake. At the end of October 1988, seven men and two women had been kidnapped in Santa Ana, El Petén and their bodies were later found. Between 22 and 26 November 1988, in the village of El Aguacate, San Andreas Itzapa, Chimaltenango the army had kidnapped and murdered 22 peasants. On 18 May five persons had been murdered in the village of Sanquin, Patzicia Chimaltenango; on 10 May five people had been murdered in Camotan, Chiquimula; and on 31 May six people had been murdered and one wounded at El Jocotillo, Villa Canales. Exhaustive investigations had been carried out on the massacre of El Aguacate by such human rights bodies as America's Watch, the Centre for the Investigation, Study and Promotion of Human Rights (CIEPODH) of Guatemala and the Mutual Support Group (GAM) which revealed that military personnel had taken part in the massacre and had made threats to prevent widows from denouncing them.

51. The recent massacres were a continuation of the genocidal policy which had been put into practice in the early 1980s. They all had in common the fact that they directly violated the right to life and land. Most of them had taken place in rural areas against mainly indigenous populations. Torture had been used systematically and repeatedly. The aim was to implant terror into indigenous communities. The authorities had made no investigation and the military personnel responsible had not been punished. The aim was to destroy all the values of the indigenous people and to eliminate their culture.

52. Some 8,000 widows, mostly indigenous, had set up a national co-ordinating organization of Guatemalan widows, for they had been left to bring up their children alone and faced discrimination because they were women, indigenous, peasants and widows. In their name the Government was calling for thousands of dollars from the international community, but hardly any of that help reached them.

53. On 16 August 1989 the Office of the Mutual Support Group of the families of the disappeared was destroyed by "unknown" men throwing grenades. On the same day a bomb exploded on the premises of the International Peace Brigades which were trying to protect persons who were being threatened.

54. He asked the Sub-Commission to take into consideration the grave situation of the Guatemalan people, in particular the indigenous population, and to urge the Government of Guatemala to take the necessary steps to stop the murders, disappearances and massacres and to remove the military burden that weighed upon that people. It was the responsibility of Western civilization, of the United Nations and of the international community as a whole to enforce the rights and basic freedoms of the indigenous peoples of the world for the first time in history.

55. The indigenous peoples of Guatemala called for the immediate cessation of the sale of arms and military equipment by the Government of the United States and other countries to the Guatemalan army. That assistance allowed the army to act against the people, and destroyed the organization and the very culture of the indigenous population.

56. Some 500 years after the so-called discovery of America, the people of Guatemala were still suffering from the exploitation, repression and discrimination that had started with that discovery. The resources of their land and the fruit of their work should start to be theirs, so that they could live and develop in accordance with their own cultural roots in dignity as human beings, and to make their contribution to mankind through their conception of earth, nature and the environment, which was intimately bound up with human rights and freedoms.

57. Mr. TARDU (International Centre of Sociological, Penal and Penitentiary Research and Studies) said that progress had been made in investigating post facto punishment of human rights violations since the end of the 1960s, mainly because of the awakening consciousness concerning human rights brought about by many factors, above all the work of non-governmental organizations.

58. However, the United Nations was only just beginning to see the importance of preventing human rights violations. Emergency operations to cope with crises were of course essential and should be strengthened, but they would be useless unless the root causes of human rights violations were attacked.

59. Many useful studies had been made by the Sub-Commission and other human rights bodies, but they were fragmentary and dispersed. What was needed was a comprehensive, systematic and periodic country survey with concrete illustrations, to detect the major risks of human rights violations and their interactions. Such a report would widen the public debate on human rights violations. However, an intergovernmental body or the Secretariat of the United Nations, could not prepare such a report because it would have to make value judgements on national policies, which would put it in a false position.

60. A survey would provide a minimum list of risk indicators: for instance, with respect to torture, the fact that people were kept incommunicado and unable to communicate with defence lawyers would justify increased vigilance in a given country. A multidisciplinary group was therefore needed to make the survey, and in that connection he offered the co-operation of his organization. The task would be a formidable one, and contributions by sociologists, economists and specialists in politics were needed as well as that of jurists. However, with data processing the task was not impossible.

61. Ms. PARKER (Disabled Peoples' International) said that the first part of her statement was made on behalf of the International Federation of Human Rights, the International Association for the Defence of Religious Liberty, the International Association of Educators for World Peace, the International League for the Rights and Liberation of Peoples, Friends of the Earth and her own organization.

