HUMAN RIGHTS COUNCIL DISCUSSES HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL’S ATTENTION

Office of High Commissioner for Human Rights Presents Report on Human Rights Violations in Honduras Since the Coup d’état

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The Human Rights Council this afternoon heard the presentation of a report from the Office of the High Commissioner for Human Rights on violations of human rights in Honduras since the coup d’état, and then held a general debate on human rights situations that require the Council’s attention.

Waly Bacre Ndiaye, Director of the Human Rights Council and Treaties Division of the Office of the High Commissioner for Human Rights, said the report before the Council was the outcome of an Office mission to Honduras from 18 October to 7 November 2009. Based on interviews with victims and witnesses, the mission was able to document a number of serious human rights violations, finding a pattern of systematic violations in relation to protests against the coup. Most of the abuses were facilitated by the state of emergency and the arbitrary interpretation of the relevant legal provisions. The Government of Honduras should address relevant and urgent challenges by promoting adequate investigations, revising national legislation to ensure its compliance with international standards, and ensuring the rights of victims to truth, justice and reparation.

Honduras, speaking as a concerned country, said the new President of Honduras had taken office on 27 January 2010, opening a new chapter in the history of Honduras. In his first speech, the President had made a clear commitment to undertake necessary measures to protect and dignify the people based on a State ruled by law and oriented towards the well-being of all Hondurans. The greatest aspirations were to establish a constructive and inclusive dialogue based on fundamental freedoms, the promotion and protection of the rights of all citizens, as well as democracy and internal stability, among others, to trigger social and economic stability. As part of its new chapter, a Truth Commission had also been established and would contribute to national reconciliation.

Speakers raised myriad allegations of violations of human rights in countries around the world.

Speaking in the general debate were Spain on behalf of the European Union, Colombia on behalf of the Group of Latin American and Caribbean Countries, France, Norway, Japan, United Kingdom, Ghana, Belgium, Slovakia, Netherlands, United States, Nicaragua, Cuba, China, Sweden, Switzerland, Germany, Canada, Austria, Denmark, Israel, Venezuela, Romania, Australia, Luxembourg, Algeria, Czech Republic, Iran, Democratic People’s Republic of Korea, Morocco and Ireland.

The following non-governmental organizations also took the floor: Franciscans International, Centre-Europe Tiers Monde, Mouvement Contre le Racisme et pour l’Amitié entre les Peuples, Human Rights Watch, Asian Forum for Human Rights and Development, Asian Legal Resource Centre, Baha’i International Community, France-Libertes : Fondation Danielle Mitterand, General Federation of Iraqi Women, Organization pour la Communication en Afrique et de Promotion de la Cooperation Economique Internationale, Centre on Housing Rights and Evictions, American Association of Jurists, World Organization Against Torture, Non Violent Radical Party, Society for Threatened People, Freedom House, Comite International pour le Respect et l’Application de la Charte Africaine des Droits de l’Homme et des Peuples, and Action International pour la paix et le développement dans la région des Grands Lacs.

Speaking in right of reply were the Russian Federation, Honduras, Sudan, Japan, Iran, Ethiopia, China, Iraq and the Democratic People’s Republic of Korea.

The Council will meet at 10 a.m. on Tuesday, 16 March, to conclude its general debate on human rights violations that require the Council’s attention, which will be followed by an interactive dialogue with the Independent Expert on minorities.

Documentation

The report of the United Nations High Commissioner for Human Rights on the violations of human rights in Honduras since the coup d'état (A/HRC/13/66) analyses the provisions and measures taken during the state of emergency, their legality and proportionality, and their impact on the human rights situation. The report further presents an analysis of the impact of the coup on the human rights of particular groups and assesses some specific human rights situations with a particular focus on economic and social rights. The situation of women and human rights defenders was considered in greater detail. The positions and actions taken by key institutions in the context of the crisis, in particular the judiciary, the Office of the Attorney General and the Ombudsman, are also evaluated.

Presentation of Report of Office of High Commissioner for Human Rights on Honduras

WALY BACRE NDIAYE, Director of the Human Rights Council and Treaties Division of the Office of the High Commissioner for Human Rights, said the report before the Council was the outcome of an Office mission to Honduras from 18 October to 7 November 2009. Based on interviews with victims and witnesses, the mission was able to document a number of serious human rights violations, finding a pattern of systematic violations in relation to protests against the coup. Most of the abuses were facilitated by the state of emergency and the arbitrary interpretation of the relevant legal provisions. Most violations reported were related to excessive use of force by security forces against individuals who participated or were suspected of having taken part in demonstrations against the coup. There were instances of extrajudicial killings, torture and ill-treatment, a significant number of arbitrary detention cases, as well as cases of rape and other forms of violence.

Structural weaknesses which pre-existed the coup, such as legislation incompatible with international human rights standards and institutions lacking independence also allowed the perpetration of human rights violations as well as some degree of impunity. Many of the concerns detailed in the report remained, especially the absence of progress in the prosecution of human rights violations and the failure to implement effective measures to protect victims and human rights defenders. Mr. Ndiaye trusted that the upcoming review of Honduras under the Universal Periodic Review would give the Government and other stakeholders the opportunity to make an integral assessment of the human rights situation with a view to addressing structural problems. The Government should address relevant and urgent challenges by promoting adequate investigations, revising national legislation to ensure its compliance with international standards, and ensuring the rights of victims to truth, justice and reparation.

