Chapter III

Human rights violations

Alleged violations of human rights and international humanitarian law in a number of countries were examined in 2000 by the General Assembly, the Economic and Social Council, the Commission on Human Rights and its Subcommission on the Promotion and Protection of Human Rights, as well as by special rapporteurs, special representatives of the Secretary-General and independent experts appointed to examine the allegations. In October, the Commission held a special session on violations of the human rights of the Palestinian people by Israel.

General aspects

Under a procedure established by Economic and Social Council resolution 1503(XLVIII) [YUN 1970, p. 530] to deal with communications alleging denial or violation of human rights, the Working Group on Situations of the Commission on Human Rights, established by Council resolution 1990/41 [YUN 1990, p. 648], in closed session on 31 March, considered the human rights situations in Chile, the Congo, Kenya, Latvia, Uganda, the United Arab Emirates, Viet Nam, Yemen and Zimbabwe. The Commission discontinued consideration of the situations in Chile, the Congo, Kenya, Latvia, the United Arab Emirates, Viet Nam, Yemen and Zimbabwe.

On 18 August [E/CN.4/2001/2 (dec. 2000/114)], the Subcommission on the Promotion and Protection of Human Rights requested the Secretary-General to prepare a working document relating to mass and flagrant human rights violations that constituted crimes against humanity and that occurred during the colonial period, wars of conquest and slavery.

Africa

Burundi

**Commission action.** On 18 April [E/2000/23 des. 2000/20], the Commission on Human Rights appealed to all armed factions and other Burundian political forces that had not done so to join the Arusha negotiation process (see p. 143), conclude a ceasefire as soon as possible and sign a peace agreement. It expressed deep concern at the violations of human rights and of international humanitarian law, particularly reports of massacres, enforced or involuntary disappearances, and arbitrary arrests and detention, and remained concerned at the ongoing violence and the security situation in parts of the country. Deploiring the unacceptable living conditions in the regroupment camps and displaced persons sites, the Commission recommended that the Government and UN agencies and non-governmental organizations (NGOs) provide humanitarian assistance (see p. 858). The Commission requested the Government to end impunity and to foster a security environment conducive to the work of assistance organizations. The United Nations and the donor community were invited to augment the flow of humanitarian assistance, once a security environment existed. The Commission asked States not to allow their territories to be used as bases for incursions or attacks against another State.

The Commission decided to extend the Special Rapporteur's mandate for an additional year and asked her to submit an interim report to the General Assembly in 2000 and a report to the Commission in 2001, giving her work a gender-specific dimension. The Economic and Social Council endorsed the Commission's decision and its requests to the Special Rapporteur on 28 July (decision 2000/253).

**Reports of Special Rapporteur.** In September [A/55/358], Special Rapporteur Marie-Therese A. Keita-Bocoum (Cote d'Ivoire) submitted an interim report, covering the period from 15 April to 15 July, following her visit to Burundi (27 June-7 July).

The Special Rapporteur described the current political and economic and social situation and developments in the peace process (see p. 143). Although there had been no change in the human rights situation, the legal system had improved somewhat as a result of reforms. The situation around the capital and in some provinces was relatively calm as a result of the decline in mass killings and massacres. Elsewhere, the situation still gave cause for concern. The main
human rights violations were violations of the right to life, including those attributed to State agents, rebel groups and unknown persons; the right to personal freedom and security; physical integrity, including torture and ill-treatment and rape; freedom of opinion and expression; the right of trade unions to function freely; the right to health; the right to education; and children's right to special aid and assistance. The situation of persons deprived of their liberty had improved since the beginning of the year as a result of judicial reforms, better conditions of detention in certain prisons and support by the Government, human rights associations and humanitarian organizations. Even so, irregularities persisted. Penitentiary establishments were still characterized by massive overcrowding, inadequate food, very poor health services and delays in processing the cases of detainees. In certain jail facilities of the police, public security police and judicial police of the prosecutors' offices, as well as in the cachots (communal detention centres) of communes and zones, cases of arbitrary detention, torture or abuse, malnutrition and starvation were found. Hygienic conditions in the cachots were appalling, with no water or ventilation. Secret detention centres in the communes, zones or camps and military posts also existed. The dismantling of camps allowed free movement, ease of access to humanitarian aid and the benefit of the solidarity of neighbours. At the time of the Special Rapporteur's visit, over 230,000 people had returned to their homes. In the camps that had not been dismantled, the situation remained intolerable, with harsh living conditions.

Appreciable progress had been made in the justice system since the inception on 1 January of the new Code of Criminal Procedure, particularly regarding respect for the legally permissible period of police custody and interrogations conducted by judicial police officers. Since the application of the new Code, arbitrary arrests had decreased and considerable work had been done to sort out detainees' files. The Legal Assistance Programme, operated by the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the training courses for judges were still positively impacting the promotion and defence of human rights. Progress, however, remained hampered by many irregularities, inadequacies and violence that were aggravated by the war, extreme poverty and the excessive number of prisoners. Major problems remained in the slowness of the judiciary, the growing corruption of certain judges and political, social and cultural pressures.

The Special Rapporteur examined the situation of women, which, she said, was defined by poverty, an excessive burden of household duties and considerable dependence on the husband. It was also characterized by low levels of representation in decision-making, insufficient training and information, and a very low literacy rate. Violence against women was often physical, psychological and sexual. Their rights to inherit property and own land were also violated, consequences of polygamy and rape. The main obstacles to women's advancement were tradition and ignorance.

The Special Rapporteur called on parties to the conflict to participate in the Arusha negotiations (see p. 143), respect people's rights and observe international humanitarian law relating to the protection of children affected by armed conflict. She recommended that the Government continue efforts to lead Burundi towards a legally constituted State; reduce detention and ensure detainees access to family members, doctors and lawyers; combat enforced disappearances; improve the living conditions of refugees; change or enhance the view of women's roles; end discrimination against women and amend laws preventing them from owning or inheriting land, property or dwellings; develop a reliable health and social service system; devote attention to street and displaced children; and ensure the right to education. The international community was called on to develop socio-economic programmes and projects and secure the sustained flow of resources for reconstruction activities, establish and strengthen prevention, observation and monitoring mechanisms to avoid an escalation of the conflict, combat extreme poverty and social exclusion, strengthen humanitarian action and work more actively to combat HIV/AIDS.

In a later report [E/CN.4/2001/44], the Special Rapporteur updated developments since the signing of the Arusha Agreement on Peace and Reconciliation in Burundi on 28 August (see p. 146). Security in the country had improved due to cooperation between the army, the administration and the people. The forced regroupment camps in the province of Bujumbura-rural and the rest of the country had been permanently dismantled. However, the economic and social situation had been deteriorating constantly; the northern provinces were plagued by drought and famine. In the cities, the middle classes were becoming increasingly impoverished.

The human rights situation did not improve substantially. The main human rights violations concerned the right to life, to physical integrity and to personal freedom and security, freedom to choose one's residence, freedom of expression
and economic, social and cultural rights. The Special Rapporteur observed that the people seemed hostage to the political establishment, which was experiencing some difficulties in resolving the question of leadership. Civilians were subjected to abusive treatment by the military and armed groups; they were forced to contribute to financing the war effort and made to perform forced labour. The situation had become more precarious, especially for those living in rural areas and the collines, giving rise to hunger, cold and disease. The army continued to become involved illegally in matters reserved for the justice system. Women, particularly those from rural areas, were the main victims of war, displacement and regroupment, yet were excluded from the peace process. The Special Rapporteur supported measures taken by the Ministry of Human Rights in favour of respect for and promotion of human rights. Parties to the conflict were urged to respect the right to life and end children's involvement in their fighting, end degrading and humiliating treatment, participate in negotiations and end political hostilities. Among other measures, the Government was called on to facilitate access for organizations and UN bodies to sites for displaced persons and to victims of the crisis, train legal professionals, set up halfway houses for children released from prison, enact a law for women on inheritance and marriage contracts, abolish the death penalty and increase support to judicial bodies.

Democratic Republic of the Congo

Commission action. On 18 April [res. 2000/15], the Commission welcomed the commitment by the Democratic Republic of the Congo (DRC) to cooperate with UN agencies and NGOs in ensuring the demobilization and reintegration of child soldiers; the general amnesty announced on 19 February by President Laurent Desire Kabila, under which 200 persons accused, convicted or detained for crimes against State security had been released; the release and repatriation, carried out under the auspices of the International Committee of the Red Cross (ICRC) in the DRC, of persons at risk, mainly of Tutsi origin, and of prisoners of war; the setting up of a peace operation by the Security Council; and the Council's decision in resolution 1291(2000) to authorize the expansion of the United Nations Organization Mission in the DRC (MONUC) (see p. 123). The Commission expressed concern at the adverse impact of the conflict on the human rights situation; continuing violations of the Lusaka Ceasefire Agreement [YUN 1999, p. 87]; the situation of human rights, particularly in the east of the country, and the continuing violations of human rights and international humanitarian law; the excessive accumulation and spread of small arms and light weapons and their illicit distribution; the harassment and persecution of human rights defenders and their organizations; the intimidation of church representatives and of civil society in the east; and the severe insecurity, which minimized the ability of humanitarian organizations to access affected populations. Parties were urged to implement fully the Lusaka Ceasefire Agreement and to protect human rights and respect international humanitarian law. The Government was called on to protect human rights, reform and restore the judicial system, end impunity, implement democratization, remove remaining restrictions on the activities of political parties and prepare to hold democratic, free and fair elections, ensure respect for freedom of opinion and expression, and cooperate with the International Criminal Tribunal for Rwanda (ICTR) (see p. 1225).

The Commission decided to extend the Special Rapporteur's mandate for an additional year and asked him to submit an interim report to the General Assembly in 2000 (see p. 737), to report to the Commission in 2001 and to maintain a gender perspective in seeking and analysing information. It also asked the Special Rapporteurs on the situation of human rights in the DRC and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out, as soon as security considerations permitted and, where appropriate, in cooperation with the National Commission of Inquiry to investigate alleged human rights violations and breaches of international humanitarian law in the DRC between 1996 and 1997, a joint mission to investigate massacres carried out in the DRC, with a view to bringing to justice those responsible and to report to the Assembly in 2000 and to the Commission in 2001. The Commission asked the Secretary-General to assist the Special Rapporteur and the joint mission, the High Commissioner to provide technical expertise to the joint mission, and the international community to support the DRC human rights field office.

The Economic and Social Council endorsed the Commission's decisions and its requests to the Special Rapporteurs and Working Group on 28 July (decision 2000/248).

Note by Secretariat. An August note by the Secretariat [A/55/318] stated that the insecurity prevailing in the DRC in general and in the province of South Kivu in particular had prevented the deployment of the joint mission of inquiry.
Reports of Special Rapporteur. In September [A/55/403], the Secretary-General transmitted to the General Assembly the report of Special Rapporteur Roberto Garreton (Chile), based on his visit to the DRC (13-26 August). He noted the Government’s request to the Secretary-General [S/2000/122] to investigate events in the locality of Ituri, as well as an investigation into allegations of the deaths of 15 women who were buried alive or burnt in Mwenga, situated in territory controlled by the Rassemblement congolais pour la democratie (RCD). The Government and RCD had requested investigations into the Katogota massacre. Because of the prevailing insecurity and lack of financial resources, the investigations were still pending.

The Special Rapporteur described the various armed conflicts—the conflict between the Government and RCD, the conflict between the Government and the Mouvement de liberation du Congo (MLC), clashes between Uganda and Rwanda in Kisangani, and tribal conflict between Balendu and Bahema. None of the parties to the conflicts fully respected the Lusaka Ceasefire Agreement. The conflicts, which involved at least seven national armies and many irregular armed groups, had destroyed the country, with more than half the population affected. All public moneys were diverted to the war effort. There had been terrible epidemics. Since the war made it impossible to cultivate the land, 17 per cent of the population, or some 14 million people, were affected by food insecurity. The number of sheques (street children) had risen alarmingly. More than 1.3 million people were internally displaced, many of whom were without assistance.

In the Government-controlled territory, the rights most affected were political rights, including the right to participation, assembly, association and freedom of expression. In RCD- and RCD/Mouvement de liberation (ML)-controlled territory, the rights most often violated were the right to life and physical integrity, without prejudice to political freedom. There was insufficient information on the ML-controlled territory. Neither the Government nor RCD, RCD/ML or MLC had taken steps towards democracy. The Government maintained that it had not implemented the death penalty since February 2000. RCD, which had never done so, began to use the death penalty in 2000. The liberty of person was constantly violated, there was no freedom of expression and the right to due process was not respected by any of the parties. Torture, which was practised by all parties, resulted in death in many instances. In both Kinshasa and Goma, opposition members were prevented from leaving the country and from movement within it. The Government, with international assistance, had continued to protect people who looked like Tutsi in order to prevent reprisals against them, thereby disproving accusations of genocide. Religious persecution had been a constant. The situation of women and children continued to worsen, and although the Government and RCD had taken steps to demobilize children, neither MLC nor the Ugandan troops had done so.

The Special Rapporteur recommended that all parties implement fully the Lusaka Agreement, cooperate with MONUC and end impunity. He recommended that the Government establish an inter-Congolese dialogue; abolish the death penalty, eliminate the Military Court; free all political prisoners; cease pressure on or censorship of the press; demobilize child soldiers; restore relations with other States, intergovernmental organizations, the United Nations and the Organization of African Unity (OAU) and attend their conferences and meetings; implement a human rights action plan; and accord international human rights instruments precedence over national law and honour commitments made under them.

The Special Rapporteur proposed that RCD and other rebel groups cease all cooperation with foreign armies; avoid committing any act that implied the exercise of sovereignty over foreign armies; refrain from issuing fictitious accounts of atrocities committed by their troops and foreign allies and conduct objective investigations of allegations; free political prisoners; abolish the death penalty; cease to interpret acts of opposition as an alleged incitement to ethnic hatred; permit organizations of civil society to function freely; and demobilize child soldiers. Foreign armies occupying Congolese territory were urged to implement the Lusaka Agreement; refrain from reprisals; permit investigations of violations of human rights and international law; compensate victims; and return Congolese property that had been taken from the country since 1998. The United Nations should continue to support the peace process; pay attention to the human rights special rapporteurs; assist the mechanisms of the Commission on Human Rights; and establish an effective arms embargo on all countries involved in the conflict. He recommended that other organs of the international community support the peace process and make their voices heard regarding the massacres committed in the DRC.

In a later report [E/1998/4/2001/40], which covered incidents that occurred up to 11 December, the Special Rapporteur stated that the investigations into the events that occurred in the locality of Ituri were still pending. He described the vari-
ous armed conflicts and political developments and democratization in the country. He recounted human rights violations similar to those in his September report (see p. 737) and observed that none of the parties to the conflicts were fully respecting the Lusaka Agreement. The sense of terror in RCD-controlled territories and the entire country's humiliation were still dramatically present. The Special Rapporteur reiterated his earlier recommendations. Annexed to the report were lists of international instruments to which the DRC was a party, armed conflicts taking place in the country, irregular armed groups involved in the armed conflicts and human rights violations committed in Government-controlled territory, as well as those that occurred in territory under the control of rebel movements, between 16 December 1999 and 11 December 2000.

(For political details, see p. 119.)

GENERAL ASSEMBLY ACTION

On 4 December [meeting 81], the General Assembly, on the recommendation of the Third (Social, Humanitarian and Cultural) Committee [A/55/602/Add.3], adopted resolution 55/117 by recorded vote (102-2-63) [agenda item 114 (c)].

Situation of human rights in the Democratic Republic of the Congo

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child, as well as the African Charter on Human and Peoples' Rights,

Recalling its previous resolutions on this subject, including the most recent, resolution 54/179 of 17 December 1999, taking note of Commission on Human Rights resolution 2000/15 of 18 April 2000 and Security Council resolution 1304(2000) of 16 June 2000, and mindful of previous resolutions and presidential statements of the Security Council on the subject,

Recalling the Ceasefire Agreement signed at Lusaka and the Kampala disengagement plan, the obligations of all signatories to those agreements and the obligations deriving from Security Council resolution 1304(2000),

Taking note of the outcome of the Extraordinary Summit of the Heads of State or Government of the Southern African Development Community, held at Maputo on 16 January 2000, and of the holding of the summit meeting of the heads of State of Central Africa at Kinshasa on 27 October 2000,

Concerned at all violations of human rights and international humanitarian law in the territory of the Democratic Republic of the Congo by parties to the conflict, as mentioned in the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo, including acts of and incitement to ethnic hatred and violence,

Recognizing that the promotion and the protection of human rights for all are essential for achieving stability and security in the region and will contribute to the creation of the environment necessary for cooperation among States in the region,

Taking into account the regional dimension of the human rights issues in the Great Lakes region, while underlining the primary responsibility of States for the promotion and protection of human rights, and stressing the importance of technical cooperation with a view to strengthening regional cooperation for the promotion and protection of human rights,

Recalling the decision of the Commission on Human Rights to request the Special Rapporteurs of the Commission on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or InvoluntaryDisappearances to carry out a joint mission to the Democratic Republic of the Congo, and encouraging the mission to begin its work as soon as possible, with the cooperation of the Government and all other parties concerned,

Encouraging the Government of the Democratic Republic of the Congo to fulfil its earlier commitments, including to the United Nations High Commissioner for Human Rights, to restore and reform the judicial system, in accordance with the relevant international conventions, and noting in this regard the declared intention of the Government progressively to abolish the death penalty and to put an end to the trying of civilians by the Military Court,

I. Welcomes:

(a) The report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo;

(b) The visit made to the country by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo at the invitation of the Government and of all Congolese parties to the Ceasefire Agreement signed at Lusaka in this regard;

(c) The visit made to the country by the United Nations High Commissioner for Human Rights from 1 to 3 October 2000;

(d) The activities of the human rights field office in the Democratic Republic of the Congo, and encourages the Government to continue to work in close cooperation with the office;

(e) The efforts of the Ministry of Human Rights of the Democratic Republic of the Congo to improve the
human rights situation in the country and, in particular, the adoption in December 1999, in concert with non-governmental organizations, of the national action plan for the promotion and protection of human rights;

(f) The general amnesty ordered by President Kabila on 19 February 2000, as a timely and significant step towards reconciliation and towards preparation for the inter-Congolese dialogue called for in the Ceasefire Agreement, but deplores the fact that many other political prisoners continue to be detained and the arrests made since that date;

(g) The commitment by the Government of the Democratic Republic of the Congo to cooperate with the United Nations agencies and non-governmental organizations in ensuring the demobilization and reintegration of child soldiers and the holding at Kinshasa, on 10 December 1999, in cooperation with the United Nations Children's Fund, of the Forum on the Demobilization of Child Soldiers and the Protection of Human Rights, and measures of demobilization of children taken by the Government and by the Congolese Rally for Democracy, and encourages other parties to the conflict to do the same;

(h) The repatriation carried out under the auspices of the International Committee of the Red Cross in the Democratic Republic of the Congo, in conformity with international humanitarian law, of persons at risk because of their ethnic origin, but regrets, however, that the Government was apparently unable to provide adequate protection in the first place;

(i) The release of prisoners of war, and calls for the acceleration of exchanges of prisoners;


(k) The work of the Special Envoy of the Secretary-General for the peace process in the Democratic Republic of the Congo;

(l) The appointment by the Secretary-General of the Special Representative for the Democratic Republic of the Congo;

2. Expresses its concern at:

(a) The adverse impact of the conflict on the situation of human rights and its severe consequences for the security and well-being of the civilian population throughout the territory of the Democratic Republic of the Congo;

(b) The continuing violations of the Ceasefire Agreement and the continuing use of hate speech;

(c) The preoccupying situation of human rights in the Democratic Republic of the Congo, in particular in the eastern part of the country, and the continuing violations of human rights and international humanitarian law committed throughout the territory of the Democratic Republic of the Congo, often with impunity, and, with that in view, condemns:

(i) The massacres of civilians perpetrated in the course of the conflict, which constitute a disproportionate response to attacks, in particular those occurring recently on the Lisenda-8 road and at Kataga, Kamanyola, Lurbarka, Luberezi, Ngenge, Kalehe, Kilambo, Cidaho, Uvira, Shabunda and Lusenda-Lubumba;

(ii) The fighting in Kisangani between Ugandan and Rwandan forces, most recently in May and June 2000, which resulted in many civilian victims;

(iii) The bombings of the hospital at Libenge and at Gemena and elsewhere, which affected civilian populations;

(iv) The conflicts between the Hema and Lendu ethnic groups in the eastern province, where thousands of Congolese have already been killed;

(v) The occurrence of cases of summary and arbitrary execution, disappearance, torture, beating, harassment, arbitrary arrest and detention without trial, including of journalists, opposition politicians and human rights defenders, reports of sexual violence against women and children, and the continuing recruitment and use of child soldiers, as well as, in the eastern part of the country in particular, reprisals against people who have cooperated with the United Nations mechanisms;

(vi) The trying of civilians and the imposition of the death penalty by the Military Court;

