

Commission on Human Rights caught in transition

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FROM 15 March to 23 April 2004, the 60th session of the United Nations Commission on Human Rights is being held in Geneva. While human rights violations in the occupied Arab territories of West Bank and Gaza dominated the 58th session, the war against Iraq overshadowed the 59th session. The violations of the right to life in the occupied Arab territories and occupied Iraq have become rituals and therefore, increasing insensitivity and decreasing outrage against the killings.

The Commission on Human Rights for the first time will deal with human rights violations by the occupying powers in Iraq. For decades, the world's attention has been drawn to massive human rights violations by Saddam Hussein. As no weapons of mass

destruction, the main raison d'être for the war, has been found, human rights violations by Saddam Hussein are raised to justify the Iraq war. Yet, those who preached Saddam Hussein about the rule of law are all set to try him in a Kangaroo court that fails to meet international judicial standards of openness and fairness. The occupying powers and their allies are likely to advocate to do away with the country rapporteur on Iraq to escape international scrutiny.

The situation of human rights in Iran reflects the dilemmas before the Commission. In a clear sign of cooperation with UN, the reformist government led by President Khatami invited the UN Working Group on Arbitrary Detention and Special Rapporteur on the right to freedom of opinion and expression to visit the country last year. But, the rigged elections in February 2004 might reverse the reform processes. Canada, which had

earlier sponsored a resolution against Iran at the General Assembly after the death of photo journalist, Zahra Kazemi is likely to lead the censure motion against Iraq.

Though President Jean-Bertrand Aristide of Haiti has been dislodged from Port Au Prince, the

and arbitrary killings, extrajudicial executions, arbitrary arrests and detention, torture, forced recruitment and use of child soldiers, violations of freedom of expression and attacks on human rights defenders and the judiciary in Liberia. The Independent Expert has not been able to visit Liberia owing to security concerns last

Leone will face justice or become a beneficiary of political skullduggery.

Double standards is synonymous of diplomacy at the Commission on Human Rights. At the 58th session after being voted off the CHR, Kevin E Moley, the US Permanent Representative to the UN in Geneva accused the European Union of hiding behind the United States after the EU failed to sponsor a resolution on the situation of human rights in China. After being voted on, the US itself did not sponsor a resolution at the last 59th session. It remains to be seen whether the State Department's recent grumbling on human rights situation in China will lead to sponsoring a resolution against China.

The European Parliament in a resolution on 10 February 2004 called on the European Union to "sponsor or co-sponsor resolutions on China (in particular addressing the situation in Tibet and Xinjiang and the repression of the Falun Gong), Iran, Pakistan, India (in particular addressing the situation in Gujarat), Indonesia (in particular in Aceh and Papua), Nepal, North Korea, Vietnam, Colombia, Cuba, Haiti, Iraq, the Israeli occupied territories and the area under the Palestinian Authority, Algeria, Tunisia, Morocco, Libya, Liberia, Saudi Arabia, the Central African Republic, Cote d'Ivoire, Cameroon, the Democratic Republic of Congo, Togo, Zimbabwe, Sudan, Chechnya, Belarus, Turkmenistan and Uzbekistan."

The fact that India was not

mentioned even in the oral intervention of the European Union on country situations at the 58th session immediately after the Gujarat riots speaks of the divisions within EU and therefore, the failure to censure gross human rights violations. Even a resolution for monitoring human rights abuses by the Maoists and the Nepal's security forces appears difficult at the 60th session. India has consistently opposed any international mediation including overtures from Secretary General Kofi Annan for resolving the conflict between the Maoists and the government of Nepal. Bangladesh, Bhutan, Maldives, Pakistan and Sri Lanka may rally behind Nepal and India if any resolution on human rights situation in Nepal is tabled.

Since September 11th, counter-terrorism has become synonymous of State terrorism. Though five Britons have been released from Guantanamo Bay, the United States has so far failed to clarify the situation of the prisoners in Guantanamo in respect of international human rights standards and humanitarian law, and consequently either to put them on trial or to release them. Since post September 11th, the number of countries, which need to be preached the respect for rule of law, has increased manifold with the admission of the United States and United Kingdom into the rank and files of the States, which need to be named and shamed.

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involvement of the leader of the rebel National Resistance Front for the Liberation of Haiti, Guy Philippe in the future government will not help to improve the human rights situation. Haiti's former Supreme Court Chief Justice, Boniface Alexandre, has been sworn in as interim President. But establishing the rule of law in a wretchedly poor, conspicuously corrupt and politically divided country will be an uphill task.

At the 59th session, the CHR in an unusual decision released the report of the Independent Expert on Liberia under 1503 Confidential Procedure. The Independent Expert provided information on widespread impunity, deliberate

year. However, as the High Commissioner in his report to the 60th session informs "over 250,000 persons have lost their lives in the conflict since December 1989. At least half of the dead were civilian non-combatants". The High Commissioner further urges, "The crimes committed against the people of Liberia must not go unpunished. Those responsible for the atrocities committed in Liberia must be brought to justice irrespective of their position or status and whether they are members of the government or rebel forces." The question is whether deposed Liberian President Charles Taylor who is accused of committing war crimes also in neighbouring Sierra