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Chairperson: Ms. AL-HAJJAJI (Libyan Arab Jamahiriya)

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The meeting was called to order at 3.15 p.m.

STATEMENT BY THE MINISTER OF JUSTICE WITH RESPONSIBILITY FOR THE
PROMOTION OF DEMOCRACY AND THE RULE OF LAW OF TOGO

1. Mr. FOLI-BAZI (Togo) said that his Government, which was committed to peace and respect for human dignity, paid tribute to the part the Commission played in raising States' awareness of the need to protect human rights. The defence and promotion of human rights was a never-ending task, for no country could ever fully shake off the threat of violence or shed the load of history. Some countries, however, were less lucky than others: it was scarcely possible to speak of dignity to people who were hungry or lacked access to drinking water or health care. Without a guaranteed minimum standard of living, human rights remained meaningless.
2. Poverty and ignorance were a breeding-ground for crises and human rights violations. The effective realization of all human rights, civil, political, economic, social and cultural, depended on the attainment of a threshold of economic development and social progress. The policy of imposing economic sanctions for human rights violations seemed paradoxical, since it merely exacerbated a situation that was hardly conducive to respect for human dignity. Human rights should not be a weapon in the political struggle for power or a tool for manipulating international opinion in order to obtain sanctions against a particular country.
3. In addition to the National Human Rights Commission, established in 1987, Togo had recently created the office of Ombudsman, with responsibility for resolving non-judicial conflicts between citizens and the administration. Togo had ratified about 50 international conventions since the 1970s. In 1997 it had submitted its initial report to the Committee on the Rights of the Child and had subsequently taken steps to dismantle child-trafficking rings, repatriate the victims and return them to their families. It had recently submitted its third periodic report to the Human Rights Committee. In the spirit of the Beijing Declaration and Platform for Action, Togo was setting up revenue-generating activities to improve the situation of Togolese women. Its national human rights institutions played an important and constructive role in awareness-raising activities, and human rights education had been introduced into the schools.
4. Political dialogue had become a means of resolving differences between political actors and regulating political life in Togo. The President's commitment to peace and dialogue had enabled him to help reconcile Governments and opposition leaders in the subregion and elsewhere in Africa, and given him a leading role in seeking a peaceful settlement to the crisis in Côte d'Ivoire.
5. The same spirit of dialogue had helped his Government to deal with the recent crisis in Togo itself, where intolerance, incomprehension and vested interests had stirred up hatred, undermining national unity, social cohesion and economic development. The Government was currently endeavouring to establish a peaceful democracy and had laid the foundations for a State based on the rule of law. In order to safeguard the rights inherent in a democracy, it had raised judges' salaries, thereby ensuring better conditions for the administration of justice.

6. Among the many challenges that remained to be faced, the most important was economic development, which could be realized only through international solidarity. More than ever before, the Southern and Northern countries shared a common destiny and, working together, could construct a civilization of freedom, peace, tolerance and justice.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (*continued*) (E/CN.4/2003/27-29, 30 and Add.1, and 130; E/CN.4/2003/G/2, 3, 5, 6, 8-12, 14, 16-21, 24-27, 29, 30, 33, 39 and 40; E/CN.4/2003/NGO/19, 34, 47, 128, 129, 133, 180, 211, 215, 221 and 261; A/57/366 and Add.1)

7. Ms. CHING (Amnesty International) said there was much discussion concerning the situation in Israel and the occupied Palestinian territories but little action. The resolutions passed by the Commission at its previous session had been disregarded. The conflict had escalated in the past year and her organization had repeatedly condemned the grave abuses committed by both sides.

8. The sweeping measures of collective punishment imposed by Israel, far from bringing security, had helped to fuel the spiral of violence and had not prevented Palestinian armed groups from carrying out suicide bombings and other attacks on Israeli civilians, including children. At the same time, Israeli soldiers who committed gross violations and war crimes enjoyed impunity, thereby encouraging further violations, while Israelis who refused to serve in the army in the occupied territories were imprisoned.

9. Her organization welcomed the report by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (E/CN.4/2003/30). The upholding of international human rights and humanitarian law must not be subordinated to political considerations. Concrete mechanisms must be put in place to ensure that the concerned parties met their human rights commitments: the presence of international monitors could help save both Palestinian and Israeli lives; and the supply of weapons and equipment used in the course of actions that violated human rights and humanitarian law must be stopped.

10. Ms. SAHRAOUI (International Commission of Jurists) said that her organization strongly condemned the attacks on Israeli civilians by armed Palestinian groups. War crimes should not be committed in response to other war crimes, and the perpetrators of such serious violations of humanitarian law should be subject to criminal prosecution.

