

Human Rights Council holds General Debate on Human Rights Situations that require the Council's attention

Human Rights Council
AFTERNOON 17 September 2010

Concludes Interactive Dialogue with Independent Expert on the Sudan

The Human Rights Council this afternoon held a general debate on human rights situations that require the Council's attention. It also concluded its interactive dialogue with the Independent Expert on the Sudan.

Mohamed Chande Othman, Independent Expert on the Sudan, in his concluding remarks, said that it was important for the Council to take into account the incompleteness of the nature of human rights institutions in the Sudan. Although some progress had been made, for example in establishing the national forum for human rights, those institutions were in the budding stage and there was more room for growth. Regarding the upcoming referendum of January 2011, the Independent Expert said that registration of voters should start as soon as possible, including identifying those who were eligible to vote. Furthermore, the Council should urge the Government of the Sudan to build up the culture of human rights to ensure that related legislation did not remain just a project passed by the Parliament. Finally, on accountability, the Independent Expert agreed that more needed to be done to bring to justice those who committed crimes and grave violations of human rights.

In the context of the interactive dialogue on the Sudan, non-governmental organizations pointed out shortcomings linked to the rule of law and the exercise of civil and political rights in the Sudan. The worrying deterioration of the human rights situation in Darfur exemplified the human rights crisis raging in the country. The Sudan was woefully unprepared for the upcoming referenda and the Government had a responsibility to ensure that all people could vote free from fear or intimidation.

The following non-governmental organizations spoke in the interactive dialogue on the Sudan: International Federation of Human Rights Leagues, Amnesty International and Society Studies.

In the general debate on human rights situations that require the Council's attention, some speakers denounced human rights violations in certain countries, while other speakers said this exercise was counter productive and reflected the prevailing double standards in dealing with human rights which only targeted countries of the south. A number of speakers said that racism and racial and religious discrimination were threatening the multi-cultural fabric of many societies. In this regard, there were growing instances of Islamophobia and baseless linkage between Muslims and terrorism. The maintenance and promotion of interreligious and intercultural harmony was in the interest of all States.

Speaking in the general debate on human rights situations that require the Council's attention were Belgium on behalf of the European Union, Pakistan on behalf of the Organization of Islamic Conference, France, Norway, United States, Russian Federation, United Kingdom, Japan, Switzerland, Slovakia, Pakistan, Cuba, China, Algeria, Luxembourg, Australia, Israel, Sweden, Ireland, Yemen, Austria, Czech Republic, Syria, Denmark, Sudan, Iran, Myanmar, Morocco and Palestine.

The following non-governmental organizations also spoke on human rights situations that required the Council's attention: the Hawa Society for Women and Sudan Council of Voluntary Agencies.

Speaking in a right of reply were Sudan, Bahrain, Sri Lanka, Democratic People's Republic of Korea, Belarus, Myanmar, Algeria, Cuba, Venezuela, Eritrea, Zimbabwe, Iran and Japan.

The next meeting of the Council will be Monday, 20 September at 10 a.m., when the Council will hold a panel on women's equality before the law. The general debate on human rights situations that require the Council's attention will resume at 3 p.m. on Monday.

Interactive Debate with Independent Expert on the Sudan

OSMAN HUMMAIDA, of International Federation of Human Rights Leagues, said the International Federation shared the analysis of the Independent Expert on a number of shortcomings linked to the rule of law and the exercise of civil and political rights in the Sudan, showing that certain Governmental authorities were the most responsible for the violations in Darfur. The Sudan was woefully unprepared for the upcoming referendum, and several improvements should be brought to the context; preparation should start immediately to ensure that the process was fair and credible, including the protection of all citizens in both North and South before the referenda began. The Comprehensive Peace Agreement round two should state clearly and collectively the internationally-recognized right of the people of Southern Sudan to self-determination. Concrete measures needed to be taken to reform the current legal framework.

RANJA RAJJI, of Amnesty International, said as the Council heard today, the human rights and humanitarian situation in the Sudan had deteriorated in recent months. Since January 2010, large scale attacks had resumed in Darfur, often targeting civilians. Arbitrary arrests and deportations continued. The worrying deterioration of the human rights situation in Darfur exemplified the human rights crisis raging in the country. The Human Rights Council should not repeat the mistake of the former Commission when it terminated the mandate of the then Special Rapporteur on the Sudan. The Council should renew the Independent Expert's mandate for a period of at least three years with a strong resolution that addressed concerns throughout the country.

OMER ELCHAIR, of Society Studies Centre, said that the Sudan should be applauded for the recent elections, in which women participated both in the elections and the electoral process. This was a significant achievement for the country. The upcoming referendum had to be fair and free and the Government had to ensure that all people could vote free from fear or intimidation. The society Studies Centre also added that a National Human Rights Commission needed to be created in order to help monitor and support the Sudan's efforts at improving the situation of human rights in the country.

Concluding Remarks by Independent Expert on the Sudan

MOHAMED CHANDE OTHMAN, Independent Expert on the Situation of Human Rights in the Sudan, in closing remarks said that some important issues were raised by the speakers during the interactive dialogue today. It was important for the Council to take into account the incompleteness of the nature of human rights institutions in the Sudan. Although some progress was made, for example in establishing the national forum for human rights, those institutions were in the budding stage and there was more room for their growth. Any decision made by the Council must not leave a protection gap on the ground. Furthermore, the Council must give more attention to the implementations of the recommendations made by the Group of Experts of Darfur. The implementation of some

of those recommendations required resources, but there were some that could have been implemented regardless, including the ratification of the Convention against Torture. The Human Rights Council should view those recommendations as unfinished business and, since they were over four years old, might choose to re-examine them.

