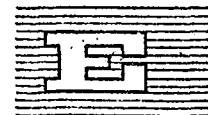
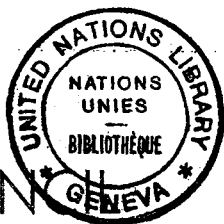


UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL

E/CN.4/SR.1520  
16 March 1979

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Thirty-fifth session

SUMMARY RECORDS OF THE 1520th MEETING

held at the Palais des Nations, Geneva,  
on Wednesday, 14 March 1979, at 10 a.m.

Chairman

Mr. BEAULNE

(Canada)

later:

Mr. RIOS

(Panama)

Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-first session (continued)

Question of international protection of the human rights of individuals who are not citizens of the country in which they live (continued)

Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

(a) Draft convention on torture and other cruel, inhuman or degrading treatment or punishment

(b) Body of principles for the protection of all persons under any form of detention or imprisonment

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

(a) Question of human rights in Cyprus (continued)

---

This record is subject to correction.

Participants wishing to make corrections should submit them in writing to the Official Records Editing Section, room E.6108, Palais des Nations, Geneva, within one week of receiving the record in their working language.

Corrections to the records of the meetings of the Commission at this session will be consolidated in a single corrigendum to be issued shortly after the end of the session.

The meeting was called to order at 10.20 a.m.

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS THIRTY-FIRST SESSION (agenda item 22) (continued)  
(E/CN.4/1296; E/CN.4/1299 and Add.1-3; E/CN.4/NGO/237 and Add.1)

QUESTION OF INTERNATIONAL PROTECTION OF THE HUMAN RIGHTS OF INDIVIDUALS WHO ARE NOT CITIZENS OF THE COUNTRY IN WHICH THEY LIVE (agenda item 24) (continued)  
(E/CN.4/Sub.2/392; E/CN.4/1336; E/CN.4/L.1473)

1. The CHAIRMAN invited the members of the Commission to take up consideration of the resolutions in chapter XVII of the Sub-Commission's report on its thirty-first session (E/CN.4/1296).
2. Mr. MEZVINSKY (United States of America) suggested that consideration of Sub-Commission resolution 6(XXXI) should be deferred, since it made too many demands on the secretariat. More time was needed to study the matter.
3. Mr. CALERO-RODRIGUES (Brazil) said he agreed with the United States representative and felt that his observation was also applicable to a number of other matters which required more careful study.
4. Mrs. SIBAL (India) said that Sub-Commission resolutions 6(XXXI) and 9(XXXI) involved matters which should be considered at greater length.
5. Mr. van BOVEN (Director, Division of Human Rights) pointed out that a decision to defer consideration of the draft resolution in part A of Sub-Commission resolution 6(XXXI) would mean that the question of updating the Report on Slavery would be left pending until the following year; part B of that resolution, on the other hand, required only limited action on the part of the Commission and called for a number of measures for which the Commission's approval was not specifically needed and which could be carried out as part of the normal work of the Sub-Commission.
6. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission decided to defer consideration of Sub-Commission resolutions 6A and 6B(XXXI) until its next session.
7. It was so decided.
8. Mr. ERMACORA (Austria) noted that, in its resolution 7(XXXI), the Sub-Commission had made some important suggestions regarding its future work and had requested the Commission to commend those suggestions to the Economic and Social Council for approval. He agreed that the Sub-Commission should be authorized to meet alternately in New York and Geneva; consideration might also be given to the possibility of holding sessions in Vienna. Precedents existed for such a pattern of meetings, which would give better publicity to the Sub-Commission's work.
9. Referring to chapter XII of the Sub-Commission's report, he fully endorsed the views reflected in paragraph 237 regarding the deletion from the study on genocide of reference to the massacres of the Armenians by the Ottoman Empire in the years 1915 to 1918. Although the bibliography provided on the subject had contained some questionable items, the massacres themselves were a historical fact

and he himself had favoured retaining the reference concerned while mentioning the unbiased literature on the matter. In his view, the Commission should reconsider the question. The point was not to embarrass Turkey, whose present Government bore no responsibility for events concerned and whose Parliament discussed crimes against humanity as long ago as 1920.

