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COMMISSION ON HUMAN RIGHTS

Fifty-ninth session

SUMMARY RECORD OF THE 54th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 17 April 2003, at 3 p.m.

Chairperson: Ms. AL-HAJJAJI (Libyan Arab Jamahiriya)

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The meeting was called to order at 3.20 p.m.

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

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (continued); (E/CN.4/2003/L.2, L.38, L.41, L.45, L.74, L.77)

1. The CHAIRPERSON said that, to allow delegations to carry out further negotiations with regard to the draft resolution on Iraq (E/CN.4/2003/L.6) under agenda item 9, as well as on the right to development (E/CN.4/2003/L.14) under agenda item 7, consideration of those draft resolutions would be postponed until the following week.

Draft resolution on the situation of human rights in Cuba (E/CN.4/2003/L.2)

Amendments to the draft resolution on the situation of human rights in Cuba (E/CN.4/2003/L.74 and L.77)

2. Ms. ACOSTA (Mexico) said that her delegation would vote against both the proposed amendments because they changed the nature of the original proposal which she wanted the Commission to adopt.

3. Mr. BREBESH (Libyan Arab Jamahiriya) said that, with regard to the amendment proposed by Costa Rica (E/CN.4/2003/L.74), the procedures being applied in Cuba to try the accused persons were in accordance with international procedures and there was thus no need for that amendment. No State could accept the recruitment of its citizens as mercenaries to destabilize its regime by committing acts of subversion.

4. As for the amendment proposed by Cuba (E/CN.4/2003/L.77), it was, indeed, the unjust embargo which the Commission needed to focus on because it was violating the human rights of the Cuban people.

5. Mr. NGO QUANG XUAN (Viet Nam) said that the Commission should be a forum for dialogue and international cooperation to promote and protect human rights; country-specific resolutions aimed at creating confrontation should be avoided. The draft resolution was an unbalanced one, full of unfounded allegations, couched in very confrontational language and was typical of the kind of resolution that should not be tabled in the Commission. However, the amendment proposed by Cuba reduced some of the imbalance and his delegation would vote in favour of it.

6. Mr. FERNÁNDEZ PALACIOS (Cuba), said that the draft resolution on the human rights situation in Cuba was tabled and adopted every year under huge pressure by the United States of America whose sole objective was to concoct pretexts for its 40-year blockade and policy of aggression against Cuba. Successive United States administrations had been intent on defeating

the revolutionary project in Cuba through aggression, sabotage, terrorism, and the encouragement of illegal migration. The people of Cuba had endured terrible hardship as a result of the economic, commercial and financial blockade.

7. The United States had attempted to create a fifth column of mercenaries in Cuba who had been falsely labelled as human rights defenders and Cuba had been forced to bring to trial and condemn scores of subversive agents working for United States intelligence.

8. It was wrong that his country should be attacked for defending itself while those trying to bring the Cuban people to their knees through the blockade were not brought to trial. His delegation rejected the spurious attempts to condemn his country in the Commission and wondered why no mention had been made in that forum of the prisoners being detained without trial in Guantánamo Bay or the five Cuban political prisoners serving sentences in the United States.

9. Although attempts were constantly being made to create the conditions necessary to justify a war of aggression against Cuba, it would continue to defend its ideas and principles. His delegation would therefore vote against the draft resolution.

10. Mr. VOTO BERNALES (Peru), said that his delegation would vote against the amendment proposed by Costa Rica because its contents were not consistent with the procedural approach in Commission resolution 2002/18 on Cuba which had preceded the current draft resolution. His Government had already expressed itself on the substance of the proposed amendment, deploring the detention and sentencing of political dissidents, summary prosecution and the application of the death penalty against Cuban citizens.

11. Mr. GONZÁLEZ (Uruguay) said that the substance of the amendment proposed by Costa Rica, with which his delegation agreed, was not connected with the principal issue at stake in the draft resolution, namely, the need for the Cuban Government to allow the personal representative of the High Commissioner for Human Rights to fulfil her mandate. It was inappropriate to introduce new material into a draft resolution that was already well-balanced. His delegation was thus unable to support either of the proposed amendments.

