HUMAN RIGHTS COUNCIL HOLDS INTERACTIVE DIALOGUE ON ARBITRARY DETENTION, ENFORCED DISAPPEARANCES AND HUMAN RIGHTS OF INTERNALLY DISPLACED PERSONS

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The Human Rights Council this morning held an interactive dialogue with the Chairperson-Rapporteur of the Working Group on enforced or involuntary disappearances, the Chairperson-Rapporteur of the Working Group on arbitrary detention, and the Representative of the Secretary-General on the human rights of internally displaced persons.

Jeremy Sarkin, Chairperson-Rapporteur of the Working Group on enforced or involuntary disappearances, in his concluding remarks, said impunity was a major issue and indeed a major obstacle in terms of dealing with enforced disappearances. The Working Group looked forward to receiving details from States as promised, and urged the 13 countries to whom requests had been sent to invite the Working Group and provide specific dates.

Walter Kalin, Representative of the Secretary-General on the human rights of internally displaced persons, said he worried that the anticipated change of title for his successor would make it difficult to carry out the mandate, and hoped that that would not weaken it. Some concerns also remained on the security of internally displaced persons, the housing and the ongoing displacement of indigenous populations and on the fact that the work of national and international non-governmental organizations was impressive but remained insufficiently appreciated.

El Hadje Malick Sow, Chairperson-Rapporteur of the Working Group on Arbitrary Detention, said the Working Group believed it had done a good job, and was trying, through constructive dialogue, to carry out its mission on all sides. With regard to migrants, all speakers agreed on the principle that detention for migrants should be the last recourse, for a brief period of time, and surrounded by all sorts of safeguards. The use of alternative measures should be used, and the Working Group was examining these, as was the Office of the High Commissioner for Human Rights.

On enforced or involuntary disappearances, speakers said the humanitarian work carried out by the Working Group in all regions of the world highlighted the importance of tackling the issue of enforced disappearances. It also underscored how important it was for the international community to work together to prevent those cases. National delegations underscored that their Governments had adopted a firm commitment to protecting human rights in the field of enforced or involuntary disappearances and underscored that they had worked to prevent this crime and promote truth and justice.

Concerning arbitrary detention, speakers highlighted, among other issues, that they appreciated the Working Group’s excellent work. However, it was recommended that the Working Group use clear and direct language and should not refrain from citing those countries or regions where fundamental human rights were being violated. Delegations underscored that it was important that Governments applied the principles of proportionality and necessity when detaining irregular migrants, and urged that alternatives to detention should be considered. Speakers expressed concerns about reprisals suffered by individuals who were the subject of an urgent appeal or opinion of the Working Group.

With regard to the human rights of internally displaced persons, speakers underscored that achieving full respect for the rights of internally displaced persons and finding durable solutions for them was a high priority. The primary responsibility for the protection of internally displaced persons lay with Governments, with international efforts being complimentary, and speakers underscored that they were aware of the need to undertake further action to guarantee the rights of internally displaced persons and continued undertaking all necessary efforts for the implementation of the Plan for Full Reparation to Displaced Populations. Special Procedures should make a distinction between displacement caused by the rapid onset of disaster and migration caused by the slow onset of climatic change, which would determine how to respond to the human impact of climate change.

Speaking this afternoon in the interactive dialogue were the representatives of Brazil, India, the United States, Argentina, Japan, Cuba, the European Union, Colombia, Algeria, Ethiopia, Sri Lanka, Cyprus, Montenegro, Iraq, Egypt, Sweden, Mexico, Switzerland, Nepal, the Russian Federation, France, Pakistan on behalf of the Organization of the Islamic Conference, Indonesia, Bosnia Herzegovina, Philippines, Armenia, Australia, Yemen, Austria, Norway, Azerbaijan, Ecuador, China, the Democratic Republic of Congo, Turkey, the Democratic People's Republic of Korea, the United Kingdom, Pakistan in its national capacity and Venezuela.

The following national human rights institutions and non-governmental organizations also took the floor: Advisory Council on Human Rights of Morocco, Public Defender of Georgia, Network of African National Human Rights Institutions, Amnesty International, International Educational Development, Reporters Without Borders, Human Right Advocates, North South XXI, Asian Legal Resource Center, International Human Rights Association of American Minorities, General Arab Women's Federation, and the International Commission of Jurists.

The next meeting of the Council will be at 3 p.m. this afternoon, when it will hold a panel discussion on the right to the truth.

Interactive Dialogue

MURILO VIEIRA KOMINSKI (Brazil) said Brazil was in the process of ratifying the International Convention for the Protection of All Persons from Enforced Disappearances. Having ratified the Rome Statute, Brazil was internationally bound with regard to enforced disappearances. The legal framework admitted the State's responsibility for deaths and enforced disappearances of opponents to the military regime, as well as recognized persons who disappeared as a result of their participation, or being accused of having participated, in political activities in the period between September 1961 and August 1979. The law had established the Special Commission on Political Deaths and Disappearances. With regard to the 13 cases that the Working Group on enforced or involuntary disappearances considered as pending in its present report, Brazil would transmit in due time information on two cases. As to other cases, the Brazilian State continued to undertake its efforts in the area of the right to memory and to truth in order to achieve a definite elucidation. On the human rights of internally displaced persons, Brazil commended the African Union for adopting the Kampala Convention, and highlighted the need to adopt measures, early in emergency relief efforts, to prevent displacement. The findings on the need to bridge the gap between humanitarian and development actors was particularly relevant for displacement prevention.

GOPINATHAN ACHAMKULANGARE (India) said India appreciated the work done by the Working Group on enforced or involuntary disappearances. Nevertheless, India expressed its reservation regarding the latest general comment of the Working Group on the issue of enforced disappearances as a crime against humanity, and more particularly its assertion according to which “the definition given by article 7(1) of the Statute of the International Criminal Court now reflected customary international law”. India was of the view that the concept of enforced disappearance as a crime against humanity was fairly recent and originally only applied to situations of armed conflict. At its best, it could therefore only be said that the concept was a reflection of the current state of international law, rather than to deem it as having acquired the status of customary international law. Furthermore, citing the judgments of a tribunal like the International Criminal Tribunal for Yugoslavia as evidence of customary international law was highly unpersuasive in the view of India. India also underscored that the Rome Statute did not enjoy universal acceptance, and therefore any new norms enunciated therein could not be taken as evidence of customary international law.