62. People everywhere sought the opportunity to exercise their right to self-determination. The Tibetan people, who for 40 years had been subjected to foreign administration, were indisputably a people under any definition of

the term in international law: they had an identifiable territory; they had a unique racial and ethnic identity with their own language (unrelated to Chinese), spiritual traditions and culture. Tibet had had a long history of independent statehood, with a national currency and postal authority; and had been a party to treaties with other States. Since its installation against the sovereign will of the Tibetan people in 1949, the Chinese administration had engaged in gross and systematic violations of human rights in Tibet. Unimpeachable evidence indicated the incidence of torture, arbitrary detention, and violation of the right to life, and abuses against peaceful demonstrators. While it was to be expected that the Sub-Commission would address the situation in Tibet, there could be no solution until the legitimate aspirations of the Tibetan people were realized. Accordingly, on behalf of those organizations, she urged the Sub-Commission to request the Chinese Government to re-establish a meaningful dialogue with the Tibetan people and their representatives with a view to reaching a mutual agreement taking into account both the aspirations of the Tibetan people and those of the Government of China.

63. The remainder of her statement was made solely on behalf of Disabled Peoples' International, which wished to draw to the attention of the Sub-Commission the continued failure of the Government of El Salvador to allow a medical evacuation of severely war-wounded and permanently disabled combatants of the Salvadorian opposition forces. That failure was a direct violation of the right to life and security of the person and the right to health, and a violation of one of the fundamental principles of humanitarian law, namely the right of wounded combatants to humanitarian aid, including, when necessary, evacuation to a neutral country. Such a violation was a breach of the rules of war.

64. Her organization had raised the issue at the Commission and Sub-Commission since the 1988 session of the Commission. With the exception of the evacuation of about 30 disabled from a centre administered by the Archdiocese of San Salvador in May 1988, no evacuations had been allowed since October 1987. More than 100 severely disabled persons were currently awaiting evacuation. On 3 November 1988, her organization had submitted a petition to the OAS Inter-American Commission on Human Rights. Previously, during the 1988 session of the Commission on Human Rights, it had requested suspension of its petition, after promises had been given that evacuations would be arranged. However, shortly afterwards the Government of El Salvador had retracted its promise. Her organization had therefore reinstated its claim, and had submitted an updated list of the names and medical condition of those entitled to evacuation under humanitarian law provisions.

65. Her organization had urged the Sub-Commission, at its fortieth session, to request the Rapporteur for Human Rights and Disability to act as an ombudsman in the matter because of the urgency of the life-threatening situation - an idea subsequently adopted by the Sub-Commission in resolution 1988/13. The Rapporteur had been able to engage in meaningful dialogue with the Government of El Salvador, and had perhaps played a role in achieving the agreement subsequently repudiated. Her organization regretted that it must once again appeal to the Sub-Commission to urge the Rapporteur for Human Rights and Disability to use his good offices to achieve the immediate evacuation of those severely disabled persons. It had indicated in

its brief to the Organization of American States that the good offices of the Rapporteur were a procedure differing substantially from those evoked at the OAS, and hence did not represent a duplication of effort.

66. Mrs. PEREIRA (Pax Romana) said that her organization continued to be concerned at the human rights situation in Myanmar (Burma). Although it welcomed the effort made to ensure that general elections would be held in May 1990, it was concerned at the intimidation and repression of the democratic opposition movement taking place under Martial Law 2/89. A copy of the document "Statement and Calls for Action on the Situation in Burma", adopted by the International Forum and Information-Action Meeting on Burma held in Bangkok in May 1989, was available for the inspection of members of the Sub-Commission.

67. Pax Romana and many other Christian organizations and movements continued to monitor the situation in East Timor, where violations of human rights appeared to have worsened in recent months. Her organization had received detailed information on new waves of arrests, torture, summary executions and disappearances. It had the names and circumstances of 103 persons imprisoned since January 1989, at least seven of whom had been executed. The true fixtures were certainly far higher, for those collecting and distributing information on human rights violations in East Timor put their own lives at risk in the process.

