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Third session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 29 November 2006, at 3 p.m.

President: Mr. DE ALBA (Mexico)

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The meeting was called to order at 3.10 p.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF
15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL” (agenda item 2)
(continued)

Update by the High Commissioner for Human Rights (continued)

1. The PRESIDENT invited the members of the Council to resume their interactive dialogue with the High Commissioner for Human Rights.
2. Mr. MANALO (Philippines) said that his delegation believed that the purpose of the universal periodic review was to enhance the capacity of States to promote and protect human rights; that could best be accomplished through objectivity and cooperation. While assistance, particularly technical assistance, should be provided in the context of the universal periodic review mechanism, it should not be tied to conditions. He shared the view that institution-building should be the principal focus of the Human Rights Council in its first year, without prejudice to urgent human rights situations. The Council should have transparent working methods, a structured agenda for each session and codified rules of procedure.
3. Mr. VAN EENENNAM (Netherlands) said that his delegation was concerned at the escalation of violence and the deteriorating human rights situation in Sri Lanka. It therefore welcomed the decision of the Government of Sri Lanka to establish a national investigation commission, which was an important step towards combating impunity. The Netherlands fully supported the Secretary-General’s call for a special session on Darfur. The High Commissioner for Human Rights had urged the Human Rights Council to address the systematic human rights violations in Darfur, and his delegation would support any credible peace process to end such violations.
4. Mr. CERDA (Argentina) said that he hoped that the Council would address the issue of adequate external financing for the universal periodic review mechanism, which would enable the Council to fulfil its mandate under General Assembly resolution 60/251. Financing should cover all phases of the process, including preparation, review, outcome and follow-up. He would welcome the High Commissioner’s comments in that regard.
5. Mr. FERNÁNDEZ PALACIOS (Cuba) said that the members of the Human Rights Council - both countries from the North and countries from the South - should join together to create a Council whose primary objective was to promote and protect human rights. In order to do so, it was necessary to eliminate, once and for all, selectivity, double standards and political manipulation. Priority should be given to establishing a legitimate and credible system that truly responded to the wishes and needs of the majority. Some countries wished to evade the Council’s responsibility to eradicate the discredited practices of the former Commission on Human Rights, and raised the spectre of a “protection vacuum” as a pretext for continuing to assign mandates selectively with the clear intention of bolstering their imperialist claims to domination.
6. Unlike the former Commission on Human Rights, the Human Rights Council had an equitable geographic composition. So far, the Council had continued to operate with the

mechanisms that it had inherited from the Commission without examining, adapting and rationalizing them. Moreover the Council lacked a specific agenda and a corresponding programme of work. Those shortcomings should be addressed as soon as possible. The task before the Council was to create a true forum of dialogue and cooperation and to abandon punitive practices and politically motivated, country-specific resolutions.

7. The Palestinian people living under foreign occupation continued to be subjected to gross and systematic human rights violations, and the Council had had to convene three special sessions to consider the grave situation in the region. With regard to Darfur, his delegation supported the efforts of the Sudan in implementing the Darfur Peace Agreement. Grave human rights violations were also taking place in other parts of the world: there were secret prisons where torture was practised, civilian populations were subjected to indiscriminate bombing under the pretext of freedom and democracy, and detainees were denied procedural safeguards in the name of the war against terrorism. The Council should take advantage of the historical opportunity to build a system for which the world's oppressed peoples had clamoured and fought.

8. Mr. LARENAS SERRANO (Ecuador) said that his delegation welcomed the High Commissioner's concern about the human rights of migrants, and endorsed the High Commissioner's view that there was a direct relationship between poverty and human rights. The international community, particularly the industrialized countries, should address that problem through mechanisms based on the principles contained in the Charter of the United Nations.

9. His delegation recognized the grave situation in the Occupied Palestinian Territory and in Israel, and welcomed the resumption of talks between the parties to the conflict. Ecuador supported the implementation of the Darfur Peace Agreement and believed that the Human Rights Council should hold a special session on the situation in Darfur. Persons guilty of grave human rights violations should be brought before the International Criminal Court. It was important, particularly in the case of human rights violations in Iraq, to respect the right of convicted persons to lodge an appeal. Ecuador would cooperate fully with the task of institution-building, and attached particular importance to the universal periodic review mechanism, which was an essential aspect of the Council's work.

10. Mr. RAPACKI (Poland) said that his delegation was concerned at the grave humanitarian and human rights situation in Darfur, and agreed that it should be the subject of a special session of the Human Rights Council. Although Poland recognized the gravity of the state of affairs in the Middle East, it shared the Secretary-General's view that the Council should devote adequate attention to other pressing issues.

11. He welcomed the High Commissioner's emphasis on the importance of institution-building, particularly the progress made by working groups in developing new human rights mechanisms. In that context, his delegation believed that the universal periodic review mechanism should not replace the special procedures, since those instruments complemented one another and had an important role to play.

