

01/12/2003

Press Release

GA/SHC/3775

Fifty-eighth General Assembly
Third Committee
61st & 62nd Meetings (AM & PM)

CONCLUDING CURRENT SESSION, THIRD COMMITTEE APPROVES DRAFT RESOLUTIONS ON HUMAN RIGHTS IN CAMBODIA, MYANMAR, DEMOCRATIC REPUBLIC OF CONGO

Five Recorded Votes Held Concerning Text on Democratic Republic of Congo

Concluding its current session, the Third Committee (Social, Humanitarian and Cultural) today approved three draft resolutions on issues related to the situation of human rights in Cambodia, Myanmar and the Democratic Republic of the Congo.

The Committee approved the draft resolution on the human rights situation in the Democratic Republic of the Congo in a recorded vote of 74 in favour to 3 against (Belarus, Rwanda, Uganda), with 85 abstentions (see Annex V). By the draft's terms, the General Assembly would condemn the continuing violations of human rights and international law in that country and condemn all massacres and reported perpetration of acts of mutilation and cannibalism, cases of summary or arbitrary executions, and the continuing recruitment and use of child soldiers.

The representative of the Democratic Republic of the Congo, noting that his country was emerging from a long and devastating war in which some 3 million people had been killed, said the sponsors of the draft before the Committee had ignored the progress under way and had not suggested any way to bring an end to impunity. The draft's sponsors had lost sight of the need to provide relief for victims. His delegation would abstain from voting on the draft, as it believed that some portions would be useful during the transition.

Before the vote on the draft as a whole, the Committee held recorded votes on several paragraphs on the text. Paragraphs expressing concern about the Democratic Republic of the Congo's suspension of the moratorium on the death penalty and calling for a reinstatement of the moratorium, were retained by a vote of 73 in favour to 50 against, with 35 abstentions (see Annex II.)

A paragraph that would have the Assembly recall "all its previous resolutions, as well as those of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo" was retained by a vote of 82 in favour, to 4

against (Guinea-Bissau, Myanmar, Rwanda, Uganda), with 75 abstentions (see Annex I).

By a vote of 2 in favour (Federated States of Micronesia, United States) to 93 against, with 55 abstentions (see Annex III), the Committee rejected an amendment proposed by the representative of the United States to call on the Democratic Republic of the Congo to “comply with its treaty obligations and continue to cooperate with the International Tribunal for Rwanda”. The amendment would have deleted specific mention of the International Criminal Court, owing to the reservations of the United States concerning the Court.

In other action today, the Committee rejected a challenge to the Chairman’s decision to hold a recorded vote on the text concerning the Democratic Republic of the Congo by a vote of 82 against, with 70 in favour (see Annex IV).

Approved without a vote, the draft resolution on the human rights situation in Cambodia would have the General Assembly urge Cambodia’s Government to expedite the implementation of legal and judicial reform as a matter of priority and encourage further efforts to implement its reform programme, including police and military reforms and the demobilization programme. The text would also call on the Government to increase efforts to investigate and to prosecute, in accordance with due process of law and human rights standards, all those who have perpetrated serious crimes, including human rights violations.

The representative of Cambodia said that, while some portions of the text did not fully reflect current realities in the country, it would nevertheless contribute to the Government’s inexhaustible efforts to build a democratic society and to improve the human rights situation in Cambodia, which had been devastated by more than two decades of war. On the behalf of the people and Government and Cambodia, the representative reiterated his country’s determination to continue to build democracy and provide a better future for the country.

Also approved by consensus was a draft resolution on the human rights situation in Myanmar, which would have the General Assembly strongly urge the Government of Myanmar to end the systematic violations of human rights there, to immediately and unconditionally release all other political detainees and to lift all restraints on peaceful political activity and guarantee freedom of expression.

Prior to the draft’s approval, the representative of Myanmar voiced his Government’s objections to the draft, saying the draft was based on unsubstantiated allegations of anti-government groups and was a blatant attempt to interfere in the domestic political process of Myanmar by politicizing human rights. The draft was intrusive and contained disturbing language, he added, and if allowed to go unchallenged, would infringe on Myanmar’s sovereignty and harm its national security interests. It would also create a dangerous precedent that would have far-reaching consequences for all developing countries.

