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SUMMARY RECORD OF THE 22nd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 25 March 2004, at 3 p.m.

Chairperson: Mr. SMITH (Australia)

later: Mr. GONZÁLEZ-SAN (Costa Rica)
Vice-Chairperson

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The meeting was called to order at 3 p.m.

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

- (a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued) (E/CN.4/28 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, 157-167)

1. Mr. MENGA (Congo), speaking on behalf of the Group of African States joined by the Group of Arab States, denounced the new type of inquisition being conducted by certain countries against peoples who, having recently gained independence, wished to play a role in, rather than succumb to, their history and destiny. As happened every year, a group of States had continued that tradition by drawing up a list of alleged human rights violations by countries of the South. Of course, those countries did not claim to have reached their human rights goals, but the progress they had made in that area had been achieved after independence and not during the period of colonization. Their detractors should also be told that the bipolar world had long since disappeared, and with it all associated geopolitical structures. There was also a need to ensure that international human rights bodies operated in a transparent manner, on the basis of an elective mandate, and took into account the specificities of human societies. Item 9 of the Commission's agenda was thus a relic of the past. It was high time for the Commission to engage in partnership and dialogue, rejecting anathemas and confrontation.

2. As the representative of Ireland had emphasized in her statement on behalf of the European Union, no country had a perfect human rights record. In Europe, the European Court of Human Rights was buckling under the weight of petitions from citizens and non-citizens of the Union. The number of violations of the European Convention on Human Rights was rising every year. Those violations were accompanied by excesses in the implementation of anti-terrorism laws, new problems relating to asylum policies, and racial discrimination.

3. While the fight against terrorism had always been a subject of concern for the African and Arab Groups, it had taken the attacks of 11 September 2001 for the international community to become aware of the transnational dimension of the phenomenon. A relentless fight against terrorism must not lead to restrictions on freedoms, especially in a number of developed countries, nor should it be used to justify the adoption of potentially unfair, discriminatory or arbitrary laws. The vague definition of a "terrorist" offence made it possible to criminalize social movements, in disregard of the principle of the presumption of innocence. In one European country, a law had been adopted stipulating that a person could be detained without evidence or a court judgement, and without the possibility of contacting his or her family or lawyer.

4. According to the latest statistics, there were 325,000 asylum-seekers in Europe in March 2004; the African countries were very concerned about the fact that certain European countries were shirking their international obligations for the protection of refugees, while African countries like the Sudan or Ethiopia had taken in more than 1.5 million refugees over the previous four decades.

5. The restrictive, security-based approach to immigration under the Maastricht Treaty was also a source of great concern. By linking the words “immigration” and “domestic security”, the European Union was stirring up confusion in which crime, immigration and the related police or legal services were all bound up together, thereby contributing to a general feeling of xenophobia. The barriers set up by several European countries were not in keeping with the spirit and letter of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Agreements on readmission to the country of origin had elicited reservations from the Office of the United Nations High Commissioner for Refugees, which had repeatedly recalled the principle of voluntary repatriation. At the same time, an elitist migration policy had evolved that placed greater emphasis on the economic interests of host countries and deprived the countries of the South of their intellectual resources, further jeopardizing their development. Lastly, non-governmental organizations (NGOs) had drawn attention to the violence committed in almost all European airports by officials responsible for dealing with asylum-seekers whose applications had been rejected. In one European country, a law had been amended to allow the authorities to deny entry to the country to nationals of certain ethnic or national groups on the basis of their nationality or race.

6. That brief overview was not intended to stigmatize certain States, but to point out that there was no place where democracy and human rights had been fully realized and that the purpose of agenda item 9 was to highlight the fundamental links between North, South, East and West, away from any confrontation.

7. Mr. UMER (Pakistan) said that the tendency of the developed world to systematically accuse developing countries of violating human rights and criticize them for everything had given rise to a North-South split in the Commission. It should be recalled that international human rights conventions could not have been adopted without the support of the developing countries. It was because they lacked human and material resources that those countries had not yet attained the level of the Western countries in that field. The unfair way in which those countries were treated at the international level was also a matter of concern. The developing countries were flooded with communications concerning alleged human rights violations. Although the High Commissioner’s reports often accused the developing and Islamic countries, they rarely mentioned the flagrant abuses committed in the developed countries. Economic, social and cultural rights were devalued, compounding the disappointment of the developing countries, especially when draft resolutions relating to them were invariably put to a vote. The Commission’s inability to resolve such major problems of the modern world as terrorism, the unjust nature of globalization or the impact of conflicts and occupation on security and human rights seriously undermined the Commission’s utility. Unanimity would never be achieved in the debate on terrorism as long as the underlying causes of that scourge, namely poverty, foreign occupation and the absence of any democratic world governance, had not been addressed.

8. It should be added that the countries targeted by resolutions were not even informed about them. In order for the developing countries to regain confidence in the Commission’s mechanisms and work methods, it was essential to at least change the presentation of agenda item 9, if not remove it from the agenda altogether. Accordingly all draft resolutions relating to States should be listed as sub-items under agenda item 9.

9. Mr. SOUFAN (Observer for Lebanon) recalled that for years a draft resolution had been submitted to the Commission on the question of Lebanese prisoners in Israel. Lebanon did not submit that text year after year because it was particularly fond of draft resolutions but because it was determined to restore the legitimate rights of persons held in Israeli prisons. It was impossible to remain silent in the face of that situation. Israel had occupied a part of the Lebanese territory until 1982, or for 22 years, leaving behind two major problems that had still not been resolved: Lebanese prisoners and landmines.

10. Owing to the much appreciated mediation by Germany, an exchange of prisoners had taken place on 29 January 2004. However, not all Lebanese prisoners had been freed, and among those who remained in Israeli prisons was Samir Kontar, who had been imprisoned for over 25 years. Israel also refused to provide information about the fate of dozens of other Lebanese citizens. Lebanon had provided the Commission on Human Rights with a list of persons arrested in Lebanese territory during the Israeli occupation who were currently either in prison or missing. That list showed that the case could not be closed.

11. There were 400,000 landmines in Lebanon. With international assistance, 75,000 of them had been neutralized. However, those mines had already led to 855 deaths and wounded over 1 million among the population. The Secretary-General had defined mines as “hidden killers”; thus, mines could be said to constitute an indirect occupation of Lebanese territory. Maps showing the location of those mines remained in Israeli hands. That was nothing new. Israel gave what it claimed to be complete maps and then added new elements. That was why the Security Council had insisted in its resolution 1525 (2004) on the need to “provide the Government of Lebanon and the United Nations Interim Forces in Lebanon (UNIFIL) with any additional maps and records”, in order to facilitate demining operations.

12. Mr. CAUGHLEY (Observer for New Zealand) denounced capital punishment, a form of legal violence that was still used in too many countries, and all forms of violence against women and children, which showed how striking the gap was between standards and reality. He endorsed the call for the elaboration of strategies and programmes to ensure the implementation of existing instruments rather than the introduction of new norms. Although all States had to make an effort to ensure the full realization of human rights, in some countries, such as the Democratic People’s Republic of Korea, Myanmar and Zimbabwe, the situation was particularly worrying. Reports of abuses in Chechnya and Ingushetia, Israel and the occupied territories and in the Sudan, where violence had broken out again, were a source of great concern. China and the Islamic Republic of Iran had become more open with regard to human rights issues, even though cases of ill-treatment continued to be reported in those two countries.

13. New Zealand expressed support for the holders of special mandates, whom it had recently invited to visit the country. He encouraged other Governments to do the same. He also wished to pay a tribute to all human rights defenders, including peacekeepers and United Nations staff, who had all too often sacrificed their lives in the exercise of their duties. New Zealand had decided to become a candidate for membership of the Commission for the period 2009-2011.

