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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Fiftieth session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 5 August 1998, at 10 a.m.

Chairman: Mr. GUISSÉ

later: Mr. WEISSBRODT
(Vice-Chairman)

later: Mr. FAN Guoxiang
(Vice-Chairman)

later: Mr. GUISSÉ
(Chairman)

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GE.98-13551 (E)

The meeting was called to order at 10.05 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) (agenda item 2) (E/CN.4/Sub.2/1998/2, 26 and 27)

1. The CHAIRMAN said that, in conformity with decision 1994/117, the maximum speaking time under agenda item 2 for NGO and government observers was determined by dividing equally the time allocated to such observers by the number of speakers listed. As there were 55 observers on the list and only two meetings allocated to them, each speaker would have seven minutes.

2. It should also be recalled that government observers taking the floor on agenda item 2 should normally avoid addressing human rights situations in countries other than their own, and that the experts could intervene at any time.

3. Mr. LITTMAN (Association for World Education), speaking also on behalf of Christian Solidarity International, said that, at a time when massacres and even genocides were being carried out all over the world for ethnic, religious or tribal reasons, it was to be welcomed that the Commission on Human Rights, in its resolution 1998/10, had called upon all States to increase and intensify their activities aimed at the full implementation of the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide, whose fiftieth anniversary was currently being celebrated. In the same spirit, the Sub-Commission should adopt a resolution directed towards the prevention of genocide and recalling that, in the terms of article III (c) of the Convention, direct and public incitement to commit genocide was punishable and that, according to article VIII, any Contracting Party could call upon the competent organs of the United Nations to take such action as they considered appropriate for the prevention and suppression of acts of genocide. In document E/CN.4/Sub.2/1998/NGO/4, the Association for World Education proposed concrete measures for further relating the implementation of the Genocide Convention to the existing mechanism of the treaty bodies, particularly the Committee on the Elimination of Racial Discrimination.

4. The Secretary-General of the United Nations, Mr. Kofi Annan, had stated a few months previously, with reference to the genocide carried out in Rwanda, that other genocides and other Rwandas were a strong possibility and that the decision not to act was also a decision, one which could have consequences even more dangerous than the decision to act. The international community could not remain idle in the face of the horrible tragedy unfolding in Sudan. That was why the Association for World Education and Christian Solidarity International were urgently calling upon the Office of the High Commissioner for Human Rights to act to put a stop to the genocide currently being perpetrated in Sudan.

5. In conclusion, genocide was perpetrated not because of the absence of a particular instrument but because of a lack of political will to use the available instruments.

6. Ms. CECHUROVA (Transnational Radical Party) said that the intervention in Kosovo by police and paramilitary forces of the Belgrade regime had already caused several hundred deaths among civilians and led around 300,000 persons to flee the region, where humanitarian aid was inadequate. Despite several meetings of the Contact Group, the arms embargo against the Federal Republic of Yugoslavia, the NATO presence in the region and the resolutions of the United Nations Security Council, Mr. Milosevic was pursuing his brutal campaign of ethnic cleansing in Kosovo.

7. In its resolution 1998/79, the Commission on Human Rights had insisted that the Government of the Federal Republic of Yugoslavia put an end to the continuing repression of the ethnic Albanian population, ensure the complete withdrawal of its special police from Kosovo, release all political detainees, respect fully all human rights and fundamental freedoms, allow the establishment of democratic institutions in Kosovo and cooperate with the International Criminal Tribunal for the Former Yugoslavia. The Transnational Radical Party emphasized that the international community should take urgent measures to ensure the resolution was implemented. It was furthermore convinced that it was high time that Mr. Milosevic was brought before the Tribunal for the Former Yugoslavia.

8. Ms. LEKSONO SUPELLI (Pax Romana) said that the violence and riots that had taken place in Indonesia in May and June 1998 had left more than 2,000 people dead, nearly 100 injured and dozens missing. As of 3 July 1998, 168 women of Chinese origin had been victims of gang rape; 20 of them had died. The Team of Volunteers for Humanitarian Causes was, nonetheless, convinced that the main cause of the riots had not been racial conflict. Gang rapes had become part of the terrorism currently being waged against the public and particularly against human rights activists. Moreover, numerous factors pointed towards the State, or elements supported by the State, having been linked to the organization of the arson, looting and rape which the Indonesian citizens had suffered.

9. Pax Romana therefore invited the Sub-Commission to call upon the Indonesian Government to fully investigate the crimes that had been committed and bring to trial those who had committed or instigated them, to compensate the victims, to consider enabling a United Nations expert to study the systematic violations of human rights and fundamental freedoms in Indonesia, to seriously investigate the root causes of the May riots, and to ensure access to operations for the Team of Volunteers and guarantee their safety.

