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COMMISSION ON HUMAN RIGHTS

Fifty-ninth session

SUMMARY RECORD OF THE 29th MEETING

Held at the Palais des Nations, Geneva,  
on Thursday, 3 April 2003, at 3 p.m.

Chairperson: Mr. KARIYAWASAM (Sri Lanka)  
(Vice-Chairperson)

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In the absence of Ms. Al-Hajjaji (Libyan Arab Jamahiriya), Mr. Kariyawasam (Sri Lanka), Vice-Chairperson took the Chair.

The meeting was called to order at 3.05 p.m.

STATEMENT BY THE DIRECTOR OF THE OFFICE FOR DEMOCRATIC INSTITUTIONS  
AND HUMAN RIGHTS OF THE ORGANIZATION FOR SECURITY AND COOPERATION  
IN EUROPE

1. Mr. STROHAL (Organization for Security and Cooperation in Europe (OSCE)) said that 10 years previously, it would have been hard to imagine the depth and breadth of the current programme of the Office of the High Commissioner for Human Rights (OHCHR) or the large number of people employed by his own Office. That operationalization of the protection and promotion of human rights had brought new opportunities and challenges, but it also meant that all human rights institutions were addressing crucial security concerns. The current international context made greater cooperation in safeguarding human rights more necessary than ever before and required an inclusive approach. Non-governmental organizations (NGOs) and civil society, in their crucial role of human rights defenders, deserved unwavering support.
2. Security and peace were best achieved through the development of strong democracies where the rule of law was respected. The commitments of OSCE in that respect were far-reaching and it had developed tools to assist the drafting of legislation in line with international standards so as to foster legal reforms. Human rights and fundamental freedoms had to be upheld when countering terrorism. His Office had, consequently, been monitoring the implementation of the anti-terrorism measures introduced in the wake of 11 September 2001 to ensure that they complied fully with OSCE commitments and with the States' obligations under international human rights law. It had stepped up its efforts to promote tolerance, non-discrimination and freedom of religion in OSCE member States through meetings and a wide range of field activities.
3. OSCE was currently drawing up an action plan to combat the trafficking in human beings more effectively and was preparing a handbook on the establishment of national referral mechanisms addressing all the target groups of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The successes achieved by the Special Rapporteur on violence against women in the fields of awareness-raising and standard setting were especially welcome at a time when States were not meeting their international obligations to prevent such violence. In May, his organization would be holding a seminar on the participation of women in public and economic life in order to identify ways of improving women's participation in decision-making at all levels of society.
4. His Office was also actively involved in eliminating torture, one of the most egregious violations of human rights, but the prevention of torture depended on the political will of a State's highest authorities to address the issue. In that context, one of the tools his organization had established to supervise the implementation of human rights commitments was the Human Dimension Mechanism, which had already been invoked in relation to Turkmenistan.

5. Turning to future challenges, he noted that organizations and donors were tending to focus on Central Asia and to pull out of south-eastern Europe, although the assassination of the Prime Minister of Serbia had highlighted the very real problems still existing in that subregion. Moreover, the recent referendum in the Chechen Republic could not be considered a success unless all sides engaged in a sustained political effort to bridge the divide between the Russian Government and the people in that Republic. Lastly, a long-term commitment to policies and standards, rather than a trial and error approach, was vital, because action must be measured against achievements.

#### QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

##### (a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (continued) (E/CN.4/2003/31-37, 38 and Add.1, 39, 40 and Add.1, 41, 42, 44 and 45; E/CN.4/2003/G/7, 37, 38 and 47; E/CN.4/2003/NGO/28, 35, 54, 60, 61, 63, 68, 72-76, 102, 109, 117, 130, 136, 157, 162, 164, 166, 181, 188, 191, 194, 195, 204, 212, 226, 231-239, 241-244, 249, 263, 265 and 269)

6. Ms. DIOP (Femmes Africa Solidarité), speaking also on behalf of 15 other NGOs\*, drew attention to women's superior skills as mediators and peace-builders and said that the emphasis on military security after 11 September 2001 was a threat not only to women's physical safety, but also to their economic, social and cultural rights; consequently, there was a need to reverse that tendency. Current conflicts were also violating many of their rights and women then bore the burden of reconstruction and reconciliation in post-conflict societies, although they were not offered an environment propitious to their empowerment. Furthermore, article 1 of Security Council resolution 1325 (2000) should be fully implemented in order to ensure women's genuine participation in peace and security processes.

7. Violence against women was a violation of their human rights wherever it occurred and whatever form it took and, for that reason, the mandate of the Special Rapporteur on violence against women should be renewed. Rape as a weapon of war should be punished by an international judicial body, since it constituted a crime against humanity. Attention should also be paid to the plight of female refugees and internally displaced persons. The Commission's adherence to the principles underlying the protection and promotion of women's rights and the appointment of a senior gender adviser in the OHCHR were welcome, but stronger links would have to be forged between treaty-monitoring bodies, if all forms of discrimination against women were to be eliminated.

8. Ms. ROBERT (Médecins du Monde - International) said that her organization had received further evidence of serious violations of human rights and international humanitarian law in Chechnya. Despite the Russian Government's asseverations to the contrary, the situation in the Republic had not returned to normal and the Russian army continued to flout international conventions and harass Chechen doctors. Her organization demanded that the Russian

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\* The list of non-governmental organizations concerned appears as an annex to this summary record.

authorities respect human rights and international humanitarian law, cease all pressure on medical personnel and guarantee access to care for the whole population of Chechnya and the access of humanitarian organizations to civilians.

