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HUMAN RIGHTS COUNCIL  
Eleventh special session  
26-27 May 2009

**REPORT OF THE HUMAN RIGHTS COUNCIL ON ITS  
ELEVENTH SPECIAL SESSION**

**Vice-President and Rapporteur: Mr. Elchin Amirbayov (Azerbaijan)**

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## **I. Resolution adopted by the Council at its eleventh special session**

### **S-11/1 Assistance to Sri Lanka in the promotion and protection of human rights**

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments,

*Reaffirming* the purposes and principles of the United Nations as contained in articles 1 and 2 of the United Nations Charter, including the principle of non-interference in matters which are essentially within the domestic jurisdiction of States,

*Bearing in mind* the General Assembly resolution 60/251 of 15 March 2006,

*Recalling* the Human Rights Council resolutions 5/1 and 5/2 on institution-building of the United Nations Human Rights Council,

*Recalling* that States have the duty and responsibility to provide protection and humanitarian assistance to all segments of the population, including Internally Displaced Persons (IDPs), without discrimination,

*Recalling* its decision 2/112 and its resolutions 6/28, 7/7 and 10/15, and recalling General Assembly resolutions 57/219, 58/187, 59/191, 60/158, 61/171, 62/159 and 63/185, and welcoming the efforts of the member States of the United Nations for the protection of human rights and fundamental freedoms, and reaffirming the obligations of States to respect human rights law and international humanitarian law while countering terrorism,

*Reaffirming* the respect for sovereignty, territorial integrity and independence of the Democratic Socialist Republic of Sri Lanka, and its sovereign rights to protect its citizens and combat terrorism,

*Condemning* all attacks that the LTTE (Liberation Tigers of Tamil Eelam) launched on the civilian population and its practice of using civilians as human shields,

*Reaffirming* its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 for enhancing genuine cooperation among Member States in the field of human rights,

*Recognizing* that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

*Welcoming* the conclusion of hostilities and the liberation by the Government of Sri Lanka of tens of thousands of its citizens that were kept by the LTTE against their will as hostages, as well as the efforts by the Government to ensure safety and security for all Sri Lankans and bringing permanent peace to the country;

*Welcoming* further the recent reassurance given by the President of Sri Lanka that he does not regard a military solution as a final solution, as well as his commitment to a political solution with implementation of the 13<sup>th</sup> Amendment to bring about lasting peace and reconciliation in Sri Lanka,

*Emphasizing* that after the conclusion of hostilities, the priority in terms of human rights remains the provision of the necessary assistance to ensure relief and rehabilitation of persons affected by the conflict, including internally displaced persons, as well as the reconstruction of the country's economy and infrastructure,

*Encouraged* by the provision of basic humanitarian assistance, in particular, safe drinking water, sanitation, food, and medical and health care services to the IDPs by the Government of Sri Lanka with the assistance of the United Nations agencies,

*Further encouraged* by the recent announcement by the Government of Sri Lanka of the proposal to safely resettle bulk of the IDPs within six months,

*Welcoming* the successful rehabilitation of reintegration of former child soldiers after the conflict ended in the Eastern Province of Sri Lanka,

*Acknowledging* the continued engagement of the Government of Sri Lanka in regularly and transparently briefing and updating the Council on the human rights situation on the ground and the measures taken in that regard,

1. *Commends* the measures taken by the Government of Sri Lanka to address the urgent needs of the Internally Displaced Persons;

2. *Welcomes* the continued commitment of Sri Lanka to the promotion and protection of all human rights and encourages it to continue to uphold its human rights obligations and the norms of international human rights law;

3. *Encourages* the Government of Sri Lanka to continue to pursue its existing cooperation with relevant United Nations organizations, in order to provide, to the full extent of their capabilities, in co-operation with the Government of Sri Lanka, basic humanitarian assistance, in particular, safe drinking water, sanitation, food, and medical and health care services to the IDPs;

4. *Welcomes* the announcement of the proposal to safely resettle the bulk of the IDPs within six months, and encourages the Government of Sri Lanka to proceed in these endeavours with due respect to persons belonging to national, ethnic, religious and linguistic minorities;

