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SUMMARY RECORD OF THE 21st MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 25 March 2004, at 10 a.m.

Chairperson: Mr. SMITH (Australia)

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The meeting was called to order at 10 a.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.4/2004/28 and Add.1, 29-31, 32 and Corr.1, 33-35, 36 and Add.1, and 118; E/CN.4/2004/G/25; E/CN.4/2004/NGO/5, 18, 53, 80, 91, 102, 118-120, 127, 143, 150, and 157-167)

1. Mr. MAVROMMATIS (Special Rapporteur on the situation of human rights in Iraq), introducing his report (E/CN.4/2004/36 and Add.1), urged the international community to support the projects requested by the Minister of Human Rights of Iraq at the High Level Segment, and to continue monitoring their progress. The security situation in Iraq had made the task of drafting his report extremely difficult. Of the most serious chapters of his mandate, he had been able to complete only one, concerning Kuwaiti prisoners of war and missing persons. Although a scientific examination of mass graves still needed to be done, the chapter on the Anfal campaign was otherwise complete. Very little evidence had been forthcoming concerning the Halabcha campaign, while the security situation had prevented him from carrying out interviews concerning the oppression of the Shi'ah community.

2. The Coalition Provisional Authority (CPA), in cooperation with the Iraqi interim authorities, had contributed detailed information concerning the issue of mass graves. However, the magnitude of the task, combined with the security situation and lack of funds, had prevented him from completing that chapter. A timely and satisfactory solution to the issue of mass graves was an essential precondition for national reconciliation. He urged the international community to continue to support him in completing his mandate, and to provide the necessary training and expertise to the Iraqi people as they began the task of reconstruction and reconciliation.

3. Mr. RAZZOOQI (Observer for Kuwait) said that Saddam Hussein's regime had been one of the most vicious and bloodthirsty ever witnessed in the modern era. More than 1,000 Kuwaitis had died in the defence of their country against Iraqi invasion. For the past 13 years, the Commission had adopted resolutions calling for the release of Kuwaiti and other prisoners of war. In spite of Iraq's consistent denial that the prisoners of war existed, few in the international community had believed its lies. In chapter III of his report, on the basis of recent evidence, the Special Rapporteur had confirmed that the Iraqi authorities had been fully aware of the fate of Kuwaiti and other prisoners of war during the entire period. It had set up an elaborate machinery of deception to conceal the fact that many prisoners had been executed almost immediately. Kuwait had so far identified the remains of 82 Kuwaiti and third-party nationals. He pledged the unwavering support of his country for efforts to discover the truth about the remaining mass graves.

4. Ms. KENT (Observer for Canada) asked the Special Rapporteur how the international donor community could contribute most effectively to meeting Iraq's training, education and capacity-building needs, and whether any steps should be taken to protect the rights of women in Iraq.

5. Ms. WHELAN (Ireland) inquired whether the Special Rapporteur had collaborated with other United Nations bodies, such as the Office of the United Nations High Commissioner for Human Rights (OHCHR). She asked when the atrocities leading to the mass graves had taken place, and whether their long-term impact on communities had been assessed.
6. Mr. MAVROMMATIS (Special Rapporteur on the situation of human rights in Iraq) said that OHCHR had created a programme to assist the Iraqi interim authority and non-governmental organizations (NGOs) with issues relating to training and institutional capacity-building. The international community should offer additional expertise and training concerning the procedure for dealing with mass graves. The new Constitution contained provisions relating to non-discrimination, including discrimination against women. Iraq was also a signatory to the International Covenant on Civil and Political Rights. Therefore a legal framework was in place for addressing human rights issues in Iraq.
7. He had worked very closely with OHCHR and, in particular, with the Acting High Commissioner, to prepare his report. It was difficult to give a precise time frame for the atrocities leading to the mass graves. In view of the magnitude of the task, it would be a long time before more was known about the hundreds of thousands of bodies that might still be lying in mass graves. The assistance of the United Nations would be vital in that regard.
8. Mr. BADEDINE (Observer for Iraq) said that a dark period in the history of his country had recently come to an end. The interim authorities, pursuant to Security Council resolution 1511 (2003), were committed to building a political system based on democracy and respect for human rights. Since November 2003, the process leading to the transfer of power to the Iraqi people had been under way. However, the security situation had undermined efforts to reconstruct the country, and terrorism continued to cause daily suffering to the Iraqi people. The interim authorities pledged to cooperate fully with the international community in order to resolve such problems.
9. He fully supported the work of the Special Rapporteur. However, he urged him to reconsider the recommendation for compensation to be awarded to the relatives of those who had died at the hands of the former regime. Any increase in the financial burden on the new regime would undoubtedly deepen the financial crisis. The Special Rapporteur had not referred to the catastrophic impact of the economic blockade on Iraq, which had lasted for over 13 years.
10. Mr. UMER (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), expressed concern over the plight of Muslim minorities in many parts of the world. In the wake of the terrible events of 11 September 2001, and in spite of the unwavering support of Islamic countries in combating terrorism, Muslims had continued to face organized media campaigns that vilified their religion. The OIC strongly rejected attempts to equate Islam and its followers with terrorism.
11. The situation in occupied Palestine exemplified the failure of international human rights machinery. The marginalization of the Palestinian people was a direct result of the apathy and indifference of the international community. The report of the Special Rapporteur on the situation of human rights in the occupied Palestinian territories had shed fresh light on Israel's continued and systematic violation of international law. The OIC called upon Israel to comply

with Security Council resolution 425 (1978), concerning the withdrawal of Israeli forces from the occupied Lebanese territories. It also called upon Israel to provide maps of all land mines left behind in southern Lebanon.

12. The Government of Afghanistan had made substantial progress with the economic rehabilitation of its country. At the same time, the international community should continue to give its full support to the Government's efforts to restore security and rebuild infrastructure. Recent steps taken by Pakistan and India to resolve the dispute over Jammu and Kashmir should be followed up by further negotiations. The necessary political will on both sides would be essential over the coming months.

13. Expressing concern over the security situation in Iraq, he said that any lasting solution must be based on respect for the sovereignty, territorial integrity and political independence of Iraq. The transfer of sovereignty to the Iraqi people should take place as soon as possible. It was important to ensure swift resolution of the question of outstanding prisoners of war and missing persons in Iraq. He called upon Armenia and Azerbaijan to seek a peaceful settlement to the conflict there, with respect for the principle of territorial integrity. He firmly supported the just cause of the Turkish Muslim people of Cyprus, and expressed satisfaction with the progress of recent negotiations.

