

ACTION IO-00

INFO	LOG-00	EEB-00	AF-00	AID-00	AMAD-00	CIAE-00	INL-00
	DODE-00	WHA-00	EAP-00	DHSE-00	EUR-00	UTED-00	TEDE-00
	INR-00	LAB-01	L-00	NEA-00	DCP-00	NSAE-00	ISN-00
	NSCE-00	OIC-00	OIG-00	NIMA-00	PA-00	GIWI-00	PRS-00
	P-00	ISNE-00	DOHS-00	SP-00	IRM-00	SS-00	STR-00
	TRSE-00	NCTC-00	FMP-00	PRM-00	DRL-00	G-00	SCA-00
	SAS-00	FA-00	SWCI-00	/001W			

-----E1C48A 111417Z /38

R 111404Z JUL 07
 FM USMISSION GENEVA
 TO SECSTATE WASHDC 4709
 USMISSION USUN NEW YORK

RELEASED IN FULL

UNCLAS GENEVA 001766

STATE FOR IO-RHS, DRL-MLA, L-HRR

E.O. 12958: N/A
 TAGS: PHUM, UNHRC-1
 SUBJECT: Enforced Disappearances - #20 in Geneva 2007 Communications
 Log

1. Mission has received a communication from the Chairman-Rapporteur on the Working Group on Enforced or Involuntary Disappearances, Santiago Corcuera, regarding the implementation of the Declaration on the Protection of All Persons from Enforced Disappearances. This communication has been sent via e-mail to IO-RHS and is #20 on the Geneva 2007 Communications Log.

2. Begin text of letter:
 Excellency,

At the request and on behalf of the Chairman of the Working Group on Enforced or Involuntary Disappearances, I have the honour to communicate the following letter addressed to you:

"Excellency,

I have the honour to write to you on behalf of the Working Group on Enforced or Involuntary Disappearances, which held its 82nd session from 25 to 29 June 2007 at the Office of the United Nations High Commissioner for Human Rights in Geneva.

In the course of the session, the Working Group decided to inform your Government of general allegations it has received in relation to the implementation of the Declaration on the Protection of All Persons from Enforced Disappearances in your country. A summary is

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: ARCHIE M BOLSTER
 DATE/CASE ID: 18 JUN 2009 200706444

UNCLASSIFIED

provided in Annex I. Any comments regarding these general UNCLASSIFIED allegations should be received by the date given in the next paragraph in order to be included in the Working Group's annual report.

I would like to take this opportunity to remind your Government that the Working Group will hold its 83rd session at the United Nations Office in Geneva from 21 to 30 November 2007. As such, the Working Group would be grateful if any written information which your Government wishes to submit for the Working Group's consideration, could be received by 1 October 2007. Information may be submitted at any time of the year, and will be reviewed as soon as it can be processed.

In conformity with its usual practice, the Working Group is prepared to receive representatives of interested Governments during the first three days of its next session, from 21 to 23 November 2007. Should your Government wish to be represented at the forthcoming session, please contact the Working Group's secretariat at the United Nations Office of the High Commissioner for Human Rights in Geneva (tel: 022 917 9176, fax: 022 917 9006) to schedule an appointment with the Working Group. The dates of subsequent sessions for the coming year may also be requested or found on the WGEID webpage: <http://www.ohchr.org/english/issues/disappear>.

I remain, Excellency,
Yours sincerely,
Santiago Corcuera Chairman-Rapporteur Working Group on Enforced or Involuntary Disappearances"

I remain, Excellency,
Yours sincerely,

Tanya Smith
Secretary
Working Group on Enforced
or Involuntary Disappearances

Annex

General Allegation: USA 07.06.07

The Working Group received information from non-governmental organizations concerning reported obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance.

It was reported that on 6 September 2006, the US President stated that the United States runs a system of secret detention in the "War on Terror". However, US authorities have not disclosed how many individuals were secretly detained.

UNCLASSIFIED

UNCLASSIFIED

The United States government has reportedly constructed a wide-ranging detention system for terrorism suspects. It is alleged that this system includes detention in secret US-controlled detention facilities outside the United States.

End of text.

Chammas

NNNN

UNCLASSIFIED

ER2140

UNCLASSIFIED

ACTION IO-00

RELEASED IN FULL

INFO	LOG-00	AF-00	AID-00	AMAD-00	CIAE-00	INL-00	DODE-00
	WHA-00	PDI-00	EAP-00	EB-00	EUR-00	UTED-00	H-00
	TEDE-00	INR-00	LAB-01	L-00	NEA-00	NSAE-00	NSCE-00
	OIC-00	OIG-00	OMB-00	NIMA-00	PA-00	GIWI-00	PRS-00
	P-00	SP-00	SSO-00	SS-00	STR-00	TRSE-00	FMP-00
	BBG-00	IIP-00	PRM-00	DRL-00	G-00	SCA-00	SAS-00
	SWCI-00	/001W					

-----CAOE7A 090910Z /38

P 090830Z MAY 06
 FM USMISSION GENEVA
 TO USMISSION USUN NEW YORK PRIORITY
 SECSTATE WASHDC PRIORITY 9455
 AMEMBASSY DHAKA
 INFO HUMAN RIGHTS COMMISSION COLLECTIVE

UNCLAS GENEVA 001100

E.O. 12958: N/A
 TAGS: PHUM, UNHRC-1
 SUBJECT: INFORMAL DISCUSSIONS CONTINUE ON HUMAN RIGHTS
 COUNCIL

REF: GENEVA 00939

Summary

1. Norway, Chile, India, Russia, and South Africa hosted informal consultations May 3 to discuss with Geneva missions, NGOs, and OHCHR Secretariat staff the Human Rights Council's (HRC) first session and initial phase of operations. The tone of the meeting was pleasantly cordial and non-confrontational, suggesting that members were on their best behavior in the run-up to the May 9 HRC elections. China stressed that an HRC chair-designate, a provisional agenda, and a plan to extend all mandates should be put in place before the June 19 HRC start date. This reflected the general consensus, which also called for formulating a road map for the first year's sessions, establishing a working group to consider the procedures for the universal periodic review and to review mandates from the Commission on Human Rights (CHR), and holding a dignified, transparent, and all-inclusive first session. The debate on how much substance should be included in the first session continued, but all agreed that there would be little time given the two-week schedule. Several representatives, mostly from European and GRULAC countries, suggested including the five

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: ARCHIE M BOLSTER
 DATE/CASE ID: 18 JUN 2009 200706444

UNCLASSIFIED

inter-governmental working groups at the inaugural session. Although there was widespread agreement on the need for a facilitator to guide preparations for the HRC's first session, many countries preferred to wait until after the May 9 Council elections and the designation of a chair. End Summary.

Widespread Agreement on Many Key Issues

2. This cross-regional event showcased widespread consensus on the necessity of the following for the first session:

- advance preparations;
- a facilitator (though half of those who spoke wanted this role filled only by the chair-designate);
- focus on short-fuse priorities, including extension of all mandates for one year;
- extension of the Sub-Commission so it can meet in August;
- creation of a flexible road map outlining sessions for the next year;
- strong focus on procedural matters;
- a High-Level Segment with speaking times of 5-10 minutes;
- creation of working groups to develop the universal periodic review process and to review all existing mandates and mechanisms; and
- transparency and inclusion of non-Council members and NGOs.

China Speaks Up

3. Chinese Counselor Yifan La said the first session should be a structured and dignified affair focused on procedural matters and the creation of a road map for the next year. Pressing issues would be the selection of a Council and chair-designate, a provisional agenda to include the extension of all expiring mandates, and the establishment of a working group to formulate universal periodic review procedures and other mechanisms inherited from the Commission on Human Rights (CHR), including the 1503 complaints mechanism. Functioning rules of procedure should also be in place by the first session. La conceded that it was a "daunting task" but one that the Council would need to undertake "to bury the old Commission." He said all stakeholders should be part of the first session but did not elaborate how they would participate. Participants appeared to share most of China's views, though GRULAC members appeared dissatisfied after La said that China supported drawing lots for the Council chairmanship position or doing it alphabetically, starting with the African Group. Earlier

in the meeting, Brazil had stated that a GRULAC country would claim the chairmanship of the new Council.

UNCLASSIFIED

Fitting Substance into First Session

4. Many members expressed the need to include some substance in the first session's agenda. A proposal to take action on the five inter-governmental working groups -- Rights of Indigenous Peoples, Enforced Disappearances, Optional Protocol to Economic, Social and Cultural Rights Covenant, Right to Development, and Durban Implementation -- at the inaugural session garnered widespread support from Chile, the Czech Republic, France, Malaysia, Mexico, Portugal, Spain, and Switzerland. Some representatives, most notably Spain, suggested that the adoption of the Draft Convention Against Enforced Disappearances and the Draft Declaration on the

Rights of Indigenous Peoples was a forgone conclusion. In separate interventions, Poloff and her Australian counterpart pointed out that a number of countries considered the two at different stages of development and not ready for adoption. Several Asian Group countries, including Indonesia, cautioned the group to refrain from introducing anything controversial during the first session to ensure a smooth launching of the HRC. China reminded member states of how the last CHR session "almost didn't happen" due to disagreements among members and reiterated that all contentious issues should be avoided for the first session. Several countries agreed that there should be a role at the first session for Special Procedures, especially since most of the mandate holders would be in Geneva anyway during the week of June 19 for their annual meeting. Discussion on the exact degree of participation ranged, however, from simply attending the opening ceremony to having the Special Procedures chair make a general presentation to interactive dialogue with all mandate holders.

Chair-Designate As Facilitator

5. Most countries stressed the urgency of having a facilitator to guide preparations leading up to the June 19 HRC session, but a few countries, most notably China, suggested it would be better to wait for a chair-designate to be determined and let that person facilitate consultations. China said that the host countries at the May 3 consultations were already serving as facilitators, so it would be better to wait for a chair-designate. France and several other

UNCLASSIFIED

countries said that they could wait for a chair-designate to be selected after the May 9 elections. (Note: Discussions on the margin confirmed that agreement on a chair is still a long way off. End note) Switzerland noted that it was organizing its own cross-regional consultation meeting in Lausanne on May 15 to continue informal discussions on the HRC.

ROBINSON

NNNN

UNCLASSIFIED

ORIGIN L-00

INFO	LOG-00	AID-00	AMAD-00	CIAE-00	INL-00	DODE-00	DS-00
	EUR-00	UTED-00	VCI-00	H-00	TEDE-00	INR-00	IO-00
	LAB-01	VCIE-00	NSAE-00	OIC-00	NIMA-00	PA-00	PER-00
	GIWI-00	SP-00	SSO-00	SS-00	NCTC-00	FMP-00	DSCC-00
	PRM-00	DRL-00	G-00	SAS-00	SWCI-00	/001R	

060910

SOURCE: CBLEXCLS.004511

DRAFTED BY: L/HRR:HARRISRK -- 04/17/2006 202-647-4035

APPROVED BY: IO:LAGONMP

IO/RHS:TALJOHNSON

L/HRR:AMSURENA

DRL:JVALLSNOYES (SUBS)

-----BCOF84 172147Z /38

P 172143Z APR 06

FM SECSTATE WASHDC

TO USMISSION GENEVA PRIORITY

UNCLAS STATE 060910

E.O. 12958: N/A

TAGS: PHUM, UN, PREL

SUBJECT: ICCPR - PREPARATIONS FOR JULY MEETING WITH U.N.
HUMAN RIGHTS COMMITTEE

1. This is an action request. See paragraph 2.
2. Mission is requested to transmit to the Secretariat the text in paragraph 3 regarding preparations for the July 17-18 U.S. session before the Human Rights Committee.
3. Begin text.