Also today the Committee took note of the following: the report of the Secretary-General on the protection of migrants; a note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on

the protection of migrants; the Report of the Secretary-General on the right to development; a report of the Secretary-General on human rights and unilateral coercive measures; a note by the Secretary-General transmitting the report of the Special Representative of the Secretary-General on the situation of human rights defenders; the note by the Secretary-General on human rights situation of the Lebanese detainees in Israel; and a note by the Secretary-General regarding the report of the independent expert on the situation of human rights in Afghanistan.

The Committee also took note of a note by the Secretary-General transmitting the interim report of the Special Rapporteur on the situation of human rights in Iraq; a note by the Secretary-General on the Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Sierra Leone; a note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on violence against women on the situation of women and girls in Afghanistan; and a note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Burundi.

The Committee decided to recommend to the General Assembly that it take note of the Report of the United Nations High Commissioner for Human Rights. The Committee took note of the report of the Economic and Social Council (ECOSOC) and the report of the Secretary-General on the progress attained towards the implementation of the Declaration of Commitment on HIV/AIDS.

The Committee then approved its organizational work and the draft biennial programme of work for 2004-2005.

Action on Drafts

The Third Committee (Social, Humanitarian and Cultural) began its work this morning taking up a text on the situation of human rights in Cambodia (document A/C.3/58/L.75). The draft would have the General Assembly urge Cambodia's Government to expedite the implementation of legal and judicial reform as a matter of priority and encourage further efforts to implement its reform programme, including police and military reforms and the demobilization programme.

The text would call on the Government to increase efforts to investigate and to prosecute, in accordance with due process of law and human rights standards, all those who have perpetrated serious crimes, including violations of human rights. Noting grave concern at continued human rights violations -- including torture, pre-trial detention, and the killings of political activists -- the draft urges the Government to take all measures to prevent such violations, including the creation of a board of inquiry on the issue of mob killings.

Before action was taken, the Committee's Secretary made a statement on budgetary requirements for the early establishment of the Extraordinary Chambers for the prosecution of crimes committed under the Khmer Rouge. He also read out several technical changes in the text that had been suggested when it had been introduced.

The representative of Cambodia said that, while some portions of the text did not fully reflect current realities in the country, it would nevertheless contribute to the Government's inexhaustible efforts to build a democratic society and to improve the human rights situation in Cambodia, which had been devastated by more than two decades of war. On the behalf of the people and the Government and Cambodia, the representative reiterated his country's determination to continue to build democracy and provide a better future for the country.

The text was adopted without a vote.

Before the Committee was a draft resolution on the situation of human rights in Myanmar (A/C.3/58/L.68/Rev.1), as amended by the co-sponsor on 21 November 2003, that would have the General Assembly strongly urge the Government of Myanmar to end the systematic violations of human rights there, to immediately and unconditionally release all other political detainees and to lift all restraints on peaceful political activity and guarantee freedom of expression.

By the text, the Assembly would call on the Government of Myanmar to initiate an independent inquiry, with international cooperation, into the Depayin incident of 30 May 2003. The draft would also call on the Government of Myanmar to secure the safe and unhindered access to all parts of Myanmar of the United Nations and international humanitarian organizations to ensure the provision of humanitarian assistance. It would also welcome efforts by the international community to encourage the Government of Myanmar to resume efforts towards national reconciliation and dialogue.

In a general statement before the draft's approval by consensus, the representative of Myanmar said the draft resolution, which had been on the agenda of the Third Committee for years, was based on unsubstantiated allegations of anti-government groups and did not reflect reality. It was a blatant attempt to interfere in the domestic political process of Myanmar by politicizing human rights. This year's resolution was even more intrusive and contained disturbing language, he added, and if allowed to go unchallenged, would not only harm national security interest and infringe on Myanmar's sovereignty, but would also create a dangerous precedent that would have far reaching consequences for all developing countries. He noted language in the draft that his Government deemed unacceptable.

He said the incident of 30 May 2003 was unfortunate, noting that his Government had been implementing a national reconciliation process, which suffered a setback as a result of the incident in which followers of Daw Aung San Suu Kyi and local people clashed when her motorcade travelled through the remote township of Depayin. The incident would have been avoided, he added, had she heeded the advice of local authorities not to travel to remote areas. As a result of the clash four people were killed and 50 were injured, prompting the Government to take temporary measures and keep Daw Aung San Suu Kyi under safe custody.

