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Held at the Palais des Nations, Geneva, on Monday, 14 August 2006, at 3 p.m.

Chairperson: Mr. Bossuyt

later: Mr. Alphonso Martínez (Vice-Chairperson)

later: Mr. Bossuyt (Chairperson)

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The meeting was called to order at 3 p.m.

Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII) (agenda item 2)

1. **Ms. Pomeow O'Neil** (International Federation of Human Rights Leagues) remained deeply concerned about the situation of human rights defenders in Colombia, which had become particularly serious in the lead-up to the 2006 presidential election. The International Federation of Human Rights Leagues (IFHRL) had noted on that occasion an increasing number of threats against Colombian human rights NGOs, as illustrated by the harassment and persecution campaigns launched against those organizations. The Federation was also concerned about the alarming increase in the number of assassinations, cases of torture, threats and forced disappearances aimed in particular at union members, leaders of social movements and of peasant and indigenous movements. The paramilitaries, who were engaged in a peace process with the Government of Alvaro Uribe, continued to be principally responsible for those violations even though the Congress had adopted, on 25 July, Law No. 975 on "justice and peace", a law which in fact ensured neither the demobilization of paramilitary groups nor compensation for victims. In 2006, the Constitutional Court had declared that the law was partly unconstitutional since it failed to respect the right of victims to the establishment of truth, to justice and to reparation. It was unfortunate that the effective implementation of that decision remained uncertain.

2. With regard to the Islamic Republic of Iran, the Federation was concerned about the upsurge in human rights violations, in particular arbitrary detentions and death sentences which seriously violated the right to a fair trial. A total of 24 persons had been sentenced to death in the two previous months, following a closed hearing before the revolutionary courts, in contravention of the International Covenant on Civil and Political Rights. The Federation was also concerned about the arbitrary detention of Ramin Jahanbegloo, an Irano-Canadian intellectual arrested on 28 April 2006; no formal charge had been made against him. Several dozen militants had in addition been arrested on 12 June 2006, following the violent repression of a peaceful demonstration in Teheran, organized by NGO members to protest against the discriminatory status of Iranian women. Lastly, as part of the growing repression aimed at human rights defenders, the Human Rights Centre (affiliated with IFHRL) had been declared illegal by the Minister of the Interior on 3 July 2006.

3. With regard to the Democratic Republic of the Congo, the Federation noted that following a political transition that had lasted over three years, the goals of the transition, as defined in the Global and All-inclusive Agreement on the Transition, had not been reached. Massive violations of human rights and of international humanitarian law directed against the civilian population, in particular summary executions, violence against women used as a weapon and pillaging, were common in the country, especially in the eastern region. In Darfur, attacks against civilians were on the rise in violation of the peace agreements and ceasefire between the parties to the conflict. Serious violations of international humanitarian law and human rights continued to be committed with full impunity, and the conflict was spreading to the east of Chad and the north of the Central African Republic. In the Federation's view, it was vital to deploy a United Nations peacekeeping force with a strong mandate that would enable it to protect civilians effectively. The international community should redouble its efforts to ensure that the Sudanese Government accepted the replacement of the African Union mission to Sudan by a United Nations operation. Sudan's lack of determination to settle the Darfur conflict was also demonstrated by the impunity granted to those who perpetrated the region's most serious crimes. The Federation recommended to the Sudanese authorities not only close cooperation with the International

Criminal Court but also a firm commitment from the Government in the combat against impunity at the national level.

4. Lastly, the humanitarian situation continued to worsen in the occupied Palestinian territories. By deciding, in violation of its legal obligations, to cease the restitution of taxes and customs duties to the Palestinian Authority, the Government of Israel was only making the living conditions of the population worse. The Federation condemned the firing of rockets by armed Palestinian groups at Israeli civilian populations, but the reaction of the Israeli Government was a serious and flagrant violation of international humanitarian law.

