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SUMMARY RECORD OF THE 11th MEETING

Held at the Palais des Nations, Geneva,
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Chairperson: Mr. WIBISONO (Indonesia)

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

STATEMENT BY THE MINISTER OF JUSTICE OF RWANDA

1. Ms. MUKABAGWIZA (Rwanda) said that 2004 had marked the 10-year anniversary of the genocide in Rwanda. It was a source of satisfaction to the people and Government of Rwanda that particular attention had been paid to the event by the international community, and particularly by the United Nations, which had held an International Day of Reflection. The General Assembly decision to commemorate the Rwandan genocide on 7 April 2004 had been welcomed by the Rwandan people as a demonstration of global solidarity for the commemoration of a most abominable crime against humanity.
2. At the same time, efforts to bring justice and combat impunity for perpetrators of genocide were currently highly inadequate. Rwanda expected the States Members of the United Nations to demonstrate their commitment to the Organization's fundamental principles and values and to fundamental human rights by collaborating effectively with the International Criminal Tribunal for Rwanda, either by following the example of some countries and instituting legal proceedings themselves against persons residing on their territory after having committed genocide, or simply by not covering up such individuals or giving them the chance to escape justice.
3. Responsibility also meant reparation. Genocide had had all sorts of devastating consequences on the lives of Rwandans, leaving people orphaned, widowed, destitute and homeless. The Rwandan Government was making every effort to improve their lives, but those efforts were not enough to restore their right to human dignity. The Government counted on the increased participation of the international community and each State Member of the United Nations to assist it in its efforts. It welcomed General Assembly resolution 59/137 on assistance to survivors of the 1994 genocide in Rwanda, particularly orphans, widows and victims of sexual violence, and thanked the African Group, China, Belgium, the Netherlands, Japan and Armenia for having supported that resolution. Rwanda called on all developed countries to implement the obligations set forth in that resolution.
4. The Government of Rwanda welcomed the Secretary-General's decision to strengthen genocide prevention measures in general, and was particularly satisfied with the appointment of a Special Adviser to the Secretary-General on the subject. It was hoped that the Special Adviser would have the necessary means to fulfil his mandate, and that he would receive full cooperation from all States.
5. Particular attention should be paid to the continuous presence of the ex-Forces armées rwandaïses (FAR) and Interahamwe militias in the Democratic Republic of the Congo. Those were the forces that had planned and carried out the genocide in Rwanda before moving to the Democratic Republic of the Congo under "Operation Turquoise", authorized by the United Nations. Rwanda had pulled out of the Democratic Republic of the Congo because it trusted the will and the resources that the international community had at its disposal to end the situation as quickly as possible. It remained hopeful that it would not be disappointed and looked forward to more concrete action being taken to that end. The lasting peace for which the people of Rwanda hoped would not be achieved by chance, but required solutions to the deep-rooted causes of insecurity.

6. During its summits in Libreville and Abuja, the Peace and Security Council of the African Union had stated that the presence of the ex-FAR and the Interahamwe in the Democratic Republic of the Congo was the main cause of insecurity and the principal threat to peace in the Great Lakes region. Those forces were currently committing very serious human rights violations in the Democratic Republic of the Congo, and the United Nations itself had recently been targeted. Rwanda offered its sincere condolences to the families and countries affected by that attack. The Government could not afford to be complacent and continue to put its faith, 11 years after the genocide, in voluntary repatriation, which had proved to be a failure. The Government called on all States and organizations committed to the promotion of sustainable peace and human rights to support the African Union's efforts.

7. The Rwandan Government was continuing to try and remove the obstacles to the respect, protection and promotion of human rights, which was the foundation for the establishment of the rule of law in Rwanda. The legislative and judicial reform initiated by the 2003 Constitution had begun in August 2004. New tribunals and judges had begun to operate, and the Government trusted that they would ensure quicker, more efficient, more impartial and more accessible justice. The decision to pursue a policy of combating impunity and creating a favourable climate for national reconciliation had been maintained. The Gacaca courts had recently begun to issue their first judgements, based on those of traditional courts. Efforts had been stepped up to persuade those who had committed offences constituting the crime of genocide to confess, ask forgiveness and repent, before being found guilty by the courts. The system of confession allowed sentences to be commuted. Those who had been sentenced after having completed the confession procedure could perform community service as an alternative to a custodial sentence.

8. Rwanda wished to share with the international community, and particularly with the people in its neighbouring region, the experience that it had gained from the consequences of the genocide. The presence of Rwandan troops in Darfur, and the Rwandan President's recent visit to the Sudan, demonstrated the Government's desire to see all peoples living in peace, protected from human rights violations. The quest for negotiated solutions to the conflicts in the Democratic Republic of the Congo and Burundi showed that Rwandan leaders were aware that peace in the Great Lakes region was the only route to development and well-being of the local populations, and that it would be inconceivable to remain indifferent to suffering in neighbouring countries.

9. Rwanda had ratified a number of international human rights instruments. The Government intended to ratify other, remaining instruments in the near future, and to withdraw the reservations it had made under some of the instruments to which Rwanda was party. The country attached great importance to the promotion of women's rights for its development, and since the adoption of the new Constitution, much progress had been made. Rwanda had one of the highest levels of female parliamentary representation in the world, with women holding 48.8 per cent of the seats in the Chamber of Deputies, and 30 per cent of seats in the Senate. There was also strong female representation in other decision-making bodies. In addition, particular attention was paid to the protection of the rights of vulnerable persons, especially children, disabled persons and the elderly, as well as to HIV/AIDS, on which awareness-raising campaigns on screening and prevention were organized. All Rwandans should be able to benefit from the care available.

10. The Government acknowledged that much remained to be done in order to counter human rights violations. Rwanda was committed to fighting poverty as one of the main causes of human rights violations, combating corruption and related offences, all forms of discrimination, violence, in particular sexual violence against women and children, reducing crime, overcoming the effects of genocide, improving detention conditions, and promoting human rights education.

11. Although the task of allowing all the peoples of the world the full enjoyment of their human rights was a very difficult one, each State Member of the United Nations must strengthen the rule of law, and make every effort to ensure that human rights became a priority and a reality, an undertaking which required belief and determination from all States.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS AND COOPERATION OF
TIMOR-LESTE

12. Mr. RAMOS-HORTA (Timor-Leste) said that the tragedy in Darfur was a test of the humanity and credibility of Governments and peoples that were duty-bound to show moral courage and political will to end gross and systematic abuses of human rights, war crimes and crimes against humanity. The task before the Commission was great, complex and urgent. He wished to assure the Chairperson of his delegation's full support in that endeavour.