CRAIG KUEHL (United States) said the United States encouraged all States to approach their engagement in a constructive manner. It commended the work of the Representative of the Secretary-General on the human rights of internally displaced persons, agreeing that protecting them was one of the greatest humanitarian challenges. The primary responsibility for the protection of internally displaced persons lay with Governments, with international efforts being complimentary. The United States was committed to continuing and extending its support to such internally displaced persons. Haiti exemplified the challenge of addressing the rights of those displaced by natural disasters. The United States noted that there could be tension between an agency’s mandate and that of protecting other groups such as refugees. Special Procedures should make a distinction between displacement caused by the rapid onset disaster and migration caused by the slow onset of climatic change, as that would determine how to respond to the human impact of climate change. It was pleased to see that many disappearances on which the Working Group had taken action had been resolved or clarified within the last year. Of all urgent appeals 20 per cent were related to a single country on the alleged detention of 184 men, women and children. Threats, beating and reprisals against people were completely unacceptable. It was imperative for all States to ensure that all who were in contact with mandate holders remained free from reprisals. Only then could this Working Group and international human rights instruments shine a light on human rights offenders.

SEBASTIAN ROSALES (Argentina) said with regard to the presentation of the Chairperson of the Working Group on involuntary and enforced disappearances, the humanitarian work done by the Working Group in all regions of the world showed how important the issue of enforced disappearances was, and how important it was for the international community to work together to prevent these cases. Argentina was very pleased to have been visited by the Working Group, and to have hosted a session that same year, in 2008. This was the very first thematic group within the United Nations human rights system, and was created due to the situation of Argentina. Since the restoration of democracy in 1993, Argentina had adopted a firm commitment to the cause of human rights, both nationally and internationally, and had worked to prevent this crime and promote truth and justice, which were national priorities. Argentina had worked to promote the importance and the recognition of this situation internationally. Argentina was one of the few countries that had recognized the competence of the Working Group to receive communications. One of the four priorities of the Working Group was the right to truth, and this went hand in hand with the fight against impunity in the case of enforced disappearances.

AKIO ISOMATA (Japan) said Japan congratulated the Working Group on enforced or involuntary disappearances on its thirtieth anniversary since its establishment in 1980. Japan was concerned that cases of enforced disappearances continued to occur and the Government therefore intended to continue supporting the work of that Working Group. Japan deeply appreciated the Working Group’s sincere efforts to urge the Democratic People's Republic of Korea to clarify the whereabouts of the 12 missing persons who had been abducted by the authorities of that country. Japan had deposited with the United Nations Secretary-General the instrument of ratification of the International Convention for the Protection of All Persons from Enforced Disappearance last July, and the Government hoped that as many countries as possible would ratify that Convention and bring it into force in a timely manner. Turning to arbitrary detention, Japan said it was regrettable that that Working Group had overlooked a basic fact regarding the Japanese case which had been referred to in its report; the case in question was a criminal case on trespassing and theft, and while everyone had the right to express their opinions, no one was allowed to commit a crime for the purpose of expressing such an opinion. The detention of the persons in the case in question had been determined by a deliberate judgment by a fair court under the strict requirements of the Japanese criminal justice system.

AMAYANSI RODRIGUEZ (Cuba) welcomed the presentations by the three Special Procedures yesterday. Cuba had taken note of the work carried out by the Working Group on arbitrary detention. It said it was crucial to remember that the detention of five Cuban anti terrorism activists had been qualified as arbitrary by that Working Group in 2005. Far from abiding by that opinion, the United States had maintained its actions of political manipulation. Cuba would welcome the Working Group sharing its opinion on that situation and asked the Group to keep them abreast of the situation by monitoring the situation of the five detainees. Cuba supported their prompt release as they represented the fight against terrorism and faith in the justice system. The way people suffered in military regimes supported by Washington was remarkable. These illegal and negative practices continued under the guise of the fight against terrorism. Cuba asked the Working Group on involuntary or enforced disappearances to monitor that situation. Impunity prevented truth and justice from prevailing.

JOELLE HIVONNET (European Union) said the European Union attached great importance to the mandate of the Working Group on involuntary or enforced disappearances, and commended its work carried out by investigating concrete cases, conducting country visits, formulating recommendations and issuing statements on particular worrying situations, such as Iran. The European Union wished to reiterate its utmost concern about reports of numerous enforced disappearances over the last few months in Iran, and urged the Iranian Government to allow a visit of the Working Group as soon as possible. The European Union also wished to reiterate the importance of respecting the independence of the Working Group and of all Special Procedures. What could be done to foster the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearances, and what could be done to prevent such mass atrocities as enforced disappearances, the European Union asked. On arbitrary detention, the European Union shared concerns about reprisals suffered by individuals who were the subject of an urgent appeal or opinion of the Working Group, condemned such acts, and called on the countries mentioned in the report, namely Uzbekistan, Iran and Myanmar, to cooperate with the Working Group and respond to the allegations. How could the Human Rights Council help the Working Group mainstream its work, jurisprudence, and deliberations within the United Nations system and at the national and regional levels? On the situation of internally displaced persons, the European Union asked for an elaboration on the statement that the Guiding Principles on Internal Displacement were emerging as customary law, and whether the Representative of the Secretary-General could share his thoughts on the future of the mandate and what key challenges did he see with regard to the human rights of internally displaced persons in the context of protection and assistance as well as durable solutions.

ALVARO AYALA (Colombia) reiterated Colombia’s commitment to the mandate of the Representative of the Secretary-General on the human rights of internally displaced persons, Mr. Kalin, and noted the mandate holder’s positive efforts with regard to the exchange of information. Colombia fully agreed with Mr. Kalin’s observations on the importance of penalizing persons responsible for causing forced displacement, as well as those violating the human rights of internally displaced persons. It was for that reason that Colombia’s legislation penalized and sanctioned persons found responsible of such crimes with 15 to 30 years of prison since 2000, which had made it possible to convict over 80 persons for such crimes. In spite of that fact, the Government was aware of the need to undertake further action to guarantee the rights of internally displaced persons, and it continued undertaking all necessary efforts for the implementation of the Plan for the Full Reparation to Displaced Populations, including their right to the truth, to justice, to compensation, and their right that such crimes would not be repeated. As for enforced disappearance, Colombia reiterated both its commitment to the mandate of the Working Group and the Government’s commitment regarding the fight against enforced disappearance more generally. Nevertheless, it should be noted that in Colombia no “opposition forces” existed except for the illegal armed groups that were financed by drug activities.