Regarding the upcoming referendum of January 2011, the Independent Expert concurred with those saying that time was the biggest challenge. Registration of voters must start as soon as possible, including identifying those who were eligible to vote. It was important to start early to avoid post-referendum violence. Concerning the legislation of national security services undertaken in the Sudan, Mr. Othman said that was the first step, but the Council must urge the Government of the Sudan to set up the institutions and build up the culture of human rights to ensure that the legislation did not remain just a project passed by the Parliament. The protection of civilians was an area which needed attention by the Council and the Independent Expert said that the biggest challenge to the protection of civilians, particularly in Darfur, was access by the United Nations Mission in the Sudan. Technical assistance and capacity building in the Sudan for the promotion and protection of human rights must go in parallel with other issues. Many speakers raised the issue of accountability. The Independent Expert agreed that more needed to be done to bring to justice those who committed crimes and grave violations of human rights in Darfur, and those responsible for the recent killings of peace keepers.

General Debate on Human Rights Situations that Require the Attention of the Council

ALEX VAN MEEUWEN (Belgium), speaking on behalf of the European Union, said the European Union believed that the Council should be able to examine all human rights violations, no matter where they were committed, and certain situations required the particular urgent attention of the Council. The European Union was concerned for the human rights situation in Iran, where the Baha'i were persecuted, and the death penalty was applied. The Iranian authorities should respect international standards with regard to the application of this penalty, and the European Union condemned all forms of human rights violations based on sex or sexual orientation. Bahrain also recently applied the death penalty. The situation in the Sudan continued to affect the civilian population, and the mandate of the Independent Expert should be extended. The European Union was concerned at the intensification of armed violence in Somalia. The use of rape as a weapon of war continued in the Democratic Republic of the Congo, and this could not remain unpunished and required the unfailing mobilisation of the authorities and the international community. The European Union was concerned that the upcoming elections in Myanmar were not going to occur in democratic conditions. The non-respect of nearly all forms of human rights in the Democratic People's Republic of Korea was also of concern. National reconciliation in Sri Lanka also required the attention of the Council. The European Union hoped the upcoming elections in Belarus would take place in democratic conditions. The reduction in China of the number of crimes meriting the death penalty was welcomed.

MARIAM AFTAB (Pakistan), speaking on behalf of the Organization of the Islamic Conference, said that the Organization of the Islamic Conference was deeply concerned over the disturbing growth of new trends of racism, racial and religious discrimination, xenophobia and related intolerance, which was threatening the multi-cultural fabric of many societies. There were growing instances of Islamophobia and baseless linkage between Muslims and terrorism. The latest in a series of disturbing developments was the call for a Burn a Koran day. The Organization of the Islamic Conference asked the Human Rights Council to call upon all States to condemn and address any advocacy of national, racial or religious hatred that constituted incitement to discrimination, hostility and violence, as well as to take appropriate measures to address this dangerous trend. The maintenance and promotion of interreligious and intercultural harmony was in the

interest of all States, including those in the West where sizable religious and ethnic minorities resided as peaceful citizens.

JEAN-BAPTISTE MATTEI (France) said that a year after the peaceful manifestation following the contested presidential elections in Iran, the repression continued. Human rights defenders were harassed, journalists and lawyers were arbitrarily arrested and minorities were still prosecuted. Teheran should cooperate with the United Nations and extend an open invitation to the Special Procedures. In Burma, 1,200 prisoners were still not liberated. Human rights were still systematically violated and France expressed its support for the Special Rapporteur's recommendation to establish an international commission of inquiry. Large scale systematic mass rape continued in the Democratic Republic of the Congo. France called on the authorities to prosecute those responsible and provide assistance to victims. The situation in the Sudan remained of concern. Human rights violations were still numerous as seen in Darfur recently. The Government of the Sudan should cooperate with the International Criminal Court and France urged the Human Rights Council to extend the mandate of the Independent Expert on the human rights situation in the Sudan.

GEIR SJOBERG (Norway) said Norway condemned the gross and systematic violations of human rights in Myanmar, and had so far been disappointed by the regime's lack of effort to keep its promise of a free and fair process towards the upcoming elections in November. The respect for fundamental human and political rights of all was one of the key principles in the Sudan's Comprehensive Peace Agreement, and consistent and intensified efforts were needed in order to ensure that these principles were fully respected. Norway was concerned over the situation in Belarus, where a wide range of civil society actors continued to face a variety of obstacles to fully legitimate activities. Norway noted with growing concern the continued negative developments on the human rights situation in Swaziland, where the aggravated situation for political opposition and trade unions was unacceptable. The human rights situation in Kenya had been raised at previous sessions, and Norway was pleased to welcome the endorsement of the new Constitution and its Bill of Rights.