11. The State of Israel had a right to ensure its security, but not at the expense of its international human rights obligations. The disproportionate use of force and the use of heavy artillery in civilian areas violated the principle of distinguishing between combatants and civilians. Other violations continued, including torture, arbitrary detention and extrajudicial executions; her organization was particularly concerned that the Supreme Court of Israel had endorsed the practice of targeted assassination and the deportation of the families of suspected suicide bombers. In addition, the blockade of the occupied territories entailed unacceptable denial of the freedom of movement and of economic, social and cultural rights. Moreover, the perpetrators of war crimes and of serious violations of the Geneva Conventions enjoyed total impunity in Israel, while Israeli conscientious objectors who courageously refused to serve in the occupied territories were sent to prison.

12. Her organization urged the Commission to remind both Israel and the Palestinian Authority that they had a duty to prosecute war criminals, including those responsible for gross violations of international humanitarian law and for crimes against humanity; to call upon the parties to take steps to put a stop to such violations; and to establish an international human rights monitoring presence in the occupied Palestinian territories.

13. Mr. FAYEK (Arab Organization for Human Rights) said that the Israeli policy of occupation and illegal settlement had been made possible by killings and assassinations, destruction of buildings, arbitrary arrest and confiscation of land, all of which fell into the category of war crimes. Israel had refused to ratify the Rome Statute of the International Criminal Court and had instructed members of the military not to talk about their actions, in order to avoid falling under its jurisdiction. His organization requested the Commission to confirm that the Fourth Geneva Convention applied to the occupied Palestinian territories, to set up a committee of inquiry to investigate Israeli practices and to call for an immediate end to the occupation.

14. Mr. LITTMAN (World Union for Progressive Judaism) said that the international community had shown little concern for the Arab occupation of the West Bank from 1948 to 1967, despite the religious cleansing of the Jews from Judaea, Samaria and Jerusalem and, indeed, throughout the Arab world. The end of the current war with Iraq would, he hoped, bring an opportunity for peace and reconciliation in the Middle East, but the Palestinian Authority would become a genuine partner with Israel only if it broke with Hamas and similar organizations, in a new democratic spirit of mutual acceptance. The Commission should strongly encourage the development of such a spirit.

15. Ms. WERNER (Human Rights Watch) said that civilians were paying the price for egregious violations of international human rights and humanitarian law by the Israel Defence Forces (IDF) and Palestinian armed groups. She strongly deplored actions by the State of Israel that disproportionately harmed civilians. Such actions could not be justified by military necessity. The impunity with which IDF acted must come to an end. Her organization also condemned in the strongest possible terms Palestinian groups' use of suicide bombings deliberately aimed at Israeli civilians. No matter how desperate or helpless the situation, such attacks must be brought to an end and the organizers apprehended and brought to justice.

16. The international community was currently reminding all parties in Iraq of the importance of the laws of war and the duties of an occupying Power. She urged the Commission to do likewise in respect of the crisis in the occupied territories. Her organization also requested the Commission to adopt a strong resolution calling on the international community to ensure, inter alia, the protection of civilians in accordance with the Fourth Geneva Convention. Lastly, it should call upon the Security Council to authorize the establishment of an international observer mission in Israel and the occupied territories without further delay.

17. Ms. BLOMQUIST (International Save the Children Alliance) said that the escalating violence in Israel and the occupied territories was seriously affecting children. Their health also suffered as a result of the curfews, closures and incursions: mothers were afraid to take their children to receive health care, and there was often a lack of access to food. The Palestinian

children's right to education was also endangered and access to schools had become increasingly difficult. The basic rights of children with disabilities were denied or at risk, with some services having disappeared completely and others being disrupted.

18. She called on the Commission to insist that the Israeli Government act in accordance with its obligations under international human rights law and international humanitarian law; to request that Israeli military forces withdraw from Palestinian areas and put an end to the policy of closures and curfews; and to support the establishment of an international human rights monitoring presence, including child protection monitors, to be deployed to the occupied territories.

19. Ms. DUSSOLLIET GOND (World Federation of Trade Unions) said that there was a deliberate policy to exterminate the Palestinian people of the occupied territories. The fact that workers and their families were dying every day went unreported in the media. Such a policy was used as the justification for electric fences, the expulsion of the families of presumed terrorists from the Gaza Strip and the destruction of houses. Meanwhile, Israel continued to refuse to respect United Nations Security Council resolutions calling for the withdrawal of its troops from the occupied territories.

