



# General Assembly

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## Human Rights Council

### Fifth session

#### Summary record of the 7th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 13 June 2007, at 1 p.m.

*President:* Mr. Husák (Vice-President) ..... (Czech Republic)

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*The meeting was called to order at 1 p.m.*

**Implementation of General Assembly resolution 60/251 of 15 March 2006 entitled  
“Human Rights Council” (continued)**

*Report on the situation of human rights in Darfur prepared by the group of experts  
mandated by Human Rights Council resolution 4/8 presided by the Special Rapporteur on  
the situation of human rights in the Sudan (continued) (A/HRC/5/6)*

1. **Mr. Steiner** (Germany), speaking on behalf of the European Union, thanked the Special Rapporteur on the situation of human rights in the Sudan and the group of experts for their report. He recalled that the Human Rights Council had convened the group of experts to follow up on implementation of existing regulations as it had been concerned about the armed attacks on the civilian population and gender-based violence against women and girls in Darfur. The group of experts had worked intensively, compiling and clustering existing recommendations and identifying concrete action that should be taken by the Government of the Sudan. He was pleased to hear that the group had worked with representatives of the Government of the Sudan in Geneva.
2. The European Union was deeply concerned about the ongoing violence in Darfur and about the violations of human rights and international humanitarian law there. The violations must cease and the violators must be held responsible. The expert group had highlighted the measures that would immediately improve the human rights situation in Darfur; he urged the Government of the Sudan to intensify its cooperation with the group of experts in order to work towards tangible improvements on the ground. The European Union supported the extension of the mandate of the group and intended to introduce a short procedural decision to that effect for the consideration of the Council.
3. **Mr. Jazāiry** (Algeria), speaking on behalf of the Group of African States, welcomed the report and commended the consultative approach taken by the expert group in compiling it. He said that it had been wise to select key recommendations and to establish a time frame for action in the short and long term. Some members of the Human Rights Council had doubted whether it would be possible to address the problems of Darfur in a spirit of dialogue and cooperation, but the regional groups had reached a consensus at the fourth special and the fourth ordinary sessions of the Council and he was confident that they would also reach consensus on the action to be taken for the remainder of the current year. He noted that the dialogue between the Government of the Sudan and the expert group had been open and frank and that the delegation of the Sudan had confirmed that its Government was committed to maintaining cooperation with the Council. The Group of African States called on donors to provide technical assistance to the Government of the Sudan. The situation remained challenging, but an agreement announced by the African Union and the United Nations to boost the limited number of troops on the ground was a positive development.
4. **Mr. Loulichki** (Morocco) welcomed the positive outcomes of the expert group's work, which would not have been possible without the constructive spirit and open and frank dialogue that had characterized its meetings with the Government of the Sudan. He said that the pragmatic approach adopted by the expert group had evidently borne fruit and he urged it to continue along the same path. It was gratifying that the Council appeared able to reach a consensus on the situation on Darfur. He endorsed the Special Rapporteur's appeal for donors to support the Government of the Sudan.
5. **Mr. Reyes Rodríguez** (Cuba) said that the report presented by the Special Rapporteur demonstrated a new climate of cooperation. He particularly wished to acknowledge the contribution made by the Group of African States and the willingness of the Government of the Sudan to cooperate with the expert group. He was sure that progress

on the situation of human rights in Darfur would continue with the cooperation of the Sudanese authorities and the support of the international community. Many of the underlying problems in Darfur were common to the region as a whole; they were related to development and had built up over centuries. The Government of the Sudan would require assistance to resolve them.

6. **Mr. Mafemba** (Observer for Zimbabwe) said that he welcomed the action taken by the Government of the Sudan. The success achieved should prompt the Council to recognize that progress on human rights issues could only be attained by taking a non-objective, non-selective and non-confrontational approach. It should therefore adopt mechanisms that encouraged cooperation. He urged the international community to provide technical assistance to the Government of the Sudan.

7. **Ms. Mudie** (Observer for Australia) said that her delegation shared the concern expressed by the expert group regarding the ongoing violations in Darfur and the lack of accountability concerning the perpetrators. The Human Rights Council, the Government of the Sudan and the international community should take credible action to follow up on the report of the expert group in order to improve the human rights situation on the ground. She endorsed the recommendations of the expert group and called on all parties to implement all pre-existing human rights recommendations issued by United Nations bodies.