12. Mr. ABU-KOASH (Observer for Palestine) said that his delegation had taken note of the statement made by the High Commissioner, in particular concerning her visit to the Occupied

Palestinian Territory and Israel. In his opinion, the High Commissioner had not adequately acknowledged the suffering of the Palestinian people, under the harsh and prolonged Israeli occupation, and the systematic violation of their human rights. While the High Commissioner had referred to some Israeli violations, she had not mentioned that Israel was the occupying Power and that Israeli settlements had been established in violation of international law. She had also failed to mention the advisory opinion of the International Court of Justice, in which the Court had found that the construction of a wall in the Occupied Palestinian Territory was contrary to international law.

13. The International Day of Solidarity with the Palestinian People on 29 November marked the anniversary of the partition of Palestine in 1947. He called on the international community to provide protection for the Palestinian people, and requested the assistance of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in that regard. For over 60 years, the Palestinian people had been negotiating with Israel to no avail. The Palestinian people wanted their independence and had the right to resist occupation.

14. Mr. BERZINJI (Iraq) said that his delegation welcomed the High Commissioner's reference to the seriousness and the readiness of the Iraqi Government to improve the situation in Iraq. Iraq was cooperating with the international community to combat terrorism, as had been demonstrated by recent meetings between its President and various foreign officials. The Government of Iraq was also endeavouring to bring about national reconciliation and had included all parties in that process. He called on the Council to support Iraq in its efforts to overcome the current crisis.

15. Mr. ACHARYA (Observer for Nepal) said that the recent Comprehensive Peace Agreement between the Government of Nepal and the Communist Party of Nepal (Maoist) contained specific provisions relating to human rights and the continuation of OHCHR monitoring in Nepal. The Agreement also provided for the establishment of a truth and reconciliation commission. Nepal's transition process would entail social and economic reforms and a restructuring of the State. While his delegation was optimistic about the prospects for peace, security and respect for human rights, it called upon the international community to support Nepal during its transition period and thereafter.

16. At the invitation of the President, Mr. Farah (Deputy Governor of the State of South Darfur) took a seat at the Council table.

17. Mr. FARAH (Deputy Governor of the State of South Darfur) said that there was an intentional campaign to provide false information about the situation in Darfur to the international community, including the Human Rights Council. That was dangerous, since such information was used as a basis for resolutions. He wished to see proof that the Government of Sudan supported militias. Since its signing in May 2006, the Darfur Peace Agreement had led to very positive changes. Given the pull-out of government forces and the largest armed groups, it did not make sense that the security situation should be worse in November 2006 than it had been in 2004. The African Union, which was the most credible source of information on the situation in Darfur, had stated that the security and humanitarian situation there had improved.

18. Tribal divisions were a major cause of the conflict in Darfur, and tribal reconciliation was an important means of settling such conflicts. Between October 2004 and October 2006, 31 of

the 39 conflicts in Darfur had been settled through reconciliation, and the remainder would be resolved during the coming year. Moreover, pursuant to Security Council resolution 1593 (2005), the situation in Darfur had been referred to the Prosecutor of the International Criminal Court. It was not advisable for OHCHR to intervene in the work of the Court. He invited the President of the Council, the Bureau and the representatives of the European Union to visit Darfur to assess the situation for themselves.

19. Mr. Farah withdrew.

20. Mr. PIERRE (Observer for Haiti) said that the High Commissioner had held open exchanges with the Haitian authorities to encourage them to reform the Haitian judicial system. While the authorities had examined recommendations made by various government departments concerning reforms, the lack of financial and human resources had prevented rapid progress. He therefore requested the technical assistance of OHCHR to carry out the necessary reforms.

21. Mr. LEVANON (Observer for Israel) said that he hoped that the High Commissioner's visit to Israel and the Palestinian Authority, and her subsequent report on the subject, would help to overcome the politicization, selectivity and one-sidedness that had characterized the work of the Council since its establishment. The High Commissioner's decision to visit both sides had permitted her to witness first-hand that human suffering and distress affected both sides equally, and that placing blame on only one side distorted the facts. The High Commissioner had had an opportunity to understand what Israelis felt every day: the panic caused by sirens warning of an imminent rocket attack, the fear experienced by children, the anxiety of mothers, the anger of the bereaved. The Council should follow the High Commissioner's example since, in order to achieve legitimacy and credibility, it must be equitable and non-selective. Unfortunately, the two special sessions on the situation of human rights in Gaza had been characterized by biased information, and the resulting resolutions had been one-sided and based on half-truths.

22. The High Commissioner's visit had coincided with the conclusion of a new ceasefire, which fortunately was holding, albeit with some violations. The Government of Israel was ready to pursue a path of mutual cooperation and trust and to begin a frank dialogue in order to enable the Palestinians to establish an independent Palestinian State with full sovereignty and defined borders. He hoped that the Palestinians would reciprocate.

23. Ms. MILLAR (Observer for Australia) said that her delegation supported the establishment of an independent international human rights monitoring mechanism in Sri Lanka, and commended the efforts of OHCHR to bring about a positive change in the situation of human rights in that country.