10. Mr. ROSSI (International Association for Religious Freedom) said that although China had acceded the previous year to the International Covenant on Economic, Social and Cultural Rights, that large country was not yet a party to the International Covenant on Civil and Political Rights, which dealt, in particular, with the right to freedom of thought, conscience and religion. It should be recalled in that connection that the Special Rapporteur on religious intolerance appointed by the Commission on Human Rights had recommended that the Chinese Government promulgate a law on religious freedom which would explicitly guarantee the right to practise one's religion, and would grant that right equally to minors, members of the Communist Party and foreigners. The Special Rapporteur had also called upon the Chinese authorities several times to free monks and nuns and people belonging to unofficial religious

organizations who had been placed in detention. The Chinese authorities should also be called upon to remove the obligation for religious organizations to register with the State-controlled Office of Religious Affairs.

11. Furthermore, Chinese Catholics should be able to have the same relations with the Pope that Catholics the world over enjoyed. It was to be noted, in that connection, that several months previously the Chinese Government had not authorized the Chinese Catholic Bishop of Wanxian to travel to Rome to attend a synod of bishops for Asia.

12. In Tibet, the Chinese authorities continued to interfere in the internal affairs of the Buddhists. Monks from several monasteries had been subjected to a campaign of "political re-education" and had been forced individually to sign a declaration against their spiritual leader, the Dalai Lama.

13. It was necessary for China to agree to engage in dialogue with the Dalai Lama, who was not claiming independence for Tibet, and also with the Vatican, in order that all the Buddhists and Catholics of China could live in peace.

14. Mr. MUHAMMAD (Caucasians United for Reparations and Emancipation) said that the descendants of black slaves in the United States of America, the so-called African-Americans, had been dispossessed of their culture, religion and language. According to article 27 of the International Covenant on Civil and Political Rights, however, minorities could not be denied the right to enjoy their own culture, to profess and practise their own religion, or to use their own language.

15. It would therefore be appropriate to create at the United Nations in New York, and under the auspices of the Sub-Commission, a forum within which African-Americans could demand the recovery of their original inalienable rights, rights possessed by every minority and protected by the United Nations. While that forum would particularly address the more acute problems evidenced in the United States of America, the problems of the Diaspora communities as a whole could be explored more efficaciously by the creation of a new working group in Geneva.

16. Mr. PROVE (Lutheran World Federation), speaking also on behalf of the World Christian Life Community, the Jesuit Refugee Service and Habitat International Coalition, drew the attention of the Sub-Commission to the situation of tens of thousands of Bhutanese of Nepali ethnicity who were refugees living in Nepal, mostly in camps, or in India, and who wanted to return to their former homes in Bhutan.

17. The negotiations between Bhutan and Nepal on the fate of the refugees, begun over five years previously, were at a standstill. In Bhutan, the 1985 Citizenship Act, the implementation of which had resulted in many of the refugees being arbitrarily and retroactively deprived of their Bhutanese citizenship, was still in force. In January 1998, 219 Bhutanese civil servants of Nepali ethnicity were reported to have been compulsorily retired and their children excluded from schools. Furthermore, resettlement was

reported to be continuing on lands in southern Bhutan formerly occupied by those in the camps, effectively pre-empting any repatriation of the refugees.

18. In order to bring about a just and durable solution for the refugees, the Bhutanese and Nepalese Governments required an independent and impartial mechanism and, in that connection, should request the assistance of the Office of the High Commissioner for Human Rights and the Office of the High Commissioner for Refugees.

19. With their assistance, the Government of Bhutan furthermore needed to review the current citizenship legislation in Bhutan. It should also take measures to ensure respect for all the rights of the refugees upon their return.

20. It was to be hoped that the international community in general and the Sub-Commission in particular would actively assist the Governments of Bhutan and Nepal in ensuring a just resolution of the refugee crisis, in full accord with human rights principles, and particularly the principle of non-discrimination.

21. Mr. SANNIKOV (International League for Human Rights) called the attention of the members of the Sub-Commission to the human rights situation in Belarus, which was comparable with the worst era of Soviet totalitarianism. Since the referendum organized in November 1996 by President Lukashenko, in violation of the 1994 Constitution, the Belarusian authorities had effectively been setting up a form of “totalitarian government”, as had been noted by the OSCE Mission to Belarus in April 1997. Lawlessness had become the rule, and the complicity of the judicial and law enforcement agencies made it useless to seek any kind of legal defence against police brutality and other human rights violations. On 8 July 1998, a lawyer, Alexei Filipchenko, had taken the extreme step of self-immolation, setting himself on fire to protest against the impossibility of protecting human rights in the country. Those who protested about such a situation were fined or imprisoned, and the rights of political prisoners were violated. There were currently more than 100 Belarusian political émigrés and asylum seekers.