5. **Mr. Casaca** (Women's Human Rights International Association) said that owing to a certain interpretation of religion, women's rights were particularly threatened in Iraq, and paid tribute to the memory of one of the most famous political refugees living in Geneva, Mr. Kazem Rajavi, recently assassinated. The right to seek refuge in religious establishments, embassies or foreign countries was one of the oldest and most sensitive human rights, the violation of which was one of the surest signs of a human rights problem. In that regard, he wished to draw the Sub-Commission's attention to the situation of the members of the People's Mojahedin Organization of Iran (PMOI), who had been in Iraq for 20 years, in the camp of Ashraf, and who had, since 2003, been granted full refugee status. The accusations against the members of that organization had all been declared unfounded by the multinational force led by the United States in Iraq, following a 16-month investigation. He, himself, had noted that contrary to what had been said, the persons in question had never interfered in the interior affairs of Iraq. In addition to that aggressive campaign aimed at sullyng the reputation of those refugees, the pipes bringing potable water to Ashraf had been sabotaged in recent weeks and the supply of petrol, food and medications had been prohibited. Highlighting the fact that the Iraqi political leaders were threatening those refugees with expulsion, in contravention of the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and of the right to asylum, he appealed to the Sub-Commission to request the United Nations High Commissioner for Refugees to make a statement recalling that the members of PMOI still had had refugee status, which the current Government must respect.

6. **Ms. Nyidron** (Society for Threatened Peoples) said that she wished to testify in order to draw the Sub-Commission's attention to the constant violations of the human rights and fundamental freedoms of the Tibetan people, and to the treatment reserved for Tibetan political prisoners. After participating in a peaceful demonstration in support of the Dalai Lama in the streets of Lhasa in Tibet in 1989, she had been sentenced to 9 years' imprisonment and she had received a new sentence of 8 years' imprisonment in 1993 for secretly recording songs in honour of the Dalai Lama while she had been in prison. Released in March 2005, she was currently undergoing medical treatment in Geneva since she had been refused any medical care while in prison. Generally speaking, Tibetan political prisoners were deprived of the rights guaranteed to detainees by the law on prisons adopted in 1994 and she herself had been tortured, in particular by electricity. Finally released in 2004, she had been the subject of a very strict judicial control. While thanking the Sub-Commission for its historic resolution on Tibet, adopted on 23 August 1991, she pointed out that Tibetans continued to be deprived of their rights, including constitutional rights, and she invited the United Nations bodies concerned with human rights protection to bear in mind that many Tibetans remained in prison in China for the simple fact of having expressed their religious belief or having demonstrated peacefully in support of Tibet's independence.

7. **Mr. Mustafa** (Commission to study the organisation of peace) said that the Sub-Commission would regain the confidence of human rights militants if it managed to recommend remedial, practical and effective measures to end the suffering of millions of victims of human rights violations worldwide, whether in Gaza, Palestine, southern

Lebanon, Sudan or Pakistani-occupied Kashmir. While some human rights crises were well known — poverty, political repression, environmental degradation or global pandemics such as HIV/AIDS — other crises were ignored and failed, for political or other reasons, to get the necessary attention. Those little-known crises were nevertheless the cause of suffering and hardship for millions of people living in isolated regions of the world. It had to be recognized that nearly one year after the earthquake of 8 October 2005, which had devastated nearly the entire region of Pakistani-occupied Kashmir, the Earthquake Reconstruction and Rehabilitation Authority, set up by the Government of Pakistan, was practically non-operational. The Sub-Commission should send a fact-finding mission to the regions of Kashmir devastated by the earthquake, so that a first-hand account could be had of the deplorable living conditions of the victims who were living there without sufficient aid from the Government of Pakistan, and propose remedial measures.

