



## General Assembly

Distr.  
GENERAL

A/HRC/4/SR.5  
5 April 2007

Original: ENGLISH

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### HUMAN RIGHTS COUNCIL

Fourth session

High-level segment

#### SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,  
on Wednesday, 14 March 2007, at 10 a.m.

President: Mr. DE ALBA (Mexico)

later: Mr. GODET (Switzerland)

later: Mr. DE ALBA (Mexico)

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The meeting was called to order at 10.10 a.m.

STATEMENT BY THE VICE-PRESIDENT OF COLOMBIA

1. Mr. SANTOS CALDERÓN (Observer for Colombia) said that the establishment of the Human Rights Council had been a remarkable exercise in consensus and negotiation that showed the ability of the United Nations to adapt to new challenges. Areas of agreement and disagreement had already been identified, and the task at hand was to find compromise solutions that would promote consensus. The Council should establish its procedures within the time frame set out in General Assembly resolution 60/251; it would be quite wrong to prolong the transition period, as the Council ran the risk of losing the support of the countries of the North and that its work would be devoid of substance.
2. For Colombia, the most valuable aspect of the Council's new architecture was the universal periodic review mechanism. Since selectivity and politicization had clearly led to the discrediting of the Commission on Human Rights, only a mechanism that required all States to answer for their human rights policies and enabled them to speak constructively about their aims, achievements and difficulties could dispel the lack of trust that had characterized the final years of the Commission. The universal periodic review should provide a space for dialogue and cooperation that would make it possible to identify a State's need for stronger human rights institutions. It should take into account the special circumstances of each State, which could be understood properly only in context. Colombia would gladly volunteer to be one of the first subjects of such a review. It would also be useful to have an intergovernmental review mechanism such as those operated by the World Trade Organization and the Organization of American States. The procedure should not, however, be turned into a quasi-legal mechanism, since such functions were performed by the human rights treaty bodies and regional courts. The current proposals might not satisfy everyone, but the procedure would evolve and its functioning could be evaluated after a trial period of five years. A decision should, however, be taken shortly, in case alternative bodies were created to fill the gap.
3. Colombia held strong views on the reform of the special procedures. As a country that was open to scrutiny and had willingly received representatives of those procedures, it also had the authority and experience to speak of cases in which such representatives had exceeded their mandates. For example, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people had, following a visit to Ecuador, made incorrect statements, contrary to all scientific evidence, on the effect of the aerial spraying of illicit crops in Colombian territory. An even worse case had been a report by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination, which had completely overstepped the bounds of its mandate. Such incidents showed that the special procedures themselves must be held accountable. If there were complaints, the Council itself should consider the question, perhaps through a committee of States set up for that purpose. Such incidents also showed the urgent need for a code of conduct, which could be used to identify inconsistencies or mistakes by special rapporteurs or the special procedures. Such codes of conduct already existed for senior judges in a number of countries.

4. The special procedures should continue to submit reports on their activities to the Council. Although he was aware that special rapporteurs were independent, he believed that their mandates should be clearly defined and that the Council must take the final decision on a given topic or situation and follow it up. The Council and States should be in a position to assess the conclusions of the special procedures, to identify those they did not consider viable and to decide on possible courses of action in cooperation with the State concerned.

5. Turning to the current situation in Colombia, he said that in the 2006 presidential and congressional elections all political forces had been able to take part. The Independent Democratic Pole had gained more votes than a democratic leftist party had ever won in Colombia. The President had received a resounding endorsement of his policies, which had led to an unprecedented drop in every kind of violence, created a new climate of confidence and revived the economy.

6. The allegations that members of Congress and other leading Colombians were linked with paramilitary groups had become one of the major challenges for Colombian democracy and President Uribe since his election in 2002. The presence and influence of illegal armed groups and the corrupting power of the drug trade in national and regional politics were not new; they had existed since the 1960s, when guerrilla groups had first been formed. In the 1980s, they had become associated with the drug trade. Indeed, the biggest drug baron, Pablo Escobar, had been a member of Congress in 1982. Although the situation had continued to deteriorate, no Government had tackled it, so that by the beginning of President Uribe's term of office the country had been divided into three parts: one controlled by guerrillas, one controlled by paramilitaries and one increasingly small part under the control of the State. The paramilitaries had flourished in the 1980s as a reaction to attacks, kidnappings, and killings of civilians by leftist guerrillas and the absence of State control in many areas. Yet over time, the paramilitary groups had also got caught up in the drug trade and committed massacres and other acts of violence against the civilian population.

7. For that reason, the Government's first move had been to retake control of the country and wage an unceasing war against the illegal armed groups and other forms of organized crime. At the same time, it had shown itself ready to reintegrate into society those who had decided to cease their illegal activities. To date, over 30,000 paramilitaries and over 10,000 guerrillas had surrendered their weapons and been demobilized. That had been achieved by peace negotiations carried out under the Justice and Peace Act. Debated nationally and internationally and approved by all institutional bodies including the Constitutional Court, the Act provided for reduced penalties in return for truth, justice and reparation by murderers. The peace process had no precedent anywhere in the world. It was not perfect, however, and required support if it was to be successful. Nevertheless it showed that Colombia had strong institutions that guaranteed the rule of law. Colombian democracy had been put to the test, with positive results.

8. The Colombian office of the Office of the High Commissioner for Human Rights (OHCHR) had recently completed 10 years of operation. A joint assessment of its strengths and weaknesses should be made. The office should be revitalized in the light of a changing international environment. Above all, it should be strengthened so that it could guarantee the exercise of human rights. Nevertheless, Colombia's constructive relationship with the office had

made it possible to identify problems and solutions. Human rights training programmes for the armed forces had been reviewed, prompting recommendations that were currently being implemented. Guidance from the office had also led to progress in strengthening the legal system and its capacity to investigate and punish in human rights cases. Development of the National Plan of Action had led to agreement on a coordinating body in which civil society would participate. The plan met the highest international standards, although the Government did not agree that a few organizations should have a veto over final decisions.

9. Colombia needed the world's support more than ever. The drug trade was responsible for all the country's other tragedies. The terrifying increase in the consumption of cocaine in the world's major cities ultimately strengthened and financed illegal groups in Colombia which dealt in death, destruction, threats and violence against the public. Colombia needed more solidarity, in the form of action rather than words, to deal with the enormous challenges facing it.

#### STATEMENT BY THE MINISTER FOR HUMAN RIGHTS OF CÔTE D'IVOIRE

10. Mr. N'GUESSAN (Observer for Côte d'Ivoire) expressed gratitude for the assistance received from United Nations specialized agencies and from non-governmental organizations (NGOs), which had enabled Côte d'Ivoire to weather its serious political and military crisis. Recognizing that serious shortcomings in the field of human rights had been one of the causes of the crisis, the President had decided to establish a ministry of human rights. The functions of the ministry were to: harmonize the country's legislation with international standards; promote human rights through education, training and awareness-raising; protect human rights and combat impunity; and assist vulnerable populations. To carry out those tasks the Government had drawn up a national plan of action that would be implemented by various ministries. The National Advisory Human Rights Commission had also been officially installed.

11. The Government had also set up an inter-ministerial committee responsible for incorporating human rights in the educational system, on the grounds that the earlier children learned such principles the better; a human rights club; human rights observatories; and a human rights police unit tasked with combating impunity.

12. Yet the medium- and long-term value of human rights activities was questionable at a time when the people of Côte d'Ivoire were becoming poorer. Increasing impoverishment was undoubtedly a factor in the wars and humanitarian crises that the country had suffered. Côte d'Ivoire therefore had high hopes for the work of the new Human Rights Council, particularly as it dealt with the right to development, the reform of mandates and complaints mechanisms and the establishment of the universal periodic review. While strongly supportive of the special procedures mandates, Côte d'Ivoire wished to see their effectiveness increased. One useful reform would be the adoption of a code of conduct for mandate-holders.