8. **Mr. Heines** (Observer for Norway) said that the group of experts had handled its allotted task in an exemplary manner, adopting a constructive and cooperative approach and drawing on existing information and the work of the missions of both the African Union and the United Nations in the Sudan. He expressed appreciation for the consultative approach adopted by the group of experts and welcomed the Government of the Sudan's willingness to cooperate and its agreement to implement a number of recommendations.

9. He fully supported the findings of the report and, in particular, the recommendation to finalize a workplan for implementation of the recommendations. The Council must act on the recommendations and remain seized of the situation in Darfur. Finally, he welcomed the news that the Government of the Sudan would accept the deployment of the joint African Union and United Nations peacekeeping force in Darfur, as that would be a key measure in improving the situation for the civilian population.

10. **Mr. Ripert** (France) said that the recommendations of the expert group were of the utmost importance, especially the call to cease all forms of violence against the civilian population and to put an end to the impunity of those who violated human rights and international humanitarian law. The expert group should be allowed to continue its work and to report on the progress made by the Government of the Sudan in implementing the recommendations in the report. The humanitarian, security and political aspects of the situation on the ground remained a cause for concern. Representatives of non-governmental organizations and United Nations agencies had recently confirmed that civilians continued to suffer human rights violations at the hands of Government forces and various armed groups. He called on the Government of the Sudan to fully cooperate with the International Criminal Court in dealing with the alleged perpetrators of international crimes committed in Darfur. In parallel with the search for a long-term solution, there was a need to bring urgent humanitarian assistance to the civilian population. He joined previous speakers in welcoming the agreement of the Sudanese authorities to the deployment of the African Union/United Nations Hybrid Operation in Darfur (UNAMID) troops and requested that they should be deployed as soon as possible in order to protect the refugee camps. It would also be essential to facilitate the delivery of aid to Darfur, especially in those areas where the security situation hindered humanitarian work. Displaced persons should be returned to their homes and their lands restored to them. France was helping to protect refugees from Darfur who were living in eastern Chad and the French Government would shortly host a ministerial meeting of the enlarged contact group on Darfur in Paris in order to move the

peace process forward. The Council should continue to exert pressure on the Sudanese authorities and on rebel groups in order to ensure that they fulfilled their obligations to protect the civilian population in Darfur.

11. **Ms. Masri** (Observer for the African Union), after endorsing the statement made by the representative of Algeria, said that since the beginning of the conflict in Darfur, the African Union had made every effort to promote peace, security and development in the region. The Government of the Sudan had agreed to the joint proposal of the African Union and the United Nations to deploy a hybrid force in Darfur, which would facilitate the delivery of humanitarian aid, protect displaced persons, including those living in refugee camps, and help to disarm the Mehdi army. She called on the international community to provide technical and financial assistance to the force.

12. She appreciated the objective and transparent manner in which the expert group had drafted its report. The discussions with all concerned parties, including the Government of the Sudan and the African Union, had met with success and it was gratifying to note that, as set out in paragraph 26 of the report, the Government of the Sudan had indicated its willingness to implement a number of recommendations. While its task had been a difficult and sensitive one, the achievements of the expert group could be attributed to its consultative and inclusive approach. The African Union would continue to cooperate with the expert group and called on all parties involved in the conflict to stand by their commitments, as outlined in paragraph 42 of the report.

13. **Mr. Alethary** (Observer for Yemen) said that the work of the expert group and the Government of the Sudan had been based on transparency and cooperation and, as mentioned in paragraph 19 of the report, the consultations held between them had been open and frank. The human rights situation in Darfur would only be improved through dialogue between all the parties involved, while the assistance of the international community would be required to provide and facilitate the delivery of humanitarian aid.

14. **Mr. La Yifan** (China) said that the Government of the Sudan, in sending high-level officials to meet with the expert group in Geneva, had demonstrated its good faith and willingness to cooperate with the Human Rights Council. It was to be hoped that both parties would continue to work together with a constructive attitude and that the Government of the Sudan would receive support and technical assistance from the United Nations and donors. The underlying cause of the problems in Darfur was poverty; a solution could be found only by addressing the humanitarian, economic and social aspects of the problems. In order to build on the positive progress made to date, the parties would need to pursue their dialogue on an equal footing. China would continue to support the Government of the Sudan in its efforts to bring peace and development to the region.

