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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 35th MEETING

Held at the Palais des Nations, Geneva,

on Friday, 2 April 2004, at 3 p.m.

Chairperson: Mr. AL-FAIHANI (Bahrain)

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

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: (a) TORTURE AND DETENTION; (b) DISAPPEARANCES AND SUMMARY EXECUTIONS; (c) FREEDOM OF EXPRESSION; (d) INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE, IMPUNITY; (e) RELIGIOUS INTOLERANCE; (f) STATES OF EMERGENCY; (g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE (agenda item 11) (*continued*) (E/CN.4/2004/3 and Add.1, Add.2 and Corr.1 and Add.3, 7 and Corr.1 and Add.1, Add.2 and Corr.1 and Add.3, 50-52, 53 and Add.1, 54, 55, 56 and Add.1-3, 57-59, 60 and Add.1, 62 and Add.1-4, 63 and Add.1 and 2; E/CN.4/2004/6/1, 18, 19, 26, 33, 34, 40; E/CN.4/2004/NGO/8, 13, 14, 19, 30-49, 52, 54, 55, 58, 59, 65, 70-72, 79, 87, 88, 90, 92, 94, 104, 111, 125, 128-130, 134, 145, 151, 153, 179, 182, 183, 188, 194, 206, 214, 224, 231, 236-240, 246, 252; E/CN.4/Sub.2/2003/39; E/CN.15/2002/3; E/CN.15/2001/8)

1. Mr. WANG YUSHENG (United Nations Association of China) said that the human rights situation in China had improved a great deal, even though some problems continued to exist. Unfortunately, NGOs spread false information in the Commission, particularly with regard to the Falun Gong movement. Falun Gong carried out activities which constituted violations of human rights. He himself had been harassed by telephone calls and had received letters of protest for having stated that Falun Gong was not a religion and was not part of China's age-old culture. Falun Gong had been harassing the population by means of mass telephone campaigns for a long time. An Internet site reported that it had made 10 million telephone calls. It was also carrying out activities that violated the people's rights. For example, its followers had disrupted the operation of a telecommunications satellite and distance learning courses had consequently been cut off for many people. Such acts, which occurred quite frequently, were a violation of international standards, including those of the International Telecommunication Union. Falun Gong also interrupted television programmes and broadcast their own. Falun Gong members had been found responsible for such acts 70 times. No country which was governed by the rule of law could tolerate such illegal activities. It must also be asked where Falun Gong's resources came from.

2. Ms. LEE (Pax Romana) said that she welcomed the report submitted by the Special Rapporteur on the right to freedom of opinion and expression (E/CN.4/2004/62 and Add. 1 to 3), which rightly stated that freedom of expression had a social as well as an individual dimension and was closely linked to the right to information. However, only a few more than 50 States in all parts of the world had adopted laws on the right to information and there was no global and binding instrument on that right. At the World Summit on the Information Society held in December 2003, few States had dared to affirm that human rights standards should be the basis for the information society.

3. Wednesday, 7 April 2004, would mark the tenth anniversary of the genocide in Rwanda, where 800,000 persons had been killed in 90 days. It was an established fact that messages broadcast on RTLM national radio had encouraged the massacres. Since the media could play a negative role, Pax Romana called for the urgent incorporation of the human rights approach in the media policy of States and the training of journalists and media workers under joint arrangements by States and the Office of the High Commissioner for Human Rights.

4. Since human rights defenders were frequently denied access to information, Pax Romana urged the Special Rapporteur and the Commission to pay closer attention to their situation

in accordance with article 6 of the Declaration on Human Rights Defenders. It also deplored the fact that many States tried to restrict access to and the use of the Internet, often through the application of criminal law penalties. In that connection, Pax Romana suggested that the Human Rights Committee should reconsider article 19 of the International Covenant on Civil and Political Rights in order to provide a more refined interpretation of that provision.

5. Ms. DORU (International Rehabilitation Council for Torture Victims (IRCT)) drew the Commission's attention to the fact that assistance to victims of torture was increasingly being restricted by financial problems, especially because the European Commission had changed its funding policy for human rights activities. The global need for international funding of rehabilitation services for victims of torture and their families had been estimated for 2004 to be between \$30 and \$40 million. The United Nations Voluntary Fund for Torture Victims, which covered up to one third of total project costs, had received requests in 2004 amounting to more than \$13 million. IRCT urged the Commission to renew its commitment to continued support for the United Nations Voluntary Fund and to consider proposing matching funds from the regular United Nations budget. It also urged all Member States to give generously to the Fund during the current financial year prior to the meeting of the Board of Trustees in May. It welcomed the fact that the recent changes in the Office of the High Commissioner of Human Rights had respected the uniqueness of the Fund and its independence status. It paid tribute to Mr. Daniel Prémont, former secretary of the Fund, for over 20 years of unfailing loyalty and commitment.

6. IRCT urged the Commission to renew its support for the absolute prohibition of torture, which had recently come under attack. IRCT stressed the importance of including health professionals in the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and especially in national preventive mechanisms when implementing the Optional Protocol to the Convention against Torture. IRCT also urged the Commission to promote the speedy finalization and adoption of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights Law and International Humanitarian Law.

7. Mr. AMARAL SARMENTO (Catholic Institute for International Relations), expressing the opinion of several civil society organizations in Timor Leste on the question of the independence of the judiciary, said that there were serious weaknesses in the judicial system at present. There was an urgent need to ensure that the Serious Crimes Unit and the Special Panels would be able to continue their work after the expiration of the mandate of the United Nations Mission of Support in Timor Leste (UNMISSET). His organization was particularly concerned about the relationship between the executive and the judiciary; the Special Rapporteur on the independence of the judiciary had previously described the situation as being inconsistent with the principle of the independence of the judiciary.

8. Although judges had been appointed since January 2000, no permanent appointments had been made; the law provided for a three to four year probationary period. Civil society organizations feared that continuing delays in the appointment of judges would leave open the possibility of political interference. There had been allegations of interference with the Special Panel for Serious Crimes. For example, the Special Panel had issued arrest warrants for high-level officials, including Indonesian General Wiranto, but Timorese political leaders had expressly stated that they did not support action to bring General Wiranto to trial. That type of reaction undermined the Special Panel's efforts to bring to justice those accused of crimes against

humanity. His organization urged the Special Rapporteur on the independence of judges and lawyers to undertake a mission to Timor Leste to look into all those issues.

9. Mr. DELIUS (Society for Threatened Peoples) said that enforced disappearances of civilians were the most frequent human rights violations in the Chechen Republic of the Russian Federation today. According to the Russian human rights organization Memorial, which covered only 25 or 30 percent of the territory of the Chechen Republic, there had been nearly 500 cases of disappearances in 2003. During the first few months of 2004, that organization had been able to document 50 more cases of disappearances. Typically, the victims were kidnapped during the night or in the early morning by masked soldiers who did not say where they were taking them. The relatives then had a great deal of difficulty in finding out where the victims were. When they did manage to find a person, it was sometimes possible to free him by paying a ransom. In about 30 per cent of cases, the disappeared person's body, often showing signs of torture, was found sometime later. The majority of victims were never found. Although so-called "mopping up" operations had now nearly stopped in Chechnya, kidnappings of civilians were creating an atmosphere of anxiety. The number of victims of violations was said to be even higher.