13. Côte d'Ivoire remained convinced that the right to development was an inalienable right that should be enjoyed by all individuals and peoples. Accordingly, the Declaration on the Right to Development contained in General Assembly resolution 41/128 should be converted into an international convention on the right to development. Such a move would reinforce the concept of "self-interested altruism" and enable the rich countries to realize that poverty in the rest of the

world went against their own interests. He called on members of the Council, especially those from the South, to strive to create the conditions for the promotion of the right to development, with particular emphasis on South-South cooperation and experience-sharing in the field of human rights, in order to show that they could choose their own form of human development.

14. In Côte d'Ivoire direct dialogue between the Government and the Forces nouvelles had ushered in a new age of hope for its people with the signing of a new peace agreement. The international community should support that agreement and use it as a model for conflict resolution in Africa and throughout the world. Help would be required, however, in order to enable Côte d'Ivoire to regain its place among independent and democratic nations. As the country's national anthem said, it was a land of hope promised to humanity.

#### STATEMENT BY THE MINISTER FOR HUMAN RIGHTS OF IRAQ

15. Ms. SALEM (Iraq) said that since the toppling of the previous regime, the situation in Iraq had become critical: the country had become a battleground for terrorists of all kinds owing to its open borders, which encouraged criminal elements to enter the country and kill innocent civilians. The country was beset with every kind of human rights violation, especially of the right to life, but also of economic, social and cultural rights, given the administrative and financial corruption and violence prevalent in Iraqi society.

16. However, the Government was making every effort to improve the security situation and to set goals for the promotion of human rights through governmental and non-governmental institutions. It had established a new human rights ministry, which was attempting to train staff, law-enforcement officials and NGO activists. In that connection, she wished to thank States and other donors for their assistance. The ministry had begun its work of monitoring human rights violations and disseminating a human rights culture among the following groups: those monitoring prisons, whether operated by Iraqi or multinational authorities; those monitoring education and health services; those engaged in tracking down mass graves and missing persons; those dealing with the rights of women and disabled persons; those dealing with cooperation with international institutions and NGOs; those organizing conferences, seminars and workshops; and those preparing reports and studies. The ministry had also sought to improve conditions in prisons and provide help for prisoners who had been victims of abuse.

17. The new Iraqi Constitution contained a chapter incorporating the most significant human rights instruments, with particular emphasis on the need to eliminate all forms of discrimination and violence against women. The Government had begun to work towards acceding to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the recently adopted Convention on the Rights of Persons with Disabilities and International Convention for the Protection of All Persons from Enforced Disappearance. It was also seeking to withdraw earlier reservations to treaties made by Iraq and establishing a group to prepare Iraq's reports to human rights treaty bodies.

18. The ministry followed up individual cases of violations, such as the case of the United States soldiers who had raped an Iraqi girl and killed her family. Monitoring offices had been set up throughout Iraq and provided with financial and technical support. Among current

projects was the establishment of a centre dealing with missing and disappeared persons and mass graves. Laboratories had been set up to identify remains and personnel had been trained. The ministry was also working to introduce human rights education in schools and universities. In coordination with the Ministry of Education and other relevant ministries, all school curricula were being reviewed in that light. Moreover, to ensure that efforts to promote human rights were free from Government influence, the new ministry was implementing article 102 of the Constitution and preparing legislation on the establishment of a human rights commission with the help of United Nations experts.

19. Efforts were under way to prepare for Iraq's accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Currently, the courts imposed the death penalty only in cases of genocide, war crimes, crimes against humanity and kidnapping. Even so, convicted persons had the right of appeal.

20. The Prime Minister had launched a campaign to bring about national reconciliation based on the rejection of violence in all its forms and on political dialogue aimed at restoring trust. That initiative also included support for human rights and the prosecution of violators of such rights, regardless of their nationality. The country's current security plan was considered to represent a step forward, as it aimed not only at physical protection but also social and economic protection for the Iraqi people on the basis of projects to lower unemployment and improve basic services. The security conference held in Baghdad on 10 March 2007 was an important step in that campaign.

21. The Government aimed to establish a new partnership with the international community to consolidate the peace process and pursue social, economic and political development through various long- and short-term projects. Strategies had been agreed to achieve that purpose, incorporating human rights and democracy as essential bulwarks for the rule of law and the elimination of corruption. Iraq had a young Government that needed international support as it moved to make the country a State in which human rights were respected.

#### STATEMENT BY THE MINISTER OF STATE FOR DEVELOPMENT COOPERATION AND HUMAN RIGHTS OF IRELAND

22. Mr. LENIHAN (Observer for Ireland) said that when the Human Rights Council had held its first meeting in June 2006 the international community had seen it as a great opportunity to improve the human rights architecture of the United Nations. It had been hoped that the Council would be the vehicle for a decisive shift in ensuring the effective implementation of the human rights standards crafted by its predecessor. Despite some undoubted achievements, however, the Council had, regrettably, not yet fulfilled all those expectations. It had on occasion shown itself to be timid where it could have been more resolute. There was an understandable anxiety in many quarters that the Council would not make full use of the opportunity it had been given.

23. A considerable achievement had been the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance, which Ireland would shortly be signing. The other major step forward had been the adoption of the Convention on the Rights of Persons with Disabilities.

24. The report by the High-Level Mission on the situation of human rights in Darfur pursuant to Human Rights Council decision S-4/101 confirmed that the situation in Darfur was characterized by gross and systematic violations of human rights and grave breaches of international humanitarian law. The Mission's findings came as no surprise to him, since he had visited the region himself and had conferred with numerous humanitarian and peace support personnel based there. The persistence of that situation was a badge of shame for the international community. Accordingly, he urged the Council to take action. He wished to point out once again that Ireland had no selfish, political, military or other strategic interests in the Sudan or the African continent as a whole; its commitment was simply to peace, stability, proper development and respect for human rights. Ireland had provided over €20 million for humanitarian relief and in support of the African Union Peace Mission in the Sudan. Now it was time for the Council to act consensually in implementing the substantive recommendations of the High-Level Mission.

25. Regrettably, rape was still being used as a weapon of war in Darfur, as it had been in other recent conflicts. Such attacks left the victims physically and emotionally scarred, and the process of recovery was long and slow. The continuing gender-based violence was all the more appalling given the central role played by women in development and in the defence of human rights. His Government was mounting an international campaign to focus greater attention and resources on the prevention of such violence.

26. Development and human rights were closely connected, for it was impossible to guarantee the full enjoyment of human rights without stability and development. His country would reach the target of allocating 0.7 per cent of gross national product (GNP) to official development assistance (ODA) in 2012. Spending on development was spending on human rights. Giving marginalized people access to education, health services, water, housing and better government helped them to progressively realize their human rights. The risk of those rights being violated was greater when political, economic and administrative systems remained weak. Assistance that helped to strengthen and improve governance was therefore a means of preventing human rights abuses.

27. He was pleased to announce that Ireland would be making a 15 per cent increase in its contribution to OHCHR, whose technical cooperation activities were of vital importance.

28. The Council must succeed in developing its institutional architecture in a manner that elicited the goodwill of all States and must strive to meet the expectations it had awakened. To that end, all Council members must abide by the commitments they had given when standing for election. The new universal periodic review mechanism should not prevent the Council from drawing attention to the neglect or wilful violation of human rights standards. No country must be above criticism, for the Council would forfeit its credibility if it ruled out the possibility of calling the worst violators to account. That option should, however, be exercised only in the most serious cases. Universality of coverage and equal treatment of all Member States would be crucial to the new review mechanism.