8. *Mr. Alfonso-Martínez, Vice-Chairperson, took the chair.*

9. **Mr. Guissé** said that the phenomenon of clandestine immigration, which brought with it each day its share of victims, deaths, arrests and detention without trial, had been growing for some time. In setting out to try their fortune elsewhere, many young people perished at sea and when they escaped death, they were arrested, detained or simply left without any means of survival by the authorities of the destination country. Everyone had the right to have their human rights respected, whatever their country of origin or material conditions. The cruel, inhuman or degrading treatment inflicted on clandestine immigrants was typical of certain clearly identified countries. While States could not be prevented from using their regulations for security purposes, it was important to denounce the fact that young people, mostly from Africa, were so poorly welcomed, mistreated and sometimes killed. It was striking to hear some destination countries speak of self-defence, since that assumed a proportionality of means. But could it be said that an armed soldier shooting real bullets was acting in self-defence against an exhausted and defenceless human being? The ill-treatment inflicted on clandestine immigrants, who were mainly, but not exclusively African, was prohibited under international law; yet such treatment unfortunately went unpunished. It was time to sound the alarm and to ask the countries concerned to show at least a modicum of respect for the rights of persons who were still part of the human race. The United Nations should address that painful matter which each day offered the spectacle of hundreds of dead and wounded.

10. **Mr. Shaukat Ali Kashmiri** (European Union of Public Relations) expressed his profound concern at the distress of thousands of innocent people, victims of the recent attacks carried out by the Israeli Defence Forces in Palestine and Gaza. He deplored the impact on the human rights of the poorest peoples of the failure of the second Doha round and of the refusal to open markets to millions of poor farmers in developing countries and heavily indebted poor countries, and drew the Sub-Commission's attention to the situation of indigenous peoples living in certain regions of southern Asia, in particular in Pakistan and in Pakistani-occupied Kashmir.

11. In accordance with paragraph 2 of resolution 1514 (XV) of 14 December 1960 (containing the Declaration on the granting of independence to colonial countries and people), all peoples had the right to self-determination and by virtue of that right, freely determined their political status and freely pursued their economic, social and cultural development. As a human rights militant born in Jammu and Kashmir, he wished to draw the Sub-Commission's attention to the situation in that bitterly disputed territory, more than one third of which was under forced illegal occupation by Pakistan. Successive military dictatorships had done everything possible to prevent the genuine representatives of Azad Kashmir and Gilgit-Baltistan from deciding their future. On 11 July 2006, the military dictatorship of Pakistan had held sham elections in occupied Kashmir; during the election, thousands of electors had been unable to vote, the result of the elections had been ignored

and, once again, the Islamabad military regime had imposed its candidates. All the Kashmiri opposition parties had denounced cases of fraud and had implicated the secret services in them. The international community should exert pressure on Pakistan to declare the results of those elections void and hold a new election that would enable the populations of occupied Kashmir and Gilgit-Baltistan to exercise their right to vote, a fundamental and inalienable right, without fear or favouritism. Since the Pakistani military junta had the habit of holding rigged elections, such an election should be held under the supervision of the international community.

12. It was unfortunate that with winter approaching, thousands of victims of the devastating earthquake that had struck occupied Kashmir and certain regions of Pakistan on 8 October 2005, leaving more than 1 million people homeless, were still living in camps without adequate food or access to medicine. All questions relating to aid were handled by the government of Islamabad exclusively through the Pakistani Earthquake Reconstruction and Rehabilitation Authority, which distributed funds and aid directly without the participation of the population and local organizations. According to some reports, favour was being shown to certain victims; moreover, according to information recently disseminated by the international media, aid financing had allegedly been diverted to “terrorist” organizations. To preserve the integrity of the aid process, civil society should be granted a significant role with regard to both aid delivery and supervision.