(Complimentary opening) and refers to the Secretary General,s letter of March 31, 2006 regarding the United States report of its implementation of the International Covenant on Civil and Political Rights and its upcoming meeting with the Human Rights Committee on July 17 and 18, 2006.

The United States is pleased to work collaboratively with the Human Rights Committee and the Secretariat staff to make the July session productive and informative. As part of this effort, the United States will be sending a very large, high-level interagency delegation to the meetings in Geneva. As discussed in the working lunch with the Chairman of the Committee referred to in the Secretary General,s note, the

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ARCHIE M BOLSTER
DATE/CASE ID: 18 JUN 2009 200706444

UNCLASSIFIED

various commitments by members of this delegation make it impossible to agree for that delegation to be available for a third session, and the Government of the United States appreciates the Committee's understanding on this issue. As further discussed at that luncheon, the United States will be scrupulous in staying within the time limits set by the Committee during the two sessions, to make sure that there is adequate time available to have a thorough discussion of the issues of concern to the Committee.

As the Secretariat is aware, the United States Government will be presenting to the Committee Against Torture its report on its implementation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in May of 2005. As the U.S. government participants in that meeting and the July session are similar and as providing concise and complete responses to the complex issues raised by the Committee involves an intensive and deliberative process within the U.S. government, it will be difficult for the United States to guarantee that its written answers will be available three weeks in advance of the July hearing. That said, the United States will work diligently to provide those answers as much in advance of the July session as is possible. As United States delegation members discussed with the Committee Chairman at the working lunch, the United States will probably not be in a position to provide its answers in French and Spanish, and it understands that no country has yet provided such answers to the Committee in three languages.

The United States will be pleased to inform the Secretary General in writing of the names and titles of the representatives who will represent the United States at the July session.

The United States looks forward to an informative and productive exchange of information and perspectives with the Human Rights Committee in the July meetings and is committed to working collaboratively with the Committee to make that session a success.

(Complimentary closing)

End text.

RICE

NNNN

UNCLASSIFIED

ACTION PRM-00

INFO	LOG-00	NP-00	AF-00	CIAE-00	INL-00	DODE-00	WHA-00
	PDI-00	EAP-00	EUR-00	OIGO-00	UTED-00	VC-00	TEDE-00
	INR-00	IO-00	L-00	VCE-00	AC-00	NEA-00	NSAE-00
	NSCE-00	OIC-00	OIG-00	OMB-00	PA-00	PER-00	PM-00
	GIWI-00	PRS-00	ACE-00	P-00	SP-00	IRM-00	SS-00
	TRSE-00	T-00	SA-00	FMP-00	BBG-00	IIP-00	PMB-00
	DRL-00	G-00	SAS-00	/000W			

-----5409DC 280832Z /38

R 280442Z OCT 05
 FM USMISSION GENEVA
 TO USMISSION USUN NEW YORK
 SECSTATE WASHDC 7361
 INFO AMEMBASSY PARIS

RELEASED IN FULL

UNCLAS GENEVA 002613

L/UNA BRANCATO; IO; DRL

E.O. 12958: N/A
 TAGS: FR, UNGA;UNHR
 SUBJECT: FINAL REPORT ON UNHCR WG SESSION OF FORCED
 DISAPPEARANCES (SEPTEMBER 12-23, 2005)

1. (U) SUMMARY. The Intersessional Working Group to elaborate a draft legally binding normative instrument completed work on a Convention for the Protection of All Persons from Forced Disappearance and, although there was no consensus, agreed that there was no impediment to consideration of the text by the Human Rights Commission. The U.S. stated objections on several points that will be recorded in the final report of the session. END SUMMARY.
2. (U) The Fifth and Final session of the Working Group to elaborate a draft legally binding instrument on Enforced Disappearance was held in Geneva September 12 - 23, 2005. The U.S. Delegation included Gilda Brancato (L/HRR), Mission Legal Adviser Jeffrey Kovar, Deputy Legal Adviser Paula Barton, Political Counselor Velia DePirro and Human Rights Officer Jan Levin.
3. (U) Overview. The French Chair of the Working Group opened the meetings by announcing that he intended to have the Working Group finish its consideration of issues not taken up at the January session, then go through the whole draft text again for editorial changes only. He stated he would only accept substantial changes if they commanded consensus. Outstanding issues were 1) the role of non-state

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: ARCHIE M BOLSTER
 DATE/CASE ID: 18 JUN 2009 200706444

UNCLASSIFIED

actors; 2) the territorial reach of ~~UNCLASSIFIED~~ Right to Know and, finally, 4) the form of the instrument and the nature of the monitoring body. The first of these was resolved with a compromise language formula concerning state action which reflects the international law position of the United States; the second was resolved when China withdrew its proposed article in favor of making an interpretive declaration at the time of ratification. The other two issues consumed much of the two week negotiation. On the final reading, several other issues were raised, including definition, criminal intent, the statute of limitations and "found in" jurisdiction, as well as the defense of superior orders, non-refoulement and the reference to the term "Crimes against Humanity." US Del made statements of position for the record regarding these issues.

4. (U) The Right to Know. How to provide access to information was one of the most controversial issues raised in the negotiations. The Latin countries with some Asian and European allies insisted that a "Right to Truth" be included in the text that would guarantee access by families and other concerned parties to all information related to the possible enforced disappearance of an individual. The United States with the support of several common law countries insisted that the right to information was never absolute, that domestic law in many countries was incompatible with such an absolute right and that there were occasions when there was a legitimate public interest in withholding certain information. US Del attempted to make revisions to both the preambular language of PP7 and the text of Article 24(2). They sought support for the use of the term "Freedom of Information" in the manner that it was used in the ICCPR and in the USG approved resolution on the Right to Truth at the CHR, a formula also compatible with US domestic law. In the end, an important reference to "freedom of information" was included in the preamble, and statements were recorded that the right to truth could only be understood as implemented through a freedom of information system. Nevertheless, we could not achieve the level of clarity desired or changes to Article 24(2). The US Del requested that the record indicate its dissatisfaction.

5. (U) Monitoring Body. Despite a sharp split of opinion in favor of an optional protocol to the ICCPR and use of the Human Rights Committee (HRC) as the monitoring mechanism, it was clear from the outset that the Chair envisioned a new convention with an independent monitoring body. Arguments in favor of the Chair's approach were that the HRC was already overburdened and backlogged, that the new committee could be composed of persons who were experts on the issue of Enforced

UNCLASSIFIED

UNCLASSIFIED

Disappearance, and that the independent Commission should incorporate a system for addressing "urgent situations." The contrary view (shared by the U.S.) held that an existing and experienced committee would be more efficient and effective and avoid redundancies and inconsistent jurisprudence, that providing adequate financial support to the HRC could reduce its backlog allowing it to accommodate the work of enforced disappearance. In addition, the U.N. is in the process of evaluating whether to consolidate all treaty bodies as well as make other reforms and, because of that effort, this was not the appropriate time to create a new treaty body. The Chair finally acknowledged his view that the most important reason for making a separate convention and treaty body was a political one; that is, a separate treaty would underscore the importance of the issue and it was what the families wanted. There was extended debate concerning whether or not a separate convention could legally be implemented using the

HRC but the final decision was made by the Chair. In an attempt to insert some compromise the Chair proposed to include a clause that called for a conference of states parties within four to six years of entry into force to evaluate the effectiveness of the new treaty body in light of its performance and the U.N. reforms, and determine whether it should be continued or replaced by an existing body. (This suggestion actually drew a less than enthusiastic response from the attendees but was included in the document anyway.) The U.S. stated its objections to this result for the record.

6. (U) The Final Reading. US Del made numerous proposals and raised objections for the record on Second Reading. These objections included statements with reference to preambular paragraph 7 on the Right to Know, Article 2 on the definition of an enforced disappearance, Article 4 on Criminalization, Article 5 referring to Crimes Against Humanity, Article 6(2) on Defense of Obedience to Superior Orders, Article 8 on Statutes of Limitations, Article 9(2) on "found in" jurisdiction, Article 16 on non-refoulement, Article 17 on access to places of detention, and Article 24(2) again concerning the Right to Know. Several other states expressed reservations on several provisions of the final text. Notable were the concerns of Germany on the Right to Know, New Zealand on reparations, and the Netherlands on the danger of undercutting the U.N. system with a new treaty body. Although the Second Reading was proclaimed by the Chair to be editorial only, the Chair included changes to text suggested by the Latin states, NGOs and the families.

UNCLASSIFIED

UNCLASSIFIED

7. (U) No Consensus. Throughout the negotiations the US Del met with the Chair to express serious concern that the pace of the negotiations and failure to accommodate significant legal concerns of the United States would make it impossible for the U.S. to join a consensus. The Chair acknowledged the problem but was adamant that this be the last session and the product of this negotiation was his text and would go forward to the Commission. The Chair made clear that all states could submit their objections for the record in the Chair's report. In the end, the Chair did not declare consensus, but only stated that the working group could make no more progress and its work was at an end. We have provided USG changes to the draft Report and will be reviewing the final Report as soon as it is prepared to verify that all of our concerns are reflected.

8) (U) The Wrap-up. The final day of negotiations was taken up with general statements by delegations. Many delegations and organizations representing disappeared persons reacted with outpourings of emotion over the conclusion of the draft text. Several delegations also took the occasion to restate their objections for the record. The US Del delivered a statement confirming each of the objections that it had previously raised. Text of that statement was emailed to I/HRR.

Moley

NNNN

UNCLASSIFIED

UNCLASSIFIED

ACTION IO-00

INFO	LOG-00	AF-00	AID-00	AMAD-00	CIAE-00	INL-00	DODE-00
	WHA-00	EAP-00	EB-00	EUR-00	UTED-00	H-00	TEDE-00
	INR-00	L-00	NEA-00	NSAE-00	NSCE-00	OIC-00	OIG-00
	PA-00	PER-00	GIWI-00	PRS-00	P-00	SP-00	IRM-00
	SS-00	STR-00	TEST-00	TRSE-00	SA-00	FMP-00	ECA-00
	PRM-00	DRL-00	G-00	SAS-00	/000W		

-----59B996 020830Z /38

P 020732Z SEP 04
 FM USMISSION GENEVA
 TO SECSTATE WASHDC PRIORITY 2149
 INFO USMISSION USUN NEW YORK

RELEASED IN FULL

UNCLAS GENEVA 002441

STATE FOR IO/SHA, DRL/MLA, L/HRR

E.O. 12958: N/A
 TAGS: PHUM, UNHRC-1
 SUBJECT: COMMUNICATION FROM THE WORKING GROUP ON ENFORCED
 DISAPPEARANCES

1. Mission received the following letter dated August 25, 2004 from the Chairman of the Working Group on Enforced or Involuntary Disappearances, Stephen J. Toope, addressed to Ambassador Moley. The letter concerns reports the Working Group has received regarding alleged secret detention centers under United States' authority in various parts of the world and invites the USG to submit written information by October 15 and/or send a representative to appear in person at the next Working Group session November 8-15, 2004.

2. Text of letter and annex follows:

Begin text.

25 August 2004

Dear Mr. Ambassador,

I should like to communicate to you, on behalf of the Chairman of the Working Group on Enforced or Involuntary Disappearances, the following letter addressed to you:

"Dear Mr. Ambassador,

I have the honour to write to you on behalf of the Working Group on Enforced or Involuntary Disappearances, which held

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: ARCHIE M BOLSTER
 DATE/CASE ID: 18 JUN 2009 200706444

UNCLASSIFIED

its seventy-third session from 16 to 20 August 2004, at the United Nations Office in Geneva.