29. National human rights institutions were also a key part of the infrastructure needed at country level to ensure that there was an independent voice to speak out in favour of human



rights and on behalf of those whose rights were being violated. Of course, human rights defenders also played a leading role in ensuring that human rights were respected. In that context, he paid a tribute to the Special Representative of the Secretary-General on the situation of human rights defenders, whose work was a good example of the well-focused activities of a special procedure which were of tangible benefit on the ground, and to Frontline, an international NGO based in Ireland. Civil society groups were valuable partners in the area of human rights, since their experience and knowledge constituted a very useful resource for all States.

#### STATEMENT BY THE MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS OF KENYA

30. Ms. KARUA (Observer for Kenya) said that it was of vital importance that the Council should develop working methods that would enable it to respond to crises which profoundly affected human rights around the world. Her Government was doing much to promote respect for human rights and had devoted substantial resources to securing the socio-economic rights of the poor and marginalized and to alleviating poverty. It was therefore committed to the institution-building process within the Council and was strongly in favour of the principle of the universal periodic review mechanism. Kenya also supported efforts to reform the special procedures and the election of mandate-holders to ensure a regional and gender balance. Over the previous four years it had issued invitations to several special rapporteurs. Moreover, the Kenyan authorities were watching with great interest to see what arrangements the Council would make for strengthening the implementation of the Durban Declaration and Programme of Action.

31. Kenya had ratified several international and regional human rights instruments and had taken steps to give them effect at the national level, including the establishment of a number of public human rights bodies. The new draft Constitution contained an extremely progressive bill of rights incorporating all three generations of human rights. A multisectoral steering committee had been appointed to coordinate the formulation of a national policy and action plan for the promotion and protection of human rights, to identify human rights challenges and priorities, and to devise strategies for meeting those challenges. The national policy and action plan would serve as a tool for holding the Government to account and for realizing the human rights of all Kenyans. An inter-agency committee involving ministries and NGOs had been established to advise the Government on its human rights obligations.

32. On taking office in 2003 the current Government had realized that corruption was the main cause of extreme poverty and the biggest obstacle to the realization of socio-economic rights. It had therefore made the fight against corruption a top priority and had implemented a detailed plan of action which had led to a threefold increase in budgetary revenue that would be used to ensure greater enjoyment of economic, social and cultural rights. She urged the Council to include economic issues and the world trade system in its agenda. Access to markets and fair trade were central to human rights and would contribute to poverty alleviation and the realization of economic, social and cultural rights for many millions of people in Africa.

33. The Kenyan Government had endeavoured to fulfil its reporting obligations under various international instruments and had made considerable progress in enacting legislation to

advance human rights. It had also launched a massive programme aimed at reforming the entire legal sector with a view to establishing good governance and an effective, fair and efficient system for the administration of justice that would respect, promote and protect human rights.

34. The Council would succeed in mastering the daunting task ahead of it only if its members adopted a cooperative approach and abandoned the confrontational and condemnatory attitude that had characterized the work of its predecessor, the Commission on Human Rights. All members of the international community must work together to promote and protect the human rights of all persons everywhere.

#### STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF DENMARK

35. Mr. MØLLER (Observer for Denmark) said that strong multilateral cooperation was required in order to contend with globalization and new issues on the international agenda. International organizations must therefore be equipped to meet those challenges. The Council must be the central human rights body of the United Nations. Denmark was prepared to help make the new Council a credible body, and to that end would be the joint Nordic candidate for membership of the Council in the forthcoming elections.

36. The Council must conduct an open, transparent and genuine dialogue with all actors with a view to achieving consensus. In the absence of consensus, however, the Council must still be ready to act both in the interests of victims of human rights violations and for the sake of its own credibility. While the Council's willingness to address specific human rights problems was crucial, its ability to offer means of addressing the root causes of such problems was equally important. That could be done by including offers of technical assistance in the Council's toolbox.

37. The Council should assess needs through the special procedures and the universal periodic review mechanism and should recommend specific measures to be taken in cooperation with the country in question. Civil society bodies should be allowed to participate in the dialogue within the Council, as their expertise and commitment to victims of human rights abuses, including indigenous peoples, were indispensable.

38. Respect for human rights, democracy and good governance were keys to development. Development assistance was in turn an instrument for supporting respect for human rights. His country was one of the world's largest per capita donors of bilateral development assistance, and it made substantial voluntary contributions to United Nations funds, programmes and agencies.

39. Independent and effective monitoring of human rights obligations was essential. For that reason, all States must cooperate fully with monitoring procedures. The Sudanese Government's reaction to the Council's request to allow a mission to visit Darfur did not constitute cooperation in good faith, and the Council must therefore take appropriate action.

40. The Council might also consider the establishment of a framework for bilateral cooperation to end torture, which was, regrettably, a growing problem. The death penalty, which was closely related to torture, must be abolished.

41. While the duty to ensure respect for human rights lay primarily with national authorities, it was also a global human responsibility. That was why the Council needed to be effective, credible and operative and why all States must join together to make sure that it was.

#### STATEMENT BY THE DIRECTOR OF THE NATIONAL CENTRE FOR HUMAN RIGHTS OF UZBEKISTAN

42. Mr. SAIDOV (Observer for Uzbekistan) said that, in essence, the purpose of General Assembly resolutions 60/251 and 61/166 had been to overcome the negative consequences of the activities of the former Commission on Human Rights. In addition, they laid down a number of essential principles which should guide the Council's work.

43. In the past 15 years Uzbekistan had ratified more than 60 international human rights treaties. In order to meet its obligations under those instruments it had submitted 18 periodic reports to United Nations treaty-monitoring bodies. An effective system for implementing the recommendations of those bodies and those that would be issued by the Council's special procedures already existed in Uzbekistan. The country's approach to the development of international cooperation on human rights was predicated on the Charter of the United Nations and other international human rights instruments, and it sought to strengthen dialogue and deepen understanding among civilizations, cultures and religions. Although all human rights were indivisible, the Uzbek authorities attached greatest priority to realization of the right to development and attainment of the Millennium Goals. Indeed, it had already reached one goal by guaranteeing universal access to primary and secondary education. A substantial percentage of budgetary expenditure was devoted to social protection.

44. Democratic processes were moving steadily ahead and had become irreversible. Society was becoming more open and liberal. Fifteen codes and over 300 laws had been adopted to regulate basic human rights and fundamental freedoms. Legislation had been passed which laid the foundations for strengthening the role of political parties and the multiparty system. National institutions for the protection of human rights had been set up. They cooperated with more than 5,000 independent organizations and civil society bodies active in the defence of human rights. Human rights courses were offered in all schools and universities. Judges, lawyers, police officers and the staff of the Prosecutor's Office received human rights training. On 1 January 2008 the death penalty would be abolished in Uzbekistan and habeas corpus introduced. A moratorium on the death sentence had been observed since August 2005.

45. Particular attention must be paid to ensuring the objectivity and transparency of the activities carried out by OHCHR during the institution-building phase of the Council's work. The Office's methods must be radically reformed in order to address all existing problems and ensure a constructive dialogue with Member States. Similarly, the Council's work must avoid politicization, selectivity and double standards.

#### STATEMENT BY THE MINISTER FOR HUMAN RIGHTS OF YEMEN

46. Ms. AL-HYSAMI (Yemen) said that major political, cultural and social developments in her country had led to the emergence of political parties, civil society organizations and a press which reflected a wide variety of opinions while rejecting violence and extremism. Many laws

had been passed or amended to ensure the protection of all political, cultural and social rights. The Government had ratified some 60 international human rights treaties and was endeavouring to build a free and pluralistic society in which human rights were guaranteed. Presidential and local elections in 2006 had been free and fair, a fact confirmed by local and international observers. The elections had heralded a new political culture that was linked to fundamental reforms in a number of areas.

47. As the promotion and protection of human rights was fraught with difficulties, it was imperative that all government bodies and NGOs should coordinate their efforts to meet the challenges that lay ahead. The role and activities of Yemeni civil society organizations had expanded greatly into many fields of fundamental importance to the dissemination of a human rights culture. Those organizations worked in partnership with the Government to deal with issues that could be solved only with the cooperation of all of society's institutions.