10. Mr. van DONGEN (Observer for the Netherlands) said that his delegation generally supported the draft declaration of the human rights of individuals not citizens of the countries in which they lived (E/CN.4/1336), but felt that practical considerations sometimes made it desirable, and even necessary, to make a distinction between citizens and non-citizens. The purpose of the draft, as his delegation saw it, was to ensure that the differences were kept to a minimum and that, to the extent possible, non-citizens should not be treated less favourably than citizens. That point should be brought out more clearly by the inclusion in the draft declaration of a separate article requiring States to ensure to non-citizens, as far as possible, the same measure of enjoyment of human rights as to their own citizens.

Such a provision would eliminate the danger that States might use the declaration as an excuse for denying non-citizens rights not specifically mentioned in it, notwithstanding the inclusion in articles 4 and 8 of the words "at least".

11. Mr. SNOXELL (United Kingdom) said that his delegation shared the concern expressed in the study regarding the treatment of non-citizens (E/CN.4/Sub.2/392) and supported the draft declaration in document E/CN.4/1336. He noted that the Commission was guided in that connexion by article 2 of the International Covenant on Civil and Political Rights. His delegation also whole-heartedly endorsed draft resolution E/CN.4/L.1473.

12. Mr. POUYOUROS (Cyprus) said that he favoured the reinsertion in the study on genocide of a reference to the Armenian massacres. He failed to understand why that paragraph should have been deleted, since it was of paramount importance to the Armenian nation and stated a notorious historical fact.

13. Mr. MEZVINSKY (United States of America) said that few crimes stood out so dramatically in history as did the crime of genocide. With regard to the question referred to by the representative of Cyprus, his Government's position was that it would have been preferable to retain the substance of the paragraph concerned, while listing other specific historical cases that could be characterized as genocide. The greatest service that could be rendered to future generations and to all those who had suffered was to enter into a commitment that the horrors of the past would never be repeated.

14. Mr. DAVIS (Australia) said that his delegation regretted that there was insufficient time to give thorough consideration to the report of the Sub-Commission. In its view, a reference to the Armenian massacres should have been retained in the study on genocide, not because of any political motivation but, rather in the interests of completeness and historical accuracy.

15. Mr. WOLF (International Federation for the Rights of Man) said that the report on genocide (E/CN.4/Sub.2/416) was excellent but should also have stressed the need to teach humanitarian laws and principles in educational establishments, particularly such crucial ones as law enforcement academies. He also agreed that the reference to the Armenian massacres should have been retained. It was inconceivable that a United Nations document of that scope should fail to refer to one of the major genocides of the century. Previously the material on the subject had been incomplete, but now documents were available offering irrefutable proof of genocide. In his own country, Belgium, there had been considerable astonishment at the deletion of that reference, and he was certain that the world would be shocked and distressed if it were not restored.

16. Mr. SOYER (France) said that the atrocities perpetrated against the Armenians in 1915 had been denounced in several reports by the French Ambassador in Turkey at the time as well as by several prominent French statesmen and writers. The French Government had taken a strong stand in favour of the Armenians and had helped to install on its territory a large Armenian community which had since become fully integrated in the French population. As to the history of the Armenian people, facts were facts and nobody had the power to modify or erase them.

17. Mr. NIILUS (Commission of the Churches on International Affairs) said that member churches of the World Council of Churches were anxiously awaiting the day when discrimination against minorities would exist only as a memory and when the international community's concern for the protection of minorities became a constant inspiration for future generations.

18. While his delegation was impressed by the comprehensive study on genocide (E/CN.4/Sub.2/416), it noted the absence of the reference to the massacres of Armenians at the beginning of the twentieth century which had appeared in an earlier progress report. In his view, that paragraph should be reinserted in the study, for the massacres in question were an indisputable case of genocide, borne out by a wealth of documentation. The absence of any reference to the events of 1915-1916, which were historical facts and remained fresh in the memory of a people, would cast doubts on the study's objectivity and accuracy and also erase from United Nations records the tragic and painful experience of the Armenian people. It would be both regrettable and dangerous for those records to make no mention of historical cases which should help mankind to learn from past negative experiences in order to prevent their repetition. Accordingly, his delegation urged the Commission again to demonstrate its genuine concern for human rights by helping to secure the reintroduction into the report of a reference to the Armenian genocide.

19. Mr. YAVUZALP (Observer for Turkey) said that the Special Rapporteur's report (E/CN.4/Sub.2/416) contained a study which was by definition oriented towards the future, since it focused on the action to be taken to prevent the crime of genocide. Such a study would deviate from its essential purpose if it attempted to analyse in detail past events, particularly those in respect of which there existed differing claims and versions.