(d) The excessive accumulation and spread of small arms and light weapons and the illicit distribution, circulation and trafficking of arms in the region and their negative impact on human rights;

(e) The breaches of fundamental freedoms, such as freedom of expression, opinion, association and assembly, in the whole territory of the Democratic Republic of the Congo, in particular in the eastern part of the country;

(f) The acts of intimidation against representatives of the Churches and civil society, throughout the Congolese territory, as well as the killings of those persons in the eastern part of the country;

(g) The severe insecurity, which minimizes the ability of humanitarian organizations to secure access to affected populations;

(h) Reports of the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo;

3. Urges all parties to the conflict in the Democratic Republic of the Congo:

(a) To implement fully the provisions of the Ceasefire Agreement and to facilitate the re-establishment of the authority of the Government of the Democratic Republic of the Congo throughout the territory, as agreed in the inter-Congolese political negotiations provided for in the Ceasefire Agreement, and stresses, in the context of a lasting peaceful settlement, the need for the engagement of the Congolese in an all-inclusive process of political dialogue, with a view to achieving national reconciliation and the holding of democratic, free, transparent and fair elections;

(b) To cease all military activity in the Democratic Republic of the Congo, which breaches the ceasefire provided for in the Ceasefire Agreement and the Kambala disengagement plan;

(c) To protect human rights and to respect international humanitarian law, in particular, as applicable to them, the Geneva Conventions of 12 August 1949 for the protection of victims of war and the Additional Protocols thereto, of 1977, the Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907, the Convention on the Prevention and
Punishment of the Crime of Genocide and other relevant provisions of international humanitarian, human rights and refugee law, and in particular to respect the rights of women and children and to ensure the safety of all civilians, including refugees and internally displaced persons within the territory of that country, regardless of their origin;

(d) To ensure the safety, security and freedom of movement of United Nations and associated personnel and humanitarian personnel within the Democratic Republic of the Congo and, in this regard, to ensure safe and unhindered access of humanitarian personnel to all affected populations throughout the territory of the Democratic Republic of the Congo;

(e) To put an immediate end to the use of child soldiers, which is in contravention of international human rights standards, and to demobilize them;

(f) To define and implement all necessary measures to create conditions conducive to the voluntary return, in safety and with dignity, of all refugees and displaced persons and to ensure their protection and fair and lawful treatment;

4. Calls upon the Government of the Democratic Republic of the Congo:

(a) To comply fully with its obligations under international human rights law and to promote and protect human rights and fundamental freedoms throughout its entire territory;

(b) To fulfill its responsibility to ensure the full protection of the human rights of the population in its territory, as well as to take a leading part in efforts to prevent conditions that might lead to further flows of internally displaced persons and refugees within the Democratic Republic of the Congo and across its border;

(c) To fulfill its commitment to reform and restore the judicial system, and, in particular, to reform military justice, and to stop using it to try civilians, in conformity with the provisions of the International Covenant on Civil and Political Rights;

(d) To ensure full respect for freedom of opinion and expression, including freedom of the press in relation to all types of mass media, as well as freedom of association and assembly;

(e) To remove the restrictions that still affect the work of non-governmental organizations and to promote human rights awareness, including by strengthening cooperation with civil society, including all human rights organizations;

(f) To implement fully its commitment to the democratization process, in particular the national dialogue, as stipulated in the Ceasefire Agreement, and to create, in this context, conditions that would allow for a democratization process that is genuine and all-inclusive and that fully reflects the aspirations of all people in the country, including by lifting restrictions on political parties and their activities and ensuring political pluralism, in order to lead the way for the holding of democratic, free and fair elections;

(g) To put an end to impunity and to fulfill its responsibility to ensure that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice;

(h) To cooperate fully with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwanda Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 in ensuring that all those responsible for the crime of genocide, crimes against humanity and other grave violations of human rights are brought to justice in accordance with international principles of due process;

(i) To work closely and strengthen further its cooperation with the human rights field office in the Democratic Republic of the Congo;

(j) To implement fully its commitment to cooperate with United Nations agencies and non-governmental organizations in ensuring the demobilization, rehabilitation and reintegration of child soldiers;

5. Decides to continue to examine the situation of human rights in the Democratic Republic of the Congo, and requests the Special Rapporteur to report to the General Assembly at its fifty-sixth session.

RECORDED VOTE ON RESOLUTION 55/117:

In favour: Afghanistan, Albania, Andorra, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Jamaica, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Monaco, Mongolia, Namibia, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, Tajikistan, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu, Venezuela, Yugoslavia.

Against: Rwanda, Uganda.

Abstaining: Algeria, Angola, Antigua and Barbuda, Bahrain, Bangladesh, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, China, Comoros, Congo, Cote d’Ivoire, Cuba, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Ghana, India, Indonesia, Iran, Jordan, Kenya, Lao People’s Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Pakistan, Philippines, Qatar, Saint Lucia, Sao Tome and Principe, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Swaziland, Thailand, Togo, Tunisia, United Arab Emirates, United Republic of Tanzania, Zimbabwe.

on means for its early implementation, together with a comprehensive technical assistance programme, with OHCHR. It called on the Government to ensure the independence of the National Commission on Human Rights and of the national electoral commission.

The Commission decided to renew the Special Representative's mandate for one year and asked him to report in 2001, applying a gender perspective. He was asked to verify that technical assistance provided to Equatorial Guinea supported its national plan of action on human rights. The Secretary-General was asked to assist him.

The Economic and Social Council endorsed the Commission's decision and its requests to the Special Representative on 28 July (decision 2000/252).

**Report of Special Representative.** Since he had not received replies from the Government of Equatorial Guinea to his requests to visit the country or for information, Special Representative Gustavo Gallon (Colombia) visited Spain (20-25 November) [E/CN.4/2001/38], where some 10 per cent of Equatorial Guinean citizens lived.

The Special Representative stated that the human rights situation in Equatorial Guinea did not improve during the year. His previous conclusions remained applicable [YUN 1999, p. 694]. There continued to be no sustained rule of law; rather, power was concentrated in the hands of the executive, which led to continued arbitrary detention and torture designed to prevent coup d'état attempts, or to prevent political parties or ethnic groups opposing the governing group from gaining power. The military and the governing party exercised various de facto and de jure powers to control the population, 65 per cent of which lacked the means to satisfy basic needs. Society as a whole was subjected to the constant presence of armed forces, which restricted the right to freedom of movement and exercised criminal jurisdiction over civilians. Legislation was not published regularly and there was no daily newspaper through which freedom of opinion might be exercised. Human rights organizations were not authorized to function, and there were no trade unions, except for a farmers' association. Women and children were the most seriously affected by discrimination, especially regarding education and health.

In 2000, technical assistance agreements between the Government and the European Commission, the United Nations Development Programme (UNDP) and the Government of Spain were concluded or were in their initial stages.

In November, the political opposition gathered in Spain, handed the Special Representative a proposal inviting the Government to agree to arrangements which, with support by the international community, could ensure a transition to democracy, based on respect for human rights. The proposal merited consideration, said the Special Representative.

The Special Representative reiterated his previous recommendations [YUN 1999, p. 694] and added that the Government should be called on to end enforced disappearances and, to that end, to agree to organize a national register of detainees, open for consultation by anyone. It was also proposed that habeas corpus should be instituted and consideration be given to the engagement of a political dialogue outside the country between the Government and the opposition in exile to find ways to establish democracy and human rights. In view of the fact that the Government did not cooperate with the Special Representative's mandate in 2000, he recommended that the Commission appeal to the Government to take a position in conformity with its international obligations, and that the Commission arrange for the mechanisms to ensure that that was done.

**Rwanda**

**Commission action.** On 18 April [res. 2000/21], the Commission, while noting indications of improvement in the human rights situation in Rwanda, expressed concern at continued violations of human rights and international humanitarian law and urged the Government to continue to investigate and prosecute the violations. Welcoming the Government's efforts to build a State based on the rule of law and the guarantee of respect for human rights and fundamental freedoms, the Commission strongly condemned the crime of genocide and the crimes against humanity that were committed in Rwanda in 1994 and expressed concern that most of the perpetrators of genocide and other gross human rights violations continued to evade justice. It also expressed concern about the effectiveness of the ICTR witness protection programme and called for its improvement as a matter of urgency. The Commission encouraged the Government to support fully the National Human Rights Commission (NHRC) to enable it to investigate human rights violations and sensitize and train the population.

The Commission decided to extend the Special Representative's mandate for a further year and asked him to report to the General Assembly in 2000 (see p. 742) and to the Commission in 2001, and asked the High Commissioner to assist him. The Commission called for close consultations between the Special Representative, the Government, NHRC and other national institutions. The Economic and Social Council en-
endorsed the Commission’s decision and approved its requests to the Special Representative and the High Commissioner on 28 July (decision 2000/254).

Report of Special Representative. In August [A/55/269], the Secretary-General transmitted the report of Special Representative Michel Mousalli (Switzerland) based on his visits to Rwanda (January, March, June).

The Government was still professing its commitment to the ideals of participatory democracy, human rights, reconciliation and sustainable development, which showed in the continuing moral and material support accorded to NHRC and the National Unity and Reconciliation Commission (NURC). At the same time, some tensions had appeared in the population at large, reportedly due to the insufficiently explained personnel changes at or near the top of the political hierarchy, some apparently isolated and unexplained cases of assassinations of high-level officials, incidents of infiltration across the border with the DRC resulting in a number of deaths and the continued involvement of Rwanda in the DRC crisis (see p. 119) and its cost to the country. A drought had created severe food shortages in the eastern part of the country, and famine in some areas, resulting in internal displacement of populations in search of food. Another reported source of malaise was the significant number of cases of sexual abuse of children of both sexes, especially young girls, in some cases in the belief that a sexual relationship with a young girl would cure HIV/AIDS.

The Special Representative described security concerns in Kigali and its environs, and in the border areas, especially in north-west Rwanda, and new concerns related to the persecution of government opponents, the silencing of the press, the forced return of persons who had fled the country and the prevention of certain persons from fleeing abroad. He discussed cooperation with OHCHR, which had continued to improve. Expressing gratification at the progress made through NHRC, he was convinced that technical assistance would help it develop projects. In spite of the bold moves the Government had taken to reduce the prison population, the overall number of detainees had not declined. Conditions had worsened in the country’s 154 cachots, which were meant to hold detainees for up to 48 hours, until they could be transferred to a prison. The Special Representative was distressed that prison conditions continued to violate the basic norms. Efforts to improve justice would enter a new phase with the introduction of the gacaca, a system of community justice for genocide suspects. Trials would take place in public before the entire community. Drawing on the recollections of the accused, the complainants and the villagers, the judges would compile a list of those who died in the genocide, and of those presumed responsible. The accused would be judged and sentenced. The Government established NURC, which, while focusing on creating a strong institutional foundation, had completed nationwide consultations, produced promotional material, organized reconciliation workshops and taken over the running of solidarity camps, and supported initiatives of other partners. In terms of economic and social rights, children had suffered terribly under the genocide and land and settlement issues were still outstanding. The Special Representative made a series of recommendations regarding prison and judicial reform; the media; children; human rights education; and NHRC. He made recommendations to the international community, bilateral donors, NGOs, the UN system, the High Commissioner, the Office of the United Nations High Commissioner for Refugees (UNHCR), UNDP and ICTR.

In a later report [E/CN.4/2001/45/Add.1 & Corr.1], the Special Representative, following his visit to Rwanda in October, observed that the national commissions had made progress since his last report. A programme of assistance and cooperation between OHCHR and NHRC, which started in November, aimed to facilitate the effective functioning of NHRC by improving its technical and substantive capacity. NHRC held human rights training and education programmes for police officers and senior non-commissioned officers in the army and for secondary school, university and health institute students. NURC was examining the link between justice and reconciliation, particularly how the gacaca justice system could promote reconciliation.

The Government had taken major steps towards decentralization and democracy. A new structure of territorial administration was introduced in December, which accelerated efforts to release detainees without files, to regularize files and to reduce the number of those held in communal cachots by transferring them to prisons. Large numbers of the population were still without shelter; thus, reintegration needs were not met. Land tenure needed to be resolved for reconciliation and sustainable development. Concerning a new law permitting women to own and inherit land, the Government began a nationwide information campaign to educate the population. The Special Representative expressed concern that many genocide survivors were still in dire need of assistance, and that many felt abandoned by the international community. He
noted the growing number of new independent newspapers, but expressed concern that a weekly English newspaper had been harassed. Newspapers were printed in Uganda, as there was no local printing press. The draft press law was largely viewed by the media as a positive and balanced approach to media regulation. The first National Conference on the Rights of the Child was held in Kigali (14-18 August) and an inter-ministerial Task Force on the Rights of the Child had been established under the Ministry of Local Administration and Social Affairs.

(For political details, see p. 148.)

**Sierra Leone**

**Commission action.** On 18 April [res. 2000/24], the Commission, expressing concern regarding the continuing violations of human rights and humanitarian law committed in Sierra Leone, called on the Government to comply with its obligations to promote and protect human rights, to work closely in the human rights area with the United Nations Mission in Sierra Leone (UNAMSIL) and OHCHR and to prioritize the special needs of women and children. It welcomed steps taken by the Government and civil society to create a human rights infrastructure and the deployment of a child protection adviser with UNAMSIL to ensure the protection of children's rights. The Commission called on the Government to investigate reports of human rights abuses that had occurred since the signing of the Lomé Peace Agreement in 1999 [YUN 1999, p. 159] and to end impunity; the Secretary-General and the High Commissioner were asked to respond favourably to government requests for assistance with the investigation of abuses.

The Commission asked the High Commissioner and the international community to continue to assist the Government to establish and maintain an effective truth and reconciliation commission and national human rights commission. The Secretary-General, the High Commissioner and the international community were requested to assist the human rights section of UNAMSIL and, in consultation with the relevant UN agencies, assist the Government to address the country's human rights needs. The High Commissioner was asked to report to the General Assembly in 2000 and to the Commission in 2001.

On 28 July, the Economic and Social Council endorsed the Commission's requests to the High Commissioner and the international community to assist the Government and to the Secretary-General, the High Commissioner and the international community to assist the human rights section of UNAMSIL. It approved the Commission's requests to the High Commissioner to submit reports (decision 2000/256).

**Reports of High Commissioner.** In August [A/55/36], the High Commissioner noted that persistent fighting in Sierra Leone exacerbated the human rights violations that had characterized the conflict, among them extrajudicial executions, mutilations, torture, rape and sexual abuse, forced labour, abduction, forced recruitment and use of children, as well as women, as soldiers, wanton destruction and looting of civilian property, and massive internal displacement of persons. Regarding UNAMSIL, when the armed conflict resumed in May, a Sierra Leonean task force was established by OHCHR to support the Mission's human rights section in its response to the human rights-related aspects of the conflict. The poor security situation had so far delayed plans to deploy human rights officers throughout the country.

The High Commissioner in a later report [E/CN.4/2001/35], citing reports of the Secretary-General to the Security Council (see pp. 190-200), stated that the human rights situation in Sierra Leone remained grave. Arbitrary executions, rape, abduction and looting continued. The security situation remained a matter of serious concern. However, human rights assessment missions in Port Loko, Makeni, Magburaka, Kabala, Kenema and Daru found that the situation had improved due to the deployment of UN troops and military observers. The human rights situation in some parts of the country, especially areas not under government control, remained grave.

The human rights section of UNAMSIL, under the general guidance of OHCHR, identified human rights issues relevant to the humanitarian community and the UN agencies active in Sierra Leone. The section, in collaboration with UN agencies and NGOs, established a Sierra Leone human rights committee, which provided a forum for consultations and the exchange of ideas and information between human rights and humanitarian actors, and provided human rights training for law enforcement agencies, new UNAMSIL peacekeepers, military observers and civilian police. It provided support on the ground to the commitment of OHCHR to assist the establishment of a national human rights commission and a truth and reconciliation commission.

OHCHR provided technical assistance to the Government in drafting the Act to establish the Truth and Reconciliation Commission. According to the Act, the Commission should provide an impartial historical record of violations and abuses of human rights and international humanitarian law related to the conflict, address impunity and respond to the needs of victims. It
should aim to promote healing and reconciliation and prevent a repetition of the violations and abuses. Accordingly, OHCHR had developed a project for the preparatory phase of the Commission. OHCHR and UNAMSIL jointly organized an international workshop on the Commission (Freetown, 16-17 November). Because of the renewal of hostilities in May, endeavours to establish the national human rights commission were temporarily suspended. The process resumed with the holding of the workshop on the establishment of that commission (15-16 December).

The High Commissioner concluded that the needs of Sierra Leone called for an enormous programme of international support and assistance. OHCHR would continue to assist in building national capacities in the areas of human rights, the rule of law and democracy. It would provide technical assistance for the establishment of the truth and reconciliation and national human rights commissions; capacity-building through training for law enforcement authorities; support for the local human rights community; and programmes to rehabilitate war victims, especially women and children.

(For political details, see p. 189.)

**Sudan**

**Note by Secretariat.** An April note by the Secretariat [E/CN.4/2000/36] summarized information contained in a draft report of Special Rapporteur Leonardo Franco (Argentina), who, owing to an emergency, had not been able to finalize his report to the Commission.

The Special Rapporteur visited the Sudan (19 February-3 March) to examine with the authorities the new Constitution and any new legislation adopted; to look into the implications of a recent declaration of a state of emergency; and to assess progress made by the recently established Committee for the Eradication of Abductions of Women and Children (CEAWC). In Khartoum, he observed signs of greater political dialogue and the enjoyment of a broader degree of the freedoms of expression, press and assembly, which was attributed to changes in the balance of power within the official party. Despite the new climate, the Special Rapporteur expressed concern that the official party continued to maintain unrelenting control over all segments of society and was reluctant to open its institutions to a greater degree of democratic participation; the independence of the judiciary was often undermined; executive action had no system of control; and the fundamental institutions and legal system remained basically unchanged. The Special Rapporteur continued to receive, although in declining numbers, allegations of cases of torture, arbitrary detention and other human rights abuses. Consistent and undisputed evidence indicated that the war was being conducted in disregard of human rights and humanitarian law principles, and that violations were perpetrated by all parties, the greater portion by the Government.

The Special Rapporteur recommended that the use of oil facilities for military purposes come to an end. During the mission, he received expressions of concern at the deterioration of the human rights situation in the Nuba Mountains as a result of action by the parties to the conflict.

The Special Rapporteur stated that the creation of CEAWC was a concrete indication of the political will of the Government to deal with abductions and noted the Committee's courage in helping victims of abduction and forced labour. He felt that CEAWC's work would benefit from a clear stand by government officials, openly supporting it, which had not been the case so far. He recommended the promotion of an agreement between the Government and OHCHR.

In April [E/CN.4/2000/149], the Sudan commented on the Special Rapporteur's report. Among other things, it stated that abduction was neither a government policy nor a war strategy, but an ongoing tribal practice, and confirmed that the airstrip of the petroleum companies had never been used for military operations and that it had signed an agreement with OHCHR on 29 March.

**Commission action.** On 18 April [res. 2000/27], by a vote of 28 to none, with 24 abstentions, the Commission welcomed the establishment in the Sudan of a Constitutional Court, the stipulation of basic human rights and freedoms in the Constitution, the creation of CEAWC, the release of political detainees, and efforts to improve freedom of expression, association, the press and assembly, to implement the right to education, and to address the problem of internally displaced persons. It expressed deep concern, however, at serious violations of human rights, fundamental freedoms and humanitarian law in the Sudan by all parties to the conflict. The parties were urged to respect and protect human rights, fundamental freedoms and international humanitarian law; stop the use of weapons; grant safe and unhindered access to international agencies and humanitarian organizations; cooperate with the peace efforts of the Intergovernmental Authority on Development; and not use children under the age of 18 as soldiers and refrain from forced
conscription. The Commission called on the Government to comply with its obligations under international human rights instruments to which it was a party; ensure the rule of law; conform its national legislation with the instruments to which the Sudan was a party; end and prevent acts of torture and cruel, inhuman or degrading treatment and ensure that all accused persons were held in ordinary custody and received fair trials; improve the appeal procedures in the judiciary; investigate reports of the abduction of women and children; make further efforts to address the problem of internally displaced persons; end the aerial bombardment of civilians; ensure respect for freedom of opinion, expression, thought, conscience and religion, as well as freedom of association and assembly; and comply with the commitment made to the Special Representative of the Secretary-General for Children and Armed Conflict not to recruit children under the age of 18 as soldiers [YUN 1998, p. 711].

The Commission decided to extend the Special Rapporteur's mandate for an additional year and asked him to submit an interim report to the General Assembly in 2000 and to report to the Commission in 2001, applying a gender perspective. The Commission asked the Secretary-General to assist the Special Rapporteur. Noting the accord signed between the Government and OHCHR on 29 March, the Commission requested them to continue consultations to establish a permanent representation of the High Commissioner in the Sudan.