48. Far-reaching legislative reforms aimed at eliminating all forms of discrimination against women had been introduced in Yemen, and many policies to promote women's rights had been adopted. National laws were being harmonized with the international conventions that Yemen had ratified, including the Convention on the Elimination of All Forms of Discrimination against Women. Yemeni women played a very important role in the country's political life and held senior positions in the judiciary and on local councils.

49. During the past year many programmes and awareness-raising activities had been implemented with a view to spreading the culture of human rights throughout Yemeni society and building the capacity and professional skills of human rights activists. Fruitful cooperation with international organizations and donor countries had led to an improvement in many aspects of the human rights situation. Measures had been taken to prevent corruption and to implement the principles of transparency and legal accountability.

50. In the context of the ongoing judicial reform, the post of Chairman of the Supreme Judicial Council was now occupied by a professional judge rather than the President. New draft legislation governing the press and publications abolished all provisions allowing the imprisonment of journalists on account of the opinions they expressed. A national women's development strategy had been formulated to further women's participation in community life. Several national human rights mechanisms had also been set up.

51. Her Government was committed to preparing and submitting periodic reports on its implementation of the international conventions and treaties it had ratified, to send national teams to the meetings at which those reports were considered and to heed the recommendations of treaty-monitoring bodies.

52. Human rights issues must be handled fairly, objectively and with complete impartiality. They must not be used as a means to assert States' own interests. Double standards must not apply. The preservation of human rights must be seen as an essential part of counter-terrorism strategies: human rights must not be violated under the pretext of fighting terrorism. Human rights issues must not be politicized.

53. The Palestinian people had a right to return and to establish an independent State on their national soil with Jerusalem as its capital. The international community should move swiftly to end the violations of the Palestinian people's rights by the occupying Power, lift the embargo and implement all relevant international resolutions in order to achieve a comprehensive and just peace in the region.

54. She called on the international community to support the unity of the Iraqi people and the national reconciliation effort taking place in Somalia by encouraging dialogue and understanding. For the sake of peace and stability, the situation in Darfur must be addressed on an objective, impartial and fair basis and involve tangible cooperation from the Sudanese Government.

#### STATEMENT BY THE DEPUTY MINISTER FOR MULTILATERAL AFFAIRS AND HUMAN RIGHTS OF MEXICO

55. Mr. GÓMEZ ROBLEDO (Mexico) said that Mexico's current Administration was committed to moving from a policy of treaty ratification to one that focused on treaty implementation and thus on bringing legislation more closely into line with international standards, creating monitoring mechanisms and involving local authorities in the application and promotion of human rights. Civil society organizations were closely involved in the design and implementation of human rights policies under the Governmental Human Rights Policy Commission. An analytical study of the human rights situation had been undertaken and a National Human Rights Programme had been developed. The OHCHR office in Mexico was supporting human rights studies in the country's various states with a view to developing state-level human rights programmes.

56. When seeking membership of the Council, Mexico had recognized that the country still had many human rights problems that needed to be addressed. In implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, it had recently adopted federal criminal reforms which provided, inter alia, for heavier penalties for persons found guilty of commercial sexual exploitation of children. It would shortly enact a federal law on trafficking in persons based on the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention against Transnational Organized Crime. Defamation, libel and slander would in future be treated as civil rather than criminal offences, and the Constitution had been amended to recognize access to public information as a fundamental right and to require full federal, state and municipal accountability.

57. Mexico was investing substantial material and human resources in the fight against torture. With a view to incorporating the provisions of the Istanbul Protocol in criminal investigations of torture, Mexico's states were gradually making provision for a medical and psychological examination. A draft amendment to the Constitution aimed at harmonizing the definition of the crime of torture was being prepared. With the assistance of OHCHR, a national prevention mechanism would be set up within the time limit set by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

58. Priority was being given to the elimination of all forms of violence against women. The General Act on Equality between Women and Men had recently been adopted and the General Act on Women's Access to Life Free from Violence had been promulgated the previous month.

59. The need to amend the General Population Act to bring it into line with international norms, including the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, had been recognized.

60. In general, Mexico welcomed visits by all human rights special procedure mandate-holders.

61. Mexico had strongly advocated the establishment of the Human Rights Council with a view to ensuring that human rights enjoyed the status they deserved in the United Nations. While mainstreaming of human rights was necessary, Mexico opposed the duplication of work by various United Nations bodies, particularly between the Council and the Third Committee of the General Assembly. During the current transitional period, the Third Committee had unfortunately been used in a way that diminished the responsibilities that the Assembly itself had assigned to the Council. He trusted that harmony would prevail among the States members of the Council during the next session of the Assembly.

62. Welcoming the adoption by the Council of the United Nations Declaration on the Rights of Indigenous Peoples, he said that the General Assembly bore an enormous historic responsibility with regard to an instrument that was the product of 21 years of negotiations.

63. The Council's institution-building exercise should produce mechanisms that assisted States, promoted more effective implementation of human rights standards and ensured more effective monitoring. Council members should be the first to submit to the universal periodic review. As all 192 States Members of the United Nations would have to be reviewed within the next three or four years, he suggested that the task should be assigned to four working groups that would meet throughout the year. Provision should also be made for effective follow-up and for action in cases where a State failed to cooperate.

64. Mexico would work to strengthen the system of special procedures, focusing on the rights of indigenous peoples and migrants, the safeguarding of rights and freedoms in the fight against terrorism, and preservation of the authority of special procedures to undertake on-site visits, issue urgent appeals and deal with individual complaints. The authority of the special procedures depended on the manner in which they were selected and on the objective and independent performance of their mandates. He commended the process of designation by the President of the Council combined with endorsement by regional groups. It was also important to harmonize the criteria applied and their methods of work.

#### STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF LITHUANIA

65. Mr. NEVEROVIČ (Observer for Lithuania) said that the Council needed a set of efficient procedures to ensure the successful reform of the United Nations human rights machinery. If it

merely engaged in formal discussions, it would have little influence on peoples' lives. A more ambitious approach was required by the States that were devising the Council's rules, and responsibility for its success or failure would lie with them. The Council should be a forum for substantive discussion and should also provide evaluation services and advice.

66. General Assembly resolution 60/251 placed strong emphasis on cooperation, genuine dialogue and capacity-building. If the Council was to be of universal benefit, its activities must be results-oriented. It was not a reformed Commission on Human Rights but an entirely new body with new procedures and a new way of thinking based on common values.

67. The Council had made it clear at its regular and special sessions that it would not disregard pressing human rights issues during the institution-building process. The current session also had many urgent substantive issues to address. It must demonstrate its ability to find new ways of dealing with complex situations.

68. Lithuania attached special importance to the protection of human rights defenders, freedom of opinion and expression, the rights of the child and abolition of the death penalty. It was also concerned about attitudes that prevented the implementation of Council decisions, for instance the resolution on human rights in Darfur adopted at the fourth special session. The Government of the Sudan should have demonstrated its willingness to cooperate and its determination to improve the human rights situation.

69. The pledges and commitments made by States running for election to the Council made sense only if they were implemented. As there was no mechanism for looking into the issue, he suggested establishing a procedure for gathering information on States' performance, for instance an annual report that would be submitted to a plenary meeting of the Council.

70. The eyes of the world were on the Council. Its members had a duty to create conditions that would enable it to live up to people's expectations and have a tangible impact on the ground.

71. Mr. Godet (Switzerland), Vice-President, took the Chair.

#### STATEMENT BY THE MINISTER OF STATE FOR FOREIGN AFFAIRS OF MALDIVES

72. Mr. SHAHID (Observer for Maldives) said that Maldives had embarked on a sweeping programme of constitutional, democratic and human rights reform with a view to creating a model of democracy founded on the promotion and protection of human rights. The universal periodic review mechanism would serve as an important tool in that regard, since his Government viewed it as a welcome opportunity to identify areas in which the international community could assist Maldives through capacity-building and technical assistance, and to discuss progress in the country's ambitious programme with Council members and other parties in order to maintain its momentum and focus.