20. It should be borne in mind that brutality and violence, however deplorable, did not necessarily constitute, and should not be confused with, genocide, and that a body of unquestionably objective evidence and a comprehensive study were required in order to establish that genocide had occurred. The Special Rapporteur had neither the necessary expert assistance nor the mandate to undertake such a study, since he had been asked to prepare a future-oriented study for the prevention and punishment of the crime of genocide rather than an exhaustive list of past acts of genocide. That comment applied also to the Commission.

21. In addition, the report was the property of the Special Rapporteur who, after serious consideration, had reached the conclusion that its historical chapter should be limited to one uncontested case only. Indeed, that view had been endorsed by the Sub-Commission itself. Consequently, the Commission should merely take note of the report; it could not justifiably redraft or modify a text for which the Special Rapporteur had the sole responsibility, especially as the proposed change related to a controversial subject which had no direct bearing on the substance of the report.

22. The Commission was not the proper forum to discuss the 1916 events. However, in the light of the comments made on the subject by some previous speakers, he wished to point out that Armenians and Turks had lived together in peace for over six centuries in the Ottoman Empire. Many Armenians had served in high offices of the Empire and Armenians had played a prominent role in the country's cultural life. There had been no trace of animosity or hatred during that long, peaceful period. Significantly, the outbreak of the unfortunate clashes had coincided with the first outside attempts to disintegrate the Ottoman Empire. It was a well-known fact that when the Ottoman Empire had been fighting for its survival against the invader, it had been obliged at the same time to defend itself against armed attack and subversion which had been conducted behind the front by Armenians in support of the invader and had caused heavy loss of life among the Turkish civilian population. Those were certainly deplorable events, especially as they involved Turks and Armenians who had much in common and had long lived in peace before being provoked against one another. It was perhaps possible in that context to talk of brutality or violent and excessive measures of repression but, when the historical background was taken into account, the events in question could not objectively be fitted into the agreed definition of genocide.

23. Mr. AKRAM (Pakistan) said it was unfortunate that the Commission did not have sufficient time for thorough consideration of the Sub-Commission's report (E/CN.4/1296) and the other documents submitted to it in connexion with agenda item 22. In the course of the discussion, however, attention had been focused by certain speakers on one particular aspect of the report on genocide prepared by the Special Rapporteur (E/CN.4/Sub.2/416), namely, the omission of a reference to the alleged massacre of Armenians at the beginning of the twentieth century.

24. History was an emotional and, above all, a subjective matter. The relevance to the study in question of historical events which had been given different interpretations had been assessed subjectively by previous speakers. It should be borne in mind that the Special Rapporteur had devoted four years to his study

and had decided, after careful consideration, to omit any reference to the incident. It should also be noted that his report had been approved by the Sub-Commission. Accordingly, it would be both inappropriate and unjust for the Commission to attempt, for subjective and political reasons which were unrelated to the subject-matter at hand, to reinsert the reference in question. In any event, the Commission was not competent to amend a study which had been prepared by an individual.

25. The study was designed to prevent and punish the crime of genocide in the present and the future; it was not intended to be a historical analysis of genocide. If such an analysis were to be made, it would be necessary to go back a little further in time than 1895 or 1915, perhaps to the sack of Carthage or to the occupation of the American continent. However, it was not the Commission's task either to vilify or to absolve any particular nation. The reintroduction of the reference in question would serve no purpose whatsoever in terms of human rights and would also strain relations between States. Consequently, his delegation would object very strongly to any attempt to reopen the question and to insert any references of such a highly subjective and political nature.

26. Mr. GUTSENKO (Union of Soviet Socialist Republics) commended the Special Rapporteur, Baroness Elles, for her study on the rights of non-citizens (E/CN.4/Sub.2/392), which contained useful conclusions that could assist the United Nations in its human rights activities. His delegation also endorsed paragraphs 1 and 2 of the related draft resolution (E/CN.4/L.1473). With regard to paragraph 3, however, it would prefer the draft declaration prepared by Baroness Elles (E/CN.4/1336) to be considered in detail by the Commission at its next session before being transmitted to the Economic and Social Council and the General Assembly.