In the course of the session, the Working Group decided to inform your Government of reports it had received about developments in your country having an influence on the phenomenon of disappearances or the solution of the cases not yet clarified, and/or on the implementation of the Declaration on the Protection of All Persons from Enforced Disappearances. A summary is provided as an Annex to this letter.

I would like to take this opportunity to remind your Government that the Working Group will hold its seventy-fourth session from 8 to 15 November 2004, at the United Nations Office in Geneva. It would therefore be very much appreciated if any written information that your Government wishes to submit for the Working Group's consideration, could be received, if possible, by 15 October 2004.

In conformity with its usual practice, the Working Group is prepared to receive representatives of interested Governments during the first three days of its session. Should your Government wish to be represented at the forthcoming session, I would appreciate your contacting the Group's secretariat at the United Nations Office of the High Commissioner for Human Rights in Geneva (tel. 022-917-9176), in order to schedule an appointment with the Group.

I remain
Dear Mr. Ambassador,

Yours sincerely

Stephen J. Toope
Chairman
Working Group on Enforced or Involuntary Disappearances"

I remain,
Dear Mr. Ambassador,

Yours sincerely,
////////////////////
Tanya Smith
Secretary a.i.
Working Group on Enforced or Involuntary Disappearances

ANNEX
WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES

UNCLASSIFIED

General allegations

United States of America

The Working Group received information from non-governmental organizations concerning the reported non-compliance by the Government of the United States of America with provisions of the Declaration on the Protection of All persons from Enforced Disappearance.

Reports were received by the Working Group regarding secret detention centers under United States' authority in various parts of the world, in which an unknown number of persons are detained. Reports assert that there was inadequate provision of notice to families about the capture of detainees and

their conditions, legal status and rights. It is also reported that it is unclear in many circumstances which U.S. agency is ultimately responsible for the arrest or the conditions of confinement of the detainees in these facilities.

Reports further specify that the most sensitive and high-profile detainees are not being held in Guantanamo because it is believed that detainees there will eventually be monitored by the U.S. courts. It is stated that terrorism suspects are detained by the United States in "undisclosed locations," presumably outside the United States, with no access to the ICRC, no notification to families, no oversight of any sort of their treatment, and in most cases no acknowledgment that they are even being held. Information was provided on 13 specific alleged detainees, apprehended in places such as Pakistan, Indonesia, Thailand, Morocco, and the United Arab Emirates, who have reportedly disappeared in U.S. custody.

American authorities have also apparently refused to disclose the names of men secretly detained during the past few years within the United States. Families have not been informed on the arrested persons' locations. Reports state that some of these detainees have now been released or deported.

End text.

3. Mission transmitted a copy of the letter by fax to IO/SHA, Attention Director.
Cassel

UNCLASSIFIED

UNCLASSIFIED

NNNN

UNCLASSIFIED

UNCLASSIFIED

ACTION IO-00

INFO	LOG-00	AID-00	AMAD-00	CIAE-00	INL-00	DODE-00	SRPP-00
	EB-00	UTED-00	TEDE-00	INR-00	L-00	NSAE-00	NSCE-00
	OIC-02	OPIC-01	PA-00	PRS-00	P-00	SP-00	SS-00
	STR-00	TEST-00	TRSE-00	USIE-00	ECA-00	PRM-00	DRL-00
	G-00	SAS-00	/003W				

-----AF4FF2 081550Z /38

P 081402Z OCT 03
 FM USMISSION GENEVA
 TO SECSTATE WASHDC PRIORITY 7206
 INFO USMISSION USUN NEW YORK

RELEASED IN FULL

UNCLAS GENEVA 003196

STATE FOR IO/SHA, DRL/MLA, L/HRR

E.O. 12958: N/A
 TAGS: PHUM
 SUBJECT: ICCPR PERIODIC REPORT OVERDUE

REF: A. GENEVA 2046
 B. GENEVA 1844

1. THIS IS AN ACTION REQUEST. SEE PARAGRAPH 6.
2. SUMMARY: MISSION RECEIVED A DIPLOMATIC NOTE DATED SEPTEMBER 17, 2003 FROM THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR) REMINDING US THAT THE SECOND PERIODIC REPORT REQUIRED UNDER ARTICLE 40 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR) IS OVERDUE. THE REPORT WAS ORIGINALLY DUE IN 1998, AND, SINCE THE THIRD REPORT IS DUE NEXT MONTH, THE SECRETARIAT HAS RECOMMENDED THAT OUR SUBMISSION COVER THE PERIOD FROM 1995 TO MID 2003. IN THE EVENT THAT THE REPORT IS NOT RECEIVED BY MARCH 16, 2004, SIX MONTHS FROM THE DATE OF THE NOTE, THE HUMAN RIGHTS COMMITTEE MAY INVOKE RULE 69A, GIVING IT THE AUTHORITY TO EXAMINE COMPLIANCE ON THE BASIS OF OTHER SOURCES OF INFORMATION. END SUMMARY.
3. MISSION RECEIVED A DIPLOMATIC NOTE DATED SEPTEMBER 17, 2003 FROM THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR) REMINDING US OF OUR OVERDUE SECOND PERIODIC REPORT REQUIRED UNDER ARTICLE 40 OF THE INTERNATIONAL CONVENTION ON CIVIL AND POLITICAL RIGHTS (ICCPR). THE TEXT OF THE NOTE IS AS FOLLOWS:

BEGIN TEXT:

THE SECRETARIAT OF THE UNITED NATIONS (OFFICE OF THE

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: ARCHIE M BOLSTER
 DATE/CASE ID: 18 JUN 2009 200706444

UNCLASSIFIED

HIGH COMMISSIONER FOR HUMAN RIGHTS) PRESENTS ITS COMPLIMENTS UNCLASSIFIED
TO THE PERMANENT MISSION OF THE UNITED STATES TO THE UNITED
NATIONS OFFICE AT GENEVA AND HAS THE HONOUR TO REFER TO
PARAGRAPH 66 OF THE ANNUAL REPORT OF THE UN HUMAN RIGHTS
COMMITTEE TO THE GENERAL ASSEMBLY (DOCUMENT A/56/40, VOL. I).

PURSUANT TO THIS PARAGRAPH, THE GOVERNMENT OF THE UNITED
STATES WAS SCHEDULED TO PRESENT ITS SECOND PERIODIC REPORT
UNDER ARTICLE 40 OF THE INTERNATIONAL CONVENTION ON CIVIL AND
POLITICAL RIGHTS BY 7 SEPTEMBER 1998. SAID REPORT HAS NOT
YET BEEN RECEIVED BY THE COMMITTEE.

THE HUMAN RIGHTS COMMITTEE RESPECTFULLY URGES THE
GOVERNMENT OF THE UNITED STATES TO SUBMIT ITS SECOND PERIODIC
REPORT UNDER ARTICLE 40 OF THE COVENANT AT THE GOVERNMENT'S
EARLIEST CONVENIENCE, AND NOT LATER THAN 6 MONTHS FROM THE
DATE OF THIS PRESENT NOTE. REFERENCE IS MADE TO RULE 69A OF
THE COMMITTEE'S RULES OF PROCEDURE, WHICH ENABLES THE
COMMITTEE TO CONSIDER THE MEASURES TAKEN BY THE STATE PARTY
TO GIVE EFFECT TO THE RIGHTS PROTECTED UNDER THE COVENANT IN
THE ABSENCE OF A REPORT. A COPY OF THE COMMITTEE'S RULES OF
PROCEDURE IS ATTACHED FOR EASE OF REFERENCE.
END TEXT.

4. PERIODIC REPORTS ARE REQUIRED EVERY FIVE YEARS UNDER THE
ICCPR. OUR SECOND REPORT WAS DUE ON SEPTEMBER 7, 1998 AND
OUR THIRD REPORT WOULD NORMALLY BE DUE ON NOVEMBER 20, 2003.
THE SECRETARIAT OF THE HUMAN RIGHTS COMMITTEE ADVISED THAT
THE CURRENT REPORT, TO BE SUBMITTED BEFORE MARCH 16, 2004,
SHOULD COVER THE PERIOD FROM 1995 TO MID-2003.

5. RULE 69A ALLOWS THE COMMITTEE TO CONSIDER A STATE'S
COMPLIANCE WITH THE ICCPR IN CASES WHERE IT HAS NOT SUBMITTED
A WRITTEN REPORT.

6. COMMENT AND ACTION REQUEST: WITHOUT OUR REPORT, THE
COMMITTEE WILL RELY ONLY ON NGO AND OTHER OUTSIDE SOURCES OF
INFORMATION IN THEIR CONSIDERATION OF OUR COMPLIANCE WITH THE
ICCPR. POST REQUESTS GUIDANCE ON AN INTERIM RESPONSE TO THE
COMMITTEE CONCERNING THE STATUS OF OUR SUBMISSION. END
COMMENT.

7. POST WILL FAX A COPY OF THE NOTE AND RULE 69A TO TOM
JOHNSON IN IO/SHA.

MOLEY

NNNN

UNCLASSIFIED

UNCLASSIFIED

PTQ3117

RELEASED IN FULL

PAGE 01 GENEVA 01726 01 OF 06 241926Z
ACTION IO-00

INFO	LOG-00	AF-00	AID-00	AMAD-00	EVG-00	CIAE-00	DODE-00
	WHA-00	SRPP-00	EAP-00	EB-00	EUR-00	UTED-00	H-01
	TEDE-00	INR-00	L-00	NEA-00	DCP-01	NSAE-00	NSCE-00
	OIC-02	OPIC-01	PRS-00	P-00	SP-00	SS-00	STR-00
	TEST-00	TRSE-00	USIE-00	SA-00	PRM-01	DRL-02	G-00
	SAS-00	SWCI-00	/008W				

-----E36872 241926Z /38

R 241927Z APR 01
FM USMISSION GENEVA
TO SECSTATE WASHDC 0999
INFO HUMAN RIGHTS COMMISSION COLLECTIVE

UNCLAS SECTION 01 OF 06 GENEVA 001726

FOR IO/SHA AND DRL/MLA

E.O. 12958: N/A
TAGS: PHUM, UNHRC-1
SUBJECT: CHR VOTING RESULTS -- APRIL 23, 2001

1. THIS IS CHR DELEGATION CABLE 110.

2. ON APRIL 23, THE COMMISSION COMPLETED CONSIDERATION OF AGENDA ITEM 10 (ECONOMIC, SOCIAL AND CULTURAL RIGHTS) AND BEGAN CONSIDERATION OF AGENDA ITEM 11 (CIVIL AND POLITICAL RIGHTS). THE COMMISSION ADOPTED TWENTY TEXTS, INCLUDING SEVEN BY VOTE. PARAGRAPH VOTES WERE ALSO TAKEN ON TWO OF THE

UNCLASSIFIED

PAGE 02 GENEVA 01726 01 OF 06 241926Z
RESOLUTIONS, BEFORE THE OVERALL TEXTS WERE ADOPTED BY CONSENSUS.

AGENDA ITEM 10 - ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

--L.45 HUMAN RIGHTS AND EXTREME POVERTY (FRANCE)

ADOPTED WITHOUT A VOTE. SEE CHR 2000/12 (FRANCE), ADOPTED WITHOUT A VOTE.

--L.48 GLOBALIZATION (PAKISTAN)

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ARCHIE M BOLSTER
DATE/CASE ID: 18 JUN 2009 200706444

UNCLASSIFIED

UNCLASSIFIED

ADOPTED BY A VOTE OF 37-15(US)-1. U.S. CALLED FOR THE VOTE AND GAVE EOY BEFORE THE VOTE.

--L.50 ACCESS TO MEDICATION IN THE CONTEXT OF PANDEMICS SUCH AS HIV/AIDS (BRAZIL) (NEW)

ADOPTED BY A VOTE OF 52-0-1(US). U.S. GAVE EOY BEFORE THE VOTE.