10. The pretext for those arbitrary arrests was always alleged links to the rebel fighters. Those links were never proven and those allegations were often obtained from neighbours by means of force and torture. Such kidnappings and enforced disappearances continued because of widespread impunity. Nearly 10,000 human rights abuses claims had been filed in the Chechen Republic in the past three years, but most cases had been completely ignored.

11. His organization called on the Commission to adopt a resolution condemning the practice of enforced disappearances in the Chechen Republic of the Russian Federation and to send representatives of the Working Group on Enforced or Involuntary Disappearances to the Chechen Republic to investigate the situation. It also invited the Commission to pressure the Government of the Russian Federation to end to impunity in the Chechen Republic, to stop using enforced disappearances as a means of combating terrorism, to allow international monitors access to the Chechen Republic and to aim at a political solution.

12. Mr. YOSHIDA (Japanese Workers' Committee for Human Rights) said that his organization had brought 700 persons to Geneva to report on human rights violations in Japan. As an example of those violations, he pointed out that, in March 2004, the Japanese police had arrested a government employee living in Tokyo on the grounds that he had broken the law restricting political acts by government employees by distributing copies of the newspaper Akahata. The arrested person had distributed the newspaper only in his own neighbourhood on Sundays and holidays, thus exercising his natural rights as a citizen during an election period. The police had apparently acted for political reasons because the person had been arrested and his house had been searched four months after the election.

13. Those incidents were an intolerable attack on the rights of political parties, organizations and individuals who had opposed the dispatch of Japanese troops to Iraq. Many Japanese and foreign organizations and individuals had protested against the conduct of the Japanese police.

14. Ms. FAUCHÈRE (World Confederation of Labour) denounced the ongoing violations of the International Covenant on Civil and Political Rights in many countries, including those which had already been scrutinized at earlier sessions of the Commission. In Myanmar, the Government was pursuing its policy of systematic harassment of human rights activists.

Recently, nine workers had been accused of high treason and sentenced to death for having made contact with the International Labour Organization. In Colombia, arrests, murders and violence of all kinds against trade union leaders continued to be carried out, while the persons who committed those barbarous acts continued to enjoy total impunity. In Guatemala, trade unionists were being threatened. For example, Victoriano Zacarias Méndez, the Executive Secretary of the General Guatemalan Workers' Union, had been unjustly accused of terrorism after having organized a workers' demonstration and had been imprisoned. Rigoberto Dueñas, the Deputy Secretary General of the Union, had been accused of corruption when he had reported serious dysfunctions within the Social Security Institute and had been detained since June 2003. Her organization condemned the murder on 22 January 2004 of Chea Vichea, the President of the Cambodian Free Trade Union of Workers and a committed human rights defender. It called on the Cambodian Government to carry out an independent and impartial inquiry in order to identify and punish those responsible for that murder. It requested the Governments of Myanmar, Colombia, Guatemala and Cambodia to guarantee respect for and the implementation of all civil and political rights, including trade union rights.

15. Mr. TOGDEN (International Fellowship of Reconciliation) said that his organization was deeply concerned about the Chinese Government's systematic curtailment of the right to freedom of religion and belief in Tibet. In 1998, the Chinese authorities had launched the "Patriotic Education" campaign to stop "splittist activity", such as support for Tibetan autonomy and allegiance to the Dalai Lama. The measures taken were so brutal that the very future of the Tibetan monastic tradition was now in question. Patriotic Education "work teams" were imposed in monasteries, whose autonomy had been greatly restricted and where over 20,000 practitioners had been expelled for refusing to give up their religious and political beliefs. The Chinese authorities promoted atheism and were placing an increasingly larger number of restrictions on public expressions of belief. In November 2003, inhabitants of Sichuan had been ordered to hand over portraits of the Dalai Lama or face confiscation of their lands. Celebrations of the Dalai Lama's birthday were also prohibited.

16. In the last few years, several senior religious figures had been imprisoned for their loyalty to the Dalai Lama and their religious and social activism. His organization was particularly concerned about the welfare of Gedhun Chockyi Nyima, the eleventh Panchen Lama, who had been abducted shortly after having been identified by the Dalai Lama as the reincarnation of the tenth Panchen Lama. By interfering in matters of reincarnation, which were at the heart of all Tibetan Buddhist practices, the Chinese Government was trying to divide the Tibetan people and showing complete disregard for one of the fundamental principles of the Tibetan Buddhist faith.

17. Mr. KIM (MINBYUN-Lawyers for a Democratic Society) said that, in the Republic of Korea, the rights to freedom of expression, thought and conscience were being seriously violated in the name of national security. Each year, some 700 people were tried and imprisoned for refusing to perform military service. In its statement under agenda item 11, the Korean delegation had welcomed the essential role played by the Commission's special procedures, but it had already been eight years since the Special Rapporteur on the right to freedom of opinion and expression had strongly recommended that the Republic of Korea should repeal the national security law. In addition, the Special Rapporteur on freedom of religion or belief had noted in his 2003 report that the situation of conscientious objectors in the Republic of Korea seriously conflicted with freedom of conscience and the right to manifest one's religion or belief.

18. His organization urged the Government of Korea immediately to release all prisoners of conscience, to abolish the national security law, to recognize the right to conscientious objection to military service at the national level, and not only at the international level, and to stop criminalizing conscientious objectors by providing various forms of alternative service.

19. Mr. de VARGAS (Penal Reform International) said that, at a time when action to combat terrorism and insecurity in general had made imprisonment the only response, the prison population had reached record levels and conditions of detention were getting worse. At present, there were 9 million persons in prison throughout the world, half of them in the United States, China and Russia. Although arrests were sometimes necessary, imprisonment, particularly of persons accused of minor offences or awaiting trial, was an expensive policy that rarely had the desired deterrent effect. As the Special Rapporteur on torture had stated, inappropriate conditions of detention could constitute a form of torture or ill treatment. In prisons, moreover, vulnerable groups such as racial and religious minorities, foreigners, children and homosexuals were often the targets of discrimination. Prisons could also be places for the spread of contagious diseases and for rape, which were not only despicable in nature, but also helped to spread AIDS. Action to combat torture and cruel, inhuman or degrading treatment or punishment must therefore include action to improve conditions of detention.

20. Penal Reform International, which was active in more than 80 countries, was working with the Office of the United Nations High Commissioner for Human Rights and with many Governments. It supported the recommendations by the Special Rapporteur on torture and recommended that all States should renew the mandate of the Special Rapporteur and ratify the Convention against Torture and the Optional Protocol thereto. International standards for the protection of detainees also played a key role. In that connection, the draft Charter of Fundamental Rights of Prisoners, which was to be considered at the eleventh United Nations Congress on Crime Prevention and Criminal Justice in Bangkok in April 2005, was an essential tool. The World Congress against the Death Penalty, which was to take place in Montreal from 6 to 9 October 2004, would offer a further opportunity for broader action to abolish that penalty, which was often discriminatory and always unjustifiable.