20. Her organization supported the Palestinian people's demand for the right to an independent State, guarantees for their economic development, the dismantling of the Israeli settlements in Palestinian territories and the right of refugees to return. She urged the Commission to request that Israel respect United Nations resolutions relating to the withdrawal of its troops and put an end to the violations of human rights.

21. Mr GILOLMO (Federación de Asociaciones de Defensa y Promoción de Derechos Humanos) said that some States made use of force to ensure the application of Security Council resolutions, as currently seen in Iraq. The same pressure and intensity was not, however, being applied in the case of Palestine, an issue on which numerous resolutions had been passed by the Security Council. That undermined the credibility of the Security Council and the United Nations in international public opinion.

22. The Palestinian leadership had been attempting to resolve the plight of the Palestinian people for two decades through negotiations. It had accepted all the resolutions passed by the General Assembly and Security Council. Israel had demonstrated, however, that it had no intention of doing the same and had ignored every one of the established deadlines for withdrawing its troops from the occupied territories. The intifada was a reflection of the Palestinians' desperation, faced with the impossibility of achieving a negotiated settlement. The use of violence against Israeli civilians could not be condoned but it in no way justified the Israeli "scorched earth" policy.

23. He called upon the United Nations to apply the necessary mechanisms to ensure Israel's compliance with all the Security Council resolutions and to oblige it to withdraw from the occupied territories and end once and for all its occupation of Palestine.

24. Ms. GRAF (International League for the Rights and Liberation of Peoples) noted that all 73 of the resolutions passed by United Nations bodies between 1951 and 2002 on the subject

of the occupied territories had been flouted by Israel. Israeli troops continued to occupy every Palestinian population centre and maintained checkpoints and curfews in the rest of the occupied territories. Military attacks against the Palestinian infrastructure continued and people were prohibited from leaving their homes. The international community, much too accustomed to images of violence and death, remained indifferent. It was very worrying that children and young people in both the societies concerned were being brought up in a climate of hatred where violence and retaliation were an everyday reality. Both parties to the conflict should reflect upon the impact of such a heavy legacy.

25. Lasting peace could be achieved only by re-establishing justice, equality and dignity and redressing the wrongs suffered by the Palestinians for more than half a century. At the same time, as a counterpart for recognizing and allowing the Palestinians the right to statehood, Israel should be guaranteed the right to exist in peace, within secure borders.

26. Mr. SHARAFEDDIN (International Organization for the Elimination of All Forms of Racial Discrimination) said he wondered what the United States of America and the United Kingdom were trying to achieve in Iraq and the other Arab countries and whether they wanted to control oil resources so as to achieve hegemonic domination. Iraq was currently being bombed, after having been subjected to a long and cruel embargo which had killed over 1 million children. Yet the warmongers chose to keep silent about Israel's weapons of mass destruction, the fact that innocent Palestinian civilians were being killed and that over 30 resolutions passed by the Security Council were being flagrantly defied. The United States and the United Kingdom had had no interest in enforcing Security Council resolutions concerning the massacres and human suffering in the occupied territories. The representatives of the United States and the United Kingdom must justify their actions to the international community, actions which were an affront to the dignity of humankind.

27. Mr. ABU EISSA (Arab Lawyers Union) said that certain groups were profiting from the war in Iraq while violating the provisions of the International Covenants on Human Rights and all other human rights instruments. Similar violations were taking place in the occupied territories, but the international community chose to ignore them. The Israeli leadership was prepared to use any available means to bring the Palestinians to heel and to curb the intifada. No progress whatsoever had been made towards a lasting peace and the Israeli authorities were given a free hand by the Powers. Israel was determined not to return to the negotiating table and had no intention of withdrawing from the occupied Palestinian territories or the Golan Heights.

28. Mr. SAMUELS (Simon Wiesenthal Centre) said he wanted to focus attention on the United Nations Relief and Works Agency (UNRWA) as the key service provider in the Palestinian territories. He wondered whether it had not served to perpetuate Palestinian refugee status by discouraging self-development and preventing international efforts to provide the infrastructure for normalization. It had also served the policies of Arab neighbouring States opposed to the integration of the refugees, discouraged resettlement and provided patronage to the Palestinian administration. He urged that a full and thorough investigation be made of UNRWA expenditure and employment practices and requested that an independent committee be established with a view to restructuring the agency to achieve its defined objectives more

effectively. Such an examination would determine whether UNRWA served the cause of peace through its statutory responsibility for relief works or whether it contravened its mandate by perpetuating the conflict and deprivation of human rights.