15. **Mr. Siddiqui** (Pakistan), speaking on behalf of the Organization of the Islamic Conference, said that the work of the expert group had shown how cooperative action could produce results. He hoped that the observations made by the expert group would be discussed in consultations with the Government of the Sudan. He supported the recommendation that the expert group should continue its work for a fixed period and emphasized the need for a focal point within the United Nations system to coordinate assistance to the Sudan.

16. **Mr. Uhomoibhi** (Nigeria) said it was imperative that the Council should support the quest for sustainable peace in the Sudan, and reiterated his Government's commitment to that objective. He congratulated the Government of the Sudan on agreeing to the establishment of a joint African Union and United Nations peacekeeping force and looked forward to its deployment in Darfur. He agreed with the expert group that there was a need to reinforce and sustain cooperation between the African Union, the United Nations and the Government of the Sudan, and reaffirmed his faith in the efforts of all parties, including the

African Union Commission and the Darfur-Darfur Dialogue and Consultation, to engage in the peace process. He endorsed the recommendations of the expert group that all parties to the conflict should respect the Darfur Peace Agreement, cease hostilities and respect human rights. The experts' report made clear that the peace agreement signed in Abuja continued to be a critical element in the peace process and he therefore called on all parties to implement it fully.

17. **Mr. Maleyombo** (Observer for the Central African Republic) said that the humanitarian disaster in Darfur was the biggest since the two world wars, and the failure of the international community to put an end to the crisis had encouraged human rights violations in other parts of the world. The region as a whole had been destabilized by rebel fighters who operated along Darfur's borders and sought refuge in neighbouring countries. It was essential that the Government of the Sudan should fully implement all the recommendations and resolutions detailed in the expert group's report in order to bring peace and development to the region.

18. **Mr. Boichenko** (Russian Federation) said that the continuing dialogue between the Council, the expert group and the Government of the Sudan was cause for satisfaction. The complex nature of the human rights situation in Darfur and the resources that would be necessary to improve it were detailed in the expert group's comprehensive and well-structured report. The Government of the Sudan would need concrete cooperation on the part of the international community in order to bolster its efforts to implement the recommendations of the expert group.

19. **Mr. Rohn** (Observer for the United States of America) said that the Council had yet to adequately address the ongoing human rights violations in the Sudan. The systematic targeting of women and children, including the widespread use of sexual violence by Sudanese Government forces and allied militia, remained an area of particular concern. The United States had imposed new economic sanctions in order to increase pressure on the Government of the Sudan to end the violence in Darfur and cooperate with the international community on a peaceful resolution to the crisis. The United States was also consulting within the United Nations Security Council on a draft resolution to widen the scope of existing United Nations sanctions against the Government of the Sudan and to ban military flights over Darfur. He called on the Government of the Sudan to immediately disarm the Janjaweed, to demonstrate its commitment to peace negotiations and to allow peacekeepers and humanitarian workers to have access to the camps for internally displaced persons. He called on all parties to honour the ceasefire and to put a stop to all forms of violence.

20. **Mr. Chérif** (Tunisia) said that the report by the group of experts confirmed the desire of all parties to protect the human rights of civilians, including women, children and internally displaced persons. He called on all parties to continue to work for the protection of human rights in Darfur through constructive dialogue and to implement the recommendations in the report.

21. **Mr. Abu-Koash** (Observer for Palestine) stressed that all resolutions adopted by the Council should be implemented and respected. He commended the Government of the Sudan on its willingness to implement the resolutions and recommendations outlined in the report, including those concerning assistance in addressing the situation in Darfur.

22. **Ms. Davidsdottir** (Observer for Iceland) said that the people of Darfur did not need new human rights recommendations, but the implementation of existing recommendations. She was concerned about the ongoing violations of human rights and international humanitarian law in the midst of the ongoing violence in Darfur. Noting the disturbing reports of violence against women and children, she emphasized that it was the responsibility of the Government of the Sudan to protect its citizens. The Council's deliberations needed to be reflected in a change in the situation on the ground, and human

rights violators must be held responsible for their actions. She fully supported the concrete measures outlined by the expert group for improving the situation in Darfur and wished to see the mandate of the group extended. It was encouraging that representatives of the Government of the Sudan had met with the expert group in Geneva; cooperation between the Government, the Human Rights Council and the international community should be stepped up in order to improve the situation on the ground in Darfur.

