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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 20th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 24 March 2004, at 3 p.m.

Chairperson: Mr. SMITH (Australia)

later: Mr. MARKOTIC (Croatia)

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(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

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The meeting was called to order at 2.55 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (continued) (E/CN.4/2004/6 and Add.1, 24-26; E/CN.4/2004/G/2, 4, 5, 7, 8, 11, 12, 20, 21, 24; E/CN.4/2004/NGO/6, 7, 86, 114, 124, 142, 156, 189, 197, 212, 227, 248)

1. Mr. AL-SALAHI (Observer for Yemen) expressed his solidarity with the Palestinian people and condemned the policy of eliminating and assassinating Palestinian leaders such as Sheikh Yassin that was being pursued by the Israeli authorities. The confiscation of lands, the establishment of settlements, the demolition of houses, the attacks on the infrastructure and the murder of civilians also constituted serious violations of human rights. Such actions were reminiscent of certain lawless periods of the Middle Ages when there had been no respect for human dignity. The Palestinians were being deprived of their most fundamental rights. He called on the international community to condemn the State terrorism being perpetrated by Israel against the Palestinians in total disregard for the law and to offer its protection to the Palestinian people by putting an end to their suffering.

2. Mr. AL-BADER (Observer for Kuwait) condemned the policy of repression that was being pursued by the Israeli occupying authority through its incursions into towns and villages and through the demolition of homes, the assassination of leaders and the construction of the so-called security wall. The escalating situation that was being witnessed was jeopardizing the peace process and undermining all the efforts by the Arabs to bring about a fair and lasting peace. The Kuwaiti delegation welcomed the report by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (E/CN.4/2004/6 and Add.1), which described the violations perpetrated by the State of Israel against the Palestinian people. His delegation was deeply concerned by Israel's lack of cooperation with the Special Rapporteur and other mechanisms. Kuwait aspired to the establishment of a lasting and comprehensive peace in the Middle East, which could be achieved only if the relevant Security Council resolutions were applied and if the Palestinian people regained their legitimate rights and were able to create a State on their own land, with Jerusalem as its capital. To that end, it was essential that Israel should withdraw from the Golan and the occupied territories.

3. Mr. RAMLAWI (Observer for Palestine) said that the Israeli authorities, in pursuing their policy of assassinating Palestinians, went as far as targeting children, the elderly and the disabled. Since September 2000, 2,800 Palestinians had been killed, including at least 503 children. Israel continued to violate all human rights principles, in disregard of international humanitarian law and public international law. The destruction of homes, expropriation of lands and deprivation of access to health and education continued to take place, as did the establishment of settlements on Palestinian lands, and a separation wall was being built within Palestinian territory.

4. The report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (E/CN.4/2004/6 and Add.1) provided a clear picture of the situation. All delegations should examine it carefully, as well as the report by the Special Rapporteur on the right to food (E/CN.4/2004/10 and Add.1 and 2), the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/58/473 and Corr.1) and other documents

demonstrating that the State of Israel was continuing to violate the rights of the Palestinians by perpetrating State terrorism. If any proof was needed of the terrorist policy being pursued, the Israeli Prime Minister Ariel Sharon and Shaul Mofaz had welcomed the assassination of Sheikh Yassin and had announced that they would continue to conduct such operations. It was essential that the mandate of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 should be extended in accordance with Commission on Human Rights resolution 1993/2/A until the end of the Israeli occupation of those territories, and not reviewed on an annual basis as certain members of the Commission desired.

5. Mr. RAJMAH (Observer for Malaysia) said that his country, which held the Chair of the Non-Aligned Movement and the Tenth Summit of the Organization of the Islamic Conference (OIC), wished to join other members of the Commission in denouncing the ongoing violation by Israel of the human rights of the Palestinian people. It also associated itself with the joint statement made on the agenda item under consideration by the delegation of Pakistan on behalf of the States members of OIC.

6. In his presentation to the Commission, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 had rightly said that a humanitarian crisis was taking place in those territories and that the construction of the wall added to the long list of wrongs being inflicted on them. As Malaysia had pointed out during the public hearings held from 23 to 25 February 2004 at the International Court of Justice, the wall departed from the Armistice Line of 1949 and was therefore illegal under international law. It had also pointed out that the construction of the wall violated the Fourth Geneva Convention in that it involved a de facto attempt to annex a substantial part of the Palestinian territory and its resources, caused the displacement of a large number of Palestinian civilians and further deprived the Palestinians of their rights and freedoms, notably the freedom of access to holy places, including places of worship, of all religions in Jerusalem; the construction of the wall was a unilateral measure that hindered the implementation of the Road Map and the effective creation of a Palestinian State. The Commission should without hesitation denounce the wall's construction. No argument could justify what was a blatantly illegal act that served only the interests of the occupying power.

7. Mr. WHEBE (Observer for the Syrian Arab Republic) noted that Israel had failed to respect a single United Nations resolution and notably paid no heed to the resolutions adopted by the Commission. He wondered how the international community would react if another State had flouted United Nations resolutions in that way. The Syrian Arab Republic cooperated with the United Nations bodies dealing with the situation in the Middle East and in particular welcomed every year the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. It denounced Israel's refusal to comply with Security Council resolution 497 (1981), which called for an end to the occupation of the Golan, whose inhabitants had endured indescribable suffering since 1967. To realize the extent of that suffering, it was sufficient to read the annual reports submitted by the Special Committee, in particular the latest one (A/58/311, dated 22 August 2003), which stated that the occupation of the Golan by Israel had led to

the destruction of over 40 villages and the establishment of more than 200 settlements for 22,000 settlers, whose numbers were set to increase by 50 per cent in accordance with a decision by an Israeli ministerial commission. The international community had reiterated its condemnation of such expansionist and repressive measures, in particular in General Assembly resolution 58/23. Furthermore, the measures taken with regard to the Golan were in contravention of the Fourth Geneva Convention. Through its practices, Israel was undermining peace efforts in the region. The Israeli authorities invoked security to justify their action, but the Syrian Arab Republic could also claim the defence of its security. The Syrian Arab Republic would cooperate with the Commission on Human Rights to ensure that, in accordance with the Madrid process, Security Council resolutions 242 (1967) and 338 (1973) and the "Land for Peace" principle, the rights of the inhabitants of the occupied Arab territories and the occupied Syrian Golan were restored.

