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**DRAFT REPORT OF THE HUMAN RIGHTS COUNCIL
ON ITS FIFTH SPECIAL SESSION**

Vice-President and Rapporteur: Mr. Alejandro Artucio (Uruguay)

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I. Resolution adopted by the Council at its fifth special session

S-5/1. Situation of human rights in Myanmar

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights and recalling General Assembly resolution 60/251 of 15 March 2006 and Commission on Human Rights resolution 2005/10 of 14 April 2005,

Deeply concerned at the situation of human rights in Myanmar,

Recalling that everyone has the right to take part in the government of their country, directly or through freely chosen representatives, the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association,

1. *Strongly deplores* the continued violent repression of peaceful demonstrations in Myanmar, including through beatings, killings, arbitrary detentions and enforced disappearances, expresses condolences to the victims and their families, and urges the Government of Myanmar to exercise utmost restraint and to desist from further violence against peaceful protesters;
2. *Urges* the Government of Myanmar to ensure full respect for human rights and fundamental freedoms and to investigate and bring to justice perpetrators of human rights violations, including for the recent violations of the rights of peaceful protesters;
3. *Also urges* the Government of Myanmar to release without delay those arrested and detained as a result of the recent repression of peaceful protests, as well as to release all political detainees in Myanmar, including Daw Aung San Suu Kyi, and to ensure that conditions of detention meet international standards and include the possibility of visiting any detainee;
4. *Further urges* the Government of Myanmar to lift all restraints on peaceful political activity of all persons by, inter alia, guaranteeing freedom of peaceful assembly and association and freedom of opinion and expression, including for free and independent media, and to ensure unhindered access to media information for the people of Myanmar;

5. *Welcomes* the decision of the Government of Myanmar to receive a visit by the Special Envoy to Myanmar of the Secretary-General, Ibrahim Gambari, and calls upon the Government of Myanmar to cooperate fully with him to find a peaceful solution;

6. *Urges* the Government of Myanmar to engage urgently in a reinvigorated national dialogue with all parties with a view to achieving genuine national reconciliation, democratization and the establishment of the rule of law;

7. *Encourages* the Government of Myanmar and the Office of the High Commissioner for Human Rights to engage in a dialogue with a view to ensuring full respect for all human rights and fundamental freedoms;

8. *Urges* the Government of Myanmar to cooperate fully with humanitarian organizations, including by ensuring full, safe and unhindered access of humanitarian assistance to all persons in need throughout the country;

9. *Requests* the Special Rapporteur on the situation of human rights in Myanmar to assess the current human rights situation and to monitor the implementation of this resolution, including by seeking an urgent visit to Myanmar, and to report to the resumed sixth session of the Human Rights Council, and in this respect urges the Government of Myanmar to cooperate with the Special Rapporteur;

10. *Also requests* the Special Rapporteur on the situation of human rights in Myanmar to inform the General Assembly at its sixty-second session on progress in this regard;

11. *Decides* to remain seized of this matter.

*2nd meeting
2 October 2007*

[Resolution adopted without a vote. See chapter II.]

II. Organization of work of the fifth special session

1. Pursuant to paragraph 10 of General Assembly resolution 60/251 of 15 March 2006, as well as in accordance with rule 6 of the Council's rules of procedure as contained in Council resolution 5/1 of 18 June 2007, the Council "shall hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council".
2. By letter dated 27 September 2007, addressed to the President of the Human Rights Council (A/HRC/S-5/1), the Permanent Representative of Slovenia to the United Nations Office at Geneva requested the holding of a special session entitled "The Human Rights Situation in Myanmar", to be held on Tuesday, 2 October 2007, immediately after the first part of the sixth session of the Human Rights Council.
3. The letter, received by the President on 28 September 2007, was accompanied by signatures in support of the above-mentioned request from the following 17 States members of the Council: Bosnia and Herzegovina, Canada, France, Germany, Guatemala, Italy, Japan, Mexico, Netherlands, Peru, Republic of Korea, Romania, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uruguay. Brazil subsequently signed the above-mentioned request.
4. As more than one third of the membership of the Council supported the above-mentioned request, the special session of the Council was convened on 2 October 2007.
5. In addition to the above-mentioned States members of the Council, the request was also supported by the following observer States of the Council: Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Chile, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Greece, Guinea, Hungary, Iceland, Ireland, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, New Zealand, Norway, Poland, Portugal, Slovakia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Turkey and United States of America. Morocco, Serbia and Singapore subsequently signed the above-mentioned request.

A. Opening and duration of the session

6. The Council held its fifth special session at the United Nations Office at Geneva on 2 October 2007. It held two meetings (see A/HRC/S-5/SR.1-2)* during the session.

7. The fifth special session was opened by the President of the Council, Mr. Doru Romulus Costea.

B. Attendance

8. The special session was attended by representatives of States members of the Council, observers for non-member States of the Council, observers for non-member States of the United Nations and other observers, as well as observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations.