21. Ms. BACALSO (Philippine Human Rights Information Center) said that her organization was concerned about the continuing phenomenon of enforced disappearances in Asia. The Asian Federation against Involuntary Disappearances (AFAD) had submitted 10 cases which had occurred during the 4 June 1989 massacre in Beijing to the Working Group on Enforced or Involuntary Disappearances. In Kashmir, 28 members of the Association of Parents of Disappeared Persons, mostly women, had been brutally beaten by the Indian police on 20 March 2004. All had been released, but four were facing charges. In Indonesia, 1,292 cases of disappearances had been documented since the Suharto period and the middle of 2003. Sixty-four cases of disappearances had been reported in 2003 alone. The Indonesian Commission on Human Rights should investigate all those cases. The safety of human rights defenders who were monitoring the situation in Aceh should also be guaranteed.

22. In the Philippines, the Families of Victims of Involuntary Disappearance had reported 1,871 cases of disappearances since 1971. Fifty-one cases had already been reported during the term of office of President Gloria Macapagal Arroyo. The anti-disappearance bill had still not been enacted. In Sri Lanka, 60,000 cases in the south and 8,000 cases in the north had been reported and the recommendations made by the Working Group on Enforced or Involuntary Disappearances during its three visits to the country had still not been implemented. In Thailand,

the Government must tell the truth and investigate the disappearance of Mr. Somchai Neelpaijit, a lawyer last seen on 12 March 2004, as well as the disappearances of 263 persons during the uprising in May 1992. Her organization welcomed the fact that the Commission continued to work on the preparation of a legally binding instrument on disappearances.

23. Mr. BLACKMAN (Indian Council of South America) recalled that, at the Commission's fifty-ninth session, his organization had made a statement reporting that the Buffalo River Dene Nation from Northern Saskatchewan, Canada, intended to take its case to the International Court of Justice for the violation of its treaty rights. The issues of Indian treaties, land and sovereignty should be dealt with once and for all under international law. The Canadian Government could not and would not discuss those issues openly and honestly. Like multinational corporations, it had to defend its own interests. To date, no indigenous people had ever been able to bring a case before the International Court of Justice, whereas 85 percent of the world's natural resources were on indigenous territory. A case involving land claims settlements, *Wilson/McAllister vs. the Queen* (particularly the Minister of Indian Affairs and Northern Development), was now before a Canadian court and it could be asked whether the Canadian Government would admit that it had made a mistake. As Chief Elmer Campbell had stated, Indians had become beggars in their own land. Until indigenous issues had been settled fully, openly and honestly, justice would not have been achieved. If nothing was done, the ethnocide would continue and, in fewer than 50 years, the indigenous peoples of Canada would have become extinct. It was urgent and essential for the international community to come to the indigenous peoples' assistance.

24. Mr. MARZOUK (Tunisian Organization of Young Doctors without Borders) said that, if human beings were to enjoy civil and political rights, their economic, social and cultural rights must first be guaranteed; there must first be a more just, equitable and interdependent world.

25. His organization supported the idea of an international convention on human rights education which would combat violence, discrimination and hatred and the human rights violations to which they gave rise by promoting education and the dialogue of civilizations.

26. Information and communications technologies which, together with the Internet, were a new form of expression and a cultural revolution were creating a new socio-political geography. In accordance with the relevant international instruments, their use should respect human rights and fundamental freedoms and pave the way for a genuine knowledge society. In that connection, the World Summit on the Information Society, the second phase of which would be held in Tunis in 2005, would try to do everything possible so that the inhabitants of the planet might build a new information society based on shared knowledge, world solidarity and better understanding among peoples and nations. He welcomed the Tunisian initiative to set up a special fund to finance the participation of civil society in that Summit.

27. There was a desire for reform and change in Tunisia. The forthcoming presidential and legislative elections would be an opportunity to make progress in that regard.

28. Mr. SRIUASTAUA (Indian Council of Education), referring to the interminable wars of religion between Catholics and Protestants, said that the problem of religious intolerance was centuries old. Buddhism and its message of peace and non materialism had conquered East Asia and that message of tolerance which the Vedic sages had taught centuries before Buddha was just as relevant today. Religious tolerance was an integral part of multiculturalism and should be the common endeavour of all mankind.

29. Ms. MARWAH (International Institute for Non-Aligned Studies) said that democracy and freedom of expression were mutually reinforcing. The implementation of human rights depended on democracy and the right to freedom of expression was a basic element of democracy. That right had been reinforced as a result of the establishment of new political parties and the invention of new technologies which enabled millions of persons around the world to be heard, particularly by their leaders. When such means of expression were curbed, the authorities were no longer in a position to take decisions in accordance with the people's wishes; such arrangements all helped to develop freedom of expression, which became a reality and gained in content only through education, which inculcated knowledge and training to think freely and critically. The Community of Democracies intended to cooperate on democracy-related issues in the framework of international and regional institutions and to support resolutions and other international activities aimed at the promotion of democratic governance.

30. Mr. MUGIYANTO (Netherlands Organization for International Development Cooperation (NOVIB)) said that his organization was deeply concerned about enforced disappearances in Indonesia and, in particular, in Aceh. In view of that alarming situation, the Indonesian Government had not done anything significant. It had not responded to the communication officially addressed to it by the Working Group on Enforced or Involuntary Disappearances. The National Commission on Human Rights, which had a mandate to conduct investigations of cases of disappearances, had not fulfilled the task entrusted to it because of conflicts of interest between its members and the Government's lack of political will; it had stopped guaranteeing the protection of human rights defenders in Aceh. His organization was, however, concerned about the continuing violence in the region, which was under martial law and where the security of human rights defenders and civilians was being threatened. The second ad hoc human rights tribunal was still in session in order to try the case of the 1984 Tanjung Priok massacre, but several cases of enforced disappearance had not been included in the indictment.

31. In the light of the foregoing, his organization requested the Commission to draw the attention of the Indonesian Government to the need to conduct a thorough investigation of the cases of enforced disappearance; to invite the Working Group on Enforced or Involuntary Disappearances for an official visit; to respect the rights of victims and their relatives to reparation and redress; to ratify the International Covenant on Civil and Political Rights; and to support the ongoing process of drafting an international convention for the protection of all persons against enforced disappearances.

32. Ms. DARNI (Australian Council for Overseas Aid (ACFOA)) said that the Indonesian Government had not fully implemented the recommendations adopted in 2002 by the Committee against Torture on the basis of the report submitted to it by the Indonesian authorities. The Committee against Torture had, for example, pointed out that the provisions of article 4, paragraph 1, of the Convention against Torture had not been incorporated into the Indonesian Criminal Code. Moreover, the adoption of legal texts, such as the Counterterrorism Law, which gave the police more power, in violation of some provisions of that Convention, proved that the situation continued to deteriorate. Cases of torture had been reported and human rights violations continued to be committed in the province of Aceh, where a state of emergency had been decreed in connection with armed action targeting the Aceh Freedom Movement and the armed forces.

33. Her organization requested the Commission to urge the Indonesian Government to take legal action to punish those violations and prevent them from occurring again; fully to implement the recommendations made by the Committee against Torture; to settle the conflict in Aceh by



peaceful means; to reopen the peace negotiations which had been started with the Aceh Freedom Movement; and to cooperate fully with international humanitarian organizations for the benefit of the population.

34. Mr. BROWN (International Humanist and Ethical Union) said that Islam was the only major religion that did not tolerate apostasy. In the Islamic countries such as Sudan, Egypt, Iran, Yemen, Pakistan and others, apostates were harshly punished and even executed. Islamic human rights texts were not universal, since they introduced specifically religious criteria into the political sphere and severely restricted the rights of individuals, particularly women, non-Muslims and apostates who did not accept Islamic religious orthodoxy. By condemning persons for apostasy, blasphemy and heresy, Islamic countries were violating several articles of the Universal Declaration of Human Rights and article 18 of the International Covenant on Civil and Political Rights, which protected all beliefs, whether theistic or atheist.