27. Mrs. SIBAL (India), referring to agenda item 22, said that her delegation wished to comment on some of the recommendations of the Sub-Commission which called for action by the Commission. First, with regard to the recommendation in Sub-Commission resolution 5 A (XXXI), her delegation understood that the territories referred to in the operative paragraph were those under foreign occupation and colonial domination. Second, her delegation had no objection to the proposal in Sub-Commission resolution 5 B (XXXI). Third, although her delegation had no objection to the proposal in Sub-Commission resolution 5 D (XXXI), it did not consider that the related issue should receive high priority or indeed be given a great deal of attention by the Sub-Commission at a time when human rights violations in specific forms were being studied by various groups and individuals under the authority of the United Nations. Fourth, with regard to Sub-Commission resolution 5 E (XXXI), her delegation considered that the question of the independence and impartiality of the judiciary, jurors and assessors lay outside the Sub-Commission's terms of reference and, in any case, that the request in the resolution should not be given any priority.

28. In the view of her delegation, the Commission should consider establishing certain guidelines for the Sub-Commission, which should be requested to restrict itself to issues within its jurisdiction, to ask for fewer studies from the Secretariat and to identify specific areas on which, subject to the Commission's approval, it should concentrate. The Sub-Commission's effectiveness and resources would suffer if it attempted to cover too wide a spectrum of issues, only adding to the mass of documentation and thus hindering rather than contributing to the promotion of human rights and fundamental freedoms.

29. With regard to Sub-Commission resolutions 6 A and 6 B (XXXI), her Government regarded the eradication of bonded labour in India as an integral part of rural development. The principal objective of the new national development strategy was the elimination of unemployment and underemployment and the raising of the standard of living of the poorest sections of the population. Accordingly, the Sixth Plan placed emphasis on employment in the rural areas, and a number of programmes were to be set on foot in favour of rural workers, small farmers and rural workers' organizations. Therefore, in the view of her delegation, further detailed studies of bonded labour and of policies and programmes to combat debt bondage should be undertaken by national institutions and agencies rather than by the Secretary-General, as was requested in paragraph 13 of Sub-Commission resolution 6 B (XXXI).

30. Turning to agenda item 24, she said that her delegation would require time to examine draft resolution E/CN.4/L.1473 and its implications. Accordingly, the Commission might usefully consider the possibility of requesting the Secretary-General to transmit document E/CN.4/Sub.2/392 to Governments for study and comment.

31. The CHAIRMAN said that, if there was no objection, he would take it that the Commission approved the Sub-Commission's suggestion in chapter XVII, section B, of its report that the report on genocide (E/CN.4/Sub.2/416) should be given the widest possible distribution and agreed to recommend such action to the Economic and Social Council.

32. It was so decided.

33. The CHAIRMAN said that he had received many communications from different countries, groups and individuals concerning the omission from the report on genocide of certain passages of a historical nature, an omission whose effects were assuming proportions undoubtedly greater than the Special Rapporteur had anticipated. In the circumstances, he ventured to hope that the Special Rapporteur would take account of those communications, and of the statements made on the subject in the Commission, when he came to put the final touches to the text of his report. If there was no objection, he would take it that the Commission agreed that those remarks should be reflected in its report.

34. It was so decided.

35. The CHAIRMAN invited the Commission to vote on draft resolution E/CN.4/L.1473, following an announcement of its financial implications.

36. Mr. SANON (Deputy Director, Division of Human Rights) said that the financial implications of paragraph 2 of draft resolution E/CN.4/L.1473 were \$US 20,800 for editing and preparing the study, and \$US 25,800 for printing it in English, French, Russian and Spanish, giving a total of \$US 46,600.

37. Mr. GUTSENKO (Union of Soviet Socialist Republics) requested a separate vote on paragraph 3 of draft resolution E/CN.4/L.1473.

38. Paragraph 3 of draft resolution E/CN.4/L.1473 was adopted by 19 votes to none, with 9 abstentions.

39. Draft resolution E/CN.4/L.1473 as a whole was adopted by 24 votes to none, with 5 abstentions.

40. Mr. MERKEL (Federal Republic of Germany), speaking in explanation of vote, said that his delegation had voted in favour of paragraph 3 of draft resolution E/CN.4/L.1473 and of the text as a whole, but hoped that the Economic and Social Council would bear in mind the comments of the Federal Republic of Germany contained in documents E/CN.4/Sub.2/L.682 and Add.1.

