

PRESS RELEASE

The United Nations Commission on Human Rights met shortly in the morning of 13 March and decided by consensus (i.e. without vote) to postpone its session for one week. This is the first step to reduce the time of the session to two or three weeks and to limit its activities to a mere formality.

The pretext given for the postponement is that the General Assembly may be about to adopt the resolution establishing the Human Rights Council which is to replace the Commission.

During precedent days, "technical problems" were also mentioned, such as the fact that the documentation was not yet ready.

We wish to state that:

- 1) to our knowledge this is the first time in 58 years that a meeting of the principal organ of the United Nations on human rights is suspended;
- 2) the General Assembly never conditioned the normal functioning of the 62nd session of the Commission on Human Rights (with regard to the preparation or the duration of its session) on the result of debates on the creation of the Human Rights Council. Moreover, the operative paragraph 13 of the draft resolution on the creation of the Human Rights Council which is at present pending at the General Assembly says:

"Recommends the Economic and Social Council to request the Commission on Human Rights to conclude its work at its 62nd session and to abolish the Commission on 16 June 2006."

This is to say that the General Assembly does not adopt decisions with regard to the Commission; rather it formulates a recommendation concerning the Economic and Social Council, which is the superior organ of the Commission, in order that it proceeds to abolish the Commission on Human Rights **one month after the normal end of its 62nd session**, provided that the General Assembly has decided on the creation of the Human Rights Council.

- 3) the Member States of the Commission have violated Article 2 of its Rules, (Rules of Procedure of the Functional Commissions of the Economic and Social Council), which says:

"1. The date of opening of each session of the Commission shall be fixed by the Council, taking into account any recommendation of the Commission and in consultation with the Secretary-General.

2. In exceptional cases, the date of opening of a session may be altered by the Secretary-General in consultation with the Committee on Conferences of the General Assembly and, whenever practicable, with the Chairman of the Commission.

To invoke Article 48 of the Rules which refers to suspension or adjournment of the session is not pertinent. In fact, the article says: *During the discussion of any matter, a representative may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted, and they shall be put to the vote immediately.*

Obviously Article 48 deals with the suspension or adjournment of ONE session during a debate and not of the POSTPONEMENT OF THE BEGINNING OF THE SESSION OF THE COMMISSION, ALTHOUGH IT IS BEING MASKED AS A SUSPENSION PROVIDED FOR IN ARTICLE 48 OF THE RULES.

- 4) There are no technical reasons to postpone the beginning of the session, because almost all documents are ready (see www.ohchr/english/bodies/chr/sessions/62/listdocs.htm#9). The staff of the Secretariat has done its work and if aspects of the preparation of the session are delayed this is attributable to the

High Commissioner on Human Rights whose mandate includes: *that the High Commissioner for Human Rights shall be the United Nations official with principal responsibility for United Nations human rights activities under the direction and authority of the Secretary-General*" (Resolution 48/141 General Assembly).

Furthermore, although delays in the preparatory period of the Commission respond to instructions received by the Secretary General, the High Commissioner cannot invoke "due obedience" to violate rules in force in the United Nations.

There is therefore no valid reason for having postponed the beginning of the session of the Commission on Human Rights.

The true reason is the pressure or blackmailing of the Government of the United States which does not want that the Commission to meet in order to avoid dealing with some of the massive human rights violations committed by the said Government, among them those quoted in the report E/CN.4/2006/120 of 15 February 2006:

Situation of detainees in Guantánamo Bay

Report of the Chairperson of the Working Group on Arbitrary Detention, Ms. Leila Zerrogui; the Special Rapporteur on the independence of judges and lawyers, Mr. Leandro Despouy; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Manfred Nowak; the Special Rapporteur on freedom of religion or belief, Ms. Asma Jahangir and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mr. Paul Hunt.

By giving in to the blackmailing and pressures, the Member States of the Commission are more than violating the Rules, they have in fact violated Article 68 of the Charter, which is the normative basis of the existence and functioning of the Commission on Human Rights. And the General Secretariat of which the High Commissioner is part has also violated Article 100 of the UN Charter which says ..."*1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization*".

Geneva, 13 March 2006

American Association of Jurists (AAJ)

Europe – Third World Centre (CETIM)

International League for the Rights and Liberation of Peoples (LIDLIP)