13. **Mr. Littman** (Association for World Education) said that the situation in Darfur surely merited special attention from the Sub-Commission. The special rapporteurs of the Commission on Human Rights, the staff of United Nations specialized agencies and of non-governmental humanitarian organizations present in the field had highlighted the large number of combat-related deaths, the massive displacement of the population, the refugee flow towards neighbouring Chad, the systematic and multiple rapes of women and young girls, and the widespread destruction of the agricultural infrastructure. All the observers had moreover made repeated reports of verbal threats involving the destruction of tribal groups such as the Furs, the Massaliets and the Zaghawas. Faced with those growing threats, the United Nations must examine the situation in Darfur clearly and on the basis of reliable reports. It was relevant to point out in that regard that non-intervention motions were preventing balanced debates from being held and were weakening the United Nations General Assembly. The effectiveness of the United Nations and African Union peacekeeping forces also needed to be reinforced. The Office of the United Nations High Commissioner for Human Rights also had an important role to play by appointing a team of observers and human rights advisors that was effective enough to ensure that the ceasefire became a reality and that refugees and displaced persons could return home under safe conditions, and to get development under way in the region. Post-conflict recovery activities must be planned immediately, which meant greater cooperation between the United Nations, NGOs and academic research institutes; the Sub-Commission must insist on such cooperation. Given the destruction of the agricultural infrastructure, economic recovery, from which no one should be excluded, would be costly. Social reconstruction would probably be even more complicated. Nevertheless, post-conflict recovery was one of the essential conditions for the prevention of future conflicts.

14. **Ms. Lee** (Pax Romana) said that during the presentation of her report to the first session of the Human Rights Council, the High Commissioner for Human Rights, Ms. Louis Arbour, had addressed at length the question of the “absolute prohibition of torture and other cruel, inhuman or degrading treatment”. During the dialogue that had followed, some NGOs, including the World Organization against Torture, had spoken of creeping relativism with regard to the prohibition against torture and had mentioned the practice of extraordinary restitution. Pax Romana invited the Sub-Commission, and the “expert body” that would succeed it, to meet the growing challenge of the abrogation of existing standards and the eradication of States’ prevailing practices in that regard, and to provide expert

advice to the Council and to the High Commissioner for Human Rights on the questions of the absolute prohibition and the prevention of torture.

15. At its current session, the Sub-Commission should also reply in detail to the question of how States could exercise their responsibility of protecting civilian populations. Indeed, despite the commitments made by the Heads of State and Government at the conclusion of the 2005 World Summit, namely, to abstain from having recourse, in international relations, to threats of or the use of force, in violation of United Nations aims and principles, civilian populations continued to be targeted. People now spoke of fourth generation war, which exposed civilian populations to the use of barbarous methods such as aerial bombing or missile fire. The recent violations perpetrated in Lebanon and in the north of Israel, in Sudan, in Iraq, in Afghanistan and in Sri Lanka — to mention only a few countries — were a good example of that type of war. The Sub-Commission should conduct a comprehensive study on the responsibility to protect civilian populations. United Nations human rights mechanisms did not seem to pay careful attention to the question of the state of emergency. The Sub-Commission should re-examine that issue in the light of the cases of Nepal, the Philippines, Sri Lanka, Thailand and other countries, and should submit a detailed study containing recommendations on that issue. The legal framework underpinning the state of emergency and its impact should also be studied. She invited the Sub-Commission to arrange for an integrated follow-up to questions concerning violations to which certain groups or individuals were subjected, compiled by the Working Group on Indigenous Populations, the Working Group on Minorities and the Working Group on Contemporary Forms of Slavery.

16. **Mr. Choudry** (World Peace Council) said that each human being was born free and naturally aspired to exercise that freedom, but that right, as well as human rights, were called into question by those in power. Human rights violations were more serious in non-democratic societies or in regions under the control of imperialist governments. In those societies, the people were deprived of their basic human rights because those who exercised power failed to create the conditions favourable to the enjoyment of social, economic and cultural rights. Pakistan was founded on Islamic principles, but like many other despotic societies in the world, it had not been able to get rid of imperialist and anti-democratic practices. Governments that did not have faith in a liberal and pluralist society were the worst violators of human rights; they not only deprived their populations of the benefits of democracy and human rights but also extended their anti-democratic practices to other regions. History was full of examples of imperialist tyrants who had violated the human rights of their people and invaded territories. Israel was an exception to that rule: although a democratic country, it was still one of the worst violators of human rights in the world. The current aggression against Lebanon was inhumane and imperialist by nature, and should be condemned by civilized people worldwide.