He stressed his Government would not accept a resolution that would politicize human rights with the intention of exerting pressure on Myanmar's domestic political process and on other matters, which, under the United Nations Charter, were within its domestic jurisdiction.

The Committee then approved the draft resolution by consensus.

The representative of China said the Government of Myanmar had dedicated itself to the protection of human rights and fundamental freedoms for its peoples and had actively made efforts to stabilize the situation for the transition to democracy. Regarding this progress, the international community should give more encouragement and support to the Government of Myanmar. Using a country-specific human rights resolution to exert pressure on Myanmar could not contribute to the solution of the problem.

The representative of India said the Government of Myanmar had initiated steps toward the transition to democracy with the announcement of the road map for a national reconciliation process. Those efforts should be supported by the international community through a process of active bilateral engagement.

The representative of Thailand said dialogue and reconciliation were constructive approaches that the international community should take to support Myanmar's efforts toward the transition to democracy. His Government supported efforts of Myanmar to improve the well-being of its people and to bring about national reconciliation and transition to democracy.

The representative of Viet Nam said her delegation realized the contents of the draft were still unbalanced. It neglected to reflect the positive developments in Myanmar and efforts of the Government to protect and promote human rights there. The adoption of the resolution did not serve the cause of human rights protection and promotion. Only through sincere dialogue could the cause of promotion and protection of human rights be truly advanced.

The representative of Nepal said his delegation believed Myanmar had made efforts to improve the human rights situation through its road map towards reconciliation. The international community should help those Governments striving to improve human rights in their countries.

The representative of Cuba believed the draft was not aimed at promoting human rights in that country. The draft was unbalanced and selective and did not take into account the general situation that existed in that country.

Next, the Committee took up a text on the situation of human rights in the Democratic Republic of the Congo (document A/C.3/58/L.79/Rev.1), by which the Assembly would welcome the 4 April promulgation by the head of State of the Constitution that is to govern the country throughout the transition, and the signing of the 28 March 2003 ceasefire agreement by the Governments of the Democratic Republic of the Congo and Uganda and six armed groups. In addition, the Assembly would welcome the abolition of the Military Order Court and the visit by the United Nations High Commissioner for Human Rights to the country from 12 to 15 January 2003 and the action taken by his Office in the country.

The text would, however, have the Assembly condemn the continuing violations of human rights and international law, particularly in Ituri, North and South Kivu and

other areas in the eastern part of the country. It further condemns all massacres that have occurred, the reported perpetration of acts of mutilation and cannibalism, cases of summary or arbitrary executions, and continuing recruitment and use of child soldiers. The Assembly would urge all parties to the conflict to cease all military activities, including support for the armed groups allied to them, in order to facilitate the re-establishment of the sovereignty, unity and territorial integrity of the country.

A recorded vote was called on several paragraphs on the text.

The first was on preambular paragraph 4, which would have the Assembly recall “all its previous resolutions, as well as those of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo”.

In explanation of vote before the vote, the representative of Uganda said his delegation could not accept a text that recalled “previous resolutions”, which had been based on reports that had heavily relied on falsehoods, lies and faulty fact-finding. As far as Uganda was concerned, the human rights situation in the Democratic Republic of the Congo was moving forward, and to burden the current text with falsehoods from the past was a step backwards. Uganda would vote against the text as a whole.

The language was retained by a vote of 82 in favour, to 4 against (Guinea-Bissau, Myanmar, Rwanda and Uganda), with 75 abstentions (see Annex I).

Next, the representative of Egypt said his delegation was extremely concerned that the co-sponsors of the draft were once again attempting to impose their position on capital punishment on other countries. Egypt was strongly opposed to States presenting their specific views as international norms. It also believed that all States should respect the laws of others.

He called for a vote on paragraph 3(b), which would have the Assembly express “extreme concern at the Democratic Republic of the Congo’s continued suspension of the moratorium on the death penalty”; and 6(e) which would have the Assembly call on the country to “reinstate the moratorium on capital punishment and to adhere to its commitment to progressively abolish the death penalty”.

The representative of Italy, speaking on behalf of the European Union, acknowledged and respected the wish of delegations to hold separate votes on paragraphs of the text, but hoped the Committee would still adopt the full text without a vote.

In explanation of vote before the vote, the representative of Pakistan said that in his country, the death penalty was practised and was handed down only after full and exhaustive judicial review, including the provision of the right to appeal. Pakistan also believed that texts such as the one under consideration were politically motivated and would vote against the inclusion of the paragraphs and the text itself.

