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Sixty-first session

SUMMARY RECORD OF THE 20th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 23 March 2005, at 3 p.m.

Chairperson: Mr. OULD MOHAMED LEMINE (Mauritania)
later: Mr. WIBISONO (Indonesia)
later: Mr. VASSYLENKO (Ukraine)

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

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

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (continued) (E/CN.4/2005/30, 31 and Add.1, 32, 33 and Corr.1, 34-36 and 130; E/CN.4/2005/G/2, 4, 6, 8, 10, 11, 13 and 18; E/CN.4/2005/NGO/9, 30, 68, 79, 93, 106, 117, 131, 132, 139, 154-164, 168-171, 173-175, 179-181, 191, 201, 204, 208, 213, 215-217, 225, 227, 263, 294, 297, 300, 301, 309, 316, 329-332, 343 and 349; E/CN.4/Sub.2/2004/SR.3-5)

1. Mr. STROMMEN (Observer for Norway) said that human rights were being violated in many ways all over the world. The situation in Darfur was still deplorable, and the civilian population must be afforded protection. Impunity was unacceptable and the perpetrators of the atrocities must be brought to Justice. The conclusion of the peace agreement of 9 January 2005 provided a framework for a political solution to the situation in Darfur and in other areas of northern Sudan.

2. The human rights situation in Zimbabwe continued to give cause for concern, and Norway called on the Government of Zimbabwe to fulfil its obligations under article 25 of the International Covenant on Civil and Political Rights. Obstruction of regular political activities and restrictions on freedom of information must be prohibited. Although important steps towards peace had been taken in the Democratic Republic of the Congo, Norway remained concerned about the humanitarian situation in the east of that country. Rule of law and respect for human rights were necessary for genuine reconciliation and future stability in Chechnya. Attempts to resolve the conflict in the Republic were welcome, and efforts to end human rights violations should be intensified. In Belarus, the parliamentary elections had fallen significantly short of internationally accepted standards, and the human rights situation had deteriorated considerably. Increasing pressure on the political opposition coupled with the gradual curbing of press freedom and civil rights showed that the country had left the path of democratic development. Belarus must fulfil its commitments as a State Member of the United Nations.

3. Norway called on the Government of Myanmar to release all political prisoners, improve humanitarian conditions and address the human rights situation. Efforts to ensure that the National Convention became an inclusive and democratic process for national dialogue and reconciliation should be strengthened. It also called on the Government of the Democratic People's Republic of Korea to respect the rule of law and improve the humanitarian and human rights situation for its citizens. The Norwegian Government valued the opportunity to address human rights issues with China through bilateral human rights dialogue, and welcomed China's inclusion of human rights protection in its revised Constitution. The preservation of the cultural and religious identity of the Tibetan people was particularly important. Norway was concerned by the imprisonment in China of individuals who expressed their opinions on the Internet, the lack of religious freedom and the extensive use of capital punishment. The Chinese Government should abolish its system of re-education through labour, and ratify the International Covenant on Civil and Political Rights as soon as possible.

4. The human rights situation in Iran had deteriorated following the 2004 elections, a particular concern being the use of the death penalty for minors. Freedom of expression had also been called into question by the recent arrests of journalists and web-loggers. Efforts must be made to rectify the continued lack of civil and political rights in Cuba, and the persecution of peaceful dissidents, writers and journalists. Cuba's deplorable human rights situation contributed to the country's isolation in the international community. The Cuban Government should release all political prisoners.

5. Mr. RAZZOOQI (Observer for Kuwait) said that, during past sessions, the Commission had thoroughly documented the situation of human rights in occupied Kuwait and Iraq during the criminal regime of Saddam Hussein. Reports had described the extrajudicial killing, torture, cruel, degrading and inhuman treatment and punishment that had been practised. In the past, Iraq had refused to acknowledge the situation of Kuwaiti prisoners of war. With the cooperation of the multilateral forces and the new Iraqi Government, the bodies of 347 prisoners of war had been found. The previous Iraqi regime had committed grave violations of human rights, and those responsible must be tried in accordance with international law. The Government of Kuwait would not rest until all of the prisoners of war had been identified, and Saddam Hussein and his entourage had been tried as perpetrators of war crimes and crimes against humanity. Kuwait welcomed the fall of the vicious Iraqi regime, and the emergence of a new Iraq, in which men and women could vote in free and democratic elections. His Government hoped that, in future, the Iraqi people would be able to live in dignity and peace with their neighbours. The transition to democracy was not easy, and required great sacrifices and determination, but freedom was prevailing.

6. Mr. Wibisono (Indonesia) took the Chair.

7. Ms. GOMEZ (Observer for Venezuela) said her delegation supported the view that action on human rights must be realized through the promotion of technical cooperation, based on the principles of impartiality, non-selectivity and objectivity. Such cooperation must take place in a context that excluded confrontation and aimed to strengthen action for human rights. Support and cooperation from the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other specialized programmes and agencies, as well as bilateral or regional exchanges between countries, had become an increasingly effective means of addressing situations of human rights violations. Venezuela welcomed activities to promote the continuation of funding from multilateral financial organizations for modernizing and strengthening justice systems and national human rights institutions.

8. Ms. CHANET (Personal Representative of the High Commissioner for Human Rights on the human rights situation in Cuba), introducing her report (E/CN.4/2005/33), said that for the third consecutive year, she had been mandated to examine the human rights situation in Cuba. As in previous years, she had attempted to establish contact with the Cuban authorities in order to engage in a dialogue on the subject, but had been informed that such contact was not possible. Faced with that difficulty, she had once again relied on information given to Special Rapporteurs of the Commission by the Cuban Government, and information submitted by NGOs and States members of the Commission. Even-handed in her use of those sources, she wished to present a series of objective observations on the Cuban human rights situation.

9. In 2004, the United States had strengthened the embargo on Cuba, resulting in increased restrictions on American Cubans, particularly regarding family visits. The Cuban Government had made positive efforts in respect of health and social, economic and cultural rights. Regarding civil and political rights, 18 persons who had been arrested and tried for crimes of opinion in 2002 and 2003 had been released. It should, however, be remembered that some 60 people, most of them journalists, members of associations, human rights defenders or members of the political opposition, were still being held in arbitrary detention. In 2004, new arrests had been made and sentences, although less severe than those handed down in the past, had been imposed on persons who had openly demonstrated opposition to the Government. The Cuban authorities did not accept such anti-Government opinions, exercised pressure on those who held them, and confiscated material that could be used to disseminate such views.

10. She was particularly alarmed by the disastrous conditions of detention in Cuba, which came in for unanimous criticism. According to various convergent sources, such detainees were badly fed and lived in appallingly insanitary conditions. They were often ill and did not receive adequate medical care, were frequently kept in solitary confinement or else held together with common criminals, and were sometimes mistreated by prison staff. Despite the release of 14 prisoners, it did not seem that the civil and political rights situation in the country had improved in 2004. She therefore considered it necessary to repeat the recommendations that she had presented during the sixtieth session of the Commission.

11. Mr. MORA GODOY (Cuba) said that the Cuban Government had cooperated, and would continue to do so on a permanent basis, with all the Commission's universal, thematic procedures. However, it would never accept the spurious mandate of the Personal Representative of the High Commissioner, which resulted from a resolution imposed on the Commission by brutal pressure and blackmail exerted against several members by the United States, on the basis of the anti-Cuban campaign. It was immoral to introduce a report that was unable to refer to the atrocities that were occurring at the Guantánamo naval base, which had become an international torture centre on Cuban territory illegally occupied by the United States. His Government had drafted a report, which had been distributed in the meeting room, to inform the members of the Commission of the true situation of the Cuban people, and of the aggression, manipulation and hostility that they had endured for over 45 years, at the hands of the biggest super-Power in history.

12. Mr. MEYER (Canada) said that Canada was concerned that the Personal Representative had not been permitted to visit Cuba. He asked how she thought greater cooperation could be encouraged and facilitated.

13. Ms. CHANET (Personal Representative of the High Commissioner for Human Rights on the human rights situation in Cuba) said that, since the Cuban authorities did not recognize her mandate, it had been very difficult to fulfil the mission given to her. Her only means of compiling a report had been to rely on information at her disposal within the United Nations system. She had also been willing to consider information submitted by NGOs. As a member of the Human Rights Committee she was accustomed to reading NGO reports, and knew how to form an opinion using the modest means that she had at her disposal.