The Economic and Social Council endorsed the Commission's decision and its request to the Special Rapporteur on 28 July (decision 2000/258).

Interim report of Special Rapporteur. In September, the Secretary-General transmitted the Special Rapporteur's interim report [A/55/374].

Military hostilities had undergone a dramatic escalation, and parties to the conflict continued to commit ceasefire violations on an unprecedented level, taking a heavy toll on human life and causing much suffering, including greater forced displacement. The Government had continued its systematic policy of bombing civilians and civilian installations. Despite the existence of a more favourable political environment, the Special Rapporteur continued to receive reports of arbitrary execution, torture, arbitrary detention, attempts against the freedom of the press and other human rights violations. He stressed the need to guarantee the independence of the judiciary and to ensure the control of the security organs and the existence of a system of checks and balances. Although the state of emergency declared on 12 December 1999 had not been followed by large-scale measures against human rights, patterns adversely affecting human rights continued; thus, the Special Rapporteur called on the Government to lift the state of emergency.

GENERAL ASSEMBLY ACTION

On 4 December [meeting 81], the General Assembly, on the recommendation of the Third Committee [A/55/602/Add.3], adopted resolution 55/116 by recorded vote (85-32-49) [agenda item 114 (c)].

Situation of human rights in the Sudan

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments and to fulfil the obligations that they have undertaken under the various international instruments in this field,

Mindful that the Sudan is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the African Charter on Human and Peoples' Rights and the Geneva Conventions of 12 August 1949,

Recalling its previous resolutions on the situation of human rights in the Sudan, and taking note of Commission on Human Rights resolution 2000/27 of 18 April 2000,

Aware of the urgent need for the Government of the Sudan to implement effective additional measures in the field of human rights and humanitarian relief in order to protect the civilian population from the effects of armed conflicts,

Expressing its firm belief that progress towards a peaceful settlement of the conflict in southern Sudan within the peace initiative of the Intergovernmental Authority on Development will contribute greatly to the creation of a better environment to encourage respect for human rights in the Sudan,

Condemning the murder of four Sudanese relief workers in April 1999 while in the custody of the Sudan People's Liberation Army/Movement,

1. Welcomes:

(a) The interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan;

(b) The visit by the Special Rapporteur to the Sudan in February and March 2000 at the invitation of the Government of the Sudan and the very good cooperation extended by the Government in this regard, as well as the stated willingness of the Government to continue to cooperate with the Special Rapporteur;

(c) The signing of the agreement of 29 March 2000 between the Government of the Sudan and the Office of the United Nations High Commissioner for Human Rights;

(d) The activities of the Committee for the Eradication of Abduction of Women and Children as a constructive response on the part of the Government of the Sudan, the cooperation extended to the Committee by the local communities and the support of the interna-
tional community and non-governmental organizations;

(f) Recent additional efforts by the Government of the Sudan to improve freedom of expression, association, the press and assembly, in particular the adoption of the Political Organization Act of 2000, and the announcement relating to the creation of a high commission to review the law on public order;

(g) The stipulation of basic human rights and freedoms in the Constitution of the Sudan and the establishment of the Constitutional Court, which has been in operation since April 1999;

(h) The efforts to implement the right to education;

(i) The renewed invitation extended by the Government of the Sudan to the Special Rapporteur of the Commission on Human Rights on religious intolerance and the efforts of the Government of the Sudan to promulgate a new law on religious liberties and activities after an open and transparent process of consultation with high representatives of all religions;

(j) Leniency measures taken by the Government of the Sudan, which led to the release of a large number of imprisoned women;

(k) The release of political prisoners and the measures taken to allow the return of exiled opposition members;

(l) The recent shelter given by the Sudan to new groups of refugees;

(m) The commitments undertaken by the Sudan People's Liberation Army/Movement during the visit to Rumbek, southern Sudan, of the Executive Director of the United Nations Children's Fund, not to recruit into its armed forces children under the age of eighteen and to demobilize all child soldiers still remaining in the military and hand them over to the competent civil authorities for reintegration;

(n) The convening of the fourth meeting of the Technical Committee on Humanitarian Assistance at Geneva on 2 and 3 November 2000, attended by delegations of the Government of the Sudan, the Sudan People's Liberation Army/Movement and the United Nations, and its final communiqué;

(o) The repeated statements by the Government of the Sudan in favour of a global, lasting and effectively monitored ceasefire in southern Sudan;

2. Expresses its deep concern:

(a) At the impact of the current armed conflict, worsened by the breakdown of the ceasefire in June 2000 and by the upsurge of armed confrontations, on the situation of human rights and its adverse effects on the civilian population, in particular women and children, and the continuing serious violations of human rights and international humanitarian law by all parties, in particular:

(i) The occurrence of cases of summary or arbitrary execution resulting from conflict between members of the armed forces and their allies and armed insurgent groups within the country, including the Sudan People's Liberation Army/Movement;

(ii) The occurrence, within the framework of the conflict in southern Sudan, of cases of enforced or involuntary disappearance, the use of children as soldiers and combatants, forced conscription, forced displacement of populations, arbitrary detention, torture and ill-treatment of civilians;

(iii) The abduction of women and children to be subjected to forced labour or similar conditions;

(iv) The indiscriminate aerial bombardments, which seriously and recurrently affect civilian populations and installations, in particular the bombings of schools and hospitals, as well as the use of civilian premises for military purposes;

(v) The use of weapons, including indiscriminate artillery shelling and landmines, against the civilian population;

(vi) The conditions imposed by the Sudan People's Liberation Army/Movement on humanitarian organizations working in southern Sudan, which have seriously affected their safety and led to the withdrawal of many of them, with potentially grave consequences for the already endangered situation of thousands of people living in areas under its control;

(vii) The difficulties encountered by United Nations and humanitarian staff in carrying out their mandate because of harassment, indiscriminate aerial bombings and the reopening of hostilities;

(b) At continuing violations of human rights in areas under the control of the Government of the Sudan, in particular:

(i) Precarious conditions of detention, frequent use of torture, arbitrary detentions, interrogations, and violations of human rights by the security organs;

(ii) Acts of intimidation and harassment against the civilian population;

(iii) Restrictions on freedom of religion, as well as the obstacles remaining to the freedom of expression, association and peaceful assembly;

(iv) Information that all means of avoiding the execution of severe, inhuman punishments have not been fully utilized;

3. Urges all parties to the continuing conflict in the Sudan:

(a) To work immediately to put in place a global, lasting and effectively monitored ceasefire as a first necessary step to a negotiated settlement to the conflict;

(b) To respect and protect human rights and fundamental freedoms, to respect fully international humanitarian law, thereby facilitating the voluntary return, repatriation and reintegration of refugees and internally displaced persons to their homes, and to ensure that those responsible for violations of human rights and international humanitarian law are brought to justice;

(c) To stop immediately the use of weapons, including indiscriminate artillery shelling and landmines, in particular by the Sudan People's Liberation Army/Movement, against the civilian population, which runs counter to principles of international humanitarian law;

(d) To stop attacks on sites that usually have a significant presence of children as well as during the
“days of tranquillity” which had been agreed upon for the purpose of ensuring peaceful polio vaccination campaigns;

(e) To stop immediately the use of civilian premises for military purposes, in particular by the Sudan People's Liberation Army/Movement, particularly sites that usually have a significant presence of children;

(f) To grant full, safe and unhindered access to international agencies and humanitarian organizations so as to facilitate by all means possible the delivery of humanitarian assistance, in conformity with international humanitarian law, to all civilians in need of protection and assistance, in particular in Bahr el-Ghazal, the Nuba Mountains, the Western Upper Nile and areas in need throughout the country, and to continue to cooperate in this regard with the Office for the Coordination of Humanitarian Affairs of the Secretariat and Operation Lifeline Sudan in the delivery of such assistance, and urges the Sudan People's Liberation Army/Movement to resume negotiations as soon as possible with a view to the withdrawal of the conditions imposed on the work of international agencies and humanitarian organizations;

(g) In particular the Sudan People's Liberation Army/Movement, not to misappropriate humanitarian assistance;

(h) To continue to cooperate with the peace efforts of the Intergovernmental Authority on Development, and, in this context, urges the Sudan People's Liberation Army/Movement to commit itself to a permanent ceasefire;

(i) Not to use or recruit children under the age of eighteen as soldiers, and urges the Sudan People's Liberation Army/Movement not to use or recruit children under the age of eighteen as soldiers and to refrain from the practice of forced conscription;

(j) To fulfill their commitments concerning the protection of children affected by war, including their commitments to cease the use of anti-personnel landmines, the abduction and exploitation of children and the recruitment of children by the Sudan People's Liberation Army/Movement as soldiers, to advance the demobilization and reintegration of child soldiers, and to ensure access to displaced and unaccompanied minors;

(k) To allow an independent investigation of the case of the four Sudanese nationals who were abducted on 18 February 1999 while travelling with a team from the International Committee of the Red Cross on a humanitarian mission and subsequently killed while in the custody of the Sudan People's Liberation Army/Movement, and urges the Sudan People's Liberation Army/Movement to return the bodies to their families;

4. Calls upon the Government of the Sudan:

(a) To comply fully with its obligations under the international human rights instruments to which the Sudan is a party and to ensure that all individuals in its territory enjoy fully the rights recognized in those instruments;

(b) To take all effective measures to prevent and end all acts of torture and cruel, inhuman or degrading treatment, to ensure that all accused persons are held in ordinary custody and receive prompt, just and fair trials under internationally recognized standards, to investigate all reported human rights violations, including acts of torture, brought to its attention and to prosecute those responsible for the violations;

(c) To seriously consider ratifying, as a matter of priority, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(d) To make sure that all means of avoiding the execution of severe, inhuman punishments are fully utilized;

(e) To reinforce the action taken to prevent and stop abductions of women and children within the framework of the conflict in southern Sudan, to bring to trial any persons suspected of supporting or participating in such activities and not cooperating with the efforts of the Committee for the Eradication of Abduction of Women and Children in addressing and preventing those activities, to facilitate the safe return of affected children to their families as a matter of priority and to take further measures, in particular through the Committee, with which all concerned have the responsibility and the duty to cooperate;

(f) To stop definitively the indiscriminate aerial bombardment of civilian and humanitarian targets, which runs counter to fundamental principles of human rights and humanitarian law;

(g) To make further efforts to address effectively the growing problem of internally displaced persons, whose number has increased, including ensuring their right to effective protection and assistance;

(h) To continue to implement its commitment to the democratization process and the rule of law and to create, in this context, conditions that would allow for a democratization process that is genuine and wholly reflects the aspirations of the people of the country and ensures their full participation;

(i) To continue efforts to implement the commitment made to the Special Representative of the Secretary-General for Children and Armed Conflict not to recruit children under the age of eighteen as soldiers;

(j) To implement the Standard Minimum Rules for the Treatment of Prisoners and to raise the age of criminal responsibility for children in order to take into account the observations of the Committee on the Rights of the Child;

5. Encourages the Government of the Sudan to continue to pursue its dialogue with the Office of the United Nations High Commissioner for Human Rights on the basis of the agreement of 29 March 2000 between the Government and the High Commissioner, with a view to establishing a permanent representation of the High Commissioner;

6. Encourages the Office of the High Commissioner to continue to take into consideration requests for assistance by the Government of the Sudan, inter alia, with a view to establishing a permanent representation of the High Commissioner as a matter of priority;
7. Calls upon the international community to expand its support for activities, in particular those of the Commission for the Eradication of Abduction of Women and Children, aimed at improving respect for human rights and humanitarian law during the conflict;

8. Decides to continue its consideration of the situation of human rights in the Sudan at its fifty-sixth session, under the item entitled "Human rights questions", in the light of further elements provided by the Commission on Human Rights.

RECORDED VOTE ON RESOLUTION 55/116:

In favour: Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bolivia, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Grenada, Guatemala, Guyana, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Monaco, Mongolia, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Sao Tome and Principe, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, Tajikistan, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, United Kingdom, Uruguay, Vanuatu, Venezuela, Yugoslavia, Zimbabwe.

Against: Algeria, Bahrain, Chad, China, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Gambia, India, Indonesia, Iran, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Myanmar, Oman, Pakistan, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Togo, Tunisia, United Arab Emirates, Viet Nam.

Abstaining: Azerbaijan, Bangladesh, Belarus, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Congo, Cote d'Ivoire, Ethiopia, Fiji, Georgia, Ghana, Guinea, Guinea-Bissau, Jamaica, Kenya, Lesotho, Madagascar, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Micronesia, Mozambique, Nepal, Nigeria, Palau, Philippines, Russian Federation, Rwanda, Saint Lucia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Sri Lanka, Swaziland, Thailand, Uganda, Ukraine, United Republic of Tanzania, United States.

On 28 December [E/CN.4/2001/28], Gerhart Baum (Germany) was appointed Special Rapporteur on the situation of human rights in the Sudan, following the resignation of Mr. Franco.

**Togo**

**Note by Secretary-General.** A July note by the Secretary-General [E/CN.4/Sub.2/2000/8], recalling Togo's agreement to the creation of an international commission of inquiry to verify the truth of an Amnesty International report alleging that hundreds of extrajudicial executions and other human rights violations had taken place in the country in 1998 [YUN 1999, p. 702], stated that on 7 June, the establishment of the three-member Commission, under the auspices of OAU and the United Nations, had been announced.

**Commission of Inquiry.** The International Commission of Inquiry for Togo held three meetings in Geneva (31 July–4 August, 18–22 September and 15–22 December) [E/CN.4/2001/134]. During those meetings, the Commission adopted its rules and procedure, exchanged views with several organizations and with permanent missions to the UN Office at Geneva, heard delegations of the Government of Togo and Amnesty International, and prepared for its field mission (Togo, 11–19 November and 4–12 December; Benin (Cotonou and the Mono region on the Togolese border), 19 November–2 December; and Ghana, 2–4 December). The field mission enabled the Commission to access information sources, collect testimony and documents concerning the allegations and conduct on-site visits.

Having rejected Amnesty International’s allegations [YUN 1999, p. 702] as false, Togo brought judicial proceedings against the organization's Secretary-General and individuals suspected of having cooperated with it. The legal proceedings were suspended and protection guaranteed for potential Commission witnesses against any legal proceedings or reprisals subsequent to the field mission.

The Commission concluded that a systematic pattern of human rights violations existed in Togo in 1998 and was convinced that the allegations of extrajudicial executions should be given due consideration. In the main, those singled out for execution had been members of opposition parties, but in some cases persons arrested for offences under ordinary law had also been executed. Various accounts seemed to indicate that the perpetrators were associated with the security forces, the gendarmerie and the militias that operated in tandem with the authorities. In addition to extrajudicial, summary and arbitrary executions, they had engaged in torture and ill-treatment of detainees, and the rape and abduction of women. Armed militiamen closely linked to the authorities were said to rape rural women in the presence of their husbands and abduct women and hand them over to other men for payment. In the course of those night-time raids, the militiamen also robbed their victims. Although apprised of the allegations, the gendarmerie and the local authorities had been unable to stop the crimes. Regarding the establishment of responsibilities, the Commission was of the opinion that a judicial inquiry at the national level was the sole means of identifying the individuals responsible. As to allegations that bodies had been discovered by fishermen on the high seas, defined by them as an offshore area between 10 and 20 kilometres from the coast, a number of accounts substantiated the reports. However, the divergent estimates of the number of bodies seen by fishermen did not permit the Commission either to confirm or deny an exact number. Nor could it confirm or deny, on the basis of current information, allegations that aircraft had been used to dump bodies on the high seas.
The Commission recommended the publication of its report and the appointment of another team of experts to verify technical data concerning the operation of aircraft used by the Togolese armed forces, the computerized records of flights at the Lome-Tonkoin airport in 1998, and the trajectories of bodies in the territorial sea adjacent to the coasts of Togo and Benin. It recommended that the OAU and UN Secretaries-General appoint a team of forensic scientists to exhume and examine bodies reportedly buried in Togo and Benin. Regarding the protection of witnesses who had cooperated in its inquiries, the Commission proposed that Member States and the relevant international organizations support OHCHR to enable it to follow up the situation of the witnesses. It recommended the appointment of a special rapporteur on the situation of human rights in Togo and suggested that the Special Rapporteurs of the Commission on Human Rights and the African Commission on Human and Peoples’ Rights concerned, respectively, with extrajudicial, summary and arbitrary executions, torture and violence against women should visit Togo periodically. The Government of Togo was urged to begin, as soon as possible, a criminal inquiry through the establishment of a special team of judges, and adopt legislative and other measures to punish and prevent such violations.

Annexed to the Commission’s report was a statement by the Subcommission Chairman made in 1999 [Y/UN 1999, p. 702] and the Commission’s rules of procedure.

Americas

Colombia

Commission action. The Commission Chairperson, in a 28 April statement [E/2000/23], welcomed the willingness of the Government of Colombia to engage in constructive peace talks with the main guerrilla groups to achieve a sustainable peace, and the announcement of a promised integrated plan on human rights. Having taken note of the approval of the Military Penal Code reform bill by the Congress of Colombia, the Commission urged the Government to overcome constitutional impediments to its entry into force. The Commission strongly condemned all acts of terrorism and violation of international humanitarian law committed by guerrilla groups, deplored the persistence of worrying levels of impunity in cases of serious crimes, remained deeply concerned about the increase in the number of internally displaced persons and noted with concern the effects of violence in the country, particularly those victimizing minority groups. It asked the High Commissioner to report in 2001.

Report of High Commissioner. A report of the High Commissioner, which was based on information collected by OHCHR in Bogota, described the human rights situation in Colombia in 2000 [E/CN.4/2001/15]. The High Commissioner visited the country (3-4 December) to verify the human rights situation and to support the work and highlight the role of the Bogota Office and its staff.

During the year, the Office received 1,017 complaints: 108 communications were sent to the authorities and 65 field visits were made by the Office to various parts of the country that were of special concern. The Office published an updated compilation of international human rights and humanitarian law recommendations applicable to the country and two further compilations were produced, one on international human rights and humanitarian law instruments and international criminal law, the other on international and national jurisprudence and doctrine. Regarding technical assistance and advisory services, the Office increased its dialogue and developed projects with institutions responsible for protecting and promoting human rights and with NGOs and academic institutions. The Office participated in seminars, forums, workshops and conferences and held two regional workshops with NGOs.

The human rights situation continued to deteriorate in 2000, with violations qualifying as grave, massive and systematic. The main rights affected were the right to life and the rights to inviolability, freedom and security of the person. Members of the paramilitary groups were the principal violators. Violations of the right to life took the form of massacres or individual, selective killings. Although a high percentage of the executions appeared to be politically motivated, in some cases the characteristic traits of the practice known as social cleansing were identifiable. The majority of the massacres were committed during paramilitary raids, many of which resulted in the forced displacement of local inhabitants. Reports were also received of extrajudicial executions, allegedly by members of the security forces. In some areas, paramilitaries systematically carried out social cleansing against prostitutes, homosexuals, criminals, drug addicts, street children and informal garbage collectors, among others. Threats received from paramilitary groups by human rights NGOs, judiciary officials, journalists, trade unionists, religious ministers, university professors and students were
closely linked to violations of the right to life. Breaches of international humanitarian law were recurrent, massive and systematic, many of them forming part of a general assault on the population.

Regarding the Government’s priorities, protection of human rights and compliance with international recommendations were neither accorded the importance nor pursued with the persistence or effectiveness that the situation required. In view of the Government’s weak and inconsistent commitment to counter paramilitary groups, the phenomenon grew in extent and strength. Government instruments against the paramilitary groups had proved ineffective. The High Commissioner remained concerned at impunity, and the administration of justice was again affected by security conditions in which members of the judiciary performed their work; resource shortages; the weakening of institutions; and the lack of access to certain regions of the country. Human rights defenders continued to work under very difficult conditions. The High Commissioner was also concerned by the absence of effective State control of penal establishments, the lack of a comprehensive prison policy that safeguarded inmates’ rights, the abuse of pre-trial detention and the limits on the exercise of habeas corpus. Forced displacement continued to increase and extend into new areas. Although noteworthy efforts were made to assist populations at risk and vulnerable groups, the Ministry of the Interior’s Protection Programme suffered from financial, administrative and structural shortcomings. The State did not accord sufficient attention to economic, social and cultural rights. Violence against minors increased and women suffered from discrimination, domestic violence, sexual abuse and trafficking.

The High Commissioner recommended that the Government strengthen its cooperation with OHCHR; find a negotiated solution to the armed conflict; ensure the respect and guarantee of human rights; prevent human rights violations or infringement of international humanitarian law from being tried in military criminal courts; focus economic and social policies on the most disadvantaged; and guarantee human rights education. Colombia was urged to give effect to the enjoyment and exercise of fundamental rights and freedoms; cease impunity; adopt a crime policy in keeping with the principles of rights-based criminal law; combat paramilitarism and dismantle it; and combat inequality between men and women. Parties to the conflict were called on to abide strictly and unconditionally by the principles and standards of international humanitarian law.