LAMINE BENCHERIF (Algeria) said Algeria was committed to promoting and protecting human rights. In that regard Algeria attached particular importance to cooperation and constructive dialogue through different human rights mechanisms. It was in that spirit that Algeria had resumed talks with the Working Group on enforced or involuntary disappearances. It welcomed the constructive spirit of a high level meeting that had taken place between Algeria and the Working Group in 2009. That had given Algeria the opportunity to present results of the Charter for Peace and National Reconciliation. Algeria saw this as the opportunity to say that the tragedy of the disappeared was a consequence of the scourge of terrorism in the country. Treating it through the Charter was essential for coming out of that crisis. That was a solution that had been developed from inside the country. Algeria was fully willing to continue dialogue and cooperation with the Working Group in order to find a definitive solution to pending cases in line with respecting State laws.

ALLEHONE MULUGETA ABEBE (Ethiopia) said the Government of Ethiopia totally rejected the opinion contained in the report of the Working Group on arbitrary detention that the imprisonment of Ms. Birtukan Mideksa was arbitrary. The Working Group followed a completely flawed methodology and reasoning to arrive at this outrageous opinion. Ms. Mideksa was found guilty by a court of law for various acts against the constitutional order, and was released after being granted a conditional pardon, but she unabashedly violated her conditional release, making a mockery of her publicly expressed deep repentance and her apology to the people and Government of Ethiopia and commitment to refrain from such acts in the future. The Working Group's unfounded allegations contained not only attacks on the conditions of granting and revocation of pardon in Ethiopia, but questioned the integrity of the country's legal order. The Working Group reached its arbitrary opinion based on groundless excuses, and its allegations with regard to due process was equally flawed. Ms. Mideksa was now serving the sentence passed by the court undertaken in full compliance with international standards overseen by international observers. The Government would submit a detailed response on this matter to the Working Group to be incorporated as an official document of the Human Rights Council.

SHAVINDRA FERNANDO (Sri Lanka) said the Representative of the Secretary-General on the human rights of internally displaced persons had adopted a balanced and professional approach regarding the balancing of points of concern and positive aspects with regard to the situation in Sri Lanka, as well as the manner in which the report had been articulated. To date, the Government of Sri Lanka had released 180,000 persons from welfare villages through humanitarian releases and resettlement programmes and 27,000 persons had left on temporary passes. It was expected that those persons could return if they wished to avail themselves of assisted resettlement and the Government remained committed to resettling the remaining internally displaced persons as soon as possible. Sri Lanka also appreciated the report of and the cooperation with the Working Group on enforced or involuntary disappearances. Following careful analysis it appeared that only three cases of enforced or involuntary disappearances had taken place in 2009 which indicated a downward trend of disappearances over the previous years. The Government of Sri Lanka would keep that Working Group informed of the progress achieved in clarifying recent as well as past cases that had been brought to the Government’s attention. Nevertheless, the lack of precise information made this an arduous and time-consuming task.

MARIA MICHAEL (Cyprus) said Cyprus welcomed the report of the Representative of the Secretary-General on the human rights of internally displaced persons. Achieving full respect for the human rights of internally displaced persons and finding durable solutions for them was a high priority for Cyprus since nearly one third of its population had been displaced. Cyprus welcomed the Special Rapporteur’s view that short-sighted political calculations often created protracted displacement situations. It was thus crucial to ensure that internally displaced persons were involved in peace processes so that agreements reflected their rights and needs. Cyprus asked the Special Rapporteur to elaborate on how he perceived that and to share with it how that could be achieved in practice. It appreciated the work of the Working Group on enforced or involuntary disappearances. In closing Cyprus wished to welcome the Working Group’s proclamation of August 30 as the United Nations International Day of the Disappeared.

MILOMIR MIHALJEVIC (Montenegro) said re-registration, which was conducted during the second half of last year, had shown that there were 10,950 internally displaced persons in Montenegro, and, compared to the total population and economic strength of the country, it was an important figure. Through the National Strategy, the Government had envisaged integration and repatriation as the means of permanent solution, or resettlement in third countries which was less present in practice. Montenegro had adopted a series of laws and regulations related to the rights of refugees and displaced persons including the Law on Asylum, and the Law on Foreigners. According to the latter, displaced and internally displaced persons would be able to acquire the statues of foreigners with permanent residence, including access to all rights equal to the rights of Montenegro citizens except the right to vote. The Government had adopted the Action Plan for resolving the status of displaced and internally displaced persons, which provided activities, and established deadlines and obligations for the institutions which would resolve these issues. In this way, and through partnership with the United Nations High Commissioner for Refugees, permanent solutions for the displaced population would be implemented.

ABDELKARIM ABDALLAH (Iraq) thanked the Working Group on enforced or involuntary disappearances and asserted that Iraq had carefully studied the report of that Working Group. That report stated that a former member of the Parliament of Iraq had been arrested and had had his immunity lifted. The delegation said that that did not correspond to the facts since the person in question had not been arrested as he still enjoyed his immunity. That person had fled Iraq and was arrested abroad, and efforts to bring the former Parliamentarian to justice were ongoing. Iraq had expressed its commitment to fully cooperate with the Working Group and underscored that a Government delegation would be taking part in the upcoming meeting of the Working Group. The Government of Iraq was also about to deposit the instrument for ratification of the Convention for the Protection of All Persons from Enforced Disappearance.

AHMED IHAB GAMALELDIN (Egypt) said Egypt appreciated the work of the Representative of the Secretary-General on the human rights of internally displaced persons. He had carried out his mandate with integrity and dedication. Progress had been achieved. It was crucial to ensure the rights of internally displaced persons within national laws. Egypt thanked Mr. Kalin for his efforts on displacement resulting from climate change and natural disasters and protracted situations of displacement. It also appreciated efforts in incorporating the rights of internally displaced persons in peace processes in various parts of the world. It wanted to hear the assessment of Mr. Kalin on the degree to which the United Nations collaborative approach has helped address the human rights of internally displaced persons and how effective these had been on the ground. What was the best way to address the recurrent problem of the kidnapping of children by non-governmental organizations in areas that suffered from displacement as a result of conflict or natural disaster?

ANNA UGGLA (Sweden) said Sweden wished to thank the Working Group on arbitrary detention for its important work and for its thought-provoking reports which included several highly important observations and areas of concern. The main recommendations in the report were noted, and particular interest was given to the recommendation to the Office of the High Commissioner for Human Rights that it should, as soon as it was informed of a declaration of a state of emergency, or a State invoked an emergency situation, entrust one or more Special Procedure mandate holders to conduct an emergency mission in the field to verify the compatibility of these actions with the State's international obligations. Further, in the study, the Working Group on arbitrary detention described an increase in information received on reprisals suffered by individuals subject to the Group's opinions and urgent appeals. Sweden was deeply concerned by signs of such developments. The practice of reprimanding detainees because their situation had been internationally acknowledged was a source of urgent concern. Sweden urged all States to cease any such practices, and asked the Chairperson-Rapporteur to elaborate on the scope and nature of the problem of reprisals in relation to opinions and urgent appeals of the Working Group.