Statement by Honduras as Concerned Country

GRACIBEL BU FIGUEROA (Honduras), speaking as a concerned country, said the new President of Honduras had taken office on 27 January 2010, opening a new chapter in the history of Honduras. In his first speech, the President had made a clear commitment to undertake necessary measures to protect and dignify the people based on a State ruled by law and oriented towards the well-being of all Hondurans. The greatest aspirations were to establish a constructive and inclusive dialogue based on fundamental freedoms, the promotion and protection of the rights of all citizens, as well as democracy and internal stability, among others, to trigger social and economic stability. As part of its new chapter, a Truth Commission had also been established and would contribute to national reconciliation. The new government was undertaking steps to strengthen the rule of law and economic and social well-being, and the President would not tolerate acts that went against the rights of Hondurans. As a Member State of the United Nations, Honduras would continue working with the Organization’s human rights mechanisms and with all States to ensure the promotion and protection of human rights globally.

General Debate on Human Rights Situations that Require the Council’s Attention

JAVIER GARRIGUES (Spain), speaking on behalf of the European Union, said it was their common responsibility to ensure that the Council was an advocate for human rights. The European Union highlighted some ongoing human rights violations in Iran. It called on the Government of Iran to look into a wide range of serious allegations in that regard. There had been growing restrictions on freedom of expression and a rise in public and juvenile executions. Iran had to end all violations against women. The European Union remained concerned about continued systematic human rights violations in the Democratic People's Republic of Korea. It condemned social, political and cultural rights violations. The European Union was extremely concerned about severe and systematic human rights violations in Myanmar. A range of those had been carried out with impunity. The first multi party elections would take place in Sudan followed by a referendum in the south. The European Union called for free and fair elections. Nonetheless, it was deeply concerned about attacks on civilians in Darfur by Government forces. The European Union was assisting the transitional Government in Somalia in a climate of conflict. The European Union was also concerned about the situation in Zimbabwe, the Democratic Republic of the Congo, Ethiopia, Eritrea, Nigeria, Cuba, Sri Lanka, China, Iraq and Belarus.

ALVARO ENRIQUE AYALA MELENDEZ (Colombia), speaking on behalf of the Group of Latin American and Caribbean Countries, said the Group of Latin American and Caribbean Countries took note of the report and thanked the Office of the High Commissioner for Human Rights for the report and their prompt action, and encouraged Honduras to consider the recommendations in the report and take them into account when submitting the national report at the Universal Periodic Review. The Honduran State should take that opportunity to submit information on progress made in implementing the recommendations. The Office of the High Commissioner for Human Rights should provide support to Honduras in the efforts it was making to guarantee full enjoyment of human rights for the people of Honduras.

JEAN-BAPTISTE MATTEI (France) said the Human Rights Council must be in a position to deal with the most serious human rights violations, whatever the State concerned and particularly in urgent situations. For example, there was ongoing repression in Iran. The Iranian Government had refused to collaborate with Special Procedures and France urged the Iranian authorities to release the thousands of persons who had been arbitrarily detained since the past elections. The situation in Myanmar was also of great concern and France called for the immediate release of Aung San Suu Kyi and other prisoners of consciousness. Silent repression continued taking place in the Democratic People's Republic of Korea where civil and political rights had been violated. Similarly, the situation in the Democratic Republic of the Congo remained one of concern despite the Government’s efforts, as was also the case for Guinea regarding which the international investigation commission had highlighted the existence of potential crimes against humanity. Furthermore, many human rights defenders and journalists continued to be harassed, intimidated and severely punished in Uzbekistan.

BENTE ANGELL-HANSEN (Norway) said the Human Rights Council had a strong mandate to engage in all human rights violations. In this session it had addressed several countries including Somalia and the Occupied Palestinian Territories. Norway would be actively engaged in those. It was deeply concerned with Iran’s lack of will to cooperate with the Special Procedures. Ongoing restrictions on the freedom of opinion and expression in Iran were of deep concern. Norway was concerned about the working conditions of human rights defenders in Iran, including those defending women’s rights. It was also concerned about the situation of religious minorities in Iran. Norway called on Iran to ensure that these minorities could enjoy their freedom of religion, asking it as a matter of necessity to facilitate prospective visits by Special Rapporteurs. Consistent and intensified efforts were necessary to ensure that Sudan’s Comprehensive Peace Agreement was fully respected towards the end of the interim period.

TAKASHI TAKASHIMA (Japan) said the protection and promotion of human rights should be based on the principles of cooperation and dialogue, and the Human Rights Council should address situations of human rights violations, including gross and systematic violations. On Iran, Japan was concerned that the Penal Code allowed the use of cruel punishments as well as constraints on the freedom of expression and freedom of political activity following the Presidential election last June. Japan hoped the Government of Iran would respect different views and opinions in the country, and would move towards establishing a more open and stable relationship with the international community. Japan appreciated the balanced response of the Independent Expert on Sudan, as were noteworthy measures taken by the Government of Sudan. On Guinea, Japan was deeply concerned over the heavy casualties caused by the actions of armed and security forces, and it asked the Government to take appropriate measures against those responsible. On the Democratic Republic of the Congo, the human rights situation remained serious, and Japan hoped that the Government would fully address human rights violations, including the issue of impunity. On Sri Lanka, assistance to internally displaced persons and their resettlement continued to be an urgent issue to be addressed.

PETER GOODERHAM (United Kingdom) said the United Kingdom remained gravely concerned about the deteriorating human rights situation in Iran. Iran must abide by its international and constitutional human rights obligations and match actions to its rhetoric. The United Kingdom also condemned the massacre of peaceful protestors and other human rights atrocities that had been committed by Guinean security forces. The continued violations of human rights in Zimbabwe were further of concern, including an increase in State harassment of civil society as well as violent farm invasions. Regarding Sri Lanka, the United Kingdom said that reports on extrajudicial killings, abductions, disappearances and intimidation continued. The United Kingdom therefore urged President Rajapakse to use his new mandate to secure lasting peace and national reconciliation through a fully inclusive political process. The United Kingdom also noted the concerns already raised about the appalling human rights situation in the Democratic People's Republic of Korea and that in Myanmar. It continued to believe that this Council must fulfill its mandate and ensure that it addressed serious situations in all parts of the world in a timely and effective manner.