14. Mr. SHA Zukang (People's Republic of China) said that the current agenda item had originally been introduced to help bring an end to apartheid in South Africa. It had since turned into the most politicized and controversial item on the Commission's agenda. Since the end of the Cold War, the Commission had adopted over 100 country-specific resolutions that had almost all been directed against developing countries, leaving the impression that human rights problems existed only in those countries, and that developed countries had a perfect record. In truth, no country could claim to have such a record, and no country could stay outside the process of international human rights development. Although the promotion and protection of human rights was a shared objective and responsibility of all countries, some countries tried to seek political gains under the pretext of human rights, and discussions on country situations had long been plagued by political confrontation.

15. Some countries, assuming the position of mentor, attempted to impose their own political and democratic systems on others, to promote democracy in a dictatorial manner. They held up certain countries as models of democracy and condemned others as rogue States, according to their own criteria. Such countries must look at their own domestic situations before criticizing that of others.

16. Discussions under item 9 were also marred by certain countries relying on their political strength and resorting to coercion and bribery to muster enough votes to pass ill-founded resolutions. Countries that refused to give in to such pressure were threatened with economic sanctions, or even military attack. Tabling resolutions on country situations had therefore become a privilege of the strong and powerful, and it was not surprising, therefore, that those who had found themselves in the dock were often developing countries.

17. The criteria for tabling country-specific resolutions had become unclear. The Commission's original mandate had been to review situations of massive human rights violations. However, over the years, purely political issues, such as the status of bilateral relations, domestic land reforms and national reconciliation processes, had been used as a pretext for introducing resolutions on country situations. The Commission was moving increasingly further away from its original objective of promoting international cooperation in the field of human rights, and reform was therefore necessary.

18. The sixtieth anniversary of the founding of the United Nations was a good opportunity for the Commission to reflect on how to improve its work in order to better promote and protect human rights. The Chinese Government had noted that some States had proposed that a threshold should be set on agenda item 9, according to which resolutions on country situations could be tabled only in the event of massive, systematic and gross violations of human rights, and when all other remedies had been exhausted. Others had called for the item to be scrapped altogether, and the scope of the item on technical cooperation to be expanded. The Chinese Government could see merits in those proposals, and would like to see them given greater consideration by the Commission.

19. Mr. ZALMEYER (International League for Human Rights, International Helsinki Federation and Memorial Human Rights Centre) appealed to the Commission to address the continuing human rights violations in Turkmenistan, whose Government had systematically

violated its obligations under the United Nations treaties to which it was party; had failed to take active measures to implement the recommendations contained in resolutions of the Commission, the General Assembly and the European Parliament; and had also failed to submit periodic reports to the relevant treaty bodies or to grant repeated requests to issue invitations for Special Rapporteurs to make country visits. Turkmenistan remained a repressive and closed society, ruled by a President-for-life who controlled all branches of the State, who had outlawed any form of political opposition and dissent, and whose party was the only legal political entity allowed to participate in elections. Election observers for the Organization for Security and Cooperation in Europe (OSCE) had been refused entry into the country to monitor the parliamentary elections in December 2004.

20. Fundamental freedoms were severely restricted, if not denied altogether. Independent human rights groups were not allowed to function in the country, and many civil society and opposition activists had been forced into exile. The relatives of exiled dissidents had been targeted and harassed in an attempt to stop exiles from speaking out about human rights violations. The Government severely restricted freedom of speech and expression, and all news reporting in the country was censored. Access to Internet and satellite television was limited, and the only source of independent analysis and criticism of government policies was foreign media coverage, in particular by Radio Liberty, although one correspondent for that radio station's Turkmen service had twice been detained and tortured, and had since left the country.

21. The regime had attached increasing importance to ideology in its system of control, and the role of the President's quasi-spiritual guide had become paramount, and was distorting the entire education system. The Commission must adopt a new resolution condemning the ongoing assault on the fundamental civil and political rights of the Turkmen people. Such a resolution should provide for the appointment of a country rapporteur on Turkmenistan and call on the Turkmen authorities to grant access to the International Committee of the Red Cross (ICRC) to visit prisons in the country and release all prisoners of conscience. It should request international monitoring of political trials, and call on the authorities to repeal all laws restricting fundamental freedoms, and issue invitations to the relevant United Nations bodies to visit the country.

22. Mr. LEBLANC (Dominicans for Justice and Peace, Dominican Leadership Conference, Congregations of St. Joseph, Pax Christi Internationalis and Franciscans International) said that, two years after the armed intervention by the coalition forces, the Iraqi people remained the victims of extreme violence. Insecurity was a grave violation of the right to life, and an obstacle to the success of efforts to reconstruct the country's institutions and economy. The level of violence generated by the absence of any State control was such that the daily lives of many were in jeopardy. Many Iraqis still did not have access to gas and electricity. Access to health care and education were threatened, since hospitals and schools were often the targets of aggression. Respect for the fundamental principles of the Geneva Conventions and international human rights law in general was imperative for progress to be made. All parties to the conflict must conform to the law. States could not be exonerated from their legal responsibilities by transferring their activities to private agencies, or by not complying with humanitarian law under the pretext of the terrorist nature of the activities of their adversaries.

23. The re-establishment of the rule of law was a long-term challenge for Iraq, and the persistence of impunity remained a key factor in the ongoing violence. Acts committed by foreign forces stationed in Iraq and acts committed by private individuals working under their control should be subject to legal proceedings. Cultural and religious diversity had always been an integral part of Iraqi life, and such diversity required dialogue, and integration of all members of society in the political, economic and social life of the country. The Commission should implement the recommendations of the High Commissioner's report on the present situation of human rights in Iraq (E/CN.4/2005/4) without delay. The United Nations and the international community must take all necessary measures to assist the Iraqi authorities in their reconstruction efforts, which should encompass all sectors of society.

24. Ms. SALANUEVA ARANGO (Federación de Mujeres Cubanas) said that five Cuban anti-terrorist activists had been imprisoned in the United States since 1998. On 12 occasions the United States authorities had refused, without stating valid grounds, to grant visas to the wives of two of the prisoners, who had therefore not seen their husbands for seven years. The daughter of one prisoner, a United States citizen, had also been unable to visit her father.

25. She read out a message to the Commission from the detainees, who were being held in five different prisons. They denounced their cruel treatment by a Government that had prevented them from protecting the Cuban people against the acts of terrorism it had been perpetrating for 46 years. It was not surprising that the prisoners' pleas to the Commission the previous year had fallen on deaf ears when the world had, at the same time, remained indifferent to the massacre of thousands of innocent Iraqis. The human cost of the war in Iraq was calculated solely in terms of the number of invaders killed.

26. It was not surprising either that so little interest had been shown in the ample records of the prisoners' supposedly public trial, in documents relating to the purported danger that little Cuba represented for the United States. That danger had been adjudged to merit four life sentences and a total of almost 100 years' imprisonment for five individuals. There were crimes that people were afraid to denounce and barbaric acts that they preferred to ignore. How much dignity were they prepared to sacrifice to brute force - and at what moral cost? The Cuban prisoners would continue to press for answers to such questions and called on the Commission for assistance in that task.

27. Mr. LITTMAN (World Union for Progressive Judaism and Simon Wiesenthal Centre) said that, in 1947, the General Assembly had adopted a resolution on the partition of Palestine into separate Arab and Jewish States. All the Arab League States and the Palestinian leadership had refused to comply with that international legal provision for over 40 years. Israel must be the only State in the world whose people had not known a single day or night of peace. The conflict continued in different forms, led by different groups, and must end in order for there to be peace and reconciliation in the Middle East, for all.

28. Mr. LITTMAN (Association for World Education) said that a number of Middle East peace initiatives had recently been proposed, with a view to establishing a future Palestinian State and genuine peace with Israel. However, none of those initiatives addressed the issue of regional security. He hoped that the new Palestinian leader would break with the sterile

past of death, destruction and corruption, and would not miss the opportunity for peace and reconciliation. A new spirit of mutual acceptance would only flourish in the Middle East when human rights and individual security and dignity for all became rooted in law.