8. Mr. JOHANSEN (Observer for Norway) said that, as an occupying power, Israel had an obligation to respect international humanitarian law, in particular the Fourth Geneva Convention, in the occupied territories. Israel's indisputable right to protect its people against terrorist attacks did not legitimize the disproportionate use of force in densely populated areas, the house demolitions or the administrative detentions. Norway had repeatedly asked Israel to stop extrajudicial assassinations, which were unacceptable acts under international law and only fuelled what was an already explosive situation. In that regard, the assassination of Sheikh Yassin could mark an escalation in the conflict. Furthermore, the Palestinian attacks against innocent civilians were morally unacceptable and unjustifiable. They endangered the peace process and obscured the legitimate aspirations of the Palestinian people. The Palestinian Authority should do its utmost to prevent such acts. The extension of Israeli settlements and the erection of a separation wall in the occupied territories, which caused further hardships for the Palestinian people, were not only in breach of the provisions of international law but could also hinder future negotiations and make the creation of two States impossible. The parties must put an end to the cycle of violence once and for all and return to the negotiating table, because there was no military solution to the conflict. The Norwegian authorities remained in favour of a solution whereby two States, Israel and Palestine, would live side by side in peace and security within internationally recognized borders.

9. Mr. AL-RIYAMI (Observer for Oman) associated himself with the statement by the representative of OIC. He denounced the deterioration of the situation and the escalation of violence in the Middle East. Israel persistently violated the international human rights instruments and the Fourth Geneva Convention and continued to pay no heed to the resolutions adopted by the Commission. The abuses perpetrated by the Israeli forces deprived the Palestinian people of their most fundamental rights, including the right to life. The decision to build a separation wall was the culmination of Israeli action and would further increase the Palestinians' suffering. The international community had a duty to protect the Palestinians, and particularly civilians; its credibility was at stake. No State could be above the law. There would be no peace and stability in the Middle East as long as the Golan and South Lebanon were occupied.

10. Mr. MEYER (Observer for Canada) said that Canada remained determined to contribute to all efforts to encourage the negotiation of a just, comprehensive and lasting peace in the Middle East, with the end goal of creating two States, Israel and Palestine. Canada could not emphasize strongly enough that dialogue, and not violence, was the best way of advancing peace

and that there was no justification for terrorist acts. Canada therefore urged the Palestinian Authority to use all available means to fight such acts. However, while it supported Israel's efforts to protect its citizens from terrorism, it condemned the recent assassination by Israel of Sheikh Yassin, and was convinced that neither peace nor justice could be served by a policy of extrajudicial assassination.

11. The Canadian Government remained concerned about Israeli practices in the occupied territories and did not recognize permanent Israeli control over the territories occupied in 1967. It called on Israel to respect its obligations under the Fourth Geneva Convention, which applied de jure to the occupied territories, including East Jerusalem. Israel's construction of a barrier inside the West Bank and East Jerusalem prejudiced the prospects of a negotiated solution and exacerbated the dire humanitarian and economic situation of the Palestinian people. Israel should plan to withdraw from the occupied territories in the context of a comprehensive, just and negotiated solution. The Canadian delegation strongly urged the Commission to address those issues in a manner that was both fair and constructive. It was concerned by the increasing politicization of the Commission with respect to issues including the Middle East situation and by the fact that the Commission spent too much time singling out one country in particular.

12. Mr. VIGNY (Observer for Switzerland) said the Swiss delegation regretted that, over the past year, violence had continued to prevail in the Middle East and had taken a particularly heavy toll among the Palestinian and Israeli civilian populations. His delegation thanked the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 for his reports, in which he provided a detailed account of the violations committed by both parties and underlined the principle of proportionality. It supported his proposals that an investigation should be carried out - either by the Israeli authorities or by an independent international body - to look into the allegations of torture and inhuman treatment against persons deprived of their liberty in Israeli detention centres and that the presence of the Office of the High Commissioner for Human Rights should be strengthened in the region.

13. The separation barrier, inasmuch as its route did not follow the Green Line and it was built on Palestinian territory, was illegal under international law. The humanitarian consequences arising from it for the Palestinians of the West Bank were serious. It was undeniable that Israel did not respect its obligations as occupying power. In its written presentation to the International Court of Justice, Switzerland had expressed its legal and humanitarian concerns about the route of the barrier, underlining that it considered the Fourth Geneva Convention and the two International Human Rights Covenants of 1966 to be applicable in the occupied Palestinian territory.

14. Furthermore, Switzerland considered the numerous restrictions on the freedom of movement of Palestinian civilians and humanitarian organizations to be disproportionate, and condemned the destruction of housing and infrastructure because such measures only served to make the Palestinians' survival more precarious. Only the resumption of negotiations, in accordance with the Quartet's Road Map, could eventually guarantee lasting peace in the region.

15. Ms. HOUMMANE (Observer for Morocco) noted that, despite the numerous resolutions of the Security Council, the General Assembly and the Commission on Human Rights, Israel continued to pursue its policy of repression, humiliation, assassination, isolation and collective

punishment against the Palestinian people, in blatant violation of international law. The illegal construction of the separation wall, which involved the acquisition by force of part of Palestinian lands and resources, the displacement of the civilian population and consequently a denial of the human rights of the Palestinian people in violation of General Assembly resolution ES-10/13 of 21 October 2003, would inevitably have a serious impact on all steps taken to establish peace and security in the region. Morocco called for a firmer commitment on the part of the international community to promote the gradual and irreversible implementation of the Road Map, without preconditions or modifications, and to reject any unilateral solution imposed by the Israeli Government, so as to reach a fair, lasting and comprehensive solution to the conflict in the Middle East that would guarantee the Palestinian people restoration of their legitimate rights, first and foremost through the establishment of a viable, independent State with Al-Quds Al-Sharif as its capital, living alongside the State of Israel.

16. Morocco supported all sincere steps aimed at ending the conflict and at stopping the vicious circle of violence, including the Geneva Initiative presented in December 2003 by civil society. It stood ready to support all efforts to establish a fair and comprehensive peace respectful of international law, in accordance with the provisions of the Road Map and the peace initiative adopted at the latest Arab Summit in Beirut.

17. Mr. SOUALEM (Observer for Algeria) said that the construction of a wall that would separate the West Bank from Israel was only one of the many approaches tried by the Israeli Government to implement its policy based on exclusion, separation and denial. It was worth recalling that it was Ariel Sharon, the current Prime Minister, who, as Minister for Agriculture between 1977 and 1981, had allowed the illegal settlement in the territories of 400,000 people, declaring that the aim was to strengthen the security of Israel and prevent the construction of a viable Palestinian entity. Furthermore, it was the acts of provocation on the Esplanade of the Mosques in September 2000, for which Sharon was responsible, that had unleashed the second Intifadah with the immediate effect of setting in motion the apartheid wall project. That new violation of international law would imprison 300,000 people in 81 enclaves, thereby separating those people from their families and depriving them of their rights to education and health care.