EILEEN CHAMBERLAIN DONAHOE (United States) said that the United States hoped that the Sudan would follow through with the renewal of the Special Procedures mandate on its country and continue to make steps towards improving the situation of human rights. In Iran, the United States was concerned about the continued restrictions on freedoms of expression, assembly and religion. Intimidation of and violence against political activists, civil society members, journalists, and in some cases their family members, had to stop. In Myanmar, the human rights situation remained grim and an international commission of inquiry should be structured to examine allegations of serious violations of international law. The United States also mentioned how the Cuban Government maintained restrictions on freedoms of speech, expression and assembly and used short-term detention and Government orchestrated mob violence to suppress dissent. The Democratic People's Republic of Korea failed to protect even the most basic rights of its citizens and did not abide by its international human rights commitments. The United States concluded by addressing the situation in the Democratic Republic of the Congo and called on the Government to enhance its efforts to fight impunity, strengthen security and implement effective measures for investigation to bring perpetrators to justice.

EVGENY USTINOV (Russian Federation) said that the Russian Federation condemned the use of human rights issues as a pretext for interference in internal affairs of other States and disagreed with the politicization of country situations in the Council. The Universal Periodic Review was an effective mechanism to address these problems and other problems facing humanity. The Russian Federation drew the attention of the Council yet again to the impact of the global economic and financial crises on human rights and said

that States must not neglect the economic, social and cultural rights of their citizens when dealing with the crises. In the contemporary world information had become an important tool which impacted on people's lives. Information technologies created new challenges to human rights, including to the right to privacy. The Council must pay greater attention to issues of responsible behaviour by various stakeholders in the modern information society. In conclusion, the Russian Federation said that this agenda item must be broadened to take into account other issues with direct impact on human rights, in addition to country situations requiring the Council's attention.

PHILIP TISSOT (United Kingdom) said the United Kingdom had long standing and grave concerns with the human rights situations in the Democratic People's Republic of Korea and Iran, and also condemned the mass rapes that recently took place in the east of the Democratic Republic of the Congo, and stressed that the primary responsibility for the protection of civilians rested with the authorities of the country. The Government should fully investigate and ensure a swift and fair prosecution of the perpetrators of these terrible crimes. In Syria, the United Kingdom remained concerned with the continuing widespread violations of human rights, including the arbitrary arrest and detention of those critical of the Government. The authorities of Belarus should do more to guarantee freedom of assembly and freedom of the media in the run-up to the Presidential elections. The Myanmar authorities had already ensured that the forthcoming elections would not be free or fair, nor reflect the will of the people, and the United Kingdom would continue to insist on the release of all political prisoners and a fully inclusive process of national reconciliation, including all ethnic and opposition groups.

SHINICHI KITAJIMA (Japan) said that Japan continued to have serious concerns regarding the democratisation process in Myanmar. The current situation in which prisoners of conscience, including Aung San Suu Kyi, could not stand for political office in the forthcoming general elections was regrettable. Japan urged the Government of Myanmar to release prisoners of conscience. In Sri Lanka, it was important that the Government clarify facts relating to alleged human rights violations that occurred during the final stages of the country's civil war. Thirdly, with regard to the Democratic People's Republic of Korea, Japan continued to be gravely concerned by the lack of any improvement in the human rights situation in that country. Finally, Japan said that it hoped that the Iranian Government would respond sincerely to the recommendations made during its Universal Periodic Review and urged the Government of the Democratic Republic of the Congo to bring to justice those responsible for a mass rape recently perpetrated by armed groups in the eastern part of their country.

DANTE MARTINELLI (Switzerland) said Switzerland was concerned about the persistence of grave human rights violations in Myanmar. It was crucial for the authorities to respect their commitment to hold free, transparent and inclusive elections in November. Switzerland was shocked at rapes that had taken place in Walikale in the Democratic Republic of the Congo and joined the calls for the better protection of civilians and an increased commitment to fight against impunity. Switzerland continued to be concerned by the consistent deterioration of the situation of human rights defenders and the media in the Democratic Republic of the Congo and said that, while approaching the election year, it was indispensable for the Government to put in place all measures to guarantee freedom of expression and opinion. In Europe, discrimination against Roma and travellers continued and it was urgent for States to confirm their commitments to strengthen their social and economic integration. Switzerland remained concerned by the situation in Kyrgyzstan which remained volatile after the events of June this year. In view of parliamentary elections in October this year, Switzerland reiterated the call for transparency and inclusion and said it was imperative that the Government of Kyrgyzstan guaranteed freedom of expression and respect for human rights, and strengthened democratic institutions.

BRANISLAV LYSÁK (Slovakia) said with regard to the perpetual impunity for grave human rights violations in Myanmar, Slovakia remained concerned and hoped the international community would work to implement the recommendations of the Special Rapporteur, and that the Government would use the upcoming elections as a gateway towards true democracy, with respect for human rights and fundamental freedoms. The prosecution of political opponents in Iran was of concern, as was the situation of the Baha'i, as this put freedom of religion to the task. The systematic targeted killings of civilians by non-State actors in Afghanistan should come to an end, and all parties to the conflict should respect the rights of civilians. The situation in Kyrgyzstan remained very fragile, and the Government should cooperate with the international community. Slovakia was horrified at the latest reports of sexual violence in the Democratic Republic of the Congo - these heinous acts showed signs of being conducted in a systematic and organised manner, and the Government should ensure the due protection of civilians in order to prevent repetitions of such acts. The mandate of the Independent Expert on the Sudan should be renewed.