14. He expressed concern that agenda item 9 was being misused to target Islamic and developing countries. Developing countries should receive the necessary support to help them realize their human rights goals. It would be better to abolish item 9 altogether if its sole objective was to apportion blame, rather than help to improve the enjoyment of human rights through mutual cooperation.

15. Ms. WHELAN (Ireland), speaking on behalf of the European Union (EU) and its acceding States, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, said that the adoption of resolutions by the Commission should not be seen as confrontation but as part of the normal interaction between the international community and States. The EU would work with the Governments concerned on draft resolutions and Chairperson's statements to achieve agreed outcomes. It recognized that there were areas in which its own human rights record could be improved and had established legally binding mechanisms with its partners in the Council of Europe to ensure compliance with its human rights obligations.

16. The EU reiterated its condemnation of anti-Semitism, Islamophobia and all other forms of racism, and related intolerance, which were unfortunately increasing in many parts of the Union, and renewed its pledge to take all necessary measures to eradicate such phenomena. It also condemned all forms of religious intolerance.

17. There had been improvements in the human rights situation in some countries such as Liberia and Sierra Leone during the past year. The EU encouraged those countries in their efforts to restore democracy and good governance. It welcomed the resumption of negotiations for a comprehensive settlement of the Cyprus problem and fully supported the Secretary-General's efforts to promote an agreement that would enable a united Cyprus to accede to the EU in May 2004.

18. The EU attached great importance to cooperation with the human rights treaty bodies and the Commission's special procedures. It encouraged all States to facilitate such cooperation, inter alia by receiving visits from special rapporteurs and other representatives of the Commission.

19. The EU viewed the abolition of the death penalty as a catalyst in the progressive development of human rights and urged all States to abolish capital punishment or introduce a moratorium on its use. It welcomed the abolition of the death penalty in Samoa, the moratorium announced by Kazakhstan and the commutation of a number of death sentences in Zimbabwe. It renewed its call to Chad and the Philippines to retain their moratoria. The Union remained concerned about the widespread use of the death penalty without adequate safeguards in a number of countries and the persistence of particularly cruel forms of execution such as stoning. Methods of execution that were designed to increase the suffering of victims were among the cruellest forms of torture as well as a violation of the right to life.

20. Torture and cruel, inhuman or degrading treatment or punishment were absolutely prohibited under international law and the EU was pleased to note that, with the recent accession of Timor-Leste and the Congo, there were now 134 States parties to the Convention against Torture. It urged all States to become parties and to consider ratifying the Optional Protocol to the Convention. The EU had raised concerns relating to torture in consultations with Turkmenistan and Uzbekistan and welcomed the assurances given by the Uzbek authorities that further practical steps would be taken to ensure full respect for human rights.

21. The EU was particularly concerned that children continued to be recruited as soldiers in many parts of the world and had adopted Guidelines on Children and Armed Conflict in December 2003. Progress had been achieved in West and Central Africa through disarmament, demobilization and reintegration, yet parties to peace processes continued to recruit child soldiers. The Union strongly condemned the abduction of children in northern Uganda and their use in military raids. The International Criminal Court could help to bring to justice the perpetrators of such crimes and the EU urged all States to ratify the Rome Statute.

22. The EU-China Human Rights Dialogue sought to bring about measurable improvements in human rights in China. Issues of continuing concern included the extensive use of the death penalty, torture, arbitrary detention, repression of freedom of expression, religion and association, and violations of the rights of trade unions, pro-democracy and Internet activists, Christians and Falun Gong practitioners. The Union was disturbed at the continued deprivation of religious and cultural rights in Tibet and at human rights violations in Xinjiang. It urged China to give the Office of the United Nations High Commissioner for Refugees (UNHCR) access to the area bordering on the Democratic People's Republic of Korea and to honour its obligations under the 1951 Convention relating to the Status of Refugees.

23. The EU was encouraged by the recent amendment to China's Constitution recognizing human rights. It advocated ending the system of "re-education through labour" and noted proposals for its reform. The Union welcomed the visit to China of the Special Rapporteur on education in September 2003 and China's continued cooperation with the United Nations human rights system, including its efforts to ratify the International Covenant on Civil and Political Rights.

24. It was regrettable that the Islamic Republic of Iran had failed to confirm the dates for the fourth round of human rights dialogue with the EU. There was little evidence of an improvement in the country's human rights situation, apart from some measures in respect of women's rights such as improved rights of custody over their sons and a widening of the divorce law. Arbitrary detention, disappearances following arrest, detention in secret or unofficial prisons, torture while in detention and public executions continued to be widespread. The de facto moratorium on amputations had not been respected. The rights of members of non-Muslim faiths, including Christians, were restricted and Baha'is and other persons with non-recognized beliefs continued to suffer severe discrimination. There was an ongoing pattern of closure of newspapers, arrests and interrogation of journalists and blocking of pro-reform web sites. The recent interference in the electoral process represented a setback for democracy.

25. Human rights and fundamental freedoms continued to be severely curtailed in the Syrian Arab Republic, notably as a result of the 40 year state of emergency. There were still hundreds of prisoners of conscience, military courts were used to try civilians and the EU remained concerned about the fate of many Lebanese prisoners. It urged the Syrian Arab Republic to extend the positive measures taken in recent years and to ratify the major human rights instruments, including the International Covenant on Civil and Political Rights and the Convention against Torture.

26. The EU welcomed the progress made by Indonesia in democratic reform and recognized the importance of the 2004 elections. It welcomed the punishment of members of the security forces responsible for human rights violations. While acknowledging Indonesia's legitimate concern to preserve its territorial integrity, the Union urged the Government to end human rights violations such as extrajudicial executions, disappearances and torture occurring, in particular, in Aceh and Papua, and to ensure the safety of civilians, human rights defenders, humanitarian workers and political activists. It was disappointed that Indonesia had failed to bring to account many of those responsible for human rights abuses in Timor-Leste.

27. Civil and political rights continued to be violated in Cuba through arbitrary detention, intimidation of political opponents, limitations on freedom of expression and imprisonment on political grounds. The EU condemned the continued imprisonment of 75 political dissidents sentenced in March 2003 following summary trials and considered them to be prisoners of conscience. It was gravely concerned about the conditions in which they were being held and the poor state of health of many of them, and called for their release. The Union reiterated its condemnation of the summary trial and rapid execution in April 2003 of three persons in connection with a ferry-boat hijacking, which had ended a three-year moratorium on the death penalty. It called on the Government to cooperate with the Personal Representative of the High Commissioner for Human Rights and the United Nations human rights mechanisms.