22. The authorities were, moreover, in the process of destroying the culture, history and language of Belarus, as had been the case under the Soviet regime. Fewer than 10 per cent of the schools in the capital currently taught in the Belarusian language and the same situation could be observed all over Belarus. Several parliamentarians warned against the revival of totalitarianism organized by President Lukashenko, who, in order to hold on to power when his term of office expired in the summer of 1999, would be prepared to introduce a state of emergency in the country. The scandalous expulsion of foreign ambassadors from Belarus might have been a first step in that direction. Despite international condemnation, the human rights situation in Belarus appeared to be worsening. The deteriorating situation was a test for the entire international human rights protection system, and justified the appointment of a special rapporteur on Belarus.

23. Mr. FAN Guoxiang said that the financial crisis which had recently hit certain parts of Asia had abruptly altered the way that Asian culture was perceived. Previously held up as an example, for the success it had fostered,

Asian culture in all its aspects was currently under suspicion, to the extent that nothing could be found in it but corruption, nepotism and incompatibility with modern management. Some people even suggested that the only solution would be for Asia to accept western governance and the western philosophy of human rights, which encouraged individual initiative and free competition. Asian cultural traditions and values ought not to be denigrated simply because of some vicissitudes in the region.

24. As with western values, Asian values were deeply rooted in the region's historical and cultural development. The millennia-old culture of Asia provided a solid basis for engendering rich and bright notions of humanism, which had promoted social and economic progress. There was close interaction in Asia between individual rights and collective interests. Human beings were the central body of a society. While the rights and freedoms of the individual were protected, public matters, in the name of justice, should take precedence over private matters. Social progress relied not simply on the freedom of individuals, but on the existence of a well-organized and disciplined collective body. History had shown that in the face of foreign invasion and colonialist domination, the endeavours of a few individuals proved fruitless. The solidarity of an entire people under vigorous leadership was indispensable to attaining national independence and democracy. In Asia, everyone had certain social responsibilities and accepted a balance between rights and duties. Being the first to offer and the last to enjoy, and being ready to die for justice, were regarded as personal ideals.

25. In order to contribute better to the development of society, individuals were called upon to cultivate a strong and competent character through incessant learning and industriousness. A great personality was forged by trials and perseverance, and someone with such a personality would be highly respected and rewarded. In oriental tradition, frugality was regarded as a virtue. In order to promote harmonious relationships among members of the community, filial piety, honesty and trustworthiness among friends, tolerance and generosity in social life, and loyalty to the nation were encouraged. In dealing with controversies, extremism and one-sidedness were to be avoided.

26. With regard to the outside world, Asian people tried to maintain their traditional values and national identity, at the same time doing their best to assimilate modern knowledge useful to their social and economic development. Mutual complementarity was necessary between East and West, based on equality and mutual respect. Learning high-tech banking and modern economic management did not necessarily entail complete acceptance of western philosophy and social structure and a total denial of Asian values. Although personal incentive and entrepreneurship were needed in a market economy, social cohesion was indispensable to preventing the free rein of the law of the jungle.

27. Mr. KHALIFA said he was unfortunately bound to conclude, from 30 years of working with the Sub-Commission, that the noble cause of human rights had, over the years, largely lost its original purity, having been mishandled, exploited and occasionally disfigured beyond all recognition. In support of that conclusion, he wished to make seven points. Firstly, recalling that the cornerstone of the human rights edifice was the idea that all human beings

were equal in rights, he wondered whether all the lawyers in the Sub-Commission really believed that deep down. Secondly, it was the mightiest - militarily, economically and politically - who ran the human rights show. Thirdly, the sanctions policy was being pursued increasingly actively by the United States, despite being challenged by some members of the United States Administration, by businesses and by sections of the United States population, as well as by many European countries. The sanctions infringed, inter alia, the fundamental right to life, affecting 42 per cent of the world population, and most particularly, with consequences tantamount to economic genocide, Iraq, the Islamic Republic of Iran and Cuba.

28. Fourthly, the profit motive had been raised to the status of an absolute value, to the detriment of all those not able to enter the race, thus leading to increasing poverty in the world, which was an absolute negation of human rights. Fifthly, the pivotal principle of the sovereignty of States and non-interference had been mishandled, as witnessed by the tragedies that had struck Zaire, Rwanda and Burundi, with certain western countries only intervening on the pretext of defending human rights when it suited their national interests. Sixthly, the recent phenomenon of attacking a religion in the name of human rights, which was reminiscent of the Crusades of the Middle Ages, had dealt a fatal blow to the cause of human rights: who had the right to sit in judgement upon and threaten sanctions against States suspected of practising religious persecution? Finally, he queried the protection of the rights of millions of persons who had been brutally expelled from their ancestral homes by Israel, which had created bantustan areas in the West Bank, dispatched assassins to kill its enemies abroad and approved State hostage-taking for political ends.