--L.53 WOMEN'S EQUAL OWNERSHIP OF, ACCESS TO AND CONTROL OVER LAND AND THE EQUAL RIGHTS TO OWN PROPERTY AND TO ADEQUATE HOUSING (MEXICO)

ADOPTED WITHOUT A VOTE. U.S. CALL FOR A VOTE ON OP5 AND WAS REJECTED BY A VOTE OF 49-1(US)-3. SEE CHR 2000/13 (MEXICO), ACCEPTED WITHOUT A VOTE.

UNCLASSIFIED

PAGE 03 GENEVA 01726 01 OF 06 241926Z

--L.54 ADVERSE EFFECTS OF THE ILLICIT MOVEMENT AND DUMPING OF TOXIC AND DANGEROUS PRODUCTS AND WASTES ON THE ENJOYMENT OF HUMAN RIGHTS (KENYA)

ADOPTED BY A VOTE OF 38-15(US). TEXT EXTENDED MANDATE OF SPECIAL RAPPORTEUR BY THREE YEARS. SEE CHR 2000/72 (AF COORDINATOR) ADOPTED BY VOTE 37-16(US).

--L.37 THE SOCIAL FORUM - SUB-COMMISSION DRAFT DECISION 2 (NORWAY)

NORWEGIAN AMENDMENT ADOPTED WITHOUT A VOTE.

--L.43 PROMOTION OF THE REALIZATION OF THE RIGHT TO DRINKING WATER AND SANITATION - SUB-COMMISSION DRAFT DECISION 3 (NORWAY)

NORWEGIAN AMENDMENT ADOPTED WITHOUT A VOTE.

AGENDA ITEM 11 - CIVIL AND POLITICAL RIGHTS

--L.8/REV.1 CIVIL AND POLITICAL RIGHTS: STRENGTHENING OF POPULAR PARTICIPATION, EQUITY, SOCIAL JUSTICE AND NON-DISCRIMINATION AS ESSENTIAL FOUNDATIONS OF DEMOCRACY.

ADOPTED BY A VOTE OF 28-4(US)-21. CUBAN PROPOSAL OF A SUB-AMENDMENT TO THE EU AMENDMENTS CHANGING "AFFIRMS" TO

UNCLASSIFIED

UNCLASSIFIED UNCLASSIFIED

PAGE 04 GENEVA 01726 01 OF 06 241926Z
"NOTES" WAS ADOPTED BY A VOTE OF 24-17(US)-12.

--L/34 HUMAN RIGHTS AND TERRORISM (ALGERIA)

ADOPTED BY A VOTE OF 33-14(US)-6 (NO WESTERN CO-SPONSORS).
SEE CHR 200/30, ADOPTED BY VOTE 27-13-12.

--L/35 HOSTAGE-TAKING (RUSSIA)

ADOPTED WITHOUT A VOTE. SEE CHR 2000/29.

--L/38 INDEPENDENCE AND IMPARTIALITY OF THE JUDICIARY,
JURORS AND ASSESSORS AND THE INDEPENDENCE OF LAWYERS (HUNGARY)

ADOPTED WITHOUT A VOTE. USDEL CO-SPONSORED. SEE CHR 2000/42.

--L/40 THE RIGHT TO RESTITUTION, COMPENSATION AND
REHABILITATION FOR VICTIMS OF GRAVE VIOLATIONS OF HUMAN
RIGHTS AND FUNDAMENTAL FREEDOMS (CHILE)

ADOPTED WITHOUT A VOTE. SEE CHR 2000/41.

--L/44 QUESTION OF ARBITRARY DETENTION (FRANCE)

UNCLASSIFIED

UNCLASSIFIED PTQ3120

PAGE 01 GENEVA 01726 02 OF 06 241927Z
ACTION IO-00

INFO	LOG-00	AF-00	AID-00	AMAD-00	EVG-00	CIAE-00	DODE-00
	WHA-00	SRPP-00	EAP-00	EB-00	EUR-00	UTED-00	H-01
	TEDE-00	INR-00	L-00	NEA-00	DCP-01	NSAE-00	NSCE-00
	OIC-02	OPIC-01	PRS-00	P-00	SP-00	SS-00	STR-00
	TEST-00	TRSE-00	USIE-00	SA-00	PRM-01	DRL-02	G-00
	SAS-00	SWCI-00	/008W				

-----E36884 241927Z /38

R 241927Z APR 01
FM USMISSION GENEVA
TO SECSTATE WASHDC 1000
INFO HUMAN RIGHTS COMMISSION COLLECTIVE

UNCLAS SECTION 02 OF 06 GENEVA 001726

FOR IO/SHA AND DRL/MLA

UNCLASSIFIED

E.O. 12958: N/A

UNCLASSIFIED

TAGS: PHUM, UNHRC-1

SUBJECT: CHR VOTING RESULTS -- APRIL 23, 2001

ADOPTED WITHOUT A VOTE. SEE CHR 2000/36.

--L.46 CONTINUING DIALOGUE ON MEASURES TO PROMOTE AND
CONSOLIDATE DEMOCRACY

ADOPTED BY A VOTE OF 44(US)-0-9. (CUBAN AMENDMENT L.66 WAS
WITHDRAWN; OP 5 WAS RETAINED BY A VOTE OF 37(US)-8-8.)

UNCLASSIFIED

PAGE 02 GENEVA 01726 02 OF 06 241927Z

--L.49 IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION
OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON
RELIGION OR BELIEF (IRELAND)

ADOPTED WITHOUT A VOTE. USDEL CO-SPONSORED.

--L.51 THE INCOMPATIBILITY BETWEEN DEMOCRACY AND RACISM
(BRAZIL)

ADOPTED WITHOUT A VOTE. USDEL CO-SPONSORED.

--L.52 DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST
TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR
PUNISHMENT (COSTA RICA)

ADOPTED WITHOUT A VOTE. USDEL CO-SPONSORED.

--L.55 EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS
(SWEDEN)

ADOPTED WITHOUT A VOTE. U.S. CHANGE ADOPTED FOR OP8
("OBLIGATIONS ASSUMED UNDER"). USDEL GAVE EOP AT END OF THE
AGENDA ITEM.

--L.57 QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

ADOPTED WITHOUT A VOTE. U.S. AMENDMENT TO DELETE OP12
(ESTABLISHMENT OF A WORKING GROUP) WAS REJECTED BY A VOTE OF
4(U.S., INDIA, JAPAN AND MALAYSIA)-34-15; U.S. AMENDMENT TO
OP11 (DELETING REFERRAL OF THE REPORT OF THE INDEPENDENT

UNCLASSIFIED

PAGE 03 GENEVA 01726 02 OF 06 241927Z
EXPERT TO THE WORKING GROUP) WAS REJECTED BY A VOTE OF
5(U.S., CANADA, INDIA, JAPAN AND KENYA)-37-11.

UNCLASSIFIED

ER2160

UNCLASSIFIED

--L.56 THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION
(CANADA)

CANADIAN AMENDMENT TO PP1 AS SUB-AMENDED BY CUBA ADOPTED WITHOUT A VOTE; CUBAN AMENDMENTS TO WITHDRAW PARAGRAPHS PP 3,4, 10 AND OP2, 14, AND 16(A) FAILED BY A VOTE OF 43(U.S.)-3-7. FOLLOWING ADOPTION OF THE CUBAN AMENDMENT, USDEL WITHDREW CO-SPONSORSHIP. RESOLUTION WAS VOTED AND ADOPTED BY A 44(US)-0-8. USDEL GAVE EOVS.

3. THE FOLLOWING EXPLANATIONS OF VOTE AND EXPLANATIONS OF POSITION WERE DELIVERED BY THE U.S. DELEGATION DURING THE CONSIDERATION OF AGENDA ITEMS 10 AND 11.

BEGIN TEXT.

U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
EXPLANATION OF VOTE
L.48, GLOBALIZATION AND HUMAN RIGHTS

AMBASSADOR GEORGE MOOSE
U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
EOV: L. 48, GLOBALIZATION AND HUMAN RIGHTS
APRIL 23, 2001

UNCLASSIFIED

PAGE 04 GENEVA 01726 02 OF 06 241927Z
MR. CHAIRMAN:

THE UNITED STATES DOES NOT ACCEPT THE PREMISE THAT THE NET EFFECT WORLD-WIDE OF THE MANY PHENOMENA GROUPED UNDER THE TERM "GLOBALIZATION" HAS BEEN AN INCREASE IN POVERTY, NOR THAT GLOBALIZATION HAS HAD A BROAD NEGATIVE IMPACT ON THE ENJOYMENT OF HUMAN RIGHTS. IN ITS NON-ECONOMIC ASPECTS, THE VASTLY INCREASED INFORMATION FLOWS FACILITATED BY GLOBALIZATION HAVE ALLOWED A MUCH BRIGHTER LIGHT TO BE FOCUSED ON HUMAN RIGHTS ABUSES AROUND THE WORLD, BRINGING GREATER INTERNATIONAL ATTENTION THAN EVER BEFORE.

AS FOR GLOBALIZATION'S ECONOMIC ASPECTS, THE PAST THREE DECADES HAVE SEEN MORE PEOPLE RISE OUT OF ABSOLUTE POVERTY THAN IN ANY COMPARABLE PERIOD IN THE WORLD'S HISTORY. THE COUNTRIES THAT HAVE SUCCEEDED BEST AT HELPING THEIR CITIZENS ESCAPE FROM POVERTY HAVE BEEN THOSE WITH EFFECTIVE GOVERNMENTS THAT LARGELY EMBRACED FREER MARKETS, FREER TRADE, AND TECHNOLOGICAL CHANGE.

UNCLASSIFIED

UNCLASSIFIED

IT IS CERTAINLY TRUE THAT GLOBALIZATION EMBODIES CHANGE, THAT CHANGE PRESENTS CHALLENGE TO ANY SOCIETY, AND THAT AMONG THESE CHALLENGES IS THE PROBLEM OF HELPING THOSE WHO MAY FIND IT DIFFICULT TO ADAPT FOR WHATEVER REASON. NATIONAL POLICIES

UNCLASSIFIED

UNCLASSIFIED PTQ3121

PAGE 01 GENEVA 01726 03 OF 06 241927Z
ACTION IO-00

INFO	LOG-00	AF-00	AID-00	AMAD-00	EVG-00	CIAE-00	DODE-00
	WHA-00	SRPP-00	EAP-00	EB-00	EUR-00	UTED-00	H-01
	TEDE-00	INR-00	L-00	NEA-00	DCP-01	NSAE-00	NSCE-00
	OIC-02	OPIC-01	PRS-00	P-00	SP-00	SS-00	STR-00
	TEST-00	TRSE-00	USIE-00	SA-00	PRM-01	DRL-02	G-00
	SAS-00	SWCI-00	/008W				

-----E36889 241927Z /38

R 241927Z APR 01
FM USMISSION GENEVA
TO SECSTATE WASHDC 1001
INFO HUMAN RIGHTS COMMISSION COLLECTIVE

UNCLAS SECTION 03 OF 06 GENEVA 001726

FOR IO/SHA AND DRL/MLA

E.O. 12958: N/A
TAGS: PHUM, UNHRC-1
SUBJECT: CHR VOTING RESULTS -- APRIL 23, 2001

PROMOTING PARTICIPATION IN GLOBALIZATION'S OPPORTUNITIES AND PROVIDING SAFETY NETS FOR THOSE WHO MAY BE ADVERSELY AFFECTED ARE VITAL IN THIS REGARD.