The representative of Singapore said that while his delegation would not comment on the situation in the Democratic Republic of the Congo — as Singapore believed texts like the one under consideration today were politically motivated with little to do with

protecting and promoting human rights — it would nevertheless express opposition to the draft's paragraphs which mentioned capital punishment.

There was no international consensus on that practice or its abolition, he said, calling the relevant language of the text “overly prescriptive and intrusive”, particularly a passage calling on the central African nation to “reinstate the moratorium on capital punishment and to adhere to its commitment to progressively abolish the death penalty”. Singapore was strongly opposed to having the wider Assembly make such a call.

Moreover, while Singapore realized that the language had been taken from the Commission on Human Rights' resolution on the same subject, the Assembly was a much more universal body, and he said Singapore did not agree with the practice of presenting the Commission's wording as “agreed” United Nations language.

Recognizing that capital punishment remained a divisive matter, the representative of Lebanon said its delegation would abstain on texts referencing capital punishment in general, as it had last year.

The representative of Qatar said that, while capital punishment was a contentious issue, no State or international body could interfere with another State's views on the matter.

Operative paragraphs 3(b) and 6(e) were retained by a vote of 73 in favour to 50 against, with 35 abstentions (see Annex II).

Following that vote, the United States proposed an amendment to operative paragraph 6(g), which would call on the Democratic Republic of the Congo to “comply with its treaty obligations and continue to cooperate with the International Tribunal for Rwanda”, deleting specific mention of the International Criminal Court, owing to her country's own reservations to the Court.

The proposed amendment was defeated by a vote of 93 against, to 2 in favour (Federated States of Micronesia and United States), with 55 abstentions (see Annex III).

Following that action, the Committee then discussed at length whether -- according to the Assembly's rules of procedure -- a text on which several paragraphs had been contested and voted upon, could be adopted by consensus or by recorded vote. The Chair put the entire text to a vote, noting that the rules specifically called for a recorded vote on a text as a whole after portions of it had been voted on separately.

The representative of Liechtenstein then challenged the Chair's reading of the rules, saying it was his understanding that a consensus vote could indeed be held in such circumstances.

The Committee rejected the challenge by a vote of 82 against with 70 in favour (see Annex IV).

Before the vote on the text as a whole, the representative of the Democratic Republic of the Congo said the procedural debate that preceded this action had diverted attention from discussion of the draft. His country was emerging from a long and devastating war in which some 3 million people had been killed and a raft of grave human rights violations had been recorded. He noted that a new era may, nevertheless, be dawning but, sadly, international actors, particularly the sponsors of the draft before the Committee, had once again ignored the progress under way and had not suggested any way to bring an end to impunity. The text had also largely ignored the continued operation of forces belonging to Rwanda and Uganda inside his country.

He said the text should have provided momentum for actions under way on the ground aimed at promoting human rights and restoring justice. The sponsors had lost sight of the need to provide relief for victims, and unfortunately, the unbalanced draft would only lead to discussion of matters that had been overtaken by events. He went on to question various portions of the text, as well as the overall negotiation process, which he said had been lacking in coherence and openness. While his delegation had every reason to vote against the draft, it would instead abstain, since it believed that some portions of it would be useful during the Democratic Republic of the Congo's transition. He urged other likeminded countries to do the same.

The representative of Rwanda said that, while his delegation had hoped the text would not be put to a vote, it still did not take into account recent political development and was unbalanced in general. As neighbours, he hoped that the people of both Rwanda and the Democratic Republic of the Congo could live in peace and could take advantage of emerging progress in the Great Lakes region. The recent regional momentum had not been reflected in the draft. Neither did it mention issues related to disarmament or other important issues that bore on the overall security and stability of the region. Rwanda would vote against the text.

The representative of Uganda, addressing allegations that her country's forces were still occupying portions of the Democratic Republic of the Congo, said that the report on which much of the draft resolution was based had been vague on that issue at best. Uganda was not occupying the Democratic Republic of the Congo and remained willing to work towards peace with all nations of the Great Lakes region. Uganda had many reservations about the draft and would vote against it.

The text was adopted by a vote of 74 in favour to 3 against (Belarus, Rwanda, Uganda) with 85 abstentions (see Annex V).