SALVADOR TINAJERO (Mexico) said Mexico welcomed that the Working Group on arbitrary detention had continued its work on the detention of irregular migrants. Mexico believed that in such cases it was important that States applied the principles of proportionality and necessity and that alternatives to detention were increasingly considered. Mexico also congratulated the Working Group on enforced or involuntary disappearances and paid tribute to the work of its members. Enforced disappearances generated unimaginable suffering for both the victims and for the concerned families. It was for that reason that Mexico reiterated its commitment to tackling this human rights violation whenever and wherever it occurred. It also asked the Working Group for its opinion on the possibility for it to also follow-up cases of enforced disappearances that took place in contexts of armed conflict.

BARBARA FONTANA (Switzerland) thanked the Working Group on enforced and involuntary disappearances and the Working Group on arbitrary detentions and the Representative of the Secretary-General on the human rights of internally displaced persons. Switzerland wished to address the latter Special Procedure. Switzerland highlighted the importance of the Representative’s mandate and encouraged him to continue his work. Since he had dedicated capacities and resources to dialogue and cooperation with national authorities in countries affected by displacement, how could that be maintained and reinforced in favour of internally displaced persons? Over the course of his second term he had done more to protect people displaced by natural disasters, climate change and forced displacement. How would he ensure that good practices would be systematically integrated into operational work?

HARI PRASAD ODARI (Nepal) said Nepal attached great importance to the work of the Working Group on enforced disappearances and its independence and impartiality for the protection and promotion of human rights. The Government had invited the Working Group for a country visit in 2004 at the peak of the conflict and had extended full cooperation to its work. Since then, 214 cases had been clarified as a result of continued cooperation. A good number of such cases remained to be clarified due to the improper recording and reporting of releases and detentions, and confusion over the identity of many individuals as they often concealed their true identity. Though the conflict had been left behind, the Government was committed to finding out the true identity of such persons and it would cooperate with the Working Group to clarify remaining cases, being committed to meting out justice to the alleged incidences of enforced disappearances during the time of the conflict. A draft Bill prepared had been presented to the Parliament, criminalising disappearance as recommended by the Working Group, and forming an independent and impartial commission to investigate and penalise the perpetrators and provide reparation and justice to the victims and their families.

MIKHAIL LEBEDEV (Russian Federation) said the Russian Federation regretted that the Representative of the Secretary-General on the human rights of internally displaced persons had adopted a one-sided and politicized approach when developing his report. Based on how the situation could be interpreted, it should have been the delegation of South Ossetia which should have spoken as a concerned country in this dialogue. The delegation of the Russian Federation said that the events of August 2008 were the result of Tbilissi’s policy to force Ossetians out of the lands of their forefathers and it had been the aggressive actions undertaken by the Georgian authorities which had forced tens of thousands of people out of their homes. The delegation noted that in Mr. Kalin’s report there was no word on the suffering of South Ossetians as a result of the attacks of Georgian armed forces; there was no mention of the documented facts of the bombarding of peaceful populations by Georgian forces; and there was no mention of the thousands of children and women who had to leave their homes in 2008 for fear of attacks from those forces. The report of Mr. Kalin was provocative and the Russian Federation was not able to agree with it. However, it believed that it was essential that the rights of all persons to a voluntary and secure return were ensured. As for statements that had been made by one delegation during yesterday’s interactive dialogue, the delegation asserted that the Russian Federation had never exercised effective control over the territory of the Republic of South Ossetia and that persons who resided in that region were fully under the jurisdiction of South Ossetia.

EMMANUEL PINEDA (France) said France thanked the President of the Working Group on enforced or involuntary disappearances for presenting his report. Thirty years after the Working Group had been created, too many cases had not been resolved, as the Group dealt with hundreds of new cases each year. That said something about the persistence of the problem of enforced disappearances. The international community had to step up efforts to fight that scourge. States had to cooperate with the Working Group, namely the 13 countries that had been mentioned in the report, and France urged them to grant visits to the Working Group. Following numerous cases of forced disappearances in Iran over the past few months, France would like Iran to authorize a visit by the Working Group. The Convention on the Protection of All Persons from Forced Disappearances still had not entered into force. France urged States to sign and ratify it in the shortest possible time. On arbitrary detention, France appreciated the Working Group’s excellent work. That was close to France’s heart. Member States had to work fully with the Working Group. France urged the 17 States mentioned in the report to agree to a visit by the Working Group.

AHMED ZAHOOR (Pakistan), speaking on behalf of the Organization of the Islamic Conference, said the detailed and qualitative report of the Working Group on enforced or involuntary disappearances adequately highlighted this violation of a fundamental human right. The Organization of the Islamic Conference supported the request for the provision of required technical and administrative assistance to the Working Group. The lack of response on cases although worrisome did not necessarily reflect on Member States relationship with the Working Group, as the lack of support in this context also needed to be kept in mind. The Working Group should remember the need to strictly adhere to its mandated tasks, and the limited monitoring role did not give it the right to act as a self-appointed Committee for the implementation of the Convention, which was yet to come into force. The Organization of the Islamic Conference appreciated the report of the Working Group on arbitrary detention, and appreciated the work of the Group on highlighting this issue, particularly with regard to the human rights of migrants. The Organization of the Islamic Conference noted the comments in the report on how the human rights of detained migrants and the rights of asylum seekers and detainees were not fully guaranteed. Difficulties faced in this regard prompted a prompt response and action by the relevant States. Detained migrants should not be punished for obstacles to their removal that were beyond their control. On internally displaced persons, the report was insightful, and raised a number of important issues that called for the attention of the international community, but the tendency to internationalise issues of national concern without invoking national responsibility was misplaced.

DICKY KOMAR (Indonesia) noted the conclusions and recommendations of the Working Group on enforced or involuntary disappearances. It was undeniable that most developing countries continued encountering technical and other challenges with regard to the verification of enforced disappearances, which was an area that was in need of further exploration. As for the report of that Working Group, Indonesia clarified that its Government had responded to the communications addressed to it, noting that it was therefore regrettable that that fact was not appropriately represented in the report, undoubtedly due to technical issues. Indonesia also underscored that claims according to which Mr. Munir Said Talib was killed while traveling to Geneva in 2004 in order to participate in an inter-sessional meeting of the Working Group were erroneous; it was widely acknowledged that that person was on his way to the Netherlands to study for a degree at the University of Utrecht. Finally, while acknowledging that the confidentiality of sources consulted by the Working Group needed to be ensured, the delegation highlighted the importance of cross-checking all information before it was published.