THE LESSONS OF RECENT DECADES ARE CLEAR, HOWEVER. THE DEVELOPING COUNTRIES WITH THE FASTEST GROWTH RATES FOR EXTENDED PERIODS HAVE BEEN THOSE THAT ARE MOST INTEGRATED IN
UNCLASSIFIED

PAGE 02 GENEVA 01726 03 OF 06 241927Z
THE WORLD ECONOMY, AND THE MOST INVOLVED IN THE PROCESS OF GLOBALIZATION. FAILURE TO TAKE ADVANTAGE OF NEW OPPORTUNITIES, EVEN WHERE THESE ARE ACCOMPANIED BY CHALLENGES, WILL CONDEMN POPULATIONS TO FURTHER ECONOMIC MARGINALIZATION AND STAGNATION.

THIS REALITY IS NOT REFLECTED IN THE CURRENT DRAFT. FOR

UNCLASSIFIED

THESE REASONS, AMONG OTHERS, THE U.S. OPPOSES THE RESOLUTION.

THANK YOU.

U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
EXPLANATION OF VOTE
L.50, ACCESS TO MEDICATION IN THE CONTEXT OF
PANDEMICS SUCH AS HIV/AIDS

AMBASSADOR GEORGE MOOSE
U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
EOV: L.50
ACCESS TO MEDICATION IN THE CONTEXT OF PANDEMICS SUCH AS
HIV/AIDS

MR. CHAIRMAN:

THE UNITED STATES IS STRONGLY COMMITTED TO ADDRESSING THE
AIDS PANDEMIC INTERNATIONALLY, INCLUDING ACCESS TO TREATMENT
AND CARE. FOR THAT REASON, WE WORKED HARD WITH BRAZIL AND
OTHER DELEGATIONS TO TRY TO COME TO AGREEMENT ON AN
UNCLASSIFIED

PAGE 03 GENEVA 01726 03 OF 06 241927Z
ACCEPTABLE TEXT. WE CERTAINLY UNDERSTAND AND APPRECIATE THE
SENTIMENTS THAT HAVE MOTIVATED THIS INITIATIVE. WE VERY MUCH
REGRET, HOWEVER, THAT, DESPITE EXTENSIVE DIALOGUE REGARDING
THIS VERY COMPLEX ISSUE, WE ARE UNABLE TO JOIN CONSENSUS ON
THIS TEXT.

FROM THE PERSPECTIVE OF GOOD PUBLIC HEALTH PRACTICE, WE
BELIEVE THAT THIS RESOLUTION IS FLAWED IN A NUMBER OF WAYS.
AS WRITTEN THE RESOLUTION WOULD LIMIT THE RIGHTS OF STATES TO
SET PRIORITIES WITHIN THEIR NATIONAL POLICIES AND STRATEGIES
FOR DEALING WITH SUCH PANDEMICS. WE BELIEVE THAT STATES MUST
HAVE THE LATITUDE TO DEVELOP BALANCED STRATEGIES THAT INCLUDE
PREVENTION, COUNSELING AND RELATED SUPPORT SERVICES, AS WELL
AS CARE, INCLUDING ACCESS TO DRUGS.

WE NOTE THAT UNAIDS - THE UN'S UMBRELLA ORGANIZATION FOR
RESPONDING TO THE HIV/AIDS CRISIS - WAS ESTABLISHED TO
DE-MEDICALIZE HIV/AIDS AND TO FOCUS ON THE NEED FOR A
MULTI-DIMENSIONAL APPROACH TO THIS PANDEMIC. IT IS CLEAR THAT
AN OVER-EMPHASIS ON USE OF PHARMACEUTICALS, NO MATTER HOW
WELL INTENTIONED, DETRACTS FROM THE MORE FUNDAMENTAL NEED FOR
PRIMARY PREVENTION.

HIV/AIDS IS A HORRIBLE DISEASE. ONCE STARTED, MEDICINES MUST

UNCLASSIFIED

BE USED CONSISTENTLY DAY AFTER DAY ~~UNCLASSIFIED~~ REST OF
A PATIENT'S LIFE. IF STOPPED, WHEN THE PATIENT FEELS BETTER,
THE DISEASE RETURNS VERY STRONGLY. THEREFORE, FOR TREATMENT
TO BE EFFECTIVE, IT IS ESSENTIAL THAT STATES PUT IN PLACE THE
INFRASTRUCTURE TO ENSURE THAT ANTI-RETROVIRALS ARE USED
APPROPRIATELY.

UNCLASSIFIED

PAGE 04 GENEVA 01726 03 OF 06 241927Z
THE RESOLUTION CALLS INTO QUESTION THE LEGITIMATE
RESPONSIBILITY OF NATIONAL GOVERNMENTS TO ASSURE THE
EFFECTIVENESS AND SAFETY OF PHARMACEUTICAL PRODUCTS FOR USE
IN PANDEMICS. FURTHER, IT APPEARS TO QUESTION THE VALIDITY OF
INTERNATIONALLY AGREED PROTECTIONS OF INTELLECTUAL PROPERTY
RIGHTS. IN SO DOING, IT COULD WELL HAVE THE UNINTENDED
CONSEQUENCE OF DISCOURAGING INVESTMENT IN THE IMPORTANT
RESEARCH DESPERATELY NEEDED TO FIND THE CURES OF THE FUTURE.
NOR DOES THIS RESOLUTION CONSIDER THE POTENTIAL FOR OTHER
UNINTENDED CONSEQUENCES, INCLUDING THE EMERGENCE OF MORE
VIGOROUS AND DRUG RESISTANT FORMS OF THE HIV VIRUS. SIMPLY
PUT, THIS IS BAD PUBLIC HEALTH POLICY.

THIS RESOLUTION IS, IN ESSENCE, A FLAWED HEALTH DOCUMENT, NOT
A HUMAN RIGHTS DOCUMENT. COMPLEX HEALTH MATTERS ARE BEST
DEALT WITH BY THE UN ORGANIZATION THAT HAS THE TECHNICAL
COMPETENCE IN THOSE MATTERS -- THE WORLD HEALTH ORGANIZATION.

THE 191 MEMBER STATES THAT COMPRISE THE WORLD HEALTH
ASSEMBLY WILL BE MEETING HERE IN GENEVA IN THREE WEEKS TIME,
AND BOTH HIV/AIDS AND WHO'S REVISED DRUG STRATEGY WILL BE ON
THE AGENDA. THAT IS THE MOST APPROPRIATE VENUE FOR HEALTH
MATTERS.

MY GOVERNMENT IS ALSO CONCERNED BY REFERENCES WHICH APPEAR TO

UNCLASSIFIED

UNCLASSIFIED PTQ3122

PAGE 01 GENEVA 01726 04 OF 06 241927Z
ACTION IO-00

INFO	LOG-00	AF-00	AID-00	AMAD-00	EVG-00	CIAE-00	DODE-00
	WHA-00	SRPP-00	EAP-00	EB-00	EUR-00	UTED-00	H-01
	TEDE-00	INR-00	L-00	NEA-00	DCP-01	NSAE-00	NSCE-00
	OIC-02	OPIC-01	PRS-00	P-00	SP-00	SS-00	STR-00
	TEST-00	TRSE-00	USIE-00	SA-00	PRM-01	DRL-02	G-00
	SAS-00	SWCI-00	/008W				

-----E3688C 241927Z /38

R 241927Z APR 01

UNCLASSIFIED

FM USMISSION GENEVA
TO SECSTATE WASHDC 1002
INFO HUMAN RIGHTS COMMISSION COLLECTIVE

UNCLASSIFIED

UNCLAS SECTION 04 OF 06 GENEVA 001726

FOR IO/SHA AND DRL/MLA

E.O. 12958: N/A
TAGS: PHUM, UNHRC-1
SUBJECT: CHR VOTING RESULTS -- APRIL 23, 2001

BE AIMED AT CREATING A NEW CATEGORY OF RIGHTS, SUCH AS THE REFERENCE TO THE RIGHT TO THE "HIGHEST ATTAINABLE STANDARD OF PHYSICAL AND MENTAL HEALTH." THE UNITED STATES DOES NOT SUPPORT THE CREATION OF LEGALLY ENFORCEABLE ENTITLEMENTS OR THE ESTABLISHMENT OF JUDICIAL OR ADMINISTRATIVE REMEDIES AT THE NATIONAL OR INTERNATIONAL LEVELS TO ADJUDICATE SUCH PRESUMED RIGHTS.

UNCLASSIFIED

PAGE 02 GENEVA 01726 04 OF 06 241927Z

THE U.S. GOVERNMENT IS THE WORLD'S LEADING PROVIDER OF INTERNATIONAL ASSISTANCE FOR THE PURPOSE OF PROVIDING THAT PEOPLE LIVING WITH HIV/AIDS RECEIVE TREATMENT AND CARE, INCLUDING PHARMACEUTICALS. WE HAVE PLAYED A LEADING ROLE IN THE DEVELOPMENT OF INTERNATIONAL STRATEGIES TO COMBAT THE SCOURGE OF THIS DISEASE. WE CANNOT, HOWEVER, SUPPORT A FLAWED RESOLUTION WHOSE UNINTENDED CONSEQUENCES COULD PROVE EXTREMELY HARMFUL TO OUR COLLECTIVE EFFORTS.

FOR THESE REASONS, AND OTHERS, MY DELEGATION WILL ABSTAIN IN THE VOTE ON THIS RESOLUTION.

THANK YOU.

U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
EXPLANATION OF POSITION
L.53, WOMEN'S EQUAL OWNERSHIP OF, ACCESS TO AND
CONTROL OVER LAND

AMBASSADOR GEORGE MOOSE
U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
EOP: L.53, WOMEN'S EQUAL OWNERSHIP OF, ACCESS TO AND CONTROL
OVER LAND
APRIL 23, 2001

UNCLASSIFIED

MR. CHAIRMAN:

UNCLASSIFIED

THE UNITED STATES REGRETS THAT IT IS FORCED TO CALL FOR A
UNCLASSIFIED

PAGE 03 GENEVA 01726 04 OF 06 241927Z
VOTE ON OP 5 OF RESOLUTION L. 53. IT IS CLEAR THAT OUR
MODEST, TECHNICAL AMENDMENT DOES NOT HAVE THE SUPPORT OF THE
MEMBERS OF THE COMMISSION. WE REGRET THAT. WE THINK IT IS
A MISTAKE FOR THIS BODY, OR ANY U.N. BODY, TO ENGAGE IN THE
PRACTICE OF REWRITING THE HISTORICAL RECORD.

THAT SAID, GIVEN THE OPPOSITION TO OUR AMENDMENT, WE HEREBY
WITHDRAW IT. HOWEVER, UNDER THE CIRCUMSTANCES, WE FEEL
OBLIGED TO REQUEST A VOTE ON OP 5. ONCE AGAIN, WITH RESPECT
TO OP 5, COMMISSION ON THE STATUS OF WOMEN RESOLUTION 42-1
-- REAFFIRMED IN THIS PARAGRAPH - INCLUDES NO MENTION OF THE
RIGHT TO ADEQUATE HOUSING.

FURTHERMORE, THE REFERENCE TO THE RIGHT OF ADEQUATE HOUSING
IS A MISSTATEMENT OF INTERNATIONAL HUMAN RIGHTS LAW. WE HAVE
SOUGHT IN NEGOTIATIONS BEFORE TODAY TO AMEND THIS RESOLUTION
TO MAKE IT CONSISTENT WITH THE UNIVERSAL DECLARATION OF HUMAN
RIGHTS, AS WELL AS WITH THE HUMAN RIGHTS AND HOUSING
RESOLUTION ALSO BEING ADOPTED UNDER THIS AGENDA ITEM. WE
STRONGLY SUPPORT, MOREOVER, THE PROPOSITION THAT WOMEN'S
RIGHTS IN THE AREA OF HOUSING SHOULD BE EQUAL TO THOSE OF MEN.