35. His organization requested the Commission to appeal to all Governments to bring their national legislation into line with the international human rights instruments to which they were parties and to prohibit fatwas and sermons preaching violence against persons holding unorthodox opinions or having left a religion.

36. Mr. LÖNN (International Youth and Student Movement for the United Nations (ISMUN)), speaking also on behalf of the African Society of International and Comparative Law, the General Arab Women Federation, the International Association against Torture and the Women's International League for Peace and Freedom, said that the outbreak of the war against Iraq had led to the largest popular mobilization ever against war and in favour of peace. That had not prevented the war from taking place. The perpetrators of the aggression had used every opportunity to keep the United Nations silent. In 2003, for example, the Commission had not been authorized to hold a special meeting to consider the humanitarian situation in Iraq. The mandate of the Special Rapporteur on human rights in Iraq had been restricted to the period prior to the occupation.

37. The organizations he represented requested the Commission to condemn the serious violations of civil, political, economic, social and cultural rights which were being committed on a daily basis in Iraq by the occupying powers and to entrust the Special Rapporteur on human rights in Iraq with the task of reporting on those violations, including the violation of the right to self-determination. In that connection, the adoption by the occupying powers of a transitional administrative law for the purpose of declaring an end to the occupation by 30 June 2004 and setting the stage for elections at the end of 2004 had no legitimacy. It provided, inter alia, that the occupation troops were to remain in Iraq and that the Iraqi armed forces would be integrated under their command; that would in no way constitute an end to the occupation under international law. It also provided for the transfer of power to a non-representative group of persons, since much of society would be excluded from the electoral process, something which had not been the case in any of the elections in which the United Nations had taken part and which might lead to civil war. Self-determination was not involved in anyway and the United Nations must not lend legitimacy to that exercise. The human rights machinery must, in cooperation with the World Tribunal on Iraq, clearly state its position on respect for the Charter and fundamental standards of human rights.

38. His organization also drew attention to the fact that the human rights of the inhabitants of Western Sahara were being grossly violated and that enforced disappearance was a major

problem. It appealed to the international community to reveal the truth about those matters of great concern.

39. Mr. FOSTER (International Indian Treaty Council) said that his organization had testified many times about the forced relocation of traditional Dine and Hopi peoples in Arizona, who had had to leave a region where the water table had been polluted as a result of the activities of the Peabody Coal mining company and the United States Department of the Interior. In Northern California, the Calpine Energy Corporation geothermal development project was turning the sacred and still pristine Medicine Lake Highlands region into an industrial zone that was incompatible with the continuation of spiritual, cultural and religious practices.

40. For the past 34 years, the paramount human rights problem of the Native American Indian incarcerated in the United States prisons system was the inability to practice his traditional religious and spiritual beliefs. In California prisons, long hair was prohibited and Indian prisoners had to agree to have their hair cut, contrary to their traditions. Sweat lodge ceremonies were also prohibited. Allowing Native American prisoners to practise their religion was, however, essential for their rehabilitation. Some 99 percent of felony arrests of Native Americans were alcohol related and only the Native Americans' spirituality could help them overcome that problem. It was a well-known fact that Native American prisoners who were allowed to participate in ceremonies became exemplary inmates.

41. He requested the Commission to seek full compliance with and the enforcement of the laws of the United States prison system to ensure that Native American prisoners could freely engage in their religious and spiritual practices.

42. Ms. JAMPA (International Union of Socialist Youth (IUSY)) said that China continued to delay the ratification of the International Covenant on Civil and Political Rights. There was thus no saying whether it would keep its promise to invite several thematic procedures of the Commission, including the Working Group on Arbitrary Detention. In a recent decision, the Working Group had found the Chinese authorities' imprisonment of eight Tibetans to be arbitrary. Her organization considered it of crucial importance to monitor how Beijing actually responded to the Working Group's opinions on those eight cases. In view of the attitude of the Chinese authorities, who continued to pretend to comply with United Nations mechanisms while actually disregarding the conclusions of experts from the Office of the High Commissioner for Human Rights and continuing to deprive the Tibetan people of their civil and political rights, her organization urged the Working Group on Arbitrary Detention to take account of the cases in question and to visit Tibet during the follow-up mission to China. It encouraged China to allow special rapporteurs to visit China and Tibet and requested the Commission to adopt a resolution censuring China.

43. Mr. PARIYADAN (Voluntary Action Network India) said that he condemned the discrimination and exclusion from democratic life to which certain social groups and indigenous peoples were subjected in different parts of the world. In that connection, he referred to the case of India, where the Dalit caste had been subjected to discrimination for centuries. In today's globalizing world, however, there was a need to identify which Dalits were truly being marginalized. The dynamics of oppression had changed and must be understood from different perspectives. Affirmative action programmes thus had to be evaluated and reformulated so that they did not become quota systems. His organization recommended the adoption of systems based on local governance, empowerment and education for all.

44. Mr. REHMANI (World Muslim Congress) said that his organization denounced the systematic violation by the occupying Indian forces of all of the rights and freedoms of the population of Jammu and Kashmir. Like the international community, the population of Kashmir had hoped, in vain, that the initiation of a dialogue between India and Pakistan would lead to an improvement in the human rights situation in occupied Kashmir, but that had not been the case. The Indian armed forces had instead escalated their operations against the Kashmiris, who placed their hopes in the Commission, requesting it to help them regain respect for their basic rights.
45. Ms. ROBINSON (International Possibilities Unlimited (IPU)) said that her organization was working for the abolition of the death penalty and was particularly interested in juvenile justice. In that connection, it welcomed the excellent report by the Special Rapporteur, Asma Jahangir, and, in particular, her recommendation that "the execution of persons who were children under the age of 18 at the time of the crime should be completely abolished". Although there had been a number of important developments in the United States concerning the juvenile death penalty, and she referred in that regard to the IPU statement contained in document E/CN.4/2004/NGO/206, now was not the time to ease the pressure. She also welcomed the report by the Secretary-General on the administration of justice (E/CN.4/2004/51) and the efforts being made by UNICEF to develop a set of global indicators for juvenile justice.
46. Her organization and the National Coalition to Abolish the Death Penalty (NCADP) recommended that the Commission should appoint a new Special Rapporteur on extrajudicial, summary or arbitrary executions. It supported the recommendation by Human Rights Advocates that the Commission should require States still maintaining the juvenile death penalty to submit annual reports to the Special Rapporteur on extrajudicial executions outlining efforts for the prevention of such executions. They also strongly urged the Commission to use the text of Commission resolution 2003/47 relating to the juvenile death penalty in the resolution on the administration of justice; and requested UNICEF to include data on the application of the juvenile death penalty in its global indicators of juvenile justice.
47. The Commission had an obligation to focus the international community's attention on Governments which continued to violate human rights. "Naming and shaming" definitely had a place in its work, especially in relation to the United States and other countries which maintained the shameful practice of the juvenile death penalty.
48. Mr. JIBRIL (African Society of International and Comparative Law) said that, as the Commission was meeting, the security forces of the Government in Khartoum were conducting a massive campaign of repression in the Darfur and Kordfan regions of western Sudan. Army officers who had refused to take part in the bombing of civilian targets had been arrested after having been falsely accused of wanting to topple the military Government of General Al-Bashier. They were being subjected to torture and to ill treatment in custody. A number of civilians, especially leading members of the Popular Congress Party, including its Secretary General, Mr. Hassan Al Tourabi, had also been arrested. On 15 March 2004, Mr. Ali Hussein Dossa, a member of Parliament, had been arrested despite his parliamentary immunity.
49. He appealed to the Government of Sudan to release all persons who had been arrested because of their political opinions, human rights activities or conscientious objection to military service in Darfur.

