

Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions

Many States had posed questions and comments to the Special Rapporteur on extrajudicial, summary or arbitrary executions yesterday² but there had been insufficient time for the Special Rapporteur to respond. Mr Alston was therefore given the opportunity to respond to the questions at the beginning of the morning session today.

Responding to Algeria's critique of his comments on their draft law on peace and national reconciliation, Mr Alston reiterated his position that granting such broad amnesty to past human rights violators is considered unacceptable by international standards. Algeria made use of their right of reply to inform Mr Alston that the proposed law is not in fact an amnesty law. They also criticised the Special Rapporteur for circumventing diplomatic etiquette by not first submitting his concerns to the Algerian mission in Geneva.

Mr Alston restated his grave concern over Nigeria's employment of the death penalty through the Sharia courts as punishment for the crimes of sodomy and adultery. He found the State's assertion that the death penalty is "appropriate and fair" for such crimes to be completely unacceptable.

During the previous day's interactive dialogue, Iran had reiterated its open invitation to special procedures. Mr Alston expressed appreciation for this but explained that while he while recognised the difficulties with setting a date, three years was simply too long to wait for a country visit.

In his reply to the previous day's comments from Sri Lanka, Mr Alston again expressed concern that the proposed National Commission dealing with issues of extra-judicial killings would not be viewed as a credible, impartial body. He stressed the important need for international involvement. Sri Lanka responded by accusing the Special Rapporteur of confusing the issue, stating that they had the full intention of employing international human rights experts on the Commission.

Special Representative on Internally Displaced Persons

As the Special Representative of the Secretary-General on Internally Displaced Persons (IDPs) was not able to respond to all the questions and comments he received yesterday because of shortage of time, he was given the opportunity to do so at the morning session today.³

In response to Finland's question concerning the internal displacement created by the mass eviction of thousands in Zimbabwe's Operation Murambatsvina, Mr Kälin responded that he was not in a position to assess if the situation of the IDPs there had improved. In its right of reply, Zimbabwe attacked Finland, accusing it of heavy bias and asked them not to meddle in the internal affairs of Zimbabwe.

The situation of Sudan had been raised the previous day by Canada, which had queried possible solutions to ensure better humanitarian access to Sudan. In response, the Special Rapporteur stressed the need for the full implementation of the Abuja peace agreement, and the deployment of UN peace-keeping forces in the region.

² See the *Council Monitor Daily Update*, 19 September 2006, <http://www.ishr.ch/hrm/council/updates/dailyupdates.htm>, for a summary of Mr Alston's presentation and the interactive dialogue.

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On the topic of the growing number of IDPs created as a result of natural disasters, Mr Kälin was clear that the *Guiding Principles on Internal Displacement* (the Guiding Principles) were adequate to address these situations. In relation to Sri Lanka, the Special Rapporteur stressed the importance of the State's reaction in the first 48 hours following a natural disaster. Having never examined the situation in Sri Lanka on the ground, Mr Kälin was unable to provide suggestions for improving the security of humanitarian missions in the north of the country. In addition, he responded to Azerbaijan (which had asked a specific question on this matter the previous day) by stating that there was no essential difference in terms of relief measures between IDPs created by intra-state or inter-state conflict. However, it does affect procedures for ensuring return, since there are two actors to deal with in the latter situation.

Special Rapporteur on Violence Against Women

The Special Rapporteur on violence against women, its causes and consequences, Ms Yakin Ertürk, presented to the Council her third report on violence against women, as well as country reports from her missions to the Russian Federation, Iran, Mexico and Afghanistan.⁴ In her statement to the plenary,⁵ Ms Ertürk emphasised the concepts of 'due diligence' and 'cultural negotiation'⁶ as central to tackling violence against women across the world. She also drew on the importance of moving away from state-centric attitudes and called on international organisations and Transnational Corporations (TNCs) to take on the responsibility of working to address violence against women. Ms Ertürk informed the Council of her investigations carried out this year in Turkey, Sweden and the Netherlands for which the reports will be published in 2007. She then updated the Council on developments in the countries where she had been on mission.

The Special Rapporteur was encouraged by the recent establishment of the Inter Ministerial Commission on the Promotion of Equality of Men and Women in the Russian Federation. However, with specific reference to the Chechen Republic, Ms Ertürk stressed her concern about continuing extrajudicial executions, rape and ill-treatment, allegedly by security forces. She accepted that the State was not directly the perpetrator of these crimes but, underscoring her notion of due diligence, highlighted that it was still the obligation of the State to protect its citizens in all circumstances. On Iran, Ms Ertürk commended the access to education for women in Iran, however, reiterated the necessity for legal and judicial reform. She specifically mentioned her horror that the Iranian Ministry of Interior had declared the Defenders of Human Rights Centre illegal.

Ms Ertürk presented an outline of the country reports of Mexico, where she spoke of the problems found in *Ciudad Juárez* and other areas, and Afghanistan, where she specified two priorities: ending child and forced marriages and the provision of safe houses to protect women against violence. Ms Ertürk stated that she would be visiting Algeria in January 2007. She also plans to visit the Democratic Republic of Congo, Ghana, Saudi Arabia and Zimbabwe⁷ next year. To conclude, Ms Ertürk spoke with regret about the lack of improvement in the situation for women in the Darfur region of Sudan.⁸

⁴ ECN.4/2006/61, 20 January 2006, E/CN.4/2006/61/Add.3, 27 January 2006, E/CN.4/2006/61/Add.4, 13 January 2006, E/CN.4/2006/61/Add.5, 15 February 2006. These reports are available at

www.ohchr.org/english/bodies/chr/sessions/62/listdocs.htm. ISHR has produced unofficial summaries of these reports that are available at <http://www.ishr.ch/hrm/council/SPs/specialprocedures.htm>.

⁵ Oral statements made at the Council can be found on the OHCHR extranet (fill out the form on the page to receive the user name and password) at www.ohchr.org/english/bodies/hrcouncil/form.htm.

⁶ For full explanation of both of these terms refer to 'Underlying Principles' in the Special Rapporteur's report.

⁷ Zimbabwe invited Ms Ertürk to carry out an investigation in their country and the Special Rapporteur encouraged other countries to do the same.

⁸ Ms Ertürk made a country visit to Darfur, Sudan in 2005.