



**Economic and Social  
Council**

Distr.  
LIMITED

E/CN.4/Sub.2/2005/L.10/Add.1  
11 August 2005

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS  
Sub-Commission on the Promotion  
and Protection of Human Rights  
Fifty-seventh session  
Agenda item 7 (b)

**ADOPTION OF THE REPORT ON THE FIFTY-SEVENTH SESSION**

**Draft report of the Sub-Commission on the Promotion  
and Protection of Human Rights**

**Rapporteur: Mr. Yozo YOKOTA**

**CONTENTS\***

<i>Chapter</i>	<i>Page</i>
<b>IV. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII) .....</b>	

\* E/CN.4/Sub.2/2005/L.10 and Addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights will be contained in documents E/CN.4/Sub.2/2005/L.11 and Addenda.

**IV. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (xxiii)**

1. The Sub-Commission considered agenda item 2 at its 3rd to 5th meetings, on 26, 27 and 28 July, at the public part of its 15th meeting, on 8 August, and at its 19th meeting, on 10 August 2005.
2. For the list of documents issued under agenda item 2, see annex VII to the present report.
3. In the general debate on agenda item 2, statements were made by members of the Sub-Commission and observers for Governments and non-governmental organizations. For the detailed list of speakers, see annex II.

**Summary records**

4. At the 15th meeting, on 8 August 2005, Mr. Decaux introduced draft decision E/CN.4/Sub.2/2005/L.9, sponsored by Mr. Bíró, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Salama, Mr. Sattar, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Tuñón Veilles and Ms. Wadibia-Anyanwu subsequently joined the sponsors.
5. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Mr. Chen Shiqiu and Mr. Sattar.
6. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2005/104.

**Absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment**

7. At the same meeting, Mr. Decaux introduced draft resolution E/CN.4/Sub.2/2005/L.13, sponsored by Mr. Bíró, Mr. Bossuyt, Mr. Chen Shiqiu, Ms. Chung, Mr. Decaux, Ms. Hampson,

Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Salama, Mr. Sattar, Ms. Warzazi and Mr. Yokota. Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Cherif, Ms. Rakotoarisoa, Mr. Tuñón Veilles and Ms. Wadibia-Anyanwu subsequently joined the sponsors.

8. Mr. Alfonso Martínez proposed an amendment to operative paragraph 4 of the draft resolution, which was accepted by the sponsors.

9. Mr. Sorabjee proposed an amendment to operative paragraph 7 of the draft resolution, which was also accepted by the sponsors.

10. The draft resolution, as amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/1.

#### **Prohibition of military operations directed against medical facilities, transport and personnel entitled to protection during armed conflict**

11. At the same meeting, Mr. Bossuyt introduced draft resolution E/CN.4/Sub.2/2005/L.25, sponsored by Mr. Alfredsson, Mr. Bíró, Mr. Bossuyt, Mr. Chen Shiqiu, Ms. Chung, Mr. Decaux, Ms. Hampson, Ms. Mbonu, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Salama, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota. Mr. Cherif and Ms. Koufa subsequently joined the sponsors.

12. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/2.

#### **Attacks on persons entitled to protection as civilians**

13. At the 19th meeting, on 10 August 2005, Ms. Hampson introduced draft resolution E/CN.4/Sub.2/2005/L.6, sponsored by Mr. Bíró, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Tuñón Veilles and Mr. Yokota. Mr. Bengoa, Mr. Bossuyt, Ms. Rakotoarisoa, Mr. Salama, Mr. Sorabjee and Ms. Warzazi subsequently joined the sponsors.

14. Ms. Hampson orally revised operative paragraphs 1 and 2 of the draft resolution.

15. Mr. Sattar proposed amendments to operative paragraphs 3, 4 and 5 of the draft resolution, which were accepted by the sponsors.

16. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Casey and Ms. Hampson.

17. The draft resolution, as revised and amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/10.

### **Request for information from the Office of the United Nations High Commissioner for Human Rights**

18. At the same meeting, Ms. Hampson introduced draft decision E/CN.4/Sub.2/2005/L.7, sponsored by Mr. Bíró, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Sattar, Ms. Warzazi and Mr. Yokota. Ms. Wadibia-Anyanwu subsequently joined the sponsors.

19. Ms. Hampson orally revised subparagraph (a) of the draft decision.

20. At the request of Mr. Alfonso Martínez, a vote was taken on the draft decision.

21. The draft decision, as revised, was adopted by 19 votes to none, with 2 abstentions. For the text of the decision, see chapter II, section B, decision 2005/107.

### **Issuance of standing invitations to special procedures**

22. At the same meeting, Ms. Hampson introduced draft resolution E/CN.4/Sub.2/2005/L.8, sponsored by Mr. Bíró, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Sattar and Mr. Yokota. Mr. Bossuyt, Ms. O'Connor, Mr. Sorabjee, Mr. Tuñón Veilles, Ms. Wadibia-Anyanwu and Ms. Warzazi subsequently joined the sponsors.

23. Ms. Hampson orally revised paragraphs 5 and 6 of the draft resolution.

24. A statement in connection with the draft resolution was made by Mr. Alfonso Martínez.

25. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2005/11.

## **Transfer of persons**

26. At the 19th meeting, on 10 August 2005, Ms. Hampson introduced draft resolution E/CN.4/Sub.2/2005/L.12, sponsored by Mr. Bíró, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Dos Santos, Ms. Hampson, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro, Mr. Sattar, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota. Ms. Koufa, Ms. Rakotoarisoa and Mr. Sorabjee subsequently joined the sponsors.

27. Ms. Hampson orally revised operative paragraphs 5 and 6 of the draft resolution.

28. Mr. Alfonso Martínez proposed an amendment to the draft resolution by deleting operative paragraphs 4, 5, 6 and 7, which was not accepted by the sponsors.

29. Statements in connection with the draft resolution were made by Mr. Bengoa, Ms. Hampson and Ms. Wadibia-Anyanwu.

30. At the request of Mr. Alfonso Martínez, separate votes were taken on operative paragraphs 4 and 6, as revised. Operative paragraph 4 was adopted by 19 votes to 1, with 2 abstentions. Operative paragraph 6, as revised, was adopted by 21 votes to none, with 2 abstentions.

31. At the request of Mr. Casey, a roll-call vote was taken on the draft resolution as a whole, which was adopted, as revised, by 21 votes to 1, with 2 abstentions. The voting was as follows:

In favour: Mr. Alfonso Martínez, Mr. Alfredsson, Mr. Bengoa, Mr. Bíró,  
Mr. Bossuyt, Mr. Chen Shiqu, Mr. Cherif, Ms. Chung, Mr. Decaux,  
Mr. Dos Santos, Ms. Hampson, Ms. Koufa, Ms. Motoc,  
Ms. O'Connor, Mr. Pinheiro, Ms. Rakotoarisoa, Mr. Sattar,  
Mr. Sorabjee, Mr. Tuñón Veilles, Ms. Warzazi and Mr. Yokota.

Against: Mr. Casey.

Abstaining: Mr. Salama and Ms. Wadibia-Anyanwu.

32. For the text of the resolution, see chapter II, section A, resolution 2005/12.

-----