50. Mr. OO (Worldview International Foundation) said that, in Myanmar, the judiciary was fully controlled by the State Peace and Development Council, which was the executive branch of the military power. No judgement was handed down without the approval of the military authorities. The intelligence service dominated the courts and the police was at its orders.

51. On 30 May 2003, the motorcade carrying the Nobel Peace Prize Laureate, Daw Aun San Suu Kyi, and her entourage had been attacked near Depayin. Scores of her followers had been killed. The generals had, of course, blamed her for that incident. In view of the lack of an independent judiciary in Myanmar, he urged the Commission to propose that an independent investigation into the Depayin incident should be conducted under United Nations auspices.

52. Ms. ANDRIANSEN (Foundation of Japanese Honorary Debts), recalling that her organization represented former prisoners of war and civilians interned during the Japanese occupation of the Dutch East Indies during the Second World War, described the atrocities suffered by her compatriots who had been interned in concentration camps and many of whom had died in inhuman circumstances. Women had been forced into sexual slavery to "serve" the Imperial Army. From age 9, boys had been separated from their mothers, who had known nothing of their destination or whereabouts. Men, women and children had been forced into slave labour. The horrors of the construction of the Burma-Thailand railway and the Pakan Baru railway in Indonesia were known worldwide. Representatives of the Red Cross had not been allowed to visit prisoners crammed into overcrowded and stinking camps where food, medicine and drinking water had been lacking and many persons had died of disease and starvation. On behalf of all those persons who had died in unspeakable suffering, she requested the Commission to consider Japan's violations of the human rights conventions it had ratified.

53. Ms. VUKOVIC (Permanent Assembly for Human Rights) said that the Argentine people had been the direct victims of enforced disappearances during the military dictatorship from 1976 to 1983. On 24 March 2004, President Nestor Kirchner had inaugurated a "museum of memory" for future generations at the Navy School of Mechanics, which had been used as a detention camp during that period and through which about 5000 men, women and children had transited, many disappearing without a trace. In her opinion, enforced disappearance was the "violation of all violations" because it removed the victims from all systems of legal protection. They were detained clandestinely and tortured before being executed in circumstances that would always remain unknown. The anxiety suffered by the families as a result of the lack of information was transmitted from generation to generation.

54. Her organization would like the intersessional working group set up to draft a legally binding normative instrument for the protection of all persons from enforced disappearance to complete its work without delay. However, during the discussions of that issue, some persons had wanted the category of enforced disappearances to include acts attributable to non-State agents, but, in her opinion, such acts had no place in an instrument based on international human rights law, which was applicable only to States.

55. Her organization had appreciated the visit of the Working Group on Arbitrary Detention to Argentina in September 2003. The Working Group had provided useful information on prison overcrowding, the arbitrary nature of many prison sentences and the imprisonment of young persons and leaders of social welfare organizations without any valid reason.

56. Her organization welcomed the Canadian proposal for the updating of the study by Mr. Louis Joinet on the principles relating to action to combat impunity. It hoped that the draft resolution on that question would be supported by the Commission as a whole.

57. Mr. SEITENFUS (International League for the Rights and Liberation of Peoples) said that his organization was concerned about the situation of prisoners in Morocco. On the pretext of combating terrorism, Morocco had extended the period during which custody was lawful and during which prisoners were most often exposed to the risk of torture and ill treatment. According to a great deal of convergent testimony, torture by barbarous means was frequently carried out in prisons and at least six prisoners had died in the past three years as a result of ill treatment. Political prisoners included many Saharans, who were regarded by the Moroccan authorities as being actively involved in the struggle for the self-determination of Western Sahara.

58. Conditions of detention in Moroccan prisons were catastrophic and the mortality rate was very high. Conditions of hygiene and food were so bad that disease was rife. Laayoune prison, which held 700 prisoners, including Saharan political prisoners detained together with ordinary prisoners, was notorious.

59. The Working Group on Enforced or Involuntary Disappearances stated that it was very concerned about 108 cases of disappearance in Morocco which had not been clarified (E/CN.4/2004/58). Saharans accounted for the majority of the missing persons.

60. Freedom of expression in Morocco was extremely restricted and human rights defenders were subjected to intimidation. In particular, the Moroccan Government prevented the representatives of the Saharan people from taking part in international conferences, as had been the case at the Commission's 2003 session. That intolerable situation had occurred once again in 2004, when the passports of the members of the Saharan delegation had still not been given back to them.

61. As the last colony on the African continent, the territory of Western Sahara was still being occupied by the Kingdom of Morocco, which had built a wall of separation from which Israel seemed to have drawn inspiration. For further information in that regard, he referred to his organization's written communication contained in document E/CN.4/2004/NGO/139.

62. Mr. MASHIMANGO (Agir ensemble pour les droits de l'homme) said that he was a member of the International Network for the Protection and Promotion of Human Rights in Rwanda (RIPRODOR).

63. With regard to Rwanda, he recognized that General Kagamé and his party, the RPF, should be credited with having put an end to the violent regime of General Juvenal Habyarimana, but he noted that the current regime had not guaranteed a democratic transition. It had also resorted to arbitrary arrests, enforced disappearances and summary executions. In that connection, the armed militia put in place by the State represented a danger for civil peace. What was even more serious was that the army secret services were planning and organizing enforced disappearances and targeted murders. In April 2003, a colonel and a deputy had been the victims of such "dirty tricks".

64. Political parties in Rwanda were being silenced. Although the Government had gained some international legitimacy during recent legislative and presidential elections won by "Soviet-

style scores", it must not be forgotten that the elections had been crudely rigged. Opposition parties had been dissolved and some of their representatives had been forced into exile. Moreover, the New Associations Act made the election of association presidents subject to government approval. The Rwandese League for the Promotion and Protection of Human Rights (LIPRODHOR) had been denounced as "divisionist" by the Parliamentary Commission, and that had been a clear-cut threat. Journalists and human rights defenders were being persecuted and some had been imprisoned.

65. The army and RPF political commissioners interfered in the functioning of the judiciary and the results had been abusive dismissals of judges, physical eliminations, imprisonment and forced exile. Court rulings relating to the compensation of victims of the genocide had not been enforced, persons suspected of having taken part in the genocide had been released on the basis of a decision by the President and persons acquitted by the courts continued to be held in prison.

66. His organization requested the Special Rapporteur on extrajudicial executions and the Special Rapporteur on human rights defenders to turn their attention to the situation in Rwanda.