23. **Mr. Palon** (Malaysia) said that he welcomed the willingness and commitment expressed by the Government of the Sudan to implement the recommendations in the expert group's report. He called on the relevant United Nations agencies to coordinate the provision of the technical assistance requested by the Government of the Sudan through a focal point. He appreciated the need for the expert group to be given sufficient time to continue its work and strongly encouraged continued constructive engagement and dialogue with the Sudanese authorities.

24. **Mr. Berzinji** (Observer for Iraq), speaking on behalf the Group of Arab States, said he hoped that the Government of the Sudan would continue to work in close cooperation with the Council in order to promote and strengthen human rights. He called on the international community and donors to give technical assistance and to provide coordination and follow-up through a focal point. He hoped that the expert group would be able to conclude its activities in the Sudan within one year.

25. **Mr. Kim Pil-wuo** (Republic of Korea) said that the expert group had not only laid important groundwork for improving the situation in Darfur, but had also set a valuable example of how to make best use of the special procedures system. While noting with satisfaction the recommendations set out in the report, he expressed concern that the Government of the Sudan had disagreed with some of them. He looked forward to further discussions with the Government and hoped that it would be possible to develop an implementation plan for the recommendations. The success of any action by the Council and by the international community would require cooperation among all the parties and he strongly urged them all to implement the recommendations to which they had already committed, as well as those put forward by the expert group.

26. **Mr. Sinclair** (Canada), welcoming the report by the group of experts, said he agreed that Human Rights Council resolution 4/8 provided an opportunity for the Government of the Sudan to demonstrate its commitment to human rights in accordance with its obligations under international law. He welcomed the dialogue that had already taken place between the Government of the Sudan, multilateral organizations and the international community and noted that even greater efforts would be needed if the human rights situation of the people of Darfur was to be improved. He regretted that ongoing violence, particularly sexual and gender-based violence, continued unabated and that the safe and timely delivery of humanitarian assistance continued to be compromised by all parties to the conflict.

27. He urged the Government of the Sudan to implement its existing commitments and to continue its cooperation and dialogue with the expert group concerning the implementation of all its recommendations. In particular, he urged all parties to cease attacks against unarmed and vulnerable civilians and to address the issues of gender-based violence and child soldiers. He agreed with the expert group that improvements in human rights could only be measured through improvements on the ground. The Council should remain seized of the situation in Darfur and should continue to give it the attention it deserved; he welcomed the news that a draft resolution to that effect was being prepared.

28. **Mr. Godet** (Switzerland) said that the report of the expert group was of a high quality and had been produced in a very short time. He encouraged the Government of the Sudan to continue to cooperate with the expert group and hoped that the Council could initiate cooperation in a similar manner when dealing with human rights issues in other

countries. Nevertheless, the human rights situation in Darfur remained a source of concern and he hoped that all the expert group's recommendations would be put into effect as soon as possible. Noting the expert group's request for treaty bodies and United Nations agencies to provide technical assistance in order to support implementation of the recommendations, he said that Switzerland would respond to the call for donor countries to provide financial backing. Finally, he appealed to all parties involved in the conflict to meet their international obligations in respect of human rights.

29. **Mr. Annan** (Observer for the Syrian Arab Republic), underlining the importance of cooperation for the work of the Council, commended the Government of the Sudan for its exemplary cooperation with the group of experts. Paragraph 39 of the report highlighted the Government's commitment to work with the Council and the United Nations to implement pre-existing human rights recommendations, and he called on all parties to stand by their commitments in that regard. His country wished to avoid any politicization of the human rights situation in Darfur; any real improvement would not be possible until there was an end to outside interference in the affairs of the Sudan.

30. **Ms. Lilliebjerger** (Amnesty International) said that, although the Council had adopted various measures in respect of the human rights situation in Darfur, little had changed on the ground. Massive forced displacements and other human rights violations continued to fuel the human rights crisis. The Government of the Sudan openly supported the Janjaweed militias who, together with Sudanese forces, were responsible for grave human rights violations. A timetable should be put in place without delay for the long-overdue deployment of the joint African Union and United Nations peacekeeping force, to which the Government of the Sudan had apparently consented. Amnesty International supported the recommendation by the group of experts that the Council should remain seized of the human rights situation in Darfur and that it should continue to review the implementation of all United Nations recommendations. As noted by the group of experts, it was the human rights situation on the ground that would provide the measure of any improvement.