17. In a 2006 report, the United States State Department referred to serious human rights problems in Pakistan: extrajudicial executions, torture, rape, poor conditions of detention, imprisonment of political leaders, corruption, female and child slavery and child prostitution. Also noteworthy of attention was the situation in the State of Jammu and Kashmir, where the population suffered from injustice, armed violence and disregard of the right to self-determination. Many expected, after the earthquake of 8 October 2005, that the population would be supported and given psychological help. Yet the people had suffered the consequences of a lack of aid planning and coordination. Those failings had made it possible for jihadist groups to gain the people's confidence, which was a source of concern for the future, especially since information recently disseminated by the international media had confirmed the worst fears, namely, that some of the money earmarked for earthquake victims had been diverted. It was the United Nations that should carry out aid activities, so that aid would be delivered to the victims and not be diverted by corrupt or anti-democratic groups.

18. **Mr. Littman** (World Union for Progressive Judaism), while recalling that the Sub-Commission had recently adopted by consensus a declaration on the cruel and bloody war in Lebanon, said he hoped that Human Rights Council resolution A/HRC/S-2/1 would be fully applied by all parties and would lead to a “permanent ceasefire” and to genuine peace between Lebanon and Israel. The World Union for Progressive Judaism, which had the week before urged the Human Rights Council to condemn the Hezbollah for its repeated calls for the genocide of all Jews, requested the 26 members of the Sub-Commission to condemn that culture of hate. Such calls were in flagrant violation of the Convention on the Prevention and Punishment of the Crime of Genocide, article III (c) of which set out clearly that “direct and public incitement to commit genocide” was punishable in application of article IV. With regard to the many threats made by President Ahmadinejad and the Ayatollah Ali Khamenei, they were contrary to article II (4) of the Convention.

19. The recent tragic events in the United Kingdom should convince the world that the time for speeches and warnings was over and the time for urgent action against jihadist terrorism had come. It was to be hoped that the Sub-Commission would adopt a clear and pertinent resolution, or a statement by the Chairperson condemning Hezbollah’s repeated calls for the genocide of the Jews and the destruction of Israel, matters that fell under both item 2 and item 7 of the agenda.

20. **Mr. Cherif** said that the phenomenon of clandestine immigration of young people definitely fell under item 2 of the agenda. Poverty was not only being deprived of vital resources, but a serious and repeated violation of human dignity and human rights. The question of clandestine immigration of young Africans, raised by Mr. Guissé, demonstrated that poverty was at once a factor, a cause and an effect of the violation of human rights. That phenomenon, which had always existed, was being treated currently with firmness and egoism. The treatment reserved for young Africans and North Africans who attempted to cross borders illegally was indeed cruel but it was also inappropriate given that it was the era of globalization. An era that was in fact full of false promises, where everything possible was done to ensure the free circulation of merchandise and where nothing was done to ensure the free circulation of individuals. He fully endorsed what Mr. Guissé had said about the fate of clandestine immigrants who were victims of underdevelopment, who indeed died by the hundreds, were imprisoned or sent back. Those young people who were fleeing poverty deserved special attention and had the right to be treated with humanity and dignity. It was also possible, through development programmes, to encourage those young people to stay in their countries.

21. **Mr. Barnes** (Indian Council of South America) said that in the last 10 years, the former Commission on Human Rights had progressively limited the mandate of the Sub-Commission and, in particular, had deprived it of the possibility of examining the human rights situation in certain countries. For that reason, a large number of questions remained unresolved and required special attention, so that relevant information could be shared with the treaty bodies, the specialized agencies and other United Nations bodies. It was also important that the Sub-Commission, or the future expert body, be able to make recommendations to the General Assembly and the International Court of Justice. In that period of transition, the Sub-Commission should recommend to the Human Rights Council that it keep not only item 2 of the agenda of the Sub-Commission but also item 5 of the agenda of the former Commission on Human Rights, so that attention would be paid to the questions of the violation of the right to self-determination, an inalienable right of indigenous peoples and nations, and of colonial countries and peoples.