29. All such pointers to the deterioration of the human rights situation stemmed from the serious flaws in the current international order, marked by unipolarity. Only one super-Power remained, but it was one which was incapable of preserving a reasonable level of justice, security and prosperity for the world and whose influence did not match its strength, as could be seen from Israel's refusal to accept United States proposals for a resumption of the peace process, and from the fact that India and Pakistan, taking advantage of the iniquity of a system which legitimized the possession of nuclear weapons by just a few countries, had recently carried out nuclear tests. It was a super-Power occasionally obliged to hide behind the United Nations or NATO, which was becoming an increasingly political organization. Although no one could foresee the unforeseeable, it was possible to draw certain lessons from history. Being the only world Power, after the fall of Carthage, had been fatal to Rome.

30. Given the weakness of the current international order, the situations in Afghanistan, Algeria and Kosovo were extremely worrying. In order to be able to intervene legitimately in Kosovo and protect the majority population of Albanian origin, currently victims of Serbian aggression, it was necessary for the West to demonstrate genuine political will, for the United Nations Security Council to adopt a resolution authorizing the use of force, and for a decision to be taken defining ethnic cleansing as an international crime. Could the world tolerate such an international “order” for much longer? One could hardly claim that a great deal had been done to change things. It was time for somebody to shout out that the king had no clothes on.

31. Mr. PEREZ BERRIO (American Association of Jurists - AAJ) said that the change of government in Colombia, and the Government's contact with armed groups, should not prevent the international community from urging the Colombian State to ensure that human rights were respected and that the rule of law was re-established. Human rights guarantees should not be subordinated to the success of possible negotiations between the parties to the conflict. AAJ suggested that the Sub-Commission should adopt a declaration to that effect. Moreover, it urgently requested that José Antonio Bulla and Nelson Campos Nuñez, who were still being held in prison although they had been found not guilty of the actions of which they were accused, be freed immediately, and that the Colombian Government take the necessary measures to guarantee the safety and physical integrity of the Executive Secretary of the Justice and Peace Organization, Father Javier Giraldo, who had received many threats.

32. AAJ also expressed its deep concern regarding the attitude of the Chilean authorities in labelling the action taken by the Mapuche to defend their territory and natural environment against the rapacious greed of national businesses and multinationals, which had destroyed a large part of the region's forest resources, as an attack on national security. Chile might perhaps better fulfil its responsibilities in that domain by acceding to ILO Convention No. 169 and applying the relevant provisions.

33. Finally, AAJ denounced the worsening of the human rights situation in Mexico, particularly the attacks against the indigenous communities in the region of Chiapas, and the many kidnappings, arbitrary detentions, forced disappearances and assassinations. The time had come for the Sub-Commission to propose to the Commission the appointment of a special rapporteur for Mexico.

34. Ms. GUILLET (International Federation of Human Rights Leagues - FIDH) drew the attention of the Sub-Commission to the flagrant, massive and systematic violations committed in Algeria, violations which the State claimed to be unable to deal with and to which it responded with State violence. As the Human Rights Committee had noted, after considering the second periodic report presented by Algeria, the country was daily witness to all sorts of violations for which the Algerian State was responsible. It was, therefore, vital that the Sub-Commission most strongly condemn the violations, and call upon the Algerian Government not to counter terrorist violence with State violence. It should, furthermore, urge the Commission on Human Rights to appoint a special rapporteur on the situation of human rights in Algeria.

35. FIDH and the Turkish Association for Human Rights (IHD), a related organization, were concerned by the human rights situation in Turkey. Since Turkey had been distanced from the European Union in December 1997, a tougher approach was expected to be taken towards those in favour of a peaceful solution to the armed conflict in the south-east, and also towards the Islamic fundamentalist movement, which was subject to repressive measures. The police carried out acts of torture with total impunity, and human rights defenders were subject to harassment intended to deter them. That was why FIDH and IHD were inviting the Sub-Commission to request the Commission to create a mechanism for monitoring the human rights situation in Turkey.

36. Despite the adoption by the Sub-Commission of resolution 1997/2 on Bahrain, human rights violations continued in that country. The main victims were political detainees submitted to torture, defenders of the Constitution arrested during demonstrations, supporters of the political opposition, including minors, most condemned to heavy sentences following unfair trials, and members of the Shiite community who were subject to discrimination in employment. The freedom of expression and opinion and the right to free assembly and peaceful association were also regularly disregarded. FIDH and the national organization linked with it, the Committee for the Defence of Human Rights in Bahrain, therefore urgently requested the Sub-Commission to keep Bahrain on its agenda and to call upon the Commission to create a mechanism for monitoring the situation in that country.