24. Notwithstanding statements to the contrary, it was clear that the situation in Darfur was not improving. The High Commissioner had identified the responsibility of the Sudanese Government and militias and rebel groups for the ongoing atrocities and had called for decisive action to end the human rights violations and address impunity. The Council's recent decision on Darfur did not provide for sustained consideration of the situation, did not acknowledge the responsibility of the Government of the Sudan to take action to prevent human rights violations, and failed to address the issue of impunity. The Council should hold a special session on Darfur as soon as possible in order to consider effective measures to address the situation.

25. Mr. MARTABIT (Observer for Chile) said that his delegation supported the High Commissioner's call for the Haitian Government to step up its efforts to reform the judicial system with the help of the United Nations Stabilization Mission in Haiti (MINUSTAH). The High Commissioner's report on her visit to Israel and Palestine offered a balanced view of the situation, particularly in Palestine, and of the responsibilities borne by the respective parties both in the region and elsewhere. With regard to the situation in Darfur, he fully agreed that the international community must support the work of the International Criminal Court in order to ensure that the perpetrators of war crimes and crimes against humanity were brought to justice. In its special sessions, the Council had rightly addressed the serious situations in Palestine and Lebanon, and it must now turn its attention to equally serious and urgent situations in other parts of the world, in particular the situation in Darfur.

26. Ms. BORSIIN BONNIER (Observer for Sweden) said that the situation in Darfur was one of the greatest humanitarian emergencies faced by the international community. Even if all parties to the conflict in Darfur were guilty of serious breaches of humanitarian law, responsibility for the ongoing massive human rights violations lay squarely with the Government of the Sudan. The extrajudicial executions, forced displacements, sexual violence against women and girls, and the denial of economic rights, such as the rights to food and shelter, must be halted, and measures must be taken to end impunity. She urged the Council to convene a special session on Darfur in order to consider what could be done to alleviate the suffering in that region.

27. Mr. ALAEI (Observer for the Islamic Republic of Iran) said that the human rights situation in the Occupied Palestinian Territory was worsening, particularly because no steps had been taken to address the question of impunity. The human rights violations resulting from the occupation were tantamount to crimes against humanity. It was wrong to equate the acts of self-defence taken by a people living under foreign occupation with the widespread criminal acts of the occupiers. He hoped that the High Commissioner's next report would be more balanced and would better reflect the actual situation.

28. He wondered to what extent the military presence and operations of foreign occupying Powers in Iraq were contributing to the violation of the Iraqi population's human rights, in particular the right to life. He looked forward to the High Commissioner's report on her visit to Canada and her description of the human rights situation of that country's indigenous peoples.

29. Ms. AJAMAY (Norway) said that her delegation had noted with interest the Secretary-General's proposal that the Human Rights Council should convene a special session on Darfur. If the crisis in Darfur was not effectively addressed, it would continue to spill over into other countries and could seriously affect the situation in other parts of the Sudan. Norway had a long history of supporting peace processes in the Sudan and had provided political and financial support for the activities of the African Union in Darfur since the Union had assumed the lead role there in May 2004. The Addis Ababa agreement of 16 November 2006 would play a key role in increasing security and ensuring the protection of human rights and the provision of humanitarian assistance in the Darfur region, and she urged all parties to ensure its speedy implementation. Lastly, she requested the High Commissioner to present reports on the situation in Darfur to the Council on a regular basis.

30. Mr. SHOUKRY (Observer for Egypt) said that his delegation was dissatisfied with the High Commissioner's statement on her visit to Israel and the Occupied Palestinian Territory. It was astonishing that the world's highest authority for the promotion and protection of human rights had attempted to strike a balance between the victims and the aggressors and to insinuate that both parties were equally responsible for the deterioration of the situation in the region. His delegation was dismayed that the High Commissioner had refrained from pointing out Israel's responsibility for gross violations of humanitarian law and human rights, while she had qualified the Palestinians' firing of Qassam rockets as a breach of humanitarian law. While the High Commissioner had taken positions on political issues that were outside her mandate, namely the right to self-defence, she had chosen not to refer to the right of the Palestinian people to oppose foreign occupation. The situation in the Occupied Palestinian Territory called for an objective approach and an unswerving commitment to ending the plight of the Palestinian people. It was the responsibility of the Council and all those associated with it to address the issues that fell within its mandate with a view to promoting and protecting human rights and not from the perspective of political expediency.

31. Mr. VARELA QUIRÓS (Observer for Costa Rica) said that his delegation shared the High Commissioner's concern at the serious deterioration of economic and social rights in Haiti, and agreed that the international community must show its generosity and solidarity with that country. The Israeli authorities should heed the High Commissioner's call for a transparent and independent investigation into the incident in Beit Hanoun. Clearly, peace in the world could not be achieved without peace in the Middle East. Ending the conflict between Israel and the Palestinians would help to improve the situation of human rights in the Middle East.

32. Ms. HINTON (Observer for New Zealand) called on all parties involved in conflicts to respect the rights of civilians, including the rights of persons affected by gender violence and ongoing displacement, to observe the rules of humanitarian law and to facilitate the work of humanitarian personnel.