Following the vote, the representative of the Democratic Republic of the Congo expressed thanks to all abstaining delegations. The large number of abstentions should send a message to the European Union that, when the Committee returned to the issue next year, all delegations could work together.

The representative of the United States said that her delegation had continuing concerns about the situation of human rights in the Democratic Republic of the Congo and wished to see the issues resolved as soon as possible. She expressed her country's longstanding reservations to the International Criminal Court.

The representative of Myanmar said her country had intended to vote “yes” on preambular paragraph 4.

The representative of the Bahamas supported the resolution, without prejudice to issues related to the death penalty, which the Bahamas believed was a matter to be decided within the jurisdiction of each State.

The representative of Belarus said his delegation had voted against the draft — and all country-specific texts — as it believed that it was not constructive and did not include enough government participation.

The representative of New Zealand regretted the procedural debate that had preceded the vote on the text, as he felt it detracted from the importance of the issue, as well as the decorum of the committee. His delegation had asked for a clarification that the Chair’s ruling should not act as precedent.

The representative of Australia also expressed reservations about the procedural debate and the Chair’s ruling, which seemed at odds to a decision made in a similar situation last week.

The representative of the Gambia supported the Chair’s ruling.

Switzerland’s representative welcomed the constructive attitude of the representative of the Democratic Republic of the Congo, who had called for States to abstain from the draft rather than vote against it.

The representative of Nigeria said rules must be maintained, and her delegation supported the Chair’s ruling.

The representative of Mali regretted that it had taken so long to vote on the text.

The representative of Egypt summed up the debate and the various votes, noting that they would stand in the Committee’s record.

The representative of Italy also asked that the Chair’s earlier ruling not be seen as precedent.

Liechtenstein’s representative regretted the procedural debate and hoped that the countries concerned understood. He expressed regret that the Committee would in the future return to its practice of adhering to the rules of procedure.

The representative of Malaysia and the representative of Lesotho supported the Chair’s ruling.

The representative of Chile also regretted the conduct of the Committee’s work today.

The representative of Iceland said that, as she understood it, the work of the Committee was to achieve consensus as often as possible. She reserved the right to

return to the issue of the Chair's interpretation of rule 129 of the rules of procedure at another time.

The representative of Benin supported the Chair's decision.

The United States supported the statements made by Australia, New Zealand Chile and Iceland.

The Sudan's representative wished that a vote had been taken on the draft earlier to ensure that the Committee was focused on the substance of the discussion. She was pleased, nevertheless, that the procedural debate had been held.

The representative of Brazil said his delegation supported New Zealand, Australia, Chile and Liechtenstein, who had regretted that the body's work had been interrupted for a lengthy procedural discussion.

Pakistan's representative said his delegation supported the statements of Egypt, Malaysia and Sudan and others who supported the holding of a recorded vote on the draft.

The representative of Andorra joined the statement of Liechtenstein and others.

Syria's representative supported the Chair's ruling, saying application of the rule was not just limited to the Third Committee, but to the First and Sixth Committees as well.

The representative of Jordan also supported Chairs' ruling.

Fiji's representative also supported the Chair's ruling.

The representative of Saudi Arabia said her delegation supported the Chair's decision and suggested that those wishing to change the rules of procedure should do so through the proper channels.

The representative of Rwanda said his delegation had been shocked by statements made by the representative of the Democratic Republic of the Congo, which had proved that country's lack of desire to work toward peace. There were no Rwandan troops in the Democratic Republic of the Congo, he said.

The Committee had before it document A/C.3/58/L.80, containing the organizational work of the Third Committee and the draft biennial programme of work for the Committee for 2004-2005.

After the Secretary noted technical revisions to the document, the representatives of Canada and Ethiopia requested technical clarifications.

The representative of Malaysia proposed rearranging the programme of work to be undertaken next year by the Committee. Could item 14, which addressed human rights questions, be brought up earlier in the programme of work?

The Secretary said the proposal by the representative of Malaysia would be taken into account when the Secretariat prepared the organization of the Committee's work next year.

The Committee approved the biennial programme of work, contained in document A./C.3/58/L.80, as orally amended.

The Committee then took note of the report of the Economic and Social Council (ECOSOC), contained in document A/58/3.

The representative of El Salvador requested clarification regarding the 2003 ECOSOC report. Was the correction his delegation had suggested included in the document to be adopted?