LJUBICA PERIC (Bosnia and Herzegovina) expressed the appreciation of Bosnia and Herzegovina to the Representative of the Secretary-General on the human rights of internally displaced persons for his visit to the country last year. Bosnia and Herzegovina had taken note of his report and remained committed to realizing the rights of internally displaced persons. There were still a significant number of refugees and displaced persons in Bosnia and Herzegovina. The current numbers of internally displaced persons were 117,000. Finding durable solutions for them was a priority. Bosnia and Herzegovina was aware of the need for additional efforts to ensure that returnees could access their right to a safe and dignified return and to full reintegration without prejudice to their individual rights and in a manner that ensured equal rights to all. Bosnia and Herzegovina reaffirmed its support for the Special Procedures mechanisms and welcomed the active participation of the Special Procedures mandate holders in the Council’s sessions.

EVAN P. GARCIA (Philippines) said the report of the Working Group on arbitrary detention made the case that the detention of migrants in irregular situations should only be used as a measure of last resort, and, therefore, more humane and human rights-compatible alternatives to detention should be promulgated. Extended periods of detention of irregular migrants, especially of children, was a cause of concern. What did the Working Group consider as more effective and efficient alternatives to detention of irregular migrants, the Philippines asked. With regard to the report on internally displaced persons, the Philippines agreed with the paragraph in the report of the Representative of the Secretary-General which cited the devastating impacts of climate change and natural disasters on displacement of peoples, and supported his conclusions on the need to assist States with limited capacities and the importance of strengthening the international response in humanitarian and rehabilitation and reconstruction efforts. The Special Representative was asked if he believed that certain States had a human rights obligation to assist the most vulnerable communities in adapting to climate change. Being a country prone to natural disasters, the Government of the Philippines took its responsibility to protect the rights of internally displaced persons seriously, and did so comprehensively in all stages of rescue, recovery and rehabilitation.

VAHEH GEVORGYAN (Armenia) appreciated the excellent work done by Walter Kalin, the Representative of the Secretary-General on the human rights of internally displaced persons in the course of his term, particularly that in the area of developing a solid normative basis and an institutional framework to better protect and meet the needs of internally displaced persons. Armenia also shared the view that the enjoyment of human rights of internally displaced persons was unconditional and could not be curtailed under any justification. In fact, that group of people enjoyed the same rights as any other citizen. In 2008, the Government of Armenia had approved an assistance project aimed to facilitate the return of internally displaced persons who resided in border settlements to their places of origin. That project, among other targets, aimed at assisting the return of the remaining 626 internally displaced person households who had expressed their willingness to move back to their permanent residence, assisting those families hesitating in their decision to return, as well as supporting the integration of populations in border areas. While this rather ambitious project remained uncompleted due to funding, Armenia had conducted the preparatory work to convene an international conference in autumn of this year to raise the necessary funds.

JEREMY NOYE (Australia) thanked the Working Groups on arbitrary detention and on enforced or involuntary disappearances for their reports and also welcomed the report of the Representative of the Secretary-General on the human rights of internally displaced persons. Australia thanked Mr. Kalin for his tireless efforts in support of the human rights of internally displaced persons. It had listened carefully to the Representative’s remarks on the consequences of enforced disappearances for women left behind. It appreciated the Working Group’s conclusion that families left behind were also victims of enforced disappearances. Australia invited the Working Group to comment further on these repercussions. It urged the Working Group to comment on what role education programmes could play in preventing arbitrary detention and what support those would receive from the international community.

FADHL AL-MAGHAFI (Yemen) said Yemen would continue to make every effort to protect the rights of internally displaced persons in the context of its obligations, and noted the Representative's remark on the importance of the challenges faced by countries in special situations. Yemen noted the cooperation extended to it by the two Working Groups. With respect to the remarks on the reports and the need for Yemen to ratify the Conventions and respect the mandate of the Working Groups, these comments had also been made during the Universal Periodic Review. Yemen had transmitted the text of the Convention to the Parliament for consideration. On the communications received, a number of these cases had been brought to justice in connection with serious crimes, and Yemen would provide further information to the Working Group, as had happened in the past with regard to all serious cases, which had been resolved. Yemen was determined to enforce human rights. This was a national commitment and also a principle based on Islam.

CHRISTIAN STROHAL (Austria) commended the Representative of the Secretary-General on the human rights of internally displaced persons, Mr. Kalin, for his outstanding expertise and his professionalism. Austria commended the State signatories to the African Union’s Kampala Convention on internally displaced persons and those to the Great Lakes Protocol on internally displaced persons. Those made Africa the first region in the world to adopt legally binding instruments on the protection of internally displaced persons. Austria asked Mr. Kalin to share with the Human Rights Council the key lessons that he drew from his work, particularly regarding the future of his mandate, and bearing in mind that that mandate holder was the only entity within the United Nations system which was mandated to protect the rights of internally displaced persons. Further, how should the Council best ensure that the mandate remained effective in the future, and how could it contribute to the promotion of the Framework on Durable Solutions?

NICHELSEN SVEIN ATLE (Norway) commended the excellent manner in which the Representative of the Secretary-General on the human rights of internally displaced persons had carried out his mandate. The report gave a good overview of the achievements of the mandate during his tenure. The mainstreaming of the internally displaced persons agenda in the United Nations had been a defining achievement of his work. That would not have been possible without his participation in the International Agency Standing Committee at the principals’ level. It was worth repeating that durable solutions should be based on the rights of individuals to choose freely their place of residence. Vulnerable individuals should not be made to suffer in the interest of political gain. Norway asked Mr. Kalin how national authorities and the international community could distinguish the flow of rural migrants from internally displaced persons. It expressed its gratitude to the Representative and wished him every success in his future endeavours.