14. Mr. JOHANSEN (Observer for Norway) said that the three minutes allotted to observers did not allow them to deal in a balanced manner with an issue as complex as the one the Commission was addressing under agenda item 9. No State could claim to be irreproachable

with regard to human rights and thus could not avoid critical scrutiny by the international community. Working together to protect human rights and fundamental freedoms was an obligation of all States. Norway was committed to that obligation, working together with States that strove to improve their own human rights situation. It intended to engage in fruitful dialogue with those countries and was committed to international development and participation in the work of the United Nations.

15. Norway was perfectly aware that the debate in the Commission on agenda item 9 could not take the place of constructive dialogue, human rights assistance, particularly within the framework of the United Nations, or cooperation for development. However, there were disturbing situations in some countries of the world that should not be ignored, especially in Afghanistan, Nepal, China, Myanmar, the Democratic People's Republic of Korea, Iraq, the Islamic Republic of Iran, Haiti, Cuba, Colombia, the Republic of Chechnya in the Russian Federation, Belarus, Azerbaijan, Turkmenistan, Uzbekistan, the Democratic Republic of the Congo, Burundi, the Sudan, Zimbabwe and Uganda. For further details on the situation in those countries, he referred participants to the written text of his statement, which had been distributed.

16. Mr. MEYER (Observer for Canada) read out a quotation by Margaret Laurence, a famous Canadian novelist who had once written: "Try to feel, in your heart's core, the reality of others." As members of the international community, countries had an obligation to identify cases of human suffering, or human rights violations, that were "the reality of others", regardless of where and when they took place. That presupposed a constructive dialogue with all the parties concerned. He emphasized that Canada remained open to criticism with regard to human rights, as the report which the Special Rapporteur on racism had prepared following his visit to Canada had recently demonstrated, and said he wished to provide an overview of Canada's main concerns in the international arena.

17. In the Islamic Republic of Iran, despite the adoption of a General Assembly resolution calling on the Iranian authorities to tackle a number of problems, such as attacks on the freedom of expression, arbitrary detention and torture, the situation, unfortunately, had not improved. Canada remained deeply concerned about the human rights situation and alarming poverty in the Democratic People's Republic of Korea and encouraged that country to open up to the international community. In Myanmar, detention of all senior members of the National League for Democracy continued to cause concern. Myanmar should engage in a dialogue with the leaders of the democratic movement and the ethnic communities. With regard to the Middle East, he drew attention to the statement he had made on the question the previous day. In the Syrian Arab Republic there were allegations that prisoners had been abused, and cases of torture had been reported. The Government of Zimbabwe should put an end to human rights violations and the politicization of the food distribution system and should repeal repressive laws. In China, although the recent release of prisoners was to be welcomed, the restrictions on freedom of expression, association, religion and opinion, particularly in Tibet and Xinjiang, remained a source of concern. Canada was extremely concerned about the situation in Haiti and called on all parties to work for a peaceful settlement of the crisis within the framework of respect for democracy, the rule of law and human rights. Canada urged the provisional Government of Iraq to place the protection and promotion of human rights, in particular women's rights, at the centre of its concerns.

18. In conclusion, he called on all present to feel in their heart's core "the reality of others", a reality that was often tragic, bloody and deadly for all those whose rights were violated.

19. Mr. CASTILLO (Observer for Nicaragua) said that for his country, which continued to suffer from the consequences of the terrible mistakes of the past, peace and democracy had nevertheless become an irreversible reality. Unfortunately, the same could not be said of the Cuban people. He wished to pay a tribute to the members of the international press, men and women who spoke on behalf of all those who could not do so freely, such as the Cuban people. The repression the previous year of 75 Cuban dissidents, who had been severely punished for the "terrible crime" of having had opinions different from those of the regime, was cause for great sadness. It brought back the dark pages of Nicaragua's own history, when dictators had imposed censorship and repression in the name of "State security". He cited the names of the most famous dissidents who had been imprisoned by the Cuban regime and said that they were just part of the long list of citizens whom the regime had deprived of their right to freedom of opinion and expression, of assembly and association, and of thought and belief. Cuba, which claimed to respect human rights, would gain more credibility if it allowed the High Commissioner's personal representative to visit the country. That would be the best way of establishing the truth about the situation in the country.

20. In December 2003, Cuba had signed a declaration in Geneva whereby it had undertaken to establish an information society accessible to all. Yet just a few days later, on 10 January 2004, Cuba had deprived its citizens of any possibility of gaining access to the Internet. Nicaraguans well knew how precious freedom of information was. Some of them had lost their lives for that freedom. Joaquín Chamorro Cardenal, who had been heinously murdered in 1978 for having defended the right of peoples to a free press and a democratic society, was one of them. On 10 February 2004 another member of the press, the journalist Carlos Guadamuz, had also been murdered - a murder that the Government had formally condemned. The importance of information resources was best assessed in difficult times: their role was to search persistently for the truth and courageously expose it to public opinion, regardless of the consequences. For that reason his delegation wished to express its solidarity with and admiration and deep respect for the Cuban people who were fighting for freedom of the press and respect for their human rights.

21. Mr. MALEYOMBO (Observer for the Central African Republic), after recalling the disastrous situation in which a Government, despite having been democratically elected, had left its country, informed the Commission of the improvements that had taken place, particularly in the field of human rights, since the change of regime on 15 March 2003. Salaries were now being paid on a fairly regular basis, despite some instability caused by the non-recognition of the country by the international financial community. Some measures of relief, such as the amnesty law, had enabled the return and reintegration of exiled Central Africans. Security had improved in Bangui and in the provinces with the strengthening of the Central African Economic and Monetary Community (CEMAC) forces, the presence of French troops and the demobilization and disarmament programme introduced by the Government with United Nations support. Moreover, the transition Government was endeavouring to promote dialogue and to encourage reconciliation among the people of the Central African Republic. Freedoms were not restricted in any way, with the result that political, trade-union and community activities were taking place as a matter of routine. The dates for the presidential and legislative elections had already been set. However, given the serious economic crisis in the country, adherence to that timetable

would depend on the international community's support for the election process. That crisis was threatening the enjoyment of human rights, particularly in the fields of education, food, employment and health, and was creating social problems that might undermine the priority the national authorities attached to human rights.

22. Although it had ratified virtually all of the international human rights instruments, the Central African Republic had not yet been in a position to submit reports to the monitoring bodies. In recognition of that shortcoming, the Government had established a committee composed of representatives of the public authorities and civil society to draft those reports with the help of the United Nations Peace-Building Support Office in the Central African Republic (BONUCA). The problem of financial resources was more critical in the Central African Republic than ever before. Accordingly, he appealed to the international community to help his country achieve its transition back to a constitutional and democratic order.

23. Mr. NAJAFOV (Observer for Azerbaijan) said that nationalism was currently the source of numerous human rights violations and posed a serious threat to the security and democratic development of States; he then condemned Armenia's aggression against his country. The Armenian army was currently occupying Nagorny Karabakh and seven other regions of Azerbaijan, representing a total of 20 per cent of national territory. Its operations had led to the forced displacement of 1 million people, significantly complicating the humanitarian situation in the country. The Government of Azerbaijan was convinced that the progressive development of the States of the Southern Caucasus region could be achieved only through the establishment of a just and lasting peace and stability based on respect for the sovereignty and territorial integrity of the countries of the region. It therefore encouraged the international community to give more active support to the peace negotiations and efforts to reach a political settlement of the crisis. Deeply concerned by the plight of those in conflict zones in the Middle East, Kashmir, sub-Saharan Africa and elsewhere, his delegation believed there was a need for objective information on the human rights situation in those zones. The special mechanisms of the Commission had a particularly important role to play in that regard.