68. She referred to the statement by Amnesty International to the Committee on Decolonization in New York on 14 August 1989, which had drawn attention to the many obstacles encountered by non-governmental organizations in obtaining information. She stressed that massive violations of human rights had been taking place in East Timor for almost 14 years. Several credible independent sources estimated that more than 200,000 persons - one third of the population - had died since the Indonesian invasion of the territory. A policy of genocide was being applied. Many of the persons arrested that year were young people, evidence that the occupying authorities were not confident of the allegiance of the younger generation. The Indonesian Government had spared neither money nor effort in showing the enormous importance it accorded to the so-called "development" of East Timor. Foreign visitors were shown new buildings, roads and schools. The Timorese had asserted that such projects were intended to support the Indonesian military effort and to benefit the settlers invading the territory. The Timorese themselves felt discriminated against in their own country. In 1987 and 1988 students had demonstrated in support of the right of access to school and work. The Governor of East Timor, quoted in the Indonesian press, had acknowledged that malaria was still endemic in the province; that 70 per cent of the population suffered from tuberculosis; that doctors, midwives and paramedical staff were in extremely short supply; that the illiteracy rate was almost 92 per cent; that much of the population lived below the poverty line, and that the level of unemployment was extremely high.

69. In a letter to the Secretary-General of the United Nations dated 6 February 1989, Mgr. Bello, Apostolic Administrator of Dili, had pointed out that the process of decolonization of Portuguese Timor had not yet been completed by the United Nations and should not be overlooked. He had appealed to the Secretary-General to reactivate the decolonization process by arranging for the holding of a referendum. The people of Timor were entitled to a plebiscite on their future. Indonesia claimed that the people of Timor

had already chosen integration. Portugal hoped that time would solve the problem. But in the meantime the Timorese, who until now had had no say in the matter, were dying as a people and as a nation.

70. The reaction of the Indonesian authorities had been to dismiss Mgr. Bello's letter as merely representing his personal views. However, Pax Romana had recently received a letter, addressed to it on behalf of the clergy of Dili, fully supporting the views expressed by the Apostolic Administrator. Her organization joined them in appealing to the Sub-Commission to heed the sufferings, the wishes and the rights of the people of East Timor.

71. Ms. BUDIARDGO (Liberation) drew the attention of the Sub-Commission to the continuing systematic discrimination by the Indonesian Government against more than 1.4 million former political prisoners taken into custody nearly a quarter of a century before. Since their release after more than 10 years in detention without trial, they and their families had faced constant harassment and discrimination. They were denied their civil rights, the right to a job, the right to freedom of movement and of association, and the right to take part in public life. They were outcasts with no legal redress against the indignities they suffered. Without international action, they would spend the rest of their days as victims of a system that violated the Universal Declaration of Human Rights.

72. When, in 1975, the Security Agency had decided to release the many tens of thousands of political prisoners who had been held without trial since 1965, it had decided that all such prisoners must be "effectively" supervised. Specially coded identity cards were central to the pernicious system of supervision adopted. All 1.4 million ex-prisoners had to carry identity cards bearing the letters ET, indicating that they were former political prisoners and marking them out for discriminatory treatment, and enabling the authorities to keep track of their whereabouts and activities. Local administrations also subjected all ex-prisoners in their region to periodic re-registration and indoctrination. In February 1989, the Jakarta municipality had announced that 8,597 people in the capital had ET-coded identity cards. The Jakarta-based Institute for the Defence of Human Rights had complained that that procedure amounted to a verdict of guilty without any process in a court of law, in violation of articles 1 to 7 of the Universal Declaration of Human Rights.

73. Complaints had been received by the Legal Aid Institute in Jogjakarta that children and even grandchildren of bearers of ET cards had been refused jobs in many Government departments. Their plight was compounded by bitterness because they insisted that they were not former prisoners, nor had they ever been members of organizations banned in 1965. And indeed, officials were known to use the ET code to punish people regarded as troublemakers, knowing full well that the code was very harmful to the cardholder and his or her family.

74. People already in jobs or applying for new jobs in the State sector faced job discrimination if they were suspected of being "politically unclean" (ex-prisoners), were suspected of being OTs (members of a banned organization), or came from an "unclean environment", meaning that a blood relative or relative by marriage was "politically unclean". According to the Indonesian press, students at a teacher training college in Semarang had been

required to take a clearance test to establish their "clean environment" before completing their course. Applicants for jobs in the North Sumatra administration had been questioned about the political affiliations of their parents and grandparents. The West Sumatra Education Department had issued an "official announcement", of which her organization had a copy, requiring all new employees to produce a "Clean Environment Certificate" before their appointment could be approved. Dozens of employees at the Surabaya Waterworks had been dismissed because they had been found to be "politically unclean". For the same reason, three film stars had been banned from making further appearances on television, and the Executive Director of the Gajah Mada University Press had been forced to resign.