29. Ms. FERRY (Cairo Institute for Human Rights Studies) speaking also on behalf of the Palestinian Society for the Protection of Human Rights and the Environment (LAW), said that her organization supported the position adopted by the Special Rapporteur that it was the military occupation of Palestinian territory which was responsible for most of the violations of humanitarian law and human rights. Israel's ongoing illegal occupation violated the rights of the Palestinians, including their right to self-determination. Israel's illegal annexationist designs on Palestinian territory were evidenced by its refusal to acknowledge the legal position that it could not claim sovereignty over the occupied territories. The unlawful confiscation and expropriation of land and water supplies and destruction of crops continued, as did the establishment and expansion of illegal Israeli settlements. The occupying forces had also committed grave violations of humanitarian law against civilians and crimes against humanity.

30. She urged the Commission to reaffirm the illegality of the occupation; to call for an end to Israeli denial of Palestinian rights by withdrawing its troops, dismantling the illegal settlements and allowing the establishment of an independent and viable State of Palestine; to ensure Israel's respect for international law by calling for effective measures such as economic sanctions; and to provide an international protection force in the occupied territories.

31. Mr. SRULEVITCH (United Nations Watch) said that Israel alone was scrutinized and condemned under agenda item 8 and that there was no justification for such treatment. The existence of item 8 took valuable time and attention away from more serious and less political human rights concerns and demonstrated that the Commission had strayed from its purpose. If the Commission was concerned with the right to life, it should pay more attention to the pandemic of AIDS in sub-Saharan Africa rather than discussing it under one of four sub-headings under agenda item 14. There were 25 million internally displaced persons and 20 million refugees in the world who were also discussed as a subsection of item 14. There were 860 million illiterate adults in the world and 113 million children who did not attend school. Illiteracy prevented the enjoyment of many political, civil, economic, social and cultural rights, but it was given a very low priority. He urged the Commission to deal with the Arab-Israeli conflict in a non-political manner under agenda item 9.

32. Mr. DIENER (Society for Threatened Peoples) said that his organization condemned all violations of human rights by both parties to the conflict. The Israeli economic blockade and the restriction of freedom of movement were in violation of article 33 of the Fourth Geneva Convention. The destruction of houses and agricultural land by the Israeli Defence Force was a violation of article 53. The construction of Israeli settlements in the occupied territories ran counter to article 49. The killing of Palestinians by Israeli settlers was a breach of article 27 and the extrajudicial execution of Palestinians was a violation of article 32.

33. He urged the Commission to call on the Government of Israel to observe its legal obligations under the provisions of the Fourth Geneva Convention, as required by Security Council resolution 1322 (2000), and to provide compensation for the reconstruction of the destroyed Palestinian infrastructure. The Commission should also call on the international

community to review military and intelligence cooperation with Israel and trade in goods produced by facilities established in illegal settlements. The Palestinian Authority should be urged to prosecute those responsible for criminal actions and suicide attacks.

Statements in exercise of the right of reply

34. Ms. KAMINSKY (United States of America) said that, on 14 March 2003, President Bush had reaffirmed his commitment to the vision of two States, Israel and Palestine, living at peace and had announced his readiness to present the “road map” developed by the Quartet of international mediators to the parties as a starting point and framework for progress.

35. The actions of the Commission, which cast all blame on Israel, were not balanced, fair or helpful to the cause of peace, nor was the devoting of an agenda item solely to the situation in the occupied territories when other human rights violations did not receive the same attention. Another imbalance was the Commission’s appointment of a Special Rapporteur with an open-ended mandate to report on the Israeli Government’s actions in the occupied territories. It was essential that the mandate be extended to human rights abuses committed by the Palestinian Authority if it was to advance the cause of peace. Such a lack of balance weakened the Commission’s own credibility and undermined its progress towards peace.

36. The Chairperson had requested the members of the Commission to use diplomatic language when discussing difficult issues. However, the Commission had failed to live up to that basic standard and inflammatory, repugnant and reckless language had been heard. Such language could inflame public opinion and make it harder to restore trust and confidence. If there was to be peace, the use of such language must stop.

37. Mr. LEVY (Observer for Israel) said that the assertion by the representative of the Syrian Arab Republic that Israeli Arabs were not allowed to build houses was ludicrous. He invited that representative to come and see for himself how 1 million Arab Israelis lived, how they were represented in Parliament and how their voices were heard on television or radio.

38. He deplored the double standards used in matters concerning Israel. Self-determination, for example, seemed less desirable to many delegates when it was a question of the Jewish people and the State of Israel. Human rights violations were discussed under agenda item 9 in respect of all Member States, except Israel, which had an agenda item exclusively devoted to it. When a special rapporteur’s mandate concerned Israel, it was open-ended, one-sided and inherently flawed. Despite the statement by the spokesman for the Organization of the Islamic Conference (OIC) that there would be no naming and no shaming, that precept had been forgotten where Israel was concerned. Another double standard related to regional groupings: only Israel was excluded from full and equal membership of any such grouping.