24. Ms. HUSSEIN (Observer for Malaysia) expressed regret that the consideration of agenda item 9 had contributed to the growing politicization of the work of the Commission by providing Western countries with an opportunity to table draft resolutions vilifying certain developing countries. The Commission would do better to consider why those countries were unable to guarantee full respect for human rights and do its best to assist them rather than foster confrontation. The Governments of developed countries should refrain from making selective accusations when some of them were just as guilty of human rights violations, even though they had escaped international condemnation. They should reach out to the developing countries suffering from the material difficulties that they themselves had long since overcome, and accept that those countries sometimes had a different approach to the implementation of human rights, and placed greater emphasis on collective rights than on individual rights. Malaysia, which had chosen that approach, hoped that Asian values would be more broadly recognized and taken into account.

25. Mr. OBEID (Observer for the Syrian Arab Republic) endorsed the statement made by the delegation of the Congo on behalf of the African Group. Noting with regret the growing politicization of the Commission's debates under agenda item 9, he said that it would be much more constructive to engage in an interactive debate between the countries of the North and

those of the South rather than simply point a finger at certain countries. That particular approach was all the more objectionable since the countries that tabled draft resolutions denouncing the situation in other countries were often in no position to give lessons. The specific features of each individual country and the distress of peoples facing extremely difficult economic conditions or foreign occupation should be taken into account. The demands of those peoples should be central to the concerns of the Commission and should be heeded before certain countries condemned others. Unfortunately, the accusations made by members of the Commission were very often selective.

26. The Commission should place pressure on the Israeli Government to free not only the Lebanese but also the Syrian and Palestinian detainees in Israel and to shed light on the fate of persons who had disappeared during the Israeli military operations in southern Lebanon. It should also call on the Israeli Government to provide maps of all the minefields laid by Israeli forces in southern Lebanon, which continued to claim civilian victims. Despite the Security Council's repeated appeals to that effect, the Israeli Government was evading its responsibility by refusing to provide the requested documents.

27. Mr. CHOE Myong Nam (Observer for the Democratic People's Republic of Korea) condemned the fact that the work of the Commission had become so blatantly politicized. Referring in particular to the illegal and unilateral invasion of Iraq by the United States of America and its allies and the massacre of innocent civilians in the occupied territories, he noted that no action was being taken to put an end to such crimes against humanity. The European Union had contributed significantly to that abnormal situation, largely by doing nothing in the face of such flagrant violations of international law and international human rights standards.

28. The European Union favoured the adoption of confrontational resolutions over cooperation and constructive dialogue. At times it even exerted economic pressure in order to gain the support of countries that might otherwise oppose such resolutions or abstain from voting. At the previous session of the Commission it had tabled a draft resolution directed specifically at the Democratic People's Republic of Korea, precisely at the time when the tensions between his country and the United States had reached a climax. The European Union was set to take the same position in 2004, once again favouring confrontation over dialogue. No country could accept such arbitrary practices, which the Commission should eliminate without delay, or risk losing its legitimacy.

29. Mr. ALEINIK (Observer for Belarus) said that his country was in favour of strengthening international cooperation aimed at helping Governments fulfil their human rights obligations. It was regrettable that the work of the Commission under agenda item 9 was being driven by political and sometimes economic pressures exerted by the most powerful countries. The Government of Belarus had adopted a number of constitutional and legislative measures with a view to strengthening national human rights protection mechanisms and bringing domestic legislation into line with the provisions of the international instruments to which it was party. Keen to engage in a constructive dialogue on all issues relating to the promotion and protection of human rights, it fully cooperated with the treaty bodies and the special procedures of the Commission. Specifically, it had received visits from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in 1997 and the Special Rapporteur on the independence of judges and lawyers in 2000.

30. No country could claim to ensure respect for all human rights, and it was natural that “new” democracies such as Belarus would face certain difficulties in meeting their international obligations. His delegation was therefore puzzled by the obstinate refusal to take into account the positive developments in the situation in Belarus, whether in terms of freedom of the press, the strengthening of civil society, political representation or the reform of the penal system. A debate on the death penalty was taking place in the legislature, and the Constitutional Court, which was seized of the question, had left open the possibility of a moratorium. The Government of Belarus was prepared to accept all constructive criticism but would reject any attacks that were political in nature.

31. Ms. LANITOU-WILLIAMS (Observer for Cyprus) noted that the international community had repeatedly spoken out on the question of human rights in Cyprus, both in the United Nations and in European institutions. She further noted that the Commission had adopted several resolutions condemning the human rights violations resulting from the occupation of part of the island, and said that her delegation wished to draw particular attention to the question of the establishment of settlements, which it would raise again under the agenda item specifically devoted to the question of Cyprus. She drew attention to the peace talks currently under way in Bürgenstock, Switzerland, and reaffirmed the Cypriot Government’s commitment to the reunification of the island under a viable federal system that would benefit all Cypriots. The European Union, welcoming the resumption of negotiations, had indicated its clear preference for the accession to the Union of a reunified Cyprus. The Cypriot Government, eager to find a solution that was in conformity with the acquis communautaire, found unacceptable Turkey’s efforts to introduce in the final draft settlement permanent derogations with regard to human rights. Her Government’s proposals were reasonable and constructive and in line with the Secretary-General’s recommendations, and her delegation regretted the attempts by the Turkish Cypriots to maintain the division of Cyprus and its inhabitants along ethnic and community lines. It hoped that the legitimate concerns of the Cypriot people regarding its future would at last be heeded and taken into account in the final text of the Secretary-General’s Plan. Her delegation regretted the fact that the Secretary-General’s report on the question of human rights in Cyprus had not yet been issued and, as the country concerned, reserved the right to reply to it.

32. Mr. LEVY (Observer for Israel) condemned the numerous terrorist attacks launched against Israel from Lebanese soil with the active support - both financial and military - of the Islamic Republic of Iran and the Syrian Arab Republic. Although the Israeli forces had unilaterally withdrawn from southern Lebanon in 2000, in accordance with Security Council resolution 425 (1978), the Lebanese Government had not yet asserted effective authority and control over the zone. Instead, it continued to allow terrorist organizations such as Hezbollah to operate freely from its territory. It was regrettable that certain members of the Commission refused to acknowledge that situation and allowed the Lebanese Government to perpetuate it while directing their accusations elsewhere.

33. He noted that the maps of the minefields laid by Israeli forces in southern Lebanon during the period of conflict had been handed over to the United Nations Interim Force in Lebanon (UNIFIL) on 1 June 2000, as indicated in document E/CN.4/2001/154 and acknowledged by the former Ambassador of Lebanon himself. The Lebanese Government had been responsible for securing the zone following the Israeli withdrawal, although it had not done so, for its own reasons. It was therefore inappropriate for that Government to ask the

Commission to condemn the Israeli authorities on that issue. It would be better if it engaged in a dialogue with the Israeli authorities, either directly or through UNIFIL. Similarly, there was no need for the Commission to continue to discuss the situation of the so-called Lebanese detainees in Israel under agenda item 9. He wished to reaffirm that no Lebanese nationals were being detained in Israel, either as hostages or for exchange purposes. The only Lebanese national currently imprisoned in Israel was Mr. Samir Kontar, who had been tried and convicted for his terrorist activities. As for Mr. Hamed Abu Amra, he had at one point claimed Lebanese citizenship. However, the Israeli authorities had no way of verifying his status. The list of names that had just been transmitted to the Commission had never been given to the Israeli authorities, who had no record of the detention in Israel of those individuals. The authorities would nevertheless carry out the necessary checks. Meanwhile, the Lebanese Government should investigate the kidnapping, arrest and execution of Israeli soldiers by terrorist groups based on its own territory.