MERCY YVONNE AMOAH (Ghana) said unfortunately conflict and political instability had diverted the Economic Community of West African States away from its main goals. In Guinea, Ghana encouraged the transitional Government to go towards transitional rule. Elsewhere, the region had been faced with unresolved situations. The African Union continued to urge the de facto authorities of Madagascar to implement the Maputo Agreement and the Addis Ababa additional act. Ghana urged all parties to join the peace process. It expressed regret over all attacks on democracy and its institutions. Ghana called on the international community to work closely with numerous regional bodies, to facilitate early solutions to any crisis and to ensure the democratic functioning of institutions of those countries.

XAVIER BAERT (Belgium) said a perfect record in human rights did not exist. No State in the world could say it had such a record, and this meant that to full comply with its mandate, the Human Rights Council must investigate all human rights violations, wherever they may have occurred. The situation of human rights in Iran had become grave since the June 2009 elections and required the attention of the Council. The disinformation and double standards that the Iranian leaders trotted out to justify their claims were not acceptable. The fighting in Sudan continued to affect the population. The rebel militias had not ceased their activities, and they must be prosecuted internally and internationally. In Burundi, there were encouraging signs, but the freedom of association and the press were still of concern, as was the Penal Code. The courage of Iraqis was saluted. In Afghanistan, improving the situation of women was the priority. The democratic deficit in Turkmenistan and Uzbekistan continued and was even getting worse. The fate of political opponents in Cuba was a well-known problem which should not be forgotten. In the Democratic Republic of the Congo, much remained to be done to fight impunity, respect human rights defenders, and eradicate sexual violence and child soldier enrolment.

FEDOR ROSOCHA (Slovakia) said Slovakia continued to be concerned about the persistent absence of a genuine dialogue with all stakeholders in Myanmar, which was the only means for national reconciliation, democracy and respect of human rights. Slovakia also remained concerned about the human rights situation in Sudan. It urged the authorities to take the necessary steps to investigate and punish all human rights violations in accordance with international standards and to cooperate fully with all human rights mechanisms. Slovakia further regretted that Iran had not used the window of opportunity during its recent Universal Periodic Review examination to find inspiration on how to improve its poor human rights record. Furthermore, it regretted to hear about the continued reports of persistent grave and systematic violations of civil, political economic, social and cultural rights in the Democratic People's Republic of Korea. On the Democratic Republic of the Congo, the persistent lack of necessary capacity of the judicial system to combat impunity for serious human rights violations also remained of concern.

HEDDA SAMSAN (Netherlands) said human rights violations occurred all over the world. It was the Council’s duty to speak on behalf of the victims of such violations. The Netherlands expressed concerns over the human rights situation in Iran, citing unwarranted death sentences for demonstrators. Censorship and monitoring of the Internet did not respect freedom of expression. The plight of religious minorities in Iran continued to be of great concern. The Netherlands was still concerned about the human rights situation in Zimbabwe. It was also concerned about the human rights situation in Myanmar, where the continued arbitrary house arrest of Daw Aung San Suu Kyi was not conducive to free and fair elections. The Netherlands welcomed the open and constructive manner in which the Democratic Republic of the Congo had carried out the Universal Periodic Review. It deplored the desperate situation of prisoners of conscience in Cuba. In that context the Netherlands called on Cuba to release all political prisoners unconditionally.

EILEEN CHAMBERLAIN DONAHOE (United States) said regrettably there were far too many examples in all regions of Governments abusing human rights, using arbitrary detention, arrest and imprisonment to prevent people from exercising their universal human rights and fundamental freedoms, including those pertaining to expression, association, peaceful assembly and religion. The Council should stand with the victims of human rights abuses and consider the following situations in its deliberations: Iran continued to use violence to stop its own citizens from exercising their right to peaceful assembly and free expression; China had increased cultural and religious repression of ethnic minorities and increased detentions and harassment of human rights activists and public interest lawyers; in Cuba, at least 200 political prisoners remained behind bars; there were reports from Russia of pressure and violence against journalists; freedom of expression in Sri Lanka was under threat; the human rights situation in Syria had deteriorated since 2008; lesbian, gay, bisexual and transgender persons in Uganda faced arbitrary legal restrictions; and in Venezuela, official harassment and intimidation of the media had increased during the year. All in the Council should work together to identify, in the context of the reform, a broad range of tools to address human rights issues specific to countries, from the discussion and provision of technical assistance, to exploration of thematic issues in a country by country context, to resolutions calling Governments to account for specific abuses.

CARLOS ROBELO RAFFONE (Nicaragua) said Nicaragua totally condemned the coup d’état against the Government of President Manual Zelaya of Honduras and his abduction, as well as the impediments to the free exercise of democracy and the multiple human rights violations that had taken place since the coup in Honduras. As highlighted by the report of the High Commissioner for Human Rights, the state of emergency which had been introduced by the illegitimate de facto Government had been the main cause that had led to the human rights violations that had been committed against the people of Honduras. Nicaragua was also concerned that the Government of Honduras was not fully enforcing all its citizens rights; the limitations of civil rights and the prosecution of those opposed to the coup d’état were widely known. Nicaragua urged the Government of Honduras to restore the full enjoyment of all human rights by the people, also urging it to abide by the recommendations of the High Commissioner for Human Rights.

RODOLFO REYES RODRIGUEZ (Cuba) said Cuba had been listening to the hypocritical statements of some countries. In order to hide massive violations of human rights that those countries perpetrated in their own countries, they had resorted to distraction tactics. Those statements did not exonerate them from violations against human dignity and fundamental freedoms. They were the ones who had imposed modern wars of conquest. Who would be providing reparations for victims of counter terrorism? Who were those who were responsible for climate change? Answering those questions and abandoning the pretence of imposing imperialist models would be vital if those countries really had the will to respect and promote human rights.