9. It also called for the establishment of an international commission to investigate war crimes and serious violations of human rights and international humanitarian law and for access to the relevant United Nations officials. The Commission should adopt a resolution covering those subjects and the High Commissioner should monitor the implementation thereof.

10. Mr. SANCHEZ (American Association of Jurists) said that, since the attacks of 11 September 2001, many Governments had introduced antidemocratic and repressive measures. That was true of Israel and of a number of Western democracies, which gave out good or bad “marks” to other Governments and which decided on war and peace throughout the world. Since none of the measures analysed in his organization’s written statement (E/CN.4/2003/NGO/177) contained a precise definition of “terrorism”, they had served as an excuse for curtailing the human rights and fundamental freedoms of citizens and, more particularly, of aliens, who had no legal remedies. The Security Council resolutions examined in another of his organization’s written statements (E/CN.4/2003/NGO/195) did not define “terrorism” either, but referred to the concept of the inherent right of self-defence, which had then been extended to give an appearance of legitimacy to the bombing of Afghanistan. Under the measures adopted by the European Union, lists of alleged terrorists had been drawn up, lists that were not subject to any judicial supervision whatsoever. The USA PATRIOT Act gave extremely wide powers to the United States Government to suspend the human rights of its own citizens. Those arsenals of measures permitted flagrant human rights abuses and exposed the true philosophy of so-called guardians of democracy which were careful not to track down the dirty money that, inter alia, was used to finance terrorism.

11. Mr. CHOEPHEL (Society for Threatened Peoples) said that, while the Dalai Lama’s visit to the People’s Republic of China had been a positive development, his organization remained deeply concerned about the human rights situation in Tibet. It was a welcome fact, however, that the Chinese authorities had allowed a political prisoner, Ngawang Sangdrol, to travel to the United States for urgent medical treatment.

12. Various approaches were being tried out in an effort to end human rights violations and human misery in Tibet, one of which was the “Middle Way” advocated by the Dalai Lama. If that approach were supported, it would lead to real dialogue and offer an opportunity to end the sufferings of the Tibetan people.

13. Mr. TER HORST (Andean Commission of Jurists) said that, in Venezuela, a Government which had been elected on the basis of a promise that it would fight poverty and corruption was attempting to impose a personality cult and authoritarian rule. To that end, it had had a law passed which undermined the independence of the judiciary, and had a devastating effect on the rule of law. That Government had then engaged in the physical and verbal intimidation of its political opponents and had distorted the constitutional role of the armed forces. Consequently, a United Nations human rights observer mission should be sent to the

country to carry out an independent investigation, as that would generate confidence in the electoral solution favoured by almost all Venezuelans, discourage the excesses of radicals on both sides and initiate the urgent task of reconciliation.

14. Ms. FERRY (Cairo Institute for Human Rights Studies) condemned the aggressive war launched by the United States of America and the United Kingdom against Iraq and commended the efforts of all peace-loving peoples who rejected it as being devoid of international legitimacy. A concerted effort was required to free the entire Middle East of all weapons of mass destruction and, for that purpose, the international community should launch an international and regional campaign to induce all States, including Israel, to sign the Treaty on the Non-Proliferation of Nuclear Weapons and to accept international inspections carried out by the United Nations.

15. Foreign flags raised on Iraqi soil and the rising death toll among innocent civilians gave the lie to claims that the war was one of liberation. Regime change engineered by foreign occupation and conquest constituted a flagrant violation of the Charter of the United Nations and was characteristic of a black period in the history of international relations. Two States were acting in utter contempt of international law and public opinion and it was disappointing that the Commission had not held a special session to discuss the human rights dimension of the war in Iraq. For that reason, her organization called on the General Assembly to convene an extraordinary session to denounce United Kingdom and United States military acts that were a breach of the Charter.

16. Mr. HEI (Catholic Institute for International Relations) said that the Ad Hoc Human Rights Court established by Indonesia to deal with the crimes committed in East Timor in 1999 was not operating according to international standards and that only a fraction of the crimes committed fell under its jurisdiction. The persons tried had been charged, not with arming and directing the militias in systematic attacks on the civilian population but with neglecting their duty to prevent conflict. The indictments had been ill-prepared and the sentences handed down were shorter than those required by law. The process was one that allowed for impunity.

17. In addition, the work of the Special Panel for Serious Crimes in Timor Leste had been deliberately frustrated by the Government of Indonesia, which was ignoring the Memorandum of Understanding it had signed with the United Nations Transitional Administration in East Timor (UNTAET) on cooperation with the judicial process in East Timor.

18. The East Timorese civil society organizations urged the international community to give full material support to the Serious Crimes panel. It would be remembered that the international commission of inquiry sent to East Timor in September 1999 had recommended that an international tribunal be set up to deal with such cases and he called for one to be established to bring to justice those responsible for the human rights violations in East Timor.

19. Mr. GILL (Asian Legal Resource Centre) said that, notwithstanding the November 2002 report of the Gujarat Concerned Citizens Tribunal, the international community had yet to recognize the nature and extent of the horrific anti-Muslim violence that had taken place in

the State of Gujarat in early 2002. Referring to his organization's written statement (E/CN.4/2003/NGO/148), he said that the violence had been carefully organized by militant nationalist groups operating under the aegis of the state government. Elected state officials, including cabinet ministers, had led the attacks, and the police had condoned them.

20. When those responsible for protecting citizens and their rights themselves perpetrated violations, people suffered a deep sense of insecurity, which was reinforced if there was a lack of effective redress also. The Government of India had lacked the courage to bring the perpetrators and organizers of the Gujarat massacre to justice - indeed, the state government had been re-elected. The international community, through the Commission, must call upon the Government to prosecute the perpetrators of that crime against humanity, not only to ensure the safety of the people of Gujarat, but also to preserve the Commission's own integrity.