29. Ms. ALA'I (Baha'i International Community) said that, since 2001, her organization had been suggesting that the repeated violations of human rights in Iran warranted the re-establishment of a monitoring mechanism; however, no resolution had been presented on the subject in the Commission, and the situation there had steadily deteriorated. In recent months, violent attacks against the Baha'i community in Iran had resumed; members of that community had been attacked in their homes, harassed and threatened, arrested and held in short-term detention, while in one area a cemetery had been desecrated. Baha'is had been deprived of their homes and land, and had been denied admission to university, despite Government claims that restrictions on access to higher education had been abolished. The Iranian authorities refused to recognize the Baha'i community as a religious minority. Ignoring the problem had not made it go away, and tensions in the country were rising. Human rights violations had become so grave that they warranted a clear signal from the international community, and a decision to re-establish international monitoring immediately.

30. Ms. GALINDO (International Service for Human Rights) said that, during the high-level segment, many States had made reference to double standards, selectivity, blackmail, inconsistency and hypocrisy and even lies within the Commission's processes. Her organization agreed that the Commission had been diverted from its intended purpose, and had been subject to political manipulation by many different States in their own interests. Her organization endorsed the Commission's role in debating country-specific situations under item 9, and responding to gross violations of human rights wherever they occurred. There was an imbalance in the list of States whose situations were considered under item 9, which could only be properly addressed if all States responsible for gross violations were discussed. No State, whether member or observer, should be exempt from such scrutiny.

31. Ms. CARLEY (International Federation of Human Rights Leagues) said that item 9 was a necessary instrument for the fulfilment of the Commission's protection mandate. She requested that, in the name of democracy and free debate, members of the Commission should not table or vote in favour of any "no action" motions.

32. Systematic violations of human rights were occurring in Myanmar. The National Convention had resumed its work in February 2005, but had not paid due attention to the recommendations formulated by various United Nations bodies. The mandate of the Special Rapporteur should be renewed.

33. The state of emergency that had been declared in Nepal in February 2005 had led to a serious deterioration of human rights. Human rights defenders, journalists and political opponents were systematically harassed and subjected to arbitrary detention. The Commission should establish a special mechanism to monitor and report on the human rights situation in Nepal.

34. Although there were some indications that China was moving towards greater respect for human rights, the Chinese authorities continued to repress all dissenting voices and crack down on pro-democracy activists, journalists, lawyers, underground churches and religious practitioners such as the Falun Gong. The Commission should examine the human rights situation in China and create a special mechanism for that purpose.
35. Her organization was particularly concerned about the deterioration of the human rights situation in Iran during the previous year. The parliamentary elections in February 2004 had not been free or fair.
36. She urged Cuba immediately to release all prisoners of conscience, and expressed her concern over the situation of human rights defenders, journalists and supporters of the political opposition. The mandate of the Personal Representative of the High Commissioner should be renewed.
37. The human rights situation in Belarus had deteriorated considerably in 2004. Repression against political opponents had increased, new discriminatory laws had been adopted, freedom of expression had been curtailed and violations of freedom of association and peaceful assembly had continued. The 2004 elections had failed to comply with democratic standards. FIDH therefore requested the Commission to create a special mechanism to monitor and report on the human rights situation in Belarus.
38. Her organization was also concerned about the conditions of detention and the use of torture in prisons under the jurisdiction of the United States of America in Guantánamo, Iraq and Afghanistan. A special mechanism should be established to investigate the matter.
39. Mr. HOWEN (International Commission of Jurists) said that the Government of Nepal had announced a 25-point human rights commitment at the previous session of the Commission, which had been reaffirmed in the Chairperson's statement on Nepal adopted by consensus. In the intervening period, most of the commitments had been breached by the King and his Government. On 1 February 2005 the King had assumed effective absolute power and Nepal had abandoned the rule of law. The suspension of most rights had exacerbated the existing patterns of gross and systematic human rights violations by both the government security forces and the Maoist insurgents. The Government and army had engaged in a pattern of persecution of human rights defenders and journalists, arbitrary and secret detentions, extrajudicial killings, systematic torture, flagrant disregard for judicial orders, including habeas corpus, and abuse of anti-terrorism and public security laws. The Maoists had committed widespread killings, had forcibly recruited civilians, engaged children in combat or support operations, and attacked human rights defenders and journalists. He urged the Commission to appoint a special rapporteur on human rights in Nepal and OHCHR to accept a field monitoring presence with a mandate to operate throughout the country.
40. The Government of Zimbabwe continued to carry out widespread human rights abuses, including torture, arbitrary arrests and attacks on human rights defenders. An NGO bill before Parliament aimed at severely curtailing the capacity of civil society to function freely. The "no action" decisions taken on Zimbabwe at recent sessions of the Commission had done a great disservice to the Commission's credibility and to the people of Zimbabwe.

41. The Commission had also failed to confront the assault on the rule of law by the United States in the name of countering terrorism, including indefinite detention without charge or proper judicial supervision of detainees at Guantánamo Bay and elsewhere; the use of torture and cruel, inhuman and degrading treatment in Iraq and Afghanistan, under colour of legal authority and with lack of meaningful accountability of governmental authorities; and the practice of extraordinary renditions, by which persons were sent to third countries to be tortured. He called on the United States to cooperate with the relevant special procedures of the Commission that had requested to visit Guantánamo.

42. Ms. LACROIX (World Organization against Torture) said that the Government of the Sudan and its sponsored Janjaweed militias continued to be the primary authors of systematic international human rights and humanitarian law violations in Darfur, amounting, according to the United Nations International Commission of Inquiry, to war crimes and crimes against humanity. As the Sudanese justice system was unable or unwilling to investigate and prosecute the alleged perpetrators, the Commission had recommended that the Security Council refer the situation in Darfur to the International Criminal Court. The Commission should strongly condemn the current widespread human rights violations and appoint a special rapporteur on the Sudan.

43. In February 2005 the King of Nepal had dismissed the Government, assumed direct power and declared a nationwide state of emergency, which had led to a dramatic increase in human rights abuses. Besides the suspension of civil liberties and fundamental rights, hundreds of people had been arrested and cases of torture had been documented. The serious deterioration in the human rights situation demanded a strong response from the Commission that went beyond advisory services and technical cooperation in the field of human rights.

44. The Colombian authorities had failed to act on most of the recommendations issued by the United Nations Committee against Torture and the Human Rights Committee in 2003 and 2004. For example, the Government continued to include young people in the special military programme known as “peasant soldiers”, to grant wide powers to military forces in the fight against terrorism and to use torture.

45. She called on the Commission to adopt a strong resolution on the situation in Chechnya, condemning ongoing violations of human rights and humanitarian law by both parties to the conflict, and calling on the Russian Federation to end torture, rape, abductions, forced disappearances and summary executions by its security forces, to end the impunity enjoyed by the perpetrators and to carry out impartial and exhaustive investigations of all reports of human rights violations. The Commission should also urge the Russian Federation to extend invitations to the Special Rapporteurs on torture and on extrajudicial, summary or arbitrary executions and to the Working Group on Enforced Disappearances.

46. Ms. AULA (Franciscans International) called on the Commission to condemn recent human rights violations committed by the Togolese security forces and associated militias, especially during a peaceful demonstration by women in Lomé in February 2005, and to urge the Togolese authorities to bring the perpetrators to justice; to end threats, intimidation and

harassment of journalists, human rights defenders and members of civil society; to guarantee the effective enjoyment of freedom of expression and assembly; and to disarm and dismantle the militias.

47. She called on the Government of Togo, a member of the Commission, to invite the Working Group on Arbitrary Detention, the Special Rapporteurs on torture and on the right to freedom of opinion and expression, and the Special Representative of the Secretary-General on the situation of human rights defenders to visit Togo; to set up an independent body to incorporate international human rights instruments ratified by Togo in domestic legislation, to submit initial or periodic reports to the treaty bodies, and to ensure implementation of the recommendations of those bodies; to make the declaration under article 34.6 of the Protocol to the African Charter on Human and Peoples' Rights setting up the African Court of Human and Peoples' Rights; and to conduct impartial investigations of all cases of suspicious deaths of detainees and alleged acts of torture, and to bring the perpetrators to justice.