18. For years, the international community's attention had been focused on the methodical destruction of the economic fabric of the occupied territories, based mainly on agriculture. The devastation of farms and the uprooting of more than a million trees over the past three years affected the local population's right to work and deprived it of resources. Since the second intifada, the damage suffered by the agricultural sector was estimated at over US\$ 800 million. Over 16,000 hectares of land had been confiscated during the intifada and the first phase of the apartheid wall's construction. The construction of the wall also had a social impact: the ties between families living in the various places near to the wall were being seriously affected and the rural way of life of farming villages was being threatened in its very essence. The right to carry out religious observances and to access holy places - either Christian or Muslim - was also being compromised, which dealt a serious blow to hopes for peace and reconciliation.

19. Mr. MADI (Observer for Jordan) associated himself with the statement made by Saudi Arabia on behalf of the Arab Group. The grave suffering of the Palestinian people and Israel's continued contempt for Security Council, General Assembly and Commission resolutions and the Fourth Geneva Convention were deplorable. His delegation had taken note with great interest of the report of the Special Rapporteur on the situation of human rights in the

Palestinian territories occupied by Israel since 1967 (E/CN.4/2004/6 and Add.1) and was of the view that the ongoing flagrant violations of the Palestinians' fundamental rights and collective punishments only aggravated the situation and fuelled the desire for vengeance. The Jordanian authorities had always condemned operations from both sides that targeted civilians. As a result of the extent of the destruction and the violations perpetrated by Israeli forces, Palestinians were currently deprived of their rights.

20. Israel must put an end to its policy of isolation and killing; stop the construction of the separation wall; and refrain from building new settlements. The future of coming generations, both Israeli and Palestinian, was at stake. The international community for its part must do its utmost to induce Israel to renounce its policy of hostility and destruction so that peace could emerge in the region.

21. Mr. DIOP (Observer for Senegal) said that in spite of the numerous peace initiatives, the Israeli-Palestinian conflict continued. The devastating physical, economic and social consequences of the military operations conducted by Israel in the West Bank and Gaza under the pretext of the fight against terrorism and self-defence had led to a marked deterioration in the human rights situation in the occupied territories. Such was the conclusion of the report by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (E/CN.4/2004/6 and Add.1) that advocated proportionality in striking a balance between respect for fundamental rights and security requirements. The expropriation, demolition of homes, expulsions and difficulty of access to water by the Palestinians which were associated with settlement activities were grave violations of both human rights and international humanitarian law.

22. In response to Israel's construction of a wall in the occupied Palestinian territory, including in and around East Jerusalem, that would entail Israeli annexation of 10 per cent of the Palestinian territory, the United Nations General Assembly had requested the International Court of Justice to issue an advisory opinion on the legal consequences of the construction of that wall. His Government had supported that request in a written statement submitted to the Court, since such an opinion could have a positive influence on a situation that posed a serious threat to peace in the region.

23. Senegal would continue to advocate peace between Israel and Palestine in an ongoing quest for truth and justice. It therefore maintained normal diplomatic relations with the State of Israel and at the same time had chaired the Committee on the Exercise of the Inalienable Rights of the Palestinian People for many years.

24. Mr. LEVY (Observer for Israel) said that the security fence was Israel's only means of combating terrorism effectively. It was a temporary, non-violent and defensive measure that had no effect on the status of the land on which it was constructed and was not meant to prejudice the outcome of political negotiations on borders. Other, invisible but no less real, "walls" existed between Israel and its neighbours. There were first of all the walls of hatred erected by leaders who feared contact and exchange between Israeli society and their own, and who continued to condone the showing of anti-Israeli and anti-Semitic series on State television. Those walls were

created by the education system of several of Israel's neighbouring States and encouraged the portrayal of a completely distorted image of Israelis and Jews, thus inciting young people to commit atrocities. The second wall was that of the economic boycott against Israel created by the Arab League, which had called on Arab States to refrain from trading with Israel or dealing with companies that traded with Israel or had Jews on their Board of Directors. In Damascus in March 2004, the League of Arab States had renewed its call for a boycott against Israel. The ban on contact between intellectuals, associations and professional organizations was another wall. Such contact, had it been established, would have contributed considerably to better mutual understanding and less suspicion. The trust thus created in the areas of trade, education, law, culture and literature would have reduced tensions and the need for self-defence mechanisms. Finally, there was a diplomatic wall. All countries maintained diplomatic relations with each other through resident ambassadors. The majority engaged in consultations and meetings in their capital cities in a variety of forums. Israel alone had been walled out of that kind of diplomatic interaction, both on a bilateral level and by virtue of its regional grouping. With the exception of those with whom Israel had signed peace agreements, and a few others, the majority of Arab countries maintained and reinforced that diplomatic wall while denouncing Israel for building a security fence. Countries which condemned States that sought to defend themselves did a disservice to the Commission and the fight against terrorism and for human rights.

25. Mr. ALFARARGI (Observer for the League of Arab States) said that the report of the Special Rapporteur revealed that Israel's ongoing occupation of the Palestinian territories and its discriminatory policies against Palestinians violated international law. The wall under construction did not follow the Green Line. It encroached on the West Bank in several places and had detrimental consequences for 210,000 Palestinians, thus creating new generations of stateless persons. According to the Special Rapporteur, the wall had the characteristics of a permanent structure and constituted an act of annexation prohibited by the Fourth Geneva Convention.

26. Israel had restricted Palestinians' freedom of movement, increased the number of checkpoints, introduced a curfew and diminished freedoms. Since Mr. Sharon had come to power, thousands of Palestinians had died each day and their long-standing leaders had been killed, the most recent example being Sheikh Yassin. A clear decision was required to put an end to those criminal acts and to prosecute the perpetrators. If Israel wished to be treated normally by others, it must itself have a normal attitude towards all its neighbours.

27. Mr. KAPLAN (B'nai B'rith International), also speaking on behalf of the Coordinating Board of Jewish Organizations, said it was regrettable that the Commission on Human Rights continued discussing agenda item 8, whose sole aim was to condemn Israel without taking into consideration the campaign of terror conducted by Palestinians against Israeli civilians and to take a punitive stance against a sovereign State for protecting the inalienable right of its citizens to the rights to life, freedom and security of person, as guaranteed in article 3 of the Universal Declaration of Human Rights, and portray that State as the ultimate human rights violator. Such an attitude ran counter to the initiatives of the United Nations itself, in particular the Road Map endorsed in Security Council resolution 1515 (2003) and accepted by both Israelis and Palestinians that envisaged a two-State solution through negotiations.

28. The Commission should compare the lack of political will on the part of the Palestinian and Arab leadership to organize life, the economy and politics in the West Bank and Gaza with the action taken by the Jewish leadership, which for decades had financed projects in support of the nearly 1 million Jewish refugees expelled from Arab territories in the 1940s and 1950s. It was incomprehensible why item 8, which presented a one-sided view of the situation in Palestine, remained on the Commission's agenda. By maintaining that item, the Commission endorsed the actions and decisions of the Palestinian leadership and acted in a discriminatory manner towards Israel. The Commission had the opportunity to urge the Palestinian leadership to reach and respect an agreement with Israel, thus rising to the task before it.