31. **Ms. Aldo Odo** (International Federation for Human Rights), speaking also on behalf of the Sudan Organization against Torture, expressed deep concern about the continuing deterioration of the human rights and security situation in Darfur. She said there was little sign that the recommendations adopted by the United Nations and human rights mechanisms had been heeded or that the Government of the Sudan was really committed to the Darfur Peace Agreement. Sudanese security forces had continued to carry out attacks on civilians in South Darfur. The Government had failed to disarm the Janjaweed militia and, indeed, had supported them in their attacks on armed groups and civilians in Darfur and Chad. In its ongoing aerial bombings of armed groups, the Government had been responsible for the death and displacement of civilians. Women and girls continued to be subjected to sexual violence. The Government had failed to ensure accountability and end impunity for crimes committed in Darfur; it had established a special criminal court for the events in Darfur, but most perpetrators had not been brought to justice. She called on the Council to condemn the continuing violence in Darfur and urged the Government of the Sudan to fully comply with the recommendations of the expert group and to grant access to the joint African Union and United Nations peacekeeping force without delay.

32. **Mr. Gillioz** (Human Rights Watch), speaking also on behalf of the International Commission of Jurists, said that the report of the expert group rightly focused on concrete recommendations. Sadly, the steps taken by the Government of the Sudan in response to the report had been largely superficial, minimizing and denying the realities in Darfur. The situation for civilians would not improve until the Government recognized the problems and reversed its abusive policies in Darfur, which gave immunity to those responsible for attacks on civilians. The Government was complicit in physical and verbal attacks on humanitarian aid workers and consistently obstructed international efforts. It had failed to

demonstrate a serious will to address the fundamental problem of sexual violence. Concerning paragraph 3.3 of annex II of the report, he noted that the Sudan had rejected Security Council resolution 1593 (2005) and had claimed that judicial proceedings were under way at the national level; yet none of the crimes brought before the special criminal court reflected the scale and gravity of the atrocities committed in Darfur. As the experts had noted in their report, it was the human rights situation on the ground that would provide the measurement of any improvement. Given the lack of visible progress to date, he urged the Council to call on the Government of the Sudan to fully and genuinely implement all the recommendations in the report; to insist that the Sudan should cooperate immediately with the ongoing investigations of the International Criminal Court; and to extend the mandate of the experts and ask them to report on the progress made in implementing the recommendations in the report.

33. **Ms. Mean** (Femmes Africa Solidarité) said that she welcomed the report by the expert group, particularly in view of its emphasis on eradicating violence against women. She urged the Government of the Sudan to honour its promises, as there could be no justification for disregarding its duty to protect civilians. The security situation in Sudan continued to deteriorate and there had been an increase in attacks on non-governmental organizations and on the staff of United Nations agencies. She welcomed the call for a police force to protect vulnerable groups and urged all parties to adhere to the latest agreement on the deployment of a hybrid force. Noting that the use of sexual violence against women and girls as a weapon of war continued unabated, she urged the Sudanese Government to implement the various mechanisms it had proposed to investigate, prosecute and punish the perpetrators of sexual violence. The victims should be given medical assistance, counselling and compensation. In order to guarantee the rights of beneficiaries of human rights agreements, the Government's commitments should be tied to specific targets and time frames. There was growing frustration among the civilian population and internally displaced persons about the lack of progress towards a comprehensive peace agreement. The main victims of the perceived hesitation by the international community were women and girls. The peace agreements must not be allowed to founder and their implementation must involve the participation of all parties, especially women. While expressing appreciation for the recommendations of the expert group, she said that the existing agreements and assurances concerning the dire humanitarian crisis in Darfur should be converted into action.

34. **Mr. El Fegier** (Cairo Institute for Human Rights Studies) welcomed the report and the recommendations formulated by the group of experts. The cooperation of the Government of the Sudan with the group was a positive step, although many of its responses did not demonstrate a serious commitment to the recommendations or to the Sudan's international obligations. The Government had not agreed to any substantial legal or policy reforms to improve the human rights situation in Darfur. Indeed, it continued to deny responsibility for human rights violations and attempted to seek immunity for illegal actions by the Government or Government-backed agents. The Government continued to refuse to cooperate with the International Criminal Court, denied having any control over militias operating in Darfur and refused to admit that it hindered or harassed human rights and humanitarian personnel.