The Committee Secretary said the correction would be contained in the ECOSOC report.

The Committee also took note of the report of the Secretary-General on the progress attained towards the implementation of the Declaration of Commitment on HIV/AIDS contained in document A/58/329.

The Chairman recalled that the representative of Benin had introduced a request in connection with a non-action vote that was taken on a resolution presented by her delegation.

The delegate of Benin said the non-action vote was passed very quickly without her delegation being able to participate in the vote. Her delegation called on the Chairman to be more vigilant, as her delegation was not happy with what had happened and wanted to bring that to the Committee's attention.

The representative of Nepal said his delegation did not take part in the vote for non-action. Delegations were not allowed to explain their decisions. His delegation would have preferred the conduct of the meeting to be more transparent.

In his concluding remarks to the Committee, the Chairman, MARTIN BELINGA-EBOUTOU of Cameroon, said the Committee had worked a great deal and had worked very well. It had examined draft resolutions with unparalleled attention and had enriched them with quality contributions before adoption. Never had he seen delegates working with such dexterity on issues concerning rules and regulations.

He thanked delegates for their understanding and their spirit of compromise. Despite the time invested, delegates had been able to express themselves frankly. He was convinced that all were moved by the spirit to contribute to a true consensus.

The implementation of article 129 was a point of difficulty, he said, but the chairman must assume the task of implementing respect for rules and regulations. The General Assembly and the Committees worked through consultations for their resolutions to be adopted whenever possible by consensus. However, when consensus was not possible the only way to adopt a resolution was by the rule. Article 129 provided that when there was a vote on a paragraph or part of a proposal,

after the adoption of that part, the overall resolution was subjected to a vote. The Chairman was obliged to see that the rule is carried out. By strictly applying the article, the Committee could work in the spirit of compromise to arrive at a consensus.

ANNEX I

Vote on Preambular Paragraph 4 of Draft on Democratic Republic of Congo

Preambular paragraph 4, on recalling previous resolutions, of the draft resolution on the Democratic Republic of the Congo (document A/C.3/58/L.79/Rev.1) was retained by a recorded vote of 82 in favour to 4 against, with 75 abstentions, as follows:

In favour: Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Bahamas, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Federated States of Micronesia, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Mexico, Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sudan, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom, United States, Uruguay, Venezuela.

Against: Guinea-Bissau, Myanmar, Rwanda, Uganda.

Abstain: Algeria, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Guyana, Haiti, India, Indonesia, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Suriname, Swaziland, Syria, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Zambia, Zimbabwe.

Absent: Afghanistan, Central African Republic, Chad, Comoros, Dominica, Equatorial Guinea, Grenada, Guinea, Iran, Iraq, Jordan, Kazakhstan, Kiribati, Kyrgyzstan, Liberia, Marshall Islands, Palau, Papua New Guinea, Samoa, Sao Tome and Principe, Seychelles, Solomon Islands, Somalia, Tonga, Turkmenistan, Tuvalu, Uzbekistan, Vanuatu, Viet Nam, Yemen.

ANNEX II

Vote on Paragraphs on Capital Punishment

Operative paragraphs 3(b) and 6(e) on capital punishment in the draft resolution on the Democratic Republic of the Congo (document A/C.3/58/L.79/Rev.1) were retained by a recorded vote of 73 in favour to 50 against, with 35 abstentions, as follows:

In favour: Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Federated States of Micronesia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Monaco, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom, Uruguay, Venezuela.

Against: Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belize, Benin, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Eritrea, Ethiopia, Gambia, Guyana, India, Indonesia, Iran, Jamaica, Jordan, Kuwait, Lesotho, Libya, Malaysia, Maldives, Mauritania, Mongolia, Myanmar, Nigeria, Oman, Pakistan, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Trinidad and Tobago, United Arab Emirates, United Republic of Tanzania, United States, Zimbabwe.

Abstain: Algeria, Azerbaijan, Belarus, Bhutan, Botswana, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Djibouti, El Salvador, Fiji, Ghana, Haiti, Kazakhstan, Kenya, Lebanon, Madagascar, Malawi, Mali, Morocco, Namibia, Niger, Philippines, Russian Federation, South Africa, Tajikistan, Thailand, Togo, Tunisia, Uganda, Zambia.