48. Her organization was concerned at the lack of an institutional framework to ensure that the presidential elections to be held in April 2005 were free and fair. She urged the Commission to put pressure on the authorities to honour the 22 commitments entered into in April 2004 with the European Union to ensure that the rule of law was effectively established in Togo.

49. Ms. CHING SIMON (Centre on Housing Rights and Evictions) said that, since the beginning of the second Chechen conflict in 1999, hundreds of thousands of Chechens had fled to neighbouring Ingushetia. Despite the deteriorating security situation in Chechnya, the Russian, Chechen and Ingush authorities continued to force internally displaced persons (IDPs) to return to Chechnya, using threats and harassment and reducing humanitarian assistance. Nearly 98 per cent of IDPs in Ingushetia interviewed by the NGO Doctors without Borders in 2003 had stated that they did not wish to return to Chechnya on account of fear for their safety and because they had no homes to go to. Those who had returned often lived in overcrowded conditions in temporary accommodation centres and had yet to receive promised compensation for destroyed property.

50. The Government of the Sudan had armed the Janjaweed militias, who attacked and burned villages, killed civilians, raped women and looted property. Residents of hundreds of villages had been forcibly evicted and their homes had been totally or partially destroyed. More than 2 million people had been displaced in western Darfur. The International Commission of Inquiry on Darfur had concluded that crimes against humanity and war crimes had been committed.

51. She urged the Commission to adopt a resolution calling on the Sudan to guarantee the right of safe and voluntary return for all IDPs, property restitution and compensation; to adopt a resolution calling on the Russian Federation to halt the forced relocation of IDPs and to ensure that returnees were given safe and adequate housing and compensated for lost property; and to call on all States to desist from carrying out forced evictions and relocations.

52. Mr. MIOT (International Federation of Rural Adult Catholic Movements) said that the policies of the World Bank, the International Monetary Fund (IMF) and the World Trade Organization (WTO) had led to the replacement of traditional family agriculture, on which the

livelihood of almost 70 per cent of the population of developing countries depended, by intensive industrialized farming run by large corporations. Women were usually the main victims. As marital and inheritance laws were generally unfavourable to women, they tended to be excluded from the process of agricultural reform.

53. Violence against peasants in Latin America who were fighting for their land had reportedly increased in recent years, a fact that had not been given the attention it deserved by the international community.

54. In Burkina Faso and other Sahel and West African countries, the situation of traditional livestock breeders, the Peuls, was increasingly under threat on account of difficulties in obtaining access to pasture land and intercommunal conflicts.

55. Access to land for poor people in rural areas, especially the Dalits in India and indigenous peoples in general, was of vital importance for the enjoyment of food security and sustainable development. Agricultural reform amounted to more than mere redistribution of land, since land use rights were more important than the right to property. He reminded States that they were required by article 11 of the International Covenant on Economic, Social and Cultural Rights to undertake such reforms in order to ensure the right to food.

56. Mr. OZDEN (Centre Europe - Tiers Monde) said that after the attacks of 11 September 2001 the Government of the United States had espoused a new doctrine of "pre-emptive war" which seriously jeopardized peace and human rights. The wars launched by the United States on the pretext of promoting democracy had proved catastrophic, as in Afghanistan and Iraq, where serious human rights violations had been reported even by the United States media.

57. The global imposition of the market economy through international financial and trade institutions had proved equally catastrophic for many people. The unprecedented military might of the United States and its enormous economic and political influence could not justify the undermining of civil liberties at home and abroad, human rights violations and the failure to honour international commitments. The most recent abuse was the practice of transferring prisoners to countries in which torture was practised.

58. Mr. MULLER (World Federation of Trade Unions) said that the Government of the United States was again pulling out all the stops to ensure that the Commission adopted an anti-Cuban resolution that could be used to justify the intensification of its blockade against that country. Although the report of the Personal Representative of the High Commissioner for Human Rights (E/CN.4/2005/33) recognized that the restrictions imposed by the embargo deprived Cuba of vital access to medicines, new scientific and medical technology, food, chemical water treatment and electricity, and that the disastrous effects of the embargo in terms of the economic, social and cultural rights of the Cuban people had been denounced by the United Nations Food and Agriculture Organization (FAO), the United Nations Children's Fund (UNICEF), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Health Organization (WHO), the report's conclusions and recommendations did not call for an end to the cruel and inhuman blockade but only dictated the kind of action that Cuba should take.

59. Why was Cuba being placed in the dock although it was the victim of a foreign Power that engaged in acts of criminal State terrorism against an entire people? The Commission should refuse to demand guarantees from the victim, Cuba, but demand them instead from the aggressor, the United States.

60. Mr. GORVIN (Human Rights Watch) said that Maoists and the army in Nepal continued to kill civilians with impunity. Moreover, Nepal had one of the world's worst records for disappearances. The human rights situation had deteriorated dramatically since the King, backed by the army, had seized power and imposed a state of emergency. Fundamental rights, including freedom of assembly and expression, the right to privacy, the right to property, and the prohibition against arbitrary detention, had been suspended. Nearly 200 politicians, students, journalists and human rights activists had been arbitrarily detained. He urged the Commission to call on the Government immediately to restore fundamental rights, to ensure protection for human rights defenders, journalists and political activists, and to release or charge political detainees. The Commission should urge the United Nations to deploy human rights peace monitors throughout the country and appoint a special rapporteur on Nepal.

61. Darfur in western Sudan remained a human rights disaster. Almost 2 million people had been displaced, on an ethnic basis, by coordinated Sudanese government and militia attacks of extraordinary brutality. The International Commission of Inquiry had concluded that those actions could amount to crimes against humanity. The Commission should firmly condemn the gross abuses of human rights and humanitarian law in Darfur and extend the mandate of the Special Rapporteur. The Commission should further call on the Security Council to refer the situation in Darfur to the International Criminal Court.

62. Uzbekistan's human rights record had not improved in 2004. There had been major violations of the rights to freedom of religion, expression, association and assembly, and there was no evidence of any will to implement real reform. Torture remained widespread, and Uzbekistan had failed to take meaningful steps to implement the recommendations of the Special Rapporteur on torture. New restrictions had rendered independent groups less able to report on human rights problems and to call for accountability. The Government increasingly controlled information, so that claims of progress could not be tested against independent sources. It also intimidated and interfered with the work of domestic NGOs, international technical assistance organizations, the media and opposition political parties. He urged the Commission to adopt a resolution condemning the Uzbek Government's appalling human rights record.

63. Mr. ALKANTAR (Nord Sud XXI) said that the commitment of all Lebanese citizens to promoting the sovereignty and independence of Lebanon did not entitle certain NGOs to hold forth on the matter before the Commission. Lebanon would achieve sovereignty when the Israeli armed forces withdrew completely from occupied Lebanese land and released Lebanese prisoners from Israeli jails.

64. Eight thousand Palestinian and other Arab detainees continued to be held in Israeli prisons in breach of the Geneva Conventions and international law. In 2004 and 2005 the Israeli authorities had released on three occasions a total of roughly 1,100 Lebanese and Palestinian

prisoners but those prisoners had for the most part served or almost served their sentences. Hence their release had merely served as propaganda and the Israeli army had subsequently proceeded to arrest hundreds more Palestinians. Of the 2,464 convicted prisoners, 434 had been in custody for more than 10 years, 144 for more than 15 years, and 19 for more than 20 years.

65. He stressed the importance of ensuring that all prisoners were treated in accordance with international human rights and humanitarian law.

66. Mr. VALDEZ AGUAYO (American Association of Jurists) noted that the Commission had terminated the mandate of the Special Rapporteur on the situation of human rights in Equatorial Guinea at its fifty-eighth session although the human rights situation in the country continued to be extremely serious. The dictatorial regime was seeking to turn Equatorial Guinea into a mono-ethnic country, and systematic violations of basic human rights were made possible by the general climate of impunity. Although it was the third largest oil producer in Africa, Equatorial Guinea had one of the lowest levels of enjoyment of economic, social and cultural rights in the world owing to pervasive corruption. The country had failed to submit reports to the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, and since 1998 it had not authorized visits by the Special Rapporteur on torture or the Special Representative of the Secretary-General on the situation of human rights defenders. He called on the Commission to restore the mandate of the Special Rapporteur on the situation of human rights in Equatorial Guinea.