35. The report was in danger of becoming another rhetorical exercise which produced no discernible improvements in the human rights situation of civilians in Darfur and diminished the reputation of the Council. He strongly urged the Council to establish a group to monitor the Sudanese Government's implementation of the recommendations. Notwithstanding the reports that the Sudan had agreed to allow the full deployment of a joint African Union and United Nations hybrid force in Darfur, in view of the continuing grave human rights violations, the recommendations of the report should be implemented quickly. Finally, the Sudanese Government and the League of Arab States should take



advantage of the forthcoming meeting of the latter's Human Rights Commission to discuss the work of the International Criminal Court and the reported mass rape of women in Darfur.

36. **Ms. Mahdi** (Hawa Society for Women) said that she wished to thank the international community and the expert group for their efforts to improve the human rights situation in Darfur. To make progress, the international community would need to stand by its commitments to bring security to the Sudan, put an end to poverty and put pressure on the parties involved, including the Government, to bring an end to the conflict through negotiation and dialogue. Progress in the field of human rights in the Sudan was directly linked to sustainable development. It should be borne in mind that women were the principal victims of the conflict, and that the international community had a duty not to fuel the conflict by supplying arms.

37. **Mr. Gandhour** (World Federation of Trade Unions) said that the expert group had produced a comprehensive and objective report, but had not made full use of consultations with all parties concerned, in particular the African Union and the Chairman of the Darfur-Darfur Dialogue and Consultation. He indicated a number of areas of concern: the conclusion in paragraph 37 of the report did not conform to the mandate or methodology of the expert group; the role of all the parties to the conflict — not just the Sudanese Government — in improving the human rights situation needed to be properly addressed in accordance with paragraph 42 of the report; and the recommendation that the Government should ratify certain conventions contradicted the principle of State sovereignty. He hoped that the Council would accept the Government's request for an extension of the "short-term" period of implementation, as that request indicated the Government's good faith and commitment to reaching an acceptable level of compliance. The efforts of the United Nations and all interested parties should be directed towards the achievement of peace and should focus on the causes of the conflict rather than its symptoms.

38. **Mr. Eltayeb** (African-American Society for Humanitarian Aid and Development) said that the Human Rights Council and the expert group had made a positive contribution to the human rights situation in the Sudan. He asked all parties to abide by the recommendations contained in the report, in particular the requests for financial and technical assistance. The failure of previous attempts to bring peace to Darfur could be ascribed in part to a lack of resources. He hoped that civil society institutions would be given the opportunity to provide logistical help and humanitarian aid to Darfur. Humanitarian assistance should be provided without discrimination and, in preparing its strategies and methodologies to bring peace to Darfur, the Council should ensure respect for local traditions and customs.

39. **Mr. Kälén** (Special Representative of the Secretary-General on the human rights of internally displaced persons), speaking in his capacity as rapporteur of the expert group, said that the positive reception of the report was encouraging. The report outlined the first steps in a long process to end human rights violations in Darfur, to assist and rehabilitate the victims and to bring those responsible to justice. The root causes of the violations needed to be addressed and a peaceful solution found for the conflict. The expert group looked forward to continued cooperation with the Government of the Sudan and to the implementation of concrete and specific measures. He hoped that the group would be able to report back to the Council in future on improvements achieved on the ground.

40. **Ms. Samar** (Special Rapporteur on the situation of human rights in the Sudan), thanking speakers for their comments, said that she too hoped the group would be able to report back to the next session of the Council on positive steps taken by the parties to the conflict to improve the situation of civilians on the ground in Darfur.

*Follow-up report of the Office of the United Nations High Commissioner for Human Rights on the study on the right to the truth (A/HRC/5/7)*

41. **Mr. Cerda** (Argentina) said he hoped that adequate time would continue to be set aside for debate on the right to the truth in future sessions of the Council. The methodology and structure of the present report were of a high quality and could be used as a model in future country-specific reports. They allowed reflection on different components of the right to the truth, including its relationship with other rights and duties of the State, institutional measures promoting the right to the truth, and new developments at the intergovernmental level, including within the Southern Common Market (MERCOSUR). The right to the truth should be treated as a separate agenda item at future sessions of the Council and a draft resolution should be prepared to ensure proper follow-up.