41. Mr. Rios (Panama) took the Chair.

42. Mrs. SIBAL (India), speaking in explanation of vote, said that her delegation had abstained from voting both on paragraph 3 and on the text as a whole, since it felt, without prejudice to the draft declaration contained in document E/CN.4/L.1336, that the Commission should have been given time for more detailed consideration of the Special Rapporteur's study and that the study should first have been sent to Governments for their observations.

43. Mr. CALERO-RODRIGUES (Brazil) said that his delegation had taken the same action as the Indian delegation, for the same reasons. He deplored the fact that the Commission had not had time, at its current session, to give the study the detailed consideration it deserved, and felt that, in general, documents which were so important should not be subjected to such a rubber-stamp procedure.

44. The CHAIRMAN said that, if there was no objection, he would take it that the Commission took note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-first session (E/CN.4/1296).

45. It was so decided.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

- (a) DRAFT CONVENTION ON TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT
- (b) BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT (agenda item 10) (E/CN.4/1296; E/CN.4/L.1458/Rev.1, L.1460, L.1466, L.1469, L.1470, L.1472)

46. Mrs. SIBAL (India) said that one area on which the Commission very rightly focused its attention was that of torture. Although legal discussions were hampered by the absence of an internationally accepted definition of torture, the one fact about which there could be no dispute was that torture was totally inexcusable and could not be interpreted differently or justified by pleading exceptional circumstances such as a state of war, internal political instability or any other public emergency. Under Indian law, even during an emergency, the provisions of the Indian Penal Code relating to torture and its punishment through criminal proceedings remained applicable. An amendment to the Indian Constitution already approved by Parliament would make the rights under article 20 relating to protection in respect of conviction for offences and under article 21 relating to protection of life or personal liberty enforceable in courts even during the proclamation of emergency. The international community had



done a fair amount of work on the question of torture, but what really mattered was the strict implementation by Member States of the standards being drafted by the United Nations. Each State must try in its own way to ensure that torture did not take place and that the human rights of all persons, particularly those who were detained or imprisoned, were protected; to that end, her Government had set up a National Police Commission in November 1977.

47. Speaking as Chairman-Rapporteur of the working group on a draft convention against torture and other cruel, inhuman or degrading treatment or punishment, she introduced the group's report (E/CN.4/L.1470). She drew attention to two minor corrections to the text: in paragraph 33, the reference to paragraph 37 should be amended to read paragraph 36, and in paragraph 34 the reference to paragraph 23 should be amended to read paragraph 22.

48. Thanks to the excellent spirit of co-operation shown by all participants, the working group had been able to adopt and recommend to the Commission articles 1 and 2, and two further articles, of the draft convention and it hoped to be able to adopt a text for article 3 in the near future.

49. Mr. van BOVEN (Director, Division of Human Rights) said that the draft convention on torture was not the only standard-setting instrument of relevance to item 10. During the General Assembly's previous session, a working group had begun to prepare a draft code of conduct for law enforcement officials; it was hoped that the group would be able to complete that work shortly. In addition, the Council for International Organizations of Medical Science had adopted, in October 1978, a body of principles of medical ethics relating to the role of health personnel concerned with the treatment of detainees and prisoners. That instrument was intended to replace the Tokyo Guidelines adopted by the World Medical Association; in December 1978 it had been submitted to the WHO Executive Board, which had decided to accept it in principle and forward it to the Secretary-General for submission to the General Assembly at its next session. Another instrument was the draft body of principles for the protection of all persons under any form of detention or imprisonment, the adoption of which had been recommended by the Sub-Commission in resolution 5 C (XXXI).

50. A number of relevant studies were being conducted or were envisaged. In resolution 5 D (XXXI), the Sub-Commission had recommended that the Commission should request the Economic and Social Council to authorize Mrs. Questiaux to continue the study of the implications for human rights of states of siege or emergency. The Sub-Commission had also recommended, in resolution 5 A (XXXI), that the Commission should request the Council to authorize a study of the situation of detainees and imprisoned persons in and from territories under foreign occupation. In resolution 5 E (XXXI), the Sub-Commission had decided to request the Secretary-General to prepare and submit to it, at its thirty-second session, a preliminary study with regard to such measures as had hitherto been taken to ensure and secure the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, to the end that there should be no discrimination in the administration of justice.