21. Mr. EL-KHALED (North-South XXI) said that, three years after its withdrawal from southern Lebanon, Israel continued to hold 16 Lebanese citizens in arbitrary and incommunicado detention. Moreover, there was still no information on the scores of Lebanese who had disappeared during the Israeli occupation, and the corpses of a number of Lebanese still lay in secret cemeteries. Israel had transformed Palestinian villages and towns into concentration camps, where the inmates suffered terrible torture, and its policy of administrative detention was a clear violation of international law.

22. The issue of Palestinian and Lebanese prisoners and prisoners from the occupied Syrian Golan was one that had received little attention from the international community. He called for the release of all Lebanese detainees from Israeli prisons and for disclosure of the whereabouts of those missing; for a mission of inquiry to investigate the inhuman conditions of detention; for the release of women and children detainees; for an end to the administrative detention policy; for the prosecution of those responsible for torture; and for the release of all Arab prisoners in the occupied Golan and all other Arabs held in Israeli prisons.

23. Lastly, he said that the trial of Mr. Marwan El-Barghouti should be declared improper on the grounds that he was an elected parliamentary representative.

24. Ms. HERMOSILLO (Liberation) said that, despite important legal reforms in Turkey, human rights violations were still widespread there. Thousands of people had complained to the courts in the past three years, asserting that they had been tortured by the police. Partly owing to the lengthy delays in court proceedings, however, the perpetrators of such violations enjoyed effective impunity.

25. In Bangladesh, the arrest and torture of opposition politicians was commonplace. In a recent crackdown, innocent civilians in army and police custody had been tortured and killed. Her organization urged the Commission to encourage the Government of Bangladesh to uphold human rights.

26. In Kashmir, time was running out. If a nuclear catastrophe was to be avoided, all parties should cooperate sincerely and honestly in implementing the relevant United Nations resolutions.

27. In West Papua, human rights defenders appeared to be under threat following shootings at a mine, possibly involving the military. In addition, military personnel on trial in connection with the abduction and murder of a pro-independence activist were being tried, not for murder but on lesser charges, and nothing had been done to investigate the disappearance of the key witness in the case.
28. Mr. ROSSI (General Conference of Seventh-Day Adventists) said that the recent massive demonstrations against terrorism and war around the world had shown that the peoples wanted peace. Religious leaders had added their voices to those calls, for the true religious spirit sought justice, solidarity, peace and life.
29. It was madness to use religion as an instrument of terror and death. Dialogue between religions, like dialogue between political powers, could contribute to a lasting peace by helping people to live with those who were different yet who shared common interests. Religions taught forgiveness and reconciliation, and the Commission should not underestimate their importance in human rights education. Interfaith dialogue should be encouraged and supported as a means of combating religious extremism, which was one of the main causes of the conflicts currently afflicting humankind.
30. Ms. JAMPA (International Union of Socialist Youth) said that human rights abuses in Tibet were not always overt, but were nonetheless cruel and degrading. China pursued a four-pronged assimilation policy: merciless repression of Tibetan nationalism; use of propaganda to paint a positive picture of the situation; misguided economic development plans; and encouragement of Chinese settlement in order to marginalize Tibetans.
31. Surveillance was very tight and information and communications heavily censored. The charge of “endangering State security” gave the State broad powers to suppress dissent. Moreover, the Chinese authorities, under sweeping and ambiguous amendments to criminal law, were equating the Tibetan people’s non-violent struggle for freedom with terrorism. At least three religious leaders had been singled out as threats to Chinese rule. One of them, Lobsang Dhondup, had been executed: her organization was grateful to Governments and to thematic mechanisms of the Commission for their expressions of concern at his unfair trial and execution.
32. Ms. SADDIQ (International Islamic Federation of Student Organizations) said that the war against global terrorism was being used to defend tyrannical regimes and illegal occupations, for many Governments were misusing their support for the United States campaign in order to crush genuine political freedom movements. In occupied Kashmir, for example, India was attempting to divert attention from the realities of what was essentially a non-violent struggle for self-determination and from the undertakings it had given to the people of Kashmir through the United Nations.
33. She called on the Commission to declare, on the basis of the precedents of Augusto Pinochet, of Chile, and Slobodan Milosević, of the former Yugoslavia, that every government official was liable to criminal prosecution anywhere in the world for direct or

indirect complicity in human rights violations such as the use of rape as a weapon of war. Peace and harmony would ensue only when the United Nations was prepared to discharge its obligations to the people of the world with justice and impartiality.

34. Mr. SANGPO (International Fellowship of Reconciliation) said he was a former political prisoner from Tibet, and had served 32 years of a 41-year prison sentence for making “counter-revolutionary” remarks. During his imprisonment, he had been tortured both physically and mentally. His dignity as a human being had been humiliated and crushed and his current physical appearance bore witness to his immense and unimaginable suffering.

35. The situation in Tibet and the plight of Tibetan political prisoners deserved the Commission’s attention. Until 1997, for example, prisoners had received a US\$ 4 food allowance per month, out of which they had also had to pay for water and electricity; he himself had been denied medical attention and competent legal representation and had lost his eyesight as a result of forced labour, prison atrocities and harsh prison conditions. Many of his fellow-prisoners had died in custody, had been executed or had been tortured to death.

36. He was grateful to the Governments and NGOs which had urged the Chinese authorities to release him and other Tibetan political prisoners, and to the peoples and Governments of Switzerland and the United States for allowing him to live in freedom and dignity. He appealed to all nations to help end the sufferings of the Tibetan people by urging the Chinese Government to open earnest negotiations with the Dalai Lama so as to resolve the dispute in the interests of both the peoples concerned.