67. Ms. LEGRAND (Fraternité Notre-Dame), recalling that her organization was working on all five continents to combat poverty, eliminate exclusion and promote tolerance among peoples, said it was a shame that it could not carry out its activities in its own country, France, even though there was so much to be done on behalf of the homeless, street children, the elderly and prisoners. That situation was the result of the adoption of sectarian laws which gave rise to discrimination and the persecution of religious minorities. Everyone had to think in the same way if they were not to be exposed to slander, humiliation and paralyzing misinformation. The members of the Fraternité Notre-Dame congregation were suffering because an anti-religious trend was taking shape in Europe at present and efforts were being made to prohibit or minimize outward religious signs, as if membership of a religion was something to be concealed. How far could religious intolerance in Europe go? The founders of Christian orders in past centuries would find it very difficult to spread their word in twenty-first century Europe, with its laws prohibiting the development of religion. In a world which accepted differences, why try to destroy religious traditions, which were part of the world heritage? She was not sure whether it was possible to promote a tolerant multicultural society in Europe, which had such a narrow-minded attitude, if not a totalitarian and undemocratic one, and whose aggressively secular laws were becoming increasingly harsher.

68. Ms. UL-SABA (International Islamic Federation of Student Organizations) said that State-sponsored terrorism was a routine activity in Indian-occupied Kashmir, where the population's rightful claim to freedom and self-determination was being brutally quelled. Over 100 Kashmiris had been killed in Srinagar in 1989; 89,000 Kashmiris had been extrajudicially executed; and thousands of young people had disappeared.

69. The administration of justice in Kashmir was in tatters and, as a result of the draconian security laws, all Kashmiris were prima facie suspects, militants and terrorists. Those laws were a stigma on Indian democracy and raised serious questions about the way in which India was fulfilling its obligations under the International Covenant on Civil and Political Rights. It was not only Kashmiris who faced the wrath of the Indian State apparatus. Christians and Sikhs, and Muslims in particular, faced organized abuse of their rights. In the face of Hindu extremism, Muslims' lives were a nightmare, especially in the State of Gujarat. Her organization appealed

to the Commission to defend the Kashmiri people and Muslims in India facing the same persecution.

70. Mr. BARNES (Indigenous World Association, International League for the Rights and Liberation of Peoples and Indigenous Peoples and Nations Coalition) said that the organizations he represented supported the statement made by the Indian Council of South America on behalf of the Dene Nation in Canada.

71. The purpose of his statement was to protest against the illegal annexation by the United States of America of Alaska and Hawaii, in violation of the right of peoples to self-determination. The people of the Kingdom of Hawaii and the independent tribes of Alaska had never consented to that annexation, a unilateral act which the United States had claimed to justify in the name of the "superiority" of the white race. At present, those peoples paid taxes to the United States Government, but were not represented in Congress and had no legal status of their own.

72. The organizations he represented considered that there was no reason why the Commission should not review the cases of Alaska and Hawaii. They therefore requested the Commission to consider that question and refer it to the appropriate United Nations body.

73. Mr. DARMI (Third World Movement against the Exploitation of Women) said that 2003 had been a gloomy year for freedom of expression and religion in Indonesia. In the province of Aceh, which was under martial law, the military authorities had gone all out against members of the press, many of whom had been imprisoned and tortured; human rights monitoring, a matter with which the Indonesian National Commission on Human Rights had been dealing, had been done away with. The laws had been amended in order to ban demonstrations by students, farmers and labourers.

74. The Indonesian Government officially recognized five religions, Islam, Protestantism, Catholicism, Buddhism and Hinduism. No other religion or belief was tolerated. Discrimination in that regard took the form of a law prohibiting mixed marriages and a decree restricting places of worship for some religions, but not for others. The Law on the National Education System encouraged segregation among peoples of different religions. Those laws were often manipulated as political commodities, with the result that what had originally been a social conflict had become a religious conflict involving acts of violence, as had been seen in several regions of the country.

75. In the light of the foregoing, his organization requested the Commission to urge the Indonesian Government to revoke legislation against the press and against freedom of expression in general; to appoint a special rapporteur on freedom of expression in Indonesia; to invite the Indonesian Government to adopt a law protecting all religions and all religious activities; and to implement the recommendations of the Durban World Conference against Racism.

*Statements made in exercise of the right of repl*

76. Mr. SOUFAN (Lebanon), referring to the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/2004/58), which raised the matter of 314 cases of disappearances in Lebanon in 1982 and 1983, said that the Government of Lebanon could not be held accountable for a situation where chaos and anarchy had prevailed. It was regrettable that, in paragraph 182 of its report, the Working Group attributed responsibility for the majority of those disappearances to the Lebanese armed forces. He reaffirmed that the Lebanese army had

always been professional and had always been obedient to civil authority. Moreover, the word "allegedly", which was used six times in the text to refer to some cases of disappearances, showed clearly that the Working Group was simply making suppositions. In future, the Working Group should be more accurate.

77. In his report (E/CN.4/2004/56/Add.1), the Special Rapporteur on torture referred to the complaints of detainees. In that connection, he explained that the detainees in question were not only cold-blooded killers who had taken part in the Dhinniyah massacres in northern Lebanon in 1999, but also fundamentalists linked to Al Ansar and Al-Qaida. The Government of Lebanon should therefore not be expected to book them into five star hotels.

78. At a meeting the previous day, the representative of Israel had criticized the "Diaspora" television series broadcast by the Lebanese television station Al Manar, portraying it as anti-Semitic propaganda. That was a further manoeuvre by Israel to divert attention from the human rights violations it was committing. He did not, of course, contest Israel's might or its truly incomparable and unenviable capacity for manipulation, but one area where Israel could not compete with Lebanon was that of religious freedom and religious tolerance.

79. Mr. WEHBE (Syrian Arab Republic) said that, as always, the observer for Israel had waged a campaign of misinformation the previous day and had gone out of his way to distort the facts. Israel's determination to monopolize the term "anti-Semitism" and to use it against anyone who dared to criticize Israel had become more and more of a problem in recent years. Arabs were also Semites and the racist Israeli leaders, such as Ariel Sharon and others, were the real anti-Semites. In that connection, he referred to the rabbleroxing statements made by a rabbi who had not hesitated to call Arabs "snakes" with whom it was impossible to make peace and had said, "Bomb the Arabs! Exterminate them!" Was that not anti-Semitism?

80. Mr. SOUALEM (Algeria) said that the statement the representative of Morocco had made the previous day about the detention of Moroccan prisoners of war by the Frente POLISARIO was a joke. It was true that today was 1 April. The Moroccan delegation seemed to be unaware that the Baker Plan for the settlement of the Western Sahara question dealt with the question of prisoners of war. It also seemed to be unaware that ICRC regularly visited those prisoners, a number of whom had been released, and that, thanks to UNHCR, Saharan families who had been separated by the wall built by Morocco could now be reunited. In actual fact, the representative of Morocco seemed to be accusing the late King of Morocco, Hassan II, and the present King, the then crown prince, of denying, for over two decades, that Moroccan prisoners of war were being held by POLISARIO and of refusing, for years, to allow any ICRC mediation.