MARIAM AFTAB (Pakistan) said that human rights violations in occupied Jammu and Kashmir were not a recent phenomenon. Since 1947, successive generations of Kashmiris had paid with blood for their fundamental human rights. For the past several months, Occupied Jammu and Kashmir had been engulfed in the latest phase of turmoil. A curfew had been imposed in much of Kashmir, with thousands of security forces deployed to enforce it. The international community and the Council needed to direct its attention to the carnage unleashed in Kashmir. Over 91 innocent unarmed people had lost their lives and there had been hundreds of arrests and disappearances, along with wilful destruction of property. This brutal attempt to bludgeon the Kashmiris into submission could not be allowed to continue and the Council needed to fulfil its mandate to the captive people of Occupied Jammu and Kashmir by protecting their fundamental rights, which included the right to self-determination.

RODOLFO REYES RODRIGUEZ (Cuba) said that Cuba was disappointed to see this debate marked by selectivity and attacks by industrialised countries against others. Cuba did not hear one word of criticism of flagrant violations of human rights these countries were committing daily in their territories and everywhere on the planet, particularly where they had direct military interests. Those countries scorned the commitment to eliminate double standards and politicization. This was now a confirmation that the call to dialogue was never genuine. Just a few days ago, 12 years had elapsed since the illegal imprisonment of five Cuban anti-terrorist fighters in the United States. The United States' Government was flaunting international law and submitting the five men to cruel punishment. The five were still giving the example to the world of the power of resistance. Cuba appealed to all honest governments, institutions and persons to join them in their call for justice and freedom.

QIAN BO (China) said the Chinese Government attached great importance to the protection and promotion of human rights, with progress made in all fields, and was concerned about the grave violation of human rights in some European Union States, where ethnic groups such as the Roma had been significantly discriminated against. In a number of countries, religious discrimination was rampant. The European Union Member States should reflect seriously on their own human rights record and take effective measures to remedy the situation and examine other countries' human rights situations with an open mind, and give up double standards and politicisation, in order to regain the trust of the international community.

BOUALEM CHEBIHI (Algeria) said that Algeria remained concerned about the human rights situation in the Sahrawi camps, where human rights abuses continued to take place. These individuals deserved access to their basic human rights without any distinction or restrictions. Algeria recommended that the Office of the High Commissioner

for Human Rights send a mission to the camps, whose report should be made public to help spread awareness about the gross human rights violations occurring in that part of the world.

JEAN FEYDER (Luxemburg) said that mass rapes perpetrated by armed man in the Kivu province should be an affront to the conscience. The responsibility lay with the Government of the Democratic Republic of the Congo itself, but this incident also showed the malfunctioning of the United Nations mission that must be corrected. The Human Rights Council must do everything to support the Government in its efforts to bring those responsible to justice. Finally, Luxemburg remained aware of immense challenges in combating poverty in the Democratic Republic of the Congo. Luxemburg was opposed to the death penalty under all circumstances and called on Iran to respect its international commitments which said that the death penalty should be applied for the most serious crimes. Luxemburg was concerned about other violations of human rights in Iran, in particular the treatment of the Baha'i community, and arbitrary detentions of human rights defenders.

PETER WOOLCOTT (Australia) said Australia remained gravely concerned by Myanmar's suppression of the human rights and democratic aspirations of its people, and urged the authorities to seek to solve Myanmar's ethnic conflicts non-militarily. The recent mass rape of civilians in the eastern Democratic Republic of the Congo was of deep concern - all parties to the conflict had a responsibility to prevent such attacks. Australia remained deeply concerned about human rights in Iran, including use of violence, intimidation and arbitrary arrest of human rights defenders and political activists, and violation of political and media freedoms. The human rights situation in Zimbabwe continued to be of deep concern, including the harassment of civil society and human rights defenders, and restrictions on the freedom of assembly and speech. The human rights situation in Fiji continued to deteriorate under the unelected, military-led interim Government.

WALID ABU-HAYA (Israel) said that the brutal suppression of people in Iran remained of grave concern to the State of Israel. In Iran, mass executions, restrictions on the freedom of expression or opinion, religion or belief, and the suppression, arbitrary detention and torture of political opposition members remained a very present reality. The Human Rights Council needed to take concrete action to ensure that Iran ended its long-time suppression of the human rights of its citizens. Israel also addressed the issue of freedom of peaceful assembly and association in Cambodia, which remained heavily curtailed. In that country, perpetrators engaged in the trafficking and sexual exploitation of women and children acted with impunity with the support of police and Government officials. Israel concluded by condemning the Democratic People's Republic of Korea for its horrific human rights situation.

JAN KNUTSSON (Sweden) said that human rights defenders continued to face persecution in all regions of the world. In Iran, their situation continued to be of grave concern. Sweden condemned the recent sentencing of seven prominent persons belonging to the Baha'i community and called for the release of all persons detained for exercising their human rights. Sweden also urged Iran to terminate the barbaric practice of stoning. The harassment or deprivation of liberty of people for having used the Internet and other technologies in China, Cuba, Viet Nam and other countries remained a source of strong concern. Threats, kidnapping and murder of human rights defenders in the Democratic Republic of the Congo was deeply troubling. Sweden recalled that the European Union had repeatedly deplored the persistent violation by Eritrea of its international and domestic obligations and had called for the unconditional release of all persons detained for having peacefully expressed their views. Sweden remained deeply concerned about situations in countries like Uganda, Zambia, Iraq, Malawi and Zimbabwe.