12. Mr. CÁCERES CARDOZO (Paraguay) said that, while his delegation shared the concerns of other members regarding the human rights situation in Cuba, it considered that the amendment proposed by Costa Rica simply polarized the debate and diverted attention from the purpose of the draft resolution. His delegation would therefore vote against that proposed amendment.

13. Mr. GONZÁLEZ-SANZ (Costa Rica) speaking on a point of order, said he took it that the Commission was about to vote on his delegation's proposed amendment (E/CN.4/2003/L.74) to the draft resolution on the situation of human rights in Cuba (E/CN.4/2003/L.2). He wished to make it clear that, if delegations voted in favour of the Costa Rican amendment, they would be voting to include its text in the draft resolution (E/CN.4/2003/L.2).

14. The CHAIRPERSON confirmed that that was the case.

15. At the request of the representative of Cuba, a recorded vote was taken on the amendment proposed by Costa Rica (E/CN.4/2003/L.74).

In favour: Australia, Austria, Belgium, Canada, Costa Rica, Croatia, France, Germany, Ireland, Japan, Poland, Republic of Korea, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Algeria, Argentina, Armenia, Bahrain, Burkina Faso, China, Cuba, Democratic Republic of the Congo, Gabon, Guatemala, India, Kenya, Libyan Arab Jamahiriya, Malaysia, Mexico, Pakistan, Paraguay, Peru, Russian Federation, Saudi Arabia, South Africa, Sudan, Swaziland, Syrian Arab Republic, Togo, Uganda, Ukraine, Uruguay, Venezuela, Viet Nam, Zimbabwe.

Abstaining: Brazil, Cameroon, Chile, Senegal, Sierra Leone, Sri Lanka, Thailand.

16. The Costa Rican amendment was rejected by 31 votes to 15, with 7 abstentions.

17. The CHAIRPERSON asked if there were any comments on the Cuban amendment (E/CN.4/2003/L.77) to the draft resolution (E/CN.4/2003/L.2).

18. Mr. SHA Zukang (China) said that it made no sense to express concern at the human rights situation in Cuba while refusing to remove the impediment to those rights consisting of the unilateral imposition of economic sanctions. The amendment proposed by Cuba offered the sponsors of the draft resolution an excellent opportunity to show that they had proposed it out of genuine concern for human rights in Cuba rather than for political reasons. By accepting the amendment, they could encourage the Government of Cuba to abide by the Commission's resolutions to date. A number of speakers had expressed objections to biased resolutions and the Cuban amendment would serve to reduce the obvious imbalance in the draft resolution. If the amendment proposed by Cuba was accepted, his delegation would be ready to reconsider its position in the vote on the draft resolution.

19. Mr. UMER (Pakistan) said that the two paragraphs of the Cuban amendment were unconnected and he would like to know whether a single vote would be taken on both paragraphs or whether there would be two separate votes.

20. Mr. MORA GODOY (Cuba) said that, so far, there had not been a request for a vote on his delegation's draft amendment. It would wait until such a request had been made before deciding whether to have a separate vote on each paragraph.

21. Mr. GONZÁLEZ (Uruguay), speaking in explanation of vote before the voting, said that, although his delegation had stated in various forums that it rejected the embargo against Cuba, the purpose of the draft resolution was to urge the Cuban Government to provide all the facilities necessary for the personal representative of the High Commissioner of Human Rights to fulfil her mandate. It was inappropriate, therefore, to introduce new elements into the text. Consequently, his delegation would vote against the proposed amendment.