42. He supported the recommendations contained in paragraph 92 of the report and wished to emphasize the importance of the criminal justice system and the role of victims and their families in criminal proceedings, the need for guidelines on protecting records of human rights violations and the need to improve the right to the truth on the individual and societal levels. The right to the truth contributed to the fight against impunity, the preservation of memory and the right to reparation of victims. Finally, he wished to draw attention to Argentina's suggestion to prepare and distribute a handbook on best practice in the exercise and protection of the right to the truth.

43. **Mr. Chihuailaf** (Observer for Chile) said that his country had always sought to reflect truth, justice and reparation in its human rights policies as they were three essential components of democracy. Therefore, his delegation supported the conclusions and recommendations contained in the report on the right to the truth. The right to the truth should be accompanied by the right to justice and to reparation. Many human rights violators had been tried and imprisoned in Chile and, increasingly, the courts ruled that amnesty was not applicable to crimes against humanity. Concerning the preservation of memory, the report underlined the importance of maintaining archives, a duty which fell to both the State and society as a whole. Memorials and plaques commemorating the victims of human rights violations also served to cultivate a social conscience and to prevent the repetition of crimes against humanity.

44. **Mr. Da Cunha Oliveira** (Brazil) acknowledged the significant part played by Argentina in drafting the report on the right to the truth and welcomed the information and comments contributed by a large number of countries and non-governmental organizations. He said that his Government had advanced the promotion of the right to the truth by establishing a special commission which had investigated more than 300 deaths and disappearances. The Government had also focused on the preservation of archives and on educational campaigns; it had created a DNA database of victims and founded museums in their memory. He welcomed the reference in the report to the activities of MERCOSUR and supported United Nations initiatives to raise awareness of the right to the truth.

45. **Mr. Godet** (Switzerland) said that the report examined the complex nature of the right to the truth, taking into account the views of 16 States and 3 non-governmental organizations. The High Commissioner should continue to examine the question in order to promote a better understanding of it. A special study should be conducted on the role of the right to the truth in the justice system in periods of transition.

46. **Ms. de Bellis** (Uruguay) said that truth, justice and reparation were the only means by which the injustices of the past could be resolved. Her Government had established a national policy on the right to the truth and had recently become a signatory to the International Convention for the Protection of All Persons from Enforced Disappearance. She supported the recommendation to conduct in-depth studies as outlined in paragraph 92 of the report.

47. **Mr. Vosgien** (France) said that the right to the truth was enshrined in the preamble and article 24 of the International Convention for the Protection of All Persons from Enforced Disappearance, which was a step forward in the recognition of that right. Under article 24 of the Convention, each victim had the right to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person. He called on all States to ratify the Convention so as to ensure it entered into force as soon as possible. The right to the truth was not restricted to cases of enforced disappearance and, indeed, the report outlined the link between the right to the truth, the right to transitional justice and the conservation of and access to archives on human rights violations. Those elements were fundamental to the exercise of the right to memory, which in turn contributed both to national reconciliation and to the prevention of human rights violations. In order to promote reconciliation, some countries had introduced an amnesty for human rights violations, to the detriment of judicial proceedings. He wondered whether the right to the truth could be implemented in cases where the perpetrators of human rights violations were accorded impunity. He expressed support for the work of the High Commissioner for Human Rights on transitional justice and endorsed the proposal by Argentina to prepare and distribute a handbook on best practice in the exercise and protection of the right to the truth.

48. **Ms. Escobar** (Observer for Spain) took note of the recommendations in the report, in particular those concerning the contribution of the criminal justice system and the maintenance of archives, which were indispensable to the exercise of the right to the truth and to memory, as well as other rights such as the right not to be subjected to torture. She said that the granting of amnesty was a complex question, but amnesty should not be used to limit or deny the right to know the truth. She looked forward to seeing the draft resolution referred to by the representative of Argentina. In Spain, the Government had recently drafted a law on historical memory, and the human rights department in the Spanish Ministry of Foreign Affairs and Cooperation, in partnership with civil society, had organized a series of round tables on truth and reconciliation commissions in a number of Latin American countries.