39. When other countries implemented United Nations resolutions, they received due commendation; but not Israel. It had fully implemented Security Council resolution 425 (1978) calling on it to withdraw from Lebanon but no commendation had been forthcoming. The double standard also applied to the definition of terrorism: when Israeli children were blown to

pieces, that was described by some as legitimate resistance, while any retaliation was called terrorism. Above all, double standards applied to his country's national movement, which had repeatedly been slandered and denied its right to exist.

40. Mr. SALLOUM (Syrian Arab Republic), having noted that the Palestinians had just celebrated Land Day, in memory of the land confiscated by Israel, said that the houses that the Arabs were living in had been built a long time ago. Not a day passed, however, without television pictures of Israeli bulldozers destroying Arab houses. A young American woman had recently been killed trying to prevent such destruction. The observer for Israel could hardly be surprised or aggrieved therefore at being targeted. What the international community was, in fact, targeting was the apartheid regime in Israel. When, like its counterpart in South Africa, it was removed, the international community would be happy to deal with Israel on terms of equality.

41. The observer for Israel had made a number of misleading assertions. He had accused the Syrian Arab Republic of welcoming terrorists and of selling weapons to Iraq. Neither assertion was true. It was not true either that Security Council resolution 425 (1978) had been implemented in full: the Shab'a farms had still not been returned. Moreover, farmers continued to meet their deaths because the Lebanese authorities had not been given a map of the minefield locations. He urged the observer for Israel to state that his Government wished to make peace with the Arab world which had set out a comprehensive peace plan at the summit meeting of the League of Arab States.

42. Mr. LEVY (Observer for Israel) said he freely acknowledged that Israel wanted to make peace with the Arab world, including the Syrian Arab Republic, but not on unilateral terms. Peace was a matter of dialogue and compromise; Israel could not simply accept the Arab peace proposal wholesale. As for the question of Land Day, he noted that it had been marked by a public demonstration by Israeli Arabs - not Palestinians in the territories - who disagreed with Israeli Government policy. He wondered when the last public demonstration directed against the regime had been held in the Syrian Arab Republic or when a press conference had been held by an opposition member of parliament there. With regard to the refuge given to terrorists, the Syrian Government should arrest the leaders of the 10 major terrorist organizations based in its country and close their offices.

43. Mr. SALLOUM (Syrian Arab Republic) said that the observer for Israel, by talking about "Israeli Arabs", was denying them their identity: they were Palestinians who had lived in the country before the State of Israel had been established and were deprived of the right to build houses by the occupying Power. Israel did not recognize their existence and therefore omitted to provide them with proper power supplies or basic necessities.

44. As for the assertion that Israel wanted peace, it wished to make peace on its own terms only, not on the basis of United Nations resolutions. Israel was still seeking to negotiate its withdrawal from the lands it had occupied since 1967.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (continued) (E/CN.4/2003/31-37, 38 and Add.1, 39, 40 and Add.1, 41-42, 44 and 45; E/CN.4/2003/G/7, 37, 38 and 47; E/CN.4/2003/NGO/28, 35, 54, 60, 61, 63, 68, 72-76, 102, 109, 117, 130, 136, 157, 162, 164, 166, 181, 188, 191, 194, 195, 204, 212, 226, 231-239, 241-244, 249, 263 and 265)

45. Ms. KEITA-BOCOUM (Special Rapporteur on the situation of human rights in Burundi), introducing her report (E/CN.4/2003/45), said that it concluded with her recommendations, that were addressed to the parties to the conflict, to the Burundian authorities and to the international community (paras. 90 to 110).

46. Since the submission of the report, a number of events had taken place that could have an impact on the human rights situation. Hostilities involving all the parties to the conflict had continued until quite recently. The Forces nationales pour la libération (FNL) were still avoiding negotiations, while attacks by some militias of the Conseil national pour la défense de la démocratie - Forces pour la défense de la démocratie (CNDD-FDD) showed that they did not intend to stop fighting, despite the food aid that the European Union had been providing to them for some time. In February 2003, the African Union had sent observers from a number of African countries, but the wing of the CNDD-FDD under Peter Nguronziza claimed not to have been informed and therefore declined to guarantee their security.