34. At the previous session of the Commission he had listed 10 major terrorist organizations based in Damascus. In response, the Ambassador of the Syrian Arab Republic had claimed that those organizations merely carried out "information activities". However, the new leader of Hamas in Gaza, Mr. Rentisi, had publicly announced that his superior was Mr. Khaled Mashal, who was the head of Hamas in Damascus. It should be recalled that Hamas had organized dozens of suicide attacks in Israel, and his delegation called on the Syrian authorities to review their position concerning the activities of the organizations cited and take the necessary steps to put an end to those activities. Moreover, Syria's strong military presence on Lebanese territory helped to fuel the tension between Lebanon and Israel, as it was being used neither to disarm Hezbollah nor to prevent it from carrying out operations across the Israeli-Lebanese border. In fact, it had had the effect of preventing the deployment of the Lebanese army along that border, in violation of Security Council resolution 425 (1978). It was high time for the Commission to take all of those elements into account and stop finger-pointing and systematically vilifying Israel and Israel alone.

35. Mr. González-Sanz (Costa Rica), Vice-Chairperson, took the Chair.

36. Mr. LEBLANC (Dominicans for Justice and Peace) spoke also on behalf of the following NGOs: the Dominican Leadership Conference, Caritas Internationalis, the Congregations of Saint Joseph, the Sisters of Notre Dame of Namur, the International Presentation Association: Sisters of the Presentation, the Maryknoll Sisters of St. Dominic and the Maryknoll Fathers and Brothers.

37. The Dominicans, who had been active in Iraq for over 250 years, particularly in the fields of education and health, were seriously concerned by the current situation of the Iraqi people, who were living in great insecurity, having suffered 13 years of sanctions and destructive wars. That lack of security had an impact on the daily lives of the Iraqi people, who risked death while carrying out the most trivial actions of daily life. Of course, the occupying forces were supposed to ensure the security of their soldiers, but they were also obliged, under the Geneva Convention, to protect the civilian population and take no actions that might endanger civilian lives. He expressed deep concern at the attacks against humanitarian organizations. He regretted in particular the tragic death of Sergio Vieira de Mello, who had been killed in Baghdad with 22 of his colleagues. His death was a great loss to the human rights community and a terrible blow to the process of peace, reconciliation and reconstruction in Iraq. Unfortunately, impunity, caused

by the absence of a legal system worthy of the name, meant that a high level of tension and fear persisted among the Iraqi people. The offences committed by the members of the occupying forces and others were never prosecuted, which reinforced the Iraqi people's feeling of hostility towards the Coalition forces.

38. To rebuild their country, the people of Iraq needed to regain control over their own future with assistance, but only assistance, from the international community. Much remained to be done in Iraq. One year after the arrival of the occupying forces, the electrical power lines had not been repaired, the telephone network was not yet fully operational and medicines were in short supply, while the lack of sanitation and the ongoing effects of environmental pollution caused by the war posed a real threat for future generations. It was in those areas that the international community could provide assistance, in cooperation with the Iraqi authorities. It was essential to develop teacher training programmes, especially in the area of new technologies, and to help re-establish links with the outside world through teacher exchanges and partnerships between universities. The assistance of the international community was also required to re-establish the judicial system and train the police forces.

39. Accordingly, Dominicans for Justice and Peace and the NGOs on whose behalf he spoke recommended that the international community should: ensure that the occupying Powers in Iraq respected international law, especially the Fourth Geneva Convention, on the protection of civilians and non-combatants; help to establish a representative and sovereign Iraqi Government; provide assistance without replacing the sovereign Iraqi authorities; focus assistance on rebuilding public utilities, re-establishing legal institutions and training justice and police personnel; facilitate the re-establishment of bilateral relations in matters of aid and cooperation; and continue to monitor the human rights situation in the country through the Commission on Human Rights.

40. Mr. WADLOW (Association of World Citizens and Association for World Education) said that the role of the United Nations human rights mechanisms in States that had experienced long periods of disorder was to create a framework around which a democratic process could be built. It was in that context, for example, that the Commission would discuss the case of Haiti under agenda item 19, on advisory services. In Haiti the violence and recent change of Government had revealed clear structural deficiencies that manifested themselves in persistent poverty. The fact that the Aristide Government, which had been elected on a programme of reforms and social justice, had been forced to leave power demonstrated just how difficult it was to bring about structural change. Because of his experience and skills, the independent expert on the situation of human rights in Haiti was the person best placed to help with the restructuring process. It was essential that Haiti should not be forgotten once relative calm had been restored: the Haitian people deserved support. The second example that illustrated the need for a holistic approach on the part of the United Nations was the case of Myanmar, which would be addressed during the consideration of the report of the Special Rapporteur on the situation of human rights in that country. Consideration should be given to social development in Myanmar in the light of the recommendations formulated by his predecessor. Furthermore, it would be useful to look at the country's difficulties in establishing the rule of law given the absence of a national constitution. In his report, the Special Rapporteur made some important comments on the process of drafting a constitution.

41. Mr. FISCHLER (International Helsinki Federation for Human Rights and International League for Human Rights) said that both of the organizations he represented considered it extremely important to assess the Russian Federation's implementation of Commission resolution 2001/24 on the situation in Chechnya. In 2004, the fifth year of the conflict, numerous "enforced disappearances" had taken place in Chechnya and the security forces continued to carry out routine extrajudicial, summary and arbitrary executions. The Russian Federation still showed no willingness to identify those responsible for the crimes committed by its forces, and only a very small number of cases reached the courts. Individuals who applied to the European Court of Human Rights were harassed and human rights groups in the region faced increasing levels of intimidation. The Russian Federation had not yet established a national commission of inquiry to investigate the alleged violations of human rights and international humanitarian law, and impunity continued to prevail in Chechnya; furthermore, the Russian authorities were placing increasing pressure on displaced persons to return to Chechnya, despite the risks such persons faced. All of the above were blatant violations of Commission resolution 2001/24.

42. Both of the organizations he represented hoped that at its current session, unlike in the two previous years, the Commission would adopt a resolution on the massive violations of human rights and international humanitarian law in Chechnya. In that resolution the Commission should: condemn the massive violations by both parties to the conflict; insist on accountability; urge the Russian authorities to put an end to the harassment of applicants to the European Court of Human Rights and ensure that human rights groups in the region could carry out their activities in total security, without fear of harassment or intimidation; establish an international commission of inquiry to investigate allegations of grave abuses of human rights and international humanitarian law; call on Russia to stop forcing displaced persons to return to Chechnya; and call for the renewal of the mandate of the Assistance Group of the Organization for Security and Cooperation in Europe (OSCE) and for increased cooperation with the Council of Europe.

43. Mr. NAVARRO MARTINEZ (World Federation of Democratic Youth), speaking also on behalf of the Organization for the Solidarity of the Peoples of Asia, Africa and Latin America, condemned the worldwide system in which millions of dollars were spent on advertising for goods that remained inaccessible to the youth of the third world and billions went into funding the arms race and unjust wars, the first victims of which were poor people in the countries against which the wars were waged. He asked why all that money was not used to put an end to illiteracy, hunger and the diseases that ravaged the countries of the third world. He wondered whether it was fair that the rich grew richer and richer, while the poor became poorer and poorer.

44. Cuba must be judged in that context. Cuba, which the Commission on Human Rights sought to condemn, ranked first in the world in terms of the number of teachers and doctors per inhabitant, had helped to eliminate apartheid, had sent half a million of its nationals to third-world countries to fight against illiteracy and disease and had helped train thousands of young people in many countries.