67. Dozens of trade union activists had been murdered in recent years in Colombia under a repressive Government. Planned killings had been reported to government officials but no action had been taken. Such massacres constituted a crime against humanity and should be investigated by the Prosecutor of the International Criminal Court. Unfortunately, the Colombian Government's strong support in the northern part of the continent guaranteed its impunity.

68. Mr. GILANI (Jammu and Kashmir Council for Human Rights) said that the people of Jammu and Kashmir had failed to secure for themselves a full regime of human rights and fundamental freedoms. Between 1990 and 2005, they had suffered massive human rights violations at the hands of the security forces and militants of various hues. Inter-Kashmiri violence had done irreparable damage to the rights movement. The Kashmiri Pandits had been displaced, and Muslims had also been displaced on five occasions since 1947.

69. The Government of India had reneged on its pledge to protect the life, property and honour of the people of Jammu and Kashmir, and the Government of Pakistan had prevented the rights movement from securing universal support. The support of Indian and Pakistani civil society was appreciated, but Pakistan's "moral", "political" and diplomatic support, while perhaps serving its interests in the contest with India, had converted Kashmir into a graveyard.

70. Ms. KAESTNER (South Asia Human Rights Documentation Centre) said that the report of the Working Group on Arbitrary Detention (E/CN.4/2005/6) was the only report to the current session that referred to the situation in the Maldives. The January 2005 parliamentary elections in the Maldives had been described by the country's own Human Rights Commission

as not totally free and fair. There had actually been serious irregularities, such as government intimidation of voters in remote areas, buying of votes and threats to withhold tsunami reconstruction aid.

71. There had been a crackdown on pro-democracy activists in August 2004 despite the President's promises of constitutional reform to reduce his stranglehold on politics. The crackdown was part of a larger pattern of violations including arbitrary arrests, illegal detentions and the lack of due process, police torture and the repression of civil dissent. Freedom of expression had been seriously curtailed, in contravention of the Constitution. The Maldives was not a party to either of the two International Covenants on human rights.

72. Although the constitutional amendments proposed by the President which promised to establish a multiparty democracy and to curtail the powers of the President were a start, they did not comprehensively address all issues. The release of protestors arrested in August 2004, accession to the Convention against Torture, and consideration of a National Criminal Justice Action Plan were all steps in the right direction. It was therefore more critical than ever to bring international pressure to bear on the Maldives to integrate human rights standards into its constitutional reforms.

73. Ms. KANTROW (International League for Human Rights) appealed to the Commission to speak out on behalf of Yuri Samodurov, Ludmilla Vasilovskaya and Anna Mikhalechuk, who faced imprisonment for organizing an art exhibit at the Andrei Sakharov Museum in Moscow. The outcome of the trial, scheduled for 28 March 2005, would be an indicator for the Russian Federation's observance of the rule of law.

74. In Belarus, a repressive regime of systematic human rights violations had been imposed. Detention and punitive fines for civil society activists, progressive curtailment of the freedom of expression and relentless prosecution of NGOs had become common currency. Belarus currently held several political prisoners. The discrimination against the Belarusian language manifest in the closing down of Belarusian educational institutions, severe restrictions on religious minority activities and the dissemination of anti-Semitic propaganda were also cause for concern. The disappearance of the journalist Dmitry Zavadsky remained unresolved; credible sources had implicated senior government officials in the disappearance.

75. Her organization appealed to the Special Rapporteur on racism and the Special Rapporteur on freedom of religion to visit Belarus. The Commission should adopt a resolution condemning the deteriorating human rights situation in Belarus, calling on the Belarusian Government to uphold fundamental rights and freedoms, comply with Commission resolution 2004/14, and cooperate fully with the Commission's special mechanisms, and extending the mandate of the Special Rapporteur on the situation of human rights in Belarus.

76. Ms. SUCIWATI (International NGO Forum on Indonesian Development) drew the Commission's attention to the death of her husband, Munir, six months previously on board a Garuda Indonesia aeroplane; the autopsy results confirmed that he had been poisoned. Her husband had been a human rights activist and had received several death threats, which had never been properly investigated by the authorities.

77. Investigations into her husband's death had thus far produced few results. Recently obtained, albeit uncorroborated, evidence implicated the directors of both the airline and Indonesia's intelligence agency. She was deeply concerned that justice might not be rendered effectively and appealed to the Commission to request the Indonesian Government to duly investigate the case. The identification and prosecution of the perpetrators of the crime was crucial to the promotion and protection of human rights in Indonesia.

78. Ms. ADRIAANSEN-SMIT (Foundation of Japanese Honorary Debts) said that the brutality of the Japanese occupation of the Dutch East Indies during the Second World War had caused the death of tens of thousands of innocent civilians who had been forced into slavery, systematically starved and denied health care. Young girls had been forced to work as sex slaves in so-called "comfort stations" under appalling conditions. The survivors had lost everything and had returned home fragile and broken.

79. Japan had never offered a formal apology or compensation to the victims. Aside from legal responsibilities, Japan bore a clear moral obligation to the victims. Her organization called on the Japanese Government to extend a formal apology and award compensation to the survivors. Only an honourable settlement of that long-standing debt could lay the foundation for a genuine friendship between future generations of the two countries. The commemoration of the sixtieth anniversary of the end of the Second World War would be the perfect opportunity to settle that debt.

80. Mr. BEN MARZOUK (Organisation Tunisienne de Jeunes Médecins sans Frontières) said that the implementation of international human rights instruments was only possible within a context of respect for the rule of law. Civil society organizations were the principal actors in creating a global society where dialogue, peace, security, freedom and solidarity were guaranteed in a framework of political pluralism and cultural diversity. The international community had a duty to support all initiatives aimed at promoting intercultural dialogue and tolerance, which were crucial to eradicating extremism. Emerging countries' efforts to build democratic, pluralistic systems of government were commendable. All legal instruments must take account of both sociocultural specificities and universally agreed standards. States had a responsibility to foster a new era of global cooperation and solidarity.

81. The African continent had often been the scene of human rights abuses. While African civil society organizations expended considerable efforts to promote and protect human rights and assist the victims of violations, some continued to view Africa as the continent of war, ethnic conflict, genocide and other atrocities. He called on the international community to lend concrete support to African civil society organizations in their struggle by adopting concrete measures and encouraging all development initiatives. Increased assistance would enhance African NGOs' capacity and effectiveness in conflict prevention, human rights promotion and victim support.

82. The basic principles and guidelines on the right to compensation for victims of grave violations of human rights and international humanitarian law needed reviewing; strict impartiality must apply to the consideration of international human rights issues. Greater justice and solidarity would help reconcile economic, social and cultural rights and civil and political rights.

83. Ms. LAFTMAN (International Save the Children Alliance) said that many of the victims of the humanitarian crisis in Darfur were children. They had been displaced from their homes; were at risk of rape, abduction, recruitment into the fighting forces, harassment and violence; and lacked adequate food, water and health care. Those who had been separated from their families were extremely vulnerable, and the destruction of educational infrastructure undermined their right to education and development.

84. Humanitarian relief programmes must contain special provisions for the protection of children, and a comprehensive mechanism must be established to monitor human rights violations committed against children in the Sudan. She appealed to the Commission to remind the Sudanese Government of its obligations under the United Nations Convention on the Rights of the Child and other human rights instruments and to place children at the heart of its peace and security agenda. The proposed United Nations mission in the Sudan should make the protection and promotion of children's rights a priority.

85. Ms. KOHN (Habitat International Coalition and Adalah: the Legal Centre for Arab Minority Rights in Israel) said that the organizations she represented were gravely concerned over Israel's discriminatory land allocation policies. In accordance with the Jewish National Fund's objectives, namely to purchase or otherwise acquire lands in Israel for the purpose of settling Jews, the Israel Lands Administration prohibited Palestinian citizens of Israel from leasing land from that organization, which owned 13 per cent of all land in Israel. The Israel Lands Administration controlled over 93 per cent of all land in Israel. Since 1948, large portions of land had been confiscated or otherwise appropriated by the State or Zionist institutions like the Jewish National Fund, which were chartered to benefit Jewish citizens exclusively; most of that land belonged to Palestinian refugees. In spite of its discriminatory policies, the Jewish National Fund operated in several of the Commission's member States, registered as a charitable organization and thus exempt from taxation.