22. Mr. GONZÁLEZ-SANZ (Costa Rica) asked for a recorded vote to be taken on the amendment proposed by Cuba.
23. Mr. MORA GODOY (Cuba), supported by Mr. PURI (India), requested that a separate vote should be taken on each paragraph.
24. Mr. SALLOUM (Syrian Arab Republic) said that the two paragraphs both complemented the draft resolution. The embargo posed an obstacle to development and prevented the Cuban people from enjoying basic rights, such as the right to adequate food and housing. His delegation would, vote in favour of both paragraphs and, if they were adopted, would then support the draft resolution.
25. Mr. CHIPAZIWA (Zimbabwe) said that his Government opposed sanctions - particularly illegal ones - such as those imposed against Cuba, as they never achieved their intended goals. The people of Cuba did not deserve to suffer. Consequently, his delegation would vote in favour of both paragraphs.
26. Mr. SIDDIG (Sudan) said that the first paragraph was particularly relevant, because the human rights of the Cuban people were being violated as a result of the embargo. Sudan, too, was suffering as a result of an embargo that had been unilaterally imposed against it. His Government opposed such sanctions and his delegation would thus vote in favour of both paragraphs.
27. Mr. NENE (South Africa) said that his delegation would vote in favour of the first paragraph, because embargoes such as the one imposed unilaterally against Cuba had always been condemned by the international community. Unilateralism posed a threat to multilateralism.
28. Mr. DEMBRI (Algeria) said that Algeria opposed any sanctions that led to a violation of human rights, and would therefore vote in favour of the first paragraph. It was normal that the Commission, whose role it was to promote and monitor the implementation of human rights, should wish to eliminate the damaging effects of an embargo on the enjoyment of human rights. A number of the Members that were in favour of the embargo against Cuba had, some 20 years previously, opposed the use of sanctions against South Africa to end the apartheid regime, advocating instead gradual and peaceful development.
29. Mr. BARG (Libyan Arab Jamahiriya) said that the proposed amendments reflected the will of the international community. His country continued to suffer the consequences of an unjust embargo imposed unilaterally against it. His delegation opposed the imposition of such sanctions against any country as a violation of human rights and international law. It would, therefore, vote in favour of the first paragraph.
30. Mr. AMRAN (Malaysia) said that his delegation would also vote in favour of the first paragraph, which was consistent with Malaysia's rejection of any unilateral action against a State by another State.

31. Mr. CHUMAREV (Russian Federation) said that his Government had made it clear on a number of occasions that it objected to the practice of imposing unilateral embargoes. His delegation, would also vote in favour of the adoption of the first paragraph.

32. At the request of the representatives of Costa Rica and Cuba, a recorded vote was taken on the first paragraph of the amendment proposed by Cuba (E/CN.4/2003/L.77)

In favour: Algeria, Burkina Faso, China, Cuba, Gabon, Kenya, Libyan Arab Jamahiriya, Malaysia, Russian Federation, South Africa, Sudan, Swaziland, Syrian Arab Republic, Togo, Venezuela, Viet Nam, Zimbabwe.

Against: Argentina, Armenia, Australia, Austria, Bahrain, Belgium, Canada, Chile, Costa Rica, Croatia, France, Germany, Guatemala, Ireland, Japan, Mexico, Paraguay, Peru, Poland, Republic of Korea, Saudi Arabia, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Brazil, Cameroon, Democratic Republic of the Congo, India, Pakistan, Senegal, Sierra Leone, Sri Lanka, Thailand, Uganda.

33. The first paragraph of the Cuban amendment was rejected by 26 votes to 17, with 10 abstentions.

34. Mr. MORA GODOY (Cuba) said that the decision not to denounce the illegal and criminal blockade that violated the human rights of the Cuban people reflected the hypocrisy and double standards with which human rights were discussed in the Commission. Cuba would not insist on submitting the second paragraph to a vote, as it was well aware that, under the watchful eye of the Empire, the members of the Commission would vote as meekly as they had done before.

35. Those that had been unwilling to condemn the blockade would hardly be prepared to condemn the continuous terrorist acts committed against Cuba from the territory of the United States of America. The deaths of over 3,000 Cubans would thus be on their consciences. However, Cuba was grateful to those members who had shown the courage and dignity to support it.

36. The CHAIRPERSON said that, since the Cuban delegation had withdrawn the second paragraph of its proposed amendment, the Commission would resume its consideration of the draft resolution.

37. Ms. WONG (Office of the High Commissioner for Human Rights) said that the total cost of implementing paragraphs 2 and 3 of the draft resolution would amount to US\$ 19,600 in 2003 and US\$ 3,200 in 2004. As the mandate of the personal representative of the High Commissioner for Human Rights fell under the category of activities considered to be of a perennial nature and provisions had already been made in the programme budget for such activities, no additional appropriation would be required.