37. In Mexico, the human rights situation continued to worsen despite the observations and recommendations of international organizations like the Organization of American States and the United Nations. Arbitrary detentions, extra-judicial executions and forced disappearances were due to a lack of political will to remedy the situation, to the ineffectiveness and bias of the judicial system, to the increasing armed intervention in civil life, and to the militarization of the police. It was the most vulnerable groups like the indigenous peoples, children and women who were the most exposed to inhumane treatment, mainly in the States of Chiapas, Guerrero and Oaxaca. Consequently, FIDH invited the Sub-Commission to adopt a resolution on the human rights situation in Mexico, recommending the Commission to create a mechanism for monitoring the situation in the country.

38. FIDH and the Tunisian Human Rights League (LTDH) denounced the worsening of the human rights situation in Tunisia. The systematic violation of the fundamental freedoms of expression, opinion, association, assembly and circulation, and of the rights to a fair trial and to the respect for private life, contrasted with the reassuring official statements. As an example, Khemaïs Kasila, the Vice-President of LTDH, had been in detention for 10 months and had been convicted of a “crime of opinion”. In view of the seriousness and arbitrariness of the situation, FIDH and LTDH thought that the matter should be brought before the Commission and that the Sub-Commission should adopt a resolution to that effect.

39. FIDH also wanted the Commission to consider the human rights situation in Congo-Brazzaville, or at least would like the Sub-Commission to continue its consideration, as decided in its resolution 1997/1. Although the war had ended, human rights violations (summary executions, arbitrary arrests and detentions in clandestine and makeshift prisons, persecution of political opponents, attacks on the freedom of expression and of the press) continued apace.

40. Mr. DIAZ DE JESUS (International Peace Bureau), speaking on behalf of indigenous organizations, communities and peoples, denounced the serious, systematic and repeated violations of human rights and fundamental freedoms in Mexico. He also denounced the impunity enjoyed by those who perpetrated such violations, as well as the threats, intimidations, provocations, assassinations, forced or involuntary disappearances and rapes attributable to the armed forces and the police.

41. All the remedies in Mexico having been exhausted, it fell to the Sub-Commission to play its role in preventing discrimination and protecting indigenous people and other marginalized groups in Mexican society. It should in particular, intervene to prevent a worsening of the situation in the states of Chiapas, Oaxaca and Guerrero, where the armed forces were behaving like conquistadors: destroying houses and crops, arresting, torturing and threatening all those who opposed them, and raping the women. It was clear that the military and judicial authorities had known about plans for the Acteal massacre of 22 December 1997 and had done nothing to prevent it. He also cited the inhuman treatment to which 106 indigenous persons from Oaxaca had been subjected by way of “exemplary punishment”, and the massacre of 17 peasants and the summary execution of 11 persons in the state of Guerrero. He expressed the hope that the High Commissioner for Human Rights would visit Mexico, thereby giving concrete effect to the commitment made by the Mexican Government, during the visit of the Secretary-General of the United Nations, to maintain relations with the United Nations.

42. Mr. OZDEN (Europe-Third World Centre) said that the Moroccan Government was continuing to raise obstacles to the smooth implementation of the peace plan adopted by the two parties to the Western Sahara conflict. He regretted the lack of firmness of the United Nations in addressing those problems, which were set out in the report of the Secretary-General dated 10 July 1998 (S/1998/634).

43. It was appropriate to recall that the United Nations was playing a new card in the Western Sahara conflict: it had to administer a territory during the final weeks before the voting, and organize a free and orderly referendum on self-determination. Its credibility was at stake, and it must therefore apply the initial peace plan and ensure that it was respected as adopted. It was, moreover, vital that the process be transparent. Transparency required the presence of independent observers on the ground and the guarantee of freedom of the press. That was why the Europe-Third World Centre was asking the Secretary-General to permit access to the territory without further delay. Furthermore, measures had to be taken rapidly to ensure security and respect for human rights after the referendum, whatever the outcome.

44. Mr. SAITO (International Association of Democratic Lawyers) recalled that some 20 million Asians and 3.1 million Japanese had fallen victim to war crimes and crimes against humanity committed by the Japanese imperial regime between 1931 and 1945. A great many of the people opposed to the war of aggression had been arrested, imprisoned, tortured and assassinated under the Public Order Maintenance Law of 1925. The law had been repealed only after Japan's surrender in 1945.

45. Following the adoption in 1968 by the General Assembly of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, the German and Italian Governments had undertaken to compensate war victims and to prosecute war criminals. The Governments of the United States, Canada and South Korea had also taken measures to that effect. Despite the steps taken by the League of Victims of the Public Order Maintenance Law, created in 1968, particularly the many petitions it had submitted to the Diet since then, the Japanese Government had never made any

apology nor paid any compensation to the victims, including the “comfort women”. There was little time left, given the advanced age of the victims, to make amends for the damage inflicted. That was why the League was calling upon the Sub-Commission to look into the matter and to recommend to the Japanese Government that it should apologize and give compensation to the victims of the Law.