QUIAN BO (China) said there were grave concerns for the human rights violations in some European Union States, where Roma and other ethnic minorities suffered from exclusion and from forced expulsion, even being attacked to death. Migrants faced discrimination in all areas, including judicial protection. Muslim inhabitants also suffered from unequal treatment and could not be integrated into society. The Member States of the European Union should take measures to resolve this. On the human rights situation in the United States, there was a gross problem of domestic violence, a huge gap between rich and poor, and indigenous peoples suffered from systematic violation of their human rights. Domestic violence was a cause of world-wide problems. The people of the world were suffering from the gross violation of human rights following the United States-originated financial crisis. The Chinese Government always gave priority to protecting and promoting human rights, and had adhered to human rights principles, taking measures to improve economic development, including social and economic progress which had ensured development and other human rights. China's success in the human rights field had proved that its path was entirely correct, and China was determined to continue to adhere to this path to ensure that its people continued to live a life in happy dignity.

HANS DAHLGREN (Sweden) said Sweden deplored that several country mandates had been lost in the Council during the last year. Sweden continued to be deeply concerned about the human rights situation in Iran, which had deteriorated since the last elections. The lack of progress regarding human rights in Cuba, particularly in the field of civil and political rights and political reforms, further remained of concern. Similarly, Zimbabwe was a country with a concerning human rights situation, in spite of some positive developments. Regarding Sri Lanka, impunity for human rights abuses, including torture, continued to be wide spread, the delegation noted, underscoring that Sweden was deeply concerned over the human rights situation in Burma, as well as that in the Democratic Republic of the Congo. While Sweden welcomed the holding of elections in Sudan, it remained concerned at the frequent outbreaks of violence in Southern Sudan and Darfur. The reports of harassment and intimidation against the opposition and journalists in Ethiopia were also worrisome, as was that the State of Eritrea continued to violate its human rights obligations. Sweden also expressed its concern at the recent negative steps taken by the Belarusian authorities regarding freedom of expression.

JURG LAUBER (Switzerland) said the abolition of the death penalty was one of the priorities of Switzerland’s foreign policy. Switzerland called on Belarus to declare a moratorium on the death penalty. In the Democratic Republic of the Congo, human rights defenders and journalists had been subjected to intimidation and threats. To assist the Congolese Government and to assess progress achieved, Switzerland called for adequate follow up through the Council. Switzerland welcomed the transitional Government in Guinea, calling on it to end, among other things, impunity. On Myanmar, Switzerland said elections should be a fundamental step forward towards democracy, and it called on the Government to free all prisoners and to allow them to vote. That would be key for free and fair elections to take place.

MICHAEL KLEPSCH (Germany) said by promoting the respect for the protection of all human rights and fundamental freedoms for all, human rights defenders complemented the Council's mandate at the local level. However, the daily lives of human rights defenders were affected by threats, intimidation, arrests, detention, and harassment. All States should protect human rights defenders from arbitrary detention and ensure their freedom of expression and of assembly. In China, the work of lawyers and human rights defenders was further restricted. The situation of imprisoned human rights defenders and prisoners of conscience in Cuba was of concern. Political prisoners in Myanmar, in particular Aung San Suu Kyi, should be released as a contribution to an inclusive political process and national reconciliation. The ongoing impunity in Nepal was still a major concern. In Uzbekistan, human rights defenders were targeted for their legitimate work and sentenced to long imprisonment. Recent sentences against democracy advocates and human rights defenders in Viet Nam did not meet international human rights standards. The culture of impunity in Zimbabwe encouraged human rights violations and attacks on human rights defenders from security forces.

ALISON LECLAIRE CHRISTIE (Canada) said this Council had a special responsibility to address urgent human rights situations. The human rights situation in Sudan was of profound concern to Canada; the rights of women, journalists and human rights defenders continued to be abused and allegations of torture and disappearances were widespread. Canada further noted that violence and intimidation continued to be employed by state security and paramilitary forces against activists in Zimbabwe. Canada called upon the Zimbabwean Government to take immediate and concrete steps to hold human rights abusers to account and to comply with its obligations under the International Covenant on Civil and Political Rights. Canada was also deeply troubled by the continued deterioration of the situation in Iran and violent crackdowns by security forces on Iranian citizens. Canada called upon the Iranian authorities to release all Baha’i individuals unjustly detained, and to eliminate all forms of discrimination against religious, ethnic, linguistic or other minorities.

CHRISTIAN STROHAL (Austria) said the mandate of the Human Rights Council was to seek to change human rights violations. Austria remained deeply concerned about continuing and widespread human rights violations in Iran. It was appalled at the increasing rate of executions. Such actions had to stop. Austria was concerned about religious minorities in Iran. On Afghanistan, the protection of civilians remained a challenge. The situation of Afghan women was of particular concern. In Sudan, ending impunity was a pre-condition to preventing future violations and to seeking sustainable peace, justice and reconciliation. As 2010 marked the tenth anniversary of United Nations resolution 1325, Austria hoped that women in conflict situations would be able to see its effective implementation on the ground.

ARNOLD DE FINE SKIBSTED (Denmark) said Denmark was increasingly alarmed by the massive human rights violations in Iran and remained seriously concerned about the violent crackdowns on demonstrators and opposition figures by the Iranian authorities since the June 2009 presidential election. Denmark was also concerned that discrimination against women continued to be widespread and comprehensive throughout Iran. Denmark was worried about the human rights situation in Saudi Arabia and noted with concern the continued high number of executions, and that corporal punishment was still being practiced. Denmark remained deeply concerned about the perpetual severe human rights violations taking place in Myanmar. The Government must ensure that conditions were met for free, fair and inclusive elections - this was a unique opportunity for important steps forward towards democracy, national reconciliation and full respect for the fundamental freedoms of the people of Myanmar.