SAMIRA SAFAROVA (Azerbaijan) said the Government had responded to the general allegations sent by the Working Group on enforced disappearances in 2009. While regretting that the responses of the Government had not been reflected in the report, the Government hoped that the mentioned responses would be highlighted in the next report. The Government did not have any facts mentioned in the General Allegation and stood ready for investigation of any notorious facts to be provided. Azerbaijan had signed the Convention for the Protection of All Persons from Enforced Disappearance and had sufficient legislative basis for the protection and promotion of human rights and fundamental freedoms. With regard to the report on the situation of internally displaced persons, Azerbaijan was encouraged by the adoption of the Kampala Convention in October 2009. This first binding document on internal displacement would have a positive impact on advancing understanding and awareness of internal displacement at the international level as well as on further promotion of recognition of the Guiding Principles on Internal Displacement. Global awareness on the negative impact of climate change in producing displacement was on the rise. Azerbaijan strongly supported the United Nations Refugee Agency's growing attention to the issue of internally displaced persons under the cluster approach. Azerbaijan fully acknowledged its primary responsibility in tackling the internally displaced persons-related problems stemming from foreign occupation. Azerbaijan was fully committed to the return of internally displaced persons voluntarily, in safety, and with dignity, to their native lands.

MARIA DEL CARMEN VIVAR (Ecuador) said detention must be the last resort in the treatment of irregular migrants, asylum seekers and refugees, and the detention must be clearly defined and a specific timeframe should be given. Ecuador was of the opinion that the detention rates of illegal migrants were alarming, as was the fact that their detention was mandatory in some countries. One of the fundamental values of the Human Rights Council was to promote and protect human rights and it was therefore essential to identify States where that applied. For that reason, Ecuador did not understand why paragraph 56 of the report of the Working Group on arbitrary detention had been drafted in that way. Ecuador recommended that the Working Group use clear and direct language aimed at protecting and promoting human rights. The Working Group should further not refrain from citing those countries or regions where fundamental human rights were being violated.

QI XIAOXIA (China) said that arbitrary detentions and enforced disappearances were illegal. China was resolutely opposed to them. China was a law-abiding country. The Working Group should expand its mandate and address the human rights of detained and imprisoned persons. China appreciated Mr. Kalin’s efforts in promoting issues on internally displaced persons. Their numbers had increased as a result of wars and natural disasters. China supported his mandate in enhancing cooperation with countries concerned to find solutions to protracted displacement situations and to early returns. China had actively supported and cooperated with Special Procedures. It had responded in a timely and serious manner to each and every communication it had received. China encouraged Special Procedures to conduct dialogue with Governments in strict line with the Code of Conduct and good relations. China was ready to maintain good relations with Special Procedures.

RICHARD LUKUNDA (Democratic Republic of the Congo) said the Democratic Republic of the Congo appreciated the report of the Representative of the Secretary-General on the human rights of internally displaced persons who had visited the Democratic Republic of the Congo. The Government was concerned about the growth of the number of internally displaced persons following increased conflict in certain areas of the country and following the nefarious action of certain foreign armed groups, in particular the LRA and the FDLR, who were engendering death and causing massively displaced populations. Aware of its responsibility to protect the displaced, the Government was undertaking many activities, and, being a post-conflict country, counted on international solidarity so that other countries could stand beside it in its efforts to consolidate peace, including through condemning war criminals and supporting the internally displaced and the numerous refugees from other armed conflicts living in the Democratic Republic of the Congo.

ELA GORKEM (Turkey) said Turkey welcomed the report of the Special Representative of the Secretary-General on human rights of internally displaced persons and looked forward to a constructive discussion on the way forward on that issue. In Turkey, internal displacement displayed different and complex characteristics as compared to other countries or regions, and in that country it was not easy to distinguish internal displacement from internal migration. Internal displacement emanated from a set of reasons while internal migration essentially drew from complex social and economic factors. As the two phenomena were however intertwined and did often overlap, there was a whole set of factors which contributed to the difficulty in making accurate forecasts on the number of internally displaced persons in Turkey. Turkey’s priority was therefore not to come up with a figure of internally displaced persons but rather to correctly identify them in order to devise policies in remedy. Whether the internally displaced persons wished to return to their original areas of settlement, or whether they chose to remain in their current locations, that should not preclude Turkey’s objective of thoroughly addressing those people’s social, economic and cultural necessities.

SEWON KIM (Republic of Korea) paid tribute to the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kalin, for his dedicated efforts to raise awareness on protecting and assisting internally displaced persons. Despite much progress made during past years, numerous challenges lay ahead. Conflict induced displacement was a cause for concern and violated international human rights and humanitarian laws. Mr. Kalin had decided to give aid to victims in the hope that that would alleviate some of the suffering of those people. States were responsible for elaborating durable solutions for their own people. The Republic of Korea agreed with Mr. Kalin that the international community had to take a part as well. No single agency was mandated to look after internally displaced persons. How did the Special Rapporteur assess the efficacy of the clustered approach? Could he share ways to improve the current cluster approach?

CATHERINE HOLMES (United Kingdom) said the United Kingdom wished for the Chairperson-Rapporteur of the Working Group on arbitrary detention to recommend what steps should be taken to address the persistent and large-scale cases of arbitrary detention in Iran, as the report contained many allegations of such violations in that country, and that it was the country which received the largest number of urgent appeals from the Working Group in the period covered by the report. With regard to the report of the Representative of the Secretary-General on the human rights of internally displaced persons, the United Kingdom wished to express its sincere appreciation for all the work he had done in the course of his mandate, which he had carried out with dedication, commitment and professionalism, and very much hoped that his important achievements would be continued and built upon in the future.

AHMED ZAHOOR (Pakistan) said the Government of Pakistan was undertaking investigations on the alleged six cases of disappearance that had taken place in Pakistan as noted in the report of the Working Group on enforced or involuntary disappearances. Pakistan would communicate the findings of that investigation to the Working Group as soon as they were available. While its Prime Minister had also committed himself in public to address the question of internally displaced persons as efficiently and holistically as possible, it should be noted that many allegations of disappearances did not actually fall into the category of forced or involuntary disappearances, as understood by the United Nations. In fact, thorough investigations often highlighted that missing persons left their homes out of own will and for other reasons. The absence of complete and precise information in that regard added to the problem of localization of such persons.

FELIX PENA RAMOS (Venezuela) thanked the Working Groups on arbitrary detention and on involuntary or enforced disappearances for their reports. Venezuela wished to address the report of the Working Group on arbitrary detention, in which Venezuela had been mentioned in relation to the case of a banker being pursued for the perpetuation of fraud, embezzlement and complicity in smuggling while simulating imports. He had been on the run since 2009. The judge was now being prosecuted for a flagrant violation of procedures, in contravention of the legal procedure, which prevented the judge from maintaining direct and indirect contact with the public. As a result, the banker fled to the United States the day judgment had been handed down. Now the judge was being charged. The rule of law was complete in Venezuela. Venezuela hoped that relevant information would be transmitted to the Working Group on that particular case.