28. Despite some positive developments in Saudi Arabia, such as the convening of a human rights conference, the inauguration of a non-governmental human rights association and an improvement in the rights of the accused, women were still subject to discrimination, prisoners suffered maltreatment and torture, and capital punishment was imposed without adequate safeguards and often in a cruel way and in public. Amputations were imposed as corporal punishment. The Union also had concerns about freedom of expression, assembly and religion.

29. The violence in Haiti in 2003 and early 2004 had been accompanied by serious violations of human rights and frequent breaches of humanitarian law. Following the resignation of President Aristide, the humanitarian situation remained grave. The EU was confident that the deployment of a United Nations Multinational Interim Force would help the authorities to improve the situation and supported the establishment of a local office of OHCHR.

30. Mr. RIMDAP (Nigeria) said that Nigeria's return to democratic governance in 1999 had been reinforced by free and fair general elections in April 2003, the first successful transition from one civilian government to another in Nigerian history. Local council elections would be held throughout the country at the end of the month.

31. On assuming office in 1999, the Administration of President Obasanjo had made the fight against corruption and transparency in all government machinery its key policy aims and the building blocks for the protection and promotion of human rights. Nigeria was a State party to several international human rights instruments, some of which had been incorporated into domestic legislation, and complied with its obligations to the human rights treaty bodies. It had recently acceded to the Convention against Torture and had promulgated a Child Rights Act. Efforts had been made to empower women both politically and economically, and women had been appointed to senior government positions through affirmative action.

32. The Government had enacted legislation against trafficking in, and exploitation and sale of, persons, especially women and children, and had embarked on vigorous campaigns against what it viewed as a modern form of slavery.

33. The Government had also established many agencies to ensure effective protection of human rights and was tackling the country's ethnic problems. Recent inter- and intra-ethnic clashes had been attributable to poverty and the struggle for scarce resources. The Niger Delta Development Commission had been established to tackle the concerns of oil-producing states and environmental pollution in the Delta. It was to be hoped that recent legislation on the onshore/offshore oil dichotomy would solve the problems posed by work stoppages and hostage-taking of oil workers.

34. Nigeria welcomed the peaceful resolution of the crisis in the Economic Community of West African States (ECOWAS) subregion and the establishment of the United Nations peacekeeping operation in Côte d'Ivoire.

35. The Commission should avoid politicizing issues and address violations of human rights in all parts of the world in a transparent, non-discriminatory and non-selective manner, taking into consideration the difficulties encountered by developing countries in meeting their peoples' basic needs.

36. Ms. MILLAR (Australia) welcomed progress in the transition in Iraq to a democratic and representative system of government. There was widespread optimism among the Iraqi people about their country's future and a determination to maintain national unity in the face of attempts by terrorists to sow divisions. The recently adopted Transitional Administrative Law enshrined fundamental freedoms and ensured that the rights of regional groups, women and minorities would be protected.

37. Australia was very concerned about the lack of progress on human rights, national reconciliation and political reform in Burma and called on the Government to release all political detainees, including Aung San Suu Kyi, immediately and unconditionally. Restrictions on freedom of association, assembly and expression should be lifted and the Government should make tangible progress in implementing its "roadmap for democracy". Australia supported the work of the Secretary-General's Special Envoy to Myanmar and urged the Government to eliminate forced labour and the use of child soldiers.

38. Australia was intensely concerned about the deteriorating human rights situation in Zimbabwe and strongly condemned the routine use of the security forces and youth militia to harass opponents of the Government. It was concerned about reports of "youth training camps" in which young people were politically indoctrinated and trained in using violent techniques against political opponents. The Government should repeal anti-democratic laws, establish a dialogue with the opposition and address the political, economic and humanitarian crisis.

39. Australia was also deeply concerned about the human rights and humanitarian situation in the Democratic People's Republic of Korea. The authorities should engage more fully with the international community in addressing the human rights issues raised in Commission resolution 2003/10.

40. Australia urged Israel and the Palestinian Authority to return without delay to the negotiating table in order to end the tragic cycle of violence and realize the achievable goal of two States living side by side within secure and recognized borders. The Palestinian Authority must end suicide bombings and incitement to bloodshed. While Australia supported Israel's right to defend itself against terrorism, including through the building of a security barrier, it did not support targeted assassinations. Defensive measures should not increase Palestinian hardship, exacerbate tensions or pre-empt final status negotiations on borders.

41. Australia supported the efforts of President Khatami and others to promote the rule of law and protect human rights in the Islamic Republic of Iran. It welcomed the recent visit of the Special Rapporteur on freedom of opinion and expression and the human rights dialogues initiated with Australia, the EU and others. However, the disqualification of so many candidates wishing to contest the recent elections, attempts to muzzle the press and the heavy-handed response to public demonstrations were unacceptable. Australia was particularly concerned at reports of a violent attack on a gathering of Iranian women and men to celebrate International Women's Day. The authorities should do more to promote and protect the rights of women and to uphold the rights of minorities, including the Baha'i and Jewish communities.

42. Australia's bilateral human rights dialogue with China offered the opportunity for a robust exchange of views. While China had made progress in recognizing social and cultural rights, it should take further steps to realize civil and political rights. Efforts to introduce greater transparency and accountability into the legal and administrative systems were to be encouraged. China should ensure that its judicial system, including counter-terrorism activities, did not curtail the right to freedom of expression, religion and assembly. Australia particularly urged China to respect the rights of its ethnic minorities, including Uighurs and Tibetans.