WALID ABU-HAYA (Israel) said the Iranian people had been living under the bondage of tyranny for the last three decades. Since the presidential election fraud in Iran, these violations had dramatically escalated, and peaceful acts of protest had been suppressed with an iron fist by the revolutionary guards and the Basij militia. Israel called upon this Council to break its silence and to take firm action to address the situation and ease the suffering of the Iranian people. Israel also welcomed the signing of a framework peace accord between the Sudanese Government and the Darfur rebels in Doha in 2010, as a slight ray of hope within that region. Israel was concerned by the devastating civil war in Somalia. Further, it expressed its great concern at the deplorable human rights situation in the Democratic People's Republic of Korea, and the deteriorating human rights situation in Myanmar and Fiji.

FELIX PENA RAMOS (Venezuela) said Venezuela called once again for an immediate halt to the violation of fundamental rights in Honduras. Venezuela urged Honduras to ensure that it attacked impunity. Venezuela sincerely hoped that peace and hope would flourish again in Honduras and that the unrestricted enjoyment of all human rights would be ensured, especially that of the exiled leader Jose Manuel Selaya Rosales, who was currently in exile.

NICOLAE BLINDU (Romania) said recognising that no country had a perfect human rights record and acknowledging the principle of constructive dialogue and cooperation in addressing situations of violations of human rights, including gross and systematic violations, Romania was convinced that each country should take its responsibility in supporting the Human Rights Council in carrying out its role. Romania underlined its concern over the human rights situation in Iran, and it expressed this on the occasion of the Universal Periodic Review for Iran, last February. Iran, like any country, had to respect all its international obligations. The commitments under the International Covenant on Civil and Political Rights should be fulfilled and the right of freedom of religion and protection from discrimination as a religious minority should be fully respected.

MIRANDA BROWN (Australia) said Australia was deeply concerned about the situation of human rights in Iran, including the use of capital punishment, limited political and media freedoms, and discrimination against religious and ethnic minorities, such as the Baha’is. Australia was also concerned by the deteriorating human rights situation in Fiji under the unelected, military-led interim Government; the Fiji Constitution had been abrogated and the judiciary fundamentally compromised. Australia had also long been gravely concerned by Myanmar’s suppression of the democratic aspirations of its people and its disrespect for their human rights; around 2,000 political prisoners remained in that country, including Aung San Suu Kyi. Australia further remained gravely concerned by continuing reports of sustained and severe human rights abuses in the Democratic People's Republic of Korea as well as human rights violations in Zimbabwe, which included violence and attacks on civil society and human rights activists.

JEAN DAMY (Luxembourg) said that Luxembourg was worried about the situation of human rights in Myanmar, Sri Lanka and the Occupied Palestinian Territories and everywhere where war was raging such as in Sudan. In Iran, arbitrary arrests and torture of people exercising their right to freedom of expression was unacceptable. The increasing number of death sentences being handed out and the harassment of the Baha’i community was at the centre of Luxembourg’s attention. Turning to the situation in Guinea, the 28 September massacre should be firmly condemned. In the Democratic Republic of the Congo, the protection of the civil population including that of human rights defenders should remain a priority for the Council.

IDRISS JAZAIRY (Algeria) said Algeria was a neighbouring country and an observer of the settlement process of the United Nations for the conflict between Morocco and the Polisario Front in the Western Sahara. The pursuance of the political process was ongoing, but this did not exempt the Human Rights Council from its responsibilities in the sphere of human rights in the region. Since the last session of September 2009, human rights defenders had been subject to increased oppression, and peaceful demonstrations had been suppressed by law enforcement agencies. The International Covenant on Civil and Political Rights stipulated that any person was free to leave any country, including their own, and prohibited States from exercising restrictions to this right unless it was to protect national security, order, public health or morals. The fact of calling peacefully for the right to self-determination was not an exemption under the Covenant. The Human Rights Council should address this situation without selectivity and politicisation. A second mission of the Office of the High Commissioner for Human Rights should go to the area to obtain a new, objective assessment of the situation in the Western Sahara.

VERONIKA STROMSIKOVA (Czech Republic) said the Czech Republic remained concerned about continued grave human rights violations in Myanmar. It urged the Government to unconditionally release all political prisoners and to amend the recently enacted legislation in order to allow full democratic participation in the forthcoming elections. As regards Iran, the Czech Republic deplored the violent crackdown, police repression, and the persecution of Iranian citizens who had peacefully expressed their political opinion. No progress had been made in the Democratic People's Republic of Korea where the situation remained tragic and marked by extrajudicial detention, systematic use of torture, and inhuman prison conditions. The situation of civil and political rights in Cuba, where a single-party system had prevailed for decades, had further been worrying for a long time. The increasing restrictions on freedom of expression in China were another matter of concern to the Czech Republic. By contrast, it had been cheered by the way the people of Iraq had been able to undertake their parliamentary elections in a tense situation and under imminent terrorist attacks.

MESBAH ANSARI (Iran) said that in some European Union Member States there were many alarming human rights situations, particularly with respect to minorities and immigrant people. In the United Kingdom, extension of pre-charge detention to 42 days for people suspected of involvement in terrorism-related activities was a matter of grave concern. In the Netherlands, the increase in racist and xenophobic ideas in the political circles had been treated with inaction and ignorance by the Government. The anti-terrorism legislation in France had also caused expression of concerns by United Nations human rights treaty bodies. Iran also expressed deep concern over six people who had died last year after being shocked by Canadian police with tasers. Germany had continued to fail to address its human rights violations committed in the context of the US-led war on terror. Islamophobia had also become a reinforcing phenomenon in many countries.