13. Joint efforts had been made by the Governments of Timor-Leste and Indonesia to address some of the issues of their common past in a manner that the peoples of both countries could accept. A Truth and Friendship Commission had therefore been established in 2004. Since the events of 1999, both nations had taken action within their respective jurisdictions to respond to the well-documented reports of human rights violations. In Timor-Leste, the Commission on Reception, Truth and Reconciliation had been established, and a Serious Crimes Panel had been created. As a result of the Panel's investigations, 58 people had been tried, 55 guilty verdicts had been handed down, 3 people had been acquitted and 279 people had been identified as alleged perpetrators.

14. Justice came in a number of forms. Retributive justice demanded legal prosecution and punishment, whereby the victim was a witness for the State. Restorative justice, which, as had been seen from the experiences of many countries, was the main focus for truth commissions, focused on people. The victims were the primary concern and the perpetrator was compelled to tell the truth. Timor-Leste required focus to be placed on restorative justice in order that primary attention was given to people, participation, dialogue, needs and the future. The question arose how far the people of Timor-Leste should go back into the past in search of truth and justice, and whether they should dwell on the role of the numerous international actors who, by their silence or active complicity with the Suharto regime, had enabled it to stay in power for too long and repress its own people and the people of Timor-Leste. The Government found it ironic that there were currently much greater demands and pressure on the new, democratic Indonesia as it attempted to redress the wrongs of the past by embarking on a complex democratization process.

15. Timor-Leste was free, and there was no greater justice than freedom. Indonesia was also freer than it had ever been before, and was beginning to take steps to confront its own past. Tens of thousands of Indonesians had been jailed, killed, tortured, branded as "communists" and stigmatized for most of their lives as a consequence of the evils of the cold war. Timor-Leste

and Indonesia still had a long way to go to consolidate democracy and the rule of law. Indonesia was the largest Muslim country in the world, and was currently the third largest democracy. In 2004, Indonesia had held two democratic elections. Radical Islamic parties had failed to make any gains. The people of Timor-Leste and the international community must understand the complex challenges faced by the elected civilian leaders in Indonesia, who were trying to consolidate their democratic experiment with prudent reforms. Excessive external pressure was being placed on the elected leaders to meet the expectations of the international community to institute a credible prosecutorial process, which, although desirable, would inevitably result in unrest in the armed forces, and nationalist elements, Suharto loyalists and radical Muslims would not hesitate to whip up nationalist sentiment against a perceived Western or United Nations-led campaign against Muslim Indonesia. In comfortable offices in Geneva and New York, one could afford the luxury of lecturing others about justice and the need to combat impunity. It should be remembered that those on the ground and in positions of political leadership were motivated by the same concerns. Some vocal groups and Church members in Timor-Leste did not share the Government's view on that and several other issues. If they felt that they truly represented the wishes of the people, they should run for public office at the next nationwide elections in 2007.

16. It was impossible to satisfy the needs of all victims or to assure perfect justice. The cross-jurisdictional nature of the conflict in question meant that the Truth and Friendship Commission must be a binational institution. It was time for Timor-Leste and Indonesia to deal with their shared and turbulent past, while securing their democratic future. Collaboration between the two countries would demonstrate their political maturity and democratic progress. The mandate of the Truth and Friendship Commission was to "Reveal the factual truth of the nature, causes and extent of reported violations of human rights that occurred in the period leading up to and immediately following the popular consultation in Timor-Leste in August 1999". It comprised 10 members of high standing, 5 from Indonesia and 5 from Timor-Leste, comprising experts in the legal and human rights fields, academicians and religious and community leaders. Members of that Commission, while exercising their mandate, enjoyed immunity from prosecution and civil liability for actions arising therefrom. Appropriate security arrangements would be made for members and persons interviewed by that Commission and persons who provided information and documents, without restricting their freedom of movement.

17. Many developments had taken place in Timor-Leste in recent months, and considerable generosity had been shown by the country's development partners. Timor-Leste was slowly but surely emerging from the ashes of 1999. It was a peaceful, politically dynamic and stable nation, which was continuing to make progress in economic and social development. Timor-Leste had taken significant steps forward in developing its education and health sectors, and had made progress in formulating a national education curriculum. Safe motherhood, HIV and extensive immunization programmes had recently been launched. The Prime Minister, recognizing that women and children were particularly affected by the lack of economic and social services, had recently announced the Government's intention to establish a National Council for Children. Since the threat to women's lives caused by domestic violence had also been recognized, the Government had been considering the enactment of specialized domestic violence legislation, and hoped to establish a regime to protect women and secure their livelihood.

18. Regarding public administration, he said that work was being done to devolve decision-making authority to district administrations. The first local elections had been held in Bobonaro and Oecusse at the end of 2004 with a very high turnout, and the remaining elections would be held in June 2005. The persistent fragility of the justice sector was an issue of concern to the Government. Access to justice, including access to legal services and counsel, remained poor. International civilian advisers had continued to act as judges, public defenders, prosecutors and court administrators in the Court of Appeal and the district courts.

19. Within the first year of Timor-Leste's accession to full sovereignty, the Parliament had ratified the seven core human rights conventions. At its sixtieth session, the Commission on Human Rights, having considered the country's needs in respect of its treaty reporting obligations, had adopted a Chairman's statement on technical cooperation and advisory services. Paragraph 7 of that statement requested the High Commissioner to report to the Commission at its sixty-first session on technical cooperation in the field of human rights in Timor-Leste, under the same agenda item. It appeared, however, that the Office of the United Nations High Commissioner for Human Rights (OHCHR) had decided to create a new agenda item, entitled "Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Timor-Leste". The Government was perplexed, to say the least. Rather than focusing on the degree of progress of technical cooperation, the OHCHR report dwelt on issues for which it did not have a specific mandate. Timor-Leste had one of the most liberal immigration policies in the world. Any passport holder from anywhere in the world was granted a one-month visa on arrival. Even investigative reporters did not require a special visa. Although the Government would welcome a United Nations-mandated human rights investigator to the country, it resented attempts to arbitrarily alter the nature of an agreement to which it was party.

20. The mandate of the United Nations Human Rights Unit in Timor-Leste was to advise and assist the local authorities in the development of national capacity in human rights legislation and institutions. Instead, the United Nations experts on the ground seemed to be more interested in carrying out police work than in advising national agencies on how to improve their performance in fulfilling their international human rights obligations.

21. In 2005, the Government had strengthened the legislative framework for the police, through the adoption of the Organic Law and disciplinary regulations for police. An inspectorate had also been created within the Ministry of the Interior, to address complaints of police misconduct, which was attempting to strengthen the internal police accountability mechanism. His Government was grateful to Australia, the United Kingdom, Malaysia and the United States for their generous support in developing the operational competence of Timor-Leste's security forces.