86. In October 2004, the Legal Centre for Arab Minority Rights in Israel had submitted a petition to the Supreme Court of Israel demanding an end to such institutionalized discrimination. In its response, the Jewish National Fund had stated its loyalty to the Jewish people and affirmed that it had no duty to practise equality towards all citizens of the State. As a public agency, the Israel Lands Administration was bound by the principle of equal treatment of all citizens. Its discriminatory policies were dangerous and extremist and sent a harmful and humiliating message to Palestinian citizens of Israel. In July 2004, the Jewish National Fund had been granted NGO status with the United Nations Department of Public Information, in spite of its violations of the principles enshrined in the Charter of the United Nations.

87. The Commission should investigate State-sponsored land allocation practices in Israel; press for the cessation of such discriminatory policies; and inform the Economic and Social Council of the activities and official status of the Jewish National Fund, especially in the light of its putative non-governmental status.

88. Ms. SHIOTA (International Movement against All Forms of Discrimination and Racism) said that post-tsunami rebuilding and relief efforts must be undertaken in a framework of respect for human rights. It was important that the victims of the catastrophe should be actively

involved in rebuilding their lives. In Sri Lanka, ethnic differences had been exacerbated by the unequal distribution of rebuilding activities in different parts of the country. The declaration of the state of emergency and the strong military presence in the zones most affected by the tsunami were cause for grave concern. Police and armed forces had chased away people trying to return to their homes and removed temporary shelters. In remote villages in the Eastern Province, rations had been distributed as late as March 2005, many of the displaced had not received the monthly allowance and no major reconstruction activities had been undertaken thus far. While non-governmental relief efforts had been noteworthy, the Government had largely failed to address the victims' needs. Without resolving the internal ethnic conflict, Sri Lanka could not achieve the Millennium Development Goals. The deteriorating human rights situation and the reported increase in torture and police brutality were cause for grave concern.

89. Similarly, her organization was deeply concerned over the arbitrary arrest and detention of human rights defenders and political activists in Nepal. She urged the international community to send a fact-finding mission to Nepal, to appoint a special rapporteur on the human rights situation in that country, and to request the Nepalese authorities to release all political prisoners.

90. Mr. Vassilenko (Ukraine) took the Chair.

91. Mr. BUTT (World Peace Council) said that the ongoing human rights violations committed by the Pakistani authorities and non-State actors in parts of Jammu and Kashmir required urgent action. Harassment and killings on religious grounds were common. While denouncing human rights violations committed by the Indian Government on the other side of the divide, the Pakistani authorities had illegally imposed their rule on Gilgit and Baltistan and deliberately hampered the region's development. Massive Pakistani migration had made the Gilgit people a minority in their own homeland, and non-locals had assumed control over many important sectors of the economy. The representatives of the Pakistani authorities in the region deliberately stirred hatred, and resulting sectarian riots were brutally repressed.

92. His organization demanded autonomy for Gilgit and Baltistan, the restoration of local self-government and local control over businesses and the transport sector, and the cessation of Pakistani political and religious activities that destroyed the fabric of local sociocultural traditions.

93. Ms. McDONNELL (International Association of Democratic Lawyers) said that Sri Lankan legislation had denied fundamental human rights to the Tamil people for more than half a century. The brutal repression of their non-violent struggle for equality and justice had eventually led to armed conflict, in the course of which approximately 80,000 Tamils had been killed or had "disappeared", half a million had sought political asylum abroad and over 2,000 places of worship had been destroyed. Members of the armed forces had systematically raped and killed Tamil women with total impunity. In spite of repeated calls by human rights organizations, there had never been an independent inquiry into such incidents.

94. The 2002 ceasefire agreement signed between the Sri Lankan Government and the Liberation Tigers of Tamil Eelam had been unsuccessful in restoring normalcy to the lives of people living in the north-eastern part of the country, where its provisions were constantly

violated. Checkpoints and army occupation of temples, churches and schools remained part of the daily routine, and paramilitary groups continued to operate in the area. Isolated withdrawals by the armed forces had been followed immediately by the establishment of so-called “high-security zones” nearby. In those militarized zones, internally displaced persons were prevented from returning to their homes, and their situation remained critical.

95. Tamil people from the north-east had been affected disproportionately by the tsunami; some 24,500 Tamil people had died and 10,000 were missing; nearly 700,000 Tamils had been displaced and some 120,000 Tamil homes had been destroyed. The authorities had prevented the Secretary-General of the United Nations from visiting the area in the aftermath of the catastrophe. She appealed to the Commission to send a mission to Sri Lanka urgently to ensure that the victims of those human rights violations received redress.

96. Ms. ROBERT (Médecins du Monde) said that human rights violations in Chechnya were committed with total impunity. Restrictions on freedom of movement and regular police raids in hospitals and health centres undermined people’s right to free access to health care. Any person with arm or leg injuries was treated as a potential combatant; such difficulties particularly affected victims of landmines. Chechnya had the highest concentration of landmines in the world; some 30 per cent of arable land was infested with mines and approximately 3,500 persons were victims of landmines.

97. Targeted “cleansing operations” were carried out involving the arbitrary arrest and torture of civilians for the purpose of obtaining information on combatants. Some had been subsequently returned to their families, dead or alive, and often in exchange for money, others had disappeared. Law enforcement officials had denied any involvement in the disappearances.

98. Chechnya was riddled with checkpoints, which were often the scene of arbitrary arrests, summary executions and detention followed by “disappearance”. The freedom of expression was undermined by strict media censorship and electoral fraud.

99. She called for the adoption of a Commission resolution on the situation of human rights in Chechnya requesting the Russian authorities to invite a commission of inquiry into alleged human rights violations, to comply with the provisions of the Universal Declaration of Human Rights, to end impunity and to release all persons who had been arbitrarily detained.

100. Mr. ANTHONY (Asian Legal Resource Centre) said that the severity of human rights violations in Nepal, including alleged torture, extrajudicial killings, rape and forced disappearance, required immediate action. The state of emergency provisions were in violation of a series of international instruments to which the country was a party, and the arbitrary arrest of a large number of political leaders, human rights defenders and journalists, as well as the suspension of habeas corpus, were unconstitutional.

101. Some 700 homes had reportedly been burnt and 30 alleged Maoist rebels had been killed. Violent acts perpetrated against civilians by the Maoist rebel forces were equally contemptible.

102. All parties concerned must immediately halt all attacks against civilians and enter into peace negotiations. He called on the King of Nepal to lift the state of emergency, release illegally detained persons, restore habeas corpus and guarantee journalists, human rights monitors and the national Human Rights Commission the right to carry out their activities unhindered.

103. The Commission on Human Rights should adopt a resolution condemning the widespread human rights violations in Nepal that would facilitate the deployment of a permanent United Nations envoy and the appointment of a special rapporteur on the situation of human rights in Nepal. The resolution should also provide for the suspension of Nepal from all peacekeeping operations and its seat in the United Nations in case of non-compliance. He called on all States to sever ties with the Royal Nepalese Army and freeze all military aid pending the restoration of democracy and respect for human rights.

104. Mr. LEWIS (Canadian Council of Churches) said that, for churches, the issue of punishment for human rights violations was complicated, as punishment did not always mean retribution. They were in favour of punishing people who abused human rights and were against impunity for those who could have halted such abuses but who had failed to do so.

105. In Darfur, the international community disagreed about whether to reprimand the Sudanese authorities for their inaction. The Security Council resolutions on the subject had been weak and ineffectual and they had been contemptuously ignored by the Sudanese Government. To make matters worse, the request of the International Commission of Inquiry on Darfur that the issue be referred to the International Criminal Court was meeting with resistance from China and the United States, yet violence continued alongside massive levels of displacement.