46. Mr. Weissbrodt, Vice-Chairman, took the Chair.

47. Mr. CHOEPHEL (Society for Threatened Peoples) said that the situation of human rights in Tibet had been discussed by United Nations human rights bodies over many years; the Sub-Commission itself had made public its concerns on the subject in its resolution 1991/10. The situation continued to worsen, and scrutiny by the existing human rights mechanisms was therefore crucial, particularly since the violations carried out in Tibet had the distinct character of institutionalized racial and cultural discrimination aimed at the Tibetans. Over the past few years, cases of arbitrary detention, disappearances, deaths in detention, summary executions, torture and unfair trials had increased, and Tibetans continued to be denied their fundamental rights. The continued incommunicado detention of the Eleventh Panchen Lama, the sentencing of Chadrel Rinpoche to six years in prison for defending the true identity of the Panchen Lama, and the campaign of repression carried out against monks and nuns who refused to take part in “patriotic re-education sessions” were just a few examples of the worsening situation. The denial of human rights and fundamental freedoms was strengthened by China's refusal to allow independent access to the region and by the difficulty of gathering and freely disseminating information.

48. The fact that many foreign delegations had been invited to visit Tibet was a positive sign, although the Chinese Government continued not to allow them total freedom of movement and had not invited any human rights organizations. It was to be hoped that the Chinese Government would change its policy and thereby demonstrate its genuine desire to resolve human rights issues through dialogue and cooperation. The attention of the Sub-Commission was drawn to the importance of not becoming a tool of Chinese propaganda by visiting Tibet on limited conducted tours, which could lead to reports that too readily accepted the Chinese Government position without having carefully observed and verified the facts. That was a charge that could be levelled against the European Union delegation which had visited Tibet in the spring of 1998.

49. In conclusion, the Society for Threatened Peoples hoped that the Chinese authorities would invite the High Commissioner for Human Rights to travel to Tibet during her visit to China, planned for September 1998, and that she would be given full and independent access to enable her to judge the situation from all angles.

50. Ms. RUPPRECHT (International Institute for Peace) said that it was imperative that the question of fundamental freedoms and discrimination be examined in the context of the emergence of groups which sought to use religion to impose their own anti-democratic ideologies without any consideration for human life. She was particularly concerned about the sufferings endured by women in countries under the control of such groups,

like Afghanistan, where the Taliban were seeking to set up a society in which women and the adherents of other religions were relegated for ever to the status of second-class citizens.

51. Pakistan, which played an undeniable role in creating such groups and fashioning them as instruments of policy, had attempted, by force of arms, to set up in Jammu and Kashmir the same kind of regime that the Taliban had installed in Afghanistan. Since 1947, the people of the northern areas had lived under Pakistani rule, and any attempt by the people to demand their rights was crushed by the security forces of Pakistan. The people of Jammu and Kashmir, who had a long tradition of freedom and tolerance and who had fashioned a society marked by religious harmony, were currently being persecuted by mercenaries sent by Pakistan and being forced to adopt the obscurantist ideologies of extremist religious groups for whom minority cultures, women's freedom, modern education and the advancement of peoples irrespective of their gender, religion or race meant nothing. Nevertheless, the people of Jammu and Kashmir were determined to fight against the oppression, as the overwhelming support for the democratic process expressed in the recent elections bore witness. That was why Pakistan was currently making every attempt through its mercenaries to prevent the democratically elected Government from carrying out its work, by organizing the assassination of political workers and political candidates.

52. Only a civilized society based on the respect of individual freedoms and the rule of law could guarantee human rights. But it was difficult to convey the message to groups which sought their legitimacy in criminal violence and discrimination based on religion and gender. If the international community did not want the Taliban's Afghanistan replicated elsewhere, including in Jammu and Kashmir, its discussions must essentially address Pakistan and call upon it to desist from encouraging the forces of extremism and obscurantism.

53. Mr. Fan Guoxiang, Vice-Chairman, took the Chair.

54. Mr. WEISSBRODT drew the attention of the Sub-Commission to the human rights situation in several countries that had not yet been given adequate attention by the Commission on Human Rights and where human rights defenders were particularly threatened. He recalled in that connection that the Commission on Human Rights had approved, on 3 April 1998, the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, and had recommended its adoption by the General Assembly. The Sub-Commission should therefore redouble its support for all human rights defenders and highlight the dangerous conditions in which they performed their daily work. It was not his intention to compare the countries mentioned, which would be listed in alphabetical order to avoid establishing a priority list. Each of them should be seen in the context of its international human rights obligations and in the light of international humanitarian law.