22. The Government of Timor-Leste did not support the idea of universal membership of the Commission on Human Rights. It would rather see the General Assembly assuming a greater role in the field of human rights than see the Commission expanded to 191 members, which, although more representative, would not necessarily be democratic and functional. The suggestion to increase OHCHR's authority should be considered carefully. Expanding the High Commissioner's mandate would mean a necessary review of the appointment process. The position might have to be subjected to a two-thirds majority vote in the General Assembly.

23. Timor-Leste was of the view that the annual sessions of the Economic and Social Council and the Commission on Human Rights and other human rights bodies should be held in developing countries in order to maximize contact with people in need. His Government also believed that United Nations agencies such as the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund, the United Nations Development Programme and the World Health Organization should be relocated to developing countries, where services rivalled those in the West and in many cases were far better and more economical. The Government of Timor-Leste was particularly concerned about the status of the draft Declaration on the Rights of Indigenous Peoples, on which an open-ended intersessional working group had been deliberating since 1995. Timor-Leste was convinced that the original draft Declaration, which represented over a decade of work by the Sub-Commission, and which had the unanimous support of the world's indigenous peoples, required immediate adoption. The indigenous peoples of the world, who had borne the brunt of the worst Western invasions, colonization and evangelization, which in many instances had led to their virtual decimation, expected more from those who had walked into their ancestral lands uninvited.

24. The Commission must not abandon those who were desperately in need in Darfur. Although action had been taken, much more remained to be done. Particular acknowledgement must be given to the extraordinary contribution made by the African Union. That assistance notwithstanding, thousands of victims were currently suffering unimaginable grief, borne of senseless and brutal acts of aggression. The international community must never again ignore acts of barbarity such as those that had been witnessed in Rwanda. It must heed the cries from the people of the Sudan and act to save their lives. The rich in Asia, Europe and North America, and the poorest of the poor in Timor-Leste, had come together and displayed heartfelt solidarity with the countries and peoples that had been affected by the tsunami. That outpouring of generosity from millions around the world had been humanity at its best. The women, children and elderly of Darfur deserved no less.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF POLAND

25. Mr. ROTFELD (Poland) said that effective implementation of human rights, the fight against terrorism and the abolition of the death penalty were crucial issues that the Commission should deal with comprehensively.

26. Fundamental changes affecting international security, peace and stability had occurred in recent years. New threats and challenges had emerged, chief among them the weakening and collapse of State institutions in many parts of the world, the abuse of human rights and fundamental freedoms, the violation of rules of domestic and international law, bad governance, corruption and civil conflicts. Those and other threats called for new responses. The United Nations, which still had a great deal of untapped potential in that regard, must remain at the forefront of multilateral efforts and serve as a guarantor of their international legitimacy. Effective ways of adapting its political and legal foundations and its operational infrastructure to the new international circumstances must be found.

27. Poland was in favour of reviewing the conceptual foundations of the United Nations and the basic principles and objectives of the Charter without changing the Charter itself. Principles

such as sovereignty, legitimacy, accountability of States and their leaders, subsidiarity, complementarity, solidarity and responsibility needed to be adjusted to current circumstances. Human rights should be the focus of any reform effort.

28. Poland had submitted a draft New Political Act to the United Nations the previous month as a contribution to reform. It proposed, in line with the recommendations of the High-level Panel, that the establishment of a human rights council as a principal United Nations organ should be made a long-term strategic objective, the goal being to establish human rights protection as one of three main pillars of the United Nations system. Poland shared the Panel's view about the need to mainstream human rights in the system. The suggestion that Commission membership should be universal was also appealing as a means of enhancing the Commission's credibility and making it fully representative. However, several important issues needed to be settled before a formal decision could be taken on that suggestion. There was a serious risk, for instance, of duplication of the work of the Third Committee of the General Assembly. Another question that arose was the appropriateness of the Commission's continued subordination to the Economic and Social Council if it was four times as representative as the Council. Furthermore, experience showed that small bodies were generally more efficient, and were better vehicles for negotiations since they were less affected by group interests.

29. Poland shared the view that OHCHR should be better equipped to serve the United Nations as a whole and should, to that end, move from a culture of reaction to one of prevention. Its budgetary, organizational and human capacities should be commensurate with the magnitude and diversity of the challenges it faced.

30. Poland opposed any manifestation of intolerance and xenophobia, and of discrimination on the basis of race, ethnic origin, religion or any other grounds. It firmly denounced such acts, including acts of anti-Semitism, wherever they were committed and whatever their motive, and called on the international community to move with equal determination against other forms of discrimination and intolerance targeting, inter alia, Islam and Christianity.

31. Regrettably, no country was completely free from such phenomena. The key to countering them lay in mutual understanding, the promotion of tolerance and respect for different cultures, religions and customs, and the elimination of stereotypes. Crimes driven by hate, such as genocide and deprivation of dignity and life for ideological reasons, must not go unpunished.

32. On 27 January 2005, the sixtieth anniversary of the liberation of the Auschwitz-Birkenau concentration camp, Poland had honoured the victims of Nazi Germany - Jews, Poles, Roma, Russians and others - and had vowed that nothing comparable should ever be allowed to happen again. It was a fitting occasion for the international community to restate its full commitment to tolerance, mutual respect and the rule of law.

33. Recognition of the interdependence of human rights, development and democracy was of fundamental importance. Universal enjoyment of human rights could not be ensured without a democratic form of government, and democracy could not flourish without good governance, which required respect for human rights, the rule of law, political openness and tolerance, responsibility, accountability, transparency and effectiveness. As good governance was politically and socially neutral, it could serve as an objective measure of Governments'

responsibility for societies' political, social and economic development. It was also a means of checking corruption and wastage of public funds and foreign aid. Poland, in cooperation with Australia, Chile, the Republic of Korea and South Africa, would submit a draft resolution on human rights and good governance to the current session of the Commission. It noted with satisfaction that the concept of good governance was finding its way into international documents, including the Millennium Declaration, and regional arrangements.

34. Democratic States should play a more prominent role in promoting human rights and fundamental freedoms. Poland would continue to participate actively in the Community of Democracies with a view to promoting democracy and democratic institutions at the global, regional and local levels. An intergovernmental conference of the Community would be held in Chile in April 2005. The transformation of regimes in Central and Eastern Europe in the early 1990s had demonstrated that democracy guaranteed security, stability and socio-economic advancement as well as a high standard of observance of human rights. Poland was prepared to share its challenging experience in that regard with other States engaged in a process of democratization.