33. The High Commissioner had stated that the universal periodic review mechanism should provide an effective system of human rights protection, and she wished to know in what way a robust and impartial mechanism would assist OHCHR in the provision of assistance. She wondered what specific factors the Council would bear in mind when assessing the outcomes of the review process.

34. Mr. TICHENOR (Observer for the United States of America) said that the United States Government was currently making efforts to reinvigorate peace efforts in the Middle East. He commended the President of the Palestinian Authority and the Prime Minister of Israel for having secured a ceasefire in Gaza. It was crucial that the Palestinians should implement the ceasefire fully in order to prevent the resumption of indiscriminate attacks by terrorist organizations on civilians in Israel. The Government of the Palestinian Authority must renounce terror, accept the Quartet principles and become a legitimate partner for peace. While Israel had the right to defend itself, it must comply with its obligations under the law of war, including the obligation to target only military objectives and to avoid hurting civilians or damaging their property.

35. It was regrettable that the Council had failed to address the increasing suffering of the people of Darfur in an effective manner. The United States Government fully supported the

efforts of the United Nations, in conjunction with the African Union, to engage a joint peacekeeping force to stabilize the situation in that war-torn region. The Council should hold a special session on Darfur.

36. Mr. SALAZAR PINEDA (Observer for the Bolivarian Republic of Venezuela) said that, while the Arab-Israeli conflict should be dealt with in an objective manner, it should not monopolize the work of the Council or prevent it from focusing on grave violations of human rights in other parts of the world. He agreed with the representative of Algeria that the High Commissioner's report was unbalanced and focused too heavily on the situation in the Sudan to the detriment of other situations, such as the one in Iraq. The Council should acknowledge the progress that had been made in Darfur, since it would be counterproductive to approach the situation from an overly negative viewpoint.

37. The developing countries were playing an increasingly important role in the work of the United Nations, which meant that they would have an increasing impact on the Council's future work. That would ensure that the world's cultural and religious diversity and various legal traditions would be taken into account. States must ensure the universality of human rights, including economic, social and cultural rights, particularly the right to development.

38. Ms. ALFU DE REYES (Observer for Panama) said that the atrocities in Darfur must be brought to an end as soon as possible. She called on the international community to increase its efforts to bring about lasting peace in the Middle East.

39. The effectiveness of the United Nations in meeting the human rights objectives of the Charter of the United Nations and of the Vienna Declaration and Programme of Action would depend on the Council's ability to establish effective mechanisms. It was important to provide the universal periodic review mechanism with a source of independent financing separate from that of OHCHR and from the conference budget for Council meetings.

40. Mr. LITTMAN (Association for World Education and World Union for Progressive Judaism) said that, two weeks earlier, the High Commissioner for Human Rights had called for an end to the killings and displacement in Darfur. In May 2006, 43 NGOs had issued an appeal to the High Commissioner, in which they stated that the role of the new Human Rights Council would be in part tested by the way the Darfur conflict was faced. That was still true, particularly since the Secretary-General had urged the Council to convene a special session on Darfur.

41. The historic visit of Pope Benedict XVI to Turkey should inspire reflection. The Pope had been right when he had stated that violence was incompatible with the nature of God and the nature of the soul. For over three years, the Commission - and later the Council - had been called upon to condemn all who killed, called upon others to kill, terrorized or used violence in the name of God or religion. The Council should include such a condemnation in any resolution on combating defamation of religions, since the lack of a clear condemnation might be construed by many as acquiescence in defamation, and might provoke further manifestations of Islamophobia. Violence and killing in the name of a faith or God was being carried out on a daily basis in the Middle East. It was time to place all calls to kill in the name of religion, faith or sectarian belief beyond the pale of civilization.

42. Ms. ENAV (Women's International Zionist Organization) said that, during her mission to Israel, the High Commissioner had had the opportunity to meet and interact with members of her organization, and also to witness first-hand the terror experienced by children every day. A few days after the High Commissioner's departure, a ceasefire had begun; it had already been broken three times in recent days. She called on the Palestinian Authority to accept Israel's call for peace and to contain terrorist groups that were attempting to sabotage the already fragile ceasefire.

43. Mr. FATTORINI (Mouvement contre le racisme et pour l'amitié entre les peuples), speaking also on behalf of the Asian Indigenous and Tribal Peoples Network, the Asian Forum for Human Rights and Development, Nonviolence International, the Society for Threatened Peoples, the International Fellowship of Reconciliation, Interfaith International, Pax Romana, the Saami Council, International Educational Development, the International Federation for the Protection of Ethnic, Religious, Linguistic and Other Minorities, the Transnational Radical Party, Habitat International Coalition, Organisation mondiale contre la torture, the Norwegian Helsinki Committee, Fédération internationale des mouvements d'adultes ruraux catholiques, Rights and Democracy - Droits et démocratie, and France Libertés - Fondation Danielle Mitterrand, said that, on 30 September 2006, Chinese soldiers had shot at more than 70 Tibetans as they tried to cross the Nangpa pass to reach Nepal. While some of the Tibetans had escaped, at least 2 had been killed and more than 30, including children, had been arrested. The incident, which had been witnessed by foreigners and filmed and broadcast worldwide, had been confirmed by the Chinese authorities, although there was still no information on the fate and whereabouts of the Tibetans who had been arrested. He asked whether the High Commissioner for Human Rights or the OHCHR office in Kathmandu had taken any steps regarding the matter.