22. **Mr. Kennedy** (American Indian Law Alliance) said that the United States considered that the lands of the Western Shoshone were federal or public lands, even though that assertion was illegitimate and constituted a direct violation of the rights of indigenous peoples and of the 1863 Treaty of Ruby Valley. Despite the seizure of livestock

by the federal authorities, harassment and intimidation, the Western Shoshone continued to occupy and exploit their lands in the traditional manner. The United States was unaware of the decisions of the Inter-American Commission on Human Rights and the recommendations of the Committee on the Elimination of Racial Discrimination, which had ruled in favour of the Shoshone people. It continued to threaten the population with expropriation, conduct military tests and use Shoshone land, which was causing serious pollution. The laws and policies of the United States prevented the Shoshone people from protecting the sacred elements of water, earth, sun and air, according to rituals established thousands of years before the arrival of the Europeans on the American continent. Denouncing the racism underlying the policies implemented by the United States and their harmful nature, he invited the Sub-Commission to accord special attention to the difficulties experienced by the Shoshone people and, more generally, by indigenous people worldwide.

23. *Mr. Bossuyt, Chairperson, resumed the chair.*

24. **Ms. Parker** (International Educational Development) said that the systematic attacks against the medical facilities in Falluja in Iraq in November 2004 had been strongly condemned by the High Commissioner for Human Rights. That had not, unfortunately, prevented the United States from continuing to target medical facilities and protected personnel in Iraq, which should be condemned by the Sub-Commission. While welcoming the fact that in its resolution on Lebanon, the Human Rights Council had referred to facilities and persons protected by the Geneva Conventions and humanitarian law, she regretted that the Council had remained silent with regard to several other conflicts marked by attacks on protected persons and facilities. For example, in Sri Lanka, the violence had reached its worst level since the ceasefire signed in 2002; the number of military operations by government armed forces aimed deliberately at protected persons and facilities had substantially risen in recent weeks. On 6 August 2006, 17 humanitarian workers from the NGO "Action against hunger" had been killed at Trincomalee, a region placed under the authority of the Government, which had led Ms. Jilani, Special Rapporteur on the situation of human rights defenders, Mr. Alston, Special Rapporteur on extrajudicial, summary or arbitrary executions, and Mr. Ziegler, Special Rapporteur on the right to food, to declare in a press release of 11 August 2006 that the act of deliberately targeting humanitarian workers was a grave violation of the basic principles of international humanitarian law and of the Declaration on Human Rights Defenders.

25. The Sub-Commission should call the Council's attention to the situation in Sri Lanka, in particular the situation of the Tamils, and urge it to take action. The resumption of fighting had led to the displacement of more than 100,000 people, most of whom had no potable water or food. Delivery of emergency assistance from the United Nations Children's Fund and the United Nations High Commissioner for Refugees was blocked by government forces. The Government of Sri Lanka had severely limited aid to the tsunami victims, only authorizing aid from the Diaspora. Currently, nearly one third of the Tamil population reportedly was displaced or had fled. International Educational Development, which had repeatedly said that the geopolitical interests of the United States in the ports and airports located in Tamil zones were a major obstacle to settlement of that prolonged conflict, hoped that the Sub-Commission would keep the Council informed about its concern with regard to the situation in Sri Lanka and urge it to take action.

26. **Ms. Vadiati** (Observer for the Islamic Republic of Iran) recalled the general principle according to which speakers must demonstrate moderation in their statements and asked the Chairperson to ensure that speakers kept to the agenda item under consideration.

27. **Mr. Alfonso Martínez** said that he wished to make it clear that if a speaker had said something unacceptable when he had been in the chair, he would certainly have called him or her to order.