**Communication.** Commenting on the High Commissioner’s report, Colombia charged, among other things, that it was unbalanced, went beyond OHCHR’s terms of reference and ignored what had been accomplished despite the conflict [E/CN.4/2001/139].

**Cuba**

**Commission action.** On 18 April [res. 2000/25], by a roll-call vote of 21 to 18, with 14 abstentions, the Commission called on the Government of Cuba to ensure respect for human rights and fundamental freedoms. Noting certain measures taken to enhance freedom of religion, the Commission called on Cuban authorities to continue to take action in that regard and expressed the hope that further positive steps would be taken with regard to all human rights and fundamental freedoms. It expressed concern about the continued repression of political opposition members and about the detention of dissidents, including the members of the Internal Dissidence Working Group, and called on the Government to release those imprisoned for peacefully expressing their political, religious and social views and for exercising their rights to full and equal participation in public affairs. Cuba was called on to consider acceding to human rights instruments to which it was not a party, to open a dialogue with the political opposition and to cooperate with other mechanisms of the Commission. It recommended that the Government take advantage of the technical cooperation programmes of OHCHR.

**Asia and the Pacific**

**Afghanistan**

**Commission action.** On 18 April [res. 2000/18], the Commission, noting with deep concern the continuing pattern of human rights violations in Afghanistan, condemned the widespread violations and abuses of human rights and humanitarian law, the continuing grave human rights violations of women and girls, the frequent practice of arbitrary arrest and detention and of summary trials, which had resulted in summary executions, and recent violations by the Taliban in Kandahar of UN immunity. It urged all Afghan parties to respect the human rights and fundamental freedoms of all; cease hostilities; reaffirm publicly their commitment to international human rights and principles; protect civil-
ians; provide effective remedies to victims of grave violations of human rights and accepted humanitarian rules and bring perpetrators to trial; fulfil their obligations regarding the safety of all personnel of diplomatic missions, the United Nations and other international organizations and NGOs; and repeal discriminatory legislation and other measures against women and girls. The Commission asked the parties to continue to cooperate with the Special Rapporteur. The Secretary-General was asked to ensure that the ongoing deployment of the civilian affairs observers in Afghanistan took place as soon as possible, security conditions permitting, and that gender issues were incorporated in their mission, and to ensure a gender perspective in the selection of the staff of the United Nations Special Mission to Afghanistan.

The Commission asked the High Commissioner to ensure a human rights presence to provide advice and human rights training to all Afghan parties, as well as to intergovernmental organizations and NGOs. It decided to extend the Special Rapporteur’s mandate for another year, and asked him to report to the General Assembly in 2000 and to the Commission in 2001. The Secretary-General was asked to assist him and to consider his recommendations in developing UN activities in Afghanistan.

On 28 July, the Economic and Social Council approved the Commission’s requests to the Secretary-General and the High Commissioner, and endorsed the Special Rapporteur’s extension and the Commission’s requests to him (decision 2000/251).

Reports of Special Rapporteur. Special Rapporteur Kamal Hossain (Bangladesh) visited Iran, where he interviewed Afghan refugees and met with high-ranking government officials [A/55/346].

The Special Rapporteur outlined developments from April to July aimed at promoting the peace process and described the resumption of the conflict from June to August as marked by fierce fighting and significant civilian displacement, noting that the combination of war, drought and displacement continued to take a terrible toll on Afghans and their livelihoods and there was an urgent need for humanitarian assistance (see pp. 271 and 864). Some 14 million Afghan refugees were in Iran and a similar number in Pakistan, even after the voluntary repatriation from both countries of a significant number (see p. 1162).

In July, reports were received of systematic human rights violations, including allegations of the summary execution of prisoners in Taliban-held areas in northern Afghanistan. The Special Rapporteur obtained first-hand information regarding harsh conditions of detention, which also included the practice of torture. Afghanistan was one of the most heavily mined countries in the world. Landmines maimed and killed people but also denied people access to farmland, water, pasture, roads and buildings, said the Special Rapporteur. They were also an obstacle to post-conflict rehabilitation, the delivery of aid programmes, food security, sustainable livelihoods, and the return of refugees and internally displaced persons to their homes. On 5 August, gunmen shot and killed seven Afghans working in the western part of the country for the UN-supported mine-action agency. The Taliban militia, which controlled 90 per cent of Afghanistan, traded accusations with the opposition over who had carried out the killings. The Special Rapporteur described the impact of Taliban edicts and the existing legal regime on the human rights situation in Afghanistan. According to some reports, there had been some relaxation of the strict ban on female education imposed by previous edicts of the Taliban authorities. On 8 March, a formal public celebration of International Women’s Day was held in Kabul. The statue on the activities of the United Nations in Afghanistan, promulgated by the Taliban around 15 August, introduced substantial restrictions on the UN and specialized agency operations that provided humanitarian, economic, rehabilitation and development assistance.

In a later report [E/CN.4/2001/43], the Special Rapporteur stated that an agreement signed by the Taliban and the United Front was the first time the two warring sides had committed themselves in writing to a process of dialogue, which would be held under the Secretary-General’s good offices (see p. 266).

On 20 December, Hezb-e-Wahdat forces affiliated with the United Front took over an area in Bamian province (Yakawlang district) from the Taliban. Reliable sources reported widespread killings and displacement of innocent civilians. Of the estimated 90,000 inhabitants of Yakawlang district, approximately one third fled their homes.

The suffering of the Afghan people was compounded as the result of the country being used for various forms of cross-border criminal activity, including drug trafficking. Effective action was needed to prevent such activities. Regarding health, the impact of the ongoing conflict daily added victims, both through physical violence and mental stress. While some progress had been made in establishing community-based health and rehabilitation committees, activities were restricted to only some geographical regions and
only a small proportion of the need even in the areas covered. Afghanistan had some of the worst education indicators in the world. Access was low at all levels, especially for girls but also for boys. The Taliban controlled all means of communication and had banned pictures. A number of positive developments signalled that severe restrictions on women's education and employment were slowly being reconsidered by the authorities. The level of vulnerability of rural areas remained of major concern. The impact of the war on the economic infrastructure had been devastating, transport and communication facilities were derelict and there were few job opportunities outside the subsistence economy on the one hand and the criminalized economy on the other. The report observed that there was strong consensus in Afghanistan on the need for the United Nations to upgrade and intensify its political engagement and peacemaking efforts.

(For political details, see p. 262.)

GENERAL ASSEMBLY ACTION

On 4 December [meeting 81], the General Assembly, on the recommendation of the Third Committee [A/55/602/Add.3], adopted resolution 55/119 without vote [agenda item 114 (c)].

Question of human rights in Afghanistan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfill the obligations they have freely undertaken under the various international instruments,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Geneva Convention relative to the Protection of Civilian Persons in Time of War and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling also all its relevant resolutions, as well as the resolutions and presidential statements of the Security Council, the decisions of the Economic and Social Council, the resolutions and decisions of the Commission on Human Rights and the resolutions of the Commission on the Status of Women,

Recalling further that the United Nations continues to play its central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict, and encouraging all efforts at the national, regional and international levels aimed at finding a solution to the continuing conflict through a broad-based dialogue involving all concerned actors,

Expressing deep concern at the lack of reconstruction in Afghanistan,

1. Takes note with appreciation of the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan and of the conclusions and recommendations contained therein, and encourages the Special Rapporteur to continue to fulfill his mandate;

2. Strongly condemns the mass killings and systematic human rights violations perpetrated against civilians and prisoners of war, including in the areas of Mazar-e-Sharif and Bamian, and notes with alarm the resumption of the wider conflict by the Taliban during the past summer, especially in the Taloqan area, resulting in the massive, forced displacement of the civilian population, in particular of women and children;

3. Condemns the widespread violations and abuses of human rights and international humanitarian law, including the right to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, freedom of opinion, expression, religion, association and movement, the forced or compulsory recruitment of children for use in armed conflict and, in particular, the grave human rights violations committed against women and girls;

4. Reiterates its condemnation of the killings of Iranian diplomats and the correspondent of the Islamic Republic News Agency by the Taliban, which constituted flagrant violations of established international law, as well as the attacks on and killings of United Nations personnel in Taliban-held territories of Afghanistan, and calls upon the Taliban to fulfill their stated commitment to cooperate in urgent investigations of these heinous crimes with a view to bringing to justice those responsible;

5. Notes with deep concern:

(a) The persisting pattern of human rights violations in Afghanistan;

(b) The continuing and substantiated reports of human rights violations against women and girls, including all forms of discrimination against them, notably in areas under the control of the Taliban;

(c) The intensification of armed hostilities in Afghanistan and the complex nature of the conflict, including its ethnic, religious and political aspects, which have resulted in extensive human suffering and forced displacement, inter alia, on the grounds of ethnicity;

(d) The continued displacement of millions of Afghan refugees to the Islamic Republic of Iran, Pakistan, Tajikistan and other countries;

(e) The deliberate destruction of life-sustaining activities;

(f) The substantial restrictions introduced by the Taliban authorities on the operations of the United Nations and the specialized agencies that provide assistance in Afghanistan, and notes the negative impact that those restrictions have on providing women, children, in particular girls, and other most vulnerable groups with assistance;

6. Also notes with deep concern the sharp deterioration of the humanitarian situation in many areas of Afghanistan, including the Shamil Plains, the Panjshir Valley and the north-east, and calls for the full imple-
mentation of the agreement on the security of United Nations personnel in Afghanistan;
7. Urges all States to respect the sovereignty, independence, territorial integrity and national unity of Afghanistan, to refrain from interfering in its internal affairs and to end immediately the supply of arms, ammunition, military equipment, including fuel for military purposes where identifiable, training or any other military support, including the provision of foreign military personnel, to all parties to the conflict;
8. Stresses the need for national reconciliation and for the establishment of the rule of law, good governance and democracy in Afghanistan and, concurrently, the need for extensive rehabilitation and reconstruction;
9. Urges all the Afghan parties:
(a) To respect fully all human rights and fundamental freedoms, regardless of gender, ethnicity or religion, in accordance with international human rights instruments;
(b) To cease hostilities immediately, to work and cooperate fully with the Personal Representative of the Secretary-General for Afghanistan and the United Nations Special Mission to Afghanistan with a view to achieving a ceasefire and to implement the Tashkent Declaration on Fundamental Principles for a Peaceful Settlement of the Conflict in Afghanistan of 19 July 1999, thus laying the foundation for a comprehensive political solution leading to the voluntary return of displaced persons to their homes in safety and with dignity and to the establishment of a broad-based, multi-ethnic, fully representative Government through the full exercise of the Afghan people of the right to self-determination;
(c) To reaffirm publicly their commitment to international human rights and principles and to recognize, protect and promote all human rights and fundamental freedoms;
(d) To respect fully international humanitarian law, to protect civilians, to halt the use of weapons against the civilian population, to refrain from the wanton destruction of food crops and civilian property, in particular homes, to stop the laying of landmines, especially anti-personnel mines, to fulfill their duty to cooperate with the United Nations mine action programme and to protect its personnel, to prohibit conscripting or enlisting children or using them to participate in hostilities in violation of international law and to ensure the disarmament, demobilization and reintegration of children into society;
(e) To provide efficient and effective remedies to the victims of grave violations and abuses of human rights and of international humanitarian law and to bring the perpetrators to trial;
(f) To treat all suspects and convicted or detained persons in accordance with relevant international instruments and to refrain from arbitrary detention, including detention of civilian foreign nationals, and urges their captors to release them as well as non-criminal civilian prisoners;
10. Demands that all the Afghan parties fulfil their obligations regarding the safety of all personnel of diplomatic missions, the United Nations and other international organizations, as well as their premises in Afghanistan, and to cooperate fully and without discrimination on grounds of gender, nationality or religion with the United Nations and associated bodies and with other humanitarian organizations, agencies and non-governmental organizations;
11. Urges all the Afghan parties, in particular the Taliban, to bring to an end without delay all violations of the human rights of women and girls and to take urgent measures to ensure:
(a) The repeal of all legislative and other measures that discriminate against women and girls and those that impede the realization of all their human rights;
(b) The effective participation of women in civil, cultural, economic, political and social life throughout the country;
(c) Respect for the right of women to work and their reintegration into employment, including in the specialized agencies and human rights organizations;
(d) The equal right of women and girls to education without discrimination, the reopening of schools and the admission of women and girls to all levels of education;
(e) Respect for the equal right of women to security of person, and to ensure that those responsible for physical attacks on women are brought to justice;
(f) Respect for the freedom of movement of women;
(g) Respect for the effective and equal access of women and girls to the facilities necessary to protect their right to the highest attainable standard of physical and mental health;
12. Takes note of the report of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, on her mission to Afghanistan;
13. Urges all Afghan parties to respect all international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, to bring to an end without delay all violations of the human rights of women and girls, to take urgent measures to ensure respect for all fundamental freedoms and to respect international humanitarian law with regard to the conduct of hostilities;
14. Notes with appreciation the activities carried out by the International Committee of the Red Cross, as well as by non-governmental organizations, throughout the territory of Afghanistan;
15. Recalls its invitation extended to the Secretary-General and the United Nations High Commissioner for Human Rights to proceed without delay to investigate fully reports of mass killings of prisoners of war and civilians, rape and cruel treatment in Afghanistan, expresses deep regret for the lack of cooperation by Afghan parties, calls upon the United Front and the Taliban to fulfil their stated commitment to cooperate with such investigations, and, noting the summary of the report on the investigations, expresses its deep regret to all the parties for the unsatisfactory results;
16. Notes with grave concern the recent reports of summary executions of prisoners in Taliban-held areas in the north of Afghanistan, which have been denied by the Taliban, and calls upon the Taliban to cooperate with the Special Rapporteur in fully investigating those allegations;
17. Invites the Secretary-General and the High Commissioner to ensure that the ongoing process of deployment of the civilian affairs observers in Afghanistan is completed as soon as possible and that gender is-
sues and the rights of children are fully taken into account in their mission;

18. Appeals to all States, organizations and programmes of the United Nations system, specialized agencies and other international organizations to provide humanitarian assistance to all in need, and urges all Afghan parties to ensure free, safe and unhindered access to all humanitarian personnel, as part of an overall effort to achieve peace;

19. Expresses its deep concern at reports of attacks on and looting of cultural artifacts in Afghanistan, emphasizes that all parties share the responsibility to protect their common heritage, and requests all Member States to take appropriate measures to prevent the looting of cultural artifacts and to ensure their return to Afghanistan;

20. Urges all the Afghan parties to extend their cooperation to the Commission on Human Rights and to all those special rapporteurs who are seeking invitations, and, in particular, calls upon the Taliban to accommodate the forthcoming visit of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan;

21. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

22. Decides to keep the situation of human rights in Afghanistan under consideration at its fifty-sixth session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

Cambodia

For information on the human rights situation in Cambodia, see p. 624.

China

On 18 April [E/2000/23], China made a motion that no action be taken on a draft text introduced in the Commission by the United States, which, among other things, called on China to ensure the observance of all human rights, improve the impartial administration of justice and the rule of law, release political prisoners, permit the peaceful exercise of the rights of freedom of religion or belief and of peaceful assembly, preserve and protect the cultural, ethnic, linguistic and religious identity of Tibetans and others, develop productive bilateral dialogues and cooperate with the Commission’s thematic special rapporteurs and working groups. The motion was carried by a roll-call vote of 22 to 18, with 12 abstentions.

East Timor

International Commission of Inquiry. On 31 January [A/54/727-S/2000/65], the Secretary-General transmitted to the Security Council and General Assembly Presidents and to the Commission on Human Rights Chairperson Indonesia’s response to the 1999 report of the International Commission of Inquiry (ICI) on East Timor [YUN 1999, p. 712]. Indonesia said that the report consisted of sweeping, uncorroborated allegations and was one-sided and selective in approach. In particular, it rejected the fact that the report held the Indonesian army responsible for the intimidation, terror, killings and other acts of violence in East Timor. Consequently, Id’s recommendation to establish an international human rights tribunal was totally unacceptable. Nevertheless, Indonesia considered it imperative that reports of human rights violations be investigated thoroughly; it had therefore established a National Commission of Inquiry on Human Rights Violations in East Timor, which had sent a fact-finding mission to the territory and had extended its cooperation to ICI.

On 18 February [S/2000/137], the Council informed the Secretary-General that it had taken note of the ICI report. It encouraged Indonesia to institute a swift, comprehensive, effective and transparent legal process in order to bring those responsible for human rights violations to justice, a key factor in ensuring reconciliation and stability in East Timor. It also reiterated its belief that the United Nations had a role to play in the process and encouraged the Secretary-General to consult with the Indonesian Government on any assistance it might need from the Organization in order to promote reconciliation and ensure future social and political stability.

Commission action. In a statement by its Chairperson, the Commission, on 25 April [E/2000/23], commending the enhancement of collaboration between the United Nations and the Government of Indonesia in human rights technical cooperation programmes, asked the High Commissioner to continue to provide assistance and advisory services in order to bring to justice the alleged perpetrators of violations of human rights and international humanitarian law in East Timor, including in the setting up of a special human rights court. It urged a rapid solution to the East Timorese refugee problem in West Timor and noted Indonesia’s decision to set a deadline and take measures necessary for the refugees to express their choice freely. The Commission remained concerned at various obstacles to the voluntary repatriation of refugees, including intimidation and misinformation by remaining militias in refugee camps. The Government of Indonesia and the international community were asked to provide relief assistance to the refugees. The High Commissioner was asked to report to the General Assembly in 2000 (see next page) and to the Commission in 2001.
Reports of High Commissioner. In a March report [E/CN.4/2000/27], the High Commissioner stated that OHCHR was developing, with the Human Rights Office of the United Nations Transitional Administration in East Timor (UNTAET), technical cooperation programmes focusing on capacity-building and reconciliation and on ensuring the administration of justice and dealing with impunity. At the request of the Secretary-General's Special Representative, OHCHR was working with UNTAET to provide experts on truth commissions from three different countries to meet with various groups in East Timor to discuss the diverse forms truth commissions might take and examine how they functioned. The High Commissioner described action being taken by UNTAET to strengthen the capacity of East Timorese human rights organizations and associations. Developments relating to the individual accountability for human rights violations and bringing those responsible to justice included investigations into killings and rapes that occurred between January and October 1999, the establishment of a special panel to try crimes against humanity; efforts to put in place a forensic laboratory and mortuary; the pursuit of several different options for justice; the prospect of a truth commission; and the development of a position on justice and reconciliation.

In August [A/55/36], the High Commissioner noted that the Government of Indonesia had taken steps to investigate violations of human rights and international humanitarian law [YUN 1999, p. 707] and to bring those responsible to justice, including draft legislation to establish a human rights tribunal; the initiation of investigations into the East Timor violations; and the signing of a memorandum of understanding between Indonesia and UNTAET on cooperation in legal, judicial and human rights-related matters, dated 5 April. The High Commissioner had deployed a needs assessment mission to Indonesia (1-10 April) to develop a project of support to the administration of justice system for the prosecution of human rights violations. OHCHR conducted a preliminary mission to East Timor (13-15 April) to assess the manner in which it could respond to the needs of the UNTAET Human Rights Unit.

Following her visit to East Timor (5-7 August) and Indonesia (22-23 November) [E/CN.4/2001/37 & Corr.1], the High Commissioner updated information previously submitted. OHCHR was finalizing a human rights technical cooperation project with the UNTAET Human Rights Unit for implementation in 2001. An update of information from the Unit stated that, as at 14 December, 49 suspects were in pre-trial detention on suspicion of having committed serious crimes during 1999. The Serious Crimes Investigation Unit had reported that some five cases were being finalized. In addition, 11 indictments had been issued in relation to the murder of nine persons in Los Palos, and more indictments were being drafted and were expected to be issued in 2001. Trials before the Special Panel for Serious Crimes, to be composed of East Timorese and international judges, were expected to begin in 2001. Preparatory work to establish a commission for truth, reception and reconciliation was ongoing. The Human Rights Unit was involved in developing political institutions, the constitutional process, the institutions to protect human rights and an independent and strong civil society. Four district courts had been established in Dili, Baucau, Oecussi and Suai districts, and training of the judiciary was under way. The Human Rights Unit was also working with the Judicial Affairs Unit to develop a training programme for prison officials. UNTAET was planning to adopt regulations on the establishment of a defence force for East Timor, a law reform commission, a legal aid service and the administration of juvenile justice, and a press law. The Human Rights Unit had conducted activities to support the strengthening of civil society, particularly human rights organizations, and addressed the need for protection of particular vulnerable groups (ethnic and religious minorities), the security of East Timorese refugees returning from West Timor and violence against women.

(For political details, see p. 277.)