43. Indonesia continued to face challenges in building democratic institutions while confronting terrorism and separatism. Australia welcomed the forthcoming parliamentary and presidential elections as a further step towards democratization.
44. The treaty bodies and the Commission's special procedures should be better equipped to offer constructive assistance to countries seeking to improve their national human rights protection systems.
45. Mr. CHOI Hyuck (Republic of Korea) said that in Africa internal conflicts between Governments and rebel forces resulted in many forms of human rights abuses. Populations, especially women, children and refugees, were ravaged by hunger and disease, particularly HIV/AIDS and malaria, with little access to remedies. In the Middle East civilian casualties of armed conflicts and terrorism continued to rise. In Asia people in many countries were subject to arbitrary detention for peacefully exercising their right to freedom of expression, association or belief. In Latin America, despite encouraging efforts to combat impunity for past human rights violations, torture and ill-treatment by police and security forces continued to be reported. In other parts of the world discrimination against indigenous peoples, minorities and foreigners as well as growing anti-Semitism and Islamophobia continued to cause concern.
46. Some of the world's remaining dictatorships perpetrated brutal human rights abuses as a matter of policy. Public executions and labour camps were used to muzzle dissenters. He urged those repressive regimes to allow visits by independent human rights experts. They could then no longer use the pretext of sovereignty and non-interference in internal affairs to cloak their assaults on human dignity. It was quite natural for people suffering human rights abuses under oppressive regimes to attempt to escape to neighbouring countries. They should be adequately protected by the international community through the application of international human rights and refugee law.
47. The Republic of Korea had upgraded human rights-related statutes, institutions and policies, achieving a relatively high level of human rights protection. The National Human Rights Commission would assist in ensuring an even better human rights record in the future.
48. Mr. ALMAGLY (Sudan) said that the Commission's focus on agenda item 9 for the past three decades had turned it into a political forum in which some States were criticized for violations of human rights. But confrontation would not lead to progress in the enjoyment of human rights. Focused cooperation was a more effective way of ensuring respect for international human rights instruments.
49. The Advisory Council on Human Rights in the Sudan, in cooperation with the parliamentary Human Rights Committee, had reached the final stages in the establishment of an independent National Human Rights Commission based on the Paris Principles, international standards and the experience of other States. The Parliament was expected to adopt the Commission's Statutes in early April 2004.

50. The peace talks in Naivasha, Kenya, had reached an advanced stage and it was hoped that a comprehensive peace agreement could be concluded before the end of the current session of the Commission. Such an agreement would have a positive impact on human rights and the economic and social situation in the country. Efforts to promote national unity had led to the return of many opposition leaders to the country. Some had even obtained ministerial portfolios.

51. A conference on human rights education held in Khartoum in December 2003 had recommended that human rights should be incorporated in the country's curricula at all levels of education and that the media should be used to promote a human rights culture. The Government was seriously considering ways of implementing the recommendations.

52. Legislation had been enacted to protect press freedom and no newspaper was banned in the Sudan. A council on religions had taken steps to promote religious tolerance and to protect the rights of people of different faiths. The human rights principles contained in the peace agreement would be incorporated in the Constitution. In 2003 the Sudan had ratified the two Protocols to the Convention on the Rights of the Child and the Ottawa Convention banning anti-personnel landmines. Considerable progress had been made in protecting the rights of women and girls. Legislation had been enacted against female genital mutilation and the Government had organized an awareness campaign concerning the health risks of such practices.

53. Western Sudan had been the scene of tragic events over the past year and in early 2004. Terrorist groups had targeted civilians in Darfur. To prevent an escalation, the Government had deployed its troops in the area and obtained control over the areas from which the groups were operating. On 19 February 2004 the President had announced the end of military operations and an amnesty for all those who had taken up arms. Steps were now being taken to help refugees and internally displaced persons to return to their homes. Reconstruction had begun and humanitarian corridors had been opened to provide relief to the victims of the conflict. A national commission to promote reconciliation in Darfur had been established.

54. Mr. SHA Zukang (China) expressed regret that agenda item 9 had been distorted by certain Western countries, which used it to humiliate the developing countries and trample on their sovereignty through acrimonious attacks, arrogance and prejudice. No country had a perfect human rights record. Western countries were not models of human rights protection and developing countries were not inveterate human rights violators. The Commission had not mandated any State to serve as human rights judge. Certain countries should take a hard look at themselves before pointing the finger at others. China had always taken the view that differences of opinion should be settled on the basis of equality and mutual respect and through dialogue and cooperation. But certain countries clung to the cold-war mentality, singling out developing countries for criticism and country resolutions. The submission of an anti-China draft resolution by the United States after a two-year lull was a pre-election ploy and had nothing to do with human rights. Such attempts at "privatization" distorted the Commission's mandate and exacerbated confrontation.

55. On taking office, the new collective leadership in China had recognized that the people's needs were cardinal and that government power should be used to promote their interests. Considerable progress had been achieved in human rights during the past year. In

spite of SARS, severe flooding and drought, the economy had grown by over 9 per cent, over a million people had been lifted out of poverty and life expectancy had reached 71.8 years. Democracy and the rule of law had been strengthened. The measures against vagrants and beggars in cities had been abolished and regulations on legal aid had been adopted. The National People's Congress had just incorporated a provision requiring State respect for human rights in the Constitution. In view of China's manifest progress in human rights, there was no justification for a certain country's reference to "backsliding".

56. China appealed for an end to acrimony and abuse in the Commission, which should become a forum for mutual learning from experience.

57. Mr. VOTO BERNALES (Peru) said that since the individual was at the core of international human rights law and every individual was a rights holder, no State could claim to represent all its citizens in the Commission. It was a forum in which individuals who fought for their freedoms by peaceful means also had the right to be heard. As observed by the International Court of Justice, the obligation of States to ensure respect for human rights was an obligation *erga omnes*. No State could invoke sovereignty to shirk that obligation.

58. The resolutions adopted by the Commission reflected a commitment to human rights. They were not directed primarily against a country but adopted on behalf of the individual inhabitants of the country concerned. It was the individuals whose rights were routinely violated who looked to the Commission for redress. Politicization and selectivity were therefore inappropriate. A joint effort was needed to ensure that human rights abuses in individual countries were subjected to a calm and dispassionate analysis.

59. Peru considered that States should make a greater effort to address situations in their own regions. Initiatives within each region would increase countries' responsibility, enhance collective awareness of human rights and ensure that the universal commitment to promote and defend human rights was more effectively shared. Such an approach would also call for increased collaboration with the Commission's special procedures. The special rapporteurs and representatives were appointed by the Chairperson on the basis of their competence and integrity and their reports had the moral force of impartiality and independence.

60. A country mentioned in a resolution was not necessarily being sanctioned or condemned. Country resolutions were necessary, however, where an objective assessment by the special procedures pointed to systematic gross human rights violations. Such situations should then be addressed through cooperation.

61. Intemperate reactions by some Governments to comments on their human rights situations were out of place in the Commission. They merely confirmed the worst suspicions regarding the situations referred to. Hurling threats and abuse at members of the Bureau, the Office of the High Commissioner or the special procedure mandate holders was also unacceptable in view of their genuine commitment to advancing the cause of human rights.