Absent: Afghanistan, Bahrain, Central African Republic, Chad, Comoros, Dominica, Equatorial Guinea, Gabon, Grenada, Guinea, Guinea-Bissau, Iraq, Kiribati, Kyrgyzstan, Lao People's Democratic Republic, Liberia, Marshall Islands, Mozambique, Palau, Papua New Guinea, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Seychelles, Solomon Islands, Somalia, Tonga, Turkmenistan, Tuvalu, Uzbekistan, Vanuatu, Viet Nam, Yemen.

ANNEX III

Vote on Amendment Deleting International Criminal Court Reference

An amendment deleting the reference to the International Criminal Court in paragraph 6(g) of the draft resolution on the Democratic Republic of the Congo (document A/C.3/58/L.79/Rev.1) was defeated by a recorded vote of 2 in favour to 93 against, with 55 abstentions, as follows:

In favour: Federated States of Micronesia, United States.

Against: Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Barbados, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Kenya, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Mauritius, Mexico, Monaco, Namibia, Nauru, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Suriname, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Turkey, Ukraine, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Zambia, Zimbabwe.

Abstain: Algeria, Armenia, Azerbaijan, Bangladesh, Belarus, Bhutan, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Congo, Côte d'Ivoire, Egypt, Eritrea, Ethiopia, Guyana, Haiti, India, Indonesia, Israel, Jamaica, Kuwait, Lebanon, Libya, Madagascar, Malawi, Malaysia, Mauritania, Mongolia, Morocco, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Swaziland, Syria, Tajikistan, Thailand, Togo, Tunisia, Uganda, United Arab Emirates.

Absent: Afghanistan, Bahamas, Bahrain, Central African Republic, Chad, Colombia, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Dominica, Equatorial Guinea, Gabon, Gambia, Grenada, Guinea, Iran, Iraq, Kazakhstan, Kiribati, Kyrgyzstan, Lao People's Democratic Republic, Liberia, Maldives, Marshall Islands, Mozambique, Myanmar, Palau, Papua New Guinea, Sao Tome and Principe, Seychelles, Solomon Islands, Somalia, Sudan, Tonga, Turkmenistan, Tuvalu, Uzbekistan, Vanuatu, Viet Nam, Yemen.

ANNEX IV

Vote on Challenge to Recorded Vote

The challenge to the Chairman's decision to have a recorded vote on the draft resolution on human rights in the Democratic Republic of the Congo (document A/C.3/58/L.79/Rev.1) was defeated by a recorded vote of 70 in favour to 82 against, with no abstentions, as follows:

In favour: Albania, Andorra, Argentina, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Federated States of Micronesia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States, Uruguay.

Against: Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea-Bissau, India, Indonesia, Iran, Jamaica, Kenya, Kuwait, Lebanon, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Morocco, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Peru, Qatar, Republic of Moldova, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syria, Togo, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Abstain: None.

Absent: Afghanistan, Armenia, Central African Republic, Chad, Comoros, Dominica, Equatorial Guinea, Grenada, Guinea, Guyana, Haiti, Honduras, Iraq, Kiribati, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Liberia, Maldives, Marshall Islands, Mongolia, Mozambique, Palau, Papua New Guinea, Samoa, Sao Tome and Principe, Seychelles, Solomon Islands, Somalia, Spain, Swaziland, Tajikistan, Timor-Leste, Tonga, Tunisia, Turkmenistan, Tuvalu, Uzbekistan, Vanuatu.

ANNEX V

Vote on Human Rights in Democratic Republic of Congo

The draft resolution on human rights in the Democratic Republic of the Congo (document A/C.3/58/L.79/Rev.1) was approved by a recorded vote of 74 in favour to 3 against, with 85 abstentions, as follows:

In favour: Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Federated States of Micronesia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, The former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom, United States, Uruguay, Venezuela.

Against: Belarus, Rwanda, Uganda.

Abstain: Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti,

Egypt, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Zambia, Zimbabwe.

Absent: Afghanistan, Central African Republic, Chad, Comoros, Dominica, Equatorial Guinea, Gambia, Grenada, Guinea, Honduras, Iraq, Kiribati, Kyrgyzstan, Liberia, Maldives, Marshall Islands, Palau, Papua New Guinea, Sao Tome and Principe, Seychelles, Solomon Islands, Somalia, Tonga, Turkmenistan, Tuvalu, Uzbekistan, Vanuatu, Viet Nam, Yemen.

* * * * *