37. Ms. NABINTU (International Human Rights Law Group) said that human rights defenders in Burundi and the Democratic Republic of the Congo were concerned at the current situation in the Great Lakes region of Africa where the populations of both countries, particularly women and children, were being subjected to war crimes committed with impunity by the parties to the conflict and their allies.

38. Her organization asked the Commission to call for full implementation by the respective signatories of the Burundi ceasefire agreement and the Pretoria Agreement and a halt to the military recruitment of children and crimes against women. The Commission should request the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to protect the civilian victims of the conflicts, and the Security Council to establish a commission of experts to determine how to put a stop to impunity in the Democratic Republic of the Congo and speed up the institutional and legal reforms relating to genocide, war crimes and crimes against humanity in Burundi.

39. She also urged the Commission to ask for an expert inquiry to be held in the region with a view to protecting, compensating and rehabilitating the thousands of women victims of sexual torture and other crimes against women, and to request the transitional Governments of Burundi and the Democratic Republic of the Congo to bring their domestic legislation into line with the international instruments they had ratified and to take steps to abolish the death penalty and protect human rights defenders. Lastly, she asked the Commission to request the international community to provide institutional support to strengthen the capacity of the judicial apparatus in Burundi and the Democratic Republic of the Congo.



40. Mr. WAREHAM (International Association against Torture) said that his organization associated itself with the statement to be made by the December Twelfth Movement International Secretariat.

41. The United States Government had used the terrorist attacks of 11 September 2001 as a pretext for legislation (the USA PATRIOT Act) violating the civil liberties of its citizens and non-citizens. Any dissent or questioning was labelled “unpatriotic”. There were already more than 100 political prisoners in the United States, notwithstanding government denials that they were other than common criminals. Moreover, legislation was in the pipeline (the domestic Security Enhancement Act or “PATRIOT Act II”) that would, inter alia, reduce judicial control over surveillance, authorize secret arrests, and even strip those belonging to certain political groups of their citizenship. A national screening plan for air travel (with colour coding) was being installed, and information obtained on each passenger would be held for 50 years.

42. According to reliable reports, the United States continued to fund the opposition in Venezuela in a manner reminiscent of the situation in Chile before the overthrow of Allende in 1973. His organization called on the Commission to condemn United States interference in Venezuela’s internal affairs.

43. Ms. PLUMMER (December Twelfth International Secretariat) said that United States unilateralism, the antithesis of all that the United Nations stood for, had become an instrument for the violation of human rights. Examples of its application were the pre-emptive strike against Iraq on the basis of “perceived threats”; the refusal to accept Security Council policies and protocols; the refusal to ratify the Rome Statute of the International Criminal Court; and the walkout from the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

44. To judge by the comments made by an Assistant Secretary of State in August 2002, Zimbabwe would be the next target for regime change, and President Bush had recently issued an Executive Order stating that the policies of the Government of Zimbabwe constituted a threat to United States foreign policy and declaring a national emergency to deal with that threat.

45. The Commission must demand that the United States be held accountable for its violations of human rights and fundamental freedoms. If it was to maintain its credibility at a time when the United States had done all it could to undermine the United Nations as an institution, the Commission must condemn the unilateralist policy and its human rights consequences.

46. Mr. SUAREZ (Christian Democratic International) said that, in 2002, the incidence of assaults upon and arrests of independent journalists and human rights activists in Cuba had increased considerably and the Cuban Government, taking advantage of the fact that the international community’s attention was elsewhere, had recently carried out a particularly harsh crackdown on the democratic opposition, ransacking houses and confiscating computers and books; dozens of non-violent activists had been arrested.

47. There were hundreds of political prisoners in Cuban jails, suffering appalling conditions. Human rights defenders were systematically denied medical care and religious succour and were detained far from their places of residence. His organization denounced such abuses and called on the Cuban Government to cease its violations of human rights.

48. Ms. RIVERO (Liberal International) said that dozens of human rights activists were being arrested in Cuba for defending the inalienable rights of every human being. The Cuban Government had ignored the many warnings, letters and resolutions directed to it by international forums in recent years. In 2002, the Commission had passed a resolution condemning such violations and calling on the Government of Cuba to respect international human rights standards. The only response had been an increase in repressive measures. During 2002, nearly 30 activists had been arrested and many were still in prison, although their right to due process had not been respected.

49. Dozens of journalists had been arrested or fined for exercising their right to inform and be informed freely and more than 180 teachers and lecturers had been dismissed or prevented from exercising their profession for not responding unconditionally to the political campaigns of the Cuban Government. A further government crackdown was currently under way. The international community had a responsibility towards the Cuban people who were struggling peacefully against totalitarianism.

50. Mr. ACHOUR (Association Tunisienne des Droits de l'Enfant) said that, in recent years, the world had seen countless violations of human rights, with certain events more horrific than others, such as the terrorist attacks on 11 September 2001. Similarly, the plight of the Palestinians was shocking. Innocent people were being killed every day and their fate had been forgotten since the advent of the war in Iraq. Terrorism had gained a foothold in the world because people believed in absolute dogmas and used them as the justification for their actions. The terrorist attacks in New York and the terror inflicted on the Palestinians were both manifestations of dogmatism, intolerance and extremism. Extremism used for its purposes the free spaces of the democratic systems. There would be no place in the world for such extremists if it were not for the democratic systems in which they found defenders, ready to protect them in the name of freedom and human rights. Nevertheless, terrorism violated the most fundamental of human rights: the right to life.