AHMED HERZENNI, of Advisory Council on Human Rights of Morocco, said the Council welcomed the visit of the Working Group on enforced disappearances to Morocco in June 2009, which was an excellent opportunity to strengthen the fruitful dialogue and cooperation initiated and developed several years ago. The adoption of the mission report was also welcomed, as it shed light on the status of all projects resulting from the momentum generated by the Moroccan experience in transitional justice. The Moroccan authorities had cooperated in an exemplary manner, and the constructive efforts of both parties had resulted in clarifying more than 77 per cent of cases of alleged disappearances that had been submitted to Morocco by the Group. The Advisory Council continued to encourage the Moroccan Government to pursue the process of close cooperation with the Working Group to clarify the 56 outstanding cases.

GEORGE TUGUSHI, of Public Defender of Georgia, said the Representative of the Secretary-General on the human rights of internally displaced persons was well aware of the situation of internally displaced persons in Georgia. As a consequence of the 2008 Russia-Georgia armed conflict, the Office had been monitoring the human rights situation in the conflict-affected area, and the degree of protection of the rights of internally displaced persons and conflict-affected individuals. It was important to draw attention to the number of gross violations of human rights that were identified by the Office of the Public Defender. As a result of the armed conflict, approximately 25,000 persons were forced to flee, and this state of affairs had aggravated an already difficult situation. Out of this huge number, a very limited number of persons were able to return. During the armed activities, as well as in the aftermath of the ethnic cleansing of the villages of the ethnic Georgian population, looting of ethnically Georgian villages and property took place, with a negative effect on internally displaced persons as it intensified their fear of returning. The Public Defender expressed his concern regarding the existing situation, and urged all relevant stakeholders to take effective steps to prevent violations of the right to liberty of individuals.

MUSTAPHA IZNASSNI, of Network of African National Human Rights Institutions, thanked the Representative of the Secretary-General on the human rights of internally displaced persons for his collaboration with national human rights institutions, as well as for the mandate holder’s participation at a workshop held in Nairobi in 2008 on the role of African national human rights institutions in protecting and promoting the rights of internally displaced persons. Africa’s development of means to solve the problems relating to internally displaced persons was laudable. Those States who had become States Parties of the International Great Lakes Conference should also be commended, as should those who had adopted the Protocol on the Protection and Assistance to internally displaced persons which had entered into force in June 2008. The Network of African National Human Rights Institutions was in need of reinforcement of its capacity. The Network further underscored that, as the issue of internally displaced persons remained a major issue in Africa, the Human Rights Council should maintain the mandate of the Representative of the Secretary-General on internally displaced persons.

PETER SPLINTER, of Amnesty International, said Amnesty International welcomed the ongoing focus of the Working Group on arbitrary detention on the issue of detention of asylum seekers, refugees and migrants in an irregular situation. This was an issue of great concern, in particular the blanket policy of detention against migrants in irregular situations applied in many countries, a practice that amounted in some cases to a continuous violation of their human rights through prolonged detention without review. Amnesty International was encouraged by the Working Group’s intention to include the issue of alternatives to detention among its priorities for 2010. There must not be a presumption of detention. States were obliged to seek other means wherever possible. Amnesty International noted a lack of effort to implement recommendations by some States. It complimented the Working Group on work with references to persons defending international human rights. The fulfilment of the Working Group’s mandate requested funding from the United Nations including country visits. Amnesty International urged the Council to call on the General Assembly to increase resources so that it could discharge its mandate. It was pleased that the Council rejected some moves by States to suppress the study on countering terrorism while protecting privacy. It encouraged all Governments concerned to express that in the Council in June. In closing it wished to pay tribute to a number of Special Rapporteurs on their respective mandates, wishing them all the best in their future endeavours.

KAREN PARKER, of International Educational Development, in a joint statement with Movement against Racism and for Friendship among Peoples, said with regard to internally displaced persons, International Educational Development welcomed the discussion in the report that many situations of displacement related to violations of humanitarian law, and such situations should be brought to the International Criminal Court or other mechanisms. There were several situations of ethnic cleansing and other serious humanitarian law violations where geopolitical interests appeared to preclude any effective forums of remedies; the first was Turkey, where the Kurdish people were ethnically cleansed. The Tamil people had also been systematically ethnically cleansed from their traditional lands for many years. The Representative of the Secretary-General on the human rights of internally displaced persons should state what he suggested in this regard, given that these displacements were war crimes under applicable humanitarian law, and the lack of action severely weakened humanitarian law.

GEORGE GORDON-LENNOX, of Reporters without Borders - International, said the Constitution of Iran clearly banned arbitrary arrest and torture and stated that “no one can be arrested except in the circumstances and manner determined by the law” and that “any form of torture designed to obtain confessions or information was forbidden”. These two principles had however never been respected in Iran and the flagrant and systematic violations committed by the Iranian authorities resulted in it being condemned 19 times by the United Nations Human Rights Commission. Since President Ahmadinejad’s disputed reelection in 2009, more than 130 journalists had been arbitrarily arrested in violation of the laws in force, and convicted without due process. Most of these journalists had been arrested without a warrant and were not told at the time of their arrest why they were being detained or what they had been charged with. Furthermore, journalists held in Evin prison were almost routinely placed in solitary confinement in special sections of the prison for extended periods of time.

ASHLEY CONNEL, of Human Rights Advocates, said prison privatisation, a rapidly growing phenomenon, threatened human rights within the context of detention. Human Rights Advocates urged the Working Group to instigate an investigation and a report on that topic. Staff and prisoners felt the impact of such incentives. When financial concerns were at the forefront, health and safety concerns were not. Reports persisted of inadequate access to health care. Inhuman conditions had led to the death of a number of inmates. The risk of arbitrary detentions was drastically heightened in the context of private prisons. Privatization was not an inevitable phenomenon. Human Rights Advocates encouraged countries to put human rights first and seek alternatives to that dangerous practice.

HASSAN AL-KHAZRAJI, of North-South XXI, in a joint statement with Union of Arab Jurists, and Arab Lawyers Union, said with regard to the attested cases of arbitrary detention in Iraq, hundreds of peoples had been detained for more than five years, without seeing a free, fair, and independent trial. What margin of manoeuvre was available to the Working Group to ensure that decisions were taken in this regard, North South XXI asked, suggesting that the Working Group visit Iraqi detention centres to view conditions of detention. There had been mass arrests since 2003, and this had aggravated the situation. Since the invasion in 2003, there had been thousands of cases of enforced disappearances, and the Working Group should visit Iraq to shed light on this situation, which was most alarming.