45. The Commission, too, should fight for a better world and should be able to condemn violations of the human rights and fundamental freedoms of young people wherever in the world they occurred.

46. Ms. WEILHAMMER (World Organization against Torture (OMCT)) said that OMCT was gravely concerned by the massive violations of human rights and humanitarian law being perpetrated in a number of countries beset by internal armed conflicts. In Nepal, the number of violations, including arbitrary and incommunicado detention, rape, torture, enforced disappearances and extrajudicial executions, committed by both the Government and the rebel Communist Party of Nepal (Maoist) had escalated since the ceasefire had broken down in August 2003. There had been more than 1,000 enforced disappearances in the country over the previous four years, making Nepal one of the world's worst perpetrators of that grave human rights violation. OMCT supported an increased United Nations monitoring presence in that country. In the Sudan, OMCT was alarmed by the increased use of the death penalty: in 2003, more than 200 persons had been sentenced to death, including at least two children. OMCT condemned that country's use of corporal punishment, which was disproportionately applied against women and girls, who were given no opportunity to defend themselves against the charges before the punishment was inflicted. Despite claims by the Russian Government that the situation in Chechnya was "normalized", Russian armed forces continued to perpetrate numerous violations, including torture, enforced disappearances, summary executions, rape, forced evictions and other forms of ill-treatment. The justice system in Chechnya was plagued by corruption, which helped to perpetuate impunity. In Indonesia, the violations committed in the context of the ongoing conflict in Aceh province were not receiving the degree of international attention that they should. Reports indicated that Indonesian military personnel, including high-ranking officers who had been involved in widespread violations in Timor-Leste, had been transferred to operations in Aceh. OMCT called on the Indonesian authorities to immediately remove those personnel from Aceh and bring them to trial for the violations they had perpetrated.

47. Ms. Bani DUGAL (Baha'i International Community) said that her organization continued to call for international support because it had proven its effectiveness and had helped to protect an entire community, the Iranian Baha'is, the largest religious minority in the Islamic Republic of Iran, with an estimated 300,000 people. The pressure exerted by the international community had put a stop to the most horrendous abuses. During the previous two years, despite the absence of international monitoring in the Islamic Republic of Iran, the action taken by United Nations bodies had produced tangible results. Thanks to the initiatives of the Committee on the Elimination of Racial Discrimination, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Labour Organization (ILO), which had condemned Iran, and to whom the Baha'i community wished to express its gratitude, the Iranian authorities had modified an official form that had previously required university applicants to state their religion, and which had been used to deny access to university to members of the Baha'i community; it remained to be seen whether that would, in practice, grant them full access to higher education. In addition, the action of the United Nations Working Group on Arbitrary Detention had resulted in the release, in 2003, of one Baha'i prisoner in the Islamic Republic of Iran. Another had been conditionally released shortly after the General Assembly had adopted a resolution expressing serious concern over continuing human rights violations in the Islamic Republic of Iran and specifically mentioning the Baha'i community. However, the Baha'is still faced, day after day, systematic deprivation of their rights as Iranian citizens. Early in 2004, a sacred Baha'i site had been partially destroyed. Members of the Baha'i community were still often arbitrarily arrested and placed in short-term detention. State officials confiscated their homes, denied them the pensions to which they were entitled, refused them jobs or had

them fired, blocked their business activities and, after having confiscated their cemeteries, granted them only areas of wasteland in which to bury their loved ones. The authorities continued to ban assemblies of the Baha'i community.

48. Although the Deputy Minister for Foreign Affairs of the Islamic Republic of Iran had mentioned a parliamentary bill and a committee established to deal with the problems of religious minorities, it must be recalled that those measures did not apply to the Baha'i community because the Iranian authorities did not recognize the Baha'i as a religious minority. In those circumstances, the international community and the Commission must ensure that the few small steps already taken were followed by more fundamental measures to improve the lot of the Iranian Baha'is.

49. Ms. AULA (International Franciscans) said that the current regime in Togo was hampering fundamental freedoms. For instance, under the revised Press Code, the Minister of the Interior had been given sweeping powers to close down any newspaper he considered a threat to public order, while human rights defenders, including church leaders, were under constant police surveillance and regularly suffered arbitrary detention, harassment and intimidation. Although it had ratified the Convention against Torture in 1988, Togo had not yet submitted its initial report. It was known that persons under arrest or in detention, particularly those held in solitary confinement, were ill-treated and tortured. Franciscans International urged Togo, which was a member of the Commission on Human Rights, to: harmonize its legislation with international instruments pertaining to human rights which it had ratified; comply with the provisions of the 1998 United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms and guarantee the security of all human rights defenders in Togo; implement forthwith the recommendations made in November 2002 by the Human Rights Committee (CCPR/CO/76/TGO) as well as all those previously adopted by the other treaty-monitoring bodies; and invite, at the earliest opportunity, the Special Rapporteur on the question of torture, the Special Representative on human rights defenders and the members of the United Nations Working Group on Arbitrary Detention to visit Togo and guarantee them free access to individuals, communities and places.

50. In the light of the disturbing developments that had recently taken place in Papua, notably the formation of a militia group led by a feared militia leader responsible for gross human rights abuses in Timor-Leste, the appointment of another such perpetrator of human rights abuses as head of the regional police and the division of Papua into three separate provinces, in violation of the Special Autonomy Act, his organization urged Indonesia a member of the Commission on Human Rights, to: put an end to all efforts to create militia or paramilitary groups that served political purposes and fuelled internal conflicts; restore respect for national and international law by ending the practice of impunity for certain groups and persons; and ratify immediately the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

51. Mr. SEIDERMAN (International Commission of Jurists (ICJ)) said that the situation in Nepal was deteriorating rapidly. Nepal had one of the highest numbers of reported enforced disappearances in the world. Over the previous two years there had also been a large number of arrests, sometimes without legal authority or for political reasons, and cases of incommunicado detention. Even where the army or police acknowledged a person's detention, they ignored writs

of habeas corpus or re-arrested detainees upon their release. The Government had recently announced that the existing anti-terrorist legislation, which was already draconian and in contravention of international standards and the Nepalese Constitution, would be strengthened in order to allow persons to be held for a year without charge. Lawyers and human rights defenders continued to be targeted for arrest and ill-treatment. The army, police and security forces continued to practice torture systematically and with near absolute impunity. The Government had refused to respond to offers from the Office of the United Nations High Commissioner for Human Rights for technical support to help the National Human Rights Commission monitor the conduct of government forces and Maoist rebel forces throughout the country. ICJ called on the Commission to adopt the draft resolution to be submitted under agenda item 19, which would encourage Nepal to accept international assistance.

52. In Zimbabwe, persons with real or perceived links to the political opposition were regularly beaten and tortured. In youth militia training camps, children were abused, tortured and raped. Freedom of expression and association were being undermined through attacks on human rights defenders and the independent media, under the pretext of applying the vaguely-worded provisions of the 2002 Public Order and Security Act. Journalists had been threatened and arrested. Members of the judiciary and the legal profession continued to be harassed or persecuted. The Government systematically contravened its obligations concerning the right to food. In a country where more than 7 million individuals were in need of food aid, the Government manipulated the system for distributing food supplies to prevent opposition supporters from receiving them. Although it was a member of the Commission, Zimbabwe had refused to cooperate with the Commission's own rapporteurs.

53. With regard to the United States of America, ICJ deplored the ongoing arbitrary detention of more than 600 persons at Guantánamo Bay. In addition to denying those detainees access to lawyers and courts, the United States Government continued to insist that neither human rights nor humanitarian law applied to them, effectively nullifying their existence as legal persons.