47. Lastly, the political climate was overshadowed by concern at the changeover of power from a Tutsi to a Hutu president as provided for under the Arusha Agreement. There were doubts as to whether that changeover would take place and, if so, whether it would be a peaceful process. Political life was thus rather tense and economic and social activities had gone on hold. That would inevitably have an effect on human rights. The presence of international monitoring and human rights mechanisms was therefore all the more important.

48. Ms. BIHOTORI (Observer for Burundi) said that, although her Government was aware of the importance of protecting human rights, Burundi had been involved in a complex civil war since 1993 and, despite its efforts, some human rights violations had inevitably occurred.

49. She wished to take issue with some specific points made by the Special Rapporteur in her report (E/CN.4/2003/45). With regard to the statement attributed to the army spokesman, (para. 18), it should be borne in mind that it had coincided with the start of negotiations with some armed factions and a renewal of violence by others which were opposed to the negotiations. The spokesman was simply trying to encourage the population to leave the war zone. It was not true, as asserted in the report (para. 25), that the army had reacted against the civilian population. On the contrary, its role was to protect the population. At the time, however, coming under attack from rebel groups virtually throughout the country, it had had to use a wider range of means than usual.

50. With regard to the tragic events outlined in paragraph 26, the Government, the Government Human Rights Commission, the Iteka League and the Office of the High Commissioner for Human Rights (OHCHR) had all conducted their own enquiries. The resulting conclusions were that the number of deaths was 173 not 300; and that the people of Kanyonga, Kagoma and Kivoga in the Itaba region had been deceived and abused by the rebels. Following the events, four army officers had been court-martialled and sentenced to four months' imprisonment. The Public Prosecutor considered the sentences too lenient and had appealed against them.

51. Her delegation had grave doubts as to the reliability of the information contained in paragraphs 26 to 35 of the report. The Special Rapporteur should have based her account on information provided by the Government Human Rights Commission, which received independent and wholly credible reports.

52. As for freedom of expression and association, no trade union militant was currently imprisoned for trade union reasons, as far as she knew. Charles Mukasi, mentioned in paragraph 50, had long since been released. As for press freedom, a bill on the media and on the National Communication Council were before Parliament.

53. With regard to the section of the report on internally displaced persons, (paras. 52 to 58), she said that, although some soldiers overstepped the mark, they were severely punished if found guilty. At the same time, it was fashionable in certain political circles in Burundi to cast the army in a bad light. The suggestion that displaced persons were afraid to visit health centres because military posts were nearby was an example of that kind of propaganda.

54. With regard to the situation of repatriated persons and refugees (paras. 59 to 61), the National Commission for the Rehabilitation of Sinistrés, provided for under the Arusha Agreement, had been established and had started work on 25 March 2003.

55. Her Government was doing its best to improve the situation of the poor, street children and AIDS victims. A ministry with responsibility for AIDS had been established in 2001 and an action plan to counter the disease was currently in hand.

56. Attempts at reform of the administration of justice had been made. However, as the Special Rapporteur had pointed out, the Government was hamstrung by the lack of material and financial resources. The same applied to the protection and promotion of human rights.

57. The recruitment of young people under 18 for military service had been banned. A demobilization, disarmament and occupational reintegration project for child soldiers was under way, with the support of the United Nations Children's Fund (UNICEF).

58. Lastly, she said that the vigilante groups had emerged from the people's desire for protection against rebel attacks and looting. The groups, which were run by local administrations, committed abuses, on occasion, against the general population. In such cases they were severely punished. Once the war ended there would be no more such groups.

59. Mr. KRIEKOUKIS (Observer for Greece), speaking on behalf of the European Union, asked whether the Special Rapporteur had her next mission planned and, if so, when she intended to carry it out. Secondly, given that the ceasefire had not been accepted by all combatants, and that hostilities leading to violations of human rights and humanitarian law still occurred, he asked for her assessment of the current state of the peace process. Lastly, he inquired whether there was any evidence that the Burundian authorities intended to prosecute those responsible for human rights violations, not only among the armed groups but among State agents and whether the United Nations had been involved in any preparations for prosecutions.

60. Mr. GRIBBIN (United States of America) said that, in view of the fact that racial or ethnic tensions underlay Burundi's problems, he would like to know whether the Special Rapporteur thought that such tensions were decreasing or increasing, or remained unchanged. Secondly, he asked for her assessment of the effectiveness of the OHCHR field office and other human rights reporting mechanisms in Burundi, both generally and in assisting her work.

61. Ms. KEITA-BOUCOUM (Special Rapporteur on the situation of human rights in Burundi) said that her next visit to Burundi would take place in October 2003, on the assumption that her mandate was renewed. Some progress had been made in setting up human rights institutions but, until genuine peace was achieved, they could not be regarded as very credible. The attainment of genuine peace still seemed a distant prospect. All the parties had taken up arms again. The international community should act decisively to impose a genuine ceasefire that could lead to negotiations.