38. Mr. GONZÁLEZ-SANZ (Costa Rica) and Mr. MOLANDER (Sweden) said that their delegations wished to become sponsors of the draft resolution.
39. Ms. NASCIMBENE DE DUMONT (Argentina), speaking in explanation of vote before the voting, said that her delegation would abstain from voting on the draft resolution. Nevertheless, her Government was deeply concerned about the recent detention, summary prosecution and harsh sentencing of intellectuals, journalists and other individuals involved in the campaign for civil and political rights as well as about the reintroduction of the death penalty. Her Government was fully committed to the principles governing the right to a fair trial and the inalienable right to defence counsel. It was regrettable that recent events in Cuba illustrated a clear detachment from those key principles. Lastly, she reiterated her Government's longstanding position against the economic embargo that had been imposed on Cuba, the continuation of which would not contribute to the promotion and protection of human rights.
40. Mr. CHUMAREV (Russian Federation) said that the draft resolution had been politicized and reflected the use of double standards. Its adoption would not contribute towards achieving international cooperation in the field of human rights. Therefore, his delegation would vote against it.
41. Mr. RODRÍGUEZ CEDEÑO (Venezuela) said that his Government had always been firmly committed to the promotion and protection of human rights in all parts of the world. Venezuela had a clear and well-established national human rights policy with a strong constitutional foundation and its foreign policy was largely geared towards the implementation of human rights. The decisions of the Commission and other human rights mechanisms, instead of being politically motivated, should promote cooperation and encourage Governments to provide technical assistance to improve the situation of human rights and fundamental freedoms.
42. His delegation had given careful consideration to the draft resolution and had come to the conclusion that it lacked balance. Specific reference should be made to the impact on the Cuban people of the unilateral embargo that was in breach of international law and had been rejected by the international community; after all, the issue had been addressed in Commission resolution 2002/18, to which specific reference was made in the preamble to the draft resolution. His delegation was, therefore, unable to support the draft resolution.
43. Ms. ACOSTA (Mexico) said that her Government was deeply concerned about the human rights situation in Cuba, in part because the Office of the High Commissioner for Human Rights (OHCHR) had not received the full cooperation of the Cuban Government. Her delegation would vote in favour of the draft resolution, reflecting the fact that the protection of human rights was one of her Government's main concerns and that individual States, as well as groups of States, had an obligation to monitor respect for human rights. The draft resolution was strictly procedural in nature and built on resolution 2002/18 adopted at the previous session. It was based on a policy of respect for human rights, regional cooperation and non-confrontation. The Mexican vote, therefore, would not be out of keeping with its principles and was in no way critical of Cuba.

44. Since 1992, her Government had spoken out clearly in favour of lifting the embargo. It simply wished to urge the Government of Cuba to implement the resolution adopted at the Commission's previous session. She reiterated Mexico's commitment to promoting the equal treatment of States using an objective, and not a selective, approach to human rights and to avoid the undue politicization of issues. The vote of her delegation would reflect the policies of its Government in that regard and its firm commitment to promoting and protecting human rights.

45. Mr. EGUIGUREN (Chile) said that resolution 2002/18, adopted at the Commission's previous session with the support of his delegation, requested the High Commissioner for Human Rights to send a personal representative with a view to cooperation between OHCHR and the Government of Cuba in the implementation of the resolution. Regrettably, the Government of Cuba had made it clear that it did not intend to receive the personal representative, showing a lack of political will to cooperate.

46. His Government was concerned about recent events connected with the trials of dozens of persons linked to organizations critical of the Cuban Government and the fact that individuals were not guaranteed the right to a fair trial. It hoped, therefore, that the Government of Cuba would take heed of the international community's concerns and adopt measures to guarantee the civil and political rights of the Cuban people.

47. His Government had stated on numerous occasions that it was opposed to the embargo against Cuba. Nevertheless, however unfounded it might be, the embargo could not be used as a justification for the lack of political rights and freedoms. His delegation would, therefore, vote in favour of the draft resolution on the situation of human rights in Cuba.