GEIR SJOBERG (Ireland) said Ireland was extremely concerned about the situation in the Democratic Republic of the Congo, and the systematic rapes and the ongoing sexual violence there were particularly horrifying. The Government should do everything possible to prevent such atrocities from happening again. The situation of human rights defenders in the Democratic Republic of the Congo was also a matter of concern. In relation to the Sudan, the Government should ensure all human rights were protected in the run up to and aftermath of the referendum next January. The situation in Somalia was also of serious concern, and illustrated the urgent need to pursue national reconciliation and to build up a functioning security sector. Ireland had long expressed its concern regarding the situation in Myanmar and was committed to the belief that democracy was the best way forward. Ireland had grave concerns about the treatment of ethnic minorities by the Government of Myanmar. In relation to Sri Lanka, more must be done to build a genuine reconciliation process to begin to heal the wounds inflicted by years of war and address the root causes of conflict on the island. Ireland was deeply concerned about the use of the death penalty in Iran, and the targeting of human rights lawyers and activists. Ireland also continued to be concerned about the human rights situation including evictions and demolitions in the Occupied Palestinian Territories, and the still severe effects of the current blockade of Gaza.

FADHL AL-MAGHAFI (Yemen) noted the flagrant violations of human rights occurring in the Occupied Palestinian Territory. Palestinian children had to walk long distances to get to schools since there was no public transport to speak of. UNICEF said that children had no school supplies and building supplies could not get to the occupied Palestinian Territory because of the blockade. Schools had to cut back on their teaching hours. Israel's attention needed to be drawn to its international commitments in promoting and protecting human rights in Palestine.

CHRISTIAN STROHAL (Austria) said that no country could be regarded as beyond reach when it came to human rights. National sovereignty could not be used as a shield to repel effectively the call for protection of human rights on the ground. Every country had the responsibility to protect its own population from human rights violations. In case of gaps in protection, this Council had a mandated role to play in using all the tools and mechanisms at its disposal to effectuate change on the ground. Austria remained deeply concerned about the ongoing human rights violations in Iran, with continuing reports on arbitrary arrests, prolonged detentions and trials of women rights activists, human rights defenders and journalists. Practices such as stoning must stop and Iran had to comply fully with its international human rights obligations. Austria reiterated its strongest condemnation of the recent mass rapes and lootings committed against women and children in the Democratic Republic of the Congo. Those incidents illustrated once again that the population remained unacceptably vulnerable and Austria said that all perpetrators must be brought to justice and the culture of impunity in the eastern Democratic Republic of the Congo had to come to an end. Austria was deeply disturbed by the continuing reports of civilian casualties caused by ongoing fighting in Somalia and in Mogadishu and recalled the plea by the Independent Expert for Somalia to pay due attention to the protection of civilians in there. The same held for Afghanistan. Austria concluded by saying that "fighting terrorism" and "national security" could not justify or excuse violations of human rights.

VERONIKA STROMSIKOVA (Czech Republic) said the Czech Republic welcomed the recently launched process of release of political prisoners in Cuba, and hoped that the pledge of the authorities to release all political prisoners would be fulfilled soon. A Commission of Inquiry should be set up on Myanmar, with a specific fact-finding mandate to address the question of international crimes. Some of the human rights violations in the country may entail categories of crimes against humanity or war, crimes under the terms of the Rome Statute of the International Criminal Court. The situation in Iran remained extremely serious - a number of peaceful human rights activists had been

imprisoned, and lawyers defending them had been persecuted and detained. The Czech Republic noted with appreciation the declaration of general elections in Côte d'Ivoire, and welcomed the Government's decision to invite international observers. The Czech Republic also welcomed the promulgation of a new Constitution in Kenya last month.

RANIA AL RIFAIY (Syria) expressed Syria's disappointment with the statement made by the United Kingdom at a time when the United Kingdom was itself mired in human rights abuses. Rather than making allegations about Syria, the delegate would have hoped that the United Kingdom would speak out with the same fervour in defence of the numerous Syrians imprisoned in Israeli jails and the plight of the thousands of Syrian trapped in the Occupied Syrian Golan.

ARNOLD DE FINE SKIBSTED (Denmark) said that the unstable situation in Somalia continued to be of great concern to the Danish Government. The internal conflict and continued fighting had worsened the humanitarian situation and human rights were not maintained. Civilians were the greatest victims of the situation. Denmark urged the United Nations to step up its efforts to assist the Government in meeting the needs for humanitarian assistance and addressing human rights abuses. In Sudan, impunity remained and Denmark urged the authorities to investigate the allegations. Myanmar should undertake all steps to ensure that the upcoming elections would be free, fair and inclusive. Denmark encouraged the Government to engage more with the United Nations and the international community. Denmark deplored malnutrition and health problems for the population in the Democratic People's Republic of Korea, and was concerned about long-term consequences it might have. Denmark condemned the widespread use of the death penalty and execution and the arbitrary arrests in Iran and called on the authorities to respect and protect minorities and to comply with international commitments and conventions on human rights.

