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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

**Written statement* submitted by the International Educational Development, Inc., a
non-governmental organization on the Roster**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[27 March 2006]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

International Educational Development wishes to draw attention to violations of human rights by the United States as well as the failure of the United States to cooperate with international and regional human rights procedures. These violations and the lack of cooperation with United Nations and regional procedures shows that the under the new criteria for member states of the Human Rights Council, the United States would not be eligible for election.

Violations of human rights and humanitarian law by the United States in Iraq have been well documented by our organization as well as by many other groups. There have been thousands of violations of the right to life due to military operations carried out in contravention of Geneva Conventions and The Hague Conventions rules. There are clear findings that the United States forces have used illegal weapons such as those containing depleted uranium, have taken part in many documented acts of torture, have grossly abused the Iraqi people's resources, have committed wanton destruction of historic cultural sites, and have left the Iraqi people's right to self-determination in shambles.

Our organization was particularly distressed at the blatant attacks on the medical infrastructure in Iraq that is against the most basic rules of humanitarian law. Accordingly, in November 2004, in conjunction with the Association of Humanitarian Lawyers, we brought a petition to the Organization of American States against the United States for deliberately attacking hospitals, doctors, clinics, ambulances, medical supplies and, most seriously, medical patients in Falluja. While the United Nations High Commissioner for Human Rights, the International Committee of the Red Cross and others issued statements on these gross violations, the United States remains unrepentant, and has, in fact, continued to attack protected medical facilities in Iraq. Because of this, in its 2005 session, the United Nations Sub-Commission on the Promotion and Protection of Human Rights adopted a resolution expressing grave concern for attacks on medical facilities, personnel, material and patients in the course of armed conflicts. While not mentioning the United States, this resolution clearly speaks to the violations committed by the United States in Falluja and elsewhere in Iraq. These acts, constituting as they do major war crimes, should by themselves preclude the United States from taking a seat on the Human Rights Council.

Membership on the new Human Rights Council also requires that elected States cooperate with international and regional human rights bodies. The United States falls far short of minimum standards of cooperation. In particular, the United States has failed to comply with the request of a number of the Commission's special rapporteurs and its Working group on arbitrary detention to visit United States detention facilities in Guantanamo. Reports of special rapporteurs about conditions in the United States are either severely criticized, such as the recent report on extreme poverty, or ignored. The recommendations made in such reports are not implemented.

The United States also fails to cooperate with the Inter-American Commission on Human Rights, the regional human rights body that has jurisdiction over member States of the Organization of American States. For example, our partner organization brought a petition against the United States on behalf of Jaime Elizalde, then on death row in Texas whose trial was too tainted to support the death sentence. For example, the only two witnesses against Mr. Elizalde spoke only a Spanish dialect of a Houston neighborhood. The court interpreter spoke only formal Spanish. The testimony was not tape-recorded. One witness changed his story. Mr. Elizalde informed his attorney at the trial that the

interpretation was not accurate. The attorney did nothing, and did not even request that the testimony be tape-recorded. Accordingly, there was essentially no record for appeal. Additionally, the attorney did not present any mitigating circumstances at trial, including evidence of the Texas Department of Corrections itself, that Mr. Elizalde may have lacked the mental capacity for the death penalty. Based on these and other similar, uncontested violations of fair trial rules, the OAS Commission ordered the United States to defer execution until it ruled on the case.¹ Despite numerous letters and communications by the OAS Commission to the United States to not carry out the execution, Mr. Elizalde was executed on January 31, 2006. The United States, ordered to submit observations to the petition within 60 days of its submittal, failed to comply, and in fact, only submitted comments 5 weeks after the execution. One of its comments posited that the United States does not have to comply with the OAS Commission's orders.

IED is, of course, aware of many other serious violations of human rights committed by the United States both in the United States and outside the United States. We are also aware of numerous other examples where the United States has failed to cooperate with human rights bodies. We also remind the Commission that the United States has not ratified a number of fundamental human rights treaties and has ratified others in such a way as to preclude their use by persons who would otherwise seek to petition the monitoring bodies. Because of this, IED most strongly urges that the United States not be elected to the Human Rights Council: to do so would seriously undermine the new body before it even gets started.

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¹ Swiss journalist Jacques Secretan has made a film about this case, entitled "One Life on the Edge," that is available on the internet.