75. Indonesia was guilty of the gross and persistent violation of the basic rights of millions of its citizens. After nearly 25 years of untold suffering as political prisoners, then as ETs, OTs or their offspring or relatives, millions of victims urgently needed the help and protection of the Sub-Commission. Her organization called upon the Sub-Commission, firstly, to appoint a Special Rapporteur to investigate the discrimination against the victims of political persecution; and secondly, to request the Indonesian Government to rehabilitate all those suspected of pre-1965 involvement in organizations that had been banned in 1965 (ex-prisoners as well as OT suspects), to abandon all schemes to classify citizens according to their alleged political beliefs, and to revoke all regulations which infringed their civil rights.

76. Mr. RETUREAU (World Federation of Trade Unions) began by urging the Sub-Commission to implement its resolution 1988/38 on protection of human rights defenders, after the recent bomb attack on the Guatemala headquarters of the Mutual Support Group.

77. He then spoke of the tragic situation in Colombia. In 1988, more than 50 massacres had been perpetrated against defenceless persons by paramilitary groups, with virtual impunity. Twenty such massacres had already taken place in the first four months of 1989. Hundreds of trade union leaders had been murdered: their names appeared in the complaints against the Government of Colombia submitted by his organization to the International Labour Office. Activists of the trade union and popular organizations and the progressive parties were the target of armed groups organized, supported and financed by the most reactionary sectors of society. On 30 July, Henry Cuenco Vega, President of the Federation of Building Workers and national leader of the Sole Federation of Workers (CUT), had been murdered. Two days previously, Maria Helena Pérez, the judge investigating the massacre of peasants in Uraba and Córdoba, had been gunned down with her three bodyguards. On 1 August, workers in the construction and justice sectors had gone out on strike. 2 August had been declared a national day of protest. The Secretary-General and Vice-President of the CUT had been arrested by uniformed and plain-clothes police while attending the funeral of Cuenco Vega. The situation was the result of a structural crisis of the State and of society, in a context of deteriorating living conditions for the workers and people of Colombia. In the dirty war being waged against the people, every human right was infringed and mass murders, enforced disappearances and torture were commonplace. The Director-General of the International Labour Organisation had been asked to seek to co-ordinate efforts within the United Nations family, among all the competent organs and institutions, and particularly the Commission on Human Rights, to attempt to

put an end to those crimes. His organization hoped that the Sub-Commission would contribute to the creation of a framework on the basis of which that task could be accomplished.

78. His organization also expressed its grave concern at the increase in violence in the Philippines, where trade union activists had been murdered and military raids carried out against trade union organizations. The situation in the Philippines showed a number of tragic similarities with that of Colombia. Both democracies, which were in abeyance as long as the death squads roamed the streets, were suffering from the same problem as so many other developing countries, namely: the external debt, which was absorbing most of their resources and increasing their subjection to socio-economic interests and policies dictated by foreign countries and transnational corporations.

79. He also wished to draw the Sub-Commission's attention to the attacks against trade union rights and the imprisonment of trade union leaders in Sudan after the recent coup d'état. There was reason to fear that summary trials were planned, which would lead to the physical liquidation of trade union and political leaders. The political prisoners must be freed, and democratic and trade union rights restored. Democracy was indispensable to the search for a peaceful solution, respecting the rights and interests of the Sudanese people, to the civil war that was causing grave suffering and famine in the south of the country.

80. The Federation was also greatly concerned at the suppression of the student demonstrations in China, which its secretariat had unequivocally condemned.

81. It was hard to understand how the tragic predicament of the Kurds, a people whose national rights had been flouted and violated for more than 60 years, had not yet received the attention it deserved from the human rights organs. Yet there was no shortage of information on the sufferings and martyrdom of the Kurdish people, and the identity of the Governments responsible was well known. The Kurds were the victims of a war of extermination, whose aims were to destroy their language and culture, drive them from the lands, deprive them of their national values, obliterate their identity and liquidate their leaders. The exterminators of the Kurdish people did not hesitate to use illegal weapons, as in the chemical bombardment of Halabja in Iraq. In the north-west of Kurdistan, special troops were torturing or killing those suspected of resistance or patriotism. Kurdish leaders in their hundreds were imprisoned or subjected to torture and other inhuman or degrading treatment, against which their only recourse was a hunger strike in protest at the brutality of the gaolers. The press had also drawn attention to the plight of those Kurds forced to flee Iraq for Turkey, herded into concentration camps and denied basic facilities, or ruthlessly driven over the Iranian frontier.