JOHN UKEC LUETH UKEC (Sudan) said today was a good day to remember the people who had suffered so much because of the violation of their human rights, in particular in Gaza and the Flotilla incident, and the great prison that Gaza had become, with a 1.5 million population. This was outrageous, and the Human Rights Council should do something about it. The perpetrators had to be brought to justice. The attack on the Flotilla was a serious violation of international human rights law and of human rights. The fate of those in Pakistan who were hit all the time by drones was also of concern, and Sudan paid tribute to those who had lost their lives in such incidents. The Council was in a very weird situation. Why should innocent people be killed when they should be the ones being helped, having been given by God the knowledge of how to help the rest of the world, and not destroy it. There were an intensified number of questions about impunity - most industrialised countries had alleged this about developing countries.

MOHAMMAD REZA GHAEBI (Iran) said that during the past six years, serious, rampant and systematic violations of human rights had been carried out by the United States in the so-called war on terror. The issue of CIA clandestine operations abroad, including the disreputable targeted killings and secret detention camps, was now highlighted by the High Commissioner for Human Rights as a matter of critical concern before the Council. Moreover, the alarming trend of Islamophobia and the discrimination of Muslims in the United States in particular required serious concern of the Council. In the European Union, a throng of reliable evidence confirming the brutal expulsion and continuous atrocious treatment against minorities in France, in particular the Roma, was an issue that should be considered by the Human Rights Council. In closing, Iran condemned the human rights abuses in a series of European countries and Canada.

WUNNA MAUNG LWIN (Myanmar) said Myanmar strongly believed that the promotion and protection of human rights and challenges faced by countries should only be resolved in a cooperative, non-politicized and non-selective manner. The Government had made

every effort to hold free and fair elections in a peaceful and stable manner and the participation in the elections depended on the decision and interest of an individual or a party. In March 2010, the Government had formed the Union Election Commission and promulgated election laws that were essential to hold free and fair elections. Thirty-seven political parties would be participating in the general elections in November. Myanmar was transforming toward democratic society and the destiny of Myanmar should be decided by its own people. It was not fair to make prejudgements and set preconditions on the upcoming elections from outside with the intention of interfering in internal affairs. The priority of Myanmar was to maintain peace and stability and the international community should recognize positive accomplishments of the Government and assist it through this process through understanding and encouragement.

OMAR HILALE (Morocco) said Morocco was surprised at the statement made by Algeria and the claims that they were concerned about the situation in the Moroccan Sahara. They should look at their own home situation with regard to human rights violations - this would improve their modesty. Algeria had been on the front page of human rights reports by civil society organizations which had denounced the human rights situation in the country and appealed for change. The Maghreb was moving towards democracy, but Algeria was slipping backwards and using Morocco as a scapegoat for its own faults; it should stop pointing its finger, and remedy its situation. Algeria was making thousands of people disappear, and forbidding their families from expressing their pain. Torture continued in detention centres. The appeal to the Council to take up the situation of the Saharawi area was sneaky, as it distracted from the issue of the Tinduf camps, which was the one that should be taken up by the Council. Human rights violations continued, and thousands of Moroccans had been held for decades in order to serve the political agenda of Algeria.

IMAD ZUHAIRI (Palestine) said that there were many Palestinian tragedies with which the international human rights community had been seized for much too long. Recently published statistics on Occupied East Jerusalem spoke for themselves: 65 per cent of the city's Palestinian residents and 75 per cent of Palestinian children lived below the poverty line. The United Nations Human Rights Council recognized in October 2009 that Israel had human rights obligations in the entirety of the Holy City of Jerusalem. Furthermore, the desecration of the Mamilla cemetery showed Israel's disrespect for the dead and that it had failed to safeguard the Petitioners' international human rights who opposed its destruction and had a right to have their cultural heritage protected.

ABDELATIE ABDELKHAIR EID, of Hawa Society for Women, in a joint statement with several NGOs¹, said that in January a referendum on South Sudan would be held. It would be a turning point for the Sudan and would have an impact of the human rights and humanitarian situation in both the North and the South. Civil society in Sudan and the international community must assume their responsibilities and ensure fairness of this referendum. Civil society must be enabled to play its part. The result would be one single or two States and the international community should play a positive role to enable the parties involved to play their parts in all freedom.

MOHAMED SHANGAR EL SAMANI, of Sudan Council of Voluntary Agencies, in a joint statement with several NGOs², welcomed the report on the Sudan which the Sudan Council for Voluntary Agencies found to be objective and balanced. The Sudan Council thanked the Sudanese Government for their cooperation with civil society. The elections held earlier this year were a major step and holding them was a source of reassurance for the holding of the January 2011 referendum. The Sudan Council of Voluntary Agencies called on the international community to put pressure on all political parties that had not joined the peace process to do so. The report referred to many important issues and the international community had a responsibility to ensure they were

implemented. There was no need to extend the mandate of the Independent Expert on the situation of human rights in the Sudan.

Right of Reply

JOHN UKEC LUETH UKEC (Sudan), speaking in a right of reply, said Sudan wished to be clear on a number of things, the first of which was about the referendum, which was an agreement sponsored by eager countries between the Sudan People's Liberation Movement and the National Congress Party. There had been a lot of fuss about the referendum; most of the things that occurred were the fault of the Western countries. During the issue of Darfur, they said nothing could be done on Sudan except for Darfur, and they were now coming back to haunt the good agreement of the Sudanese people themselves. The people of Sudan would not go back to war; the Government of National Unity had committed itself to implementation of the agreement, paper to paper and point to point. If the South decided to be a different State, this was well and good, as unity could not be imposed, it had to be voluntary. Thus countries should not go around talking about a time bomb, there was nobody there who wished to fight, as they had done so for fifteen years, and it had brought nothing. On violence and impunity, the latter did not arise from one sector, it was because of insurgency. Rebels attacked Government posts and ambushed even the United Nations bodies and the Government capability to deal with them was not there, which was why it had accepted the United Nations forces and those of the African Union to help with them. There were no political prisoners in the Sudan. Equally, there were no arbitrary arrests.