62. She had no information concerning any preparations for proceedings against the perpetrators of human rights violations. The investigation mentioned in paragraph 26 of the report had been undertaken at her instigation: it was important to establish the precise number of victims. As for the four-month sentences imposed on the army officers involved, they simply made a mockery of the law. It was essential that action be taken against impunity.

63. With regard to the question concerning ethnic tensions, such tensions undoubtedly underlay all political, economic and cultural activities. The rotation system for the presidency could, if properly managed, dispel some concerns. If the changeover was not peaceful, however, there could be a resurgence of the crisis.

64. Her mandate and the work of the OHCHR field office were vital. Resources were, however, very scarce: the office had only two observers covering the whole of Burundi. With greater resources, it would be possible to establish an independent national human rights office, which could also assist in the necessary education and sensitization.

65. Mr. GAKWANDI (Uganda) asked the Special Rapporteur whether she felt that rebel groups' leaders were willing to respect human rights and whether they might be persuaded to abide by international humanitarian law, even if the conflict dragged on.

66. Ms. KEITA-BOCOUM (Special Rapporteur on the situation of human rights in Burundi) said that, as she had been unable to establish firm contacts with the rebel groups, she was appealing to them through the recommendations in her report. All the parties to the conflict should observe the ceasefire and spare the lives of civilians, especially the women, children and elderly who were the main victims of the violence.

67. Mr. PINHEIRO (Special Rapporteur on the situation of human rights in Myanmar), introducing his report (E/CN.4/2003/41), said that, before his most recent mission to Yangon had been curtailed by an incident involving a listening device, he had had some frank and constructive meetings with a number of key figures, including Secretary 1 of the State Peace and Development Council (SPDC), who had invited him to visit the Shan State, where the International Committee of the Red Cross (ICRC) had also been permitted to extend its presence in areas of concern.

68. Human rights workshops sponsored by the Australian Government were another positive step towards confidence building, as were assurances that the operational environment of international non-governmental organizations (NGOs) would be made easier and that cooperation with the International Labour Organization (ILO) would continue. Those initiatives, though welcome, were not a substitute for real advances on substantive human rights issues, where headway had been regrettably slow.

69. During his meetings with the authorities, he had stressed that most of the 1,200 political prisoners had been arrested arbitrarily (they had merely been exercising their basic civil and political rights in a peaceful manner) and that they had not received a fair trial. The pace of releases had slowed markedly compared with the previous year, possibly because the political dialogue had stalled or, perhaps, because they might be used as a bargaining tool in talks between the SPDC and the National League for Democracy (NLD). Allegations that the freeing of prisoners might trigger political unrest were unconvincing. On the other hand, Secretary 1 had promised that releases on humanitarian grounds would continue.

70. Reports of improvements in the position of the Muslim population of Northern Rakhine State were encouraging, and so was the news that cooperation between the authorities of that state and officials of the Office of the United Nations High Commissioner for Refugees (UNHCR) had led to some notable progress. Nevertheless, acute poverty was affecting all levels of the population and malnutrition, particularly among children under five, was rising. Consequently, the United Nations country team was reviewing conditions with a view to defining a strategic framework for an integrated United Nations humanitarian response.

71. Real progress on human rights would not be achieved without genuine advances towards national reconciliation. Hence the lack of a dialogue between the Government and Daw Aung San Suu Kyi was a serious setback. Efforts must be made to induce the SPDC to participate in such a dialogue, because all ethnic groups believed that it would lead to durable national reconciliation and democratization. For that reason, it was essential that the Special Envoy of the Secretary-General should be able to go to Yangon as soon as possible to facilitate the resumption of talks.

72. He had himself appealed to the SPDC to release political prisoners unconditionally and forthwith, to refrain from further arbitrary arrests and to lift the remaining restrictions on freedom of expression. The current deadlock must be overcome so that peaceful reconciliation, dialogue and cooperation could take place in the interests of all the peoples of Myanmar.

73. Mr. THAN (Observer for Myanmar) said that the unfortunate incident which had occurred during the visit of the Special Rapporteur on the situation of human rights in Myanmar was being investigated by his Government, but it should not be blown up out of all proportion. What counted was the fact that progress in the political, economic, social and cultural fields and improvements in human rights had been sustained and significant. The discussions between General Khin Nyunt and the Special Rapporteur had likewise been a very important development. The other positive steps which the Special Rapporteur had mentioned in his oral report were eloquent testimony to the significant achievements accomplished by the Government of Myanmar in the promotion and protection of human rights.