RI TONG IL (Democratic People's Republic of Korea) said human rights were inviolable rights inherent to every human being. In the Democratic People's Republic of Korea, they were protected and firmly guaranteed in every legal aspect, and all people fully enjoyed their human rights and fundamental freedoms; the Government viewed it as the supreme principle in its activities to steadily improve the people's living standard and was making every possible effort to ensure human rights were provided for people on a higher level. It was also committed to the implementation of its international obligations in good faith. Human rights issues should be addressed strictly based on the principle of respect for national sovereignty, and in countries where this was trampled on such as Iraq, Afghanistan, the Occupied Palestinian Territories and others, innocent people fell victim of the war on terror and their human rights and fundamental freedoms were violated. The principle of equality, impartiality and objectivity should be observed in addressing human rights issues, and it was totally unacceptable to table and discuss so-called resolutions that selectively named and attacked individual countries. The issue of human rights violations committed in the colonial countries in the past should be addressed in a righteous manner.

OMAR HILALE (Morocco) said that the Tinduf camp required the attention of this Council due to the human rights violations that had taken place in that camp for the past 35 years and because of the de facto destabilization of the region. The access to the Tinduf camp was restricted and Algeria had a particular responsibility to ensure that the inhabitants of that camp enjoyed their human rights. On the destabilization of the region, the Moroccan delegation said that there was no hope for progress to be made in that regard; the region was a fertile ground for Al-Qaeda and terrorists. That reality had been confirmed by the National Committee on American Policy which had highlighted that the young people in the region had become vulnerable to extremist ideologies. Morocco denounced the irresponsible attitude of Algeria which put in jeopardy peace and security internationally.

GERALD CORR (Ireland) said that Ireland remained deeply concerned about the situation in Myanmar. It appeared from information on the election laws that the election process would be neither free nor fair. Ireland was also deeply concerned about the situation in the Democratic People's Republic of Korea and the actions of its Government in withdrawing from the Six Party Talks. The human rights situation in Iran was deteriorating, including with arrests and aggressive Government reaction to protests. There were continuing injustices in the Occupied Palestinian Territories, including discriminatory evictions and home demolitions of Palestinian families. The situation in Sudan, including the ongoing situation in Darfur and the instability in Southern Sudan, was a cause of serious concern. Ireland also remained concerned about the situation in the Democratic Republic of the Congo. Zimbabwe had experienced some economic improvements since the formation of the unity Government, but this had not been matched in other crucial areas, including respect for human rights.

YAO AGBETSE, of Franciscans International, in a joint statement with Dominicans for Justice and Peace (Order of Preachers and Pax Romana, said the situation of Sri Lanka should be brought to the attention of the Human Rights Council, which had noted in the past the urgent situation of internally displaced persons. The situation of internally displaced persons should be the subject of an update by the Government, as a number of serious concerns remained. Human rights defenders, journalists, and members of civil society had been targeted, and Special Procedures had mentioned their concerns at the lack of protection. Governmental authorities had not disclosed a regime of detainees, and there should be greater transparency in their regard.

CELINE BRUN, of Europe-Third World Centre, in a joint statement with France Libertés – Fondation Danielle Mitterrand, and Movement against Racism and for Friendship among Peoples, said the situation of human rights was constantly deteriorating in Turkey. Violations were continuing, and journalists were being detained and newspapers banned. The pro-Kurd party was prohibited, and children were arrested during demonstrations and judged under an anti-terrorist law, with hundreds of them imprisoned for years. The wave of arbitrary arrests had continued since the beginning of 2010, and dozens of Kurdish activists had been apprehended in European States. European States should not be complicit in the violation of the fundamental rights of the Kurds of Turkey.

GIANFRANCO FATTORINI, of Movement against Racism and for Friendship among Peoples, in a joint statement with Women's International League for Peace and Freedom, said the process that had led to the elections in Honduras was illegal, and the current Government was thus also illegal. The perpetrators of the coup d’état must be held responsible and victims must be entitled to reparations. The organization noted that since June 2009 there had been numerous cases of arbitrary arrests, human rights violations and assignations, and it denounced the means used for so-called “peaceful relocations” of peasants. Further, it supported recommendations contained in the report of the Special Rapporteur and called upon the High Commissioner to immediately establish a presence in Honduras.

JULIE DE RIVERO, of Human Rights Watch, said at least 52 journalists were currently jailed in Iran, the Government had harassed many journalists and closed down press agencies. The Council should call on the Iranian Government to end such abuses and honour its obligations. Human Rights Watch further noted that the Government of Sri Lanka had not taken steps to honour the commitments it had made and called upon the Council to support the efforts of the High Commissioner and the Secretary-General in that regard.

POOJA PATEL, of Asian Forum for Human Rights and Development, highlighting a range of grave human rights violations in Sri Lanka, said that the Asian Forum was concerned over reported violence during the elections. The Government should establish a multi-party mechanism to carry out investigations into such incidents. The Asian Forum also condemned the closure of five media institutions in the post-elections period. There remained also a lack of information on the conditions of LTTE detainees; many of them had not been granted legal council. Families of inmates had reported cases of torture in detention centres. The Asian Forum welcomed the United Nations Secretary-General’s initiative to set up an Expert Panel on Sri Lanka.

MICHAEL ANTHONY, of Asian Legal Resource Centre, highlighted the lack of credible action by the Government of the Philippines after the massacre carried out during the elections last year by the private army of a well-known political leader. Nearly four months later there was still no progress in the investigations. Failure to carry out investigations would end in impunity. The Centre was concerned that this would end up as a missed opportunity. On Sri Lanka, the Centre was deeply concerned over an alleged hit-list which contained human rights defenders and journalists. The Council should engage with the Governments of Sri Lanka and the Philippines to address these issues.