29. Mr. MALAGOLA (Franciscans International) said that while it was understandable that Israel sought to protect its citizens against indiscriminate terrorist attacks, his organization was concerned at the real implications of the construction of the wall that separated Israel and the West Bank, namely the non-respect for the "Green Line" established in 1967 and hence the right of the Palestinian people to self-determination; the non-respect for the basic human rights of over 210,000 Palestinians; the entrenchment of the position of the settlers, half of whom would be incorporated in the West Bank and East Jerusalem; and the permanent nature of the wall, as suggested by its length and the building cost. Such evidence suggested that Israel was determined to create facts on the ground amounting to a de facto annexation, as pointed out by the Special Rapporteur in his report (E/CN.4/2004/6). Franciscans International therefore urged Israel to fully and finally end its occupation of the Palestinian territories and the establishment of settlements on confiscated land; to halt the construction of the wall, which was incompatible with the establishment of a just and lasting peace; and to cooperate fully with the Special Rapporteur of the Commission.

30. Mr. SEIDERMAN (International Commission of Jurists) said that in spite of the concerns expressed in Commission on Human Rights resolution 2003/7 on Israeli settlements in the occupied Arab territories, Israel had continued constructing the barrier inside the occupied Palestinian territories, justifying its action by the necessity of ensuring the security of Israelis. It was clear from the numerous reports prepared by United Nations agencies, the Special Rapporteur of the Commission on the situation of human rights in the Palestinian territories occupied by Israel since 1967 and NGOs that that barrier constituted a serious obstacle to Palestinians' enjoyment of their most fundamental human rights. It also violated international humanitarian law applicable to Gaza and the West Bank, including East Jerusalem, which had been under Israeli military occupation since 1967. Considering the impact of the separation barrier on Palestinians' right to, inter alia, freedom of movement, property and food, health and education, its construction could not be justified as a non-discriminatory, necessary and proportionate measure. That barrier isolated Palestinians not only from Israelis but also from each other, encroached on Palestinian territory and imposed restrictions that were disproportionate and discriminatory, as they targeted civilians only.

31. His organization urged the Commission to call on Israelis and Palestinians to observe all relevant principles and provisions of international human rights law and international humanitarian law, in particular by desisting from targeting civilians; to condemn Israel's construction of a separation barrier that engendered serious violations of human rights; and to call on Israel to stop the construction of the separation barrier on Palestinian territory and dismantle the sections already built.

32. Ms. BEN-HAIM (International Association of Jewish Lawyers and Jurists (IAJLJ)) said that the total lack of objectivity of the Special Rapporteur, who abused his mandate to advance his own political views, thus violating Article 100 of the Charter of the United Nations, was deplorable. In his eagerness to attribute all blame to Israel, he ignored that country's legitimate right to respond to terrorism and failed to mention one single example of the proportionate measures Israel had taken to that end. She quoted a series of examples of the Special Rapporteur's partiality. For instance, the Special Rapporteur had described the security fence as a "wall", although that term applied to only 7 per cent of its entire length, and had concluded that considering its cost the fence was of a permanent nature. He did not, however, take into account the intolerable cost in human lives for the Israeli population of the very terrorist acts that the security fence was intended to prevent. The Special Rapporteur omitted mentioning that terrorist groups exploited Palestinian civilians and were actively supported by the Palestinian Authority and made no reference to the Palestinian Authority's total disregard for the rights of Palestinian children whom it encouraged to commit suicide attacks. The discriminatory and hostile nature of his report was inadmissible and the renewal of his mandate would present a serious challenge to the Commission's attempt to play a constructive role in addressing the human rights aspects of the Middle East conflict.

33. Mr. Markotic (Croatia) took the Chair.

34. Ms. YASMIN (International Save the Children Alliance) said that Israel's occupation of the Palestinian territories continued to have negative repercussions on the life and rights of children. In the face of the violence, children themselves increasingly resorted to violence as a means of solving their problems. For children, the wall was an obstacle that separated them from friends and family, made their daily life more difficult, increased their sense of insecurity and injustice and fuelled hatred directed at Israel. In contravention of the Convention on the Rights of the Child, the Israeli forces had arrested some 550 Palestinian children, most of them accused of stone-throwing, in 2003. They had been subjected to inhumane and degrading treatment and punishment and many were suffering as a consequence of those experiences. Even school, which should be a safe environment, had become a stage for growing child-on-child aggression. As the occupying power that was constructing the wall, Israel bore the primary responsibility for the increase in violations of children's rights, although the Palestinian Authority and other Governments also had responsibilities towards the children.

35. Her organization therefore called on the Commission on Human Rights to ensure the implementation of the United Nations resolutions adopted in the interest of children living in the occupied Palestinian territories; to ensure that all parties applied the Convention on the Rights of the Child to Palestinian children and acted in conformity with their obligations under international humanitarian law and human rights law; to support the establishment of an international human rights monitoring mechanism, including child protection monitors; to ensure that children's rights were taken into consideration in current and future negotiations for a just and peaceful resolution of the conflict; to call the Israeli Government to account for actions taken in violation of children's rights and require it to honour its obligations under international humanitarian law and human rights law, especially those relevant to children; and to call on the Palestinian Authority to reduce the levels of violence confronting children in their daily lives and to create a safe and protective environment for learning for all children.

36. Mr. MORA SECADE (Centre for European Studies) said that the reports of the Secretary-General (E/CN.4/2004/24 and 25) and of the Special Rapporteur (E/CN.4/2004/6 and Add.1) showed that the human rights situation in the occupied Arab territories, especially Palestine, had deteriorated considerably during the past year. Israel had flouted the resolutions of the Commission on Human Rights and the General Assembly, as well as international public opinion, by continuing the construction of a barrier and a wall that modified the borders, sliced into Palestinian territory and created zones where the Palestinian population was confined like in giant concentration camps.

37. The Israeli Government violated the right to life on a daily basis by making undue use of military force against the intifada protesters and by assassinating the leaders of the Palestinian resistance groups, which amounted to State terrorism. Owing to the unconditional support of the United States and the inaction of European Governments, the Israeli forces committed grave human rights violations every day with complete impunity, and killed civilians in the occupied Arab territories and violated the fundamental rights of the Palestinian people under the pretext of combating terrorism. With the brutal killing of Sheikh Ahmed Yassin, Israel had pushed the region into a spiral of violence that would have dire consequences for Palestinians and Israelis alike and must be stopped before it was too late. The Commission should firmly condemn Israel's policies and call for its immediate withdrawal from the occupied Arab territories, since their illegal occupation was at the root of the problems that hampered the peaceful coexistence of Arabs and Jews in the Middle East.