28. **Ms. Hampson** said that she wished to make three kinds of observations in the light of the debate held in recent years on item 2 of the agenda – usefulness of the Sub-Commission's work on that item and follow-up of related questions. First, it was clear that the Sub-Commission could do useful work by adopting detailed thematic resolutions which NGOs could then use. Several years ago, the Sub-Commission had adopted a resolution in which it had declared that the application of the death sentence to a person under 18 years of age was a violation of international customary law; that resolution had been cited 24 hours later by the American courts. The United States had not ratified the Convention on the Rights of the Child, but recognized international customary law. Approximately two years ago, the Supreme Court of the United States had expressed the opinion that the application of the death penalty to a child was cruel and constituted inhuman punishment.

29. With regard to follow-up, she wished to stress that the Islamic Republic of Iran, which was bound by the Convention on the Rights of the Child, continued to execute minors. In the case of Atefah Sahaaleh, arrested in Neka on 15 August 2004, the court had not bothered to establish the age of the party concerned. It had merely asserted that she was 22 years old when, in reality, she had been 16 years old at the time of the events. More recently, in July 2005, two young men had been executed in public. It would, moreover, be useful to address the question of the application of the death penalty to mentally handicapped persons. In the United States, in certain states, some doctors forced prisoners to receive medical care so that they would become healthy enough to be executed. Moreover, at its previous session, the Sub-Commission had adopted a very detailed resolution on the extraordinary restitution of persons from one State to another, which had been referred to in a case relating to the Netherlands pending before the European Court of Human Rights. European States had not put an end to that practice; France had recently extradited Adel Tebourski to Tunisia where he ran the risk of being subjected to ill-treatment.

30. Turning to the question of the burden of individuals arbitrarily deprived of their freedom, detained in inhuman conditions and/or tortured, she said that in Equatorial Guinea, persons were detained for long periods without being charged or brought to trial. In Brazil, very few measures had been taken with regard to conditions of detention, and the federal Government's numerous proposals on that matter had still not been implemented. Torture and ill-treatment were widespread, and conditions of detention were such that they often gave rise to acts of violence. Conditions in adult detention centres were reportedly such that they constituted cruel, inhuman or degrading treatment. Noteworthy of mention with regard to the Islamic Republic of Iran were unexplained cases of death in prison, in particular, the case of Akbar Mohammadi, a former student at the University of Teheran, and the prolonged detention of his brother, Manuchehr Mohammadi, a former leader of a student movement, whose health was in danger. With regard to Greece, there had been allegations of ill-treatment inflicted by the police, in particular on members of minorities such as the Roma or immigrants in illegal situations.

31. The situation was equally worrying in the Russian Federation where detainees condemned to death allegedly lived under conditions that could be said to constitute cruel, inhuman or degrading treatment and were, in some cases, tortured. In the Maldives, opposition militants and human rights defenders had been victims of a wave of arrests. The Government had recognized in 2004 that the judicial system had grave deficiencies, but unfair political trials continued. According to repeated reports, dozens of prisoners had been beaten or mistreated. With regard to Indonesia, a study conducted by a local NGO had demonstrated that more than 81 per cent of persons arrested between January 2003 and April 2005 and placed in detention in Djakarta prisons had allegedly been subjected to acts of torture or ill-treatment: nearly 64 per cent during their interrogation, 43 per cent at the time of their arrest and 25 per cent during their detention. Lastly, it was noteworthy that for

the twelfth consecutive time, the authorities had not responded to the request for a visit by the Special Rapporteur on torture.

32. It appeared that the media were not capable of dealing with more than one crisis situation at a time, the most recent example being that of Lebanon. States and the Council should not follow such an example but should ask themselves how consideration could be given to totally or partially forgotten situations. The Sub-Commission should address the question of how the Council could deal with those situations before they degenerated into open conflict. Some kind of early warning mechanism should be set up. Moreover, interest in any particular situation had to be maintained until it was no longer a crisis. What was needed was political will and the capacity to reflect on more than one situation at a time. That period of transition, with a new Human Rights Council and the possibility of a universal periodic review, was the ideal time to address the question.

The public part of the meeting rose at 5.15 p.m. to enable the Working Group on the application of Human Rights Council decision 1/102 to meet.