DIANE ALA'I, of Baha’i International Community, said Baha’i International Community wished to highlight in detail the plight and profile of seven Baha’i professionals who had been detained in Iran although they had never acted against the security of the State. Their files did not contain any incriminating evidence. They were a symbol of the suffering endured by that religious group in Iran.

ORETTA BENADETTINI DI POGGIO, of France Libertés – Fondation Danielle Mitterrand, said for the Western Sahara, if self-determination was no longer on the agenda, it was still true that violations against human rights stemmed from that absence. Spain should have organized a referendum before withdrawing from that territory. There had been grave violations of human rights there. That region had been on the list of non-autonomous countries since 1963. That would only cease once it had been granted its self-determination. It was high time for legal experts at the United Nations to give their opinion. Who had the administrative power, Spain or Morocco who had invaded it in violation of Article 2 of the United Nations Charter?

INTISAAR MOHAMMED, of General Federation of Iraqi Women, said human rights were violated in various forms all across the world, but in Iraq these violations had been widespread, persistent and systematic since 2003. The United Nations mission in Iraq had mentioned in its reports these violations and indicated that they were widespread, systematic and persistent, and these reports should be mentioned in the report of the High Commissioner to the Human Rights Council, the international body in charge of human rights. Millions of Iraqis had lost their lives in the last few years. They deserved the attention of the Council, and a fact-finding mission should be sent, and a Special Rapporteur on the situation of human rights in Iraq appointed.

INTISAAR MOHAMMED, of Organisation pour la communication en Afrique et de promotion de la coopération économique internationale (Ocaproce International), said concrete actions to put an end to human rights violations were timely. The Universal Declaration of Human Rights knew no national or political boundaries. The United Nations was the worst international organization for achieving people's rights. The conspiracy of silence over gross affronts to the Universal Declaration of Human Rights in Jammu and Kashmir violated United Nations Security Council resolutions, where India was engaged in a chilling campaign of violation of human rights of the Kashmiris.

GOTZOU ONEANDIA-ZARRATE, of Centre on Housing Rights and Evictions, said that in Bulgaria, forced evictions of Roma people had increased notably. Many families had been rendered homeless; discrimination against Roma denied them with the most basic rights. In the United States, the foreclosure crisis continued to impact the poorest. A moratorium should be put in place to prevent forced evictions. In Brazil, the Centre was concerned about ongoing practices of forced evictions in several states of the country. Compensation given by the various Brazilian states was often not sufficient enough for the evicted to find a new home.

VANESSA RAMOS, of American Association of Jurists, said that the American Association of Jurists called on the Council to address the humanitarian situation in Haiti. The extreme poverty of Haiti had not been caused by the earthquake, but by colonialism, neo-colonialism and the pillaging of the island’s resources. Now was the time to respect the family and community rights in Haiti. The American Association of Jurists was concerned about the militarization of humanitarian aid. There was also a long history of illegal adoption in Haiti which had increased since the earthquake. The United Nations General Assembly should also convene a special session to draft with the Government of Haiti a reconstruction plan and to transform MINUSTAH into a true humanitarian mission.

ALEXANDRA KOSSIN, of World Organization Against Torture, said in Sri Lanka journalists and others faced persistent threats. That had worsened after recent elections. The World Organization against Torture urged the Government of Sri Lanka to take measures to cooperate with the United Nations, the Office of the High Commissioner for Human Rights and with the Special Procedures. The World Organization Against Torture remained concerned that in Iran, since 2009, elections had witnessed arbitrary detentions, and other human rights abuses. It called on Iran to put a hold on executions and to release all prisoners.

GAROMA WAKESSA, of Nonviolent Radical Party, Transnational and Transparty, described the scramble for agricultural land in Ethiopia, a country which could not separate itself from farming. Sadly the same Government that never had the courage to secure survival had now become courageous enough to sell fertile land to foreign States and transnational companies. The crops would ultimately end up in rich countries and would not resolve food shortages in Ethiopia. Farmers were being displaced from their land without any compensation. That land would involve 99-year contracts, which were being set with no public input. In addition to the depletion of natural resources, there were also other concerns.

TENZIN S. KAYTA, of Society for Threatened People, said China had failed to provide full responses to several Special Procedure mandate holders. Further, over 228 Tibetans had died and 40 had been executed in 2009 in Lhasa according to available reports. As for the state of religious freedom, monks and nuns had been denied studying in peace and had been subjected to conditions which were similar to detention conditions. The few foreign journalists who had been invited by the Government had said they had witnessed the huge presence of Chinese forces that patrolled the streets of Lhasa with guns. The Society for Threatened People encouraged the Council to urge China to fulfill its pledge and allow it to conduct an independent investigation mission to all Tibetan regions.

MARIA WERLAN, of Freedom House, said nearly half of Cuba’s 200 political prisoners were journalists, among them one who was in critical condition due to a hunger strike and several who were extremely ill. Moreover, research indicated that over the last 40 years, 12 individuals had died in Cuban prisons due to hunger strikes. Prisons were also rampant with disease and conditions led to acts of self-mutilation, psychological disorders and extreme suffering. From 2007 to 2009, there were 99 reported deaths from forced or alleged suicides. Freedom House recommended that Cuba allow the Special Rapporteur on torture and the International Committee of the Red Cross to visit Cuban prisons, and that all political prisoners of Cuba be released unconditionally.

ISSELKOU REBANE, of Comite international pour le respect et l'application de la Charte africaine des droits de l'homme et des peuples, in a joint statement with Institute for Planetary Synthesis, said that they wished to draw the Council’s attention to the population living in the Tindouf camps. They were hostages to a dispute dating back to the Cold War. Serious human rights violations had been committed by the Polissario. Several Mauritanians had been tortured. Those who had committed these acts were still traveling around the world freely.