54. Ms. GOUVERNEUR (International Federation for Human Rights (FIDH)) said that although some progress had been made in the Democratic Republic of Congo, impunity persisted, and a Congolese law to adopt the Statute of the International Criminal Court was no longer on the agenda. FIDH called for the immediate establishment of the Truth and Reconciliation Commission in the Democratic Republic of Congo. In the Sudan, despite the peace talks that were under way, the conflict in the Darfur region only grew worse. Sentences of capital punishment were frequently handed down and carried out. Freedom of expression was continually flouted and human rights defenders were arrested or prevented from carrying out their activities. In Zimbabwe, the pressure exerted on human rights defenders had grown worse, and the forms of oppression were becoming more dangerous and sophisticated. In Cameroon, the practice of torture was systematic. The conditions of detention in prisons were deplorable and constituted inhuman and degrading treatment. Human rights defenders were constantly prevented from carrying out their activities. The Cameroonian authorities must implement the recommendations made by the Committee against Torture in November 2003. FIDH condemned the human rights situation in the Islamic Republic of Iran and the failure to implement the recommendations made by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in 2004 and by the Working Group on Arbitrary Detention in 2003. FIDH denounced the February 2004 elections and the disqualification of more

than 2,000 reformist candidates even before the elections. She recalled that 11 journalists were still being held for having exercised their freedom of expression, as was Nasser Zarafchan, a human rights defender. In China, despite the progress made in terms of economic, social and cultural rights, civil and political rights were respected less and less, as evidenced by the continued repression of activists who used the Internet and other information and communication technologies and by the destruction of Christian churches and dismantling of the Falun Gong spiritual movement. The authorities should promptly ratify the International Covenant on Civil and Political Rights and allow immediate visits by the relevant special rapporteurs. With regard to the People's Democratic Republic of Korea, FIDH was particularly concerned by the policy of systematic discrimination, which considerably restricted the enjoyment of economic and social rights. It strongly condemned the institutionalized practice of arbitrary detention, torture and inhuman and degrading treatment in the labour camps for political prisoners. The authorities should allow immediate visits by the mandate-holders of the Commission on Human Rights. The situation in the Republic of Chechnya in the Russian Federation had deteriorated further: the number of crimes against the civilian population was increasing, and women, who were being tortured, raped, and murdered, were increasingly being targeted. The Commission should adopt a resolution condemning the systematization of impunity and calling for the perpetrators of war crimes and crimes against humanity to be brought before independent and impartial courts. In Turkey, torture continued to be practiced with impunity. In Cuba, the situation with regard to civil, political and economic rights had deteriorated, as evidenced by the detention of 78 dissidents.

55. Ms. FREIH (Human Rights Watch) said that in China violations of the rights to freedom of expression, association and assembly and to due process continued, with arrests of political and religious activists, and restrictions on the rights of minorities in Tibet, Xinjiang and Inner Mongolia. Modernization programmes in Chinese cities had been accompanied by forced evictions, in violation of the right to housing, and prison sentences for leading housing rights advocates. The authorities continued to discriminate against people living with HIV/AIDS. The Government refused to stop repatriating nationals of the People's Democratic Republic of Korea who sought refuge in China. The Chinese Government could not continue to insist that those issues could only be considered through closed bilateral dialogue, rather than be subjected to international scrutiny. Members of the Commission should not vote to prevent discussion of the human rights situation in China. The Commission should adopt a resolution calling on the Chinese authorities to put an end to those violations and cooperate fully with the Commission's special procedures. Human Rights Watch condemned the seriousness of the human rights situation in Chechnya, while the Russian authorities sought to persuade the international community that the situation was becoming normal. Since the spring of 2003, the conflict had increasingly spilled over into other regions of the Russian Federation, including suicide bombings by Chechen fighters and abuses committed by Russian forces against displaced persons in Ingushetia. Through much of 2003 there had been no international monitors in the region. Russian forces continued to be responsible for numerous arbitrary detentions and extrajudicial killings, and to beat and torture detainees. The number of "disappearances" had risen sharply in early 2003. Despite the first-ever conviction of a high-ranking officer for rape in Chechnya, the Russian Government refused to identify and prosecute those responsible for the crimes committed by its forces. Chechen victims and members of their families who appealed to the European Court of Human Rights faced harassment and even extrajudicial execution. It was

alarming to note that the armed forces under the command of the pro-Moscow Chechen President Akhmad Kadyrov appeared to be responsible for a growing number of abuses. Human Rights Watch did not believe that a peaceful resolution of the conflict would be possible until there was an end to the cycle of abuse. She recalled that the Commission had appointed a special rapporteur to monitor the situation in Iraq. Although the transition under way in Iraq held the promise of greater respect for human rights, the Iraqi people continued to face abuses by armed groups, Iraqi security forces and occupying military forces, especially United States troops. While past crimes in Iraq cried out for justice, the arrangements being put in place for that purpose were flawed, and there was a risk that the resultant trials would not meet international standards.

56. Mr. SPLINTER (Amnesty International) said he believed that when a Government failed in its commitment to protect the human rights of the persons under its jurisdiction, the Commission must be prepared to use its moral authority to unequivocally denounce gross and systematic violations of human rights. The Commission was currently seized of the human rights situation in more than 20 countries. However, it failed to scrutinize the situation in many other countries marked by serious human rights violations, such as Algeria, Indonesia, Nepal, the Russian Federation, Saudi Arabia, the United States of America and Zimbabwe. Amnesty International was also seriously concerned about shortcomings in the implementation of the Commission's decisions. The same applied to the recommendations addressed to States by the Commission and by the mandate-holders of its special procedures. The Commission must address with greater commitment the need to reform its approach to the promotion and protection of human rights. If the political will could not be found to do so collectively, each State Member of the United Nations must ask itself what it could do, alone or with others, to improve the Commission.

57. He wished to highlight two country situations in particular. First, it was imperative that those who had perpetrated human rights violations in Iraq should be brought to justice. It was also imperative to help Iraq establish a solid foundation for the respect of human rights. The Commission must play a role in that regard, by keeping the human rights situation in Iraq under review and by helping the interim Government give high priority to human rights. Secondly, in Nepal the situation had reached the highest level of violence since the start of the armed conflict in 1996. He urged the Commission to establish a mandate to monitor the human rights situation in that country.

58. Mr. Smith (Australia) resumed the Chair.

Statements in exercise of the right of reply

59. Mr. AKMAL (Observer for Uzbekistan) said he was pleased to hear the representative of Ireland acknowledge that no country in the world had yet fully realized the ideals enshrined in the Charter of the United Nations or the human rights instruments. Uzbekistan had always shown its firm commitment to respect for those rights. Its cooperation with the Office of the United Nations High Commissioner for Human Rights as well as with such organizations as OSCE and the European Union could be qualified as constructive. Uzbekistan respected its obligations under the six fundamental human rights instruments that its Parliament had ratified without reservation. A continuous and constructive dialogue had developed with United Nations bodies as well as with the holders of special Commission mandates, notably with

the Special Rapporteur on the question of torture, whose 22 recommendations were being scrupulously implemented in Uzbekistan. Uzbekistan was working to establish a network of institutions for the development of human rights education.

60. Mr. MNATSAKANIAN (Armenia), replying to the statement made by the representative of Pakistan on behalf of the Organization of the Islamic Conference (OIC), said that he had completely failed to mention the plight of the 400,000 Armenian refugees who had been victims of atrocities on their own territory in Nagorny Karabakh. It was strange that OIC, which firmly supported the legitimate causes of certain groups around the world, was completely ignoring the equally legitimate wish of the population of Nagorny Karabakh for self-determination. Such selectiveness was a bad sign. Only a balanced, prudent and responsible approach to the situation in Nagorny Karabakh by those who felt obliged to make comments on the subject would be beneficial to the Armenian and Azerbaijani communities living in that region. Unfortunately, the OIC Declaration and the inaccurate remarks made by the Observer for Azerbaijan would create lingering doubts as to the likelihood of a peaceful settlement of the situation. In conclusion, he invited the delegations concerned to show maturity when referring to the situation in Nagorny Karabakh.