51. Mr. FATTORINI (Movement Against Racism and for Friendship among Peoples) said he was concerned that the oil-for-food programme in Iraq had been reactivated. The decision to halt the programme had been taken personally by the Secretary-General, motivated by the fact that the programme had been one element of the economic sanctions adopted against Iraq in 1991 and thus had been rendered obsolete by the current war. The reactivation of the programme represented an extraordinary volte-face by the Secretary-General, and his organization urged the Commission to request complete and objective information on the matter. Security Council resolution 1472 (2003) would neither benefit the population of Iraq nor reinforce the credibility of the United Nations. The resolution reaffirmed the duties of the occupying Power to provide the population with provisions and medical supplies but he failed to understand why such provision should be financed by Iraqi oil. The Commission should also urge the occupying Powers to give all the necessary guarantees to its special rapporteurs and other special mechanisms so that they would be able to carry out their mandates in Iraq.

52. Ms. LILLIEBJERG (Amnesty International) expressed concern about reports of serious breaches of international humanitarian law in Iraq and urged the Commission to remind the parties to the war of their obligations under international humanitarian law. Her organization strongly supported the Commission's past recommendations for the immediate deployment of a United Nations human rights presence in that country.

53. Another war, that was devastating the Democratic Republic of the Congo, was receiving much less international attention. Her organization was deeply concerned by the widespread human rights abuses committed by members of the armed forces under the control of the Governments of the Democratic Republic of the Congo, Rwanda and Uganda and by armed political groups and called upon the Commission to support the establishment of an international commission of inquiry.

54. Her organization welcomed the recent adoption of a code of conduct in Nepal to regulate the ceasefire between the Government and the Communist Party and urged both sides to place human rights at the centre of their peace talks. She called upon the Commission to support the establishment of a presence in Nepal of the Office of the High Commissioner for Human Rights (OHCHR) to monitor respect for human rights and humanitarian law.

55. There was continuing concern at the situation in the Chechen Republic, where both Russian security forces and Chechen rebels continued to commit serious violations of human rights. Moreover, her organization was concerned at reports of the involuntary repatriation of thousands of internally displaced persons. She urged the Commission to support an international commission of inquiry into allegations of grave abuses of human rights and humanitarian law in Chechnya.

56. Ms. ASSAUD (International PEN) said that increasing numbers of writers and journalists were being arrested and detained in Iran. They were all held solely for having expressed their views, in contravention of the Iranian Government's commitment to article 19 of the International Covenant on Civil and Political Rights. There were also violations of article 7, which guaranteed the right not to be subjected to torture. Her organization urged the Commission to call upon the Iranian Government to review its policy of detaining writers, to order the release of those in detention and to ensure that no more people were arrested solely for having voiced their opinions.

57. Mr. ROSSI (International Association for the Defence of Religious Liberty) said that systematic violations of human rights were being caused by religious extremism. One example was the situation in Saudi Arabia, a country ruled by the dictates of a single religion. Although Saudi Arabia was a member of the Commission and its Government had adopted a number of measures to promote human rights, there was still discrimination and violence against women and religious and ethnic minorities and strict limitations on workers' rights. It was the sole country in the world which completely denied the right to religious freedom, despite the fact that the Koran proclaimed there should be no constraints on religion. He called upon the Commission to assist the Government of Saudi Arabia in taking steps to ensure that religious freedom and other rights and freedoms were effectively respected.

58. Mr. AL-ADHADH (Interfaith International) said that the Supreme Council of the Islamic Revolution in Iraq strongly deplored the war, the killing of innocent civilians and the destruction of infrastructure. The war had gone ahead in the face of strong opposition from international public opinion and against the will of the Iraqi people.

59. Although the Supreme Council would continue to resist the oppressive regime of Saddam Hussein, it would also resist foreign domination after that regime disappeared. The Iraqi regime had profited from the current situation to continue its systematic repression of the Iraqi people and the Iraqi opposition. Hundreds of people had been arbitrarily arrested, particularly in the military. Meanwhile, death squads were capturing young men and children and taking them by force to training camps in order to prepare them for war.

60. The Commission should call upon the Secretary-General to send observers to Iraq to monitor violations of the United Nations human rights instruments and the Geneva Conventions and war crimes perpetrated by either of the two belligerent parties.

61. Mr. MAVULA (International Committee for the Respect and Application of the African Charter of Human and Peoples' Rights) said that Africa was facing the greatest tragedy in its history as a result of the HIV/AIDS pandemic. Only 0.1 per cent of sufferers in Africa had access to the most effective drugs. Yet that tragedy was brushed aside by some Northern industrialized countries which considered profits to be more important than millions of human lives.

62. The proliferation of small arms represented one of the main destabilizing factors on the African continent, despite the signing of a moratorium on the proliferation of small arms by the countries of the Economic Community of West African States (ECOWAS) and the adoption of the Kimberley Protocol prohibiting the traffic and sale of illicit diamonds, which had been fuelling armed conflicts in Africa for almost half a century.

63. His organization was also concerned at the impunity enjoyed by numerous perpetrators of war crimes and crimes against humanity, particularly in the Great Lakes region and South Africa. The Commission should appoint a special rapporteur and set up an independent commission of inquiry to investigate the many serious violations perpetrated against the black population in South Africa as a result of the former Government's biological and chemical warfare programmes.

64. A further cause for concern was the pillage of Africa's natural resources which was taking place behind the scenes of the many armed conflicts and raised questions about the moral and ethical order in the world. A world order that was prepared to spend billions in a single day to kill innocent and defenceless civilians and which supported the globalization of violence and terror was a threat to the survival of humankind on the planet.