81. Mr. LAKADAMYALI (Observer for Turkey), replying to the statement by the Greek Cypriot representative, said that the question of missing persons was indeed an important humanitarian issue. He recalled that the Turkish Cypriots had unfortunately been the first to suffer from that tragedy in 1963-1964 and then, on a larger scale, in 1974, with the enforced disappearance of several hundred persons in atrocious circumstances. In all, 500 noncombatants still remained unaccounted for. The Committee on Missing Persons in Cyprus had been established in 1981 to shed light on the fate of missing persons on the island. In December 2003, the Secretary-General had sent a letter to the two leaders in Cyprus requesting them to reactivate that Committee. The two leaders had agreed to do so. The Committee should therefore resume its work very soon. In her statement, the Greek Cypriot representative had referred to the right of families to know the fate of the missing persons. The Turkish authorities also attached particular



importance to that right, as so dramatically illustrated by the 1998 Androulla Palma case. Even though the Greek Cypriot authorities had known that Mrs. Palma's husband had died and had been buried on the Greek Cypriot side of the island in 1974, for over 23 years, they had deliberately made her believe that he was a prisoner in Turkey. The Greek Cypriot Administration had had to offer her a public apology. His delegation hoped that the question of missing persons would not be exploited for political purposes and that it would be handled in a new frame of mind, at a time when there were strong chances for the establishment of a new partnership in Cyprus based on equality between the two constituent States.

82. Ms. FORERO UCROS (Observer for Colombia) said that the real threat faced by the Colombian people was that of terrorist activity by illegal armed organizations, which continued to carry out attacks on the civilian population. No State could allow its citizens to be the victims of terrorism and to be deprived of their rights and freedoms. The lawfully elected President, Alvaro Uribe, had undertaken to strengthen the Government's capacity to protect citizens throughout the national territory, while guaranteeing respect for democratic rules and human rights. His policy had yielded conclusive results and had brought about a considerable decrease in the number of murders, enforced displacements, massacres, kidnappings and attacks on the civilian population in 2003.

83. The statements by the Latin American Federation of Associations of Relatives of Disappeared Detainees (FEDEFAM) were totally unfounded and unacceptable. The available statistics, both from governmental and non-governmental sources, all reflected the tendency towards a decline in the number of enforced disappearances in Colombia. Although that number was still a matter of concern, it did not reveal any sudden change attributable to the authorities. As the Working Group on Enforced or Involuntary Disappearances had stressed in its report, the problem of enforced disappearances had hitherto been primarily associated with the policies of authoritarian regimes, but it was now taking place in the context of much more complex situations relating to conflict or internal tensions that gave rise to violence, as, for example, in Colombia.

84. With regard to the Anti-Terrorist Act, it should be recalled that some particularly isolated parts of the country were very difficult to reach. There were very few judicial authorities in those regions and the few that there were especially vulnerable to the danger of armed clashes. The application of the Act was limited in time and exceptional in substance. It was in keeping with all of the rules of law and with the principles of non-discrimination, proportionality and respect for fundamental rights. It was also being monitored.

85. Mr. MAURELIA (Chile), replying to the statements made by two non-governmental organizations, said that his country's Government was not preparing a bill designed to grant impunity to persons who had committed human rights violations during the military dictatorship. He also categorically denied statements that a national newspaper had had its freedom hampered. The problem had simply been one of registration. His delegation could make all evidence relating to that case available to the NGOs concerned.

86. Mr. LIM (Observer for Singapore) said that the allegations by the Asia Forum for Human Rights and Development (AFHRD) concerning his Government's use of the Internal Security Act were baseless. The Act was used only against individuals or groups which participated in unlawful acts against public order and in subversive activities. It had been invoked against individuals who had resorted to violent means in order to overthrow the democratically elected

Government and against individuals who had incited religious and racial hatred. It was a critical legal instrument and it had never been used against anyone who operated within constitutional means. It was wrong to say that the Act provided for indefinite detention without trial. All detention cases had to be reviewed by an advisory board headed by a Supreme Court judge. Detainees must be informed in writing of the grounds for their detention and could make representations against the order of detention to the Board. They were also free to engage a lawyer of their choice for that purpose. The Board was further required to undertake a yearly review of continued detention and make recommendations to the Minister for Home Affairs. No person could be detained or maintained in detention without the President's concurrence. Political stability and communal peace were not necessarily the natural order for a small multiracial and multireligious city-State like Singapore, whence the importance of the Internal Security Act, which had evolved in response to Singapore's own needs and circumstances.

87. Mr. TEKLE (Eritrea) said that, contrary to what the International Helsinki Federation for Human Rights had stated, his Government did recognize freedom of religion. Restrictions on the exercise of that freedom could, however, be imposed to protect public order, social stability, public health and public morals. The registration of new religious associations was a way of ensuring that they respected Government decisions and fulfilled their legal obligations. It must also be pointed out that the Government had detained only a few persons for three days and one person for 10 days and that there were 300 or 400 religious groups in the country, not 20,000. Lastly, Eritrea was a secular State and would remain a secular State.

88. Mr. BALA CHANDRAN (Observer for Malaysia), referring to the statement by the Asia Forum for Human Rights and Development (AFHRD), said that the Malaysian Penal Code had been amended in 2003 to deal with offences relating to terrorism. With regard to the definition of "terrorist acts", they were treated as criminal offences under the legislation in force. Contrary to the insinuation that the Government acted arbitrarily in that regard, any terrorist act as defined in the amended Penal Code would be duly prosecuted. The provisions of the Code of Criminal Procedure relating to arrest and legal representation were guaranteed and respected. All persons now detained in Malaysia had been tried by the Malaysian courts. Their fundamental rights, including the right to habeas corpus, were provided with the necessary safeguards; they could communicate with their lawyers and family members.

89. Ms. JANJINA (Pakistan) said she was surprised that, instead of spreading a humanist message, the International Humanist and Ethical Union had chosen to attack one religion in the Commission. Since it seemed to have become fashionable to stigmatize Islam, she wondered whether the statement by that organization had simply been intended to be "modern" or whether it had genuinely been designed to slander Islam and foster ignorance. The fact was that the Koran did not impose any constraint in religion. Islam, a religion of peace and tolerance, had been the first to codify and implement human rights. Pakistan itself had greatly contributed to the final wording of article 18 of the Universal Declaration of Human Rights.

90. Mr. KAVARVGANDA (Observer for Rwanda), replying to the representative of Agir ensemble pour les droits de l'homme, said that there had been 1 million Tutsi and Hutu opponent victims of the genocide in Rwanda. The Rwandese Patriotic Front (RPF) and its army deserved credit for having put an end to a bloodthirsty regime.

91. Saying that the Rwanda elections had been won by "Soviet-style scores" was an insult to the 4 million Rwandans who had taken part in those elections. The Rwandan Government was

not the Government of the RPF, but, rather, a Government of national unity representing eight political parties. The State security services carried out their functions on the basis of respect for the law and were monitored by the Parliament and the judiciary.

92. Rwanda was an open country where freedom of movement was guaranteed. It welcomed back those who had chosen to go into exile following the 1994 genocide, including members of the former armed forces. In all, 3.5 million refugees had already come back to Rwanda. After the genocide, the Rwandan Government had been unable to accept any political party which called for divisionism and MDR had thus been dissolved and PDR and ADEP had been banned. In the light of the current situation, there was no reason to fear a new genocide in Rwanda.

93. Mr. ALMAGLY (Sudan) said that the statement by the World Union for Progressive Judaism had had nothing to do with the agenda items under consideration. The representative of that organization had lumped hostage taking together with slavery in an attempt to spread the propaganda of Christian Solidarity International, a nongovernmental organization which had been deprived of consultative status with the Economic and Social Council. His detestable statement had no basis in fact and did not deserve a genuine reply.