73. His Government was heartened by the progress made in the Working Group on the universal periodic review mechanism. However, if the mechanism was to be truly universal and effective, it must take account of the special needs of the least developed countries. A special fund should be established to pay for in-country guidance and technical assistance programmes

and to help experts from least developed countries attend dialogue sessions in Geneva. Without such support, there was a risk that many countries in that category, especially those with very small missions or no mission in Geneva, would fail to derive any benefit from the universal periodic review mechanism.

74. The International Covenant on Civil and Political Rights and its Optional Protocol and the International Covenant on Economic, Social and Cultural Rights had entered into force in Maldives in December 2006. The Government looked forward to working with the Council, OHCHR and the relevant treaty bodies to bring Maldivian laws and practices into line with those instruments and hoped to submit its first report to the Human Rights Committee by the end of 2007.

75. The country's Human Rights Commission was fully staffed and operational under national legislation that conformed to the standards set by the Paris Principles.

76. The Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the independence of judges and lawyers had recently visited Maldives, and he looked forward to hearing and responding to their reports at the current session of the Council. The Special Rapporteur on the right to freedom of opinion and expression was also due to visit the country shortly.

77. Under the reform road map, Maldives was committed to completing its new Constitution by the end of May 2007. A new penal code, a police bill, a criminal procedure bill, a detention procedure bill, a bill strengthening the right to freedom of assembly and various press freedom bills were due to be enacted by the end of the year. The Government was optimistic that the deadlines could be met and multiparty elections held under a new Constitution by the last quarter of 2008. The Special Rapporteur on the independence of judges and lawyers had noted the bipartisan consensus for reform, which had manifested itself in wide-ranging talks between the two main political parties. The positive engagement of the international community, including OHCHR, the special rapporteurs, the United Nations Development Programme (UNDP), the Inter-Parliamentary Union, the Commonwealth of Nations, the European Union and the Association for the Prevention of Torture, was yet another heartening development. It was easy to criticize from the sidelines but more difficult to allocate the time and resources to understand a country and help it bring about lasting improvements in human rights protection.

#### STATEMENT BY THE VICE-MINISTER FOR FOREIGN AFFAIRS AND TRADE OF THE REPUBLIC OF KOREA

78. Mr. CHO Jung-pyo (Republic of Korea) said that world leaders had decided to establish an effective, strong and credible Human Rights Council because they recognized that the three pillars of the United Nations - human rights, development, and peace and security - were interlinked and that security and development efforts might ultimately fail if human rights were not fully respected. While significant progress had been made so far in institution-building, concerns had also been expressed within and outside the Council. Former Secretary-General Kofi Annan had noted in 2006 that some Council members were seeking to weaken or eliminate



the Council's ability to scrutinize and respond to certain kinds of human rights violations or to the actions of some countries. The mandate set out in General Assembly resolution 60/251 clearly applied to all situations in all countries.

79. The Council must be equipped with sufficient means to carry out its mandate: it must respond expeditiously to human rights abuses, especially gross and systematic violations of human rights, and its responses must be situation-specific, ranging from advice and assistance to public condemnation. It must also have the ability to implement its decisions. The General Assembly had emphasized the need for constructive international dialogue and cooperation in the Council's work. The Republic of Korea attached particular importance to inter-regional dialogue.

80. The universal periodic review should be a meaningful exercise for the advancement of human rights around the world. The special procedures, with their independent expertise, were indispensable for effective human rights protection and should not be exposed to politicization or subject to Government control. The Council should encourage the active participation in its work of representatives of civil society, national human rights institutions and other United Nations bodies.

81. He expressed support for the Plan of Action of the United Nations High Commissioner for Human Rights. Her implementation strategy, which involved strengthening engagement with countries, exercising leadership and building partnerships within and outside the United Nations, would enhance the capacity of OHCHR to achieve its goals. He welcomed efforts to place women's rights and gender issues at the core of the Office's work and encouraged the High Commissioner to play a more active role in the deliberations of other United Nations institutions, in particular the Security Council.

82. The Council's credibility would depend in part on its response to the Darfur crisis at the current session. Despite the failure of the High-Level Mission to carry out its task in the Sudan, the Mission had recommended practical measures to protect the civilian population in Darfur, and the Council should build on them.

83. His Government shared the concern of the international community about the human rights situation in the Democratic People's Republic of Korea and would continue to work, in line with its policy of inter-Korean reconciliation and cooperation, to bring about substantial improvements in living conditions there.

84. His Government gave priority to the promotion and protection of human rights in its national and foreign policy. In October 2006 his country had acceded to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and was actively striving to withdraw its reservations to that Convention, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In the course of 2007, his Government planned to sign the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

85. A National Action Plan on Human Rights for 2007-2011 containing a variety of institutional provisions to protect socially vulnerable and minority groups was being finalized and would probably be published in the first half of 2007. Improvements in legislation concerning gender equality, labour rights and the protection of minorities, including migrant workers, were also planned.

STATEMENT BY THE STATE SECRETARY OF THE MINISTRY OF FOREIGN AFFAIRS  
OF SLOVAKIA

86. Ms. ŠTROFOVÁ (Observer for Slovakia) said that since its establishment in June 2006 the Human Rights Council had not always lived up to its mandate. When it came to taking common action, member States did not always share the same principles. That trend must be reversed if the Council was to become a fair, credible and effective human rights mechanism. The adoption at its fourth special session of a consensus decision on the human rights situation in Darfur had been a step in the right direction.

87. An ability to respond promptly and effectively to all kinds of human rights violations, results-oriented working methods and follow-up and implementation of Council decisions were all crucial. Cooperation and dialogue would ensure that the solutions identified received broad support.

88. It was deeply regrettable that the Council's High-Level Mission to Darfur had been denied entry. The situation in Darfur continued to be of grave concern, and the report prepared by the Mission was greatly appreciated. Follow-up to the recommendations contained in the report was vital, and her Government fully supported the initiation by the International Criminal Court of proceedings relating to Darfur as a result of the investigation mandated by Security Council resolution 1593 (2005).

89. The future credibility and effectiveness of the Council depended on the successful completion of its institution-building process. Ideally, the new mechanisms would be established by consensus. She emphasized the value of the system of special procedures and the paramount importance of establishing a credible and effective universal periodic review mechanism. She also commended human rights defenders for their valuable, courageous work.

90. Her Government attached great importance to abolition of the death penalty and had been among the signatories of the declaration presented to the General Assembly by the European Union on behalf of 85 States in December 2006.

91. Slovakia welcomed the adoption of the Convention on the Rights of Persons with Disabilities and attached particular importance to the protection of children's rights. It had acceded to all the relevant international instruments, including the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, and had subscribed to the Paris Commitments to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups. Ensuring adequate follow-up and funding for the World Report on Violence against Children launched in Geneva in November 2006 was vital. Her Government actively implemented United Nations instruments pertaining to gender equality,

firmly denounced all forms of violence against women and called for the implementation of the Declaration on the Elimination of Violence against Women contained in General Assembly resolution 48/104.

92. As a non-permanent member of the Security Council, Slovakia had shown its ability to assume shared responsibility for global issues. During its Presidency of the Security Council in February 2007 it had highlighted the importance of security sector reforms as a key prerequisite for stability and development. Based on its experience acquired in the field of human rights, the Government had recently submitted its candidature for membership of the Human Rights Council during the forthcoming term.