65. Mr. MASOOD (International Human Rights Association of American Minorities) said that the people of Kashmir were struggling for their right to self-determination, as promised to them by the international community through the Security Council. The Government of India's persistent denial to Kashmiris of that right had led to a popular uprising, the Indian response to which had been brutal military reprisals. The Special Rapporteur on the question of torture had

cited a number of cases in which Kashmiris had been subjected to torture. In addition, rape was being used as a means of destroying the sexual purity of Kashmiri women. The Working Group on Enforced or Involuntary Disappearances had confirmed in its report to the Commission that it had transmitted 351 cases of disappearances in Kashmir and Punjab to the Indian Government. His organization called upon the Commission to intervene to put an end to the brutal repression of the Kashmiri people.

66. Mr. CHANDRAN (Aliran Kesedaran Negara - National Consciousness Movement) drew the Commission's attention to the despicable trend of human rights regressions in Asia since 11 September 2001. Asian Governments had exploited the mandate given in Security Council resolution 1377 (2001) to impose new repressive legislation and security measures.

67. India had passed the Prevention of Terrorism Act (POTA) providing a broad definition of terrorism, in spite of its National Human Rights Commission categorical statement that there was no need for such a law. Indonesia had recently passed an anti-terrorism bill which allowed suspected terrorists to be arrested for seven days and detained for six months for questioning and prosecution. The Special Administration Government of Hong Kong was proposing various new bills which would give the Government wide-ranging powers in curtailing people's basic rights and freedoms. Other regimes in Asia had also used the events of 11 September 2001 to expand and give greater justification to their repressive national security laws. The Governments of Malaysia and Singapore had, for four decades, maintained internal security acts and detained their citizens without trial on unchallenged allegations. In the Philippines, the war against terrorism had been used as a pretext to crack down on groups seeking self-determination. The Chinese Government had labelled a Muslim Uighur organization a terrorist group and used it as a pretext to criminalize Uighurs fighting for self-determination in Xinjiang.

68. He urged the Commission to institute a monitoring task force to look into anti-terrorism legislation and the measures implemented by States so as to ensure that all such measures complied with international human rights standards.

69. Mr. SWEE SONG (Rural Reconstruction Nepal) said he wished to draw the Commission's attention to the continued detention in Nepal of the Bhutanese human rights defender, Mr. S.K. Pradhan, who had been arrested without a warrant in Kathmandu on 19 September 2001. He had already spent over 18 months in prison although all documents and charges submitted to the court against him were fabricated and motivated by the intent to obstruct his human rights work and silence his voice against the Government of Bhutan.

70. In Malaysia, six pro-democracy activists continued to be detained without trial and the Malaysian authorities had failed to produce any evidence to support allegations that they were involved in attempts to overthrow the Government. The National Human Rights Commission of Malaysia had called for their release and the Federal Court, the highest court in Malaysia, had ruled that their detention was illegal. His organization admired the high morals of the Malaysian Government in advocating justice for the Palestinians and the people of Iraq, however there appeared to be no justice for its own political prisoners held under the Internal Security Act.

71. Mr. ALZIBARI (France Libertés: Fondation Danielle Mitterrand) said that the Iraqi regime's policy of ethnic cleansing had begun among the Kurds in the 1960s and among the Turkomans in the 1980s. The Chaldeans or Assyrians and the Armenians, who were simply considered as Arabs, had suffered less. Kurdish villages had been destroyed and their inhabitants forced into concentration camps. The Anfal operations of 1988 had claimed the lives of 182,000 Kurdish civilians, while others had been deported to southern Iraq.

72. In 2001, the Iraqi Revolutionary Command Council had passed a resolution giving all non-Arab Iraqis over the age of 18 the right to change their ethnic identity to that of Arab. Such a decision was contrary to all the principles of human rights and was politically motivated. It even violated the Constitution, which stated that all Iraqis were equal.

73. His organization greatly appreciated the adoption by the European Parliament in 2002 of a report condemning the Arabization policy and ethnic cleansing in the Kirkuk, Sinjar, Mandali, Jalawla and Mosul regions. The Commission should condemn human rights violations committed against the Kurds and others and the High Commissioner should undertake an independent inquiry to ensure that deportations ceased and that displaced persons were allowed to return to their homes.

74. Ms. GUZMAN (Latin American Federation of Association of Relatives of Disappeared Detainees) said that civil and political rights continued to be violated in Latin America, especially in Colombia, Guatemala, El Salvador and Honduras, a situation that was compounded by the policy of impunity. Where peoples had come out on to the streets in support of their economic, social and cultural rights, they had been persecuted and suppressed. That had been the case in Bolivia and Argentina, whose people could no longer tolerate the consequences of the neo-liberal economic plans that brought them hunger and unemployment.

75. The Cuban people had suffered an unjust and inhuman economic blockade for over 40 years but, as compared to other Latin American countries, they enjoyed better health-care and educational facilities. The Government of Venezuela was being subjected to aggressive policies to prevent it implementing an economic policy that would benefit the majority of its people.

76. She expressed her sympathy for the Iraqi people, who were suffering an armed invasion that daily caused thousands of innocent victims, having already suffered 12 years of an unjust economic blockade that had affected children above all. It was regrettable that the Commission had not reacted adequately to that situation.

77. Ms. BELLAMY (International Confederation of Free Trade Unions) said that 200 trade unionists had been murdered in 2002 purely for defending workers' interests. The situation was particularly bad in Myanmar, Belarus, Venezuela, Haiti, Zimbabwe, Swaziland, Democratic Republic of the Congo, Sudan, Libya and China. Consequently, the Commission should take a stand against those countries which opposed the adoption of country-specific resolutions. As the High Commissioner had said, a State wishing to be a member of the Commission should prove its commitment to human rights.