48. Mr. BIGGAR (Ireland) said that his delegation had supported the amendment proposed by Costa Rica (E/CN.4/2003/L.74), being convinced that the draft resolution could have been improved by including a reference to the recent human rights violations in Cuba. It was regrettable that that amendment had not been adopted. Nevertheless, his Government fully supported the expression of satisfaction with the appointment of the personal representative of the High Commissioner for Human Rights contained in the draft resolution and hoped that it would be possible for her to visit Cuba. For that reason, his delegation would vote in favour of the draft resolution.

49. Mr. DEMBRI (Algeria) said that his delegation would vote against the draft resolution, because his Government had always, as a matter of principle, condemned all forms of embargo. The matter under consideration was a bilateral, not a multilateral issue and therefore any difference of opinion should be settled amicably within the regional framework for protecting and promoting human rights. Whereas the purpose of the Commission was to re-establish the preconditions for stability and well-being needed to secure the peaceful and friendly relations among nations that were conducive to higher standards of living and employment rates and thus to social and economic advances, the action proposed would have the opposite effect and ran counter to the purposes of the Charter of the United Nations.

50. Mr. BARG (Libyan Arab Jamahiriya) said that his Government objected to any draft resolution which singled out a sister country like Cuba. On reading between the lines, it became

plain that the draft resolution was simply a settling of accounts. It politicized the issue and did not reflect the cooperative spirit that should reign in the Commission. His delegation would therefore vote against it.

51. Mr. CÁCERES CARDOZO (Paraguay) said that his delegation intended to vote in favour of the draft resolution, since it was convinced that cooperation orchestrated by the international community to promote and protect human rights was of fundamental importance. That was why his Government had extended a standing invitation to all United Nations special rapporteurs and experts to visit Paraguay. The draft resolution offered a similar, excellent opportunity for the Government of Cuba and OHCHR to improve their channels of communication and cooperation with a view to strengthening human rights in Cuba.

52. At the request of the representative of Cuba, a recorded vote was taken on the draft resolution.

In favour: Armenia, Australia, Austria, Belgium, Cameroon, Canada, Chile, Costa Rica, Croatia, France, Germany, Guatemala, Ireland, Japan, Mexico, Paraguay, Peru, Poland, Republic of Korea, Sierra Leone, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Algeria, Bahrain, Burkina Faso, China, Cuba, Democratic Republic of the Congo, Gabon, India, Libyan Arab Jamahiriya, Malaysia, Pakistan, Russian Federation, Saudi Arabia, South Africa, Sudan, Syrian Arab Republic, Ukraine, Venezuela, Viet Nam, Zimbabwe.

Abstaining: Argentina, Brazil, Kenya, Senegal, Sri Lanka, Swaziland, Thailand, Togo, Uganda.

53. The draft resolution was adopted by 24 votes to 20, with 9 abstentions.

Draft resolution on the situation of human rights in Belarus (E/CN.4/2003/L.38)

54. Mr. MOLEY (United States of America), introducing the draft resolution, said that, for several years, the world had watched while the autocratic Government of Belarus had tightened its grip on its own people. Promises of free elections had been broken and basic human rights had been trampled under foot. The few brave people who had openly criticized the Government had been silenced, sometimes in brutal ways. In 1999 and 2000, three opposition figures and one independent journalist had “disappeared” and were believed to have been murdered. Former criminal investigators of the Belarusian Government and other observers were of the opinion that they had been killed because of their involvement with the opposition and that senior Government officials were implicated in their disappearance and murder.

55. The Organization for Security and Cooperation in Europe (OSCE), his own Government and other Governments had made repeated efforts to negotiate improvements in the human rights situation with the Belarusian authorities and had offered to improve relations substantially in

return for real action to end repression, hold free elections, allow media freedom and empower Parliament. All such offers had been rebuffed and his Government had concluded that there was no choice but to call the Belarusian side to account before the Commission.

56. Mr. TISTOUNET (Secretary of the Commission) said that the representatives of Australia, Austria, Belgium, France, Germany, Ireland, Sweden and the United Kingdom and the observers for Denmark, Finland, Greece, Iceland, Italy, Liechtenstein, Lithuania, Malta, Netherlands, Norway, Portugal, Romania, Slovenia and Switzerland had become sponsors of the draft resolution.