62. Mr. PARSHIKOV (Russian Federation) said that when the international human rights instruments had been adopted, they had been understood to represent international standards and universal values. In practice, however, that had not been the case as human rights violations had continued, both in developing countries that had political and economic hurdles to overcome,

and in prosperous States. In Europe, the cradle of democracy, where there had been a long tradition of respect for human rights, incidents of racism, ethnocentricity, anti-Semitism, Islamophobia, xenophobia and other forms of intolerance had frequently occurred. There had been a significant increase in the influence of extremist political parties and extra-parliamentary groups in Denmark, France, Germany, the Netherlands and the United Kingdom, posing a major threat to national minorities and society in general. Those groups had published material on the Internet, produced racist slogans and literature and held demonstrations to disseminate hatred and racist ideas. The Russian Federation had been surprised to learn that such activities were legal in many countries, apparently tolerated in the name of the freedom of speech and the right to association. In Denmark, many extremist organizations had received Government funding, such as the Muslim fundamentalist group Hizb ut Tahrir which, despite being illegal in several European States, was operating with impunity in Denmark and had, until May 2002, openly called on its web site for the extermination of the Jews. Since 1996, the Oasis radio station had promoted racist ideas from its studios in Copenhagen and had received funding from the Government. The incidence of anti-Semitic attacks, vandalism of synagogues and Jewish cemeteries and anti-Semitic propaganda in the media had increased in Canada, France and Germany.

63. Migration to Europe had played a large part in the upsurge in racist sentiment; there were currently unprecedented numbers of migrants in Europe, which was economically beneficial to the majority of countries. While the protection of foreign nationals had become an increasingly important issue, local authorities had not always been able to provide immigrants with adequate legal protection of their rights, particularly in Denmark, France, Germany and the Netherlands. In Ireland, reports had been received of cruel treatment of immigrants by the migration services. Immigration legislation had been toughened in several European countries in response to the anti-terror campaign, including the deletion of the presumption of innocence from British legislation relating to foreign nationals. The Commission had a key role to play in the improvement of the human rights situation worldwide and should ensure that genuine, constructive dialogue ensued, on an equal basis and without prejudice.

64. Ms. GABR (Egypt) said that since the Commission's real mandate was to promote human rights, it should adopt a constructive approach based on cooperation and positive dialogue, rather than selective criticism of certain States, particularly developing countries. Such politically motivated criticism ignored any achievements those countries had made and failed to take economic, political, regional and global circumstances into account. Without singling out certain countries that practised such politicization, it should be emphasized that it was illogical to direct accusations and criticisms at developing countries while ignoring the flagrant human rights violations that had been committed in other countries over many years. Her delegation therefore rejected such double standards as that approach led to division and differences, and did nothing to meet the Commission's objectives of making practical recommendations and resolutions to promote human rights and fundamental freedoms all over the world. It had undermined the Commission's credibility and had not enabled it to make a positive impact on the daily lives of many people.

65. Egypt was open to constructive dialogue and abided by its international commitments and obligations. However, no one model of human rights should be imposed in the Commission since each State had a unique set of cultural values. To inflict one notion of civilization and one value system would be disrespectful of multiculturalism and people's right to choose their ethical

values, constituting intellectual terrorism and a form of cultural racism. Her delegation called on countries to stop using such biased methods and proposed that the discussion of resolutions be transferred to agenda item 19, under which positive cooperation on human rights and assistance would be provided to countries to increase their capacity to give their populations a dignified life. The Commission would thus be able to make a real, positive impact on people's lives.

66. Mr. TEKLE (Eritrea) said that the Universal Declaration of Human Rights had recognized freedom, peace, democracy and development as rights that should be respected and that there was a clear dialectical relationship between peace, democracy and development. In order for peace to prevail, States should respect each other's sovereignty, territorial integrity and equality and be governed by the provisions of the international instruments articulating the principles, norms and procedures that regulated peaceful relations and the peaceful resolution of conflicts, such as *pacta sunt servanda*. That meant that the final decision of an arbitration commission should be implemented, and if one of the parties reneged on its obligations, those who had played an active role in the process had the moral and political responsibility to ensure its implementation, while those who had been guarantors had the legal responsibility to enforce the agreement.

67. That had not been the case for the Eritrea-Ethiopia peace agreements, popularly known as the Algiers Agreements, which had been rejected by Ethiopia by its denunciation of the decision of the Boundary Commission created by the Agreements. Despite widespread criticism, Ethiopia was still occupying sovereign Eritrean territory and over 60,000 Eritrean citizens had been internally displaced. The Commission should deal with the human rights consequences of Ethiopia's lawlessness in terms of the right to peace, development and democracy. The people of Eritrea and Ethiopia had suffered great hardship over the past century and should not be exposed to war, hunger and pestilence any longer. The respective Governments had the responsibility to ensure respect for the right to life, peace and development, which could only be promoted through commitment to the rule of law and other principles included in the Charter and acceptance of the decisions of arbitration commissions. While the Ethiopian Government appeared not to care about the situation of its people, the Eritrean Government would carry out its constitutional duty to safeguard the sovereignty, territorial integrity and unity of the State.

68. Mr. ENDO (Japan) said that after 50 years of discussion on the notion of universal human rights, no country could deny the precepts of good governance, non-discrimination, the rule of law and democracy. The Commission had played a key role in that achievement, particularly thanks to agenda items 9 and 19. Grave human rights violations persisted, however, and while responsibility for protecting and promoting the human rights of a country's citizens lay primarily with its Government, the international community should remain alert to any violations of those rights, always focusing in its work on individual victims.

69. While a country's specific historical, cultural, religious and traditional circumstances should always be taken into account, they should never be used to justify human rights abuses. Those circumstances would, however, result in different methods of addressing human rights issues and different time scales for finding effective solutions, which would require tolerance, dialogue and mutual respect; criticism and reproach alone were counter-productive. The Commission should ensure that it responded positively to the efforts and accomplishments countries had made, and not only focus on human rights violations.

70. Japan supported the removal of some country resolutions from the agenda, or their transfer to agenda item 19, so as to give encouragement and a tangible outcome when situations had improved sufficiently. Adding resolutions or maintaining them over a protracted period because a country was not perfect should be avoided, and existing resolutions should be reviewed regularly. Those strategies would further strengthen the Commission's efficiency and credibility and would act as an incentive for countries to increase their efforts and follow the Commission's advice. Countries that refused to do so, however, deserved the reprobation of the international community and the Commission had a duty in those cases to indicate what those countries should do to be readmitted into the international fold.