MUNA ABBAS RADHI (Bahrain), speaking in a right of reply, said with regard to Belgium's statement on behalf of the European Union, Bahrain supported the activity of civil society within the rules set within the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and other core human rights instruments as reflected in the Constitution and laws of the country, and it supported the activities of civil society, including facilitating the registration of non-governmental organizations and their work. There was no restriction to freedom of assembly, except the limitation to respect law and express opinion peacefully away from any incitement to violence and in the respect of public morality and public order as well as the interest of the country. Bahrain had recently seen painful acts of sabotage, violence, and incitement to violence, and legal measures were applied against those who committed these and aimed to undermine the security of the country. Later on, amnesties were issued, hoping that the guilty would go back to respecting the law, but this was not the case, and they reiterated their acts of violence and sabotage. On the basis of legal procedure, the authorities took legal measures against these people in a spirit of transparency and rule of law. The Ministry of Justice and Islamic Affairs had issued a statement stating that it was opening the way for civil society to monitor the legality of elections. Capital punishment was only for very serious crimes. Not a single person had been treated in violation of national laws.

MOHAN PEIRIS (Sri Lanka), speaking in a right of reply, said that reconciliation and recompense found their roots in Sri Lanka's rich history. In the past 25 years, it had not engaged in a war against its people but in a war against terror. Sri Lanka urged those concerned about the situation in Sri Lanka to leave the State to pursue reconciliation as it had in the past and would continue to do. Important steps had been taken toward reconciliation but were ignored by many States, including the United Kingdom. Sri Lanka also hoped that Member States would not seek to prematurely conclude that there had been human rights violations during the final stages of the conflict without proper investigation, which was being carried out by the Lessons Learnt and Reconciliation Commission. Finally, the passage of the Amendment was an entirely internal matter that moreover took place in full accord with the provisions of the Constitution and in total compliance with a unanimous decision of the Supreme Court, with an overwhelming

majority of 161 Members of Parliament of a total of 225, voting in favour.

CHOE MYONG NAM (Democratic People's Republic of Korea), speaking in a right of reply, said the Democratic People's Republic of Korea categorically rejected unfounded allegations by some countries. It was unacceptable that the United States pointed fingers while human rights violations occurred daily on its territory and by its occupying forces. The Democratic People's Republic of Korea called on the United States to rectify its statement. The European Union failed to report its own violations of human rights such as racism and xenophobia and the invasion of Afghanistan. All this made the concerns expressed by the European Union a double standard and hypocrisy. Japan continued with hostility against the Democratic People's Republic of Korea and refused to take responsibility for former crimes against humanity. The Democratic People's Republic of Korea called on the Japanese Government to address those crimes as a matter of urgent priority. In closing, the Democratic People's Republic of Korea said it was Israel which was the fundamental source of atrocities in the Occupied Palestinian Territories and the Syrian Golan.

ANDREI TARANDA (Belarus), speaking in a right of reply, noted that Norway, Sweden and a number of other countries had raised the question of freedom of association. Norway should refrain from making interpretations of statements made by the High Commissioner. Belarus had already responded to the point made by the High Commissioner in its statement under agenda item two. The dynamics here were shown by the growing number of civil society organizations in Belarus, and this was clear evidence of the lack of objectivity in the statements made. There were more than 1,200 public organizations active in Belarus today; in 2009 alone, 904 new non-governmental organizations were registered. Belarus could not agree with Norway's assessment on the guarantee for religious rights either, and the facts and figures also contradicted the Norwegian statement. There were more than 2,000 active places of worship, and more were being built. The activities of religious organizations were seen by the Government as making a significant contribution to promoting civil peace and increasing the moral fibre of citizens. Belarus was open to cooperation in the area of protecting and promoting human rights on the basis of genuine dialogue based on mutual respect.

WUNNA MAUNG LWIN (Myanmar), speaking in a right of reply, said that the allegations against Myanmar were completely false and unfounded. There were no crimes against humanity in Myanmar and the Government had negotiated ceasefires with 17 of the 18 rebel groups. The military only conducted counter-insurgency activities and not acts of military aggression. With regard to the issue of impunity, any member of the military who breached national law was subject to legal punishments. The Myanmar Governmental authority said that there was no need to conduct investigations in Myanmar since there were no human rights violations there. In closing, Myanmar asked that the Human Rights Council not be used as a forum to unfairly exert political pressure on certain countries.

MOHAMED DJALEL EDDINE BENABDOUN (Algeria), speaking in a right of reply, said Algeria was used to incendiary statements made by Morocco whenever the rights of Sahrawi people were mentioned. Algeria would not allow itself to be outraged or silenced by such statements. Algeria said that the truth about the situation would be published with the upcoming mission of the Human Rights Council.