82. The Sub-Commission should debate the situation and request that an investigating committee should be sent to the countries concerned, to provide an objective report on the massacres, deportations, torture and other violations of the rights of peoples and human rights of which the Kurds were victims.

83. Even those countries with a long tradition of proclamation of individual rights were not exempt from deviations from the principles they sometimes too complacently proclaimed and too condescendingly offered as an example to countries with a different history, to which they had themselves made a significant contribution through colonization and neo-colonialism. In the matter of trade union rights, for example, it was concerned at the passing of various acts in the United Kingdom which, taken together, constituted a premeditated and concerted attack on trade union rights and freedoms. In the Federal Republic of Germany, professional bans (Berufsverbote) had still not been abolished. France, which was celebrating a Bicentenary of which it had cause to be proud, had less cause to be proud of the relentless hounding by management, politicians, lawyers and the media, of 11 CGT activists at Renault, a nationalized enterprise whose managing director was appointed by the Government. The provisions of two amnesty laws concerning them had been overruled by the Constitutional Council, which had, however, been unable to cite any specific article of the Constitution in support of its decision.

84. His organization had also been shocked by a decision of the United States Supreme Court, allowing delinquent minors or mentally ill persons guilty of certain crimes to be sentenced to death and executed by means which sometimes amounted to torture or inhuman and degrading treatment. However, there was reason to hope that change was imminent, with public opinion more responsive to the values set forth in old and new declarations of rights, and with the normative work of the United Nations, thanks particularly to the non-governmental organizations, gradually becoming rooted in public awareness and - although still too timidly - in the practice of States. There had also been changes in some socialist countries, which were experimenting with the parliamentary system, and trying, through glasnost and perestroika, to link socio-economic rights and political democracy with a view to developing them.

85. Also to be welcomed was the progress towards democracy in certain Latin American countries which had previously suffered under bloody dictatorships. It was to be hoped that Chile would soon join their number. But his organization continued to be seriously concerned at the problems and difficulties experienced by those still fragile democracies, which were in danger of being destabilized by the serious economic and social crisis and by the galloping inflation that was the consequence of their external indebtedness and international trade imbalances. While those imbalances persisted, while the old order persisted as an obstacle to the introduction of the New International Economic Order, human rights would remain threatened even where they seemed to be safely established or re-established, and would remain illusory for the majority of mankind, namely, the poor and exploited masses.

86. Mr. BALIAN (Human Rights Advocates) spoke also on behalf of Minority Rights Group and Pax Christi International. He first addressed continuing violations of human rights in Turkey. While his organization acknowledged that the Turkish Government had made some progress in the toleration of certain rights, it also noted with concern that measures adopted by authorities to curb human rights abuses had failed. Some of those measures, especially those taken in an effort to comply with international obligations, amounted to not much more than window-dressing to placate criticism by the international community. During the past six years, approximately 250,000 political prisoners had been detained, most of whom, including minors, had been tortured. Over 60,000 had been convicted after unfair trials.

Although martial law had ended in 1987, political trials in military courts failing to meet international standards continued. Despite overwhelming evidence of abuses, the Turkish authorities had mostly denied those assertions, accusing their critics of harbouring ulterior motives.

87. Human rights problems in Turkey stemmed basically from the repressive 1982 Constitution and a series of over 600 repressive laws enacted during the rule of a military junta between 1980 and 1982, which could not be changed, criticized or amended. Although the 1982 Constitution guaranteed certain fundamental rights, those same rights were also subjected to a wide range of harsh restrictions. The Preamble to the Constitution denied protection to thoughts or opinions contrary to Turkish national interest, historical and moral values, or the nationalism, principles, reform and modernism of Atatürk. Article 87 prohibited amendments to the Constitution and denied Parliament the right to enact legislation to pardon political prisoners charged with violations of article 14, a provision most often used to incarcerate political offenders. Article 28 gave authorities power to ban and confiscate publications deemed prejudicial. In an obvious reference to the Kurdish language, articles 26 and 28 barred publications in languages "prohibited by law".