44. Ms. APPLEYARD (International Commission of Jurists) expressed concern at the human rights and humanitarian situation in Sri Lanka, where civilians were caught up in an escalating armed conflict. The High Commissioner should continue to monitor the situation and make recommendations on any constructive role that the Council could play. Together with the member States and the Sri Lankan authorities, the High Commissioner should explore ways of establishing a fully fledged international human rights field operation to help to protect lives. Since those responsible for human rights violations were seldom brought to justice in Sri Lanka, the High Commissioner should keep the Council informed of any progress made in that regard by the Presidential Commission of Inquiry.

45. Mr. NEUER (United Nations Watch) welcomed the call for a special session of the Council on Darfur, particularly since the representative of Algeria and the observer for the Sudan had challenged the information provided by the Secretary-General and United Nations High Commissioner for Human Rights. A special session would offer an opportunity to consider the various sources of information on the situation in Darfur. Regrettably, the majority that ruled the Council had rejected an attempt to hold the Sudanese Government accountable for the serious violations taking place in Darfur.

46. With regard to the Middle East, he shared the grief at the number of civilian deaths but condemned the use of human shields for launching attacks. The High Commissioner for Human Rights had personally witnessed the death and terror caused by the indiscriminate launching of

Qassam rockets. He welcomed the Secretary-General's appeal for impartiality, and he called on the High Commissioner to investigate why fact-finding missions were sent to areas of conflict only after the Council delivered a guilty verdict.

47. Ms. BELHASSEN (International Federation of Human Rights Leagues) said that the Council should take measures to address the human rights situations described by the High Commissioner for Human Rights. In view of the worsening situation in Darfur, and despite intervention by the African Union, the action decided upon at the Council's second session was manifestly insufficient. The Council should hold a special session to consider more appropriate responses to the human rights violations in Darfur.

48. Since violations of human rights and international humanitarian law had reached unprecedented levels in the Occupied Palestinian Territory, the High Commissioner had rightly appealed that the crisis should be addressed in terms of international human rights law. A meeting of the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War should be convened as a matter of urgency with a view to restoring the dignity of the victims of the conflict and enforcing the obligation of the States parties to all conventions to protect them. An international protection force under a United Nations mandate should be urgently deployed in the occupied territories to protect both Israeli and Palestinian civilians.

49. Ms. MUTTETUWEGAMA (Asian Forum for Human Rights and Development) expressed grave concern at the deterioration of the human rights and humanitarian situation in Sri Lanka since September 2006. At that time, a coalition of national and international NGOs had appealed to the Council to monitor the situation in Sri Lanka. Both sides in the conflict had continued to show disregard for civilian lives, and the civilian death toll had risen to over 300. Reports that children were being abducted for military purposes had been confirmed by the Special Representative of the Secretary-General for children and armed conflict, and large numbers of people were being deprived of food and other basic needs. The lack of credible investigations into violations only strengthened the prevailing culture of impunity. She appealed to both sides to resume negotiations and implement the ceasefire agreement. Together with the High Commissioner, the Council should endeavour to create credible international monitoring mechanisms in Sri Lanka, and ensure that reports on the human rights situation were regularly brought before it.

50. Ms. GRANGE (Human Rights Watch) said that, since September 2006, the situation in Darfur had worsened. Recently, the Sudanese Government had indiscriminately bombarded civilians on both sides of the Sudan-Chad border. Earlier in the week, despite reports by the African Union, the International Commission of Inquiry on Darfur and the Office of the United Nations High Commissioner for Refugees (UNHCR), the Council had damaged its credibility by adopting a decision that failed to mention the responsibility of the Sudanese Government to protect its people from human rights and humanitarian violations. The Council should convene a special session to address the situation; call on the Sudanese Government to cease its attacks, end its support for the Janjaweed and consent to a strengthened international force in the region; support the application of United Nations sanctions against senior Sudanese officials; and support the extension of the arms embargo to all Sudanese territory.

51. The situation in Sri Lanka had also deteriorated. Political killings were frequent in parts of the country, the peace process had been threatened and international observers had confirmed the use of child soldiers. Moreover, Human Rights Watch was concerned that the Presidential Commission of Inquiry established to investigate serious cases of human rights violations would take too long and lack freedom to act. She urged the Council to send an international human rights monitoring mission to Sri Lanka, in cooperation with the Government, at the earliest opportunity.

52. Mr. SPLINTER (Amnesty International) said that the Council had failed the civilian population of Darfur by adopting a weak decision that neither reflected the gravity of the situation nor obliged the Sudanese Government to protect civilians in the region. Despite considerable objective documentation proving the contrary and the High Commissioner's report, the representative of Algeria had insisted that there was insufficient evidence that the Sudanese Government had close ties with the Janjaweed militias. Amnesty International therefore appealed to the High Commissioner to bring victims, humanitarian workers, human rights observers and African Union officers before the Council to give testimony of the relationship between the Government and the militias.