78. In Zimbabwe, 400 people had been arrested following the general strike two weeks previously. In the Turkish part of Cyprus, five senior trade unionists had been arrested. In Myanmar, forced labour remained common, the exercise of basic human rights was treated as criminal and impunity was total. In China, charges of subversion were laid against those exercising their right of freedom of expression and association, particularly trade unionists. In Nepal, many Nepalese workers, including trade unionists, had been killed over the past eight years. In the Democratic Republic of the Congo, a trade union leader had been found dead two weeks after his disappearance. In Guatemala, trade unions and their members were subjected to ever greater acts of violence and intimidation.

79. Mr. TCHRANI (Organization for Defending Victims of Violence) said that, in Iran, some press activities were banned, summary detentions took place and trials were not always fair, but the role of the press and NGOs remained significant and his organization welcomed the developments in the judicial system. Dialogue between Iran and the European Union could help improve the human rights situation.

80. In Iraq, the people were suffering both from the aggression of the United States and its allies and from Saddam Hussein's policies. The war must stop and humanitarian organizations must be given access to the country. In the occupied Palestinian territories, the level of violence had escalated to the extent that, since the start of the intifada, over 2,000 Palestinians had died and 40,000 had been injured.

81. Mr. CARAMAD (Islamic Women's Institute of Iran) said that, over the past 20 years, western Asia had been the scene of several major wars, with an adverse impact on the human rights situation in the countries of the region. The attitude of the major Powers towards the wars in question had also been detrimental: their support for the Iraqi ruling system and the establishment of the Taliban could not be ignored. The same applied to the systematic suppression of the Palestinian people. It was ridiculous to make statements and resolutions supporting human rights and then ignore those rights by extending support to their violators.

82. Members of the Commission should, when adopting resolutions, take into consideration a people's real interest. It could not be argued that imposing sanctions on a nation would punish the dictator ruling over it. Similarly, it was meaningless to equip a dictator with chemical, biological or nuclear weapons at one stage and later seek to disarm him.

83. Mr. BEERSMANS (International Movement for Fraternal Union among Races and Peoples) drew attention to the vicious spiral of violence in Jammu and Kashmir since 1989. The normal desire for greater autonomy, or even total independence, had been taken over by foreign mercenaries and turned into a jihad. Not only Hindus but also moderate Muslims were the targets of their aggression.

84. The Kashmiris had an overwhelming desire to return to peace and normality, as evidenced by the Legislative Assembly elections in 2002, which had generally been considered free and fair. Moreover, given the circumstances, participation had been quite high. His organization urged the Governments of India and Pakistan to respect their mutual commitments

and agreements and to resume meaningful negotiations over Jammu and Kashmir. They should also implement their promise not to allow their territory to be used for terrorism against any country.

85. Mr. MASTERS (International Possibilities Unlimited) urged the Commission to help put an end to the shameful practice of prosecuting children as adults and to abolish capital punishment for children. As every major world religion taught, children were less culpable and more redeemable than adults. He had in mind the case of a 12-year-old boy who had been charged as an adult, given a life sentence without parole and currently awaited clemency from the Governor of Florida in the United States. His life sentence was a violation of human rights and international law. The Commission should condemn it and ask the Governor to grant clemency. Just as the Commission had supported the policy that there should be no child soldiers, no child labour and no child pornography, it must also reject the possibility of child prisoners.

86. Mr. GONZALES (International Indian Treaty Council) said that, in a world bankrupt of wisdom, man's inhumanity to man had never been more pronounced. At the centre of the stage stood the world's most powerful State, threatening sovereign nations, the environment and life itself. At such a time, human rights violations elsewhere could all too easily be forgotten. Although the voice of indigenous peoples was heard more frequently than previously on the international stage, their human rights were still being constantly violated. Thus the United States Government had taken action against two elderly sisters of the Western Shoshone nation in Nevada for "illegally grazing their animals on public land", even though the land was indisputably Western Shoshone territory. The Government threatened to fine the sisters US\$ 3 million for wilful trespass. In January 2003, the Inter-American Commission on Human Rights had ruled in favour of the sisters and the Government had been called upon to remedy the situation, but the response had been confiscation of the sisters' remaining livestock.

87. With regard to the peoples of Iraq, his Council, which represented over 100 traditional nations struggling to live in the United States, shared the grief felt by the whole world. It called on the United Nations to put an end to the terrorist forces of unlimited power over the world's peoples, which had led to the illegal military aggression. The Commission should adopt a resolution to address the humanitarian needs of the Iraqi people, calling for a return to the rule of law, a withdrawal of invading military forces and an immediate return to normal conditions. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people should investigate the impact of the war on the indigenous peoples of Iraq.

88. Mr. CHEIKH (International Youth and Student Movement for the United Nations) said that serious human rights violations were still occurring in Western Sahara where, for nearly 28 years, the people had been living under Moroccan domination in conditions of increasing intimidation. The international mission of inquiry, the refusal of the Moroccan authorities to allow 13 relatives of disappeared Saharans to attend the Commission and the ill-treatment meted out to human rights defenders clearly revealed the ugly face of Morocco. The authorities had instituted a reign of terror. Saharans were arbitrarily arrested and disappeared, with no word to their families or to their lawyers.



89. Only international pressure could improve the human rights situation in Western Sahara: action by several NGOs, lawyers and individuals had, in the past, brought about the liberation of several imprisoned Saharans. It was to be hoped that an initiative undertaken in Geneva by family members in the past few days would help liberate over 526 disappeared Saharans. The Commission should ensure that human rights were respected in Western Sahara.

