

الجمهورية الجزائرية الديمقراطية الشعبية

RÉPUBLIQUE ALGÉRIENNE DÉMOCRATIQUE ET POPULAIRE

MISSION PERMANENTE
AUPRÈS DE L'OFFICE DES NATIONS UNIES
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EN SUISSE



البعثة الدائمة
لدى مكتب الأمم المتحدة
والمنظمات الدولية بسويسرا

HUMAN RIGHTS COUNCIL 4TH ORDINARY SESSION

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Ministry of Foreign Affairs of Algeria

On behalf of the Arab Group

Human rights situation in Darfur

Geneva, 16 March 2007

Mr. President,

I have the honour to take the floor in the name of the Arab Group.

We are assembled today to review progress achieved in the implementation of decision S-4/101 on the situation of human rights in Darfur. The Arab Group is not commenting on the substance of Doc.A/HCR/4/80 because we do not consider that the document has the requisite legitimacy for the following reasons:

- Art 4 of the decision stipulated that the High-Level Mission was composed of “five highly qualified persons”. Doc. A/HCR/4/80 calls itself a “Report of the High-Level Mission” which it is not since one Member resigned from the Mission while another declined to go to Chad which he considered not to be within the remit of the Mission tasked with assessing the Human Rights Situation in Darfur.

Therefore this document is not a Report of the High-Level Mission that it claims to be.

- One of the persons appointed was the subject of legitimate suspicion for having already taken position publicly against the Government of Sudan which it had accused of war crimes and of genocide before his appointment.

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The Group feels that these facts constitute grave flaws which affect the legitimacy of the said document and that such difficulties should have led the Mission to defer its departure and seek guidance from the Council before deciding:

- a) to go to Ethiopia and to Chad which it had not been asked to travel to;
- b) to do without, or to replace, those Members who could not be part of the Mission or who resigned from it while maintaining the intended geographic balance of “the 5 person and 5 region” mission;
- c) to take the position on that proper theme of the Mission should be to investigate with respect to Darfur the degree of application of the “the responsibility to protect” principle rather than the dual objective assessing both the human rights situation in Darfur and the needs of the Sudan in this regard;

- d) to take the position of saying that no fact-finding mission was necessary for them to make the requested assessment on 5 January, that is before the problem of visas came to a head, in spite of the fact that it was abundantly clear from the debate that led to the adoption of the relevant decision at the Special Session that emphasis had been put on the necessity to access to the truth first-hand, irrespective of the exacerbated media campaign.

The leader of a comparable Mission, Archbishop Desmond Tutu who was refused access to Israel, did not feel it ethical to send a report on his mission, sight unseen.

Indeed, these High-Level Missions by persons who, contrary to relevant mandate-holders, do not have up-to-date first-hand knowledge of areas of human rights assessment entrusted to them, must needs be, rely to a greater extent on direct access to these areas.

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In conclusion the acceptance by the Sudan and by the groups to which it belongs including the Arab group to co-sponsor the request for the Special Session which led to the endorsement of both the Sudan and its regional groups of the final decision of the Special Session, was a refreshing change from past stonewalling of previous Special Sessions. Yet Sudan alone has been more vilified by some quarters at this session in spite of all signs of good will expressed, while the outright stonewalling of the above Council decisions hardly drew any comment from the same sources.

The way we deal with this situation will constitute a momentous precedent for the future at a time when we are engaged in institution building. This Council needs to encourage, not sanction, expressions of good will addressing "through dialogue and cooperation" as mandated by GA resolution 60/251 OP 5 (f) the legitimate concerns of States to be visited by High-Level Missions. These States will then have no excuse not to reciprocate.

Thank you