88. The Turkish Penal Code was used extensively to restrict non-violent political activities: article 140 prohibited Turkish citizens abroad from damaging the reputation of the State; articles 141 and 142 proscribed the organization of and propaganda about groups which intended "to establish the domination of one social class", a euphemism for communist parties; articles 158 and 159 made it a crime to insult the President, the authorities, the National Assembly, the Government or the armed forces. Penalties for those offences ranged from 1 to 15 years' prison, and even death. The Law on Associations and the Law on Assembly and Demonstrations were also used to further restrict human rights in Turkey. The over-vague and broad nature of those restrictions was used to detain individuals for the non-violent exercise of their fundamental rights, including the freedom of thought, expression, and peaceful assembly.

89. In view of the consistent pattern of gross violations of human rights and fundamental freedoms in Turkey, his organization urged the Sub-Commission: to investigate the abuses; to make public its findings under the 1503 (XLVIII) procedure; to press the Government to undertake credible reforms of its legal system in order to guarantee fundamental rights and comply with its international obligations; to conduct a study on the very serious abuses committed against non-Turkish national groups and religious minorities; and to explore further measures to improve human rights.

90. His organization also wished to address the human rights situation in Nagorno-Karabagh, an autonomous jurisdiction within Soviet Azerbaijan. Since February 1988, Nagorno-Karabagh had been in the forefront of the nationalities problem in the Soviet Union. The 80 per cent Armenian majority had repeatedly petitioned the central Soviet Government to sanction the transfer of its territory to nearby Soviet Armenia with which it was inextricably connected by reasons of national origin, history, culture and religion. The Armenian grievances dated back to the early 1920s when Nagorno-Karabagh had been annexed to Azerbaijan. Since then, the Azerbaijani Government had pursued a policy of economic and social discrimination and political repression making life impossible for its Armenians. Finally, the overwhelming majority of the

people in Karabagh had concluded that, in order to obtain redress, their only effective remedy was to effect an administrative transfer of their territory from Soviet Azerbaijan to Soviet Armenian jurisdiction. They petitioned Soviet authorities for such a transfer and, when their demands were turned down, they resorted to massive, yet peaceful, demonstrations. The Azerbaijanis reacted violently with the anti-Armenian pogroms of February and November 1988 and a consequent massive transfer of populations between the two Soviet Republics, creating a critical refugee problem. Subsequently the central Soviet authorities removed Nagorno-Karabagh from the administrative jurisdiction of Soviet Azerbaijan and appointed a special commission to administer the region. The constitutional status of the region was not however modified, thus providing Azerbaijani authorities with the opportunity to continue their longstanding discriminatory policies in the region and fuelling further unrest throughout the entire region.

91. Despite some significant recent improvements, human rights conditions in the Nagorno-Karabagh autonomous province continued to be a matter of concern. The fundamental problem of Nagorno-Karabagh remained unresolved and the partial measures undertaken to date had not been effective.

92. Human Rights Advocates urged the Sub-Commission to take note of those concerns and to request the Soviet authorities, as a matter of urgency: to organize a referendum in Nagorno-Karabagh in order to ascertain the majority will in the province; to free the remaining democratic movement leaders still detained for exercising their freedom of opinion, expression and assembly; to investigate and disclose the full facts of the anti-Armenian pogroms of February and November 1988 in Azerbaijan; to ensure the security and freedom of the remaining Armenian minority in Azerbaijan; and to allow observers of international human rights non-governmental organizations free access to Armenia, Karabagh and Azerbaijan in order to investigate the objective facts surrounding Nagorno-Karabagh.

93. Mr. LITTMAN (World Union for Progressive Judaism), after referring to the statement which he had made to the Sub-Commission the previous year, said that, during a recent visit to Jerusalem, he had had a private discussion with Faisal Husseini, a recognized Palestinian nationalist leader and allegedly the senior PLO personality in the West Bank. He had expressed his dismay to Mr Husseini that the Palestinian leadership had not yet welcomed Israel's offer of free democratic elections and that it was evident that the continuation of the intifada through the deliberate incitement of violence by children and adolescents, in contravention of fundamental humanitarian principles, was both shortsighted and suicidal for the Palestinian people. The various Palestinian leaderships were destroying the slim chances of a political solution to a very complicated conflict and instead were pursuing obstinately the long-term aims of delegitimizing its enemy in the international arena in the belief that that political goal was more important than the current salvation of its people. The intifada was slowly but surely destroying the social and economic infrastructure of village society.