57. Mr. SKOTNIKOV (Russian Federation) said that, although much reference had been made to the need to depoliticize the items on the Commission's agenda and to reduce the number of resolutions tabled, they continued to proliferate. The draft resolution in question was unjustified, because the authorities of Belarus had taken practical steps to intensify the dialogue with the international community about the protection of human rights, inter alia with the OSCE, which had reopened its office in Minsk.

58. The question arose, therefore, why the draft resolution was being presented. The answer was obvious; it was politically motivated. It would do nothing to promote international cooperation in the sphere of human rights and, as it was unacceptable in both tone and content, his delegation would, of course, vote against it.

59. Mr. BIGGAR (Ireland) speaking on behalf of the European Union, the acceding countries of Cyprus, Czech Republic, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia and the associated countries of Bulgaria and Romania, said that the Union supported the draft resolution, because it was seriously concerned about the deterioration in democracy and the rule of law in Belarus and the failure of that country's Government to honour its international commitments. The flawed conduct of the elections held in March 2003 had been a further setback to democratic reform. The Union had repeatedly called for an end to the harassment of opposition politicians, journalists and intellectuals and had urged the Belarusian Government to cooperate with the international organizations.

60. The Union had taken note of the constructive cooperation with the OSCE office in Minsk and expected the Belarusian authorities to ensure the necessary conditions for the unimpeded functioning of that office. The Union would continue to work closely with OSCE and other international partners to encourage the development of genuine democracy and full respect for human rights in Belarus.

61. Mr. SHA Zukang (China) said that, although reports that Belarus was persecuting dissidents and opponents were purportedly based on "credible sources" of information, it transpired that, in fact, they rested on allegations made by non-governmental organizations (NGOs) supported by Western Governments.

62. In contrast, the written comments of the Belarusian Government were most convincing. The peoples of China and Belarus maintained frequent contacts with one another and his

Government was thus aware that the situation was very different from that described in the draft resolution. Belarus had made significant progress towards establishing democracy and had guaranteed freedom of religious belief, assembly and expression.

63. The sponsors of the draft resolution were dissatisfied less with the human rights situation in Belarus than with the independent foreign policy being pursued by a Government which had been freely elected by the people; the main purpose of the draft resolution was not to promote human rights, but to bring about a change of regime. His delegation was therefore resolutely opposed to the draft text, which was politically motivated and urged other delegations to vote against it as well.

64. Mr. REYES RODRÍGUEZ (Cuba) said that his delegation could not but vote against the draft resolution, because it furthered the interests of the regime of the United States of America, which was seeking world hegemony. It was an attempt by that Government to impose its will on countries which, in the sovereign exercise of their rights, were opposed to its plan for global domination. The Cuban people had historic ties of friendship with the people of Belarus and its legitimate Government. Regular reports from the Cuban embassy in Minsk on the situation in Belarus certainly did not corroborate the contents of the draft resolution.

65. His delegation was surprised at the concern expressed by the representative of the United States about the alleged assassination of journalists, when television viewers around the world had seen how a United States tank's gun had fired indiscriminately on an hotel where journalists were staying. The United States Government could not deceive the Commission that the draft resolution was anything but politically motivated and designed to exert pressure on the people and Government of Belarus. His delegation would therefore vote against it.

66. Mr. ALEINIK (Observer for Belarus) said that the representative of the United States had no authority to lecture Belarus on human rights, given that his country was party to only three out of the six core international human rights instruments and did not allow the international community to monitor the human rights situation there. Unlike the United States, Belarus had never started a single war or sent its nationals to fight and kill in a remote foreign land. Indeed the allegations made in the draft resolution applied far more to the United States than to Belarus and the United States should, therefore, in the words of the draft resolution, "cooperate fully with all the mechanisms of the Commission on Human Rights".

67. Belarus, as a country in transition, had problems which it did not attempt to hide or deny, but there had been no pattern of mass and gross violations of human rights and the draft resolution was completely unfounded. Its underlying purpose was not to secure the observance of human rights, but to intimidate States with independent views on the most important issues on the world's agenda.