THIS, HOWEVER, CANNOT BE ACHIEVED THROUGH MISSTATEMENT OF
ACCEPTED INTERNATIONAL PRINCIPLES OR INCORRECT CITATIONS OF
RESOLUTIONS ADOPTED BY OTHER BODIES. IT IS FOR THESE REASONS
THAT WE ARE UNABLE TO CO-SPONSOR THIS RESOLUTION.

THANK YOU.

U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
UNCLASSIFIED

PAGE 04 GENEVA 01726 04 OF 06 241927Z
EXPLANATION OF VOTE
L.34, HUMAN RIGHTS AND TERRORISM

AMBASSADOR GEORGE MOOSE
U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
EOV: L.34, HUMAN RIGHTS AND TERRORISM
APRIL 23, 2001

MR. CHAIRMAN:

UNCLASSIFIED

ER2166

UNCLASSIFIED

RECENT EVENTS HAVE SHOWN THAT TERRORISM CONTINUES TO POSE CLEAR AND PRESENT DANGER TO THE INTERNATIONAL COMMUNITY. THE ATTACK ON THE U.S.S. COLE AND THE RASH OF TERRORIST ATTACKS AROUND THE WORLD ARE ONLY THE LATEST IN A SERIES OF EVENTS THAT DEMONSTRATE CLEARLY THAT TERRORISTS HAVE NO RESPECT FOR HUMAN LIFE. THE UNITED STATES HAS A STRONG AND ABIDING COMMITMENT TO COMBATING TERRORISM, WHICH INCLUDES COOPERATING WITH THE APPROPRIATE MECHANISMS ESTABLISHED BY THE INTERNATIONAL COMMUNITY.

WE REGRET, THEREFORE, THAT WE ARE OBLIGED TO VOTE AGAINST THIS RESOLUTION. OUR REASON IS THAT THE SPONSORS HAVE INCLUDED LANGUAGE THAT GRANTS TERRORISTS AND TERRORIST

UNCLASSIFIED

UNCLASSIFIED

PTQ3123

PAGE 01 GENEVA 01726 05 OF 06 241927Z
ACTION IO-00

INFO	LOG-00	AF-00	AID-00	AMAD-00	EVG-00	CIAE-00	DODE-00
	WHA-00	SRPP-00	EAP-00	EB-00	EUR-00	UTED-00	H-01
	TEDE-00	INR-00	L-00	NEA-00	DCP-01	NSAE-00	NSCE-00
	OIC-02	OPIC-01	PRS-00	P-00	SP-00	SS-00	STR-00
	TEST-00	TRSE-00	USIE-00	SA-00	PRM-01	DRL-02	G-00
	SAS-00	SWCI-00	/008W				

-----E36896 241927Z /38

R 241927Z APR 01
FM USMISSION GENEVA
TO SECSTATE WASHDC 1003
INFO HUMAN RIGHTS COMMISSION COLLECTIVE

UNCLAS SECTION 05 OF 06 GENEVA 001726

FOR IO/SHA AND DRL/MLA

E.O. 12958: N/A
TAGS: PHUM, UNHRC-1
SUBJECT: CHR VOTING RESULTS -- APRIL 23, 2001

ORGANIZATIONS A MEASURE OF LEGITIMACY BY EQUATING THEIR CONDUCT WITH THAT OF STATES. WE BELIEVE THAT THE BASIC FUNCTION OF THE COMMISSION IS TO SET HUMAN RIGHTS STANDARDS THAT ARE BINDING UPON STATES AND TO REVIEW STATES' COMPLIANCE WITH THOSE STANDARDS. TERRORISTS ARE NOT STATE ACTORS, BUT CRIMINALS WHO BEAR INDIVIDUAL CRIMINAL RESPONSIBILITY FOR THEIR ACTIONS. THE PERPETUATION OF THIS UNFORTUNATE

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 GENEVA 01726 05 OF 06 241927Z
CONFUSION ADDS NOTHING TO THE ABILITY, OR THE OBLIGATION, OF
MEMBER STATES TO COOPERATE IN THE EFFORT TO COMBAT TERRORISM.

FOR THIS REASON, THE UNITED STATES BELIEVES THAT THE SUBJECT
OF TERRORISM IS BEST ADDRESSED IN OTHER FORA, SUCH AS THE
SIXTH COMMITTEE OF THE U.N. GENERAL ASSEMBLY.

THANK YOU.

U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
EXPLANATION OF POSITION
L.47, TORTURE AND OTHER CRUEL, UNHUMAN OR
DEGRADING TREATMENT OR PUNISHMENT

AMBASSADOR SHIRIN TAHIR-KHELI
U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
EOP: L.47, TORTURE AND OTHER CRUEL, UNHUMAN OR
DEGRADING TREATMENT OR PUNISHMENT
APRIL 23, 2001

MR. CHAIRMAN:

THE COMMITMENT OF THE UNITED STATES TO THE GOALS OF THIS
RESOLUTION REMAIN AS STRONG AS EVER, AND WE ARE GRATEFUL TO
DENMARK FOR THE LEADERSHIP IT HAS SHOWN ON THIS ISSUE.

WHILE WE REMAIN CONCERNED ABOUT THIS ASPECT OF TORTURE, WE
BELIEVE THAT IT IS UNREASONABLE TO CALL FOR LEGISLATIVE
UNCLASSIFIED

PAGE 03 GENEVA 01726 05 OF 06 241927Z
MEASURES TO PREVENT THE PRODUCTION OF THESE DEVICES WHEN
THERE ARE CLEARLY MANY PROBLEMS DEFINING PRECISELY WHAT THESE
DEVICES ARE.

THUS, WE HAVE WITHDRAWN OUR CO-SPONSORSHIP OF L.47 FOR ONE
REASON ONLY: WE OPPOSE THE INCLUSION IN OP 8 OF THE
REFERENCE TO THE PRODUCTION OF TORTURE DEVICES.

THANK YOU.

U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
EXPLANATION OF POSITION
L.56, FREEDOM OF OPINION AND EXPRESSION

UNCLASSIFIED

UNCLASSIFIED

STEVEN SOLOMON
U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
EOP:L.56, FREEDOM OF OPINION AND EXPRESSION
APRIL 23, 2001

MR. CHAIRMAN:

IT IS WITH REGRET THAT WE WITHDRAW OUR COSPONSORSHIP FROM
L.56, THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION. THE
ACCEPTANCE OF THE AMENDMENT WHICH REFERS TO ARTICLE 4 OF THE
CONVENTION ON THE ELIMINATION OF RACIAL DISCRIMINATION CAUSES
US TO DO SO.

WE OBJECT IN PRINCIPLE TO THE LANGUAGE TO THE EXTENT IT
PURPORTS TO BIND STATES TO TREATY PROVISIONS WHETHER OR NOT
UNCLASSIFIED

PAGE 04 GENEVA 01726 05 OF 06 241927Z
THEY HAVE BEEN ACCEPTED BY A PARTICULAR STATE.

LET US ALSO ADD THAT THE CONSTITUTION AND LAWS OF THE UNITED
STATES CONTAIN EXTENSIVE PROTECTIONS OF INDIVIDUAL FREEDOM OF
SPEECH, EXPRESSION AND ASSOCIATION. AS THE UNITED STATES
MADE CLEAR UPON ITS RATIFICATION OF THE CONVENTION, THE
UNITED STATES DOES NOT ACCEPT ANY OBLIGATION UNDER THIS
CONVENTION, IN PARTICULAR UNDER ARTICLE 4, TO RESTRICT THOSE
RIGHTS, THROUGH THE ADOPTION OF LEGISLATION OR ANY OTHER
MEASURES, TO THE EXTENT THAT THEY ARE PROTECTED BY THE
CONSTITUTION AND LAWS OF THE UNITED STATES.

OUR COMMITMENT TO THE GOALS OF THIS RESOLUTION AS TABLED BY
CANADA REMAINS AS STRONG AS EVER.

WE WOULD ALSO LIKE TO RESTATE OUR GRATITUDE TO CANADA FOR ITS
EFFORTS ON AND COMMITMENT TO THIS ISSUE.

THANK YOU.

U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
EXPLANATION OF POSITION
L. 57, ENFORCED OR INVOLUNTARY DISAPPEARANCES

UNCLASSIFIED

UNCLASSIFIED PTQ3125

PAGE 01 GENEVA 01726 06 OF 06 241928Z
ACTION IO-00

UNCLASSIFIED

UNCLASSIFIED

INFO LOG-00 AF-00 AID-00 AMAD-00 EVG-00 CIAE-00 DODE-00
 WHA-00 SRPP-00 EAP-00 EB-00 EUR-00 UTED-00 H-01
 TEDE-00 INR-00 L-00 NEA-00 DCP-01 NSAE-00 NSCE-00
 OIC-02 OPIC-01 PRS-00 P-00 SP-00 SS-00 STR-00
 TEST-00 TRSE-00 USIE-00 SA-00 PRM-01 DRL-02 G-00
 SAS-00 SWCI-00 /008W

-----E3689D 241928Z /38

R 241927Z APR 01
 FM USMISSION GENEVA
 TO SECSTATE WASHDC 1004
 INFO HUMAN RIGHTS COMMISSION COLLECTIVE

UNCLAS SECTION 06 OF 06 GENEVA 001726

FOR IO/SHA AND DRL/MLA

E.O. 12958: N/A
 TAGS: PHUM, UNHRC-1
 SUBJECT: CHR VOTING RESULTS -- APRIL 23, 2001

 MICHAEL DENNIS
 U.S. DELEGATION, UN COMMISSION ON HUMAN RIGHTS
 EOP: L. 57, ENFORCED OR INVOLUNTARY DISAPPEARANCES
 APRIL 23, 2001

UNCLASSIFIED

PAGE 02 GENEVA 01726 06 OF 06 241928Z

MR. CHAIRMAN:

THE UNITED STATES IS PLEASED TO SUPPORT THE RENEWAL IN L.57
 OF THE MANDATE OF THE WORKING GROUP ON ENFORCED AND
 INVOLUNTARY DISAPPEARANCES AND TO COMMEND THEM ON THEIR
 EXCELLENT WORK IN SUPPORT OF THE FAMILIES OF THE DISAPPEARED.

HOWEVER, MR. CHAIRMAN, WE MUST ALSO RESTATE OUR OPPOSITION TO
 THE ESTABLISHMENT OF AN INTER-SESSIONAL, OPEN-ENDED WORKING
 GROUP AS PROPOSED IN OP 12 OF THE REVISED TEXT IN THE
 SEPARATE DOCUMENT. ALTHOUGH WE UNDERSTAND THE MOTIVATIONS
 OF THE SUPPORTERS OF THIS IDEA AND THE IMPORTANCE OF
 MECHANISMS DESIGNED TO ADDRESS ENFORCED OR INVOLUNTARY
 DISAPPEARANCES, IN OUR VIEW THIS WOULD CLEARLY DUPLICATE WORK
 NOW BEING HANDLED BY OTHER INTERNATIONAL INSTRUMENTS AND BY
 TWO EXISTING TREATY BODIES.