Iran

Commission action. On 18 April [res. 2000/28], the Commission, by a roll-call vote of 22 to 20, with 11 abstentions, welcomed the broad participation in parliamentary elections of 18 February, Iran's commitment to promote respect for the rule of law, progress in the area of freedom of expression, the invitation by Iran to the Working Group on Enforced or Involuntary Disappearances to visit the country, the visit to Iran of an OHCHR technical cooperation needs assessment mission, and progress made regarding the status of women in some areas. However, expressing concern at continuing human rights violations in Iran, the Commission called on the Government, among other things, to invite the Commission's Special Representative on human rights in Iran to visit the country; to continue efforts to consolidate respect for human rights and the rule of law and abide by its obligations under international human rights instruments; investigate suspicious
deaths and killings of intellectuals and political activists and bring the perpetrators to justice; ensure that capital punishment would not be imposed for other than the most serious crimes; emancipate the Baha’is and other minority religious groups; end the use of torture; end discrimination against women; and make use of human rights technical cooperation programmes.

The Commission decided to extend the Special Representative’s mandate for a further year and asked him to submit an interim report to the General Assembly in 2000 and to report to the Commission in 2001, keeping in mind a gender perspective. The Commission asked the Secretary-General to assist the Special Representative. The Economic and Social Council endorsed the Commission’s decision and approved its requests to the Special Representative and the Secretary-General on 28 July (decision 2000/259).

**Reports of Special Representative.** In September [A/55/363], Special Representative Maurice Copithorne (Canada) reported on the human rights situation in Iran, covering the period from 1 January to 15 August, based on information received from the Government of Iran, other Governments, NGOs, individuals and international media.

The most dramatic development was the accelerating attack on the freedom of the press, which by the end of the period under review had led to the suppression of the entire reformist press and the imprisonment of many journalists. The economic situation of the poor and marginalized worsened. Iranians protested unemployment, inflation and inadequate services, as well as political issues, but paramilitary vigilantes often suppressed the demonstrations. The status of women remained largely unchanged, although there was the prospect that the new Majlis (consultative parliament) would raise the age of marriage to 14 for girls and 17 for boys and facilitate access to divorce. Prostitution was widespread among youth, mainly because of economic hardship and social alienation. In February, nine women were elected to the Majlis and the first woman was appointed governor of a district. A fatwa was issued authorizing women to lead meetings of the same sex in prayers. There remained shadows over judiciary reform, one of them being the role of extrajudicial groups. Prisons were vastly overcrowded and executions remained suspiciously high. The evidence of the use of torture by law enforcement agencies, usually in illegal detention centres, was becoming a matter of public record. The murders and disappearances of intellectuals and political dissidents remained unsolved, and the status of ethnic and religious minorities went unaddressed. Electoral democracy continued to grow, although major institutional obstacles to the exercise of the plenary powers by the legislature were coming to the fore. On balance, said the Special Representative, certain progress made had been overshadowed by backsliding in some areas and stagnation in others. Annexed to the report was information on the denial of fair trial and related rights in a case of Iranian Jews and Moslems in Shiraz, information on the situation of the Baha’is and correspondence between the Special Representative and the Government between January and July.

In a later report [E/CN.4/2001/39], the Special Representative stated that in the second half of the year the newly elected Majlis became the most active player in seeking to improve the status of women. Too often, however, the reform legislation passed by the Majlis was rejected by the Guardian Council, apparently because it was deemed to be “un-Islamic”. In late August, the city of Khorramabad—the venue of a meeting of the main national students’ reformist group—witnessed the largest outbreak of violence since July 1999 [YUN, 1999, p. 713]. Two leading reformers who were invited to speak at the meeting were blockaded at the airport for six hours by vigilantes bused to the scene. Three days of clashes between students, vigilantes, police and other law enforcement agents ensued.

The problem of the lack of fair trial seemed to be widespread. Over the preceding year, overcrowding in the prison system had become a major issue. A press account described them as “overcrowded dens of drug-taking, where the spread of infectious disease is rife”. A continuing problem was the illegal detention centres—facilities run by government law enforcement agencies. The Special Representative was informed that the number of executions reported in the Iranian press during 2000 was about 200, with two other persons having been pardoned. Regarding torture, he noted a circular of the Head of the Judiciary to judges enumerating various types of conduct that would no longer be tolerated. Recognized minorities—Zoroastrians, Jews, Christians—despite having reserved seats in the Majlis and considerable freedom in their religious, educational and cultural activities, were monitored closely. There were indications that the Government might introduce some changes in the treatment of at least the recognized minorities. Concern about the human rights situation of the Baha’is remained on the Special Representative’s agenda with reports of discrimination and persecution. He regularly received complaints from members of ethnic minority groups that were Sunni by religion.
Regarding democracy and civil society, the Majlis, in August, passed a bill that would bar police from entering universities without permission. Another initiative was the creation of a right of access for criminal suspects to a lawyer during all phases of investigation and interrogation. Unemployment was high and workers faced a variety of problems, such as non-payment of salaries. The enrolment rate in primary education had risen to 96 per cent at the national level; immunization rates were above 97 per cent; and infant mortality, under-five mortality and maternal mortality rates had fallen significantly. Other positive developments were the re-establishment of juvenile courts and an increase in the number of juvenile judges. As Iran remained a transit point for narcotics transported from Pakistan and Afghanistan to markets in Europe and the Persian Gulf countries, drugs continued to be a security and social problem for the Government.

The Special Representative urged the Government to achieve freedom of expression, expedite reform of the judiciary, and address the concerns of ethnic and religious minorities, inflation, unemployment and a general deterioration of the social infrastructure, and the problem of urban youth disillusionment and the resulting social crisis. The Special Representative, regretting that he was unable to visit Iran, called on the Government to return to full cooperation with the Commission. Annexed to the report was information on the situation of the Baha’is, and correspondence between the Special Representative and the Government between July and December.

GENERAL ASSEMBLY ACTION

On 4 December [meeting 81], the General Assembly, on the recommendation of the Third Committee [A/55/602/Add.3], adopted resolution 55/114 by recorded vote (67-54-46) [agenda item 114 (c)].

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfill the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child,

Recalling its previous resolutions on the subject, the most recent of which is resolution 54/177 of 17 December 1999, and taking note of Commission on Human Rights resolution 2000/28 of 18 April 2000,

1. Welcomes:
   (a) The interim report of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran;
   (b) The broad participation in the parliamentary elections held during February and March 2000, which expressed the true commitment of the Iranian people to the democratic process in the Islamic Republic of Iran;
   (c) The commitment made by the Government of the Islamic Republic of Iran to promote respect for the rule of law, including the elimination of arbitrary arrest and detention, and to reform the judicial and penitentiary system and bring it into line with international human rights standards in this field;
   (d) The visit to the Islamic Republic of Iran of a technical cooperation needs assessment mission of the Office of the United Nations High Commissioner for Human Rights, and encourages the follow-up to that mission;

2. Notes:
   (a) The provisions of the new code of penal procedure, which provide for the attendance of lawyers for all kinds of lawsuits, and the judiciary reform project, which aims, in particular, at re-establishing a distinction between the offices of the judge and the prosecutor;
   (b) The legal changes recently put into effect within the Iranian judicial system by which members of religious minorities are no longer obliged to state their religion when applying for a marriage licence;
   (c) Developments observed with regard to the status of women in areas such as education, training and health;
   (d) The bill currently under consideration that aims at raising the age of marriage;
   (e) The work of the Islamic Human Rights Commission on the human rights situation in the Islamic Republic of Iran and, in particular, its efforts to investigate illegal detentions and disappearances;

3. Expresses its concern:
   (a) At the fact that, since 1996, no invitation has yet been extended by the Government of the Islamic Republic of Iran to the Special Representative to visit the country;
   (b) At the deterioration of the situation with regard to freedom of opinion and expression, in particular at restrictions on the freedom of the press, judiciary suspension of numerous newspapers, prohibition of publications and the arrest of journalists, political activists and intellectuals on the basis of laws related to national security, which are used as a pretext to deny or restrict freedom of expression, opinion and thought;
   (c) At the continuing violations of human rights in the Islamic Republic of Iran, in particular executions, in the apparent absence of respect for internationally recognized safeguards, and cases of torture and other cruel, inhuman or degrading treatment or punishment;
   (d) At the failure to comply fully with international standards in the administration of justice and the absence of guarantees of due process of law and respect for internationally recognized legal safeguards, inter
alia, with respect to persons belonging to religious minorities;

(c) At the discrimination against persons belonging to religious minorities, in particular the unabated pattern of persecution of the Baha'is, including the continuing detention and the sentencing to death of some of them;

(f) At the continuing discrimination, in law and in practice, against women, who still lack full and equal enjoyment of their human rights, as reported by the Special Representative;

4. Calls upon the Government of the Islamic Republic of Iran:

(a) To invite the Special Rapporteur of the Commission on Human Rights on religious intolerance to visit the country and to resume its full cooperation with him, in particular so that he may study the evolution of the human rights situation in the country, including through direct contacts with all sectors of society, and to make full use of technical cooperation programmes in the field of human rights;

(b) To give effect, in the near future, to its invitation to the Working Group on Enforced or Involuntary Disappearances to visit the Islamic Republic of Iran;

(c) To consolidate respect for human rights and the rule of law and to abide by its freely undertaken obligations under the International Covenants on Human Rights and under other international human rights instruments;

(d) To make efforts to ensure the full application of due process of law and fair and transparent procedures by the judiciary and, in this context, to ensure the respect for the rights of the defence and the equity of the verdicts in all instances, including for members of religious minority groups;

(e) To ensure that capital punishment will not be imposed for crimes other than the most serious and will not be pronounced in disregard of the provisions of the International Covenant on Civil and Political Rights and United Nations safeguards and to provide the Special Representative with relevant statistics on this matter;

(f) To accelerate the process of the investigation into the suspicious deaths and killings of intellectuals and political activists and to bring the alleged perpetrators to justice;

(g) To eliminate all forms of discrimination based on religious grounds or against persons belonging to minorities;

(h) To implement fully the conclusions and recommendations of the Special Representative with regard to religious intolerance relating to the Baha'is and other minority religious groups until they are completely emancipated;

(i) To take all necessary steps to end the use of torture and other forms of cruel, inhuman and degrading punishment, in particular the practice of amputation;

(j) To take further measures to promote full and equal enjoyment by women of their human rights;

5. Decides to continue the examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, at its fifty-sixth session, under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.
scribed cruel and inhuman punishment or treatment; abrogate laws and procedures that penalized free expression; ensure free exercise of political opposition; cease repressive practices aimed at ethnic and religious groups; cooperate to resolve the fate of missing persons; cooperate with aid agencies and NGOs to provide humanitarian assistance; ensure equitable distribution of humanitarian supplies purchased with the proceeds from Iraqi oil; and cooperate in identifying minefields in the country.

The Commission decided to extend the Special Rapporteur's mandate for another year and asked him to submit an interim report to the General Assembly in 2000 and to report to the Commission in 2001, applying a gender perspective. The Secretary-General was asked to assist the Special Rapporteur and to approve the allocation of resources to send human rights monitors to locations that would facilitate improved information on the human rights situation in Iraq.


**ECONOMIC AND SOCIAL COUNCIL ACTION**

On 28 July, the Economic and Social Council, on the recommendation of the Commission on Human Rights [E/2000/23 & Corr.1], adopted decision 2000/250 by recorded vote (26-0-17) [agenda item 14 (g)].

**Situation of human rights in Iraq**

At its 45th plenary meeting, on 28 July 2000, the Economic and Social Council, taking note of Commission on Human Rights resolution 2000/17 of 18 April 2000, endorsed the Commission's decisions:

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in Iraq, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year, to request the Special Rapporteur to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-fifth session and to report to the Commission at its fifty-seventh session, and also to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq.

**RECORDED VOTE ON DECISION 2000/250:**

In favour: Angola, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Fiji, France, Germany, Greece, Italy, Japan, Mexico, New Zealand, Norway, Poland, Portugal, Saudi Arabia, United Kingdom, United States.

Against: None.

Abstaining: Algeria, Bahrain, Belarus, Burkina Faso, China, Cuba, India, Indonesia, Morocco, Pakistan, Russian Federation, Saint Lucia, Sudan, Suriname, Syrian Arab Republic, Venezuela, Viet Nam.

**Subcommission action.** On 18 August [E/CN.4/2001/2 (dec. 2000/112)], the Subcommission appealed to the international community and to the Security Council for the embargo provisions affecting the humanitarian situation of the Iraqi population to be lifted and urged the international community and all Governments, including Iraq, to alleviate the suffering of Iraqis, particularly by facilitating the delivery of food, medical supplies and the wherewithal to meet their basic needs.

In other action, the Subcommission circulated a July study on environmental pollution resulting from the use of depleted uranium missiles [E/CN.4/Sub.2/2000/37], at Iraq's request, and an August aide-memoire from the United Kingdom and the United States regarding allegations by Iraq about the effects of sanctions on the country and about the actions of the two countries [E/CN.4/Sub.2/2000/45].

**Report of Special Rapporteur.** In August [A/55/294], the Special Rapporteur presented an interim report covering the period from 20 September 1999 to 20 June 2000, based on his visits to Kuwait (29 June-3 July) and London (11-15 July), as well as on information received from individuals, Iraqi opposition groups, Governments and UN agencies and programmes. The Government of Iraq had provided incomplete replies to a small number of cases, while no replies were provided to most of the specific allegations submitted by the Special Rapporteur.

It appeared that executions continued unabated during the period under review. The Government alleged that they were necessitated by the upsurge in crime and the considerable number of subversive acts. Information received from several sources indicated that Iraq allegedly staged car accidents resulting in the deaths of prominent religious or other local leaders and/or members of their families, as well as of members of the regime and individuals suspected of belonging to the opposition. There appeared to be alleged cases of arbitrary arrest and detention, as well as torture and ill-treatment of men and women. Prison conditions appeared to be grave.

Regarding the fate of Kuwaitis unaccounted for since Iraq's occupation of Kuwait, the Special
Rapporteur concluded that since the Government of Kuwait had devoted extraordinary efforts and resources to the cause and that sufficient material was produced to support the Kuwaiti claim that Iraq was in a position to clarify the fate of Kuwaitis unaccounted for, Iraq appeared to lack the political will to participate in the work and to examine cases before the Tripartite Commission and its Technical Subcommittee, established to facilitate work on the issue (see p. 295). Iraq alleged that there were some 1,250 missing Iraqi citizens in respect of whom evidence existed that they were seen alive in Kuwait following the war, allegations that Kuwait had dismissed as "mere afterthoughts".

In the Special Rapporteur's view, the most disturbing of recent complaints concerned harassment, intimidation and threats against the families of Iraqi opposition members residing abroad to induce them to stop their activities. During his visit to London, the Special Rapporteur heard allegations that non-Arab residents of the Kirkuk area—especially Kurds, Turkmen and Assyrians—were driven from their homes by the Government. On the one hand, the policy of "Arabization" was reported to be continuing and the Government reportedly maintained in force measures to that effect, such as the provision of grants and other incentives to Arabs to move to the Kirkuk area and legal impediments to the possession and transfer of property by non-Arabs. On the other hand, forced deportations of non-Arab families living in the area and confiscation of their property were also reported to continue on a large scale. Allegedly, those who refused to comply were subjected to intimidation, arrest, economic hardship through the revocation of ration cards and forced expulsion, and no compensation was provided for property loss.

The Special Rapporteur urged Iraq to review and revise laws regarding the death sentence and consider a moratorium on executions, rejoin the work of the Tripartite Commission and its Technical Subcommittee and examine files submitted by Kuwait, end harassment of families of people engaged in opposition activities abroad and practices against families of wanted or arrested Iraqi citizens and the widows and children of those executed, and accept and comply with the terms of all Security Council resolutions. The Government was invited to introduce democratic and political freedoms and end unlawful practices of arrest and torture.

Communications. On 2 November [A/C.3/55/5], Iraq transmitted its response to the Special Rapporteur's interim report. It stated that his information was gathered from countries known to adopt political positions hostile to Iraq and the sources were also hostile. Thus, the allegations and claims emanating from the sources reflected in the report were false. Iraq claimed that the charges concerning arbitrary execution were overstated. Allegations regarding arbitrary arrest and detention were devoid of truth, as were allegations of ill-treatment of prisoners. Iraq had the right to refuse to have anything to do with the Tripartite Commission as currently constituted. It continued to search and inquire for missing persons of all nationalities. Allegations of harassment of Iraqi opposition members were stories woven in the minds of those funded by the United States and other intelligence services. Additionally, Iraq presented comments on the Special Rapporteur's recommendations.

In a communication to the Chairperson of the Commission on Human Rights [E/CN.4/2001/42], the Special Rapporteur stated that he had received noteworthy allegations of fresh or continuing violations during his visit to Iran (5-9 November), where he met with Iraqis who were allegedly expelled from Iran in the early 1980s because they were of Iranian origin. They spoke about the current human rights situation in Iraq, particularly religious persecution or intolerance, missing persons and raids on villages resulting in loss of life and arrests. Some of them spoke about abject poverty, malnutrition and having to barter or sell their food rations, and infant mortality.

The Special Rapporteur continued to receive allegations of religious intolerance and persecution, extrajudicial, summary and arbitrary executions, and ill-treatment, psychological pressure and torture of suspects during questioning. Armed raids were still carried out by Iraqi security forces against villages in the south, with the intent of capturing armed guerrillas and army deserters, resulting in loss of life, property damage and searches and arrests without warrant. Information was received that men and women, including minors, were arrested and detained on suspicion of political or religious activities perceived as hostile to the regime, or because of family ties with opposition members, other activists and armed resisters. The main category of alleged violations that had continuing effects was that of disappearances. During the reporting period, the Special Rapporteur met with representatives of the Government of Kuwait and members of the National Committee for the Missing and Prisoners of War. Iraq continued not to at-
tend meetings of the Tripartite Commission, and reiterated allegations that there were 1,250 of its citizens missing who were reportedly residing in Kuwait at the time of the occupation and were allegedly last seen in the hands of Kuwaiti forces or in Kuwaiti places of detention.

The Special Rapporteur urged the Government to respond positively to his request to visit the country, improve social, economic and cultural rights, approach the dialogue with the United Nations in a spirit of compromise, remove restrictions on the exercise of religious freedom, examine allegations of human rights violations, investigate allegations of unlawful arrest and torture and take remedial action, examine allegations of forced relocations, investigate the fate of all missing persons and join the work of the Tripartite Commission and its Technical Subcommittee. He called on the Government to ensure that unjustified or excessive force was not used against civilians and inhabited places, review and revise laws permitting the imposition of the death penalty and consider a moratorium on executions.

(For political details, see p. 292.)