49. **Ms. Navarro Llanos** (Observer for Bolivia) welcomed the report and, in particular, the recommendations in paragraph 92. She said that the importance of the right to the truth for victims and their families was illustrated in the history of her own country, where Government forces had been responsible for the deaths and injuries of many civilians both in the 1960s and 1970s and in more recent times. In the case of events in 2003 involving protests over natural resources, the Government had had to explain why it had placed the interests of multinational companies over the human rights of its own citizens. That example showed that, even in a democracy, vigilance was required to guarantee the right to justice and the truth.

50. **Ms. Herrera Caseiro** (Cuba) expressed appreciation to the High Commissioner for Human Rights for producing the report on the right to the truth and to the delegation of Argentina, which had been a driving force behind the initiative. She said that, in the light of their recent history, the subject was of particular importance to the countries of Latin America. Her delegation had supported the various draft resolutions that referred to the right to the truth and believed that the Council should continue to discuss the issue.

51. **Ms. Lilliebjerg** (Amnesty International) welcomed the report of the United Nations High Commissioner for Human Rights on the study on the right to the truth as a useful contribution to improving the international community's ability to deal with serious human rights violations. She stressed that the truth must be told about human rights violations, justice must be done and reparations must be provided to all victims of such violations. She supported the recommendation that further studies should be conducted to better define the right to the truth.

52. **Ms. Sarda** (Action Canada for Population Development) commended the approach adopted in the report on the right to the truth. She said that the experience of South Africa had shown that without truth there could be no reconciliation. With the recognition of the right to the truth, all those who had suffered human rights violations could receive justice.

53. **Ms. Charters** (International Indian Treaty Council), speaking also on behalf of the International Organization of Indigenous Resource Development, said that she looked forward to working with the Human Rights Council to develop a framework for the implementation of human rights standards pursuant to the Council's adoption of the Declaration on the Rights of Indigenous Peoples in June 2006. However, she wished to recall the dismay registered in 2007 by the Global Indigenous Peoples' Caucus on learning that the Council had subsequently approved amendments to the Declaration which had undermined many of its provisions. Indigenous peoples were becoming increasingly concerned about the recognition of their rights, particularly since a number of States opposed to the Declaration had called for further negotiations on it. It was her firm belief that reopening negotiations on the text would make it impossible for the United Nations General Assembly to adopt a legitimate and viable declaration.

*Note by the Secretariat on progress on reports and studies relevant to human rights and arbitrary deprivation of nationality (A/HRC/5/8)*

54. **Mr. Goltyaev** (Russian Federation) said that the Russian Federation attached great importance to the subject of human rights and arbitrary deprivation of nationality and had examined with interest *The Rights of Non-Citizens* (HR/PUB/06/11), published by the Office of the United Nations High Commissioner for Human Rights. That publication was of a high quality and should be used as a reference and guide when assessing the large-scale deprivation of nationality. Nevertheless, the concepts of non-citizenship and statelessness were significantly broader than the definition of arbitrary deprivation of nationality adopted in Human Rights Council decision 2/111: the Council should therefore revisit the topic in the light of the experience acquired in other international bodies, including the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration.

*Report of the United Nations High Commissioner for Human Rights on the follow-up to the report of the Commission of Inquiry on Lebanon (continued) (A/HRC/5/9)*

55. **Ms. Vadiati** (Observer for the Islamic Republic of Iran), speaking in exercise of the right of reply, said that the claims made by the representative of Israel had been intended to divert attention from Israel's crimes as an occupying power. The representative of Israel should encourage his Government to cooperate fully with the Council and its mechanisms. Israel's aggression and its nuclear arsenal had brought tension and conflict to the Middle East for decades. Security would return to the region only with the end of the occupation and when the right of the Palestinian people to self-determination had been fully exercised through the establishment of an independent and sovereign State.

56. **Mr. Soufan** (Observer for Lebanon), speaking in exercise of the right of reply, said that the inflammatory remarks of the representative of Israel had disregarded the basic fact that the emergence of Hezbollah was a phenomenon due entirely to the Israeli occupation of south Lebanon, to Israeli aggression and to repeated violations and breaches of Lebanon's sovereignty. Lebanon had the right to seek an end to impunity for Israel and to ask that it abide by Security Council resolutions. The disproportionate military campaign against Lebanon by Israel in 2006 had wiped out 15 years of development. The Israel Defence Forces had committed gross and systematic violations of international humanitarian law, using some 4 million cluster munitions against the civilian population in Lebanon.

*The meeting rose at 3.20 p.m.*