35. Poland strongly opposed terrorism and organized crime, and trafficking in persons, particularly women and children. It would continue its close collaboration in those areas with its European Union partners, the United States and Chile, which currently held the presidency of the Convening Group of the Community of Democracies, and with all democracies around the world.

36. Poland also attached great importance to advancing the rights of children, respect for the rights of women, and human rights in the context of HIV/AIDS. It hoped that its draft resolution on the latter subject would be adopted, as at previous sessions, by consensus.

37. Poland had held the chairmanship of the Committee of Ministers of the Council of Europe since November 2004. The Council of Europe Secretariat would submit targeted information to the Commission during its session on Council standards and achievements of relevance to Commission agenda items. At the end of its chairmanship in May 2005, Poland would host the Third Summit of the Council of Europe, which was expected to adopt policy guidelines for the years ahead, reaffirming the Council's core mission in the field of human rights and hence its vital contribution to the implementation of United Nations principles in Europe.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF SLOVAKIA

38. Mr. KUKAN (Slovakia) said that he had attended an event to mark the sixtieth anniversary of the liberation of the Auschwitz death camp some weeks previously, a camp in which hundreds and thousands of Jews, Roma and persons belonging to other "hated" ethnic and social groups had been exterminated. On that occasion, calling to mind the opening statement of the Universal Declaration of Human Rights, "All human beings are born free and equal in dignity and rights", he had been deeply moved by the strength of character of the survivors of the Auschwitz tragedy, who had succeeded admirably in preserving their human dignity in the face of such adversity.

39. The concept of dignity had all too often been neglected and even flouted in the past 60 years by regimes that justified their actions by citing national sovereignty, political interests, cultural traditions and religious customs. But human dignity could not be compromised on any of those grounds, and failure to respect it was usually a sign that the fundamental ideas of a culture or religion were being monopolized by particular groups. The perpetrators of gross violations of human rights and breaches of humanitarian law must be brought to justice under all circumstances.

40. Besides its standard-setting activities, the Commission must engage in human rights monitoring and direct criticism of offenders, on the one hand, and technical cooperation, dialogue and education, on the other. Slovakia supported all actions proposed by the Secretary-General in his 2002 report on United Nations reform, especially action 2 aimed at strengthening national human rights promotion and protection systems. The report of the High-level Panel on Threats, Challenges and Change should be read in the context of and complementarily to that report and not only from the perspective of institutional reform. Slovakia therefore welcomed the fact that the Panel had treated human rights as a cross-cutting issue.

41. As the Commission was the most important United Nations body in the area of protection and promotion of human rights, the question arose as to whether its status as a subsidiary body of the Economic and Social Council was appropriate. Slovakia believed that the proposals for universalization of Commission membership or the creation of a human rights council were therefore worthy of attention.

42. The time had come for both the Commission and the High Commissioner's Office to shift the focus of their activities from the standard-setting phase, which had been very successful, to that of implementation of human rights standards. Slovakia therefore supported the implementation of the action 2 plan within the framework of the United Nations Development Group and the Executive Committee on Humanitarian Affairs as well as the implementation-driven agenda of the High Commissioner's Office.

43. Respect for human rights was closely bound up with peace, security and stability. Slovakia, as an endorsed candidate for a seat on the Security Council for the 2006-2007 term, stood ready to support the integration of human rights considerations, where appropriate, into the Council's agenda.

44. He expressed his Government's satisfaction that human rights, democracy and the rule of law were gaining ground in societies in the near neighbourhood of Slovakia and wished its friends in the western Balkans, Ukraine and further east the very best in their endeavours. Slovakia had recently been devising a development assistance strategy, albeit with modest sums to begin with. Many approved projects focused on strengthening democratic institutions and supporting educational and social infrastructure, mainly in countries of the western Balkans and Central Asia.

45. Slovakia welcomed recent progress in the Middle East peace process, particularly the commitments entered into by both parties at Sharm el-Sheikh. If the process continued unimpeded, it could also have a positive impact on the Commission's proceedings.

46. Slovakia had issued a standing invitation to all office-holders of the Commission's special procedures to visit the country and encouraged other States to follow suit. His country's dialogue with United Nations partners had stimulated the implementation of new projects and activities aimed at improving human rights standards and ensuring non-discrimination. At the previous session of the Commission, the Deputy Prime Minister of Slovakia had announced the forthcoming adoption of a comprehensive anti-discrimination law. The Law on Equal Treatment in Certain Areas and Protection against Discrimination had entered into force on 1 July 2004. It guaranteed protection against all discrimination on grounds of sex, religion or belief, racial, national or ethnic origin, disability, age and sexual orientation. Victims could claim effective protection by the courts, including compensation for damages and non-property loss. Affirmative action would be taken to offset disadvantages linked to racial or ethnic origin. The aim of those measures was to ensure real equality of opportunity for all and they would remain in force until equality was achieved in practice, in accordance with the relevant provision of the International Convention on the Elimination of All Forms of Racial Discrimination.

47. A number of projects outlined in the "Basic Theses of the Slovak Government's Policies for the Integration of Roma Communities", adopted in 2003, were currently being implemented. They included approval of the plan for integrated education for Roma children and adolescents, and the long-term housing plan for marginalized population groups. Slovakia would continue to involve NGOs closely in the implementation of such projects. He was confident that further progress would be made during the Decade of Roma Inclusion 2005-2015, launched in February 2005.

STATEMENT BY THE STATE SECRETARY OF THE MINISTRY OF FOREIGN AFFAIRS OF NORWAY

48. Mr. HELGESEN (Norway) said that making multilateralism more effective was particularly important in the field of human rights, as States' track record and their treatment of their own nationals were a measure of their willingness to support multilateral legal obligations in practice. Improved working methods within the United Nations would enhance the impact and relevance of the Organization's human rights activities. His Government therefore welcomed the reform process initiated by the Secretary-General and the High-level Panel on Threats, Challenges and Change. Human rights violations were among the primary sources of conflict, and the Panel's report rightly pointed to the linkages between human rights, sustainable development, peace and security. It was important to ensure that the momentum created by the Panel and the Millennium Development Goals yielded tangible results.

49. His delegation supported the recommendation to introduce universal membership for the Commission on Human Rights and advocated the continuity of active NGO participation. A greater share of the regular United Nations budget should be allocated for human rights efforts; it was unacceptable that one of the Organization's core activities should depend so heavily on extra-budgetary resources. Member States must ensure the allocation of sufficient resources to enable OHCHR to carry out its increasingly complex mandate.