51. With regard to implementation, the Sub-Commission, in resolution 5 B (XXXI), had requested the Commission to authorize it, on the basis of Sub-Commission resolution 3 A (XXIX), to appoint a working group to conduct a more thorough analysis of material received in connexion with the human rights of persons subjected to any form of detention or imprisonment. Moreover, as the Commission was doubtless aware, the General Assembly, in resolution 33/173, had expressed deep concern at reports from various parts of the world relating to enforced or involuntary disappearance of persons as a result of excesses on the part of law enforcement or security authorities or similar organizations, often while such persons were subject to detention or imprisonment, and had requested the Commission to consider the question of disappeared persons with a view to making appropriate recommendations.

52. He pointed out to the Commission that the financial implications of the various decisions it had taken amounted to almost \$US 3 million, and he reminded it of the Secretary-General's request to all United Nations organs to observe the rule of zero budget growth rate. Although the Division willingly undertook the tasks assigned to it at all times, it was bound to heed budget restraints; therefore, the Commission, or the Council itself, must try to establish some order of priority.

53. Mr. ERMACORA (Austria) said that, if draft resolution E/CN.4/L.1458/Rev.1 was to meet the requirements of General Assembly resolution 33/173, the final part of paragraph 4 should be amended to read "... to prepare an analysis of the information so obtained and to make relevant recommendations as to how to consider the question of disappeared persons for presentation to the Commission at its thirty-sixth session;"

54. Mr. MEZVINSKY (United States of America) said that his Government strongly supported the action of the Commission concerning the problem of missing persons. Reports from various parts of the world showed that excesses by law enforcement or security authorities, directly or indirectly sanctioned by Governments, were continuing. In recent years, tens of thousands of people had disappeared without trace in countries under authoritarian régimes, because security forces were given almost unlimited powers and were accountable to no one. The relatives of missing persons lived in fear and anguish, unable to obtain information about their loved ones. Such politically sanctioned kidnappings were one of the most serious governmental abuses of human rights confronting the international community.

55. The Commission had taken action concerning missing persons with regard to Chile, and also with regard to Cyprus. In the latter connexion, his delegation hoped that a solution would be found by Cyprus and Turkey and supported the establishment of a committee on missing persons. However, the Commission must take action on the problem with regard to other countries to ensure that no nation in the world could engage with impunity in politically sanctioned abductions, secret detentions and murders; that law enforcement and security authorities were punished for such excesses; and that searches for missing people were conducted and information about their fate was made available to relatives. Action must be taken to protect the human rights of detainees.

56. Even in situations of national emergency, there was no basis under domestic or international law for Governments to engage in abduction, torture or murder. Governments were responsible for the safety and protection of their citizens and for accounting for the whereabouts and fate of those apprehended. The Commission must therefore endorse a resolution on the problem of missing persons which it was to be hoped, would make such practices alien to the experience of any nation.

57. Mr. Beaulne (Canada) resumed the Chair.

58. Mgr. RUPP (observer for the Holy See) said that the persistence of torture should not be concealed and should shock the moral conscience of the world. There could be no justification for the use of such degrading methods, which were contrary to the very foundations of the Universal Declaration of Human Rights. The doctrine of the Catholic Church was quite explicit on the subject, as could be seen from document E/CN.4/1314/Add.3. His Holiness John Paul II had once again condemned torture in his message on the occasion of the thirtieth anniversary of the Universal Declaration and during his recent visit to the Dominican Republic and Mexico. Those statements demonstrated the special importance which the Holy See attached to the problem of torture and the need to ensure respect for the fundamental value of every human being. However, that in no way detracted from the seriousness of the massive violations of the right to life in the form of genocide and the destruction of peaceful populations during the first and second world wars and even in so-called periods of peace.

59. His delegation hoped that the Commission would soon complete its work on the draft convention on torture so that that scourge could be finally banished from the face of the earth. The Holy See was convinced of the usefulness of appropriate legal instruments and had done its best to co-operate with the United Nations in all attempts to promote respect for human rights throughout the world without discrimination as to race, sex, language or religion. To that end, it had submitted some general comments on the draft convention, in document E/CN.4/1314/Add.3, and would make further observations during discussion of the articles, which, it was to be hoped, would soon be adopted, creating a new legal instrument to safeguard the welfare of citizens.