71. The Commission had adopted a resolution the previous year on the human rights situation in the Democratic People's Republic of Korea (DPRK), specifically calling for answers to questions on the abduction of foreign nationals, an issue the Japanese Government had also been striving to resolve. The DPRK had not cooperated with the relevant international human rights institutions and the issue remained unresolved. Japan regretted that situation and urged the DPRK to rectify immediately the current inhumane situation in which abduction returnees had been separated from their families who still remained in the country, and to conduct a thorough investigation into the other victims. The DPRK should cooperate fully with the Working Group on Enforced or Involuntary Disappearances and OHCHR.

72. Mr. PURI (India) said that the importance and effectiveness of agenda item 9 in promoting and protecting human rights ran the risk of being eroded due to its misuse as its effectiveness depended critically on Member States recognizing that country resolutions were an instrument of last resort, not a form of attack whenever a country had fallen out of political favour. Such indiscriminate use of that agenda item in the past had unfortunately led to sharp divisions in the Commission that did not best serve the Commission's mandate, and many countries had begun to think that the Commission's current structure was doing more harm than good for the cause of human rights.

73. While every institution had to evolve dynamically to reflect the changing nature of the issues it had to address, the common belief that the complex human rights edifice that had taken shape over the years had become an instrument for advancing the political objectives of those who financed it posed a serious problem. The Commission should ensure that the standards it set itself were uniformly applied. Its credibility depended on the ability to distinguish between States that protected human dignity, democracy, equality and free expression of the people's will and those that did not; the annual "naming and shaming" ritual had only served to create acrimony in the Commission. Measures adopted should be proportional to the problems they sought to address, and the concerns and aspirations of United Nations Members, the majority of whom belonged to the developing world, should be reflected in the Commission's work.

74. India remained convinced that respect for human rights could only be assured in a political environment that guaranteed democracy and freedom. Its own experiences had demonstrated that a democratic, pluralistic society with a secular polity, an independent judiciary, a vibrant civil society, independent media and powerful and independent human rights commissions at the national and State levels was an effective guarantee for the protection and promotion of human rights. While no country could claim to be perfect, India had the ability to address the problems that occurred through dialogue, strengthening of its institutions and intensified efforts at economic development.

75. Terrorism, one of the most serious threats facing the world, should be fought on an international basis by the community of civilized nations. The Commission had particular responsibility for recognizing and addressing the rights of the victims of terrorism, while ensuring that counter-terrorism measures did not challenge the rule of law, human rights protection or democracy.

76. Mr. ACHARYA (Nepal) said that agenda item 9 had generated more passion and interest than any other, showing everyone's concern for preventing human rights violations in any part of the world. While the issues involved demanded informed, dignified debate, divisiveness and polarization of opinion had unfortunately often been the norm. The Commission could and should stand firm and united at all times to prevent human rights violations; its examination of those matters, however, should be objective, fair and balanced. Depending on the severity of the situation, it should first explore and exhaust all avenues of cooperation and counselling with States to address and improve the human rights situation in a spirit of dialogue and understanding.

77. The Commission had to face not only the traditional challenges to human rights, such as poverty and lack of capability, but also those created by globalization and international terrorism. Nepal had been the victim of terrorist violence over several years which, despite its commitment, had undermined its efforts to ensure full enjoyment of the human rights of its people. It was fully aware of its duty to defend the life, liberty and security of its people and had striven to uphold and observe the principles of international human rights and humanitarian law. The Government was committed to doing that, and to finding negotiated resolutions to conflicts.

78. Mr. WILLIAMSON (United States of America) said that while there had been calls for the elimination of agenda item 9, the Commission had a duty to speak out for the victims of human rights abuses, who were too often voiceless in their own lands. "Naming and shaming" gross violators of human rights was an effective means of doing that as it gave those struggling to achieve their rights solidarity with the international community. That process also challenged the international respectability of Governments, and was thus often an effective way to protect human rights. There was no single path or act that prompted nations to be just and to respect and sustain human rights; it was, at times, the conscience and moral outrage of non-victims that made a difference.

79. Real progress in advancing human rights had been made in Afghanistan, Iraq, Qatar, Yemen, Oman, Jordan and Morocco. While a cooperative transitional power-sharing agreement had emerged in Liberia, human rights violations had occurred in remote areas. Efforts to stabilize the country had continued in Sierra Leone, and in Rwanda a new Constitution had been adopted and the first post-genocide elections had been held. The right of the citizens to change their Government had been severely restricted, however, and Government harassment of the political opposition had continued. An independent national human rights commission had been established in Kenya. A United Nations commission had been set up in Guatemala to investigate clandestine groups, and in Peru, the final report of the Truth and Reconciliation Commission had been published.

80. The human rights situation had deteriorated in Cuba, where in March 2003, 75 peaceful dissidents had been sentenced to prison terms averaging 20 years for attempting to exercise their fundamental rights. Discrimination had continued to occur in that country, where the judiciary

was not independent, there was repression, no freedom of the press or of expression existed and inhumane prison conditions were common. Iran's human rights record had also worsened, while in Syria abuses had carried on. Freedom of religion had not been established in Saudi Arabia, and despite the introduction of potentially significant reforms in Egypt, much improvement was still needed. Credible reports of human right abuses had been received from Chechnya, and in Belarus Government harassment and intimidation of pro-democracy activists, human rights advocates and NGOs had intensified. Turkmenistan had cracked down further on political opponents and their families, and in Uzbekistan there had been at least four more deaths in custody due to torture in 2003, and reports of torture with impunity and unfair trials had been received. The Government of Zimbabwe had continued its campaign of violence, repression and intimidation, and in the Democratic Republic of the Congo several armed groups had persisted in their massacres and other atrocities in the eastern Ituri district and the provinces of North and South Kivu. Despite the progress in peace negotiations between the Government and the rebels in southern Sudan, numerous human rights violations had taken place in Darfur. Burma's poor human rights record had worsened in 2003 and while Viet Nam had made economic progress, several democracy activists had been arrested and sentenced in 2003 and problems of religious freedom had persisted. The Indonesian province of Aceh had been under martial law since 19 May 2003 and North Korea continued to be one of the world's most inhumane regions. In China, arrests of democracy activists had increased and the Government's record in Tibet had remained poor. China should meet its commitments outlined in the 2002 bilateral human rights dialogue, and make key structural reforms.

81. Mr. HARYADHI (Indonesia) supported the concerns and comments of the OIC on the denial of the basic rights of Muslims around the world. His delegation shared the apprehension that had been expressed regarding the growing trend to abuse agenda item 9 and urged the Commission to redress it. Attempts to undermine the Commission's work through politicization, selectivity and other confrontational approaches were unacceptable and all parties should conform to a pattern of dialogue and cooperation.