50. The role of human rights must be brought to the forefront of the debate; their promotion was both an end in itself and an adequate response to new and emerging threats. His Government welcomed the Security Council's increased focus on situations where human rights violations posed a threat to peace and security. Establishing closer links between the

High Commissioner's Office and the Security Council would be beneficial to United Nations human rights activities. In order to maintain credibility in promoting human rights, it was imperative for United Nations and associated personnel to act in accordance with the Organization's fundamental values, rules and regulations. Prompt action must be taken in cases of reported misconduct or abuse.

51. The deteriorating human rights situation in Nepal and the brutality inflicted on civilians by both parties to the conflict were cause for grave concern. Human rights and international obligations must be strictly observed. His delegation called for the release of political prisoners held under the emergency ordinances and the restoration of fundamental rights to all segments of society. The national Human Rights Commission of Nepal must be guaranteed independence and granted unrestricted access to places of detention.

52. The international community had developed a comprehensive body of legal instruments, norms and commitments in the field of human rights and, at present, the Commission's attention should focus on implementation. The framework of legally binding obligations was not an expression of mere aspirations or intentions, but instead constituted a body of law.

53. Gross human rights violations were both an advance warning and a by-product of armed conflict. The protection of human rights in such a context was vital, and the failure to respond adequately to humanitarian crises in the context of such conflicts had serious consequences. The international community's response to the crisis in Darfur and its efforts to prevent and alleviate the associated human suffering had been clearly inadequate, although the High Commissioner's tireless efforts in that respect were commendable. In spite of past failures, a lesson had been learned: the promotion and protection of human rights was crucial to peacekeeping and conflict prevention and a prerequisite for post-conflict stability.

54. In Afghanistan, progress had been made in the field of human rights. The report of the Afghan Human Rights Commission expressed a clear desire on the part of the Afghan people to address the shortcomings in the traditional justice process and establish a basis for peace and development. He called on the Afghan Government to make a commitment to develop an integrated action plan for transitional justice based on the recommendations made in the report.

55. The promotion of human rights must be made a core objective of all United Nations activities, and concerted action and cooperation of all its agencies at all levels was needed.

56. Preventing acts of terror was a fundamental responsibility of all States. However, State security and the fight against terrorism should not be used as a pretext to deviate from internationally agreed standards. The failure to respect human rights, fundamental freedoms and the rule of law would undermine the very values on which societies were built and would ultimately defeat counter-terrorist efforts. The absolute prohibition of torture was a non-derogable principle under international law. The erosion of standards with regard to such acts and the indefinite confinement of prisoners without access to legal counsel and courts of law were cause for grave concern. Only a court of law had the power to try and convict a person accused of a criminal offence. The principles of presumption of innocence and the right to a fair trial must not be weakened by the decision of a State party to derogate from the International Covenant on Civil and Political Rights. Non-discrimination was another key human rights principle, which must apply to all people irrespective of their sexual orientation or identity.

57. Many members perceived the Commission's condemnation of grave human rights violations as selective, subjective and unfair. While the approach to specific situations might need improving, grave violations of human rights were a legitimate international concern. His delegation was deeply concerned over attempts to silence the Commission's voice on severe country situations.

58. The limited funds placed at the disposal of human rights treaty bodies and special procedures seriously undermined their capacity to carry out their complex tasks. Their efforts deserved increased political and financial support from Member States. The expertise, objectivity and consistency of human rights treaty bodies were indispensable for the protection of human rights. Similarly, the contribution made by the United Nations special procedures as actors on the front line and sources of vital information on human rights violations was invaluable. His delegation therefore welcomed efforts to strengthen the special procedures while safeguarding their autonomy and integrity. The situation of human rights defenders in the field had become increasingly difficult. Their key role in enhancing the Commission's crisis response capacity, as well as the institution's collective responsibility for their protection, must be formally recognized. His delegation had prepared a relevant draft resolution on the issue.

59. Dialogue and cooperation between States were crucial to enabling countries to meet their human rights obligations. The Commission, as the key forum for such dialogue, could only be relevant if the discussions were guided by genuine understanding and political will. Therefore, polarization and discord must be eliminated from its deliberations to ensure the achievement of its vital goal of promoting and protecting human rights.

**STATEMENT BY THE MINISTER OF STATE AT THE DEPARTMENT OF FOREIGN
AFFAIRS OF IRELAND WITH SPECIAL RESPONSIBILITY FOR OVERSEAS
DEVELOPMENT AND HUMAN RIGHTS**

60. Mr. LENIHAN (Ireland) said that Ireland associated itself with the statement made by the delegation of Luxembourg on behalf of the European Union.

61. There was a close connection between overseas development and human rights, and that linkage must be given practical expression on the ground. Giving practical meaning to the discussions in the Commission on Human Rights was of vital importance to the lives of people in conflict situations, Darfur being a useful example.

62. The multilateral system established after the Second World War had placed human rights at the centre of its activities, with the Charter of the United Nations as the fundamental framework for international relations. The United Nations human rights mechanisms in general, and the Commission in particular, played an essential role in minimizing the potential for conflict; promoting respect for human rights, including in conflict situations; and ending impunity for perpetrators of serious human rights violations.

63. The promotion of human rights, the advancement of human safety and the protection of human lives, all of which comprised the concept of human security, should be the guiding principles for the Commission's work. Advancing the cause of human rights required effective conflict prevention and crisis management, peacekeeping, humanitarian assistance, economic reconstruction and development cooperation.

64. Sustainable development could not be achieved without respect for human rights, and there was a clear link between individual human rights and the potential for human development as set out in the Millennium Development Goals. The electorate increasingly demanded transparency and emphasis on human rights in all development efforts. Good governance and respect for the rule of law were crucial to the creation of an enabling environment for human rights. The Commission had explicitly recognized that notion by adopting resolutions linking good governance to the enjoyment of human rights. Ireland had made good governance a centrepiece of its development cooperation, placing particular emphasis on support for democratic systems of government; public-sector reform initiatives; strengthening the rule of law; enhancing respect for human rights; and improving transparency and accountability. Within the context of those programmes, a new policy on governance was currently being drafted that would renew the emphasis placed on human rights. It would be wrong to increase funding for countries that had registered economic growth, but failed to show respect for human rights.

65. Another critical aspect of Ireland's engagement related to conflict prevention and resolution. Some 6 million euros had been allocated for the Darfur region in 2004. Part of those funds had been used to support human rights activities, which were crucial to the protection of vulnerable populations in conflict situations. An additional sum of nearly 4 million euros had been allocated to support the work of Irish NGOs working in other parts of the Sudan. The international community had an important role to play in bringing about a political solution to that conflict. Ending impunity and bringing to justice those guilty of serious human rights violations was also essential. His delegation welcomed the report of the International Commission of Inquiry on Darfur and supported the recommendation that the Security Council refer the report to the International Criminal Court, which was the most appropriate body to try those accused of serious and systematic abuses of human rights in Darfur.