Human rights situation in Iraq

The General Assembly, Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights, other international human rights instruments and the Geneva Conventions of 12 August 1949 for the protection of victims of war,

Recalling its previous resolutions and those of the Commission on Human Rights on the subject, and taking note of the most recent, Commission resolution 2000/17 of 18 April 2000,


Taking note of the concluding observations of the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child on the recent reports submitted to them by Iraq, in which these treaty-monitoring bodies point to a wide range of human rights problems and hold the view that the Government of Iraq remains bound by its treaty obligations, while pointing to the adverse effect of sanctions on the daily life of the population, in particular children,

Recalling the reports of the Secretary-General concerning the implementation of Security Council resolutions 986(1995), 1111(1997), 1143(1997), 1175(1998), 1210(1998) and 1242(1999), and taking note of the report of the Secretary-General on the implementation of Security Council resolution 1302(2000),

Reaffirming that it is the responsibility of the Government of Iraq to ensure the well-being of its entire population and the full enjoyment of all human rights and fundamental freedoms, concerned about the dire humanitarian situation in Iraq, which particularly affects certain vulnerable groups, including children, as stated in the reports of several United Nations human rights treaty bodies, and appealing to all concerned to fulfil their mutual obligations in the management of the humanitarian programme established by the Security Council in its resolution 986(1995),

1. Welcomes the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq and the observations, conclusions and recommendations contained therein;

2. Notes with dismay that there has been no improvement in the situation of human rights in the country;

3. Strongly condemns:

(a) The systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(b) The suppression of freedom of thought, expression, information, association, assembly and movement through fear of arrest, imprisonment, execution, expulsion, house demolition and other sanctions;

(c) The repression faced by any kind of opposition, in particular the harassment and intimidation of and
regard of the provisions of the International Covenant
on Civil and Political Rights and the United Nations
safeguards;
(e) Summary and arbitrary executions, including
crimes against the civilian population, as well as enforced or involuntary disapperances, routinely practised arbitrary arrests and de-
tention and consistent and routine failure to respect due process and the rule of law;
(f) Widespread, systematic torture and the main-
taining of decrees prescribing cruel and inhuman punish-
ment as a penalty for offences;
4. Calls upon the Government of Iraq:
(a) To abide by its freely undertaken obligations
under international human rights treaties and interna-
tional humanitarian law and to respect and ensure the
rights of all individuals, irrespective of their origin,
etnicity, gender or religion, within its territory and
within its jurisdiction;
(b) To bring the actions of its military and security
forces into conformity with the standards of interna-
tional law, in particular those of the International
Covenant on Civil and Political Rights;
(c) To cooperate with United Nations human rights
mechanisms, in particular by inviting the Special Rap-
porteur to visit the country and allowing the stationing
of human rights monitors throughout Iraq pursuant to
the relevant resolutions of the General Assembly and
the Commission on Human Rights;
(d) To establish the independence of the judiciary
and to abrogate all laws granting impunity to specified
forces or persons killing or injuring individuals for any
purpose beyond the administration of justice under
the rule of law as prescribed by international standards;
(e) To abrogate all decrees that prescribe cruel and
inhuman punishment or treatment, including mutila-
tion, and to ensure that torture and cruel punishment and
treatment no longer occur;
(f) To abrogate all laws and procedures, including
Revolution Command Council Decree No. 840 of 4
November 1986, that penalize free expression, and to
ensure that the genuine will of the people shall be the
basis of the authority of the State;
(g) To ensure free exercise of political opposition
and to prevent intimidation and repression of political
opponents and their families;
(h) To respect the rights of all ethnic and religious
groups and to cease immediately its repressive prac-
tices aimed at the Iraqi Kurds, Assyrians and Turkmen,
in particular their deportation from the regions of
Kirkuk and Khanaqin, and at the population of the
southern marsh areas, where drainage projects have
provoked environmental destruction and a deteriora-
tion of the situation of the civilian population, as well
as to ensure the physical integrity of all citizens, includ-
ing the Shi’a population, and to guarantee their freed-
doms;
(i) To cooperate with the Tripartite Commission
and its Technical Subcommittee to establish the where-
abouts and resolve the fate of the remaining several
hundreds missing persons, including prisoners of war, Ku
waiti nationals and third-country nationals, victims
of the illegal Iraqi occupation of Kuwait, to cooperate
with the Working Group on Enforced or Involuntary
Disappearances of the Commission on Human Rights
for that purpose, to cooperate with the high-level coor-
dinator of the Secretary-General for Kuwaitis and third-
country nationals and Kuwaiti property, to pay compen-
sation to the families of those who died or dis-
appeared in the custody of the Iraqi authorities,
through the mechanism established by the Security
Council in resolution 692(1991) of 20 May 1991, to re-
lease immediately all Kuwaitis and nationals of other
States who may still be held in detention and inform
families about the whereabouts of arrested persons, to
provide information about death sentences imposed
on prisoners of war and civilian detainees, and to issue
death certificates for deceased prisoners of war and ci-
vilian detainees;
(j) To cooperate further with international aid
agencies and non-governmental organizations in pro-
viding humanitarian assistance and monitoring in the
northern and southern areas of the country;
(k) To continue to cooperate in the implementa-
(1999), 1281(1999) and 1302(2000), and to cooperate,
together with all concerned, in the implementation of the
sections on humanitarian questions of Council
resolution 1284(1999), to ensure fully the timely and
equitable distribution, without discrimination, to the
Iraqi population, including the population in remote
areas, of all humanitarian supplies purchased under the
oil-for-humanitarian-goods programme, to ad-
ress effectively the needs of vulnerable groups, in-
cluding children, pregnant women, the disabled, the
elderly and the mentally ill, among others, to facilitate
the work of United Nations humanitarian personnel in
Iraq by ensuring the free and unobstructed movement
of observers throughout the country, as well as their
free access, without any discrimination, to all the popu-
lation, and to ensure that involuntarily displaced per-
sons receive humanitarian assistance without the need
to demonstrate that they have resided for six months at
their places of temporary residence;
(l) To cooperate in the identification of minefields
existing throughout Iraq with a view to facilitating
their marking and eventual clearing;
5. Requests the Secretary-General to provide the
Special Rapporteur with all necessary assistance in car-
ying out his mandate, and decides to continue the ex-
amination of the situation of human rights in Iraq at its
fifty-sixth session, under the item entitled "Human
rights questions", in the light of additional elements
provided by the Commission on Human Rights.
Human rights violations

Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom, United States, Uruguay, Uzbekistan, Vanuatu.

Against: Libyan Arab Jamahiriya, Mauritania, Sudan.

Abstentions: Algeria, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bangladesh, Belarus, Benin, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, China, Congo, Cuba, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Egypt, Eritrea, Fiji, Gabon, Ghana, Guinea, India, Indonesia, Jordan, Kenya, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, Madagascar, Maldives, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Sierra Leone, Singapore, Sri Lanka, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam.

Myanmar

Report of Secretary-General. In response to General Assembly resolution 54/186 [YUN 1999, p. 719], the Secretary-General, in March [E/CN.4/2000/29], reported on consultations held in 1999 with the Government of Myanmar by his Special Envoy, Alvaro de Soto. The Secretary-General stated that he was in the process of replacing the Special Envoy, who had assumed new responsibilities.

Communication. On 17 March [E/CN.4/2000/137], Myanmar submitted to the Commission a memorandum concerning the human rights situation in the country, in the hope that Commission members would view the question from a more objective and balanced perspective.

Commission action. On 18 April [res. 2000/23], the Commission deplored the continued pattern of gross and systematic human rights violations in Myanmar; the lack of independence of the judiciary; widespread discrimination against minorities; violation of women’s and children’s human rights; the escalated persecution of democratic group activists; and severe restrictions on the freedoms of opinion, expression, assembly, association and movement. It called on Myanmar to establish a constructive dialogue with the UN system; to continue to cooperate with the Secretary-General or his representative; and to consider becoming a party to international human rights instruments. The Government was urged to cooperate with the Special Rapporteur and implement his recommendations; ensure full respect for human rights and fundamental freedoms; establish democracy; allow all citizens to participate freely in the political process; release political detainees; improve conditions of detention; ensure the well-being of all political leaders, including Aung San Suu Kyi; fulfil its obligations under the Convention on the Rights of the Child, adopted by General Assembly resolution 44/25 [YUN 1989, p. 561], and under the Convention on the Elimination of All Forms of Discrimination against Women, adopted by Assembly resolution 34/180 [YUN 1979, p. 895]; end forced labour; allow freedom of association; cease laying landmines; end enforced displacement of persons; and end impunity.

The Commission asked the High Commissioner to cooperate with the Director-General of the International Labour Organization (ILO) with a view to identifying ways in which their offices might collaborate to improve the human rights situation in Myanmar and requested the Secretary-General to bring its resolution to the attention of the UN system.

The Commission decided to extend the Special Rapporteur’s mandate for a further year and asked him to report to the Assembly in 2000 and to the Commission in 2001, keeping a gender perspective in mind; it also decided to ask the Secretary-General to assist the Special Rapporteur, to pursue efforts to ensure that the Special Rapporteur be authorized to visit Myanmar, and to continue his discussions with the Government and with anyone he might consider appropriate to assist in implementing Assembly resolution 54/186 [YUN 1999, p. 719], as well as its current resolution. The Economic and Social Council endorsed the Commission’s decisions on 28 July (decision 2000/255).

Report of Special Rapporteur. In August [A/55/359], Special Rapporteur Rajsoomer Lallah (Mauritius) reported on the human rights situation in Myanmar as at 31 July, noting with deep concern the continued deterioration of the situation. He continued to receive persistent reports of government policies and directives aimed at the elimination of the National League for Democracy (NLD) through intimidation, threats, coercion and charges of a political character against its members, particularly since April. He had received reports of widespread and systematic torture and other forms of ill-treatment of detainees occurring in military intelligence centres and certain prisons. Allegations of arbitrary detention were also received. According to several reports, harsh conditions of detention existed in several prisons and other places of detention. ICRC continued to have access to jails, so-called “guest houses” and labour camps. The administration of justice was marked by legal and factual constraints inconsistent with judicial independence. Government policies regarding health still appeared indecisive and inadequate. Although nominally available to all, public education was costly in terms of school fees, books and classroom facilities. Moreover, widespread reports alleged that bribery was frequently required to be paid to school authorities. The obligation to suppress the use of forced or compulsory labour in Myanmar was violated in national law, as well as in actual practice, in a widespread and systematic manner, according to ILO. Thus,
in June, considering that the situation had remained unchanged, the International Labour Conference resolved to take action to bring about Myanmar's compliance with ILO Convention No. 29 on forced labour [YUN 1999, p. 1388]. A series of measures would take effect on 30 November unless, before that date, the ILO Governing Body was satisfied that the intentions expressed by the Minister of Labour had been translated into a framework of legislative, executive and administrative measures. Vulnerable groups—women, children, displaced persons and refugees, ethnic minorities—suffered violations of their rights.

The Special Rapporteur encouraged the repeal of discriminatory provisions in the Citizenship Act, and the repeal of decrees and orders criminalizing the exercise of freedom of thought and expression, association and movement, and freedom to exercise political and democratic rights in accordance with international standards. He reiterated recommendations made in 1999 [YUN 1999, pp. 718 & 719].

**Report of Secretary-General.** The Secretary-General reported in October on the progress of discussions regarding the restoration of democracy in Myanmar [A/55/509]. In April, he appointed a new Special Envoy, Razali Ismail, who had visited the country (29 June-3 July) to build confidence with his interlocutors. The Special Envoy held consultations with government officials and with leaders of two political parties, NLD and the Shan Nationalities League for Democracy. During a second mission (9-12 October), he again held consultations, during what the Secretary-General called a setback in the atmosphere surrounding efforts for national reconciliation due to restrictions placed on the movement and access to the diplomatic corps imposed on Aung San Suu Kyi and other NLD leaders. Discussions focused on the need for national reconciliation, the practice of forced labour, the provision of UN humanitarian assistance and the issue of a visit of the Special Rapporteur. The Secretary-General welcomed the authorities' announcement that universities and colleges had been reopened for the first time in three years.

**GENERAL ASSEMBLY ACTION**

On 4 December [meeting 81], the General Assembly, on the recommendation of the Third Committee [A/55/602/Add.3], adopted resolution 55/112 without vote [agenda item 114 (c)].

**Situation of human rights in Myanmar**

The General Assembly, reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Aware that, in accordance with the Charter, the United Nations promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government, and therefore expressing its grave concern that the Government of Myanmar has still not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Recalling its resolution 54/186 of 17 December 1999 and Commission on Human Rights resolution 1992/58 of 3 March 1992, in which the Commission, inter alia, decided to nominate a special rapporteur with a given mandate, and taking note of Commission resolution 2000/23 of 18 April 2000, in which the Commission decided to extend for one year the mandate of its Special Rapporteur on the situation of human rights in Myanmar,

Recalling also the observation made by the Special Rapporteur that the absence of respect for the rights pertaining to democratic governance is at the root of all major violations of human rights in Myanmar,

Still greatly concerned at the deterioration of the human rights situation in Myanmar, especially the unabated suppression of the exercise of political rights and freedom of thought, expression, association and movement in Myanmar, as reported by the Special Rapporteur, and deeply concerned that new restrictions have been placed on Aung San Suu Kyi and other members of the National League for Democracy,

Also greatly concerned that the legal system is effectively used as an instrument of oppression and at the increasing intimidation and detention of lawyers,

Recognizing that the systematic violations of civil, political, economic, social and cultural rights by the Government of Myanmar have had a significant adverse effect on the health and welfare of the people of Myanmar,

Noting with interest the two recent visits to Myanmar by the Special Envoy of the Secretary-General and the cooperation extended by the Government of Myanmar in that regard,

Deeply regretting the failure of the Government of Myanmar to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur, who still has not been invited to Myanmar, despite assurances by the Government of Myanmar in 1999 that it would seriously consider a visit,

1. Expresses its appreciation to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar for his interim report, and calls upon the Government of Myanmar to implement fully the recommendations made by the Special Rapporteur;

2. Urges the Government of Myanmar to cooperate fully and without further delay with the Special Rapporteur, and to allow him urgently, without preconditions, to conduct a field mission and to establish direct contacts with the Government and all other relevant sectors of society, thus enabling him fully to discharge his mandate;
3. Notes with satisfaction the continued cooperation with the International Committee of the Red Cross, allowing the Committee to communicate with and visit detainees in accordance with its modalities of work, and hopes that the programme will be pursued further;

4. Deplores the continued violations of human rights in Myanmar, including extrajudicial, summary or arbitrary executions, enforced disappearances, rape, torture, inhuman treatment, mass arrests, forced labour, including the use of children, forced relocation and denial of freedom of assembly, association, expression and movement, as reported by the Special Rapporteur;

5. Expresses its grave concern at the increasingly systematic policy of the Government of Myanmar to persecute the democratic opposition, members of the National League for Democracy, sympathizers and their families, and ethnic opposition parties, and at the use by the Government of intimidatory methods such as arbitrary arrest and detention and abuse of the legal system, including harsh long-term prison sentences, mass rallies and media campaigns, which have forced many to refrain from exercising their legitimate political rights;

6. Urges the Government of Myanmar to cease, without delay, all activities aimed at preventing the free exercise of internationally recognized human rights, including freedom of association, assembly, movement and speech, and in particular to remove all restrictions on the freedom of movement of Aung San Suu Kyi and other members of the National League for Democracy and on their freedom to communicate with the outside world;

7. Strongly urges the Government of Myanmar to release immediately and unconditionally detained political leaders and all political prisoners, including journalists, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

8. Expresses its concern that the composition and working procedures of the National Convention do not permit either Members of Parliament-elect or representatives of the ethnic minorities to express their views freely, and urges the Government of Myanmar to seek new and constructive ways to promote national reconciliation and to restore democracy, through, inter alia, the establishment of a time frame for action;

9. Strongly urges the Government of Myanmar, taking into account the assurances it has given on various occasions, to take all necessary steps towards the restoration of democracy, in accordance with the will of the people, as expressed in the democratic elections held in 1990 and, to that end, without delay, to engage in a substantive political dialogue with political leaders, including Aung San Suu Kyi, and representatives of ethnic groups, and, in that context, notes the existence of the committee representing the People’s Parliament;

10. Notes with grave concern that the Government of Myanmar has failed to cease its widespread and systematic use of forced labour of its own people and to meet all three recommendations of the International Labour Organization on that issue; this failure has compelled the International Labour Organization to limit strictly further cooperation with the Government and has prompted the International Labour Conference to adopt, subject to certain conditions, a number of measures to secure compliance by the Government of Myanmar with the recommendations of the Commission of Inquiry established to examine the observance of International Labour Organization Convention No. 29 concerning forced or compulsory labour, of 1930;

11. Notes the recent visit by the technical cooperation mission of the International Labour Organization to Myanmar and the cooperation extended to the mission, while awaiting the results of the mission;

12. Strongly urges the Government of Myanmar to implement fully concrete legislative, executive and administrative measures to eradicate the practice of forced labour, in conformity with the relevant recommendations of the Commission of Inquiry;

13. Welcomes the reopening of most university courses, but remains concerned that the right to education continues to be a right that is exercised only by those willing to refrain from exercising their civil and political rights and concerned at the reduction in the length of the academic year, the division of the student population and its dispersal to distant campuses and the lack of adequate resources;

14. Deplores the continued violations of human rights, in particular those directed against persons belonging to ethnic and religious minorities, including summary executions, rape, torture, forced labour, forced portering, forced relocations, use of antipersonnel landmines, destruction of crops and fields and dispossession of land and property, which deprives those persons of all means of subsistence and results in large-scale displacement of persons and flows of refugees to neighbouring countries, with negative effects for those countries, and an increasing number of internally displaced persons;

15. Urges the Government of Myanmar to end the systematic enforced displacement of persons and other causes of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and full reintegration in conditions of safety and dignity and to allow the safe and unhindered access of humanitarian personnel to assist in the return and reintegration process;

16. Deplores the continued violations of the human rights of women, especially women who are refugees, are internally displaced or belong to ethnic minorities or the political opposition, in particular forced labour, trafficking, sexual violence and exploitation, including rape, as reported by the Special Rapporteur;

17. Strongly urges the Government of Myanmar to implement fully the recommendations made by the Committee on the Elimination of Discrimination against Women, in particular the request to prosecute and punish those who violate the human rights of women, and to carry out human rights education and gender-sensitization training, in particular for military personnel;

18. Deplores the recruitment of children as soldiers, in particular children belonging to ethnic minorities, and strongly urges the Government of Myanmar and all other parties to the hostilities in Myanmar to end the use of children as soldiers;

19. Expresses its concern at the growing incidence of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) infection, and urges the Government of Myanmar urgently to address this issue, which will have a serious long-term impact on the de-
development of the country, and to ensure that the health system receives sufficient funding to enable health workers to meet the right of all people to the highest possible standard of health care;

20. Expresses its grave concern at the high rates of malnutrition among pre-school-aged children, which constitute serious violations of their rights to adequate food and the highest attainable standard of health and may have serious repercussions for the health and development of the affected children;

21. Strongly urges the Government of Myanmar to ensure full respect for all human rights and fundamental freedoms, including economic and social rights, and to fulfil its obligation to restore the independence of the judiciary and due process and to end the impunity of and bring to justice any perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

22. Welcomes the report of the Secretary-General on the visit of his Special Envoy to Myanmar, endorses the appeal of the Special Envoy for the initiation of a process of dialogue that would lead to national reconciliation, and supports his efforts to achieve such a dialogue;

23. Requests the Secretary-General to continue his discussions on the situation of human rights and the restoration of democracy with the Government of Myanmar, to submit additional reports to the General Assembly during its fifty-fifth session on the progress of those discussions, and to report to the Assembly at its fifty-sixth session and to the Commission on Human Rights at its fifty-seventh session on the progress made in the implementation of the present resolution;

24. Decides to continue its consideration of this question at its fifty-sixth session.

Europe

Belarus

Pursuant to the Subcommission Chairperson’s 1999 statement on Belarus [YUN 1999, p. 721], which was based on information received from Belarus regarding steps that the Government was prepared to take to further promote and protect human rights, Belarus, in June [E/CN.4/Sub.2/2000/9], reported on measures it had taken to do so.

Cyprus

In response to a 1999 Commission request [YUN 1999, p. 721], the Secretary-General, in a February report on the human rights situation in Cyprus [E/CN.4/2000/26], described activities carried out under his good offices mission and by the United Nations Peacekeeping Force in Cyprus and the Committee on Missing Persons in Cyprus (see pp. 402-404).

On 18 April [dec. 2000/103], the Commission decided to retain the item on its agenda, on the understanding that action required by its previous resolutions would continue to remain operative, including its request to the Secretary-General to report on their implementation.

The former Yugoslavia

Commission action. On 18 April [res. 2000/26], by a roll-call vote of 44 to 1, with 8 abstentions, the Commission noted that, while there had been significant positive developments on human rights in Croatia, Bosnia and Herzegovina (composed of the Federation of Bosnia and Herzegovina and Republika Srpska) had made limited improvement on human rights issues and the situation in the Federal Republic of Yugoslavia (FRY) remained a source of grave concern. The High Commissioner and the Secretary-General were requested, with the assistance of the international community, to develop early warning procedures to identify situations that could lead to conflict or humanitarian tragedy. The Commission recommended that Croatia be considered in 2001 under the agenda item on technical assistance and advisory services if progress on human rights and democratic principles continued.

Expressing grave concern at the ongoing serious human rights violations and the deteriorating human rights and humanitarian situation in FRY caused by the repressive policies and measures of the authorities, the Commission condemned the repression of the media, political opposition and NGOs, and the arbitrary administration of justice and application of the law. Noting with grave concern that Slobodan Milosevic and other senior leaders continued to maintain positions of power despite their indictment for war crimes and crimes against humanity [YUN 1999, p. 1214], and that FRY had repeatedly ignored the orders of the International Tribunal for the Former Yugoslavia (ICTY) to transfer indicted war criminals to The Hague and had not transferred any indictee since ICTY’s inception in 1992, the Commission demanded that FRY cooperate with the Tribunal. It called on the authorities to respect human rights and fundamental freedoms; end torture and other cruel, inhuman or degrading treatment or punishment of detainees, and bring those responsible to justice; repeal repressive and discriminatory legislation on property rights, universities and the media, and apply other legislation without discrimination; respect the rights of minorities; return the armed
and police forces to civil and democratic control; and account for and protect the humanitarian and legal rights of prisoners deprived of liberty and removed from the Kosovo province of FRY at the end of the conflict. The Commission called for information on the fate and whereabouts of persons missing or unaccounted for. Regarding Kosovo, the Commission condemned ethnic violence and intimidation by all parties and urged political leaders to cooperate fully with the United Nations Interim Administration Mission in Kosovo (UNMIK) and the international security presence in Kosovo (KFOR) in their efforts to strengthen law and security, to reject violence and to support only peaceful and democratic civil or political activity. The Commission stressed the need for an independent and impartial judiciary.

Welcoming the democratic election of a reform-oriented new Government in Croatia, steps to establish an independent media, undertake judicial reform and facilitate refugee returns, and the agreement between Croatia and the High Commissioner on technical cooperation and assistance programmes [YUN 1999, p. 587], the Commission called on the Government to sustain the progress.