#### STATEMENT BY THE VICE-MINISTER OF GOVERNANCE AND JUSTICE OF HONDURAS

93. Mr. LARA WATSON (Observer for Honduras) said that his Government had made human rights, democracy, human development, security and cooperation key policy priorities. Successive Governments had set pertinent medium- and long-term objectives, in accordance with the belief that security and justice were essential public services that must be guaranteed. Democracies could function only if fundamental ethical principles such as human rights, solidarity, social justice, political representation, effective administration of justice and security formed the basis of law and policy-making.

94. Given the importance of security and justice to sustainable human development, the Honduran Government's poverty-reduction strategy included measures to improve security, provide equal access to justice, guarantee the independence of the judiciary, strengthen the police force, reform the prison system and reduce crime. The impartial, efficient, reliable, expeditious and transparent administration of justice was vital to human rights-based policy-making. Citizens played a crucial monitoring role. A review of the existing justice system had revealed a lack of infrastructure and resources, both human and financial, which must be addressed.

95. Citizens' commitment to democratic principles largely depended on the trust they placed in public institutions. Accordingly, the Honduran Government had introduced an annual review to identify and remedy shortcomings in public administration management.

96. As education was an important element of socio-economic development, the Government had allocated 3.6 billion lempiras for that sector. Concurrent efforts had been made to improve access to health care: emphasis had been placed on inpatient care, family health and school health. Universities had introduced degree courses in human rights education and in human rights and development.

97. The National Institute for Women established in 1998 was responsible for implementing policies, programmes and projects to promote women's rights, equal opportunities and economic independence.

98. In early March 2007, indigenous representatives had introduced a bill on the recognition in domestic legislation of indigenous rights, as enunciated in the International Labour Organization (ILO) Convention concerning Indigenous and Tribal People in Independent Countries (No. 169).

99. The Office of the National Commissioner of Human Rights, which had been established in 1994, was competent to receive individual complaints by telephone (the Office operated a nationwide toll-free 24-hour complaints hotline), post or via the Commission's Internet portal.

100. Progress in the field of human rights legislation included the adoption of the Code on Children and Adolescents, the Domestic Violence Act and the Equal Opportunities Act. In addition, Honduras had ratified a number of international human rights instruments on disability, enforced disappearance and torture, among others. At the invitation of the current Government, the Working Group on Arbitrary Detention and the Working Group on mercenaries had visited the country, which illustrated the Government's determination to address persisting problems. Reforms of the prison system included the creation of a central register of detainees, the provision of legal guarantees of detainees' rights and the establishment of the National Prison Institute. Over 900 prisoners had been pardoned. Further action included human rights training for law enforcement personnel, measures to strengthen the prosecution services, reform of the Criminal Procedure and Civil Codes, and payment of compensation to victims of human rights violations or members of their families.

101. The Inter-Agency Commission for Human Rights helped coordinate policies aimed at combating impunity through the investigation, prosecution and punishment of human rights violators. The Commission also provided support for the Government's efforts to fulfil its obligations under international instruments to which Honduras was a party.

102. International cooperation was crucial to monitoring the implementation of human rights treaties, and the establishment of the Human Rights Council was an important step in that regard. Challenges to the previous universal human rights monitoring body had demonstrated the need for far-reaching reforms of the system. He called on members to rise to the challenge of turning the Council into a credible and transparent human rights institution. His Government was doing its utmost to enhance the enjoyment of human rights, and to right past wrongs, at the national level.

#### STATEMENT BY THE SECRETARY-GENERAL OF THE COMMONWEALTH OF NATIONS

103. Mr. McKINNON (Secretary-General of the Commonwealth of Nations) said that the promotion of fundamental human rights was an important objective of the Commonwealth. It was his duty to ensure the universality and indivisibility of those rights within that organization. At the global level, that task was incumbent on the Human Rights Council. Geneva was a world away from the reality of those who had been raped or tortured, or who would never go to school, so the Council must remember its real constituents, namely the victims of human rights abuses and human rights defenders around the world, and translate words into concrete action.

104. Members of the Commonwealth that engaged in persistent or serious violations of the principles of democracy, human rights and equality risked exclusion from the Commonwealth's councils or even suspension of their membership. Meanwhile the organization's Human Rights Unit assisted Governments in their efforts to promote and protect human rights. It worked in close cooperation with civil society and helped Governments with such tasks as meeting their treaty obligations.

105. The Convention on the Rights of the Child had been ratified by every member of the Commonwealth. However, ratification by some members of other international human rights instruments, particularly the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination, was still pending. The failure of some States to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights was an unforgivable omission. The Commonwealth was determined to show global leadership in the area of human rights and might make accession to those two instruments a prerequisite for membership.

106. Admittedly, some member States lacked the knowledge and capacity to identify ways for harmonizing domestic legislation and culture with the Covenants. The Commonwealth had produced the Handbook on Ratification on Human Rights Instruments to provide guidance to its members in that area. The organization was also conducting regional workshops on ratification and providing human rights training for police forces. Moreover, it actively supported some 60 national human rights institutions in 20 member States and had published a compendium of guidelines for such institutions. At the Commonwealth Conference of National Human Rights Institutions held in February 2007, members had agreed to establish a forum for their organizations. In recent years the Commonwealth had helped reconstitute or establish national human rights institutions in four member States. It had developed a model human rights curriculum for Commonwealth countries, and human rights were an integral part of policies and programmes in areas such as health, education, gender equality and counter-terrorism measures. A human rights forum was held alongside the Commonwealth's biennial meetings of Heads of Government.

107. The Commonwealth intended to extend its existing cooperation with OHCHR to the future Council, particularly as the time for action had come. The Council's success would be judged by the extent to which it fulfilled its mandate effectively. While building on the achievements of the Commission on Human Rights, namely the human rights treaty system, the special procedures and cooperation with NGOs, the Council must avoid the politicization and lack of responsiveness that had been the Commission's downfall. A universal peer review was crucial to making the Council a representative, effective, credible and accountable mechanism. In that context, genuine dialogue was as important as the outcome. By shielding just one jurisdiction that displayed blatant human rights abuses, the Council would discredit itself forever.

#### Statements in exercise of the right of reply

108. Mr. RIPERT (France) said that he wished to remind the observer for the Islamic Republic of Iran that France was open to all cultures and saw its diversity as an asset. All citizens had equal rights, and France guaranteed everyone the right to freedom of thought, conscience and religion, while taking into consideration each individual's particular circumstances.

109. France was home to 5 million Muslims, who constituted the largest Muslim community in Europe and the second largest religious community in France. All Muslims had an opportunity to be heard and to participate in public debate, especially through the French Council of the Muslim Faith, an elected representative body.

110. France fought with determination against all forms of xenophobia, racism or discrimination, including discrimination and violence based on religion or belief. The independent High Authority to Fight Discrimination and Promote Equality was competent to receive individual complaints of discrimination. In addition, cases of alleged discrimination could be brought before domestic courts or the European Court of Human Rights, whose rulings were binding on France.

111. If Belarus took offence at hearing its name mentioned in a speech on human rights, it might be well advised to comply with the obligation undertaken to cooperate with the Council. It should invite special procedures mandate-holders to visit the country, thus enabling them to examine the situation on the ground. Should the special procedures conclude that the allegations of human rights violations were unfounded, his own delegation would be glad to acknowledge that fact publicly.

112. Mr. HUTH (Germany), responding on behalf of the European Union to the comments made by the observer for the Libyan Arab Jamahiriya, said that the Union's compassion and solidarity with the plight of the HIV/AIDS infected children in Benghazi and their families was illustrated by the launching of the humanitarian "HIV Action Plan for Benghazi" and the establishment of the Benghazi International Fund. However, the verdict of the Libyan Criminal Court confirming the death sentence imposed on five Bulgarian nurses and one Palestinian doctor who had already spent almost eight years in prison in connection with the case was unacceptable. The verdict ignored strong evidence from renowned international experts who had testified to the innocence of the defendants. Furthermore, the European Union objected to capital punishment in principle.