38. Mr. GETMAN (World Vision International), speaking on behalf of the many Israeli and Palestinian children who had died or suffered in the occupied Palestinian territories or in Israel, said that empty rhetoric should be abandoned and solutions based on facts should be pursued. He advocated that the Israeli Government should stop destroying houses, schools, hospitals and fields and separating Palestinians from their property. He noted that 280,000 Palestinians were destined to be either forcibly removed or obliged to become Israeli citizens. A reasonable alternative would be to move the security barrier or to place it on Israeli territory. However, the most important issue was respect for human rights by and towards all parties, especially traumatized children. The humanitarian consequences of a unilateral division of the land by the wall were considerable. According to the Israeli Information Centre for Human Rights in the Occupied Territories, B'Tselem, the wall as it was being constructed would encroach on the access to the sources of livelihood, education and health care of 875,000 Palestinians. In World Vision International project areas alone, 27 of 36 villages were divided, encircled or trapped outside the West Bank. The conflict had reached a critical point and the prospects for peace were diminishing. The international community must keep the issue of human rights, in particular the rights of the child, at the top of its agenda. As actors in the peace process, Governments should find ways to ensure that international law was respected by all parties.

39. Ms. AGUILA (Women's International Democratic Federation) wondered in the name of which freedoms and values Israel could continue its policy of aggression and genocide against the Palestinian people. The Women's International Democratic Federation supported the international community's appeal for a peaceful solution to the conflict, and the creation of an independent and sovereign Palestinian State. It condemned the arrogance of the Israeli Government and its allies, and supported the Palestinian people's struggle to exercise their right to self-determination, independence, permanent control of their own natural resources and compensation for the harm they had suffered.

40. Mr. Smith (Chairperson) resumed the Chair.

41. Mr. SHARFELDDIN (International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)) denounced the falsity of the security motive given by the Israeli Government to justify the building of a wall or barrier in Palestine, which would only serve to isolate and harm the Israelis. However, to isolate the Jews from the rest of the world was the precise aim of Zionism. A distinction must be made between Jews and Zionists, and it must not be forgotten that a large number of Israelis condemned the racist policies of the Sharon Government.

42. Furthermore, Israel, which was occupying the land of another people, violating international law and flouting United Nations resolutions, also possessed weapons of mass destruction, and had refused to allow inspections by the International Atomic Energy Agency (IAEA) and to sign the International Treaty on the Non-Proliferation of Nuclear Weapons, unlike other countries, owing to the unconditional support that the country received from the United States. EAFORD called on NGOs and States members of the Commission to condemn strongly both the apartheid wall that had been erected in Palestine, and the difference in treatment compared to that of other powers that possessed the same types of weapons.

43. Mr. WAREHAM (International Association Against Torture (IAAT)), speaking also on behalf of the International Secretariat of the December 12th Movement, said that the assassination by the Israeli Defence Forces of Sheikh Ahmed Yassin, the founder and spiritual leader of Hamas, and the Israeli Government's stated intention to pursue that policy of attacks against Palestinian leaders, exemplified the acts of violence committed by Israel in order to maintain its occupation of Palestine. Those acts had been accompanied by the erection of the West Bank Wall, which the Special Rapporteur had condemned in his report (E/CN.4/2004/6) as an unlawful act of annexation of the same order as the annexation of East Jerusalem and the Golan Heights. IAAT considered it interesting that the same countries that had condemned the Berlin Wall as a violation of human rights were remaining silent about the present case, which was testament to the double standard of human rights that they employed when it was politically expedient. The role of the United States in the continued violations of human rights in Palestine was not insignificant. The assassination of Sheikh Yassin would not have been possible without the unconditional support that Israel received from the United States, a country with a long tradition of political assassinations and assassination attempts.

44. IAAT endorsed the Europe-Third World Centre's opinion that Israel should be immediately expelled from the United Nations, as had been done in the case of South Africa under the apartheid regime, for as long as that country refused to respect the Organization's decisions, and that an international protection force should be sent until the Israeli-Palestinian conflict had been resolved in conformity with United Nations resolutions.

45. Mr. LITTMAN (Association for World Education) said that cooperation and good relations between States were of first importance for the development of a just and lasting peace. However, the wide range of initiatives for peace in the Middle East remained silent on that issue, and did not deal in a comprehensive way with regional security. The Association for World Education had therefore decided to propose its own solution, which it had presented to the Commission in 1990 and explained in detail in document E/CN.4/2004/NGO/5, which consisted of creating a "United States of Abraham". That concept, which would initially group together

Israel, Jordan and Palestine, would be based on the principle of regional integration, and guaranteeing security and respect for human rights. Israeli-Palestinian negotiations at the official level were currently at a very low point, due not only to Palestinian leaders, but also to a lack of democratization and respect for human rights across the whole of the Middle East. It was up to the Commission, heralded as the “conscience of the world”, to act to rectify the situation.

46. Mr. LAGNAUX (Indian Movement “Tupaj Amaru”) said he dreamed that the Western powers would realize the colonialist and racist nature of the State they had recognized under the name of Israel and would become committed to the youth of the Arab and Persian worlds; he was convinced that the apparently expensive programme for training and providing for young people and their families resulting from that commitment, would in fact be far less costly than the policies that were currently being implemented. Those policies showed the opposite side to the story, marked for many peoples by imperialist Western interventions. The Indian Movement “Tupaj Amaru” condemned the continuation of such interventions, as in the military occupation of Iraq, which was in violation of international law, and Israel’s building of an apartheid wall. The result of such policies was terrorism fuelled by Arab humiliation and the strengthening of the cycle of violence, supported by religious arguments on both sides, which allowed President Bush to justify the war led by the United States as being one of the axis of good against the axis of evil. On the other hand, the Geneva Initiative held out some hope amid the madness.

47. Mr. CASTILLO BARROSO (Movimiento Cubano por la Paz y la Soberanía de los Pueblos) condemned the inhumane detention conditions in Israeli prisons, particularly for children and minors, deprived of contact with members of their families, who were prohibited from entering Israeli territory, and often victims of sexual abuse.

48. The main purpose of the wall that Israel was building in defiance of United Nations resolutions was to annex new Palestinian territories and allow Israel to control the region’s water resources. The wall was an offensive weapon in the same way as Israel’s nuclear weapons, which endangered regional and international security. The Commission must take firm and immediate action to end the attacks and violations of human rights to which the Palestinian people were being constantly subjected.

49. The Movimiento Cubano por la Paz y la Soberanía de los Pueblos condemned the neocolonialist scheme of the United States in Iraq, a country which had been destroyed and occupied following one of the most shameful wars of conquest in the modern era.