82. The Government had made many reforms over the previous five years to build on the foundation of democracy and human rights, which would culminate in the forthcoming general election in which the people would, for the first time, elect the legislature and the President in a direct ballot. The legislative and judicial framework had been reformed to ensure the independence and professionalism of the entire judiciary. National legislation was being harmonized with the human rights provisions contained in the Constitution and the international human rights instruments Indonesia had signed or ratified. Cases of human rights violations had been increasingly addressed through growing participation of Parliament, the National Human Rights Commission and civil society, including ad hoc human rights courts for East Timor and Tanjung Priok, which had provided mechanisms for adjudication on past cases of human rights abuses. While the functioning of the Human Rights Court required improvement, its establishment was a major step on the way to human rights promotion and protection. The Government was committed to ensuring that the court provided a reliable and credible mechanism in dealing with past violations of human rights and preventing future ones. The vigorous reform process permeating all layers of society would permit the establishment of an environment conducive to the further promotion of a culture of human rights in Indonesia.

83. The CHAIRPERSON invited delegations which so wished to make statements in exercise of the right of reply.

84. Mr. FERNANDEZ (Cuba) said that the accusations by the United States representative were ill-founded. The only place in Cuba where cases of torture and other cruel, inhuman or degrading treatment occurred and where there were no independent hearings was at the Guantánamo Naval Base, which had been turned by the United States into a concentration camp.

85. Instead of preaching to the third world, the EU should focus on addressing its own problems of unemployment and illiteracy and on repaying the people of Africa, Asia and South America for the damage caused by centuries of slavery and colonial plunder. Despite claiming to be deeply concerned about the rights of prisoners, it had failed to mention the situation of detainees at Guantánamo. Neither had it mentioned the conditions at Camp Cropper, a Gulag-style prison camp in northern Baghdad. Neither the United States nor the EU should take the moral high ground about human rights. They both had their own debts to pay.

86. Mr. OBEID (Observer for the Syrian Arab Republic) said that the statement by the representative of Ireland on behalf of the EU reflected the use of double standards. Although the EU claimed to be concerned about human rights and had condemned many human rights abuses in various parts of the world, disappointingly, nothing had been said of the violations that were taking place in Europe or the fact that legislation was being adopted that effectively abolished certain human rights. It was also disappointing that nothing had been said about the human rights violations resulting from the sweeping measures of collective punishment that were being imposed by Israel in the occupied territories and that the EU had failed to call for the release of the Syrian prisoners being detained in Israeli jails. It was regrettable that the work of the Commission had become so politicized.

87. A state of emergency had been declared in the Syrian Arab Republic when part of its territory had fallen under Israeli occupation. He would have expected the EU to understand Syria's position on the matter, given that much of Europe had been under occupation at a certain point in history.

88. With regard to the Lebanese detainees in Syria, he explained that all the prisoners in question were being detained on the basis of legal judgements because they had committed acts in violation of public order. It was an issue for the Syrian and Lebanese authorities to resolve between themselves. There was no need for the EU to become involved. However, he pointed out that Syria had always been open to partnership and dialogue with the EU.

89. Mr. SHA Zukang (China) said that China was a developing country that had achieved a great deal in the field of human rights. His Government attached great importance to the question of human rights and had the determination, confidence and credibility to solve China's human rights problems. Its achievements could not be undermined by the accusations by the United States representative, who had neglected to mention the police brutality, racial discrimination and ill-treatment of detainees that took place in the United States. If it was truly concerned about human rights violations, the United States would take a close look at itself in the mirror. China had prepared a white paper on the situation of human rights in the United States. He strongly advised members not to read it before going to bed, as it could give them nightmares.

90. Mr. SAHA (India) said that his delegation rejected the gratuitous reference to India contained in the statement by the representative of Pakistan, who had claimed to be speaking on behalf of the Organization of the Islamic Conference (OIC). He drew the attention of the OIC countries to the India-Pakistan joint press statement that had been issued in Islamabad on 6 January 2004 following the meeting between the Prime Minister of India and the President of Pakistan, which clearly and unambiguously delineated how the composite dialogue between the two countries should be taken forward. He urged the OIC countries to focus on those parts of the world where genuine and serious human rights abuses and violations were taking place.

91. Mr. CHOC Myong Nam (Observer for the Democratic People's Republic of Korea) said that his delegation categorically rejected the groundless accusations made by the representatives of the United States, the EU, Japan and Australia. Contrary to their allegations, the human rights and fundamental freedoms of all people in the Democratic People's Republic of Korea were fully guaranteed.

92. The United States was the most heinous perpetrator of human rights violations both at home and abroad. Deeply rooted racial discrimination, high unemployment, violence, murder and homelessness were just a few of the violations that took place daily in the United States. The United States, which had illegally invaded Iraq and killed hundreds of thousands of defenceless civilians, had no right to criticize the human rights record of others.

93. Regarding abduction, he said that his Government had made every effort to resolve the issue bilaterally with Japan. The only outstanding issue was the forcible holding by Japan of five formerly abducted persons who had visited Japan for a period of one week, as agreed upon by both Governments. Japan had violated the bilateral agreement by re-abducting those five people. Before raising the issue in the Commission, Japan should indicate its readiness to cooperate by returning those five persons to their families in Pyongyang. It should also provide compensation for the crimes it had committed against humanity in the past, which included the forcible drafting and abduction of 8.4 million Koreans, the mass murder of 1 million Koreans and the sexual slavery it had imposed upon 200,000 Korean women and girls.

94. Mr. SOUFAN (Observer for Lebanon) said that his Government had established a commission to monitor the situation of Lebanese detainees, regardless of their place of detention. The commission had received a significant amount of credible information regarding the Lebanese detainees in Syria. Thanks to the fraternal relationship between Lebanon and Syria, the matter would be resolved as soon as possible.

95. Mr. SHEHADA (Observer for Palestine) said he rejected the statement by the representative of Australia describing Israel's measures as "defensive". Although she had called on the Palestinians to outlaw suicide bombings, she had failed to mention the Israeli occupation of Palestinian territories, which was the most serious breach of human rights. It was difficult to understand how a country with a strong democratic tradition could approve of the security barrier in the occupied Palestinian territories. By condoning the construction of the wall, Australia was giving its seal of approval to the segregation of families and the denial of access to medical care. The wall had been described by some as being a "wall of racism" and had been

condemned by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 as an unlawful act of annexation in violation of the Fourth Geneva Convention and a crime against humanity. Australia should stop confusing the criminal with the victim and should call upon Israel to halt its criminal acts.