113. The European Union called for an urgent conclusion of the judicial process, in accordance with international standards, and expected the Libyan authorities to ensure a positive, fair and prompt solution leading to the expeditious release of the medical workers.

114. Mr. APITONIAN (Observer for Armenia) said that the observer for Turkey, speaking in exercise of his right of reply at an earlier meeting, had mentioned entrusting historians with the task of discussing "the dark chapters of history", but had deliberately failed to mention the proposal by the President of Armenia to discuss all problems between Turkey and Armenia in an intergovernmental forum. Such problems and the reconciliation of the two peoples should not be delegated to historians and academics: they were primarily the responsibility of Governments. Sincerity and legal freedom were also needed to discuss the common past, but the existence of article 301 of the Turkish Criminal Code made that problematic.

115. The border between Armenia and Turkey was the only remaining sealed border in Europe and was clearly the result of a unilateral coercive measure by Turkey. It was for the latter to decide whether its opening could build confidence in the region. The Armenian Government believed that establishing an artificial link between the Nagorny-Karabakh issue and the opening of the border would hinder the normalization of Armenian-Turkish relations and the peaceful resolution of conflicts in the region.

116. It was also regrettable that the observer for Turkey had misinterpreted the statement by the Armenian Minister for Foreign Affairs concerning the recent murder of a prominent

Armenian-Turkish journalist. The message of that statement had been about reconciliation and the courage to promote it, and how intolerance and hatred had cut short the journalist's life and threatened that of others.

117. In conclusion, he said that Armenia's call to establish bilateral relations with Turkey, without any conditions attached, such as recognition of the genocide, was still on the table.

118. Ms. De PEIRO (Observer for the United States of America) said that she wished to set the record straight with regard to the references to the United States made the previous day by the Cuban Minister for Foreign Affairs. Terrorism was real, and every Member State had been affected by it; all civilized countries needed to pull together to fight it. Her Government had adopted policies to protect its citizens and territory within the framework of democracy and the rule of law. It had addressed its policy on the detention of enemy combatants in reports to the Committee against Torture and the Human Rights Committee: torture was prohibited by all United States personnel in all places at all times.

119. The commitment of the United States to the special procedures was well known: over the years the country had received dozens of visits by mandate-holders. She welcomed Cuba's new support for a range of civil and political thematic mandates and hoped that that support would lead to invitations to mandate-holders to visit Cuba - for the first time ever.

120. Mr. CHINAMASA (Observer for Zimbabwe) said he wished to counter the misrepresentation by the Minister of State for Foreign and Commonwealth Affairs and Trade and Industry of the United Kingdom of the aborted attempt at thuggery and mayhem by the opposition party in a suburb of Harare on 11 March 2007, which had been sponsored by the British intelligence services and its allies in order to effect a change of regime. Those sponsors had been the first to condemn the Zimbabwean Government and law enforcement agencies, and to make public displays of sympathy with the injured perpetrators of the violence, although not with injured law enforcement officers. The incident in question had been a lawless gathering, which entailed the wilful destruction of property, the erection of street barricades and the use of tear gas as "a prayer meeting". Yet tear gas was normally the property of law enforcement agencies, and he wondered how the opposition party had managed to acquire it and what other weapons it might have been supplied with.

121. The Zimbabwean Government was the true custodian of the ideals of the liberation struggle and was determined to remain free of its colonial slave masters forever. It saw through the machinations to recolonize Zimbabwe, having witnessed similar action in other African countries. His Government would resist such attempts and pitied those who had been turned into puppets, as the opposition party had by the donation of US\$ 1 million it had received.

122. Zimbabwe would determine its future democratically, as it had done since gaining independence. It did not need to have any election organized by the United Kingdom, which had shown contempt for the truly free nation Zimbabwe had become. It must be made clear to the United Kingdom once and for all that Zimbabwe would never become a colony again.

123. Mr. ABDEEN (Observer for the Sudan) said that his Government had already explained its position on entry visas for the fact-finding mission to Darfur. The Minister of State for

Foreign and Commonwealth Affairs and Trade and Industry of the United Kingdom had said that promise had not been honoured, but the Sudanese Government's decision must be seen in context. It could not be forced to accept a member of an evaluation team whose independence and objectivity were questionable. The British Minister knew very well that his delegates in Geneva had unduly influenced the composition of the mission by discouraging some nominees from participating.

124. Contrary to the statement by the Minister of State for Development Cooperation and Human Rights of Ireland, the situation in Darfur was improving, as indicated recently by the British Secretary of State for International Development and the United States Chargé d'affaires in Khartoum. The Darfur problem could be resolved, and the Sudanese authorities were working towards a solution, the basis for which was the Darfur Peace Agreement. He looked forward to the support of the United Kingdom, Ireland and other European countries in that connection.

125. Mr. KORKUT (Observer for Turkey) said that the previous week the Greek Cypriot Administration had demolished the wall dividing the two parts of the commercial district of the island's capital city. His Government had hoped that that step would be the prelude to other positive developments. However, the remarks made by the Greek Cypriot representative the previous day had shattered those expectations.

126. He recalled that it was the Greek Cypriots who had rejected the United Nations plan for a comprehensive settlement in 2004. It was therefore paradoxical that they should politicize matters in the present forum by making groundless accusations relating to issues that ought to have been resolved as part of an overall settlement under that plan.

127. As a guarantor Power, Turkey's intervention and military presence on the island was legitimate under the International Treaties of 1960 and served as a deterrent against a recurrence of the atrocities that had been committed between 1963 and 1974.

128. Recently the Greek Cypriot Administration had intensified efforts to sign bilateral agreements delimiting maritime jurisdiction areas in the eastern Mediterranean. However, it was not entitled to negotiate and conclude agreements on behalf of the whole island. By acting unilaterally, it was violating the rights of the Turkish Cypriot people to exploit the natural resources on the island and offshore.

129. Despite the rhetoric of the Greek Cypriot representative, it was the Turkish Cypriot people who were being victimized and who had continued to be subjected to inhuman embargoes in all areas since the seat of government had been occupied by the Greek Cypriots in 1963. In 1964, the Secretary-General of the United Nations had described the restrictions imposed by the Greek Cypriots as "a veritable siege". That anachronistic policy continued despite the Secretary-General's statement in 2004 that the approval of the United Nations plan in the Turkish Cypriot referendum by 65 per cent of the votes cast had "undone whatever rationale might have existed for pressuring and isolating" the Turkish Cypriots (S/2004/437, para. 90).

130. Mr. CAFAROV (Azerbaijan) said that the intent of the familiar tirade performed by the Armenian Minister for Foreign Affairs the previous day had clearly been to take advantage of the



present forum to spread misinformation regarding the atrocities committed by Armenian aggressors in occupied Azerbaijani territories. He recalled that the Khojaly massacre in 1992 was the first instance of ethnic cleansing in the Armenian-Azerbaijani conflict and in contemporary European history. Moreover, in the light of the recent International Court of Justice judgement on Srebrenica, there was every reason to classify the massacre as genocide, since the idea behind the ruthless killing of 613 men, women and children had been to spread terror and to exterminate the Azerbaijani population on the basis of their ethnic origin.

131. Perhaps the purpose of the Minister's statement had been to score points in the upcoming parliamentary elections in Armenia. He wondered, then, why the Minister had agreed to hold a further round of talks with his Azerbaijani counterpart later that day in Geneva.

132. Mr. CHOE Myong Nam (Observer for the Democratic People's Republic of Korea) said that he rejected the confrontational statement made earlier in the meeting by the Vice Minister for Foreign Affairs and Trade of the Republic of Korea. The concern for human rights he had mentioned was a fabrication by hostile forces intended to name and shame the Democratic People's Republic of Korea. The statement ran counter to the North-South Joint Declaration and the current reconciliatory trend. If the Republic of Korea was interested in improving inter-Korean relations and human rights, it should look more closely at its own problems and abolish the National Security Act.