50. Mr. SPLINTER (Amnesty International) said that the violence and violations of human rights that were being committed by Israelis and Palestinians alike had reached an unprecedented level since the beginning of the current intifada. Poverty, unemployment, malnutrition and other health problems had increased considerably within the occupied territories, owing to the restrictions placed on the Palestinians’ freedom of movement. The situation had deteriorated still further with Israel’s construction of a wall, or fence, which was intended to prevent terrorists from entering Israel but 90 per cent of which in fact lay within the West Bank, and not along the Green Line between Israel and the West Bank. Amnesty International condemned the violation

of international law that Israel was committing by taking security measures outside its territory, as well as its non-compliance with the Commission's various resolutions on the human rights situation in the occupied Palestinian territories, and the country's refusal to cooperate with Commission mechanisms.

51. In view of the international community's inaction, Amnesty International recalled that it was up to the Commission and its member States to see to it that the two parties to the conflict respected their obligations under international law, and that human rights issues must play a central role in any resolution of the conflict. He encouraged the international community to support Israelis and Palestinians who, by refusing to participate in those violations, were courageously endeavouring to promote justice and human rights.

52. Mr. NEUER (United Nations Watch) condemned the occupation of Lebanon by 20,000 Syrian troops since 1990, and Syria's control of all Lebanese institutions, in particular the presidency, the judiciary and the security forces. The occupation manifested itself in daily attacks on the fundamental freedoms of the Lebanese people, particularly freedom of expression and freedom of political association. Those attacks were symptomatic of the Syrian regime's general disdain for human rights, as had recently been seen in the crackdowns by Syrian police on peaceful human rights protesters in Damascus, and the killing of Kurds in Qamishli. United Nations Watch therefore invited the Commission to appoint an independent rapporteur to investigate the grave violations of international law, human rights and international humanitarian law stemming from the Syrian occupation of Lebanon, which flouted Security Council resolutions 425 (1978) and 520 (1982) calling for the restoration of Lebanese sovereignty.

53. It was clear that the deterioration in the situation in the Middle East resulted from the desire of the United States and its allies to take possession of the region's oil reserves, and in particular those in Iraq. That was the only aim of the military operations, which were carried out under the guise of the war against terrorism. It was necessary to react to the genocide that was being referred to as a preventive war, and the deaths of innocent children, women and elderly persons, which were being described as collateral damage. Things should be called by their real name, and those responsible must be punished.

54. Mr. SANREES (Simon Wiesenthal Centre) urged the Commission, on behalf of the Palestinian people, to condemn unequivocally the terrorist, racist movement of Hamas, which was violating the fundamental rights of the Palestinian and Israeli populations alike. That condemnation was necessary in order that all those who, in the Middle East and elsewhere, had the courage to speak out against extremism, cherished peace and called for democracy could be heard. If the Palestinian leaders had accepted the United Nations plan for the partition of Palestine in 1947, Palestine would now be celebrating its fifty-fifth anniversary, and much bloodshed would have been avoided. Unfortunately, even at that time, the Palestinians had already been taken hostage by terrorist extremists, who, 20 years prior to the so-called occupation of Palestinian territory, had opted for hatred and violence. The Simon Wiesenthal Centre could quote instruments of racist and terrorist propaganda by Hamas, which also used mosques and the media to issue fatwas making the murder of Jews a divine obligation.

55. Ms. AL TABAL (North-South XXI) said that in the context of the repeated violations of international law that Israel had not ceased to commit since its creation, thousands of Palestinian civilians had been arrested since 2002, including Marwan Barghouti, who had been imprisoned and tortured before the Israeli authorities had decided to prosecute him in civil proceedings and to accept a visit from an inspection commission. His trial had been a complete farce: he had been deprived of the rights that any detainee ought to enjoy, and had not been subject to regular procedures. Many Palestinian detainees, including women and children, were subjected to torture in Israeli prisons, where they had been rotting for years, even though some of them had been imprisoned without charge or sentence, or had been convicted in sham trials with predetermined outcomes.

56. Ms. MURRA (Hariri Foundation) remarked that the effectiveness of human rights instruments was gauged by their degree of implementation, and that they had little value if States could violate their provisions with impunity. The Commission should therefore, through a resolution similar to its resolution 2002/44, request Israel to make reparation to the victims of the grave violations of human rights that it had committed in the Arab territories occupied currently or in the past. In Lebanon in particular, which it had occupied for over 22 years, Israel had committed real acts of genocide against civilians. That request was similar to those already made to Israel by other United Nations bodies, in particular the General Assembly and the Committee on the Rights of the Child, which had considered that Israel should guarantee compensation and rehabilitation to child victims of Israeli forces in southern Lebanon.

57. Mr. MATAS (Coordination Board of Jewish Organizations) said that the Commission was only encouraging anti-Semitism. The attacks on Israel in the Commission aimed to make the very existence of the Jewish State into a crime, and its population, who were considered across the world to be supporting their Government, into criminals. The Jewish community was facing a new wave of anti-Semitism that was just as violent as the one that had preceded the Holocaust, a phenomenon that was in danger of being repeated, since only the limits imposed by technology on those who planned and committed suicide attacks against Israel prevented them from killing a larger number of Jews. That anti-Semitism was directly linked to the anti-zionism relayed by the Commission, where all attempts by Israel to defend itself were considered to be illegitimate. The criticisms to which Israel was subjected every year at the United Nations were directed not against its behaviour, but rather against its very existence. The Coordination Board of Jewish Organizations therefore requested that the Commission should stop systematically condemning Israel, that those who were fighting against racism should realize the consequences of those condemnations for a vast community living all over the world, and that States that cared about the effectiveness of United Nations human rights protection mechanisms should stand up against such attempts at intimidation.

58. Ms. BERTINUSSEN (Norwegian People's Aid) recognized the right of the Palestinians in the occupied territories, as well as that of Israeli civilians, to be protected against armed attacks from any source, but said that Israel must take care to protect the security of its citizens in a manner consistent with its obligations under international human rights instruments and international humanitarian law. Israel's construction, under the pretext of security, of a wall and fences in the West Bank was a breach of those obligations and constituted an act of annexation;

it was having a profound impact on the exercise by the Palestinian people of their fundamental rights, including access to education, employment and health care, which was severely restricted. Thousands of Palestinian civilians had been left homeless by the destruction of their houses by the Israeli army. They were receiving assistance from the United Nations Relief and Works Agency for Palestine Refugees in the Near East, but it could not offer them sufficient protection. The Israeli authorities had restricted the movement of members of human rights organizations, humanitarian aid workers and journalists, had created obstacles to their work, and was endeavouring to reduce their presence in the occupied Palestinian territories. That policy, which was in violation of the Fourth Geneva Convention, was unacceptable.