96. Mr. KRIEKOUKIS (Observer for Greece), in response to the remarks made by the representative of Pakistan on behalf of the OIC regarding the situation in Cyprus, said that Greece remained fully committed to finding a just, functional and viable settlement that would allow a reunified Cyprus to become a member of the EU in May 2004. There was no doubt that such a settlement would enhance the human rights of all Cypriots, irrespective of their religion.

97. Mr. CHIPAZIWA (Zimbabwe) said that Australia's leader would happily have the whole world falsely believe that the Government of Zimbabwe was guilty of human rights violations, yet neglected to mention that he presided over a country that had practised a "whites only" immigration policy for centuries and which systematically denied the Aboriginal people their rights. The leader of Australia had routinely demonized the Government of Zimbabwe for giving land back to its rightful owners. However, if Australia was the champion of human rights it claimed to be, it would quietly follow Zimbabwe's example and stop trying to deflect attention away from its own poor human rights record. Repeating other people's lies about Zimbabwe was not an acceptable substitute for a real Australian policy.

98. Mr. LEVY (Observer for Israel) said that, even before the thematic debate under agenda item 9, Israel had once again come under the OIC's attack. He urged the OIC to refer to a note that had been circulated in the Commission the previous day, which stated that Israel was not holding any Lebanese detainees as so-called hostages or for bargaining purposes. There was therefore no grounds for the Commission to discuss the subject of Lebanese detainees in Israel under agenda item 9.

99. Having heard the distinguished ambassador of the Syrian Arab Republic refer to the "occupation", for a moment he had thought that reference was being made to another kind of occupation, namely that of the occupation of one Arab State by another. Could the Syrian refusal to establish full diplomatic ties with Lebanon with resident ambassadors, as was customary between two amicable sovereign and independent States, be explained by the fact that it did not wish to recognize Lebanon as an independent State?

100. He recalled that Syria had lost possession of the Golan Heights through two wars of aggression conducted against Israel in 1967 and 1973. If the Syrian Government wished to regain its lost territories, it should sit down with the Israeli authorities and try to negotiate peace.

101. Mr. ENDO (Japan), speaking in connection with the comments made by the observer for the Democratic People's Republic of Korea, said that abduction was unlawful and unacceptable and that Japan did not consider the abduction issue to have been resolved. The five Japanese nationals, who had been taken to North Korea against their will and returned to Japan in autumn 2002, had been prevented from seeing family members - including their children - who were still being held in North Korea. North Korea should take concrete and responsible measures to send the families of those abductees to Japan.

102. North Korea had failed to address a number of other outstanding issues contained in the Pyongyang Joint Declaration, in addition to the question of abduction. Regarding the property claims between Japan and North Korea, he pointed out that the Pyongyang Joint Declaration stated that both sides had decided to discuss the issue of property and claims concretely in the course of the normalization talks, on the premise that they would mutually waive all property claims that had arisen from events occurring before 15 August 1945.

103. Ms. MILLAR (Australia) said that Australia had a non-discriminatory migration policy, the result of which was a culturally diverse and vibrant society. Furthermore, the Australian Government acknowledged that Aboriginals and Torres Strait Islanders had been disadvantaged in Australian society and was determined to rectify the problem. A range of laws and practical measures had been introduced to benefit indigenous Australians, including laws that outlawed all forms of racial discrimination and enabled indigenous communities to claim or purchase land. The Government's policies were geared towards developing a partnership with indigenous people, providing them with meaningful control over their affairs and an effective voice in decision-making processes.

104. Mr. SOUFAN (Observer for Lebanon) said that the diplomatic relations between Syria and Lebanon were maintained by the people of those countries themselves, who were bound by ties of fraternity and complementarity. Israel should not try to distract attention from the fact that it was guilty of serious human rights violations.

105. Mr. OBEID (Observer for the Syrian Arab Republic) said that he would like to reply to the representative of the Israeli Occupation Forces who was present in the room.

106. Mr. LEVY (Observer for Israel), speaking on a point of order, said that, despite their differences of opinion, he had referred to the observer for the Syrian Arab Republic as "distinguished ambassador". He expected to be addressed with equal respect.

107. The CHAIRPERSON said that he had made his position very clear about the use of appropriate language in the Commission. He expected all delegations to put their arguments forward clearly and forcefully, but they should avoid unnecessarily insulting or abusive terms.

108. Mr. OBEID (Observer for the Syrian Arab Republic) said that Israel appeared to be incapable of understanding the nature of the peaceful and fraternal relationship between Syria and Lebanon. Syria considered Lebanon to be an independent and sovereign State, to which it was bound by very strong ties. It did not feel it was necessary to have an ambassador in Lebanon. Neither did it have an ambassador in Switzerland; that did not mean that Syria was occupying Switzerland. Instead of criticizing Syria, Israel would do better to implement the numerous United Nations resolutions that called for the cessation of Israeli occupation.

109. Mr. CHOC Myong Nam (Observer for the Democratic People's Republic of Korea) reiterated that, as far as his Government was concerned, the abduction issue had been resolved as a result of the sincere efforts on the part of his Government. The one outstanding issue in that regard was the forcible holding by Japan of the five abducted people for political reasons. If Japan really was serious about humanitarian issues, why had it refused to return those people to

their families? Japan had done nothing to fulfil its obligations under the Pyongyang Joint Declaration, especially with regard to the liquidation of its past crimes. It had even enacted a law preventing Korean residents in Japan from sending remittances to their relatives in Pyongyang.

110. Ms. MINA (Observer for Cyprus), referring to the statement made by the representative of Pakistan on behalf of the OIC, said she wished to recall the relevant Security Council resolutions, and in particular resolutions 541 (1983) and 550 (1984), which condemned all secessionist acts in Cyprus and declared the so-called Turkish Republic of Northern Cyprus legally invalid.

111. Ms. WHELAN (Ireland), speaking on behalf of the EU, said that she had noted the comments made in the course of the debate about the human rights violations in Europe. Although she did not agree with the accuracy of many of the points that had been raised, she recognized the right of free speech. In assessing the accusations, the EU would look carefully at their sources.

112. Mr. CHIPAZIWA (Zimbabwe) said that mere statements of intention on the part of Australia to address the plight of the Aboriginals were of no value.

113. Mr. ENDO (Japan), in reply to the comments raised by the observer for the Democratic People's Republic of Korea, recalled that Mr. Kim Jong Il had admitted that North Korea had abducted Japanese nationals and had expressed his apologies. He urged North Korea to provide full information about the persons who were still missing

The meeting rose at 1.05 p.m.