94. To make matters even worse, the militant Islamic Resistance Movement (HAMAS), operating mainly in Gaza, would shortly be joining the PLO. The Covenant of HAMAS, dated 18 August 1988, was a blatant blueprint for genocide and its aims were clearly defined in its article 8.

95. What was urgently needed was a frank, conscious consensus of trust and confidence, without which there could not be peace in the Middle East. It was clear that the majority of the population were moderates; they must find a way to live together and express their warmer feelings. What was heard all the time were the extreme views of the minority groups. The relations between villages and neighbours were excellent and were an example to others. Everyone was born with his own religion. All must think of what could be done to join people together and not to divide them.

96. Mrs. WARZAZI, speaking on a point of order, said that although the Sub-Commission had not objected to the previous speaker being permitted to speak out of turn, she wondered whether there had been a case of mistaken identity, as from his remarks, he had given the impression that he was speaking as the observer for Israel.

97. Mr. WOLFSON (International Bar Association) said that the President of his organization had written, on 18 July 1989, to the Prime Minister of China expressing concern at reports of arbitrary arrests and detentions following the recent unrest, and urging that reasons for arrest and places of detention be publicly announced and that those accused be safeguarded against ill-treatment, brought to trial or released without delay. There could be no justification for the excessive force used to end the peaceful demonstrations and it was understandable that the observer for China had faced criticism in the Sub-Commission during the previous few days.

98. At the time of those events he had had some misgivings. The demonstrations were constantly growing in size and seemed to be a substantial provocation to a Government which was just feeling its way on a new democratic course and appeared at that time to be showing remarkable restraint. Two million people in a demonstration was unimaginable and, even in terms of a peaceful demonstration with legitimate aims, it was frightening. It seemed to him that the whole exercise had got out of hand, leading sadly to death, destruction and the shattering of the democratic dream. Those were tragic results for a country seeking to open up a new democratic era for its people.

99. He would suggest, with the greatest possible respect, that it was now open to the People's Republic of China to concede its errors, to take cognizance of the unanimous views expressed in the Sub-Commission, to accept that excessive force was used, to confirm that executions and gratuitous ill-treatment would cease forthwith, that persons accused would be brought to trial or released without delay and that the reasonable aspirations of the demonstrators would be carefully considered. He trusted that the chosen democratic route would be resumed in the shortest time possible in the interests of the people of China and mankind everywhere.

100. Ms. BALAN (World Student Christian Federation) said that her organization had regularly participated in the deliberations of the Commission on Human Rights in an attempt to highlight the plight of students and youth who were suffering blatant violations of their inalienable rights in different countries of the world.

101. It was regrettable that, in the Philippines, the Government of President Aquino, which had come to power as a result of a truly popular upheaval and as a hope for the majority of the Filipino people, had so far

been unable to meet the expectations of many, in and outside the Philippines, who had anticipated a prompt end to the violations of human rights which had been occurring in that country. In Colombia and Guatemala, two constitutionally and democratically elected Governments seemed equally helpless to stop a tragic escalation of violence aimed principally at students and union leaders, members of the legal opposition, university teachers and religious workers.

102. In the Philippines, violations of the rights of youth and students had ranged from mild forms, such as setting up police detachments in campuses, planting civilian intelligence agents posing as students in universities, and the harassment and intimidation of suspected members of militant youth organizations, to more violent forms like dispersal of legal forms of protest, arrests, detentions and torture of suspected members and sympathisers of the underground youth movement. Willie Oton, president of a local church youth organization, had been stabbed to death after guiding a fact-finding mission team that was investigating a massacre allegedly committed by the New People's Army. His only crime was that he had been suspected of being a lecturer in the National Democratic Front. Hilario Bussamanti, along with a companion, had been picked up and turned over to the Presidential Security Command while putting up anti-American bases posters. Tortured and presumed dead, Hilario Bussamanti had lived to tell the horror experienced at the hands of the military. It would seem that, in a country which professed to be democratic, even putting up posters had become a crime grave enough to be punished by death or summary execution. Gary Lim, a member of the League of Filipino Students, had been arrested while visiting political detainees and, together with a group of people belonging to the Task Force Detainees of the Philippines, had been tortured for two nights and two days. The following day they had been released but only after being forced to sign a statement admitting that they had been members of the NPA.