RESFEL PINO ALVARES (Cuba), speaking in a right of reply, said that throughout the debate some Western countries had reiterated their endless, politically motivated list of countries where human rights were violated. This list was too long to finish during the time for statements. The long list of human rights violations deprived these countries of all credibility when talking about other countries, such as the United States, which had not mentioned the situation in Guantanamo, or the jails in Iraq. Nor had a single word been heard about the five Cuban anti-terrorist fighters who they kept in their jails whilst

granting total impunity to confessed terrorists. The representative of the Empire did not explain the trial that had just begun in Guantanamo against a child soldier, scandalising the world. The North American discourse was full of omissions and rhetoric, reminiscent of the time of the Texan cowboy. Sweden could not talk about human rights violations, when their own Special Services cooperated with the United States authorities. The Czech Republic was a servile satellite of the Empire, and should be reminded of its cooperation with clandestine rendition flights, police violence, and the neo-Nazi culture prevalent in the country.

EDGARDO TORO CARRENO (Venezuela), speaking in a right of reply, said that the United States was once again behaving as usual, condemning countries that did not tow the line of the hegemony. While Venezuela was not specifically mentioned in the United States statement, they felt the need to speak out against United States hypocrisy and harassment of Venezuela. There was a dark record of human rights violations in the United States, including harbouring known terrorists on its territory and the use of torture.

BEREKET WOLDEYOHANNES (Eritrea), speaking in a right of reply, said that all persons who transgressed the law were punishable by crime. Attempts of a coup d'état could be punished by capital punishment, but Eritrea was considerate and did not go and execute those who committed the crime. To the United States, Eritrea said it was constantly threatened by its neighbours.

ENOS MAFEMBA (Zimbabwe), speaking in a right of reply, said Australia had been sent by fellow human rights abusers, and should not look at Zimbabwe through racist supremacist glasses, and should drop paternalistic attitudes and get wisdom from Southern leaders and Zimbabweans themselves. Australia was one of the worst human rights abusers, as could be seen in their methods against the Aboriginal Australians - police and Court abuses were rampant, and Australia had even made fake apologies on the issue of the Lost Generation. The leopard could not change its spots - ruddy Australia would continue to suffer from blinkers where Zimbabwe was concerned, and valued no blood or values other than their own.

MOHAMMAD REZA GHAEBI (Iran), speaking in a right of reply, said that Iran regretted that the representative of the most infamous occupier of the world, the United States, targeted Iran in its statement. Pointing its finger at other countries was simply a tactic of deflection from its own human rights abuses. The United States, along with support from other European powers and Australia, wanted to sidetrack the attention of the Human Rights Council on issues that did not concern their own countries. The plight of the Palestinians was certainly the most real example of human rights abuses occurring today and deserved to be looked at more firmly in the Council. Finally, Iran deplored the efforts of certain States to use tactics of the past to selectively target countries, which would inevitably damage the overall credibility of the Council.

OSAMU SAKASHITA (Japan), speaking in a right of reply, said that the representative of the Democratic People's Republic of Korea said that the abduction issue had been resolved, but this statement contradicted the 2005 agreement. Out of 17 Japanese persons abducted by the Democratic People's Republic of Korea, only 5 were returned. There were also other cases of disappearance, Japan said, and the possibility of abduction could not be excluded. In August 2008 the Democratic People's Republic of Korea and Japan agreed on the overall objectives and modalities of re-investigation to be conducted on the abduction issues. Japan encouraged the Democratic People's Republic of Korea to undertake its obligations in accordance with this agreement. The various figures that the Democratic People's Republic of Korea mentioned on the unfortunate past were groundless and confirmed Japan's commitment to establishing relations with the Democratic People's Republic of Korea. This would be done by settling issues of the

unfortunate past, together with other outstanding issues such as abduction, missiles and others. Finally, Japan urged the Democratic People's Republic of Korea to take action to address the outstanding issues.

CHOE MYONG NAM, (Democratic People's Republic of Korea), speaking in a right to reply, said the Democratic People's Republic of Korea rejected the stereotypical allegations made by Japan just now. The figures quoted were not unsubstantiated, but were historical facts. The number of Japanese military sexual slaves had been estimated to be 200,000. The Japanese abduction case had been resolved once and for all, and there were no outstanding cases. The only outstanding cases were Japan's past crimes against humanity, such as one million genocidal killings - these past crimes remained an ongoing violation, as they had not been addressed as yet, unlike other countries that had successfully settled their unfortunate past. Unsettled past violations remained a grave source of future violations, as vindicated by rampant discrimination against Korean nationals in Japan today. The authorities should address their past and present crimes against humanity and avoid using the abduction case for political ends.

OSAMU SAKASHITA (Japan), speaking in a second right of reply, restated that the various figures used by the Democratic People's Republic of Korea in reference to past events were groundless. It was deeply regrettable that the Democratic People's Republic of Korea had not taken into account the concerns expressed by the international community and it hoped that this might change in the future.

1Joint statement on behalf of: Hawa Society for Women, Maarij Foundation for Peace and Development, Izza Peace Foundation, Sudan Council of Voluntary Agencies, and Eastern Sudan Women Development Organization.

2Joint statement on behalf of: Sudan Council of Voluntary Agencies, Eastern Sudan Women Development Organization, Izza Peace Foundation, Hawa Society for Women, and Al Zubair Charity Foundation.

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