60. However, he stressed that legal instruments alone would not be sufficient and that law enforcement officials as well as the general public should receive some form of instruction to show them that every human being, whether or not he had done wrong or suffered from physical or mental weaknesses, always preserved his inherent dignity and fundamental equality with others. That was the basis for individual and social rights. The Holy See would continue to contribute to that work of education and modification of attitudes and behaviour, with a view to eliminating the unacceptable and dehumanizing use of torture.

61. Mr. McKINNON (Canada) proposed that, since the time available to the Commission was limited, and informal discussions were continuing on the draft resolutions submitted under item 10, the Commission should suspend its consideration of that item and proceed with other business.

62. It was so decided.

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

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued)  
(E/CN.4/L.1452; L.1456, L.1475, L.1479)

63. Mr. EL-FATTAL (Syrian Arab Republic) said that, following consultations with other delegations, he wished to modify one of the amendments to draft resolution E/CN.4/L.1452 which his delegation had submitted in document E/CN.4/L.1475. The text of the proposed new sixth preambular paragraph should be revised to read: "Recognizing that colonialism, settler-colonialism, foreign occupation, and collaboration with settler-colonialism anywhere, under any form, constitute the root cause of mass exodus". His delegation would request a roll-call vote on those amendments if they could not be accepted by consensus.

64. Mr. McKINNON (Canada) said that when he had introduced draft resolution E/CN.4/L.1452, he had stressed that the Commission should avoid any politicizing of the Office of the United Nations High Commissioner for Refugees and all organizations which dealt with refugees. He thought that he had explained that the draft resolution was intended to be humanitarian and not political. However, it seemed that he had not managed to clarify the aim of the draft resolution and certain delegations had attributed to his delegation intentions which it had not had. Under the circumstances that was understandable, since there had not been sufficient time for in-depth consultations. It would be useless to continue further discussion of the subject at the present stage, and his delegation therefore proposed that the Commission should defer consideration of the question of large-scale exoduses until its thirty-sixth session. It would withdraw draft resolution E/CN.4/L.1452, despite the importance of the subject, in order not to compromise its objectives.

65. Mr. EL-FATTAL (Syrian Arab Republic) thanked the Canadian delegation for taking the initiative on the phenomenon of mass exodus, which was particularly evident in the Middle East and southern Africa. His delegation's amendments did not detract from the Canadian draft resolution but supplemented it by recalling that colonialism, settler-colonialism, foreign occupation, and collaboration with settler-colonialism were the root cause of mass exodus. Indeed, the amendments made the draft more comprehensive. His delegation would negotiate with the Canadian delegation at the thirty-sixth session with a view to incorporating its ideas in the draft resolution.

66. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission agreed to defer discussion of the subject of mass exodus until its thirty-sixth session.

67. It was so decided.

68. The CHAIRMAN invited the Commission to consider the draft telegram to the Government of Guatemala in document E/CN.4/L.1479.

69. Mr. ORTIZ (Cuba) said that the draft telegram was a compromise text based on documents E/CN.4/L.1456 and L.1474 and was sponsored by the delegations of Colombia, Cuba, Panama and Peru.

70. Mr. CHAVEZ-GODOY (Peru) suggested that, in view of the humanitarian nature of the issue, the Commission should adopt the draft telegram by consensus.

71. Mr. GIAMBRUNO (Uruguay) said that, while he understood the intentions which had led the delegations of Peru and Colombia to amend the original text of the telegram proposed by the Cuban delegation, the procedure remained clearly discriminatory. Why should the Government of Guatemala, which ensured respect for the law and brought offenders to justice, be singled out for such action, when the Commission remained silent on similar cases elsewhere? Since the telegram was obviously a political manoeuvre, his delegation would not participate in a consensus, and wished the reasons for its action to be reflected in the summary record of the meeting.

72. The CHAIRMAN asked whether the Commission was prepared to adopt the draft telegram without a vote.

73. Mr. ZORIN (Union of Soviet Socialist Republics) said that his delegation would have no objection to the draft telegram being adopted without a vote. However, it would consider the action taken by the Commission to be related to the general situation in Guatemala, which was one of concern to the Commission and world public opinion. On that basis, his delegation was prepared to support the draft telegram.

74. Mr. CHAVEZ-GODOY (Peru) said that the telegram referred to a specific and not a general situation and therefore the Soviet delegation should restrict its remarks to the particular subject under consideration.

75. The draft telegram contained in document E/CN.4/L.1479 was adopted without a vote.

The meeting rose at 1.10 p.m.