59. Accordingly, Norwegian People's Aid called on the Commission on Human Rights to press Israel to end the occupation and illegal settlement of the occupied Palestinian territories, demolish the wall and provide compensation to the population for the destruction of property and agricultural land; to support the establishment of a human rights monitoring presence in the occupied Palestinian territories; to ensure that Israel immediately lifted the restrictions on access by humanitarian aid workers and human rights monitors to the Gaza Strip and closed military zones as well as to the Palestinian civilian population; and to affirm its support of the right of return of refugees, in accordance with international law and General Assembly resolution 194 (III).

60. Mr. LITTMAN (World Union for Progressive Judaism) wondered when the Commission would express its concerns regarding the acts of genocide committed by the Hamas movement. He quoted from an article that had appeared on the movement's web site, entitled "Iraq will triumph, by Allah's will", in which the new leader of Hamas, Abd Al-Aziz al-Rantisi, had called on Iraq to establish a suicide army that would accept all Jihad warriors to strike terror into the heart of the enemy, since terror was one of the causes of defeat, and stated that the battle in Iraq, like the battle in Palestine, was the battle of the Islamic nation. It was clear that, as the philosopher Karl Popper had said, unlimited tolerance must lead to the disappearance of tolerance, and it was therefore necessary, in the name of tolerance, to claim the right not to tolerate the intolerant, and to claim that any movement preaching intolerance placed itself outside the law, and that incitement to intolerance and persecution were criminal acts, in the same way as incitement to murder, kidnapping, or the revival of the slave trade.

61. Mr. MICHELCOD (Caritas Internationalis) said that in spite of all the efforts to put an end to the injustice and humiliation to which the Palestinian people had been subjected for the past 37 years, they continued to live under occupation, which in itself was a violation of international law. Their suffering and despair were described at length in the latest report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (E/CN.4/2004/6 and Add.1).

62. Peace was not only necessary for Palestinians or Israelis, but was crucial to the stability of the entire region. The Israeli occupation must end. Palestinians and Israelis could only return to the negotiating table to discuss security and socio-economic development once the humanitarian crisis and the human rights violations had been brought to an end and the separation wall had been demolished. His organization urged the international community to take decisive and concrete action to end injustice and occupation.

Statements in exercise of the right of reply

63. Mr. WHEBE (Observer for the Syrian Arab Republic) said that the remarks made by the representative of United Nations Watch regarding Syria were not only riddled with inaccuracies but also totally irrelevant to the agenda item under consideration. However, it was important to point out that the presence of Syrian forces in Lebanon derived from an agreement between two sister nations who managed their relations as they saw fit. In connection with the Kurds, it should be remembered that Syria was a country where a number of different ethnic groups, races and religions coexisted peacefully and that punitive measures were imposed only on those who sought to disturb the peace and destabilize the country.

64. Mr. SOUFAN (Observer for Lebanon) thanked the representative of United Nations Watch for his concern for Lebanon, but pointed out that Lebanon had not asked the representative to speak on its behalf. Syrian forces were in Lebanon at the request of the Government of that country, which had only ever been occupied by Israel.

65. Mr. LEVY (Observer for Israel) said that a few hours earlier Israeli soldiers had stopped a 10-year-old child wearing a 7-kilogram explosive belt which he had tried to set off at an Israeli roadblock near Nablus. That incident proved once again the need for roadblocks and arrests and for a security wall to protect civilians from those who did not hesitate to send their children to death. Those who criticized such containment measures should also denounce the training and indoctrination of children by Palestinian terrorist groups, which was a violation of international law.

66. Mr. SHEHADA (Observer for Palestine) replied that it was Israel that exploited children by using them illegally for intelligence purposes. The representative of Israel used security concerns as a justification for the checkpoints between Israel and the Palestinian territories. However, it was difficult to understand the need to force people to undress for the purpose of searching them when they were going from one Palestinian village to another. Palestinians had never hated Jews. They simply wanted to recover the land that had been stolen from them. Under the Oslo process Palestinians had made concessions by agreeing to retain only 20 per cent of that land. The suicide attacks were in reality Israel's responsibility, since the suffering inflicted on Palestinians by Israeli forces pushed the authors to commit such acts.

67. Mr. DE LAURENTIS (United States of America) said that his delegation had made it clear that the subject of the agenda item under consideration was unfair and entirely devoid of objectivity. However, in view of the wording of that item, the statement by the representative of United Nations Watch had not done a disservice to the Commission.

68. Mr. LEVY (Observer for Israel), replying to the question raised by the observer for Palestine, said that Israeli soldiers set up barriers and carried out checks on Palestinians in the West Bank and Gaza so as to not take any risks. Recently, a bomb had been found in the satchel of a schoolchild.

69. The Oslo process could only resume once the violence had ceased and Palestinian leaders had effectively put an end to terrorism. At that point, Israel would be ready to return to the negotiating table with the Palestinians.

70. Mr. SHEHADA (Observer for Palestine) asked the representative of Israel to stop his propaganda and reminded him of the Israeli leaderships broken promise to dismantle the settlements and to release prisoners. Instead, Israel had laid siege to the Palestinian people and encircled the President of the Palestinian Authority. It could therefore not expect cooperation from the Palestinians.

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)
(E/CN.4/2004/28 and Add.1, 29-31, 32 and Corr.1, 33-35, 36 and Add.1, 118;
E/CN.4/2004/G/25; E/CN.4/2004/NGO/5, 18, 53, 80, 91, 102, 118-120, 127,
143, 150, 157-173, 176, 180, 181, 184, 190, 202, 203, 208, 213, 218, 228, 245,
254, 256; E/CN.4/Sub.2/2003/SR.3-5;

Situation of human rights in Cuba

71. Ms. CHANET (Personal Representative of the High Commissioner for Human Rights), introducing her report on the situation of human rights in Cuba (E/CN.4/2004/32), said she had made many attempts to obtain the cooperation of the Cuban authorities but her efforts had been in vain. Consequently, she had relied on information provided by the Commission's thematic special rapporteurs, NGOs and treaty monitoring bodies to compile her report. All information contained in the report came from objective and impartial sources.

72. In her concern for objectivity she had referred to the efforts made by the Cuban authorities in the budgetary field, especially in the area of education and health; the improvements made with regard to the exercise of civil and political rights, especially Catholic religious freedom following Pope John Paul II's visit to Havana; and the Cuban Government's response to the urgent appeals launched by special rapporteurs in 2003. The exercise of human rights was hampered by the embargo imposed on the Cuban population for over 40 years and by the uneasy climate resulting from the tensions between Cuba and the United States. Those tensions had been exacerbated by the adoption of United States legislation such as the Torricelli Act and the Helms-Burton Act, which were aimed at modifying Cuban institutions and had placed in a difficult position some Cuban citizens who were regarded by their Government as "mercenaries working for foreign interests" because they maintained contacts abroad. In an unprecedented wave of repression in March and April 2003 almost 80 persons had been arrested, tried and given very heavy prison sentences ranging from 6 to 28 years under article 91 of the Criminal Code or Act No. 88, which penalized acts against the independence and integrity of the State. Those persons were being held in alarming conditions and the Working Group on Arbitrary Detention had classified their detention as arbitrary.