106. The Commission on Human Rights should therefore support the recommendations contained in the report of the Commission of Inquiry, ensure the safe and voluntary return home of refugees and internationally displaced persons and call on the Security Council to immediately refer the situation in Darfur to the Prosecutor of the International Criminal Court.

107. The lack of accountability for the serious crimes committed in Timor-Leste had had serious consequences for human rights in Indonesia. In Aceh, widespread human rights violations were continuing as a result of a huge military operation. Human rights defenders, including a partner of his organization, had been targeted and subjected to abuse by the military. It therefore called on Indonesia to issue a standing open invitation to the special procedures mechanisms to visit the country.

108. Ms. DUNBAR ORTIZ (Indigenous World Association) said that two years earlier, despite opposition from the overwhelming majority of the world's population, the United States had invaded Iraq, a country which had already been disarmed. Shamefully, the Commission on Human Rights had not condemned that illegal invasion or the subsequent torture of detainees in occupied Iraq or in United States detention centres elsewhere in the world.

109. The survivors of the indigenous peoples of North America were familiar with such techniques of subjugation, as they had been used when the United States had been founded. The United States military still used the term "Indian country" to refer to enemy territory, even in Iraq.

110. Democracy, by which the United States meant elections and not the other more basic human rights which gave substance to a functional democracy, had amounted to oppression and genocide for the indigenous peoples of the United States, the descendants of people who had lived in the half of Mexico seized in 1848 and the descendants of enslaved Africans.

111. The United States was essentially lobbying to eliminate the Commission by making it a subsidiary body of the General Assembly and demanding that only Member States of its choice be allowed to participate. Her association urged the Commission to adopt resolutions calling for the holding of two seminars at the next session of the Sub-Commission on the Promotion and Protection of Human Rights to explore why indigenous and other oppressed peoples had no say.

Statements in exercise of the right of reply

112. Mr. KARLINS (Latvia), replying to the earlier statement by the representative of the Russian Federation, welcomed his acknowledgement of the fact that extremism, or more specifically a philosophy of racial and national superiority, was a problem in Russia. Unfortunately, extremists also lived on Latvian soil and sometimes carried Russian identity documents. Contrary to the misleading assertion of the representative of the Russian Federation, the Latvian Government had strongly condemned expressions of all kinds of extremism.

113. Listening to the Russian delegation's statement, he had gained the impression that only two ethnic groups lived in Latvia - Latvians and Russians - whereas in fact several other minorities were to be found in the country, but the Russian delegation seemed to label them as Russians.

114. Those minorities enjoyed all their fundamental human rights. His Government was doing its utmost to integrate into Latvian society those who had been brought into the country during the illegal Soviet occupation and their descendants. It was financing education in eight minority languages and facilitating vocational training. It guaranteed full social benefits to all inhabitants and it promoted the development of the cultural identity of many ethnic groups. While many of the neighbouring countries were helping the Government in that endeavour, Russia was the exception. He therefore invited Russia to join the effort to overcome the legacy of the Molotov-Ribbentrop Pact.

115. Mr. SOBASHIMA (Japan), responding to the statement made by the observer for the Democratic People's Republic of Korea in exercise of the right of reply, said that, with respect to the abduction issue, except for the five persons who had returned to Japan, no satisfactory explanation had been provided by the Democratic People's Republic of Korea regarding the safety of the abductees; consequently, the issue had not been resolved. His Government urged the Democratic People's Republic of Korea to change its attitude, to return the abductees and to conduct urgent fact-finding operations. With respect to the issues raised concerning the past, his Government had already expressed its position.

116. Mr. FERNÁNDEZ PALACIOS (Cuba), responding to the statement made by the observer for Norway, said that the latter had read out a pamphlet containing criticism of 12 developing countries. He seemed to be unaware that times were changing in the Commission and that moves were afoot to defuse unwanted confrontation and politicization. The Norwegian

statement had been hypocritical and cowardly. If the observer for Norway had been really interested in human rights, he should have talked about the rampant racism, xenophobia, discrimination against immigrants and forced sterilization of Roma and Sami in his country. He should also have mentioned the massive violations of human rights in the torture centres of Guantánamo and the horrifying pictures from Abu Ghraib and Fallujah. His discourse had been totally lacking in credibility.

117. Mr. SARAN (India), responding to an earlier statement by the representative of Pakistan, said that the latter had spoken twice of engagement with India. That was too modest a term, for what India was offering was marriage, but Pakistan was hesitant. Pakistan's championing of the human rights of the people of Jammu and Kashmir would have been credible had Pakistan given its own citizens the same rights it had so eloquently enumerated earlier that day. Its advocacy would have been convincing had it not also had a hand in fomenting cross-border terrorism and nurturing an elaborate terrorist infrastructure designed to destroy the fabric of society and inject the poison of extremism and fundamentalism. Pakistan ought to have abided by all the terms of the United Nations resolutions, whose implementation should have begun with its withdrawal from parts of the state in question, which were still under its illegal occupation.

118. The unity and territorial integrity of India were inviolable. Indian democracy, founded on the principles of pluralism, multiculturalism and tolerance, was sufficiently resilient to withstand all challenges. It was to be hoped that, one day, that would also be true of Pakistan.

119. Ms. TEVI (Togo), taking issue with the statement made by the representative of Franciscans International, said that that organization had a hidden agenda and, rather than being a human rights organization, it was acting as a political party of Togo. In 2003, on its web site, it had published mendacious allegations about the situation in Togo. In 2004, together with eight other organizations, it had further tried to tarnish the image of her country by painting a black picture of the human rights situation there. Regrettably it was once again levelling unfounded accusations against the Togolese Government, possibly at the instigation of professional detractors who were fundamentally opposed to her Government.

120. In a democratic society, freedom of expression and information entailed duties and responsibilities. The Togolese Press Code set a benchmark in Africa. At a crucial juncture in its history, her country needed the support of all human rights actors, but such cooperation should take place within a framework of a genuinely sincere, constructive and impartial dialogue with all partners wishing to help her Government to achieve real, convincing results. There was no place in such a dialogue for fabrication, invective or injunctions. Friendly countries and institutions were assisting the people and authorities of her country to prepare for presidential elections; Franciscans International should do likewise.

121. Mr. XIA Jingge (China), replying to the statements made by the delegation of Luxembourg, on behalf of the European Union, and of Norway and New Zealand, said that China's Constitution guaranteed its citizens' freedom of speech. Citizens could criticize the Government and lodge complaints against it. China had more than 90 million Internet users. Chinese law upheld freedom of religion and belief, and more than 100 million people practised their religion in his country. The legitimate rights and interests of religious groups were

guaranteed by law. China had always strictly fulfilled its obligations as a party to the Convention relating to the Status of Refugees. Koreans who had illegally crossed the border into China were not refugees and were not therefore covered by the Convention. His Government was endeavouring to deal with the issue in an effective way in keeping with domestic law, international law and humanitarian principles.

122. The European Union, Norway and New Zealand had censured the human rights situation in a number of developing countries, including China. It was, however, surprising that they had made no mention of the racial discrimination and abuses of the human rights of indigenous peoples occurring in their countries. It was even more astonishing that they had turned a blind eye to the human rights problems in their allies' countries. Such behaviour severely undermined their self-proclaimed role as human rights champions. Of course, in the human rights dialogue in the future, his Government would respond in kind and lecture them on the subject.

123. Mr. MNATSAKANIAN (Armenia), responding to the statement of the Organization of the Islamic Conference (OIC), wondered why it had singled out Armenia in its vilification exercise and why it had narrowly focused on conflicts involving Islamic countries. He refused to conclude that OIC's remarks were aimed at Christian Armenians, because their extensive friendly and brotherly relations with the Islamic world were a manifestation of centuries-old interaction between the two great religions. The conflict in Nagorny Karabakh had nothing to do with religion, but turned on the question of the physical security and self-determination of the people of that area. Why had OIC been silent about the ethnic cleansing, deportations and mass killings of Armenians in Azeri towns in the 1980s and 1990s? Why had it not spoken out against the 15-year-old blockade against Armenia or against Azerbaijan's incessant war-mongering and hate speech against Armenia? Where would it stand if an attempt were made to turn rhetoric into action?