66. It was important for the United Nations to adapt to changing circumstances. His delegation therefore welcomed the report of the High-level Panel on Threats, Challenges and Change and the recommendations aimed at strengthening the United Nations human rights system and mainstreaming the human rights perspective into all of the Organization's activities. The recommendation on universal membership of the Commission needed careful consideration. The main aim, namely to enhance the Commission's effectiveness and credibility, might be best achieved by granting membership to States with a record of positive engagement with the Commission and the United Nations human rights framework in general. Any changes made to the structure of the Commission should not limit access for NGOs, whose contribution was invaluable. His delegation strongly supported the recommendation to enhance cooperation between OHCHR and the Security Council; the establishment of a human rights council could be further explored.

67. The limited share of the regular budget currently allocated to OHCHR undermined the Office's capacity to fulfil its tasks. His delegation therefore supported increased allocations from the regular United Nations budget to the High Commissioner's Office. Also, Ireland would maintain its high level of support and would contribute 2.92 million euros in 2005, which represented a 15 per cent increase over the previous year.

68. It was the Commission's duty to focus, impartially and on their merits, on human rights situations around the world. States must cooperate with the Special Rapporteurs and other human rights mechanisms and establish national institutions, such as independent human rights

bodies, to ensure effective monitoring. Membership of the Commission brought with it the obligation to ensure that gross human rights abuses were not ignored, regardless of where they occurred and by whom they were committed.

69. In contemporary society, certain large companies held unprecedented power and wealth and the impact of their decisions on people's lives equalled that of States. While States had the primary responsibility for the promotion and protection of human rights, businesses were called upon to assume their social responsibility and to ensure that their actions were in conformity with certain standards. States must engage with business at the national level and adopt legislation regulating business practices that ensured conformity with international norms on human rights, labour rights and environmental standards. Also, a mechanism should be established in the medium term to facilitate serious transgressions at the corporate level. Consumers had an important role to play in encouraging ethical trading and greater respect for labour standards. Ethical investment funds, for example, had established a market niche on the basis of their respect for human rights. Awareness of marketing benefits that could accrue from respect for human rights would encourage companies to move towards greater social responsibility. Increased transparency and improved consumer information were crucial in that regard.

70. He paid tribute to the invaluable contribution made by human rights defenders worldwide and commended the Special Representative of the Secretary-General on human rights defenders on her work. One of the main achievements of Ireland's recent presidency of the European Union had been the adoption of guidelines that aimed at enhancing the Union's action in support of individuals, groups and organs of society that promoted and protected human rights and fundamental freedoms.

71. The Commission and other United Nations bodies must seek to build a world based on the recognition of the full enjoyment of human rights by all members of the human family as the foundation for freedom, justice and peace.

STATEMENT BY THE DEPUTY FOREIGN MINISTER FOR INTERNATIONAL AND LEGAL AFFAIRS OF THE ISLAMIC REPUBLIC OF IRAN

72. Mr. KHOSHROO (Islamic Republic of Iran) said that the progress made in shaping global networks of instruments and mechanisms to promote and protect human rights was considerable. The major United Nations conferences and the Millennium Summit had developed a road map for accelerating the universal implementation of those rights. Many Member States had devised domestic institutional structures to create an environment where human rights could thrive. In spite of such efforts, a series of conceptual and practical challenges hampered progress and in some cases threatened to reverse the very achievements made. In particular, the security policies implemented in certain countries in the aftermath of the tragic events of 11 September 2001 had led to the deterioration of the human rights situation at many levels.

73. The universality of human rights, the principle of the indivisibility of those rights and their international legitimacy carried certain requirements and imperatives. Those imperatives needed careful balancing in the overall programming and assessment of standard-setting and implementation processes. Accountability for all, objectivity in the consideration of human

rights situations, and respect for cultural diversity were crucial to creating an environment where the United Nations human rights machinery could fulfil its mission while retaining its credibility and strength.

74. States had a collective responsibility to ensure the realization of human rights for all. Those who benefited most from globalization had the duty to assist the international community in combating poverty, hunger, malnutrition, unemployment and disease worldwide. The most influential actors in global decision-making should be held accountable for the prosperity of the citizens of the world. Charity and donations were no real indicators or assessment criteria for the contributions rich nations were making to achieving the Millennium Development Goals and the goals defined by the world conferences.

75. The pursuit of objectivity and the elimination of double standards in addressing human rights issues were also crucial. The effectiveness of the human rights system and the willingness of Member States to cooperate fully depended on the strict observance of the principles of impartiality and objectivity within the system, its regional structures and public opinion. Singling out specific situations neither rendered a service to the global movement for human rights, nor furthered the Commission's cause. Currently, country-specific resolutions more often corresponded to complications and urgencies within the domestic politics of certain Member States than to genuine human rights concerns emanating from collective human rights obligations. Human rights policy seemed to be at the service of certain economic, political and security interests.

76. The current approach also implied exemption from international scrutiny for certain human rights violations, such as the events in Abu Ghraib, Falluja and Guantánamo Bay. That circumstance exemplified the bias and double standards exercised by the Commission. As a result, the international system of human rights was marked by an atmosphere of distrust and uncertainty.

77. Respect for cultural diversity was paramount. States' accession to human rights instruments and their commitment to international human rights obligations did not imply a unified and unique interpretation and implementation of those rights. Different societies might implement human rights in different ways in accordance with their cultural and historic background. The principle of the universality of human rights should thus not be an instrument of coercion at the hands of those who sought to impose their way of life or particular way of thinking.

78. Any reform to be undertaken should aim at bringing about and enhancing the professionalism and credibility of the Commission. Not all the changes proposed by the High-level Panel on Threats, Challenges and Change fulfilled that requirement. Instead, some might perpetuate the existing politicization of human rights within the United Nations system. Work on the reform process should continue within the Commission and other relevant bodies and draw on the expertise and views of all groups at both the governmental and non-governmental levels.

79. At the national level, a progressive process had been initiated to promote and protect human rights within Iran. Indicators for genuine progress included the allocation of resources for human rights activities; the integration of a human rights perspective in all national policies;

the review and reform of legislation to facilitate human rights capacity-building; the enhancement of the role of civil society; and the promotion of a human rights culture. The reform process had affected all branches of government. Children's rights and juvenile justice, the rights of women and the review of the Criminal Code had been key areas of concern. In that connection, a policy had been implemented to prevent the enforcement of some sentences concerning adolescent girls in cases where all judicial remedies had been exhausted.