94. Mr. HILALE (Observer for Morocco) said that he had been very disappointed by the statement by the representative of Algeria, who had not brought the long awaited news of the release of the Moroccan detainees in southern Algeria and had simply joked in response to the legal arguments put forward by the Moroccan delegation. The NGO France-Libertés, which could not be said to have any sympathy for Morocco, had itself recognized the seriousness of the violations committed by the Algerian authorities in the Tindouf camps. Making an April Fools' Day joke in referring to the longest serving detainees in the world, who were the victims of the worst possible ill treatment, was both an affront to the Commission and an affront to those detainees. Article 1 of the Thir Geneva Convention of 1949 provided that every State party undertook to respect and ensure respect for the Convention in all circumstances, but Algeria did not respect basic human rights, a neighbouring country's law or even the teachings of Islam, which advocated justice and human dignity.

95. Ms. MINA (Observer for Cyprus) said that her Government would like the Committee on Missing Persons in Cyprus to resume its activities as soon as possible, but the most important thing was that an independent investigation should be conducted into the fate of the missing persons. The Turkish authorities could not deny or evade their responsibility for the 1974 events. The European Court of Human Rights had been of the opinion that it was the Turkish authorities' duty to conduct an effective investigation into the whereabouts and fate of Greek Cypriots who had disappeared in life-threatening circumstances or in respect of whom there had been an arguable claim that they had been in Turkish custody at the time of their disappearance. In its judgment of 10 May 2001, it had concluded that the Turkish authorities' silence in the face of the real concerns of the missing persons' relatives attained a level of severity which could only be categorized as inhuman treatment. The Government of Cyprus would like light to be shed on the whereabouts and fate of every missing person, whether Greek Cypriot or Turkish Cypriot. It was the internationally recognized Government of the Republic of Cyprus that was represented in the Commission, not a "Greek Cypriot Administration", to borrow the term used by the Turkish delegation.

96. Mr. SOUALEM (Observer for Algeria), speaking in the exercise of the right of reply for the second time, said that the United Nations Secretary-General had just met with the President of the

Saharan Arab Democratic Republic to discuss the settlement plan and the obstacles to its implementation, including the question of prisoners of war. The question of Algeria had not been raised at any time during their discussion.

97. Mr. LAKADAMYALI (Observer for Turkey), speaking in exercise of the right of reply for the second time, said that he had not been surprised by the statements by the Cypriot delegation, which had been repeating the same accusations for years. Those statements, which were designed to link the island's problems to an alleged occupation, were both disappointing and discouraging because the vision they reflected was far too removed from reality to offer any kind of lasting solution to the problem.

98. Mr. HILALE (Observer for Morocco), speaking in exercise of the right of reply for the second time, said that Algeria wanted to divest itself of its obvious responsibility for the detention of Moroccans in camps that were being run and guarded by Algerians, as several NGOs and ICRC had testified. The Algerian Government, which would like to read international law selectively, had to stop acting illegally and duplicitously. It could not call for Maghreb solidarity and, at the same time, keep Moroccan nationals in unlawful detention. The Tindouf camps, which divided two neighboring countries that were both Moslem and Arab, were a threat to the Maghreb Arab Union. For all those reasons, Morocco was once again appealing fraternally to Algeria to come to its senses and show that it respected international law by releasing those prisoners.

99. Ms. MINA (Observer for Cyprus), speaking in exercise of the right of reply for the second time, appealed to the Turkish Government to take the necessary measures to help find a humanitarian solution to the problem of missing persons in Cyprus.

#### INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE (agenda item 12):

##### (a) VIOLENCE AGAINST WOMEN (*continued*)

100. Ms. ACAR (Chairperson, Committee on the Elimination of Discrimination against Women) welcomed the recent accession of Kiribati and Swaziland to the International Convention on the Elimination of Discrimination against Women, thus raising the number of States parties to that instrument to 177. Sixty States parties had now ratified or acceded to the Optional Protocol to the Convention. However, the goal of universal ratification initially set for 2000 had still not been achieved and she invited all countries which had not yet done so to ratify the Convention.

101. She had been very pleased to note that, during the high-level segment of the Commission, many speakers had called for more effective measures to halt violence against women, trafficking in women and harmful traditional or cultural practices which affected the health of women. She also welcomed the declaration on violence against women adopted by women ministers at the Commission's current session.

102. The Committee on the Elimination of Discrimination against Women was particularly concerned about the many forms of discrimination and violence against minority, indigenous, migrant and refugee women. At its twenty-ninth and thirtieth sessions, the Committee had taken note of progress in the implementation of the Convention in many areas, such as legislative revisions of the Penal Code, the Civil Code and the Family Code and policy and programme activities. In some countries, courts were taking an active role in forging jurisprudence on gender

equality by using the Convention directly. The Committee nevertheless stressed that enhanced efforts must be made at the national level to implement the Convention.

103. Persistent discriminatory practices and social and cultural prejudices against women continued to act as a major impediment to gender equality in most societies. The States parties to the Convention had an obligation to eliminate all such discrimination *de jure* and *de facto*, whether it was based on patriarchal norms, outright discriminatory values and attitudes towards women or traditional and cultural practices. The Committee once again emphasized the important role of civil society and women's NGOs in the promotion of women's human rights and the implementation of the Convention. It also drew attention to the critical role of parliamentarians and encouraged States to give priority to the adoption of legislative measures for the implementation of the Convention.

104. At its thirtieth session, the Committee had adopted its general recommendation No. 25 on the article 4, paragraph 1, of the Convention relating to temporary special measures. That general recommendation made it clear that temporary special measures were not an exception to the principle of non-discrimination, but, rather, part of a necessary strategy by States parties to accelerate the achievement of the equality of men and women. Having found it necessary to focus particular attention on the situation of women in Iraq, the Committee had stressed, in a statement adopted at its thirtieth session, that women must be full and equal participants in all post-war reconstruction activities and in all spheres of the life of Iraqi society and its development. It had recalled that Iraq was a party to the Convention and that it was the obligation of the authorities of the country to ensure women's enjoyment of their human rights under the Convention.

105. The Committee's Working Group on Communications under the Optional Protocol had received three communications to date and had confirmed arrangements for working intersessionally when necessary. Efforts had been stepped up to publicize widely that procedure of international redress. She emphasized that the effective implementation of the Optional Protocol depended on the full cooperation of States with the Committee and its Working Group.

106. The Committee had also continued to review its methods of work. Despite the two special sessions it had held in 2002 in order to deal with the backlog of reports submitted by States parties, reports continued to be submitted. While that was a very welcome development, delays in the consideration of reports were in themselves a disincentive for States parties to report in a timely manner. The Committee therefore continued to discuss options, including the possibility of setting up parallel working groups for the consideration of periodic reports, so as to increase the number of reports taken up per session without having to extend meeting time. The Committee was grateful to the Government of the Netherlands for organizing an informal three-day meeting on working methods the following month in Utrecht, which would, hopefully, result in specific decisions.

107. The Committee had continued its cooperation with other human rights treaty bodies, for example, by taking part in Chairpersons' and intercommittee meetings. It welcomed the opportunity to continue its dialogue with the Office of the High Commissioner for Human Rights and had been especially pleased with the visit of the new Special Rapporteur on violence against women.

*The meeting rose at 6 p.m.*