53. Mr. PARY (Indian Movement "Tupaj Amaru") said that the High Commissioner for Human Rights should have provided more evidence of human rights violations in Iraq and Palestine. The Middle East conflict had been treated as a game by the great Powers and would never be resolved without a demonstration of political will by all States. The Palestinian people were the victims of genocide, yet their only crime was the defence of their ancestral lands. It was inadmissible that the Government of Israel should be allowed to take increasingly harsh measures, such as blockades and the construction of the "wall of shame".

54. He criticized the Council's discriminatory practice of giving observers and NGOs too little time to address the Council.

55. Ms. ARBOUR (United Nations High Commissioner for Human Rights) said that one of her sources of information for assessing the situation in Darfur had been the Special Rapporteur on the situation of human rights in the Sudan. However, she relied more systematically on the United Nations Mission in the Sudan (UNMIS), whose human rights component was present throughout the Sudan. UNMIS reports were based on verified first-hand testimony by victims and witnesses during on-site visits. Her Office also worked closely with the local and national authorities and exchanged information with the African Union. All allegations of violations were brought to the attention of the local authorities and every report contained information on the responses given and action taken by them and by the Sudanese Government. Her two brief visits to the region had obviously not enabled her to make a definitive evaluation of the situation, even though she had been able to speak to victims and local and national officials. She relied heavily on the extensive field presence of United Nations agencies and their partners, and was in contact with humanitarian workers in order to ascertain whether aid was reaching those in need.

56. Since 2004, the Human Rights Office, which was part of the United Nations Assistance Mission for Iraq (UNAMI), had been present in Iraq. The Office focused on monitoring the human rights situation and rebuilding the national human rights institutions. Working in close cooperation with members of the multinational force, it issued bimonthly reports on human

rights incidents, paying particular attention to detainees. The Office had issued repeated pleas to avoid the excessive use of force and to respect international human rights and humanitarian principles in Iraq.

57. Mr. JAZAÏRY (Algeria), speaking in exercise of the right of reply, said that the representative of the United Kingdom had earlier misquoted him as having accused the United Nations of trying to impose an international tutelage on the Sudan. He repeated the words he had used in his statement on behalf of the Group of African States: “The Darfur situation, although a humanitarian issue, is being heavily politicized. It follows that those who would like to impose greater international tutelage on the Sudan will invoke a worsening situation.” He agreed with the representative of the United Kingdom that information about the real situation in Darfur was conflicting. For that reason, he and others had visited the region to see for themselves, and he suggested that the representative of the United Kingdom should do likewise.

58. Mr. CORMIER (Canada), speaking in exercise of the right of reply, referred to the comment made earlier by the representative of the Islamic Republic of Iran concerning the human rights situation of Canada’s indigenous peoples. He wished to point out that Canada was a vibrant, pluralistic democracy, built on respect for human rights and the rule of law. In keeping with its long tradition of protecting and advancing the rights of indigenous peoples, it was engaged in a frank dialogue with an active civil society and with Aboriginal and other groups. The Canadian Government was held to account by the public, by a freely elected parliament and by independent media and judiciary. Canada’s many human rights advocates, including indigenous leaders, were free to speak about human rights issues without fear of imprisonment. Canada was party to all the United Nations human rights instruments, cooperated with United Nations human rights mechanisms and was fully up to date with its periodic reports to all human rights treaty bodies. It maintained standing invitations to all special rapporteurs, all of whom had visited Canada in recent years and whose reports were widely available and freely discussed.

59. Ms. LI Nan (China), speaking in exercise of the right of reply, said that an NGO representative had earlier referred to an alleged shooting incident at the Nangpa pass. She pointed out that the matter had not been raised by the High Commissioner in her statement, and that the comments had been made in flagrant disregard for the Council’s rules of procedure. Moreover, the case in question was being investigated by the Chinese authorities, since it might have involved illegal trafficking in persons.

(a) REPORTS OF MECHANISMS AND MANDATES

Interactive dialogue on the report of the Secretary-General on the implementation of the Five Point Action Plan and the activities of the Special Adviser on the Prevention of Genocide (E/CN.4/2006/84)

60. Mr. MÉNDEZ (Special Adviser to the Secretary-General on the Prevention of Genocide) said that his mandate was not to determine whether a situation constituted genocide as defined by the Convention on the Prevention and Punishment of the Crime of Genocide but to focus on the

worst cases of massive human rights violations where there was a risk of genocide. He had communicated with the Secretary-General about the situations in Darfur and Côte d'Ivoire, and had recently briefed the Security Council on his work.

61. In May 2006, the Secretary-General had appointed an Advisory Committee on Genocide Prevention to provide guidance and support to the work of the Special Adviser and to contribute to the broader efforts of the United Nations to prevent genocide. The Committee had presented a report to the Secretary-General with specific recommendations on how to improve the capacity of the United Nations regarding early warning and the prevention of genocide, and to strengthen the role of the Special Adviser.