Statements in exercise of the right of reply

90. Mr. GAKWANDI (Uganda) said that a number of Western countries had included Uganda in their lists of shame, partly out of ostensible concern regarding corruption in the country. Corruption was indeed a problem and the media had been extremely active in exposing it. As a result, many people had been brought before the courts. One former minister had been jailed for two years for embezzling \$20,000. Another was currently facing charges of embezzling \$10,000.

91. The Commission would, however, recall that, in 2002, large-scale corporate scandals had rocked a number of Western economies, leading to a loss of investor confidence and the depreciation of currencies, putting thousands of people out of work and wiping out the value of many pensions. That scandal had implicated the very auditing firms with global reach that normally had to put their stamp of approval on the accounts of third world countries before they could gain access to loans or grants. His delegation had no objection to the annual production of a list of shame; but the list should not pick on relatively minor shortcomings in the third world while ignoring the extensive manifestation of the same social evils in some of their own countries.

92. Mr. SAMVELIAN (Armenia), speaking in connection with the statement by the observer for Azerbaijan, recalled the accusation by the former President of Azerbaijan, Mr. Ayaz Mutalibov, that the militia of the Azerbaijan National Front had actively obstructed the evacuation of the civilian population of Khojalu from the zone of military operations in order to achieve the narrow political goal of seizing power in Baku. That accusation was supported by evidence from other sources.

93. As for the absurd comments about Armenians in Azerbaijan, he noted that, to date, no investigation had been conducted to establish who had carried out the brutal acts against the Armenian minority in Azerbaijan in the late 1980s and early 1990s. However, the perpetrators of those pogroms had become national heroes in Azerbaijan.

94. Regarding the Paris and Key West principles, he was surprised that the observer for Azerbaijan was not aware that, following the considerable progress made in 2001, Azerbaijan had simply backtracked on the agreement to bring about peace. Lastly, a close reading of Security Council resolutions would show that Armenia had increased its efforts to meet its obligations in full.

95. Mr. OSHIMA (Japan) said, in connection with the response by the observer for the Democratic People's Republic of Korea to his remarks at the 28th meeting, that his Government had brought the issue before the Commission because the abduction of Japanese citizens was a grave affront to human dignity and human rights. It was thus the legitimate concern of the international community. The Working Group on Enforced or Involuntary Disappearances had been established to deal with precisely such cases. His Government did not seek to internationalize or politicize the issue: it was a matter of human rights, pure and simple. The families of the five victims who were back in Japan had not yet been returned. His Government strongly requested their swift return, in addition to satisfactory information regarding the victims who had not been accounted for. He urged the Government of the Democratic People's Republic of Korea to show its willingness to resolve the issue in good faith.

96. Mr. KIM Yong Ho (Observer for the Democratic People's Republic of Korea) said that his delegation resolutely rejected the allegations by the representative of Japan. At the 28th meeting, his delegation had urged that of Japan to clarify its position, namely, make it clear whether it was really interested in respecting and implementing the bilateral agreements between the two countries, including the Pyongyang Declaration. No response had been forthcoming, apart from the continuing stereotyped and politically motivated accusations against his country. It was clear to everyone in the Commission that Japan had thus revealed its intention to continue political confrontation, in breach of all bilateral agreements. Japan would be held responsible for any consequences arising out of its unilateral violation of such agreements.

97. Mr. KURTTEKIN (Observer for Turkey) said that the statements by the observers for Greece and for the Greek Cypriot Administration concerning human rights in Cyprus had repeated the one-sided misrepresentations of previous years, portraying the difficulties in Cyprus as a problem of invasion and occupation. The statements were disappointing and discouraging, since they reflected a frame of mind that was far from reality and thus not conducive to a solution of the island's problems.

98. The Turkish intervention in Cyprus had been not an invasion but the exercise by Turkey of its rights and fulfilment of its obligations under the Treaty of Guarantee of 1960. Moreover, the problems in Cyprus had not started in 1974, as implied by those observers. The Republic of Cyprus had been destroyed and taken over by force of arms by the Greek Cypriot Administration in December 1963, after which there had been mass killings of Turkish Cypriots by Greek Cypriot military elements, while the survivors were forced to live in open-air prisons. The timely intervention of Turkey in 1974 had prevented the total extermination of the Turkish Cypriots. The fact that there had been no bloodshed since 1974 was itself a significant development from the human rights perspective.

99. Nonetheless, the Turkish Cypriots suffered restrictions on their right to freedom of movement, communication, trade and even participation in international cultural and sporting activities. What had been presented as human rights violations suffered by Greek Cypriots

needed to be discussed between the two parties within the framework of an overall solution. In that respect, the proposals made by President Denktash the previous day, which acknowledged that the two sides had for too long overlooked the significance of the social and psychological dimension of the issue, should be welcomed. They were fully supported by his delegation, which hoped that they would gain the support of all parties and the international community and thus contribute to the objective of reaching a comprehensive settlement, based on the political equality of the two parties.

The meeting rose at 6.05 p.m.

**Annex**

**LIST OF NON-GOVERNMENTAL ORGANIZATIONS SPONSORING  
THE STATEMENT BY FEMMES AFRICA SOLIDARITÉ UNDER  
AGENDA ITEM 9**

Inter-African Committee on Traditional Practices Affecting the Health of Women and Children

International Alliance of Women - Equal Rights, Equal Responsibilities

International Baccalaureate Organization

International Council of Jewish Women

International Council of Women

International Council on Social Welfare

International Federation of University Women

Socialist International Women

Soroptimist International

Women's Federation for World Peace International

World Federation of Methodist and Uniting Church Women

Women's International League for Peace and Freedom

World Union of Catholic Women's Organizations

Zonta International

Centre for Women's Global Leadership

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