JO BAKER, of Asian Legal Resource Centre, said the Asian Legal Resource Centre remained gravely concerned by the continuing lack of effective action taken by the Human Rights Council on allegations of gross and widespread disappearances, including those which had been reported from Asia. The Human Rights Commission was able to concretely react to numerous cases of disappearances in Nepal by establishing a country Office of the High Commissioner, leading to a marked reduction in such violations. Yet, despite being alerted to massive numbers of disappearances in countries such as Sri Lanka and Pakistan, the Council had failed to take appropriate action. For example, the Government of Sri Lanka had admitted having “removed” 10,000 internally displaced persons from camps, most of whom remained without any trace until today. The Asian Legal Resource Centre had also previously intervened to highlight the thousands of widespread forced disappearances in Pakistan, but to date the Council had not taken any action to address those.

DAMIEN PERCY, of the International Human Rights Association of American Minorities, noted that the report of the Working Group on enforced or involuntary disappearances showed that in the past year India had not been able to resolve a single outstanding case of disappearances that had been transmitted to it by the Working Group on enforced disappearances and involuntary disappearances. The International Human Rights Association of American Minorities reminded India of its obligation to investigate all cases of enforced disappearances. It asked the Special Rapporteur what remedy both victims and civil society could pursue, in a case where the State refused to meet the obligations of the declaration. It highlighted Indian laws that were illegal under international human rights law and facilitated arbitrary detention, disappearance, summary execution and more. While it appreciated that impunity clauses crossed into other mandates, they also facilitated enforced disappearances and arbitrary detentions. The International Human Rights Association of American Minorities asked how both Working Groups would resolve that.

ENTISAR MOHAMMED, of General Arab Women's Federation, said the Working Group on arbitrary detention should explain if it intended to visit detention centres in Iraq to see the persons who were detained without reason or attention to basic legal procedures. There was a daily collective detention of innocent people by the militia, who terrorised women and children arbitrarily. Families could not find out about the whereabouts of the detained. The detained often did not know why they were detained, and if they ever reached a court, it had no fair elements at all. The Working Group should include this in their next report. It was also necessary for the Working Group on enforced disappearances to visit Iraq and investigate the situation, and let people know where their children were. Many of the detained had died as a result of torture or extra-judicial execution. Despite the efforts of civil society and the efforts of the authorities, no changes had been made to the situation.

PEI-LUN TSAI, of International Commission of Jurists, said the report of the Working Group on arbitrary detention documented a wide range of human rights violations as well as the absence of steps aimed at holding officials to justice. The International Commission of Jurists was concerned that while torture and enforced or involuntary disappearances were punishable almost nobody had been charged for such crimes. The International Commission of Jurists was also of the view that only a global report with the participation of all relevant mandate holders could provide an appropriate image of the situation. The International Commission of Jurists remained concerned by ongoing practices of administrative detention without any legal base, and in particular regretted the decision of the United States to hold persons indefinitely without trial. The International Commission of Jurists would like to know the Working Group’s view on what individual or collective steps States could take to tackle enforced or involuntary disappearances?

Concluding Remarks

JEREMY SARKIN, Chairperson-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, said he wished to thank all those who participated in the dialogue. The spirit in which it was held was extremely useful, particularly in relation to the mandate of the Working Group. The issue of cooperation and support raised by many States was critically important. On the question of independence, the Working Group's independence was key, and the question of funding was an important aspect of determining that it could continue its work. On the mandate and the exercise of the mandate, the question of how it was interpreted and exercised was something that Special Rapporteurs jealously guarded, and the Working Group would make careful choices in this regard. In terms of broad themes of the work of the Group, specific cases were important, and it worked to ensure the fate and whereabouts of those persons. The link to reconciliation, in terms of dealing with the issue of clarifications, was important. The Group looked forward to receiving details from States, as they had promised, such as the Democratic Republic of the Congo. In terms of some of the other issues highlighted throughout the dialogue, these related to responses to questions on allegations received by the Group; there was an inconsistency, as sometimes States did not respond to communications, which caused problems in resolving the issue. On other issues that were raised, such as visits, the 13 countries that had been approached for visits were urged to invite the Group and give it specific dates. The question of impunity was a major issue in terms of dealing with enforced disappearances, indeed a major obstacle. Enforced disappearances could be a crime against humanity when they were systematic or widespread. States should provide reparations to those who had suffered the fate of enforced disappearances, however, it should be borne in mind that reparations were not a substitute for justice or the right to truth. The backlog of communications was also a problem, as the Group had seen its resources reduced.

WALTER KALIN, Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, said he worried that the anticipated change of title for his successor would make it difficult to carry out the mandate. He hoped that that would not weaken it. Customary law was created by State practice. Two States had recognized the guiding character of guiding principles as customary law. Progress had been made in Colombia, where there had been improvements in health and education of internally displaced persons. Still, some concerns remained on the security of internally displaced persons, housing and the ongoing displacement of indigenous and Afro-Colombian populations. Turning to peace processes in Cyprus and the Democratic Republic of the Congo, he mentioned a guide containing six models on how the voice of internally displaced persons could be brought to the negotiation table. In response to comments made by Egypt and the Republic of Korea on a collaborative approach, he said the biggest challenge was to go from the humanitarian phase to the reconstruction phase. The work of national and international non-governmental organizations was impressive although it remained insufficiently appreciated. Norway mentioned bolstering efforts in the context of natural disasters. It would not be possible at this stage to answer questions raised by Norway on urban internally displaced persons. The Special Rapporteur thanked everyone for inputs to his report.

EL HADJI MALICK SOW, Chairperson-Rapporteur of the Working Group on Arbitrary Detention, said statements showed how important the mandate was, and how much it deserved support. On country visits, in particular Senegal and Malta, there was no disagreement, just a difference of assessment, but all agreed on the thrust of the recommendations made by the Working Group after the visit, and both States had made commitments to implement these. There were tangible results of the visits now. The Working Group believed it had done a good job, and was trying, through constructive dialogue, to carry out its mission on all sides. With regard to migrants, all speakers agreed on the principle that detention for migrants should be the last recourse, for a brief period of time, and surrounded by all sorts of safeguards. The use of alternative measures should be used, and the Working Group was examining these, as was the Office of the High Commissioner for Human Rights. On the Group's working methods, in the current state of thinking, he could not say how these would be improved, but the Group was now twenty years old, and the need to revise and review the Group was clear, as the work had grown and become more intense. This was a work in progress, and it was the Human Rights Council that would decide what the results would be. The Group would be following up the situation in Iran, and although results would not be achieved immediately, this was not a situation that had been forgotten. The constructive fertile dialogue with States and all stakeholders was very much appreciated, and this would continue.