73. She had formulated 10 recommendations with a view to putting an end to the current situation and restoring the fundamental rights of Cuban citizens, as well as ensuring international protection of those rights through Cuba's accession to the International Covenant on Civil and Political Rights and its two Optional Protocols and to the International Covenant on Economic, Social and Cultural Rights.

74. Mr. MORA GODOY (Cuba) said that the United States' manipulation of the work of the Commission was one of the key features of its anti-Cuban activities that used lies, procrastination, force and blackmail. It was no surprise that the mandate concocted for the Personal Representative of the High Commissioner on the alleged human rights situation in Cuba had become a mechanism to probe, control and condemn. Cooperation had never been the objective.

75. In her report, the Personal Representative merely repeated and magnified the lies fabricated by the United States Government and its cronies from the anti-Cuban Mafia in Miami. To allege that the Cuban Government used the blockade imposed by the United States for over 40 years as an excuse for the adoption of what she labelled "repressive" laws was an insult to Cuba. Perhaps she thought that the right to self-defence against foreign aggression did not apply to the Cuban people. How could she be unaware that the Helms-Burton Act sought to destroy the Cuban political system?

76. The report focused on the detention and conviction of some 80 mercenaries whom the Representative described as journalists, writers, trade unionists and human rights defenders. It ignored the fact that at its fifty-ninth session the Commission had overwhelmingly rejected an amendment proposed by Costa Rica on instructions from the United States precisely to condemn the just measures adopted by Cuba. The allegations made by the Personal Representative about the alarming conditions in which the mercenaries were held were entirely unfounded. The claim that the death penalty had been imposed on three persons who had attempted to hijack a passenger ferry and force it to sail to the United States when in reality they had taken the passengers of that boat hostage, acting like common terrorists, was a distortion of the truth. The Personal Representative's contention that that incident showed that Cuban citizens were seeking to leave the country by all means available, even illegal ones, and go to other countries in the region concealed the fact that that illegal emigration was orchestrated by the United States.

77. The CHAIRPERSON, interrupting the representative of Cuba, reminded him that the freedom of expression did not authorize members to cast doubt on the integrity of the Commission's special rapporteurs and special representatives.

78. Mr. MORA GODOY (Cuba) explained that his comments did not concern the Personal Representative herself but the content of her report. Continuing his statement, he pointed out that the Personal Representative failed to indicate her sources of information; that was not surprising considering that the information had been fabricated by the United States Department of State and anti-Cuban organizations in Miami, which explained the similarity between the report and the criticisms levelled at Cuba in the report of the Department of State on the human rights situation in the world. The failure to mention the document prepared by the Cuban Ministry of Foreign Relations, contained in document E/CN.4/2003/37 of the fifty-ninth session of the Commission, was evidence of that fact.

79. It was not for the Personal Representative to comment on the institutional and legal arrangements that had been freely chosen by the Cuban people. She denounced the Cuban authorities for the penalties imposed on mercenaries who colluded with the aggressive policies of the United States against the Cuban people, but conspired to keep silent about the ongoing

terrorist acts planned in Miami that had been repeatedly mentioned in the reports of the Commission's Special Rapporteur on mercenaries. Did she know, for example, that one of the members of the delegation of the United States to the Commission was the known terrorist of Cuban origin Luis Zúñiga Rey?

80. Mr. DE LAURENTIS (United States of America), speaking on a point of order, said that he objected to the slanderous remarks made about a member of the United States delegation and asked the Chairperson to have the Cuban representative refrain from such comments.

81. The CHAIRPERSON said that the Commission comprised sovereign member States and it was therefore not for him to tell them what to say. However, he urged the representative of Cuba and all delegations to avoid using language that was insulting to other delegations and thus undermined the dignity of the Commission.

82. Mr. MORA GODOY (Cuba) said that he should not be interrupted when speaking on a substantive issue that had been submitted to the Bureau of the Commission. He had the right to exercise his freedom of expression and to continue his statement. He asked the Personal Representative why no mention was made in her report of the illegal occupation of part of Cuban territory by the United States at Guantánamo, where a true concentration camp had been set up that was an affront to human dignity. He also wished to know why no reference had been made to the mercenaries paid by the United States who posed as human rights defenders while in reality carrying out missions linked to the implementation of the blockade against the Cuban people. Nothing had been said either about the grave human rights violations committed against five young Cubans who were imprisoned in the United States for having attempted to prevent terrorist acts against Cuba planned in Miami. It was surprising that Cuba, which was one of the few countries that had never had a single case of forced disappearance in 45 years, should be accused of torture, extrajudicial executions and political killings although the Government's priorities focused on health, education and culture, including politics. The exercise in which the Commission was engaging was a pretext enabling the United States to continue its policy of hostility towards Cuba and to go as far as contemplating military action. But the peoples of the world must not submit to ignominy, brute force and lies for fear of reprisals from the ultimate violator of the rights of peoples: the Government of the United States.

83. The Cuban people had struggled hard for their independence and would continue to build for future generations a society based on the principles of freedom, justice and solidarity. Nothing could divert them from that goal.

84. Mr. RAMCHARAN (Acting High Commissioner for Human Rights) thanked the Personal Representative for her work. Through his contacts with her, he knew Ms. Chanet to be a well-informed person of the highest integrity.

85. Ms. CHANET (Personal Representative of the High Commissioner for Human Rights) thanked Mr. Ramcharan and again assured the Commission that the information contained in the report was impartial, even if that impartiality was relative given that she had not been able to hear the version of the Cuban Government. In connection with the persons arrested, she pointed out that she had only mentioned facts and based herself exclusively on international standards.

86. Mr. FERNANDEZ (Cuba) repeated that the integrity of the Personal Representative of the High Commissioner had not been challenged. The freedom of opinion and expression also included the freedom to listen to and understand the position of others. No one had the right to prevent others from telling the truth and to impose his own ideas. Therefore, his delegation disapproved of the way in which its statement had been interrupted by the Chairperson, who in so doing had misused his authority. The Personal Representative of the High Commissioner had stated that she had based herself on facts, but the facts were those presented by the Cuban delegation, namely the blockade and the terrorism of which the Cuban people were victims, as well as the well-documented terrorist past of the member of the United States delegation mentioned, who was in fact a CIA agent.

87. The CHAIRPERSON said that the Bureau would examine the complaint lodged by the Cuban delegation against the person concerned in a letter to the Chairperson. Pending the Bureau's response, he would like the issue not to be raised.

88. Mr. FERNANDEZ (Cuba) said that his delegation was merely asking to be given the opportunity to state and uphold the truth, which it would continue to do.

The meeting rose at 6 p.m.