C. Officers

9. At its first organizational meeting of the second cycle of the Human Rights Council, on 19 June 2007 (see A/HRC/OM/1/1), the Council had elected the following officers, who also served as officers for the fifth special session:

President: Mr. Doru Romulus Costea (Romania)

Vice-Presidents: Mr. Mohamed-Siad Doualeh (Djibouti)

Mr. Boudewijn van Eenennaam (Netherlands)

Mr. Dayan Jayatilleka (Sri Lanka)

Vice-President and Rapporteur: Mr. Alejandro Artucio (Uruguay)

* Summary records of each of the meetings are subject to correction. They are considered final with the issuance of a consolidated corrigendum (A/HRC/S-5/SR.1-2/Corrigendum).

D. Organization of work

10. At the 1st meeting, on 2 October 2007, the Council considered the organization of its work, including speaking-time limits, which would be as follows: five minutes for statements by States members of the Council and concerned countries, and three minutes for statements by observers for non-member States of the Council and other observers, including United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations. The list of speakers would be drawn up in chronological order of registration and the order of speakers would be as follows: concerned countries, if any, followed by States members of the Council, observers for non-member States of the Council, and other observers.

11. The special session was conducted in accordance with the relevant provisions contained in resolution 5/1 “Institution-building of the United Nations Human Rights Council” of 18 June 2007.

E. Resolution and documentation

12. The resolution adopted by the Council at its fifth special session is reproduced in chapter I of the present report.

13. Annex I contains a statement regarding the estimated administrative and programme budget implications of the resolution adopted by the Council at its fifth special session.

14. Annex II contains the list of documents issued for the fifth special session.

F. Statements

15. At the 1st meeting, on 2 October 2007, the United Nations High Commissioner for Human Rights, Ms. Louise Arbour, made a statement.

16. At the same meeting, the Special Rapporteur on the situation of human rights in Myanmar, Mr. Paulo Sérgio Pinheiro, made a statement.

17. At the same meeting, the representative of Myanmar, as a concerned country, made a statement.

18. At the same meeting, and at the 2nd meeting, on the same day, statements were made by the following:

(a) Representatives of States members of the Council: Bangladesh, Bolivia, Brazil, Canada, China, Cuba, Egypt (on behalf of the Group of African States), France, Germany, India, Indonesia, Italy, Japan, Malaysia, Mauritius, Mexico, Netherlands, Pakistan (on behalf of the Organization of the Islamic Conference), Peru, Philippines, Portugal¹ (on behalf of the European Union; candidate countries - Croatia, The former Yugoslav Republic of Macedonia and Turkey; countries of the stabilization and association process and potential candidates - Albania, Bosnia and Herzegovina, Montenegro and Serbia; as well as Armenia, Georgia, Moldova and Ukraine), Republic of Korea, Romania, Russian Federation, Slovenia, South Africa, Switzerland, United Kingdom of Great Britain and Northern Ireland and Zambia;

(b) Observers for non-member States: Argentina, Australia, Belgium, Cambodia, Chile, Colombia, Czech Republic, Denmark, Estonia, Finland, Greece, Iceland, Ireland, Latvia, Liechtenstein, Luxembourg, Morocco, New Zealand, Norway, Poland, Singapore, Slovakia, Spain, Sweden, Thailand, United States of America and Viet Nam;

(c) Observers for non-governmental organizations: Amnesty International, Asian Forum for Human Rights and Development (also on behalf of Ain O Salish Kendro (Ask) Law and Mediation Centre, Asia Pacific Forum on Women, Law and Development, Asian Indigenous and Tribal People's Network, Asian Partnership for the Development of Human Resources in Rural Asia, EarthRights International, International Movement Against All Forms of Discrimination and Racism, International NGO Forum on Indonesia Development, International Women's Rights Action Watch, MINBYUN-Lawyers for Democratic Society, Pax Romana, Peace Boat, People's Solidarity for Participatory Democracy and Tebtebba Foundation (Indigenous Peoples' International Centre For Policy Research And Education)), Asian Legal Resource Centre, Human Rights Watch, International Commission of Jurists, International Federation of Human Rights Leagues, United Nations Watch, Women's International League for Peace and Freedom and Worldview International Foundation.

¹ Observer State of the Council speaking on behalf of States members and observer States.

19. At the 2nd meeting, on the same day, the Special Rapporteur on the situation of human rights in Myanmar made concluding remarks.

G. Action on draft resolution A/HRC/S-5/L.1/Rev.1

20. At the 2nd meeting, on 2 October 2007, the representative of Portugal (on behalf of the European Union) introduced draft resolution A/HRC/S-5/L.1/Rev.1, sponsored by Portugal (on behalf of the European Union). Albania, Argentina, Australia, Bosnia and Herzegovina, Brazil, Canada, Croatia, El Salvador, Iceland, Israel, Japan, Guatemala, Liechtenstein, Moldova, Monaco, Montenegro, Morocco, Norway, Peru, the Republic of Korea, Serbia, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United States of America and Uruguay subsequently joined the sponsors.

21. At the same meeting, the representative of Portugal orally revised the draft resolution by modifying paragraphs 1, 4 and 6.

22. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications² of the draft resolution.

23. The draft resolution, as orally revised, was adopted without a vote.

24. Statements in explanation of vote after the vote were made by the representatives of India, the Philippines and the Russian Federation.

25. After the adoption of the resolution, as orally revised, a statement was made by the representative of Myanmar, as a concerned country.

26. For the text of the resolution as adopted, see chapter I, resolution S-5/1.

² See Annex I.

III. Report to the General Assembly on the fifth special session of the Human Rights Council

27. At the 2nd meeting, on 2 October 2007, the draft report was adopted *ad referendum* and the Rapporteur was entrusted with its finalization.

ANNEXES

ANNEX I

Administrative and programme budget implications of the resolution adopted by the Council at its fifth special session

Statement on programme budget implications (PBI)

1. Under the terms of paragraphs 9 and 10 of resolution A/HRC/S-5/1, the Human Rights Council:
 - (i) Requests the Special Rapporteur on the situation of human rights in Myanmar to assess the current human rights situation and to monitor the implementation of this resolution, including by seeking an urgent visit to Myanmar, and to report to the resumed sixth session of the Human Rights Council, and in this respect urges the Government of Myanmar to cooperate with the Special Rapporteur;
 - (ii) Requests also the Special Rapporteur on the situation of human rights in Myanmar to inform the General Assembly at its sixty-second session on progress in this regard.

2. According to the decision by the Human Rights Council, it is estimated that a total amount of US\$ 46,700 would be required to implement the activities called for in operative paragraphs 9 and 10, for:
 - (i) Travel of the Special Rapporteur to Myanmar, to Geneva for the presentation of the report to the Council, and to New York to report to the General Assembly (US\$ 28,200);
 - (ii) Travel of two OHCHR staff to accompany the Special Rapporteur to Myanmar (US\$ 8,500);
 - (iii) Local transportation, interpretation and other miscellaneous services related to the mission to Myanmar (US\$ 10,000).

3. Although provisions have not been made in the programme budget for biennium 2006-2007 to meet the additional activities, outlined in paragraph 3 above, it is anticipated that the resource requirements can be absorbed within the appropriations approved for the biennium 2006-2007 under section 23, Human Rights.

ANNEX II

List of documents issued for the fifth special session of the Council

Documents issued in the general series

Symbol

A/HRC/S-5/1	Letter dated 27 September 2007 from the Permanent Representative of Slovenia to the United Nations Office at Geneva, addressed to the President of the Human Rights Council
A/HRC/S-5/SR.1-2	Summary records of meetings held by the Human Rights Council at its fifth special session

Documents issued in the limited series

Symbol

A/HRC/S-5/L.1/Rev.1	Situation of human rights in Myanmar
A/HRC/S-5/L.2	Draft report of the fifth special session

Documents issued in the non-governmental organizations series

Symbol

A/HRC/S-5/NGO/1	Written statement submitted by the Association of World Citizens, a non-governmental organization on the Roster
A/HRC/S-5/NGO/2	Written statement submitted by the International Educational Development Inc. (IED), a non-governmental organization on the Roster
A/HRC/S-5/NGO/3	Written statement submitted by EarthRights International (ERI), a non-governmental organization in special consultative status
A/HRC/S-5/NGO/4	Joint written statement submitted by the International Federation of University Women (IFUW), Pan Pacific and South East Asia Women's Association (PPSEAWA), and Worldwide Organization of Women (WOW), non-governmental organizations in special consultative status

Documents issued in the non-governmental organizations series (continued)

Symbol

A/HRC/S-5/NGO/5

Written statement submitted by the International Centre for Human Rights and Democratic Development (Rights and Democracy), a non-governmental organization in special consultative status

A/HRC/S-5/NGO/6

Written statement submitted by the International Union of Socialist Youth (IUSY), a non-governmental organization in special consultative status

A/HRC/S-5/NGO/7

Written statement submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status

A/HRC/S-5/NGO/8

Joint written statement submitted by Asian Forum for Human Rights and Development (FORUM-ASIA), Asian Non-governmental Organizations Coalition for Agrarian Reform and Development (ANGOC), Asian Partnership for the Development of Human Resources in Rural Asia, EarthRights International (ERI), International NGO Forum on Indonesian Development (INFID), International Women's Rights Action (IWRAW), MINBYUN-Lawyers for a Democratic Society, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), Peace Boat, People's Solidarity for Participatory Democracy, and the Tebtebba Foundation (Indigenous People's International Centre for Policy Research and Education), non-governmental organizations in special consultative status; and Asian Pacific Forum on Women, Law and Development (APWLD), and the International Movement Against All Forms of Discrimination and Racism (IMADR), non-governmental organizations on the Roster

Documents issued in the non-governmental organizations series (continued)

Symbol

A/HRC/S-5/NGO/9

Written statement submitted by the Norwegian Refugee Council, a non-governmental organization in special consultative status

A/HRC/S-5/NGO/10

Written statement submitted by the Women's International League for Peace and Freedom (WILPF), a non-governmental organization in special consultative status