Noting progress by Bosnia and Herzegovina in some areas in implementing the 1995 Peace Agreement [YUN 1995, p. 544], as well as some improvement in respect for human rights and some progress on refugee returns, the Commission strongly condemned the intimidation of and perpetuation of violence against minority refugees and internally displaced persons returning to their homes, the destruction of their homes and all other acts designed to discourage their voluntary return. It called on the authorities to facilitate returns, adopt an effective and fair election law, combat the growing problem of trafficking in persons, continue to improve police standards and ensure the establishment and functioning of an independent judiciary. All parties to the Peace Agreement were called on to cooperate with ICTY, and States and the Secretary-General were urged to support the Tribunal. All indicted persons were called on to surrender voluntarily to the Tribunal’s custody.

The Commission decided to renew the Special Rapporteur’s mandate for a further year and asked him to report to the General Assembly in 2000 and to the Commission in 2001; the Commission’s decision and request were endorsed by the Economic and Social Council on 28 July (decision 2000/257).

Communications. On 17 April [E/CN.4/2000/157], FRY, commenting on the draft text of Commission resolution 2000/26, stated that the entire text should be rejected for its highly politicized contents and for the absence of any reference to the real human rights problems in Kosovo and Metohija province. It presented amendments to the draft text.

During the year, FRY transmitted to the Commission and Subcommission communications on various subjects, including the humanitarian situation in the country, elections and the future political status of Kosovo and Metohija and people deprived of their liberty.

Reports of Special Rapporteur. In October [A/55/282], Special Rapporteur Jiri Dienstbier (Czech Republic) submitted a report on the human rights situation in Bosnia and Herzegovina, Croatia and FRY.

The Special Rapporteur visited Bosnia and Herzegovina (24-26 January and 11-15 June), where the political environment, lack of functioning institutions and a complicated constitutional and legal framework continued to impede any real change. He noted, however, that there was more reason for optimism than a year earlier. Over 1 million refugees and displaced persons were still waiting to return to their pre-war homes or for any other durable solution. Obstacles ranged from lack of adequate security to delays in property law implementation and lack of reconstruction assistance. Although some progress had been made in restoring property rights, the process was still moving too slowly. Also, discriminatory employment impacted the sustainability of returns. The major problem in education was the division of the system along ethnic lines. Progress was noted, though, in the removal of offensive and discriminatory material from textbooks. An uneven distribution of health care negatively affected the accessibility and cost of health services for all. Return-related incidents of violence continued to be reported in some areas and impunity persisted, with perpetrators in most cases not identified, arrested or prosecuted. The police forces remained overwhelmingly mono-ethnic and had unacceptably low numbers of female officers. Political interference in the work of police and the judiciary continued. The Special Rapporteur expressed serious concern that Bosnia and Herzegovina had emerged as a significant destination point for women trafficked from Eastern Europe. There was growing evidence that the country was serving for transit purposes and was becoming a country of origin. The Special Rapporteur noted a trend towards greater implementation of decisions of the Human Rights Chamber and the Ombudsperson, although implementation rates were still little better than 50 per cent. He recommended mainstreaming a gender perspective...
into all policies and programmes, improved and accelerated property-law implementation, the adoption of a law on labour relations with an anti-discrimination component in Republika Srpska, non-discrimination in health policy and practice, combating trafficking in persons and training for local and international police on human rights and on gender. The authorities were called on to implement the Declaration and Agreement on Education signed in May.

In reporting on human rights developments in Croatia from March to early July, the Special Rapporteur paid attention to the key issues of refugee returns, minority rights and war-crimes trials. He visited the country from 25 to 27 April.

Despite amendments to the Law on Reconstruction and adoption of amendments to the law on areas of special State concern, progress on returns had still been slow. War-crimes prosecutions of ethnic Serbs were ongoing, and the Special Rapporteur called attention to the lack of fairness in most of the proceedings, which were based on group indictments and failed to specify individual criminal acts; often, individuals belonging to groups were tried in absentia. The missing persons issue was a key factor in the peace and reconciliation process in Croatia and remained a pressing human rights concern. The Special Rapporteur expressed deep concern over Croatia’s difficult financial situation and noted the dire need for investment to improve the standard of respect for social and economic rights and to implement measures to assist vulnerable groups. He noted government attempts to protect workers’ rights better. Unemployment, estimated at between 18 and 20 per cent, was expected to grow due to bankruptcies. The Special Rapporteur commended the initiative of the tripartite Croatian Economic and Social Council, revisions of labour and other legislation concerning the independence of the media and related civil and political rights; ensuring the representation of minorities in government; and preventing torture and ill-treatment of detainees and bringing perpetrators to justice.

Regarding Kosovo, it was recommended that UNMIK ensure that all applicable laws complied with international human rights standards; expedite the appointment in Kosovo of the full contingent of planned international judges and prosecutors; redouble its efforts to train legal professionals; review a regulation on extension of periods of pre-trial detention to ensure conformity with international standards; and review regulations on the media to ensure that they conformed to international human rights standards and practices. KFOR was urged to review regulations, training programmes, codes of conduct and operational procedures for its personnel, and ensure that individuals detained by KFOR were treated in accordance with international standards. The Special Rapporteur recommended that the international community end sanctions and other forms of isolation of the people of FRY.

In a later report [E/CN.4/2001/47] covering events in the region from September to December, the Special Rapporteur observed that in Bos-
nia and Herzegovina there was little change or significant progress to report concerning respect for human rights and the rule of law. Compared to the dramatic changes in Croatia and FRY in 2000, change in Bosnia and Herzegovina was happening much more slowly. The main concern continued to be the return of refugees and displaced persons. Regarding trade in women and children for forced prostitution, the Council of Ministers had established a State-level working group to draw up a national plan of action.

The Special Rapporteur expressed continuing deep concern over the unequal application of the rule of law in Croatia and the politicization of local judiciaries, as demonstrated by the sharp escalation of arrests of Croatian citizens of Serb ethnicity on war-crimes charges. The arrests had a major impact on the return of refugees. The Special Rapporteur applauded the Government's commitment to respect the right of refugees and internally displaced persons to return to their homes, but noted that return continued to be obstructed in many ways. The central issue of property rights continued to slow the return process. He expressed support for the ongoing technical cooperation projects planned by OHCHR in 2001.

The last quarter of 2000 witnessed dramatic political changes in FRY, of which the most important, said the Special Rapporteur, was the 24 September presidential election in which the Democratic Opposition of Serbia candidate Vojislav Kostunica defeated Slobodan Milosevic and opened the door to a democratic transition (see p. 384). In Kosovo, UNMIK-supervised municipal elections (see p. 367) on 28 October resulted in moderate candidates being elected to a majority of local offices. Regarding Serbia (excluding Kosovo), the cases of many individuals arrested and subject to trial for political views during the Milosevic years remained unresolved, and hundreds of Kosovar Albanian political prisoners and thousands of Serbs who resisted service or deserted the security forces remained in prison or under threat of prosecution. In both Serbia and Montenegro, national minorities continued to suffer discrimination. Organized criminal activity, particularly trafficking in women, remained a serious problem. In Kosovo, violence against Serbs and other ethnic minorities continued to fuel tension, while political attacks and assassinations among Kosovo Albanians had increased since the municipal elections. The functioning of the judicial and prison systems remained far below acceptable international standards. FRY faced serious economic and humanitarian challenges. The Special Rapporteur urged the international community to redouble its efforts to ensure that humanitarian needs were met in the country.

GENERAL ASSEMBLY ACTION

On 4 December [meeting 81], the General Assembly, on the recommendation of the Third Committee [A/55/602/Add.3], adopted resolution 55/113 without vote [agenda item 114 (c)].

Situation of human rights in parts of South-Eastern Europe

The General Assembly,

Bearing in mind all relevant resolutions on this subject, in particular Commission on Human Rights resolution 2000/26 of 18 April 2000, and all Security Council resolutions and presidential statements,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments, the 1951 Convention relating to the Status of Refugees, the Geneva Conventions of 12 August 1949 for the protection of victims of war and the Additional Protocols thereto, of 1977,

Taking note of the principles and commitments undertaken by participating States of the Organization for Security and Cooperation in Europe,

Reaffirming the territorial integrity of all States in the region, within their internationally recognized borders, taking fully into account all relevant Security Council resolutions,

Expressing its full support for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), which, inter alia, committed the parties in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia to respect human rights fully, in particular issues surrounding the return of refugees,

Expressing its support for the democratic forces and non-governmental organizations in the promotion and protection of human rights and in strengthening civil society, and noting in this regard the opportunities afforded by the Stability Pact for South-Eastern Europe, which was adopted at Cologne, Germany, on 10 June 1999,

Welcoming the admission of the Federal Republic of Yugoslavia into the framework of the Stability Pact for South-Eastern Europe at the extraordinary session of the Regional Table of the Pact, held at Bucharest on 26 October 2000,

Noting the importance of the respect for the rights of all persons belonging to minorities,

Welcoming all contributions of the Office of the High Representative, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the Special Rapporteur of the Commission on Human Rights and other entities of the United Nations, the Organization for Security and Cooperation in Europe, the Council of Europe, the European Community Monitoring Mission, Governments and intergovernmental and non-governmental organizations in the area in 2000,

Recalling also its condemnation of the Serbian military offensive against the civilian population of Kosovo, which resulted in war crimes and gross violations of international human rights and international humanitarian law being inflicted upon the Kosovars,

Condemning all violations of human rights in Kosovo, which have affected all ethnic groups in Kosovo, in particular the harassment and murder of ethnic Serb, Roma and other minorities of Kosovo by ethnic Albanian extremists,

Expressing concern that the entire population of Kosovo has been affected by the conflict there and its aftermath, and stressing that all of the national, ethnic, religious or linguistic minorities there must benefit from their full and equal rights, without discrimination,

Stressing, in this context, the importance of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, Condemning all violations of human rights in Kosovo, in particular the harassment and murder of ethnic Serb, Roma and other minorities of Kosovo by ethnic Albanian extremists,

Expressing concern that the entire population of Kosovo has been affected by the conflict there and its aftermath, and stressing that all of the national, ethnic, religious or linguistic minorities there must benefit from their full and equal rights, without discrimination,

Stressing, in this context, the importance of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,

Distressed by the detention in Serbia of political prisoners of Kosovar Albanian or other origin, in violation of international human rights law and standards, but welcoming the pledge of authorities there to abide by international norms in carrying out judicial procedures in this and all other areas of judicial responsibility,

1. Reiterates its call for the full and consistent implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement") by all parties;
2. Stresses the crucial role of human rights in the successful implementation of the Peace Agreement, and underlines the obligations of all parties under the Peace Agreement to comply with international human rights law and to secure for all persons within their jurisdiction the highest level of international norms and standards of human rights and fundamental freedoms, including the rule of law and effective administration of justice at all levels of government, the freedom and independence of the media, freedom of expression, freedom of association, including with respect to political parties, freedom of religion and freedom of movement;
3. Also stresses the need for enhanced international efforts to foster and effect the prompt and voluntary return of displaced persons and refugees in safety and with dignity;
4. Condemns the growing problem of trafficking in women in the region, and calls upon all concerned authorities to combat actively this criminal practice;
5. Urges all States and parties to the Peace Agreement that have not done so to to meet their obligations to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, as required by Security Council resolution 827(1993) of 25 May 1993 and all subsequent relevant resolutions, and in particular to comply with their obligations to arrest and transfer to the custody of the Tribunal those indicted persons present in their territories or under their control;
6. Notes that varying degrees of progress have been made in the human rights situation in all States and by all parties to the Peace Agreement, but that substantial efforts remain to be made in several areas;
7. Reiterates its call upon all States and parties to the Peace Agreement to ensure that the promotion and protection of human rights and effective, functioning democratic institutions will be central elements in developing civilian structures;
8. Notes the progress made by Bosnia and Herzegovina in the implementation of the Peace Agreement;
9. Also notes the progress made with regard to refugee returns in Bosnia and Herzegovina, while calling upon all authorities actively to support the return process for minority refugees and internally displaced persons, inter alia, through the eviction of illegal occupants of housing intended for internally displaced persons and refugees, in particular in areas of the Republika Srpska and areas of the Federation: Bosnia and Herzegovina with a majority population of Bosnian Serbs and areas of the Federation Bosna i Hercegovina of the Federation: Bosnia and Herzegovina with a majority population of Bosnian Croats;
10. Welcomes the "Constituent Peoples" decision of the Constitutional Court of Bosnia and Herzegovina, which reflects the commitment of Bosnia and Herzegovina to meeting the highest standards of human rights and fundamental freedoms;
11. Condemns the harassment of returning minority refugees and internally displaced persons in Bosnia and Herzegovina, including the destruction of their homes, in particular in areas of the Republika Srpska with a majority population of Bosnian Serbs and areas of the Federation: Bosnia and Herzegovina with a majority population of Bosnian Croats;
12. Also condemns recurrent instances of religious discrimination and the denial to religious minorities of their right to rebuild religious sites in Bosnia and Herzegovina, in particular in the territory of the Republika Srpska;
13. Further condemns the manipulation of the press by political parties and government officials, including the selective application of slander and tax laws to harass journalists and editors;
14. Calls upon all authorities in Bosnia and Herzegovina, in particular those within the Republika Srpska, to cooperate fully with the International Tribunal for the Former Yugoslavia;
15. Calls upon the authorities of Bosnia and Herzegovina, including those of the Republika Srpska and the Federation:
(a) To implement the decisions of the High Representative and to fulfil their obligations under the Peace Agreement and the declarations of the Peace Implementation Council;
(b) To implement the decisions of the Commission on Human Rights on Bosnia and Herzegovina, the Office of the Human Rights Ombudsman and the Human Rights Chamber, and the decisions of the Commission for Real Property Claims of Displaced Persons and Refugees;

c) To establish a fully staffed and funded judiciary which effectively protects the rights of all citizens;

d) To adopt an effective and fair election law, in cooperation with the Organization for Security and Cooperation in Europe;

e) To implement fully all the provisions of the New York Declaration adopted on 15 November 1999;

f) To support the work of the common institutions and implement fully the actions mandated by the Peace Implementation Council at its ministerial meeting held at Brussels on 23 and 24 May 2000;

16. Welcomes the political change following the recent elections in the Federal Republic of Yugoslavia, which shows the clear decision of the people to choose democracy, respect for human rights and integration into the international community over dictatorship and isolation, and looks forward to the new authorities ensuring respect for the rule of law and for the promotion and protection of human rights;

17. Also welcomes the admission of the Federal Republic of Yugoslavia to membership in the United Nations;

18. Further welcomes the commitment of, and encourages efforts by, the new democratic authorities of the Federal Republic of Yugoslavia to investigate past abuses of human rights, including violations of the human rights of ethnic groups in Kosovo, the repression and harassment of peaceful political activists, illegal and/or hidden detentions, and other violations of human rights and fundamental freedoms;

19. Welcomes the appointment by the United Nations High Commissioner for Human Rights of the Special Envoy on persons deprived of liberty in connection with the Kosovo crisis in the Federal Republic of Yugoslavia, and calls upon all authorities to cooperate with the Special Envoy;

20. Also welcomes the commitment of the new democratic authorities of the Federal Republic of Yugoslavia to promoting and protecting free and independent media, and looks forward to welcoming the repeal of any laws that hinder the full and free exercise of human rights and fundamental freedoms in the Federal Republic of Yugoslavia;

21. Calls upon all authorities of the Federal Republic of Yugoslavia to respect the rights of all persons belonging to any of its national or ethnic, religious and linguistic minorities;

22. Welcomes the commitment by the Federal Republic of Yugoslavia to implement fully and in good faith its obligations under the Peace Agreement and to abide by the terms of Security Council resolution 1244(1999), and calls upon the Federal Republic of Yugoslavia to cooperate with the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations to alleviate the suffering of refugees and internally displaced persons, to protect them, and to assist their voluntary return to their homes in safety and with dignity;

23. Encourages States to consider providing additional voluntary contributions to support the new democratic authorities so that they may meet the pressing human rights and humanitarian needs in the area;

24. Calls upon the authorities of the Federal Republic of Yugoslavia to comply with their obligation to cooperate fully with the International Tribunal for the Former Yugoslavia, and welcomes the announced reopening of the Office of the International Tribunal in Belgrade and the pledge of the authorities of the Federal Republic of Yugoslavia to cooperate with it;

25. Underlines the obligation of the authorities of the Federal Republic of Yugoslavia to abide by the terms of Council resolution 1244(1999) and the general principles on a political solution to the Kosovo crisis adopted on 6 May 1999 and annexed to that resolution;

26. Reaffirms that the human rights and humanitarian situation in Kosovo shall be addressed within the framework of a political solution based and built upon the general principles set out in the annex to Council resolution 1244(1999);

27. Welcomes the efforts of the United Nations Interim Administration Mission in Kosovo and the Kosovo Force, and calls upon all parties in Kosovo and the authorities of the Federal Republic of Yugoslavia to cooperate fully with the Mission and the Force in the fulfilment of their respective mandates;

28. Encourages States to consider providing additional voluntary contributions to support the Mission in meeting the pressing administrative, human rights and humanitarian needs in the area;


30. Recognizes the strong efforts of the Mission, the United Nations civilian police and the Kosovo Police Service in developing and training the core of a multi-ethnic local police force throughout Kosovo;

31. Calls upon all parties in Kosovo to cooperate with the Mission to ensure full respect for all human rights and fundamental freedoms and democratic norms in Kosovo;

32. Urges all parties in Kosovo to support and strengthen a multi-ethnic society in Kosovo that respects the rights of all persons belonging to minorities and that includes them in all provisional and new civil administration institutions in Kosovo, and to support the Mission fully in this regard;

33. Welcomes the recent holding of peaceful municipal elections in Kosovo, which is a landmark in the democratic development of Kosovo and in the implementation of Council resolution 1244(1999), and commends in this regard the support by all parties of the efforts of the Mission;

34. Commends the Mission for its efforts to create an independent and impartial judiciary system in Kosovo, and urges all local Serb and Albanian leaders, and the leaders of other minorities in Kosovo, to take all steps necessary to support these efforts;

35. Calls upon all local Kosovar officials, ethnic representatives and all individuals to respect the right to freedom of opinion and expression for all points of view, the right to a free, independent media and the right to freedom of religion;
36. Calls upon the authorities in the Federal Republic of Yugoslavia, and the representatives of all ethnic groups in Kosovo, to condemn all acts of terrorism and forced evictions from homes or places of work of any resident of Kosovo, whatever the ethnic background of the victim and whoever the perpetrators, to refrain from all acts of violence and to use their influence and leadership to bring all parties to cooperate fully with the Force and the Mission in stopping these incidents and in bringing the perpetrators to justice;

37. Stresses the importance of the return of refugees and of all displaced persons, whatever their ethnic background, and expresses its concern about reports of continuing harassment or other impediments in this regard;

38. Also stresses the importance for, and the responsibility of, all parties in Kosovo to suppress all harassment of individuals or groups of any background and to create a secure environment that will offer to all those who wish to remain in Kosovo, irrespective of ethnic origin, a genuine possibility of doing so;

39. Further stresses the urgent need for all ethnic groups to cooperate with the Mission and the Force to rebuild and strengthen common institutions for all and to desist from creating any sort of parallel institutions;

40. Calls upon the authorities of the Federal Republic of Yugoslavia to release those persons detained and transferred from Kosovo to other parts of the Federal Republic of Yugoslavia, or to specify the charge under which each individual is detained and to afford them due process of law, and to guarantee their families and non-governmental organizations and international observers unimpeded and regular access to those who remain in detention, and, in this regard, welcomes as a first important step the release of the prominent human rights activist, Flora Brovina, and the release of twenty-three additional detainees;

41. Calls upon the authorities of the Federal Republic of Yugoslavia, and all local Kosovo ethnic Serb and Albanian leaders, to provide information on the fate and whereabouts of the high number of missing persons from Kosovo, and encourages the International Committee of the Red Cross, in this regard, to continue its clarification efforts, in cooperation with other organizations;

42. Expresses its concern about the forced ethnic division of any part of Kosovo as being contrary to Council resolution 1244(1999) and to the guiding principles of the Rambouillet accords, and stresses the need for all parties in Kosovo to take all necessary measures to prevent or reverse any action that de facto or de jure permits such ethnic cantonization;

43. Condemns all trafficking in women by any party in Kosovo, and calls upon the local authorities and the Mission to take all steps necessary to prevent and stop it;

44. Requests the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia to continue to monitor closely the situation of human rights in Kosovo, and to report his findings to the Commission at its fifty-seventh session and to the General Assembly at its fifty-sixth session;

45. Decides to continue its examination of this question at its fifty-sixth session under the item entitled "Human rights questions".

**Russian Federation**

**Republic of Chechnya**

**Report of High Commissioner.** On 5 April [E/CN.4/2000/SR.28], the High Commissioner reported orally to the Commission on her visit to the north Caucasus region of the Russian Federation (Ingushetia, Dagestan, Chechnya, 31 March-4 April). She also had a series of meetings in Moscow with international humanitarian organizations active in the north Caucasus and with Russian and international NGOs. Before traveling, she gave the Russian Government a list of some of the most serious allegations of human rights abuses in Chechnya.