80. Cooperation and dialogue in a spirit of genuine concern for human rights had proved effective in addressing the situation of human rights throughout the world. His country had established a framework for dialogue with interested countries to facilitate an exchange of views and best practices and develop common positions and understanding of different human rights issues. His Government was ready to engage in dialogue with any Member State on any issue to eliminate misunderstandings and help progress.

STATEMENT BY THE ACTING UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

81. Ms. CHAMBERLIN (Acting United Nations High Commissioner for Refugees) said that the Office of the United Nations High Commissioner for Refugees (UNHCR) was trying to address the needs of internally displaced persons (IDPs) in a number of countries, because it believed that it had a duty to protect and assist persons fleeing conflict and persecution who were bereft of Government protection. It likewise believed that the protection of IDPs began with an UNHCR presence in regions like west Darfur, where its staff were endeavouring to ensure the safety of isolated IDP communities. It was quite legitimate to ask whether any civilian agency could effectively protect IDPs in such an insecure region, but the value of the work of UNHCR was borne out by the feeling of trust it clearly inspired among IDPs.

82. UNHCR protection workers intervened on learning that IDPs had been advised to return to unsafe areas of origin. They discussed violations of rights with the local and regional police and advocated the removal of abusers. Protection officers helped the police to investigate sexual and gender-based violence, while programme staff worked with partners, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) to train police in the rule of law and human rights. UNHCR also provided psychosocial counselling for victims in partnership with local NGOs.

83. The efforts of UNHCR on behalf of refugees and asylum-seekers were closely linked to those of other human rights agencies, the aim being to maximize the all-round effectiveness of international protection. UNHCR strove to ensure that refugees and IDPs could return to their homes in safety and dignity. That entailed careful monitoring of returnees and the ability to pass on the information gathered to people who were still displaced. In most settings, those requirements resulted in large-scale, highly complex operations calling for a collaborative and innovative approach employing the resources of international and national actors.

84. The problem of statelessness had first been identified by the United Nations in 1949. Despite the existence of instruments to address the issue, millions of people were still deprived of the right to a nationality and literally had nowhere to go. Their difficulties often started with the registration of their birth, when their legal identity was called into question owing to a lack of documentation. The experience of such individuals was sometimes nothing short of Orwellian.

They were frequently denied access to education, health and social services. They faced obstacles when they wished to marry, start a family, hold a government position or travel. They could be ordered to leave one country immediately and dumped on the border of another that was utterly foreign to them. She therefore recommended that the Commission should scrutinize the issue, together with measures to facilitate the integration into society of persons who lacked what no human being should ever be denied, namely a home and the full enjoyment of a legal identity. Hence UNHCR looked forward to enhancing its partnership with OHCHR, other United Nations agencies and national human rights institutions in order to strengthen the protection of refugees, IDPs, and stateless persons.

Statements in exercise of the right of reply

85. Mr. KURTTEKIN (Observer for Turkey) said that the statement made by the Minister for Foreign Affairs of Cyprus had been a manifestation of selective memory, as he had forgotten the gross violation of human rights committed by the Greek Cypriots in 1963, when the legitimate order established under the 1959-1960 Agreements had been destroyed and the Turkish Cypriots had been subjected to a campaign of ethnic cleansing. It was for that reason that a United Nations peacekeeping force had been dispatched to the island in 1964.

86. The achievement of a comprehensive settlement of the Cyprus problem would help to improve the human rights situation in the island, but a historic opportunity had been missed when the Greek Cypriots had rejected the United Nations peace plan on 24 April 2004. It was therefore paradoxical that the Greek Cypriot Minister for Foreign Affairs had made baseless accusations pertaining to issues which would have been resolved within the context of an overall settlement under the United Nations plan. His statement had been an exercise in justifying the irresponsibility of the Greek Cypriot side. He had tried to mislead the Commission by arguing that the Greek Cypriot vote had been an exercise of a sovereign right. He had thus ignored the strong anti-unification campaign orchestrated by his administration.

87. The Greek Cypriot Minister of Justice had recently admitted that the Greek Cypriot administration had deliberately blocked a solution to the Greek dispute in order to carry the issue to the European Union platform. The Greek Cypriots were not ready for a solution based on political equality or power-sharing with the Turkish Cypriots. The Greek Cypriot side was therefore responsible for the human rights violations on account of its long-standing, inhuman policy of subjecting the Turkish Cypriot people to embargo and isolation. It was incumbent upon the international community to rectify that unjust situation, as only then would it be possible to reach a viable solution.

88. Mr. KRIEKOUKIS (Observer for Greece), responding to the statement made by the Secretary-General of the Organization of the Islamic Conference (OIC), said that the rights of the members of the Muslim minority in Thrace were fully guaranteed and effectively protected in a democratic society where the rule of law prevailed. Greek legislation included special measures in favour of the Muslim minority and was in line with the European Convention on Human Rights, as well as with the values of the European Union.

89. Mr. MNATSAKANIAN (Armenia) said that the Deputy Minister for Foreign Affairs of Azerbaijan had vilified Armenia in repeating his Government's interpretation of the position with regard to Nagorny Karabakh. He had failed to recognize the fundamental issue of the

hardcore physical security of the people of that area or show any willingness to distinguish the cause of the problem from its consequences. All aspects of the dispute had to be included on the agenda of negotiations for the peaceful resolution of the conflict.

90. Of course his own Government understood the plight of refugees, as his country had received hundreds of thousands of people who had fled from Azerbaijan. The latter's disregard of the issue of security and, by extension, the status of Nagorny Karabakh undermined its sincerity in the negotiating process. He trusted, for the sake of peace, that the Azeri side could distinguish between public propaganda and serious negotiation. The Deputy Minister had probably chosen to accuse Armenia of conducting a settlements policy on the eve of the publication of the report of the fact-finding mission of the Organization for Security and Cooperation in Europe, because he knew that afterwards such accusations would not be credible.

91. The Azerbaijan Ministry of Defence spokesman had recently opined that in 25 to 30 years' time there would be no Armenian State in the South Caucasus. It was therefore to be hoped that the Deputy Minister's call for security and stability in the South Caucasus also included the security and stability of Armenia, because rising generations in both Armenia and Azerbaijan deserved to live in peace, security and prosperity.

92. Ms. MAHLUM-WEST (Observer for the Philippines), commenting on the reference made by the Secretary-General of OIC to the situation of the Muslim community in the southern Philippines, said that her Government was strongly committed to a comprehensive peace process aimed at bringing sustainable peace and development to the Muslim communities in that area. The vigorous implementation of various policies, reforms, programmes and projects aimed at addressing the root causes of social unrest and the lack of development formed an essential part of the whole package. Her Government's affirmative action agenda hinged on people's participation. Those efforts involved programmes for reconciliation and reintegration into the mainstream of society.