61. Mr. AL-ALSHEIKH (Saudi Arabia) said that delegations had referred to the situation in his country, some in order to point out the positive human rights developments, but others to voice criticisms, which demonstrated their ignorance of the true state of affairs and the real reform measures that had been undertaken. Those reforms were the subject of a large-scale national dialogue, as reflected by the recent forum that had taken place, in which all sections and classes of society had been represented. The forum had reaffirmed the need to preserve national unity through policies based on justice, equality and non-discrimination. Considerable progress had been made in respect of women's participation in the country's development in a manner compatible with their dignity and with the specificities of Saudi culture. However, it must be pointed out that reforms could only be initiated by Saudi society itself, and could not be imposed from outside.

62. In general, Saudi Arabia considered that the Commission should avoid all forms of selectivity if it wished to remain credible. Agenda item 9 should not serve as a pretext for singling out certain countries or making false accusations against them. Human rights issues should be considered with transparency and on the basis of constructive dialogue.

63. Mr. ALMAGLY (Sudan) said that he had been surprised by the announcement made that morning by the representative of Ireland in her statement on behalf of the European Union that her delegation was preparing a draft resolution on the Sudan for submission to the Commission. For 40 years the European Union had been participating in a constructive dialogue with the Sudan at the bilateral level concerning the peace process and the human rights situation in the country. Yet Ireland had not mentioned that issue, despite the fact that such a cooperation mechanism remained the only valid and effective method of discussing subjects of common concern. As everyone, including the European Union, could see, the human rights situation in the Sudan had improved considerably. Such a draft resolution would only jeopardize the current peace process and undermine the Government's efforts to establish a sustainable peace in the southern part of the country. The statement made by the representative of the International Association Against Torture (IAAT) had been ill-intentioned, unfounded and ridiculous, and his delegation would respond to it in due course.

64. He saw no difference between agenda items 9 and 19 and considered that the provision of technical assistance contemplated in item 19 was like a gift that was wrapped in thorns. Bilateral technical assistance did not need to have an agenda item devoted to it.

65. Mr. CHIPAZIWA (Zimbabwe) said that New Zealand's persistent commitment to meddling in Zimbabwe's internal affairs resulted from its frustration at seeing its efforts to spread dissent in a country that respected freedom of expression and assembly fail. It was not surprising to see that New Zealand, a country that could be reproached for having used all possible means, including mass executions, to eradicate its indigenous population, had joined forces with Australia and Canada, in its attempt to condemn Zimbabwe, since all three countries were part of the British Commonwealth, from which Zimbabwe had withdrawn on 7 December 2003. Zimbabwe would continue resolutely to work to satisfy the needs of its population, without seeking external advice.

66. In the case of Canada, it was a pity that that country could not boast of as good a record as Zimbabwe in redistributing land, given that Canada's indigenous population had only an illusory control over marginal lands in most of the country. There was absolutely no need for other countries to tell Zimbabwe what it should do in respect of good governance and other norms, since no concept better satisfied the expectations and needs of the Zimbabwean people than home-grown democracy. Human rights, in particular the right to freedom of expression, were adequately respected in Zimbabwe, and interference from foreign authorities in the country's internal affairs would disrupt the people's enjoyment of those rights.

67. Mr. LA Yifan (China) noted a positive change in the statement made by the representative of Ireland on behalf of the European Union, since she had recognized that human rights violations also occurred in certain States of the European Union, without naming them outright or dwelling on the issue for too long. She had also remained silent on the human rights violations that had been committed by a great Power, which made one wonder whether those were real oversights, and whether the European Union was really sincere when it talked about the protection of human rights. Falun Gong was a harmful sect, and not a religion, which had claimed more than 2,000 victims in China, considerably more than the victims of the Aum Shinri Kyo cult in Japan. His delegation therefore strongly objected to the support that the European Union had expressed for that movement.

68. Mr. TRUONG TRIEU DUONG (Observer for Viet Nam) said that he rejected certain inaccurate observations made by the representative of the United States of America regarding Viet Nam. The United States was surely not in a position to talk about the protection and promotion of human rights in Viet Nam, in view of the fact that that country had violated the right to life of millions of Vietnamese. The millions of innocent people who had been killed by the bombs that had been dropped and the chemicals that had been released by United States aircraft, or killed by United States Marines were no longer there to exercise their right to freedom of expression or to express their desire to live to the Commission. The Vietnamese were a kind-hearted and generous people who were trying, despite the still palpable presence of the ills inflicted by the Viet Nam War, to establish good relations with the United States and to forget the past. It was regrettable that the joint efforts of both countries and both peoples to that end could be threatened by the remarks made by the United States delegation.

69. Mr. KURTTEKIN (Observer for Turkey), referring to the statements made by the observer for the Organization of the Islamic Conference and the observer for Cyprus, recalled that the “1960 Republic of Cyprus” had been created as a partnership by the Turkish and Greek Cypriots who had lived on the island, their joint homeland, for centuries. That Republic, which had been founded on the principle of political equality between the two peoples, had been destroyed following a forcible takeover perpetrated by one of the two partners in 1963; since that time the two communities had never been under a single administration. Only the intervention of one of the guarantor Powers, through the exercise of its rights and obligations under the 1960 Treaty of Guarantee, had prevented the total extermination of one of the peoples and the joining of the island to a third country in 1974. The Turkish Cypriot people, exercising its right to self-determination, had founded the Turkish Republic of Northern Cyprus in 1983, with institutions that included a democratically elected Government and Parliament; that Republic had said that it was ready to seek a viable and durable solution for the island, and had been officially recognized by Turkey.

70. New efforts were currently being made in the context of the good offices mission of the Secretary-General of the United Nations, which was aimed at establishing a new partnership based on equality between the two co-founder States. The Turkish Republic of Northern Cyprus had always participated in the negotiations aimed at finding a lasting settlement to the Cyprus issue in good faith, and Turkey was sparing no efforts to achieve that end. He shared the hope expressed by the observer for Greece that the discussions under way in Bürgenstock would have a positive outcome.

71. Ms. CHOE Myong Nam (Observer for the Democratic People’s Republic of Korea) said that Canada, New Zealand and Norway were doing nothing to advance the cause of human rights by selectively singling out and condemning certain countries.

72. Mr. A’ALA (Observer for the Syrian Arab Republic) said that his delegation had been dismayed by the propaganda campaign led by Israel, which was attempting to pass itself off as a victim. Unfortunately, that poor victim, which was the only nation in the world considered by the United Nations to be an occupying Power, was heavily armed. Israel had not withdrawn from southern Lebanon out of respect for United Nations resolutions, but in response to the struggle put up by freedom fighters. Israel accused the Syrian Arab Republic of having occupied Lebanon, when in fact the situation was one of cooperation under agreements signed by the two brother countries, and had nothing to do with Israel. As for Israel’s question regarding the reason for the presence of Palestinians in the Syrian Arab Republic and other Arab countries, the answer was simple: they were persons who had been expelled by the Israeli armed forces in the diaspora, and who had no connection with the Palestinian resistance in the occupied territories. Furthermore, if Israel was so enamoured of peace, one might well ask what it was doing in the occupied Palestinian territories.