133. Mr. REYES RODRÍGUEZ (Cuba) said that while the observer for the United States of America had been surprised at the comments made by the Cuban Minister for Foreign Affairs, the hypocrisy and falsehood of the current United States Administration was predictable. Despite its purported commitment to combating terrorism, that Government afforded total impunity to dozens of Miami-based anti-Cuban terrorist organizations. The historic links between successive United States Governments, the Central Intelligence Agency (CIA) and anti-Cuban terrorist units were no secret; the CIA had participated actively in numerous terrorist acts against Cuba, including the attempted assassination of the Head of State. There was also little doubt about links to the terrorist organization known as Al-Qaida, whose members had been trained and equipped in the United States in order to support the so-called fight against communism.

134. The observer for the United States of America had been surprised that Cuba had not extended an invitation to the Special Rapporteur on the question of torture, the Working Group on Arbitrary Detention or the Special Rapporteur on the right to freedom of opinion and expression to visit the country. The difficulty resided in the fact that the place of detention and torture requiring inspection, namely the Guantánamo Bay detention camp, was under United States jurisdiction. It was thus for the Government of that country to extend an invitation to special procedures mandate-holders to visit the site. The Working Group on Arbitrary Detention might also wish to visit the five Cuban nationals who were arbitrarily detained in United States prisons because they had attempted to fight terrorism and had, incidentally, exposed the impunity afforded to anti-Cuban terrorist organizations that planned attacks against the Cuban people from North American soil. The Special Rapporteur on the right to freedom of opinion and expression might be interested in investigating the endless radio and television onslaughts directed against Cuba by the United States calling for regime change, subversion, war and hatred.

135. Mr. DROUSHIOTIS (Observer for Cyprus) said that the previous day the Deputy Minister for Foreign Affairs of Cyprus had made a statement on human rights issues citing the jurisprudence of the European Court of Human Rights. In his reply, the observer for Turkey had failed to address the human rights issues or the fact that Turkey had disregarded binding decisions adopted by the Security Council and the General Assembly since 1974. In its judgement, the European Court of Human Rights had held that Turkey was responsible for massive and grave human rights violations under 14 articles of the European Convention on Human Rights with regard to missing persons and the living conditions of Greek Cypriots in the northern occupied part of the country. The judgements of the European Court of Human Rights were binding, and he called upon Turkey to enforce them.

136. It was regrettable that the observer for Turkey had not shown due respect for the Human Rights Council by failing to address its representatives by their proper titles. In that connection, he recalled Security Council resolutions 541 (1983) and 550 (1984), which condemned the unilateral declaration concerning the occupied area and called upon all States not to recognize the illegal secessionist entity in the northern part of Cyprus.

137. Mr. APITONIAN (Observer for Armenia) said that it had not been his intention to discuss relations between Armenia and Azerbaijan in the Human Rights Council, since bilateral negotiations were currently under way elsewhere in Geneva, but the comments of the representative of Azerbaijan left him no choice. He recalled the events that had taken place in 1988, when for three days Armenians had been raped and killed in the Azerbaijani town of Sumgait, as the first episode of ethnic cleansing in the region. His Government had stated its views on the events in Khojaly on many occasions and had reported to the States Members of the United Nations on the dubious circumstances in which Azerbaijani citizens had failed to move into the corridor provided by the Armenians of Nagorny Karabakh, and how the mutilated corpses of those citizens had subsequently been found far away. The events had been used by politicians in Azerbaijan for their own purposes.

138. He believed that the current peace proposal by mediators could bring a durable settlement to the conflict in Nagorny Karabakh. Such a settlement would be based on the reconciliation of two basic principles of international law: territorial integrity and self-determination.

139. Mr. KORKUT (Observer for Turkey) said that in his statement he had used a certain form of address because the Greek Cypriot Administration did not represent the island of Cyprus as a whole. That was the crux of the Cyprus issue, on which negotiations had been under way for some time. The remarks in question had been intended to divert attention from the lack of political will on the part of the Greek Cypriot Administration to seek a comprehensive settlement. On 8 July 2006 a series of negotiations had been launched with a view to establishing working groups and technical committees to seek a comprehensive settlement and to deal with issues affecting the daily life of people on both sides. Thus far, however, the working groups and committees had not been established, owing to difficulties posed by the Greek Cypriot Administration.

140. Mr. CAFAROV (Azerbaijan) said that the statement by the observer for Armenia was misleading. The first episode of ethnic cleansing in the region had taken place in Armenia,

where some 300,000 Azerbaijanis had been forced to flee the country. Thereafter the Armenians had begun to occupy parts of Azerbaijani territory in Nagorny Karabakh and seven adjacent territories. That had been made clear by Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), which called for the withdrawal of the occupying forces.

141. Concerning the corridor mentioned by the observer for Armenia, he wished to note that, in accordance with international humanitarian law, the existence of such a corridor meant that responsibility for the killing lay indisputably with Armenia.

142. Azerbaijan recognized the territorial integrity of all countries in the Caucasus region. Armenia must understand once and for all that negotiations could only continue on the basis of the territorial integrity of both Armenia and Azerbaijan, and that the Azerbaijani people could only realize their right to self-determination within the territory of Azerbaijan as a whole, with boundaries recognized by the international community.

143. Mr. DROUSHIOTIS (Observer for Cyprus) said that Security Council resolutions 541 (1983) and 550 (1984) clearly condemned the illegal secessionist entity, called upon States not to recognize the “Turkish Republic of Northern Cyprus” and acknowledged that there was only one State and Government in Cyprus, that of the Republic of Cyprus. The latter was fully committed to reaching a solution and was working with the Greek Cypriot community to implement the agreement of 8 July 2006 in order to prepare the ground for a lasting settlement.

144. Human rights violations did not have an expiry date where their victims were concerned and should not be subject to political expediencies. In Cyprus it was clear that such violations arose from the continual occupation of a large part of its territory.

145. Mr. de ALBA (Mexico), President, resumed the Chair.

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK (agenda item 1)  
(A/HRC/4/1; A/HRC/4/L.5)

Draft decision on the adoption of the agenda and organization of work (A/HRC/4/L.5)

146. The PRESIDENT, introducing the draft decision contained in document A/HRC/4/L.5, said that following consultations it was proposed that a fifth session of the Council should be convened from 11 to 18 June 2007, to consider in particular the institution-building process. Confirmation that the necessary facilities and support could be provided for the session would be given later that day. On that understanding, he took it that the Council wished to adopt the draft decision without a vote.

147. It was so decided.

148. Mr. ZHANG Yi (China) acknowledged that the Council was in a transitional phase and that special arrangements had to be made. However, the holding of a fifth session would pose a financial burden on smaller, less developed countries and should therefore not set a precedent. He hoped that the agenda for the fifth session would focus exclusively on the institution-building process, and that no further agenda items would be added.

149. The PRESIDENT said that the holding of a fifth session was prompted by exceptional circumstances, namely the need for the Council to complete certain tasks within one year of the holding of its first session. He intended to present the timetable for the fifth session before the closure of the current session so that the necessary preparations could be made. In addition to continuing with the institution-building process, the Council would need to hold an interactive dialogue with those special procedures that had been unable to submit reports to the current session. Some 14 reports were due. The main focus of the fifth session would, however, be institution-building.

Adoption of the agenda (A/HRC/4/1)

150. The PRESIDENT said he would take it that the Council wished to adopt the provisional agenda contained in document A/HRC/4/1.

151. It was so decided.

152. The PRESIDENT drew attention to the revised timetable which had been circulated indicating that the current session would last three instead of four weeks, as originally planned. That revision was the outcome of consultations held and was intended to give the working groups more time and to offset some of the costs of holding a fifth session. He took it that the Council wished to adopt the revised timetable, on the understanding that some further minor amendments might be necessary.

153. It was so decided.

The meeting rose at 1.55 p.m.