55. Thus, in Algeria, some 80,000 persons had been killed since 1992, during massacres in villages, and attacks and assassinations in towns. To those could be added other serious human rights violations such as rape, “disappearances”, torture and deaths in custody. It was often difficult to ascribe responsibility for the violations, but it was clear that the abuses

had been carried out with total impunity for the perpetrators, which had led to a climate of fear. The Algerian authorities had made it difficult to clarify the human rights situation in the country; members of human rights organizations and journalists had often been targeted with death threats, imprisonment and harassment, and at times had even been assassinated, and human rights defenders had been prevented from adequately investigating the situation over the past several years. According to Amnesty International, such restrictions had contributed to a “wall of silence” surrounding human rights abuses in Algeria, where tens of thousands of people had been killed without the world really noticing. It was thus vital for the international community to protect human rights advocates, because it was they who made the abuses visible to the world and helped to end a climate of impunity which fostered further abuses.

56. The Human Rights Committee, during its consideration of the report presented by the Government of Algeria, had condemned the violations being committed in Algeria and had strongly urged the Government to investigate all the atrocities properly. The Sub-Commission should, in its turn, express its concern over the severity of the situation in Algeria, and encourage the Government to bring to justice all those responsible for perpetrating the violations, whether they were associated with the armed opposition or with the State. The Sub-Commission should also urge the Government to accept international verification of the human rights situation in the country, and should help bring to an end the silence of the international community regarding the tragedy in Algeria.

57. The concerns he had already expressed, at the forty-ninth session of the Sub-Commission, about the human rights situation in Belarus, had been reinforced by the observations of the Human Rights Committee, which had noted, following consideration of the country's periodic report in October 1997, that remnants of the former totalitarian rule persisted and that the human rights situation had deteriorated significantly as from 1992. It had worsened further since then. The excessive powers which the President had assumed were likely to be increased even more by the proposal for a new statute making criticism of the President a criminal offence punishable by up to four years' imprisonment or two years of hard labour. The Belarusian Government had already taken numerous measures restricting freedom of access to information and the freedom of the press, and had created a “Press Council” which potentially subjected the media to government censorship. Moreover, journalists and human rights defenders had been arbitrarily imprisoned or threatened and their equipment confiscated or destroyed. Restricting the freedom of the press served to obscure human rights abuses, by creating a zone of impunity for the perpetrators within the Government itself.

58. Colombia was also a country where human rights defenders were routinely threatened and attacked. Human rights defence organizations had been the target of attacks, and several of their members had been killed or forced into exile. Such attacks had taken place within the broader context of serious human rights violations such as the extrajudicial executions, kidnappings, torture and disappearances perpetrated in Colombia primarily, although not exclusively, by members of paramilitary groups and drug traffickers, with total impunity. The abuses were carried out against the backdrop of the massive armed conflict which had afflicted Colombia for some 40 years.

Despite several measures taken by the Colombian Government to ensure respect for human rights and guarantee the protection of human rights defenders, much still remained to be accomplished so that they could freely perform their work. The Colombian Government should in particular ensure that all those responsible for acts of violence against human rights activists - whether paramilitary groups or agents of the State - were brought to justice.

59. Since the Sub-Commission's adoption, in 1997, of a resolution in which it expressed concerns about persistent and concordant allegations of grave human rights violations in the Democratic People's Republic of Korea, the situation in that country had worsened. Following the adoption of that resolution, the representative of the Democratic People's Republic of Korea had informed the Sub-Commission of his Government's intention to withdraw from the International Covenant on Civil and Political Rights. The Democratic People's Republic of Korea had in fact been refusing to cooperate with the Committee for several years, and had already asked the Legal Counsel of the United Nations whether it would be possible to withdraw from the Covenant. The Sub-Commission's resolution had therefore been only a pretext for implementing a long-established plan. It was however doubtful whether, from a legal point of view, the Democratic People's Republic of Korea could withdraw from the Covenant, which did not contain any provision for withdrawal, particularly since, as the Human Rights Committee had concluded in its General Comment 26, international law did not permit a State party to denounce or withdraw from the International Covenant on Civil and Political Rights.

60. In Turkey, on which the Sub-Commission had been unable to adopt, at its forty-ninth session, a draft resolution expressing concerns about the violations of human rights and international humanitarian law committed by the security forces and also about the abuses perpetrated by the PKK, the situation had improved slightly. The Commission's Special Rapporteur on Torture and the Working Group on Enforced or Involuntary Disappearances were due to visit the country towards the end of the year. In addition, the measures announced by the Turkish Government had borne some positive results, and the decreased period of incommunicado detention had apparently diminished the incidence of torture or at least reports of torture.