From the Commission's perspective, the most pressing and immediate issue concerned the adequacy and credibility of the response by the Russian authorities to the scale of allegations of human rights violations in the region. Nine criminal prosecutions had been opened for offences against civilians. In her discussions in Moscow with the Minister for Foreign Affairs and other government members, the High Commissioner raised the possibility of establishing a broad-based, independent national commission of inquiry. Although she recognized the complexity of the situation, the High Commissioner believed that the primary responsibility for addressing human rights violations rested with the Russian authorities; she offered to send them models of national commissions of inquiry.

On 1 April, the High Commissioner travelled to Nazran, the capital of Ingushetia, where an estimated 213,000 internally displaced persons had fled. She heard testimony from witnesses of alleged mass killings, summary executions, rape, torture and pillage; those accounts bore out the seriousness of the alleged violations by the Russian military, militia and Ministry of the Interior forces in Chechnya. She visited Chechnya on 2 April, where she spoke to some of the remaining residents of Grozny, chiefly women and the elderly, who complained bitterly of the lack of food and miserable living conditions. They were also anxious about relatives who had been detained. The scale of destruction in Grozny was shocking, said the High Commissioner.

The High Commissioner welcomed the agreement of the Russian authorities to provide access by ICRC to places of detention in Chechnya. The Russian Minister for Foreign Affairs had invited
her to return to Moscow, Chechnya and the north Caucasus later in the year to assess the situation.

Commission action. On 25 April [res. 2000/58], by a roll-call vote of 25 to 7, with 19 abstentions, the Commission called on all parties to the conflict in Chechnya to halt the hostilities and the indiscriminate use of force and to hold a political dialogue and negotiations to solve the crisis. The Russian Federation was called on to establish urgently a national, broad-based and independent commission of inquiry to investigate alleged human rights violations and breaches of international humanitarian law committed in Chechnya. It was also asked to disseminate, and ensure that the military had knowledge of, basic principles of human rights and international humanitarian law.

The Commission asked the Special Rapporteurs on the question of torture, on extrajudicial, summary or arbitrary executions, and on violence against women, the Special Representative of the Secretary-General for Children and Armed Conflict and the Representative on internally displaced persons to carry out missions to Chechnya and neighbouring republics and to report thereon to the Commission and the General Assembly. The High Commissioner was asked to facilitate their tasks and to consult with the Russian Federation to ensure the implementation of the current resolution. The High Commissioner was asked to report to the Commission in 2001 and to keep it and the Assembly informed on further developments.

**ECONOMIC AND SOCIAL COUNCIL ACTION**

On 28 July, the Economic and Social Council, on the recommendation of the Commission on Human Rights [E/2000/23 & Corr.1], adopted decision 2000/273 by recorded vote (21-6-15) [agenda item 14 (g)].

**Situation in the Republic of Chechnya of the Russian Federation**

At its 45th plenary meeting, on 28 July 2000, the Economic and Social Council, taking note of Commission on Human Rights resolution 2000/58 of 25 April 2000, approved the Commission's request to the relevant special rapporteurs and working groups of the Commission, namely, the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on violence against women, its causes and consequences, the Representative of the Secretary-General on internally displaced persons and the Special Representative of the Secretary-General for Children and Armed Conflict, to undertake missions to the Republic of Chechnya and neighbouring republics without delay and to submit reports to the Commission and to the General Assembly as soon as possible.

**Middle East**

**Lebanon**

Commission action. On 18 April [res. 2000/16], by a roll-call vote of 51 to 1, with 1 abstention, the Commission deplored continued Israeli violations of human rights in southern Lebanon and western Bekaa and called on Israel to end those practices. Israel was also called on to comply with the Geneva Conventions of 1949, particularly the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), and to release all Lebanese who had been imprisoned and held as hostages for bargaining purposes, as well as others arbitrarily detained in the occupied territories. The Commission asked the Secretary-General to bring its resolution to Israel's attention and to invite Israel to provide information on its implementation. He was asked to report to the General Assembly in 2000 and to the Commission in 2001.

**ECONOMIC AND SOCIAL COUNCIL ACTION**

On 28 July, the Economic and Social Council, on the recommendation of the Commission on Human Rights [E/2000/23 & Corr.1], adopted decision 2000/249 by recorded vote (43-1) [agenda item 14 (g)].

**Human rights situation in southern Lebanon and western Bekaa**

At its 45th plenary meeting, on 28 July 2000, the Economic and Social Council, taking note of Commission on Human Rights resolution 2000/16 of 18 April 2000, approved the Commission's request to the Secretary-General:

(a) To bring Commission resolution 2000/16 to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its fifty-fifth session and to the Commission at its fifty-seventh session on the results of his efforts in this regard.

**RECORDED VOTE ON DECISION 2000/249:**

In favour: Algeria, Angola, Austria, Bahrain, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Burkina Faso, Canada, China, Colombia, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Fiji, France, Germany, Greece, India, Indonesia, Italy, Japan, Mexico, Morocco, New Zealand, Norway, Oman, Pakistan, Poland, Portugal, Russian Federation, Saint Lucia, Saudi Arabia, Sudan, Suriname, Syrian Arab Republic, United Kingdom, Venezuela, Viet Nam.

Against United States.
Human rights

Reports of Secretary-General. In response to a 1999 Commission request [YUN 1999, p. 736], the Secretary-General stated that he had asked Israel for information on the extent of the implementation of the Commission's 1999 resolution on the situation of human rights in southern Lebanon and western Bekaa [ibid.], but had received no reply [E/CN.4/2000/28].

In September [A/55/400], the Secretary-General informed the General Assembly that he had asked Israel for information on the implementation of the Commission's 2000 resolution (see p. 773) and had received no reply.

Territories occupied by Israel

During the year, the question of human rights violations in the territories occupied by Israel as a result of the 1967 hostilities in the Middle East was again considered by the Commission on Human Rights. In addition to considering the matter at its fifty-sixth session in March/April, the Commission held a special session to discuss the matter in October following an escalation of violence. Political and other aspects were considered by the General Assembly, its Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (Committee on Israeli Practices) and other bodies (see PART ONE, Chapter VI).

Reports of Secretary-General. Pursuant to a 1999 Commission resolution [YUN 1999, p. 738], the Secretary-General reported that he had brought that resolution, which concerned the occupied Syrian Golan, to the attention of all Governments, the Committee on Israeli Practices, the Committee on the Exercise of the Inalienable Rights of the Palestinian People (Committee on Palestinian Rights), the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA), the specialized agencies, regional intergovernmental organizations and international humanitarian organizations [E/CN.4/2000/23]. The UN Department of Public Information provided press coverage for all meetings of the Committee on Israeli Practices and distributed information through documents, press releases, briefings and UN information centres and services.

Also in response to a 1999 Commission resolution [YUN 1999, p. 737], the Secretary-General stated that he had brought that resolution, dealing with violations of human rights in the occupied Arab territories, to the attention of the Government of Israel and all other Governments, the Committee on Israeli Practices and the Committee on Palestinian Rights, as well as to the attention of the specialized agencies, UNRWA, regional intergovernmental organizations and international humanitarian organizations, requesting information pertaining to Israel's implementation of the resolution [E/CN.4/2000/22]. He had received no reply. By a March addendum to that report [E/CN.4/2000/22/Add.1], the Secretary-General transmitted a reply from the League of Arab States (LAS), which contained information on Israeli violations of Palestinian human rights in the occupied territories, on the suffering of the Lebanese from occupation and the Israeli aggression in southern Lebanon, and on Israeli practices affecting the human rights of Syrian citizens in the occupied territories.

The Secretary-General submitted to the Commission, in February, a list of all General Assembly and other reports issued since 30 April 1999 on the situation of the population living in the occupied Arab territories [E/CN.4/2000/24].

Report of Special Rapporteur. In March [E/CN.4/2000/25], Special Rapporteur Giorgio Giacometti (Italy) discussed the human rights situation in the occupied Palestinian territories. The principal concerns included the right of return of persons residing in those territories; forced eviction of Palestinians; demolition of Palestinian homes; the implantation of Israeli settlers in the territories; practices that affected the natural environment of the occupied territories (degradation of the infrastructure, land confiscation, water depletion, uprooting of trees, dumping of toxic wastes and other pollution); closures of the occupied territories and their impact on the freedoms of movement, education, religion, expression and information; collective punishment; and discrimination against Palestinian workers. In addition, the Special Rapporteur discussed human rights violations against children, women and the family, violations of the rights of Palestinian prisoners and the application of double standards regarding the administration of justice. In East Jerusalem, where violations continued to be particularly intense, he pointed to the wholesale imposition of Israeli domestic law in the city, and the special discrimination practised by Israel's arbitrary denial and revocation of residency, which divided families. The Special Rapporteur recommended rigorous implementation of the relevant international norms, which implied the reversal of illegal trends, correction and, where appropriate, restitution.

Commission action. On 17 April [res. 2000/6], by a roll-call vote of 31 to 1, with 19 abstentions, the Commission condemned the continued human rights violations in the occupied Palestinian territories, and called on Israel to cease those acts immediately. Condemning the expropriation of Palestinian homes in Jerusalem, the revocation
of identity cards, the imposition of exorbitant taxes aimed at forcing Palestinians out of Jerusalem and the use of torture against Palestinians during interrogation, the Commission called on Israel to end those practices. The Commission also called on Israel to cease its policy of enforcing collective punishments; desist from all forms of human rights violations in the Palestinian and other occupied Arab territories and respect the bases of international law, the principles of international humanitarian law and its international commitments and agreements; and withdraw from the Palestinian territories. The Secretary-General was asked to bring the Commission's resolution to the attention of the Government of Israel and all other Governments, competent UN organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report in 2001 on its implementation by Israel. He was also asked to provide the Commission with all UN reports issued between its sessions that dealt with conditions in which the Palestinians were living under Israeli occupation.

Also on 17 April [res. 2000/7] and by the same roll-call vote, the Commission called on Israel to comply with UN resolutions on the occupied Syrian Golan and demanded that it rescind its decision to impose its laws, jurisdiction and administration on that occupied territory. It also called on Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and to desist from imposing Israeli identity cards on Syrian citizens of the Syrian Golan and from its repressive measures against them. The Secretary-General was asked to bring the Commission's resolution to the attention of all Governments, UN organs, specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to give the resolution wide publicity and to report in 2001.

On the same date [res. 2000/8], by a roll-call vote of 50 to 1, with 1 abstention, the Commission, expressing grave concern at Israeli settlement activities in the occupied Arab territories, including East Jerusalem, and condemning all acts of terrorism, called on all parties not to allow those acts to affect the ongoing peace process negatively. The Commission urged Israel to comply fully with the Commission's previous resolutions; to cease its policy of expanding the settlements and related activities in the occupied territories; and to forgo and prevent any new installation of settlers.


The Commission on Human Rights held its fifth special session in Geneva from 17 to 19 October [E/2000/112 & Add.1] (see next page). The session was requested by Algeria [E/CN.4/S-5/2] on behalf of the Council of Arab Permanent Representatives, members of LAS, to discuss "the grave and massive violations of the human rights of the Palestinian people by the Israeli occupying Power".


He stated that the full range of human rights violations reported earlier (see p. 774) had remained constant. However, a number of violations from that spectrum had shown a dramatic upsurge since late September. The Special Rapporteur reported that Israel had dramatically escalated the use of lethal force against civilians, in response to demonstrations that began in Jerusalem and spread throughout the West Bank and Gaza Strip. Since 28 September, Israeli forces had killed at least 85 Palestinians, of whom more than 20 were under the age of 18, in the occupied Palestinian territories, and an estimated 2,000 to 3,700 were wounded. Israeli forces had obstructed, beaten and/or shot emergency medical personnel on duty, thus denying emergency medical aid to victims and wounding medical personnel. The level and number of casualties had strained local medical services beyond capacity. Israel's current closure of the occupied territories was characterized also by the sealing off of Palestinian populated areas, preventing free movement of people and material, and creating shortages and a sense of isolation. Freedom of movement was denied to businessmen and other professionals. Other economic losses included those resulting from the demolition of physical structures, including homes and apartments, the damaging and burning of vehicles, including
ambulances, and vandalism of homes. The Special Rapporteur remained convinced that the current conflict had its roots in accumulated grievances and resentment at the continuing violations of human rights and humanitarian norms under Israeli occupation. He recommended that Israel issue orders to all its forces consistent with international humanitarian norms and that those orders be rigorously implemented. He supported the idea of establishing a mechanism for a speedy and objective inquiry into the ongoing crisis, and recommended establishing an observer and/or guarantor body to build up a sense of security and confidence on both sides.

Communication. On 19 October [E/CN.4/S-5/4], Israel stated that the Special Rapporteur's report was biased and selective. The allegations against Israel were unsubstantiated, the sources were never identified and those aspects that might have given a more balanced picture were ignored or otherwise curtailed. Attention should have been given to the continued Palestinian violations of written commitments, particularly to fighting terrorism and preventing incitement.

Commission action. On 19 October [E/2000/112 res. S-5/1], by a roll-call vote of 19 to 16, with 17 abstentions, the Commission strongly condemned the use of force by Israel against Palestinians, causing the death of 120 civilians, and called on Israel to end the use of force against unarmed civilians and to abide by its legal obligations under the Fourth Geneva Convention. It called on the international community to secure the cessation of violence by Israel and end the ongoing violations of the Palestinians' human rights.

The Commission decided to establish a human rights inquiry commission to gather information on violations of human rights that constituted grave breaches of humanitarian law by Israel. It further decided to request the High Commissioner to undertake an urgent visit to the occupied territories and to request several of the Commission's special rapporteurs, the Working Group on Enforced or Involuntary Disappearances and others to visit the occupied territories and to report to the Commission in 2001 and to the General Assembly in 2000. Those and other requests of the Commission were endorsed by the Economic and Social Council in the decision below.

ECONOMIC AND SOCIAL COUNCIL ACTION

On 22 November, the Economic and Social Council, on the recommendation of the Commission on Human Rights [E/2000/112 & Add.1], adopted decision 2000/311 by recorded vote (21-19-11) [agenda item 14 (g)].

Grave and massive violations of the human rights of the Palestinian people by Israel

At its 48th plenary meeting, on 22 November 2000, the Economic and Social Council, taking note of Commission on Human Rights resolution S-5/1 of 19 October 2000, endorsed the Commission's decisions:

1. To establish, on an urgent basis, a human rights inquiry commission, whose membership should be based on the principles of independence and objectivity, to gather and compile information on violations of human rights and acts that constituted grave breaches of international humanitarian law by the Israeli occupying Power in the occupied Palestinian territories and to provide the Commission with its conclusions and recommendations, with the aim of preventing the repetition of the recent human rights violations;

2. To request the United Nations High Commissioner for Human Rights to undertake an urgent visit to the occupied Palestinian territories to take stock of the violations of the human rights of the Palestinian people by the Israeli occupying Power, to facilitate the activities of the mechanisms of the Commission in implementation of the present decision, to keep the Commission informed of developments and to report to the Commission at its fifty-seventh session and, on an interim basis, to the General Assembly at its fifty-fifth session;

3. To request the Special Rapporteur on extra-judicial, summary or arbitrary executions, the Representative of the Secretary-General on internally displaced persons, the Special Rapporteur on the question of torture, the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on religious intolerance, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and the Working Group on Enforced or Involuntary Disappearances to carry out immediate missions to the occupied Palestinian territories and to report the findings to the Commission at its fifty-seventh session and, on an interim basis, to the General Assembly at its fifty-fifth session.

Report of High Commissioner. In accordance with the Commission's request, as endorsed by the Economic and Social Council, the High Commissioner visited the occupied Palestinian territories, Israel, Egypt and Jordan (8-16 November) [E/CN.4/2001/114].

In the occupied Palestinian territories, the most persistent allegation brought to the High Commissioner's attention was the excessive use of force by Israeli security forces. The Minister of Health of the Palestinian Authority (PA) estimated that between 29 September and 9 November, some 6,958 persons (3,366 in the West Bank and 3,592 in the Gaza Strip) had been wounded and 1,016 Palestinians had been injured in Israel. Senior Israel Defence Forces (IDF) officers told the High Commissioner that the methods and weapons used were carefully calibrated ac-
Jerusalem wished to have full responsibility for who had used firearms or petrol bombs in attacks against Israeli forces. The destruction of housing had left more than 1,000 children without homes, often in situations of food shortage and without access to medical care. Since the beginning of October, more than 40 schools had been closed or were unable to operate owing to curfews or closures. Many children suffered from psychological and social problems due to the current situation. Very serious allegations were made of attacks by Israeli security forces on residential homes, often in situations of food shortage and without access to medical care. Since the beginning of October, more than 40 schools had been closed or were unable to operate owing to curfews or closures. Many children suffered from psychological and social problems due to the current situation. Very serious allegations were made of attacks by Israeli security forces on medical personnel and ambulances. According to IDF, clearances and demolition of property had taken place as a matter of military necessity—meaning that compensation was not payable—because the structures or plantations had been used as cover by Palestinian gunmen. In response to the High Commissioner's call for lifting or easing the closures, which heavily restricted freedom of movement, IDF drew a link between the closures and the release in October by the PA of some 80 prisoners whom Israeli authorities considered a major security threat (see p. 420). Should the 80 prisoners be reincarcerated then the closures would be lifted the same day.

Since October, access to the Al-Aqsa Mosque had been denied to Muslims under the age of 45. Muslim and Christian leaders representing the Palestinian and Armenian communities in East Jerusalem wished to have full responsibility for their own holy places and complained of disrespectful behaviour by Israeli troops stationed at the holy sites. The Israeli authorities told the High Commissioner that the restrictions were necessary to prevent armed extremists from occupying the holy sites, which would necessitate an Israeli military response.

Some 128,000 Palestinian workers, normally employed in Israel, were barred from travelling to their workplaces due to closure. UN studies reported a 50 per cent reduction in normal economic activity within the territories. Access was a major preoccupation for all humanitarian organizations, affecting emergency evacuation of seriously injured civilians and the import of donations of humanitarian goods and equipment from abroad. The Ministry of Defence indicated that it was doing everything possible to facilitate humanitarian access.

Following her visits to Gaza, Hebron and Ramallah, the High Commissioner visited Israel where, among other things, she discussed with the Israeli authorities the use of force by IDF. IDF officers described as typical a situation that commenced with stone-throwing but quickly escalated into armed attacks. It was stated that out of 5,085 attacks on Israeli settlements, some 1,400 had involved live fire. According to IDF rules of engagement, attackers who used live ammunition could be shot by soldiers and sharpshooters deployed for that purpose. New weapons systems, they said, were being developed, which, IDF hoped, would be deployed to control crowds effectively at longer ranges with little or no risk of injury. The High Commissioner pursued with IDF the issue of how the use of lethal force was investigated, what punishments were available for improper or excessive use of such force, and how many investigations had been conducted to date and with what result.

Most of the Arab Israelis whom the High Commissioner met described their situation as one of exclusion, prejudice, official hostility and routine humiliation. Since 28 September, however, the threat of violence had become their primary concern. On 11 November, the Government of Israel decided to establish a State commission of inquiry to look into the clashes, since 29 September, between the security forces and Israeli citizens in which 13 Arabs were killed and hundreds of people injured. The Minister of Justice reiterated his commitment to establish a human rights commission and mentioned that research had been carried out on national human rights institutions. The High Commissioner offered the services of her Special Adviser on National Human Rights Institutions to assist the Government to establish a national commission.

In Egypt, the High Commissioner discussed with senior government officials and the LAS Secretary-General the human rights situation in the occupied Palestinian territories and the follow-up to the Commission's special session.

The High Commissioner was received in Jordan by His Royal Majesty King Abdullah II, who expressed deep concern about recent developments and said that Jordan was sparing no efforts to assist both parties in implementing decisions agreed upon in Sharm el-Sheikh in 1999 (Y UN 1999, p. 401).

The High Commissioner recommended peaceful negotiation, exploring the feasibility of establishing an international monitoring presence and assistance by the international community through the task force established under the terms of the Sharm el-Sheikh Memorandum. She outlined specific steps to stop the escalation of violence. The High Commissioner would continue to assist the PA to build up its institutional capacity in the area of the rule of law, offer the services of her Special Adviser on National Human Rights Institutions to assist Israel, pro-
vide secretariat support to the Commission and its mechanisms to implement resolution S-5/1, be ready to facilitate dialogue between the human rights bodies of Israel and the PA, Palestinian and Israeli NGOs and other representatives of civil society, and urge the international community to support the work of UN agencies in the occupied Palestinian territories and to contribute to the various resource mobilization initiatives.

By a December note [A/55/684], the Secretary-General transmitted the High Commissioner's report to the General Assembly.

**Communication.** In identical reports to the Assembly [A/55/800] and to the Commission [E/CN.4/2001/133], Israel presented its views on the High Commissioner's report. It described what it claimed were the shortcomings of the report and presented its views on the current violence and Palestinian and Israeli policies and practices.