73. Mr. SOUFAN (Observer for Lebanon) said that Israel had not mentioned the efforts made by Lebanon to ensure its security and prevent, inter alia, violations of its airspace in the form of attacks carried out by the Israeli army, the motives for which were unknown. That did not explain the presence of Israeli soldiers in Lebanon and the Syrian Arab Republic. Israel should withdraw completely from southern Lebanon. Also, contrary to what it had said, Israel

had not provided landmine maps, and should do so without delay. Given the current situation, the observer for Israel was not in a position to talk about terrorism, which everyone condemned, since his country's operations in southern Lebanon had claimed over 100 victims: was that not tantamount to terrorism?

74. Ms. HERRERA (Cuba) condemned the biased and selective tribunal-like nature that the Commission on Human Rights had acquired during its consideration of agenda item 9. The countries of the North were increasingly setting themselves up as judges of the countries of the South, which was preventing them from seeing the human rights violations being perpetrated on their own territory. Thus Canada and Norway might for once show some originality and remember that they were not free from such evils as racism, discrimination, particularly in respect of indigenous peoples, child prostitution and child pornography, and ought to be included in the list of countries charged with such practices.

75. As for Nicaragua, a country that was in the pay of the United States of America and the Cuban mafia in Miami, it was surprising that the representative of that country spoke of peace and democracy, while the Nicaraguan people, who were starving, struggled to survive from day to day, owing to the corruption of the ruling classes and the collapse of the social and health services. It would be better for Nicaragua to solve its own human rights problems, rather than concentrating on those of other countries such as Cuba.

76. Ms. POLO (Togo) condemned the harassment to which Franciscans International had been subjecting Togo since October 2002, through the monthly publication entitled "Update on the human rights situation in Togo". The Togolese Constitution recognized freedom of the press and required the State to respect the free exercise of that right, as could be seen from the multitude of newspapers and periodicals that were regularly published in the country. The amendments that had been made to the Press Code in 2002 only sought to counter the attempts at destabilization, defamation and division made by certain journalists and were in no case contrary to freedom of expression. Although the Code provided for an increase in sentences for violations of the Press Act, it did not grant greater authority to the Ministry of the Interior. Since 1999, a State-financed fund had existed to provide aid and support for the press, and a code of ethics had been adopted in 2000 by the entire profession. The Department of Communication and Civil Training had sought to increase awareness in that area by means of an ongoing dialogue; as a result there were currently no journalists imprisoned in Togo for crimes under the Press Code. Togo was a party to many international instruments and had submitted periodic reports to a wide range of treaty bodies, in accordance with its obligations; incommunicado detention was unknown in the country. Franciscans International would therefore do better to play its role as an NGO, rather than theorizing on the subject of certain Togolese political parties.

77. Mr. PURI (India) said that India was attached to the values of democracy, freedom, secularism and justice, and absolutely rejected, among other things, the term "occupation", which had been used by the representative of Pakistan to describe the situation in Jammu and Kashmir, which was an integral part of the Indian Union. The only occupation that could be spoken of in that connection was the occupation by Pakistan, which was uniquely responsible for the human rights violation problems that were faced by the population of Jammu and Kashmir State. He would refrain from mentioning the numerous cases in which Pakistan had

been forced to abandon its support for unjust causes under pressure from the international community, and would limit himself to reminding the Commission of the support Pakistan had given to the Taliban, the dreadful consequences of which were known to everyone. It was to be hoped that Pakistan would once again realize that it had been wrong to take that route.

78. Mr. ACHARYA (Nepal) condemned the unfounded and highly exaggerated nature of the allegations of human rights violations in Nepal made by certain NGOs. The Nepalese Government was very committed to promoting and protecting the freedom, security and fundamental freedoms of the population. The only persons responsible for terrorist acts were the Maoist extremists, and the Nepalese security forces had shown the utmost moderation in guaranteeing the population's security. The isolated cases of atrocities that had been mentioned were under investigation, and the Nepalese Government fully intended to reinforce the authority of national human rights institutions, including the National Human Rights Commission, to investigate all human rights violations committed in the country and to ensure that such investigations were followed up.

79. Mr. MARDALIYEV (Observer for Azerbaijan), referring to the statement made by the representative of Armenia, pointed out that that country was still illegally occupying Nagorny Karabakh and several other adjacent regions of Azerbaijan, and sought to destroy the very notion of self-determination. That principle, in national law, was applied concurrently with the principles of sovereignty, territorial integrity and the inviolability of borders, and was applied in a peaceful manner. It had nothing to do with the demands for independence raised within the context of Armenia's occupation of Azerbaijani territory. The expression "the people of Nagorny Karabakh", which had been used several times by the Armenian representative in his statement did not appropriately describe the Armenian minority living in the Nagorny Karabakh region. The population of Nagorny Karabakh comprised two communities, Azerbaijanis and Armenians. Azerbaijan was determined to continue searching, with the help of the international community, for a solution to the issue that conformed to international law and was not dictated by purely pragmatic considerations. Azerbaijan would not yield an inch of its land to the occupier, and demanded that Armenia should stop spreading false information to justify its Government's policy of gross violations of international law.

80. He also requested clarification from the observer for Norway as to what he had meant by "the treatment of the political opposition after the presidential elections". If he meant the arrest of certain political activists, it must be specified that those individuals had been the organizers of the unrest that had been stirred up on 16 October in order to manipulate election results in favour of their candidates. Those individuals, who had used violence against State security forces who had been doing their job, had been arrested for their unlawful acts, not for their political beliefs.

81. Mr. RILMANIA (Indonesia) noted with interest the tendency of certain countries, including Australia and Ireland, to welcome the considerable progress that had been made by Indonesia in respect of human rights, even though the same could not be said for Australia, considering the way indigenous peoples and asylum-seekers were treated in that country. However, his delegation categorically rejected the statements that had been made by certain countries, including Ireland, which prejudged the outcome of the ongoing reform of the legal system. If Indonesia was determined to strengthen its national human rights protection system, and particularly its legal system, it was not to please anyone else, but solely to serve the interests of its population, who formed the new democratic Indonesia.

82. Mr. CASTILLO (Observer for Nicaragua) said that Nicaragua did not serve the interests of anyone but its own people. The current President was actively involved in the fight against corruption, which, even if it had caused the downfall of certain politicians, had been beneficial for the Nicaraguan people, as it had allowed the country to regain its credibility and the trust of the international community. The country's economic problems, which had been mentioned by the representative of Cuba, were the result of the imposition over years of a political, economic and social ideology that was very similar to the one that was currently being followed by the Cuban Government, but that the Nicaraguan people had relegated to the archives more than 10 years previously, when it had opted for democracy. He hoped that the Cubans would do the same soon.

83. Mr. HUSSAIN (Pakistan) lamented the fact that the representative of India had once again tried his best to defend the indefensible. The State terrorism perpetuated by the Indian armed forces, who, notwithstanding United Nations resolutions, were brutally repressing the population of Jammu and Kashmir, reflected the state of Indian democracy. According to a press report, civilians were treated like cattle and tens of thousands of people had been killed, imprisoned, tortured or had disappeared in the struggle against the insurrection being led by the Indian armed forces. India systematically rejected all of the constructive proposals that were made by Pakistan to end that situation, including the proposal to strengthen the United Nations mission that had been on the ground for 50 years. It was time for India to deal with the grave violations of human rights that were being committed in occupied Kashmir.

84. Ms. HERRERA (Cuba) condemned the role that Nicaragua played each year in the Commission as the Cuban Government's accuser. Nicaragua could be bought by any State, even a terrorist State, provided it had the means to pay. Cuba could teach Nicaragua a thing or two about providing the population with essential services.

The meeting rose at 6 p.m.