68. It was a flagrant abuse of the Commission and its mechanisms and its adoption would undermine the Commission's credibility. He appealed to the Commission, therefore, to reject a draft resolution which would serve only to deepen distrust between countries, damage the constructive role played by the United Nations and isolate and vilify his country's Government.

69. Mr. RAAD (Syrian Arab Republic) said that his delegation had hoped that the draft resolution would have been designed to provide real assistance to improve the situation of human rights in Belarus. The text submitted to the Commission, however, was a politicized one: yet another example of double standards. His delegation would thus vote against it.

70. At the request of the representative of the Russian Federation, a recorded vote was taken on the draft resolution:

In favour: Australia, Austria, Belgium, Brazil, Canada, Chile, Costa Rica, Croatia, France, Germany, Ireland, Japan, Kenya, Mexico, Paraguay, Peru, Poland, Republic of Korea, Sri Lanka, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Armenia, China, Cuba, India, Libyan Arab Jamahiriya, Malaysia, Russian Federation, South Africa, Sudan, Swaziland, Syrian Arab Republic, Ukraine, Viet Nam, Zimbabwe.

Abstaining: Algeria, Argentina, Bahrain, Burkina Faso, Cameroon, Democratic Republic of the Congo, Gabon, Guatemala, Pakistan, Saudi Arabia, Senegal, Sierra Leone, Thailand, Togo, Uganda, Venezuela.

71. The draft resolution was adopted by 23 votes to 14, with 16 abstentions.

Draft resolution on the situation of human rights in the Democratic Republic of the Congo (E/CN.4/2003/L.41/Rev.1)

72. Mr. KRIEKOUKIS (Observer for Greece), introducing the draft resolution on behalf of the European Union and its other sponsors, said that it reflected the outcome of constructive negotiations with the delegation of the Democratic Republic of the Congo. It welcomed the two peace agreements signed in 2002, together with a number of improvements in the country's situation, but expressed concern over the persistent violations of human rights and international humanitarian law, especially in the eastern parts of the country. It also requested the extension of the Special Rapporteur's mandate for a further year. In view of the urgent need for a unanimous response to the human rights and humanitarian situation in the country, he hoped that the draft resolution would be adopted without a vote.

73. Mr. TISTOUNET (Secretary of the Commission) said that the representatives of Australia, Canada, Japan and Peru and the observers for Liechtenstein, Norway and Turkey had become sponsors of the draft resolution.

74. Mr. GAKWANDI (Uganda) expressed disappointment that the sponsors of the draft resolution had failed to involve his delegation in the drafting process, despite the fact that his was a neighbouring country which played host to thousands of refugees and that some of the issues raised had implications for Uganda. Since the sponsors had discussed the text with the delegation of the Democratic Republic of the Congo, however, his delegation would, of course, support the draft resolution. His delegation particularly welcomed the proposal that the United Nations should play a key role in re-establishing security in the country.

75. In the long term, the Democratic Republic of the Congo would clearly have to assume responsibility for security, but its capacity to do so was currently limited. That was why his Government had recently held discussions regarding the possibility of training troops of the Democratic Republic of the Congo to patrol the west side of the Rutshuru river following the departure therefrom over the next week of Ugandan troops. Another instance of the continuing cooperation between the two countries had been the recent meeting of their Presidents to finalize the departure of the Ugandan troops remaining in the Democratic Republic of the Congo. His Government looked forward to the return of prosperity and stability to that country, which would bring peace to the whole region.

76. Mr. MINDUA KESIA-MBE (Democratic Republic of the Congo) said that the countries of the North continued to display selectivity and a zest for demonization. His country was party to several international and regional human rights instruments and made every effort to promote and protect human rights. After four years of war and 32 years of dictatorship, however, it was not in a position to pay its civil servants, renovate rundown prisons or buy, at inflated world prices, medicines for AIDS or malaria. Yet it was condemned for underfeeding its prisoners.