SIDI SIDI MOHAMED HAMDENI, of Action internationale pour la paix et le développement dans la région des Grands Lacs (AIPD), said that Action International would like to shed light on the conditions in the Tindouf camps. Action International was seriously alarmed about reports of systematic human rights violations there. They were saddened by the situation of the Sahrawis in the camps where human dignity was not being respected. Reports of slavery, torture, jailing and deportation of children were of serious concern. The number of refugees was being manipulated to divert money. Humanitarian agencies should be allowed to conduct a census of the camp population.

Right of Reply

NATALIA ZOLOTOVA (Russian Federation), speaking in a right of reply in response to statements by Germany and the United States, said before someone criticized another State, they should have their own house in order, especially in prisons and out on the streets in the United States. Seventeen Russian children had died in the care of American families. Racism and Islamophobia should also be looked at in the United States. The Russian Federation advised the United States to introduce an Ombudsman and to adhere to human rights treaties and conventions. Russia drew the German delegation’s attention to the lack of respect for private life under the cover of the fight against terrorism in that country. Russia’s position was based on improving the situation on the ground in Germany.

GRACIBEL BU FIGUEROA (Honduras), speaking in a right of reply, said the Government of Honduras was well aware that political will was the starting point to address its human rights situation. Investigations in line with the legal provisions in force had been carried out and Honduras had cooperated with mandate holders. It had never denied entry into the country or denied visits, quite to the opposite: several mandate holders, including those on arbitrary detention, on the use of mercenaries, and on the prevention of torture had visited Honduras. The Government had also provided information to various treaty bodies and had taken major steps regarding the rule of law and to ensure the well-being of all of its citizens. The Honduran Government would not tolerate or promote acts that ran against the rights of its people.

HAMZA AHMED (Sudan) speaking in a right of reply, said Sudan wanted to react to a number of comments made by some European Union States and Canada. The Government of Sudan had engaged in the creation of the necessary atmosphere for free elections to be conducted. The country welcomed all those who had showed interest to participate in the upcoming elections. What some of the Western countries had said today was not really helpful. Sudan had made enormous efforts, such as establishing peace in Darfur and providing economic development for its people. The international community should support Sudan and should not always cast doubt on Sudan’s actions. Everyone was welcome to participate as observers in the upcoming elections and the European Union should not go ahead of itself; the members of the European Union observer mission should conduct their mission with professionalism.

TAKASHI TAKASHIMA (Japan), speaking in a right of reply in response to an unacceptable statement by the Democratic People's Republic of Korea, underlined that Japan had been facing events with utmost sincerity, recognizing that it had caused suffering to some Asian countries. Allegations regarding continued military use were totally groundless. As for discrimination against Koreans in Japan, the Japanese Constitution had been striving to have a society without discrimination. As for education, a bill to make high school education tuition free was being considered. The Democratic People's Republic of Korea should take immediate actions to ensure that its people had access to the basic necessities of life. It should also abide to the resolution on the abduction issue.

MESBAH ANSARI (Iran), speaking in a right of reply regarding references made to Iran, said Iran first and foremost regretted that the representative of an entity which had been involved in war crimes and crimes against humanity, among others, had addressed the Council under this item. These were tireless practices aimed at distracting attention from the situation in the Occupied Palestinian Territories and elsewhere in the region. Regarding the unsubstantiated allegations made by the European Union, Canada and the United States, the delegation said that Iran had already stated its position on a number of issues and regretted that the Council’s valuable time had been wasted by those statements. The delegation of Iran also warned against the efforts of a few to politicize the approach, which would inevitably undermine the credibility of this Council.

ALLEHONE MULUGETA ABEBE (Ethiopia), speaking in a right of reply, said Ethiopia wanted to address the baseless and outlandish allegations by the European Union. Claiming that human rights defenders continued to be harassed in Ethiopia was baseless. Ethiopia was committed to international human rights standards. Free and fair elections would be held and the European Union had been invited to participate as observers in the elections. Ethiopia’s ant-terrorist laws were meant to protect the Ethiopian population. Sweden’s statement that opposition parties were being harassed in Ethiopia was also baseless.

QUIAN BO (China), speaking in a right of reply, said China firmly rejected statements made by Germany and the Czech Republic. Some statements had distorted facts and were groundless. In China they had many non-governmental organizations that were devoted to the people’s cause. With those who had violated the law, China would act according to the law. That was in line with the norms of international law. China had made tremendous efforts in promoting and protecting the rights of ethnic minorities. On political splinter groups, China said their purpose was to create chaos and undermine stability. Dealing with them was not a human rights issue, it was an issue that dealt with terrorism and violence.

ABDULLAH SHALLAL ABDULKARIM (Iraq), speaking in a right of reply in response to the statement made by the General Federation of Iraqi Women, said the claims made in that statement were lies. This international forum should not allow such people to participate in the discussion and disseminate lies. The Government of Iraq was cooperating with the United Nations Mission in Iraq as well as other key development bodies. In the recent elections, 62 per cent had participated in them.

CHOE MYONG NAM (Democratic People's Republic of Korea), speaking in a right of reply, said that the Democratic People’s Republic of Korea rejected Japan’s excuses on its past crimes. Japan had a long history of crimes of slavery. Every Korean family had been affected by the Japanese crimes. Today’s apology was only a lip service before the international community. Denial of the past crimes was tantamount to the recurrence of those crimes. Today, Korean nationals were being discriminated against in Japan. The Democratic People's Republic of Korea also rejected the unsubstantiated and politically motivated allegations made by Japan, France and the United Kingdom.