62. He would require the cooperation of member States, civil society and United Nations institutions. Member States could assist by providing information on situations of concern and by helping to defuse conflict situations. He would cooperate with the Human Rights Council in identifying situations of concern and devising workable approaches to avoid deterioration in situations that could, if unchecked, lead to genocide.

63. Mr. CORMIER (Canada) said that the Special Adviser had an important role to play in monitoring and analysing events as they evolved, as well as advocating appropriate international responses to prevent or, if necessary, halt genocide and crimes against humanity. He hoped that the Advisory Committee on Genocide Prevention would help to strengthen the Special Adviser's role.

64. In 2005, world leaders had agreed that each State had the primary responsibility to protect its population against genocide, crimes against humanity and similar atrocities. Where a State failed to do so, the international community must take action.

65. He asked what impact the agreement on the responsibility to protect would have on the Special Adviser's work. He would welcome suggestions as to how the Council could support the work of the Special Adviser.

66. Ms. SUURPÄÄ (Finland), speaking on behalf of the European Union, said that States had the primary responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. External intervention to prevent such situations would be more effective when both the Government and the population agreed on their importance and were willing to address those issues.

67. In his report on the implementation of the Five Point Action Plan, the Special Adviser had described in detail a number of practical steps to prevent genocide, and she asked to what extent those steps had been applied by the Government of the Sudan to the situation in Darfur. She wished to know what practical steps to ensure the protection of civilians the Special Adviser had suggested to States confronted with situations of armed conflict where massive violations of human rights occurred and where there was a risk of genocide. She asked what more effective protection of minorities could play in that regard. She asked how the international community and individual States could best make sure that Governments lived up to their responsibility to end impunity and ensure the efficient work of independent national judicial systems and institutions. Lastly, she asked how international organizations and civil society could cooperate to prevent conflicts.

68. Mr. VIGNY (Switzerland) said that, in order to prevent genocide, the work of the International Criminal Court should be complemented by a political dimension. Training should be made available to intergovernmental organizations and States. The Special Adviser should consult the relevant special procedures on the protection of potential victims of genocide and on the development of an early warning system. The Special Adviser should also cooperate with the human rights treaty bodies, including the Human Rights Committee.

69. Mr. AMIRBAYOV (Azerbaijan) said that the population of Azerbaijan had been subjected to ethnic cleansing, which was equivalent to genocide, several times during the previous century. States should address the underlying causes of genocide, such as racial discrimination, forced expulsion on grounds of ethnicity, and theories of racial incompatibility. He wished to know whether any guidelines on external military intervention in cases of genocide had been developed.

70. He requested information on progress made towards creating an advisory panel to the Special Adviser, the criteria for selecting panel members, and how they would assist the Special Adviser.

71. Mr. CERDA (Argentina) said that the Special Adviser should report to the Human Rights Council on a regular basis. He asked how the new Advisory Committee would strengthen the Special Adviser's role.

72. Mr. MNATSAKANIAN (Armenia) commended the work of the Special Adviser, particularly his close contacts with numerous human rights procedures, including the special procedures of the Human Rights Council, and the human rights treaty bodies. The Special Adviser should indicate how interaction between the relevant human rights bodies and other United Nations bodies could be improved with a view to strengthening mechanisms to prevent genocide. The Special Adviser should comment further on the question of data collection. He agreed that the Convention on the Prevention and Punishment of the Crime of Genocide contained a de jure responsibility to protect, and asked the Special Adviser to comment on the adequacy of international law in the prevention of genocide.

73. Mr. LEVANON (Observer for Israel) referred to statements by the President of the Islamic Republic of Iran in which the President had called for the international community to wipe Israel off the map, and had suggested that the Holocaust was a myth invented by Israel. The statements ran counter to the Convention on the Prevention and Punishment of the Crime of Genocide and the principles of the United Nations, and should be a matter of concern for the Council and the Special Adviser. The report of the Secretary-General referred to hate speech and incitement to violence as possible warning signs that might lead to genocide. He requested the Special Adviser to address those remarks.

74. Mr. KE Yousheng (China) agreed with the Special Adviser that conflict prevention was key to preventing genocide. The international community should eliminate poverty, which was the underlying cause of conflict. Since conflict could give rise to lasting hatred between the parties, the international community should address such situations impartially. The Special Adviser should have access to objective information to assist him in the prevention of genocide.

75. Mr. ANDREU-GUZMÁN (International Commission of Jurists) said that the report of the Secretary-General on the Five Point Action Plan and the activities of the Special Adviser on the Prevention of Genocide (E/CN.4/2006/84) was a valuable contribution to the identification of possible warning signs that might lead to genocide. The Council should not only have an effective information system, it should also be able to take action. It was important to recognize the potential of the special procedures and to strengthen their capacity to contribute to early warning.