74. Since the Special Rapporteur had submitted his progress report, a further 45 prisoners had been released. To correct some misconceptions about the status of the reconciliation process, it should be mentioned that 12 meetings had been held between a special team led by a cabinet-level representative and Daw Aung San Suu Kyi and that meetings at higher and lower levels had also taken place.

75. It was to be hoped that the positive and encouraging trends he had outlined would be adequately reflected in the draft resolution to be submitted to the Commission at its current session. If the Special Rapporteur maintained his constructive and positive approach, the Government of Myanmar would continue its cooperation with him.

76. Mr. NAESS (Observer for Norway) asked the Special Rapporteur to explain how he intended to examine the question of the recruitment of children by the army and armed groups and to give some idea of when that examination would be completed.

77. Mr. KUMAR (India) asked whether the Special Rapporteur agreed that an internal problem could best be solved from within and that external pressure would be counterproductive. The fact that Amnesty International had been allowed to visit the country to investigate the human rights situation was indicative of positive changes and should be borne in mind in any decision the international community might take. Since the State in question had also adopted measures to prohibit forced labour, he wondered whether the Special Rapporteur agreed that a policy of cooperation and engagement would be more conducive to a strengthening of human rights than a policy of sanctions.

78. Mr. KRIEKOUKIS (Observer for Greece), speaking on behalf of the European Union, asked the Special Rapporteur if he agreed with the ILO that meaningful progress on human rights and forced labour depended on a successful process of national reconciliation and democracy and whether he was concerned that the regime had apparently decided against political reform. Had he raised the issue of the intimidation of Daw Aung San Suu Kyi and the

NLD by the SPDC and the Union Solidarity and Development Association (USDA)? Had he received any assurances that Daw Aung San Suu Kyi would not be subjected to such harassment in the future? Had the SPDC indicated why the freeing of the remaining 1,000 political prisoners had been effectively suspended since November? Was it possible to draw up a detailed timetable for their release to which the regime could be held?

79. Mr. THAN (Observer for Myanmar) asked whether any important developments had resulted from the fruitful discussions that the Special Rapporteur had held with the State authorities the previous week.

80. Mr. SMITH (Australia) invited the Special Rapporteur to give an account of his recent discussions concerning reports of sexual violence and rape by the military.

81. Mr. VALADARES (Brazil) said that, since the release of political prisoners had always given a decisive boost to democratization and national reconciliation in any transitional process, he would like to know what forces were preventing such a move in Myanmar and what could be done to overcome those forces.

82. Mr. PINHEIRO (Special Rapporteur on the situation of human rights in Myanmar) said that he possessed only second-hand information about child soldiers, but he and his team intended to assess the situation in the country for themselves. Although domestic solutions must, of course, be found to problems, human rights were a universal concern and events in any Member State had thus to be scrutinized by the Commission. In addition, a dialogue with a State's authorities made it possible to convey the expectations and support of the international community. Nevertheless, engagement had to be based on the principles of human rights. It was not for him to judge whether or not economic or political sanctions should be imposed; that was a decision for the Member States.

83. As for the freeing of political prisoners, he had tried to explain that, in any transitional period, the release of such prisoners would turn them into active agents of democratization and national reconciliation. Since Secretary 1 had agreed in principle to an on-the-spot assessment by an independent expert of reports of sexual violence, he would discuss the terms and conditions of such an assessment with the Government and would check the allegations himself.

84. The presence of the ILO liaison officer would greatly help the campaign against forced labour. Similarly, as Myanmar was at a turning point, it was crucial that the international community should make it clear that the presence of the Special Envoy of the Secretary-General in the country would render it easier to overcome any obstacles in the way of political dialogue.

85. Mr. MINDUA KESIA-MBE (Democratic Republic of the Congo), speaking on a point of order, said he wished to protest strongly against the presence in the Rwandan delegation of two Congolese citizens who were members of a rebel group responsible for massacres and other serious violations of human rights and international humanitarian law. He asked the Chairperson

to invite the head of the Rwandan delegation to ensure that the two persons in question left the room. Otherwise his delegation, a member of the Commission, would be forced to leave the room, if Congolese citizens formed a parallel governmental delegation with the permission of the Bureau of the Commission.

86. The CHAIRPERSON said that the two persons in question had been accredited at the request of the Rwandan mission. She would be pleased to supply the representative of the Democratic Republic of the Congo with a copy of that letter. There were precedents in the Commission for allowing citizens of one country to form part of the delegation of another State which had granted them accreditation.

The meeting rose at 6.10 p.m.