103. The Philippine Commission on Human Rights, which had been set up primarily to investigate violations of human rights by the military, had been ineffective in the face of mounting repression. In most cases, military and paramilitary personnel who had been found to have been directly involved in killings such as the Mendiola, Lupao and Paombong massacres, had been exonerated.

104. In Guatemala, the headquarters of the Mutual Support Group and the International Peace Brigade had been destroyed by bombs two days earlier. Her organization urged the Sub-Commission to act under resolution 1988/38 concerning the protection of human rights activities.

105. Her organization was committed to the struggle for peace and justice throughout the world and therefore urged the Sub-Commission to continue to pay particular attention to the plight of the people of Colombia, Guatemala and the Philippines. The experience of those countries had shown that a democratically elected Government did not necessarily guarantee the rights of its own people to live a life free from oppression, poverty and injustice.

106. Mr. LOPEZ (Latin American Service for Peace and Justice) said, with regard to the seemingly laudable attitude of Honduras which had been repeatedly praised during the Commission's latest session for having submitted to the jurisdiction of the Inter-American Court of Human Rights and for having

accepted a guilty verdict in the case of 2 disappearances out of 143 persons who had disappeared in Honduras since 1980, he wished to point out that there had been substantial negative reactions by individuals belonging to the Honduran Government who had threatened to withdraw Honduras from the jurisdiction of the Court as they considered that the verdicts in the 2 cases had been due to political prejudice rather than legal judgement.

107. Second, he wished to refer to the prevalence of an atmosphere of détente during the forty-fifth session of the Commission in which a number of Latin American States, well known for their systematic violations of human rights as part of State policy, had been exempted from the democratic requirement to respond to their own peoples.

108. An atmosphere of détente could lead to an issue being influenced by strategic, political or geopolitical interests. He would like to believe that détente was not being confused with rationalization because human rights were universal and not regional; they were political by their nature but not ideological and the violations of the human rights of the Chinese students were as much to be condemned as the murders of students, workers, peasants and human rights activists in Guatemala, El Salvador, Honduras, Haiti, Colombia, Peru, Chile, Palestine, Turkey and in the Philippines.

109. He was concerned by talk of the appropriateness of shortening the list of Latin American countries for questioning on the grounds that there were countries in other regions which had never been questioned. It might be concluded that, because there were fewer States on the list, there had been a real improvement in the situation. When he had investigated the reason why Honduras had not appeared on the list of countries violating human rights issued by the OAS Assembly in 1988, he had been informed that it was because the Organization had no report on that country. That was far from implying that the situation of human rights in Honduras had improved since the judgement of the forty-fifth session of the Commission.

110. There should be neither optimism nor pessimism but only realism concerning the efforts of the five Central American Presidents to achieve a stable and lasting peace through the Esquipulas II Agreements. The Agreements contained undertakings for democratization, respect for human rights, including the right to development, as the only means for achieving peace. The monitoring machinery set up under the Agreements had only functioned for five months during which it had performed efficiently and indeed had performed its task so well that four of the five Presidents had agreed to abolish it at the San José meeting of 15 January 1988.

111. The following examples of violations of the right to life in Honduras illustrated the trend. Homicides due to the abuse of authority had numbered 5 in January-February and 22 from March to July, while homicides of a suspicious character had numbered 10 in January and February and 22 in the March-July period. There had been 9 death threats in January and February and 22 in March-July, while illegal detentions in January-February had been 51 and, between March and July 1989, had escalated to a total of 668; there had been 14 cases of torture in January-February and 61 in the period March-July.

112. Moreover in the decision in the Velasquez Rodriguez case, of 29 July 1988, the Inter-American Court of Human Rights had found that the

military and police authorities, like the Government and judiciary, had refused or had been unable to prevent, investigate and verify the facts and to help those interested in confirming the fate of the victims or their remains.

113. Such was the reality of the situation in Honduras. He therefore requested the Sub-Commission to study the situation with a view to preparing a resolution providing for the implementation of the appropriate procedure. He also requested that the Sub-Commission should give special consideration to the cases of China, Palestine, Philippines, Haiti, Guatemala, El Salvador, Colombia, Chile and Peru.

The meeting rose at 1 p.m.