61. Nevertheless, torture remained endemic throughout Turkey. It was not only practised in the south-eastern region, and the Kurds were not the only victims. It appeared that torture was still considered a means of legitimizing the State. Moreover, the Turkish Government continued to refuse the International Committee of the Red Cross access to the country. The problem of internal displacement in the south-east of the country following the evacuation of villages under pressure from terrorist organizations or the security forces, which had been the subject of a Council of Europe report, remained worrying. Furthermore, the Government had closed the offices of several human rights organizations, and human rights defenders and journalists continued to be threatened with harassment, imprisonment or death. The Sub-Commission should continue to devote the necessary attention to the situation in Turkey.

62. In conclusion, he reiterated the hope that the Sub-Commission would continue to support the work of human rights defenders around the world,

and that during the fiftieth session it would take concrete action on at least some of the countries which had thus far escaped Commission scrutiny.

63. Mr. Guissé resumed the Chair.

64. Mr. MEHEDI, reacting to the comments made by Mr. Weissbrodt regarding Algeria, said that he closely followed the situation in his country and would like to provide some clarification on the subject. Firstly, he regretted that Algeria was being portrayed as a country condemned by international organizations with which it in fact regularly cooperated.

65. In connection with the concluding observations of the Human Rights Committee following consideration of the second periodic report of Algeria, it should be recalled that those were recommendations made to a State party to the International Covenant on Civil and Political Rights which had recognized the jurisdiction of the Committee charged with monitoring its implementation. It could be seen from the recommendations that the internal legal order was in conformity with the international legal order, international law having been incorporated into internal law, and that contributed to promoting the rule of law. The Committee had condemned the terrorism and confirmed its solidarity with the Algerian people who were victims of it, while underlining that the Algerian State had created mechanisms for protecting human rights and had established mediation bodies that were represented throughout the country. Finally, the Committee had noted positive aspects such as the 1996 Constitution, which had also contributed to the establishment of a resolutely democratic State.

66. Speaking about a wall of silence in connection with Algeria made it appear that Algeria was entirely closed and that no information was obtainable. Yet, as members would be aware, Algeria had invited a panel of human rights experts led by the former President of Portugal, Mr. Mario Suarez, to observe and evaluate the situation on the ground at first hand. It would therefore be appropriate to await publication of the panel's report to have an accurate idea of the situation in Algeria.

67. Mrs. AULA (Franciscans International) said that Franciscans International and the Dominicans wished firstly to reiterate their grave concern about the deterioration of the human rights situation in Mexico, and particularly in the State of Chiapas. It was clear that the Mexican Government was, in reality, applying a strategy aimed at increasing the military presence in the Chiapas communities, supporting paramilitary groups, and increasingly isolating the indigenous communities both socially and politically in order to keep them under the strict control of the army and the State. The suspension of the National Mediation Commission (CONAI) in June 1998 was further evidence that the Mexican Government was undermining the necessary conditions for dialogue and negotiation.

68. Franciscans International and the Dominicans urged the Sub-Commission to adopt a resolution recommending the Commission on Human Rights to appoint a special rapporteur on the human rights situation in Mexico, particularly in the State of Chiapas, and urged the Mexican Government to disarm all paramilitary groups operating in Chiapas, to respect the San Andrés Agreements

signed in February 1996 to guarantee the rights of indigenous populations, and to cease its repression and defamatory campaigns against the Catholic Church, and more specifically the diocese of San Cristobal de las Casas.

69. In Brazil, violence and impunity had also reached alarming levels, particularly in rural areas in connection with the struggle for land. Brazil had one of the most unequal land distributions in the world, since large properties representing only 2.8 per cent of the total number of farms occupied 56.7 per cent of the overall land area, much of which remained unproductive.

70. Franciscans International and the Dominicans supported the petitions of the Landless Movement of Brazil and urged the Brazilian Government to take effective measures to speed up the pending legal proceedings concerning the assassinations of rural workers, to promote the immediate settlement of all landless rural workers and their families, and to carry out a massive agrarian reform programme.

71. Attention should also be drawn to the persecutions suffered by Christians in Pakistan, where the punishment laid down in the Penal Code for the vaguely and arbitrarily defined offence of blasphemy had been increased from two years' imprisonment to death, a penalty which was totally out of proportion. Furthermore, mere allegations without circumstantial evidence were often enough to condemn a person. In reality, most cases under the blasphemy law were the result of abuse of the law by certain individuals in order to stir up disharmony among religious groups. Another cause for grave concern was the consequences of the separate electoral system in Pakistan which required all religious groups to vote only for candidates of their own denomination.

72. Consequently, Franciscans International and the Dominicans urged the Government of Pakistan to repeal all discriminatory laws, particularly the blasphemy laws, to ensure that all persons accused of blasphemy were given a fair trial without delay, and to guarantee that they would not be subjected to any form of ill-treatment. The Sub-Commission should monitor the situation in Pakistan, and urge the Government of Pakistan to implement the recommended constitutional and other changes related to the protection of religious minorities.

The meeting rose at 1 p.m.