MR. CHAIRMAN, WE NOTE FURTHER THAT THERE IS A BASIC
 CONTRADICTION IN THE PROPOSALS CONTAINED IN OP 11 AND OP 12.
 OP 11 CALLS FOR THE APPOINTMENT OF AN INDEPENDENT EXPERT TO

UNCLASSIFIED

UNCLASSIFIED

EXAMINE WHETHER THERE EXIST "ANY GAPS" IN THE CURRENT PROTECTIONS WITH REGARD TO ENFORCED OR INVOLUNTARY DISAPPEARANCES. OP 12 WOULD CREATE, SIMULTANEOUSLY, A NEW WORKING GROUP THAT WOULD BEGIN WORK ON A NEW, LEGALLY-BINDING INSTRUMENT EVEN BEFORE KNOWING WHETHER THE STUDY OF THE INDEPENDENT EXPERT REVEALS ANY NEED FOR SUCH AN INSTRUMENT. CLEARLY, THE PROPOSED CREATION OF A WORKING GROUP IS, AT BEST, PREMATURE.

FOR THIS REASON, MR. CHAIRMAN, WE PROPOSE AN AMENDMENT DELETING OP 12, WHICH WOULD ESTABLISH THE WORKING GROUP.

UNCLASSIFIED

PAGE 03 GENEVA 01726 06 OF 06 241928Z
ADDITIONALLY, THE U.S. PROPOSES A TECHNICAL AMENDMENT TO OP 11 TO DELETE THE PHRASE IN THE LAST LINE OF THE REVISED TEXT: AND TO THE FIRST SESSION OF THE WORKING GROUP ESTABLISHED UNDER PARAGRAPH 12. THE INDEPENDENT EXPERT SHOULD SUBMIT HIS REPORT TO THE COMMISSION ON HUMAN RIGHTS SO THAT A DECISION CAN BE TAKEN BY THIS BODY ON NEXT STEPS.

TO REPEAT, MR. CHAIRMAN, THE UNITED STATES IS PROPOSING AN AMENDMENT DELETING OP 12 CALLING FOR THE PREMATURE ESTABLISHMENT OF THE WORKING GROUP. SECOND, WE ARE CALLING FOR AN AMENDMENT TO OP 11 TO DELETE THE WORDS: AND TO THE FIRST SESSION OF THE WORKING GROUP ESTABLISHED UNDER PARAGRAPH 12. AGAIN, THE INDEPENDENT EXPERT SHOULD REPORT TO THE COMMISSION.

THANK YOU, MR. CHAIRMAN.

END TEXT.
MOOSE

UNCLASSIFIED

<< END OF DOCUMENT >>

UNCLASSIFIED

ER2171

UNCLASSIFIED

Y68

UNCLASSIFIED

PT08209

RELEASED IN FULL

PAGE 01 GENEVA 04616 110953Z
ACTION IO-00

INFO	LOG-00	AF-00	AID-00	AMAD-00	CIAE-00	DODE-00	WHA-00
	SRPP-00	EAP-00	EB-00	EUR-00	UTED-00	H-01	TEDE-00
	INR-00	LAB-01	L-00	NEA-00	NSAE-00	NSCE-00	OIC-02
	OPIC-01	PRS-00	P-00	SP-00	SSO-00	SS-00	STR-00
	TRSE-00	USIE-00	SA-00	IIP-00	PRM-01	DRL-02	G-00
	SAS-00	/008W					

-----78CC2A 110953Z /38

O 110941Z AUG 00
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 6208
INFO USMISSION USUN NEW YORK PRIORITY

UNCLAS GENEVA 004616

DEPT. FOR IO/ESA AND L/HRR

E.O. 12958: N/A

TAGS: PHUM, UNHRC-1, US

SUBJECT: CHR RESOLUTION 2000/37 - QUESTION ON ENFORCED OR
INVOLUNTARY DISAPPEARANCES

1. MISSION HAS RECEIVED THE FOLLOWING NOTE VERBALE NO. 3301
DATED AUGUST 8, 2000 REQUESTING THE USG TO PROVIDE ANY
INFORMATION IT MAY WISH TO TRANSMIT TO THE OHCHR ON CHR
RESOLUTION 2000/37, IF POSSIBLE, BY SEPTEMBER 30, 2000.

BEGIN TEXT:

UNCLASSIFIED

PAGE 02 GENEVA 04616 110953Z

THE SECRETARY-GENERAL OF THE UNITED NATIONS PRESENTS ITS
COMPLIMENTS TO YOUR GOVERNMENT AND HAS THE HONOUR TO DRAW ITS
ATTENTION TO RESOLUTION 2000/37 ADOPTED BY THE COMMISSION ON
HUMAN RIGHTS ON 20 APRIL 2000 ENTITLED "QUESTION ON ENFORCED
OR INVOLUNTARY DISAPPEARANCES."

IN ITS OPERATIVE PARAGRAPH 9, THE COMMISSION ON HUMAN RIGHTS
REQUESTED THE SECRETARY-GENERAL TO ENSURE THE WIDE
DISSEMINATION OF THE DRAFT INTERNATIONAL CONVENTION OF THE
PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCES (E/CN
4/SUB. 2/1998/19, ANNEX) TRANSMITTED BY THE SUB-COMMISSION IN
ITS RESOLUTION 1998/25 OF 26 AUGUST 1998, ASKING STATES,
INTERNATIONAL ORGANIZATIONS AND NON-GOVERNMENTAL

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ARCHIE M BOLSTER
DATE/CASE ID: 18 JUN 2009 200706444

UNCLASSIFIED

ORGANIZATIONS TO SUBMIT THEIR VIEWS AND COMMENTS, AS A MATTER OF HIGH PRIORITY, ON THE DRAFT INTERNATIONAL CONVENTION, ON THE FOLLOW-UP THERETO, AND IN PARTICULAR, ON WHETHER AN INTERSESSIONAL WORKING GROUP SHOULD BE SET UP TO CONSIDER THE DRAFT INTERNATIONAL CONVENTION. A COPY OF THE DRAFT INTERNATIONAL CONVENTION IS ATTACHED HEREWITH.

THE SECRETARY-GENERAL WOULD BE GRATEFUL IF YOUR GOVERNMENT COULD FORWARD TO THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, ACTIVITIES AND PROGRAMMES BRANCH, UNITED NATIONS OFFICE AT GENEVA, CH 1211 10, IF POSSIBLE BY 30 SEPTEMBER 2000, ANY INFORMATION IT MAY WISH TO PROVIDE ON THE MATTER.

8 AUGUST 2000

END OF TEXT.

UNCLASSIFIED

PAGE 03 GENEVA 04616 110953Z

2. MISSION WILL TRANSMIT BY POUCH NOTE VERBALE AND ANNEX TO IO/ESA.

MOOSE

UNCLASSIFIED

<< END OF DOCUMENT >>

UNCLASSIFIED

ACTION IO-00

RELEASED IN FULL

INFO	LOG-00	EEB-00	AF-00	AID-00	AMAD-00	CIAE-00	INL-00
	DODE-00	WHA-00	EAP-00	EUR-00	UTED-00	TEDE-00	INR-00
	LAB-01	L-00	NEA-00	NSAE-00	NSCE-00	OIC-00	OIG-00
	PA-00	GIWI-00	PRS-00	P-00	SP-00	SS-00	STR-00
	TRSE-00	FMP-00	SCRS-00	PRM-00	DRL-00	G-00	SCA-00
	SAS-00	FA-00	SWCI-00	/001W			

-----4B9FD1 141510Z /38

R 141508Z JAN 08
 FM USMISSION GENEVA
 TO SECSTATE WASHDC 5920
 INFO USMISSION USUN NEW YORK

UNCLAS GENEVA 000036

STATE FOR IO-RHS, DRL-MLGA, L-HRR

E.O. 12958: N/A

TAGS: PHUM, UNHRC-1

SUBJECT: Working Group on Enforced or Involuntary Disappearances

1. Mission has received a communication from the Secretary, a.i. on the Working Group on Enforced or Involuntary. This communication is number 04 on the Geneva 2008 Communications Log.

2. Begin text of letter. Excellency, At the request and on behalf of the Chairman of the Working Group on Enforced or Involuntary Disappearances, I have the honour to communicate the following letter addressed to you:

"Excellency, I have the honour to write to you on behalf of the Working Group on Enforced or Involuntary Disappearances, which held its 83rd session from 21 to 30 November 2007 at the Office of the United Nations High Commissioner for Human Rights in Geneva.

In the course of the session, the Working Group decided to inform your Government of general allegations it has received in relation to the implementation of the Declaration on the Protection of All Persons from Enforced Disappearances in your country. A summary is provided in Annex I. Any comments regarding these general allegations should be received by 1 October 2008 in order to be included in the Working Group's annual report.

I would like to take this opportunity to remind your Government that the Working Group will hold its 84th session at the United Nations Office in Geneva from 10 to 14 March 2008. As such, the Working Group would be grateful if any written information which your Government wishes to submit for the Working Group's consideration, could be received by 8 February 2008. Information may be submitted at any time of the year, and will be reviewed as soon as it can be processed.

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: ARCHIE M BOLSTER
 DATE/CASE ID: 18 JUN 2009 200706444

UNCLASSIFIED

UNCLASSIFIED

In conformity with its usual practice, the Working Group is prepared to receive representatives of interested Governments during the first three days of its next session, from 10 to 11 March 2008. Should your Government wish to be represented at the forthcoming session, please contact the Working Group's secretariat at the United Nations Office of the High Commissioner for Human Rights in Geneva (tel: 022 917 9176, fax: 022 917 9006) to schedule an appointment with the Working Group. The dates of subsequent sessions for the coming year may also be requested or found on the WGEID webpage: <http://www.ohchr.org/english/issues/disappear>. I remain, Excellency, Yours sincerely, Santiago Corcuera Chairman-Rapporteur Working Group on Enforced or Involuntary Disappearances'

83rd Session General Allegation: USA

The Working Group received information from non-governmental organizations concerning reported obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance.

It was reported that one case of extraordinary rendition, which occurred in Italy on 17 February 2003, involved an enforced disappearance for a certain period of time. The Working Group was informed that this case took place in the context of extraordinary rendition programmes that were allegedly carried out by the United States of America together with Egypt, where the person was secretly imprisoned and reportedly tortured.
End text of letter

NNNN

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

PTQ1276

RELEASED IN PART

PAGE 01
ACTION IO-00

GENEVA 01681 01 OF 02 191736Z

B5

INFO	LOG-00	AF-00	AID-00	AMAD-00	CIAE-00	DODE-00	WHA-00
	SRPP-00	EAP-00	EB-00	EUR-00	UTED-00	H-01	TEDE-00
	INR-00	LAB-01	L-00	NEA-00	NSAE-00	NSCE-00	OIC-02
	OPIC-01	PRS-00	P-00	SP-00	IRM-00	SS-00	STR-00
	TEST-00	TRSE-00	USIE-00	SA-00	PRM-01	DRL-02	G-00
	SAS-00	/008W					

-----E18829 191737Z /38

R 191735Z APR 01
FM USMISSION GENEVA
TO SECSTATE WASHDC 0934

UNCLAS SECTION 01 OF 02 GENEVA 001681

DEPT FOR IO/SHA, DRL/MLA

E.O. 12958: N/A
TAGS: PHUM, UNHRC-1
SUBJECT: CHR 57: GUIDANCE ON DRAFT RESOLUTION ON
INVOLUNTARY DISAPPEARANCES

REF: A) SECSTATE 60693 B) GENEVA FAX NO. 191 DATED
4/19/01

1. THIS IS CHR DEL CABLE NUMBER 102.
2. THE FRENCH DELEGATION, AS SPONSORS OF ABOVE-REFERENCED RESOLUTION, CIRCULATED REV. 3 AT DRAFTING SESSION THIS MORNING. REV. 3 PROPOSES (A) THE CREATION, AT NEXT YEAR'S