124. His own Government was firmly committed to a negotiated peace. The report of the fact-finding mission of OSCE showed that the accusations against Armenia were groundless. If a Christian Conference of which his country had been a member had ever been represented in the meeting room, his Government would have discouraged any attempt to abuse it in order to further its own political ends.

125. Mr. DROUSHITIS (Observer for Cyprus), replying to an earlier statement by the observer for Turkey, said that non-approval of the Secretary-General's plan by an overwhelming majority of Greek Cypriots had not signified a rejection of a solution to the Cyprus problem, but of the plan itself. The human rights violations taking place in Cyprus could not be papered over. As for the economic isolation of the Turkish Cypriots, the Cypriot Government had amply demonstrated its goodwill by giving Turkish Cypriots the opportunity to enjoy the benefits of European Union membership to the greatest extent possible within the framework of international legality. Moreover, treating the occupied areas like a third country in direct trade amounted to a violation of international law. Policies and proposals aimed at the entrenchment of the unacceptable status quo and the division of Cyprus, or lending legitimacy to the illegal secessionist entity were counterproductive, as they departed from the objective of the reunification of the island. His Government would work in good faith to produce sound proposals aimed at facilitating that reunification.

126. Lastly, he wished to draw attention to the letter of the President of Cyprus (A/58/835-S/2004/464) setting out his Government's official position on the Secretary-General's report on the mission of good offices in Cyprus (S/2004/437), as well as to the statement of the Cypriot Minister for Foreign Affairs during the high-level segment of the current session.

127. Mr. LAKADAMYALI (Observer for Turkey), responding to remarks made by the observer for Cyprus, said that he had again politicized the meeting by making baseless accusations about issues which would have been resolved within the context of an overall settlement, had it not been for the Greek Cypriots' refusal to compromise on the Secretary-General's plan. The Greek Cypriot representative's argument that the Greek Cypriot vote was an exercise of a democratic right was misleading in that it had ignored the strong anti-unification campaign orchestrated by his administration.

128. Although the Annan plan did not satisfy all the demands and needs of the Turkish Cypriot people, they had nevertheless approved the plan notwithstanding the significant sacrifices it would have entailed for them. The strength of the Greek Cypriot rejection of the plan had, however, proved beyond doubt that neither the Greek Cypriot people, nor their political leaders, were ready to share power with the Turkish Cypriots, but preferred to cling to the benefits of the title of "Republic of Cyprus", which they had usurped through force of arms in 1963. Recently the Greek Cypriot Minister of Justice had admitted that the Greek Cypriot administration had deliberately thwarted efforts to solve the Cyprus dispute in order to carry the issue to the European Union platform. If the Greek Cypriot side was truly committed to reunification it should prove it through deeds rather than words. The Turkish troop presence on the island was fully in keeping with the 1960 Treaty of Guarantee. It was strange that the observer for Greece had failed to mention that Greek troops were stationed on the island as well.

129. Mr. ACHARYA (Nepal), responding to statements made by several representatives and observers, said that the right to life, security and peace was one of the fundamental rights of mankind. It was the duty of a nation to ensure the protection and security of its people. Nepal had been fighting a deadly insurgency for nine years. In response to the growing destabilization brought about by brutality and cruelty, his Government had been forced to take drastic action. A state of emergency had been imposed after the Government had done all it could to bring the Maoists to the negotiating table. Every nation was entitled to impose a state of emergency in such conditions. That measure would be of a temporary nature and it had already been relaxed. NGOs had made many exaggerated allegations against his country. A large number of "disappearances" had been clarified and a committee was still investigating such cases. It was completely untrue that the Constitution had been suspended; the state of emergency had been declared under article 115 thereof. No non-derogable rights had been suspended, although certain other rights had naturally been temporarily suspended. Fifteen court martials showed that there was no impunity in his country. The rule of law applied. Sensational and unfounded allegations did not serve the cause of human rights in Nepal.

130. Mr. ATTAR (Saudi Arabia) said that the statement under agenda 9 on behalf of the European Union had not given Saudi Arabia credit for its achievements in the area of human rights in recent years under the modernization plan. Had the Union paid more attention to Saudi Arabia's statement to the Commission in the high-level segment, it would be aware of

the progress that was being made under the country's major reform programmes. The strengthening of human rights was a gradual process that had not been imposed from abroad but took into account the traditions and distinctive characteristics of Saudi society through dialogue with all groups and communities.

131. Women were being involved in the development process and in all other areas of society in a manner that respected their role and dignity. Furthermore, women would participate in the next municipal elections.

132. The right to due process was fully respected. Legislation and regulations had been adopted to strengthen defence procedures and the legal profession.

133. Saudi Arabia welcomed criticism so long as it was constructive and not selective.

134. Mr. KHAN (Pakistan), responding to the statement just made by the representative of India, said that that representative had repeatedly given a false account of the Kashmir issue. The historic and legal reality was that India was occupying Kashmir in defiance of Security Council resolutions and the wishes of the Kashmiri people and was perpetrating massive human rights violations there. The occupying Power had always labelled the legitimate freedom struggle "terrorism", but Indian atrocities against Kashmiris, who were demanding the right to self-determination and other human rights, amounted to brutal, cruel State terrorism. The catalogue of human rights violations in Indian-occupied Kashmir was long and painful - 89,000 civilians killed, more than 100,000 homes and businesses destroyed and thousands of women molested. Thousands of young Kashmiris had disappeared.

135. It was unfortunate that, at a time when India and Pakistan were engaged in a dialogue focusing on Kashmir and on peace and security in the region, gross and systematic human rights violations in Indian-occupied Kashmir were escalating. The representative of India had referred to respect for democracy and human rights; the right to self-determination formed the essence of democracy. Real democracy required the fulfilment of the pledge to hold an impartial plebiscite. India should pay serious attention to the gross violations of human rights occurring in occupied Kashmir, remove restrictions on Kashmiri political leaders, reduce the number of its troops and associate Kashmiris in the dialogue.

136. Mr. MARDALIYEV (Observer for Azerbaijan) responding to the statement made by the representative of Armenia, thanked the OIC for the support it had given to the just cause of Azerbaijan, which had been subjected to armed aggression by Armenia. It was important that the Commission should be informed about OIC's resolve to strive for the peaceful resolution of the conflict while upholding the territorial integrity of Azerbaijan and the inviolability of its internationally recognized borders.

137. Armenia had again attempted to mislead the Commission by misrepresenting the conclusions of the OSCE fact-finding mission, which had confirmed that the occupied territories of Azerbaijan were being settled by ethnic Armenians in violation of international humanitarian law. The figures on settlers it had quoted were similar to those given by Azerbaijan. The fact that the mission had confirmed the organized manner of settlement in the occupied areas was a

matter of special concern. The call by OSCE to refrain from settlement and not to allow a change in the demographic situation in the occupied territories was proof that the international community should prevent further settlement of those occupied territories by ethnic Armenians. The Armenian occupying Power was responsible for all activities carried out in the occupied territories of Azerbaijan, including the settlement policies. Armenia should therefore be forced to stop that illegal practice and engage in constructive negotiations. The question of settlements, which were an obstacle to the peace process, should be immediately addressed by the international community.

138. Armenia should not count on the international community remaining silent about its occupation of the internationally recognized territory of Azerbaijan, about the ethnic cleansing which had taken place there and about its illegal settlement policy. OIC, the Parliamentary Assembly of the Council of Europe and the United Nations had all condemned the illegal occupation of Azeri territory by Armenian forces.

139. Mr. CHOE Myong Nam (Observer for the Democratic People's Republic of Korea) resolutely rejected the claim made by the representative of Japan and referred to the serious concerns voiced by NGOs and others about Japan's reluctance to apologize for its heinous crimes against humanity. By pointing a finger at other countries it was attempting to divert attention from its own crimes, such as the abduction of 8.4 million Koreans, the killing of 1 million people in genocidal massacres and the sexual slavery imposed on 200,000 Korean women and girls. Those crimes could not be compared with the abduction of a handful of Japanese. His Government had demonstrated its sincerity, thanks to which the issue of abduction had been completely resolved. It was Japan's turn to apologize earnestly and make reparation for the crimes it had committed.

The meeting rose at 6.05 p.m.