77. When his Government asked the rich countries that were so attached to human rights to share their resources and to work for a fairer global system, they found all sorts of logical reasons to explain their refusal. His delegation failed to understand how its Government could be required to honour human freedoms when multinational companies were illegally exploiting the country's resources in the rebel-held areas. Its first reaction had therefore been to reject the draft resolution

78. It had, however, decided to cooperate in good faith, with the European Union. Indeed, his country needed the draft resolution, since it highlighted the serious human rights violations committed by the rebel groups and their foreign paymasters and the impunity that existed in the rebel-held areas. His delegation therefore hoped that the adoption of the draft resolution would mean that the Commission undertook to put pressure on the rebels to end the war and to urge the Security Council to establish an international criminal tribunal that would punish all international crimes committed in his country since 1998. That would see justice done to 3.5 million dead. If the Commission failed in those tasks, he could give no guarantee that his Government would continue to cooperate in the drafting of resolutions that vilified poor countries.

79. Mr. ADIYIA (Office of the High Commissioner for Human Rights) said that the cost of the activities envisaged under paragraph 7, subparagraph (a), of the draft resolution would amount to US\$ 61,600 in the biennium 2002-2003. Provision for the mandate of the Special Rapporteur, which was classified among activities of a perennial nature, had already been included under Section 22 of the programme budget for the biennium 2002-2003. Consequently, no additional appropriation would be required.

80. Mr. REYES RODRÍGUEZ (Cuba) said that, since the representative of the Democratic Republic of the Congo had accepted the draft resolution, he would also do so. Otherwise, his delegation would have voted against the draft resolution since its text was confrontational and

failed to recognize the efforts made by the Government. He deplored the cynical approach adopted by the countries which had been beneficiaries of the military dictatorship under which the Democratic Republic of the Congo had suffered for so long. Instead of condemnation, they should provide financial support and cooperation.

81. The draft resolution was adopted.

Draft resolution on the situation of human rights in Burundi (E/CN.4/2003/L.45)

82. Mr. MONTWEDI (South Africa), introducing the draft resolution on behalf of the African Group, said that there had been some encouraging political developments in Burundi, which were recognized by the draft resolution. There were two changes to be made to the text: in paragraph 7, the phrase “to pay special attention to the protection of human rights” should be inserted after the word “commitments” in the second line, and in paragraph 12, the word “*Welcomes*” should be replaced by the word “*Acknowledges*”. He hoped that the revised draft resolution would be adopted without a vote, as in previous years.

83. Mr. TISTOUNET (Secretary of the Commission) said that the representatives of Austria, Belgium, Canada, Germany, Ireland and the United States of America and the observers for Denmark, Finland, Greece, Hungary, Portugal and Sweden had become sponsors of the draft resolution.

84. Mr. BIGGAR (Ireland), speaking on behalf of the European Union, said that the Union welcomed the progress made in the peace process in Burundi and the efforts by the Transitional Government to improve the human rights situation there. It remained concerned about continuing human rights violations and the lack of protection for civilians in the armed conflict. It therefore welcomed the initiative by the African Group in submitting the draft resolution.

85. Mr. GAHUTU (Observer for Burundi) expressed support for the statement made on behalf of the African Group and reiterated his delegations desire to see the draft resolution adopted without a vote. He hoped that peace would be restored to Burundi in the near future and that the Commission would be able to consider the situation of human rights there under agenda item 19 rather than agenda item 9.

86. Mr. ADIYIA (Office of the High Commissioner for Human Rights) said that the cost of the activities envisaged under paragraph 31 would amount to US\$ 52,500 in the biennium 2002-2003. Provision for the mandate of the Special Rapporteur, which fell into the category of activities of a perennial nature, had already been included under Section 22 of the programme budget for the biennium 2002-2003. Consequently, no additional appropriation would be required.

87. The draft resolution, as orally revised, was adopted.

Draft decision on the question of human rights in Cyprus

88. The CHAIRPERSON read out the following text of a draft decision on the question of human rights in Cyprus:

“At its 54th meeting on 17 April 2003, the Commission on Human Rights decided, without a vote, to retain on its agenda sub-item (a), entitled ‘Question of human rights in Cyprus’, of the item entitled ‘Question of the violation of human rights and fundamental freedoms in any part of the world’ and to give it due priority at its sixtieth session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to submit a report to the Commission regarding their implementation.”

89. She took it that the Commission wished to adopt the draft decision.

90. It was so decided.

The meeting rose at 5.55 p.m.