UNCLASSIFIED

PAGE 02 GENEVA 01681 01 OF 02 191736Z
UNHRC, OF "AN INTER-SESSIONAL OPEN ENDED WORKING GROUP . . .
WITH THE MANDATE TO ELABORATE A DRAFT LEGALLY BINDING
NORMATIVE INSTRUMENT FOR THE PROTECTION OF ALL PERSONS FROM
ENFORCED DISAPPEARANCES" (OP 11) AND (B) THE APPOINTMENT OF
"AN INDEPENDENT EXPERT WITH THE MANDATE TO PREPARE AN
EXHAUSTIVE EXAMINATION OF THE EXISTING LEGAL NORMS AND OF THE
MOST RECENT EVOLUTIONS IN THE INTERNATIONAL AND REGIONAL
FRAMEWORK IN THIS MATTER." (OP12). THIS IS VIEWED BY THE
GRULAC AS A "COMPROMISE" FROM THEIR ORIGINAL POSITION, WHICH
CALLED FOR THE CREATION OF A WORKING GROUP, BUT NOT THE
APPOINTMENT OF AN EXPERT. THE NOTION OF AN INDEPENDENT
EXPERT WAS PROPOSED BY THE NEW ZEALAND AND AUSTRALIAN
DELEGATIONS AS AN ALTERNATIVE TO THE CREATION OF AN

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ARCHIE M BOLSTER
DATE/CASE ID: 24 JUL 2009 200706444

UNCLASSIFIED

INTER-SESSIONAL OPEN-ENDED WORKING GROUP ~~UNCLASSIFIED~~ CURRENT DRAFT COMBINES BOTH CONCEPTS, AND THEREFORE PRESENTS AN EVEN MORE PROBLEMATIC RESOLUTION THAN THE ONE ORIGINALLY INTRODUCED BY THE FRENCH, I.E., A RESOLUTION THAT CREATES A WORKING GROUP TO DRAFT TREATY LANGUAGE ON DISAPPEARANCES WHILE, AT THE SAME TIME, AN INDEPENDENT EXPERT IS IN THE PROCESS OF EXAMINING THE NEED FOR ADDITIONAL INSTRUMENTS. THIS COUNTER-INTUITIVE PROBLEM WAS NOTED BY SEVERAL DELEGATIONS, INCLUDING INDIA, WHICH POINTED OUT THAT THERE IS THE POSSIBILITY THAT THE EXPERT MAY CONCLUDE THAT INTERNATIONAL LAW IS SUFFICIENTLY WELL-DEVELOPED AND DOES NOT REQUIRE ANOTHER TREATY OR TREATY BODY. THE FRENCH DELEGATION ADMITTED THAT THE LATEST APPROACH WAS NOT THE MOST "CARTESIAN" SOLUTION, BUT SEEMS TO BE THE BEST WAY TO BRIDGE THE GAP BETWEEN THE GRULAC AND THOSE OPPOSING THE CREATION OF THE INTER-SESSIONAL WORKING GROUP.

3. THE NEW ZEALAND DELEGATION, SUPPORTED BY INDIA, THAILAND, UNCLASSIFIED

PAGE 03 GENEVA 01681 01 OF 02 191736Z
U.K., NORWAY, PORTUGAL, CANADA, AND EGYPT, OFFERED ALTERNATIVE LANGUAGE FOR OP 11 AND OP 12 (SEE SEPARATE FAX).

ITS PROPOSAL WOULD APPOINT AN INDEPENDENT EXPERT TO EXAMINE EXISTING LAW ON DISAPPEARANCES AND TO REPORT HIS/HER FINDINGS TO THE COMMISSION TO ENABLE STATES TO CONSIDER THE PROPOSAL FOR AN INTERSESSIONAL OPEN-ENDED WORKING GROUP. AS A FALLBACK, THE U.K. PROPOSED AMENDING REV. 3 TO READ THAT "IF APPROPRIATE, IN LIGHT OF THE FINDINGS OF THE INDEPENDENT EXPERT," THE COMMISSION WOULD CREATE AN INTER-SESSIONAL OPEN ENDED WORKING GROUP." THESE SUGGESTIONS WERE MET WITH HOSTILITY BY ARGENTINA, WHICH SAID THAT IT WAS THROUGH NEGOTIATING, THAT REV. 3 WAS AS FAR AS IT WAS PREPARED TO GO, AND THAT IT WOULD PREFER TO TAKE THIS LANGUAGE TO A VOTE AS AN ALTERNATIVE TO FURTHER CONCESSIONS. GUATEMALA AND URUGUAY JOINED ARGENTINA IN THE SUBSTANCE, THOUGH NOT THE TONE, OF ITS INTERVENTION.

4. SEVERAL EUROPEAN COUNTRIES, INCLUDING SWITZERLAND, NORWAY, PORTUGAL, AND LICHTENSTEIN EXPRESSED CONCERN THAT, WITHOUT CONSENSUS, THE MANDATE OF THE PROPOSED INTERSESSIONAL WORKING GROUP WOULD BE DIMINISHED.

5. USDEL MADE POINTS IN REFTTEL. AT CLOSE OF THE SESSION, FRANCE AGREED TO ATTEMPT TO REDRAFT OP 11 AND OP 12 ALONG THE LINES PROPOSED IN PARA. 1 ABOVE, I.E., SOME COMBINATION OF AUTHORIZED WORK FOR BOTH THE INDEPENDENT EXPERT AND THE WORKING GROUP.

6. THERE APPEARS TO BE LITTLE SUPPORT FOR THE U.S. POSITION

UNCLASSIFIED

OF REMOVING ANY REFERENCE TO THE CREATION OF ~~UNCLASSIFIED~~ UNCLASSIFIED

PAGE 04 GENEVA 01681 01 OF 02 191736Z
INDEPENDENT EXPERT OR THE WORKING GROUP.

B5

7. IN THE ABSENCE OF ATTEMPTING TO STRIVE TOWARD CONSENSUS BASED ON THE NEW ZEALAND TEXT, IT IS LIKELY THAT THE GRULAC WILL SUCCEED IN PASSING A TEXT CALLING FOR THE CREATION OF BOTH THE WORKING GROUP AND THE INDEPENDENT EXPERT. GUATEMALA DELEGATION ADVISED USDEL THAT THE CREATION OF THE WORKING GROUP WAS A PRIORITY, BECAUSE IT IS SEEN AS A NECESSARY FIRST STEP TOWARD ITS FULFILLMENT OF PEACE AGREEMENT OBLIGATIONS TO RATIFY AN INTERNATIONAL TREATY ON DISAPPEARANCES. ARGENTINA AND GUATEMALA NOTED THAT NO EXISTING INTERNATIONAL TREATY OR TREATY BODY (INCLUDING THE INTER-AMERICAN CONVENTION ON DISAPPEARANCES) IS SUFFICIENTLY COMPREHENSIVE, AND HENCE THE NEED FOR THE UN TO DO WHAT THEIR OWN GOVERNMENTS OR REGIONAL ORGANIZATIONS SO FAR HAVE FAILED TO ACCOMPLISH.

UNCLASSIFIED

UNCLASSIFIED PTQ1277

PAGE 01 GENEVA 01681 02 OF 02 191737Z
ACTION IO-00

INFO	LOG-00	AF-00	AID-00	AMAD-00	CIAE-00	DODE-00	WHA-00
	SRPP-00	EAP-00	EB-00	EUR-00	UTED-00	H-01	TEDE-00
	INR-00	LAB-01	L-00	NEA-00	NSAE-00	NSCE-00	OIC-02
	OPIC-01	PRS-00	P-00	SP-00	IRM-00	SS-00	STR-00
	TEST-00	TRSE-00	USIE-00	SA-00	PRM-01	DRL-02	G-00
	SAS-00	/008W					

-----E18838 191737Z /38

R 191735Z APR 01
FM USMISSION GENEVA
TO SECSTATE WASHDC 0935

UNCLAS SECTION 02 OF 02 GENEVA 001681

DEPT FOR IO/SHA, DRL/MLA

E.O. 12958: N/A

UNCLASSIFIED

TAGS: PHUM, UNHRC-1

UNCLASSIFIED

SUBJECT: CHR 57: GUIDANCE ON DRAFT RESOLUTION ON
INVOLUNTARY DISAPPEARANCES

8. IT IS NOT CLEAR WHETHER ANY MEMBER WOULD CALL FOR A VOTE ON THE RESOLUTION AS PRESENTLY CONFIGURED. INDIAN DCM TALKED TO USDEL AFTER THE MEETING TO EXPRESS HIS CONCERNS WITH THE DIRECTION OF THE RESOLUTION, AND WISHED TO DISCUSS WHETHER OUR DELEGATIONS COULD COLLABORATE ON SOME AMENDMENT TO THE GRULAC FORMULATION. AUSTRALIAN AND CANADA BOTH ASKED USDEL IF WE INTENDED TO CALL FOR A VOTE. (COMMENT: IT APPEARS TO USDEL THAT A NUMBER OF MEMBERS ARE UPSET WITH THE DIRECTION
UNCLASSIFIED

PAGE 02 GENEVA 01681 02 OF 02 191737Z

THE GRULAC IS TAKING THIS RESOLUTION, BUT THAT NONE OF THEM WISH TO CALL FOR A VOTE, AND ARE HOPING THAT USDEL TAKES THE FIRST STEP OF CALLING FOR A VOTE, AND VOTING NO. IF USDEL CALLS FOR A VOTE, THEN IT IS LIKELY THAT MEMBER DELEGATIONS OPPOSED TO THE CREATION OF THE INTER-SESSIONAL WORKING GROUP WOULD ABSTAIN. END COMMENT)

9. ACCORDING TO CANADA, NEW ZEALAND, AUSTRALIA, JAPAN, INDIA, THAILAND, U.K., GERMANY, AND NORWAY ARE OPPOSED TO OP 11 AND OP 12 (INDEPENDENT EXPERT AND WORKING GROUP, RESPECTIVELY). CANADA SUGGESTED THAT THE US SHOULD CALL FOR A VOTE. IF USDEL CALLS FOR A VOTE, CANADA WOULD ABSTAIN, AND THE OTHERS WOULD PROBABLY ABSTAIN OR VOTE NO -- FOR ABOUT 20 ABSTENTIONS AND NO VOTES -- PER CANADA'S COUNT, WITH SOME DEVELOPING COUNTRIES JOINING THE ABSTAINERS. THIS COULD MEAN THAT THE WORKING GROUP IS EFFECTIVELY DEPRIVED ITS MANDATE, SINCE, EVEN IF THE THE RESOLUTION PASSES, THE WORKING GROUP STILL NEEDS TO OPERATE BY CONSENSUS. IT IS UNCLEAR WHY CANADA IS RELUCTANT TO CALL FOR THE VOTE ITSELF.

10. USDEL REQUESTS GUIDANCE ON WHETHER IT CAN JOIN NEW ZEALAND PROPOSAL FOR JUST THE CREATION OF AN INDEPENDENT EXPERT. USDEL RECOMMENDS THAT WE BE GIVEN THE LATITUDE TO SEEK CONSENSUS. AS NOTED, THE MOST LIKELY OUTCOME IN GENEVA IS THE REJECTION OF THE NEW ZEALAND FORMULATION. OUR ABILITY TO EFFECTIVELY INFLUENCE THE OUTCOME OF NEGOTIATIONS IS SUBSTANTIALLY DIMINISHED IF WE CANNOT PROVIDE SUPPORT TO NEW ZEALAND PROPOSAL.

11. USDEL ALSO REQUESTS GUIDANCE ON WHETHER WE SHOULD CALL
UNCLASSIFIED

PAGE 03 GENEVA 01681 02 OF 02 191737Z

FOR A VOTE ON OP11 AND OP 12 (IF LANGUAGE REMAINS UNCHANGED IN SUBSTANCE FROM REV. 3), AND WHETHER WE SHOULD CALL FOR A

UNCLASSIFIED

ER2179