76. Mr. NEUER (United Nations Watch) said that the Chairman of the Secretary-General's Advisory Committee on Genocide had expressed serious concern at the call by the President of the Islamic Republic of Iran for genocide against Israel. The Chairman had stressed that the call for genocide, together with nuclear ambitions of the Islamic Republic of Iran, required a stronger diplomatic response. United Nations Watch wished to be informed of the Special Adviser's response to the calls for genocide, and what action he planned to take.

77. Mr. SÁNCHEZ (Comisión Colombiana de Juristas) said that the prevention of genocide was one of the main challenges facing the United Nations. That challenge should be taken up by the Human Rights Council, which was empowered to address gross and systematic violations of human rights and make recommendations thereon. NGOs had informed the various United Nations bodies of situations involving several of the warning signs contained in the annex to the Secretary-General's report. Since the warning signs referred to a range of interrelated human rights, the Council should pay close attention to the information provided by its various mechanisms. For example, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people had stated that the selective killings of indigenous communities' leaders and spokespersons were "truly acts of genocide and ethnocide". The Council should implement emergency programmes, such as the programme recommended by the Special Rapporteur in his report on his mission to Colombia (E/CN.4/2005/88/Add.2).

78. Mr. MÉNDEZ (Special Adviser to the Secretary-General on the Prevention of Genocide) said that, in order to fulfil the function of early warning and early action, he intended to cooperate closely with the Human Rights Council. He was particularly interested in a more regular relationship with the Council that focused on the exchange of information and analysis of country situations of common concern, including in special sessions.

79. The High Commissioner had offered a sobering summary of the deterioration of the situation in Darfur. The violence targeted innocent civilians solely because they were members of the so-called "African" tribes of Darfur. He stressed the need for a substantial reinforcement of the peace operation in Darfur and the strengthening of its civilian protection mandate. He also stressed the need for an inclusive political process that sought to involve all parties in Darfur. He called for the removal of obstacles to the delivery of humanitarian aid, and for support for the efforts of the International Criminal Court to investigate the atrocities that had been committed in Darfur and to prosecute the perpetrators. He urged all parties to the conflict to declare an immediate ceasefire, which would be monitored by the African Union.

80. Mr. ALAEI (Observer for the Islamic Republic of Iran), speaking in exercise of the right of reply, said that the representative of Israel and some NGOs had misquoted the President of the Islamic Republic of Iran. The President had referred to the removal of a regime based on occupation, not to genocide against the Jewish people. The regime in question should be removed by democratic means, not by genocide.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF THE MALDIVES

81. Mr. SHAHEED (Maldives) said that, despite its idyllic image as a tourist destination, the Maldives faced real challenges, including rising sea levels, post-tsunami reconstruction and the need to implement the Millennium Development Goals and to create a modern democracy to promote and protect human rights. An archipelago of 1,190 small, low-lying coral islands, 200 of which were unevenly inhabited by a total of 300,000 people, the Maldives faced significant problems with regard to communications, transport, trade and social services. Nevertheless, the Maldives had achieved a remarkable level of economic growth and development, maintaining an average annual growth rate of 9 per cent since 1978, with the result that the Maldives had the highest per capita gross domestic product in South Asia. Over the same period, infant mortality had dropped from 120 per thousand live births to 14, while life expectancy had risen from 48 to 72 years. At 99 per cent, the literacy rate was the highest in the South Asia and Indian Ocean regions.

82. In 2004, the Government had announced radical reforms with a view to achieving full compliance with international human rights standards and holding multiparty elections by late 2008. The constitutional assembly, convened in July 2004, was scrutinizing the President's proposals for constitutional amendments and had already held debates on fundamental rights, the judiciary and the legislature.

83. In the area of human rights protection, the Government had recently ratified a legislative amendment that strengthened the Human Rights Commission and brought it into line with the Paris Principles. Once adopted by Parliament, draft legislation on freedom of assembly would replace a provisional regulatory framework. The Maldives had also acceded to the International Covenant on Civil and Political Rights and its Optional Protocol, and the International Covenant on Economic, Social and Cultural Rights, and had ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In April 2006, the Government had extended an open invitation to all United Nations special procedures to visit the Maldives.

84. In the field of criminal justice, the Government of the Maldives had taken a number of important measures. It had launched a five-year action plan to bring the judicial system into line with international standards and had put forward a revised and updated Penal Code and a new sentencing bill. In October 2006, a bill introducing a new Code of Criminal Procedure had been tabled. Draft legislation on the national security service and the police had been proposed, and a police integrity commission had been established to increase public confidence in the police. Draft legislation on detention procedures and parole had been introduced, and a judicial services commission had been established to ensure the independence of the judiciary.

85. Following the establishment in 2005 of a legal framework for the registration and functioning of political parties, four political parties were fully functioning in the Maldives. Earlier in 2006, the Government had introduced draft legislation on media reform, including bills on press freedom, freedom of information and a media council. Parliament was currently considering a bill that would make defamation a civil rather than a criminal offence.

86. A least developed country with limited financial, human and technical resources, the Maldives was attempting a complete democratic transformation in a little over four years. In order to conclude its reform programme, the Maldives would require close cooperation with the international community, including the Human Rights Council.

The meeting rose at 6.10 p.m.