93. Her Government was seeking to reinforce peace-building, peacemaking and peacekeeping activities with vital economic and social development initiatives aimed at improving the lives of communities in conflict-stricken areas and at promoting and protecting fundamental human rights. The southern Philippines were receiving substantial assistance from her Government, which was steadfastly committed to upholding the safety of civilians, protecting the human rights of its people and pursuing all avenues in order to achieve a just and lasting peace and people's full participation in development.

94. Mr. JANSONS (Observer for Latvia), replying to the statement of the Deputy Minister for Foreign Affairs of the Russian Federation, said that the Russian Federation had not yet acknowledged the fact that Soviet Russia had occupied Latvia under the Molotov-Ribbentrop Pact. The Latvian Government condemned the crimes and the holocaust of Nazism and Stalinism, for which there could be no excuse or statutory limitation.

95. His delegation could not accept selective historical perspectives which sought to divert the Commission's attention from racist and anti-Semitic incidents in the Russian Federation. The Commission had a number of instruments at its disposal enabling it to reach clear and sound decisions about the intolerance present in some countries. The United Nations Special Rapporteur on racism had noted with concern the increase in the number of racist

incidents in the Russian Federation. It was therefore highly questionable whether the Russian Deputy Minister for Foreign Affairs had the right to express views on the observance of minority rights in other countries.

96. Mr. CAFAROV (Observer for Azerbaijan), replying to the remarks of the representative of Armenia regarding his Government's occupation of Nagorny Karabakh, said that a Government which had occupied the territory of another United Nations Member State and had committed a crime against humanity, namely the ethnic cleansing of Azeris in Armenia, Nagorny Karabakh and other adjacent regions of Azerbaijan, had no moral right whatsoever to portray itself as an advocate of human rights. Nagorny Karabakh had been, and always would be, an integral part of Azerbaijan, a fact that was recognized by the whole of the international community. His Government called on Armenia to stop being the prisoner of its illusions, to take a constructive and responsible stance in negotiations and to halt illegal practices in the occupied territories of Azerbaijan that conflicted with the norms and principles of international law. Resolutions adopted by the United Nations and the Council of Europe had likewise confirmed that occupation to be a violation of international law. Armenia should therefore comply with the principles of international law, and Armenian officials who had committed, or ordered, genocide and ethnic cleansing should be punished.

97. Mr. DROUSHIOTIS (Observer for Cyprus), replying to the comments of the observer for Turkey, said that, on 24 April 2004, the people of Cyprus had been asked to approve or reject the Secretary-General's plan for a comprehensive settlement of the Cyprus problem in separate, simultaneous referendums. A clear majority of 76 per cent of the Greek Cypriots exercising their democratic right had turned down the plan. Its non-acceptance by that section of the population was a rejection of that specific plan, not of a solution of the Cyprus problem. Moreover, that refusal had not altered the unacceptable status quo and the violation of the basic human rights and fundamental freedoms of the people of Cyprus by Turkey, nor had it rendered obsolete the many Security Council resolutions and judgements of the European Court of Human Rights dealing with that subject. Turkey was under an obligation to fully respect and implement them.

98. The economic isolation of the Turkish Cypriots was self-imposed by the occupying regime and it was politically motivated by the latter's policies aimed at the separate evolution of the two communities and the upgrading of the secessionist entity.

99. The Cypriot Government had amply demonstrated its commitment and goodwill towards Turkish Cypriots in giving them an opportunity to enjoy the benefits of European Union membership to the greatest extent possible. It had worked in good faith to facilitate reunification by encouraging Turkish Cypriot economic development through the strong emphasis it placed on the economic integration of the island and improved contacts between the two communities.

100. He drew attention to Security Council resolutions 541 (1983) and 550 (1984), which had condemned the illegal secessionist entity and had recognized only one Cypriot State, that of the Republic of Cyprus.

101. Mr. CHERNIKOV (Russian Federation), replying to the comments by the observer for Latvia, said that many of the statements made during the high-level segment had underlined the fact that there was not one State which had an unsullied human rights record and that the main criterion for judging the genuine existence of a democracy was a State's ability to accept

criticism. His Government was not concealing its problems. In the previous three days it had listened to many critical statements from the Baltic States and the Secretary-General of OIC and it had not occurred to it to exercise its right of reply, since it intended to study and work on those comments. Unfortunately, the Latvian delegation had not displayed a similar ability to take criticism. Many delegations had spoken of the inadmissibility of attempts to rewrite the history of the Second World War. The victory which had been won by peace-loving peoples against aggressor States had led to the foundation of the United Nations and the Commission on Human Rights. Both peace-loving peoples and aggressor States had been allowed to join the United Nations and, as Members, they must abide by its Charter. As a founder member of the Organization, the Commission and the Security Council, his country was concerned that, on the sixtieth anniversary of the defeat of fascism and the founding of the United Nations, Latvia was prosecuting and trying veteran anti-fascists, whereas it was treating former members of the Waffen SS like heroes.

102. Mr. KURTTEKIN (Observer for Turkey), replying to the comments by the observer for Cyprus, questioned the latter's reference to the exercise by Greek Cypriots of their democratic rights in the referendum because, according to the annual human rights report published by the State Department of the United States of America, opponents of the plan had verbally and physically harassed Greek Cypriot supporters. Some supporters had allegedly been so intimidated that they would not publicly identify themselves as proponents. "Yes" stickers had been removed from private and public properties and replaced with "No" stickers. Some "Yes" billboards and information kiosks had been vandalized. At one school a pupil who had been in favour of the plan had been the target of threatening graffiti.

103. Turning to the question of the embargo on the Turkish Cypriots, he asked if it was untrue that any ship calling at a port in northern Cyprus was forbidden to put into a port in the south of the island. If it tried to do so, the captain of the vessel was arrested.

104. Mr. DROUSHIOTIS (Observer for Cyprus), replying to the comments by the observer for Turkey, again drew attention to Security Council resolutions 541 (1983) and 550 (1984) and the results of the referendum. He reiterated that the economic isolation of the Turkish Cypriots was self-imposed by the occupying regime in order to politically upgrade the secessionist entity. The reunification of the island and its people had been and would always remain the absolute top priority of the Government of Cyprus, which was determined to work for a solution meeting the hopes and expectations of both communities for a common future for all Cypriots within the European Union.

The meeting rose at 5.20 p.m.