5. *Acknowledges* the commitment of the Government of Sri Lanka to provide access as may be appropriate to international humanitarian agencies in order to ensure humanitarian assistance to the population affected by the past conflict, in particular IDPs, with a view to meeting their urgent needs and encourages the Sri Lankan authorities to further facilitate appropriate work;

6. *Encourages* the Government of Sri Lanka to continue to persevere in its efforts towards the disarmament, demobilization and rehabilitation of former child soldiers, recruited by the non-state armed actors in the conflict in Sri Lanka, physical and psychological recovery and reintegration into society, in particular, through educational measures, taking into account the rights and specific needs and capacities of girls, in cooperation with relevant United Nations Organizations;

7. *Urges* the Government of Sri Lanka to continue strengthening its activities to ensure that there is no discrimination against ethnic minorities in the enjoyment of the full range of human rights;

8. *Welcomes* the continued cooperation between the Government of Sri Lanka and the relevant United Nations agencies, and other humanitarian organizations in the provision of humanitarian assistance to the affected people, and *encourages* them to continue to cooperate with the Government of Sri Lanka;

9. *Welcomes* the recent visits to Sri Lanka by Mr. John Holmes, United Nations Humanitarian Coordinator and Mr. Walter Kaelin, Representative of the United Nations Secretary-General on Human Rights of Internally Displaced Persons and *encourages* them to continue to cooperate in the mobilization and provision of humanitarian assistance to the affected populations;

10. *Welcomes* the visit to Sri Lanka of the Secretary-General of the United Nations at the invitation extended by the President of Sri Lanka, and endorses the joint communiqué issued at the conclusion of the visit as well as the understandings contained therein;

11. *Welcomes* the resolve of the Sri Lankan authorities to begin a broader dialogue with all parties in order to enhance the process of political settlement and to bring about lasting peace and development in Sri Lanka based on consensus among and respect for the rights of all the ethnic and religious groups inhabiting it and invites all stakeholders concerned to actively participate in it;

12. *Urges* the international community to cooperate with the Government of Sri Lanka in the reconstruction efforts, including by increasing the provision of financial assistance, including Official Development Assistance, to help the country fight poverty and underdevelopment and to continue to ensure the promotion and protection of all human rights, including economic, social and cultural rights.

*3rd meeting*  
*27 May 2009*

[Adopted by a recorded vote of 29 to 12, with 6 abstentions; see chapter II. The voting was as follows:

*In favour:* Angola, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

*Against:* Bosnia and Herzegovina, Canada, Chile, France, Germany, Italy, Mexico, Netherlands, Slovakia, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland;

*Abstaining:* Argentina, Gabon, Japan, Mauritius, Republic of Korea, Ukraine.]

## **II. Organization of work of the eleventh special session**

1. Pursuant to paragraph 10 of General Assembly resolution 60/251, and in accordance with rule 6 of the rules of procedure of the Human Rights Council as contained in the annex to Council resolution 5/1, the Council shall hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council.
2. In a letter dated 19 May 2009, addressed to the President of the Council (A/HRC/S-11/1), the Permanent Representative of Germany to the United Nations Office at Geneva requested the convening of a special session of the Council on 25 May 2009 to address “human rights situation in Sri Lanka”.
3. The request was supported by the following 17 States Members of the Council: Argentina, Bosnia and Herzegovina, Canada, Chile, France, Germany, Italy, Mauritius, Mexico, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uruguay.
4. In addition to the above-mentioned States Members of the Council, the request was also supported by the following observer States of the Council: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Spain and Sweden.
5. As more than one third of the membership of the Council supported the above-mentioned request, the President of the Council convened informative consultations on the matter on 25 May 2009 and decided to convene a special session of the Council on 26 and 27 May 2009.

### **A. Opening and duration of the session**

6. The Council held its eleventh special session at the United Nations Office at Geneva on 26 and 27 May 2009. It held three meetings during the session.
7. The eleventh special session was opened by the President of the Council.

### **B. Attendance**

8. The special session was attended by representatives of States Members of the Council, observer States of the Council, observers for non-Member States of the United Nations and other observers, as well as observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations.

### **C. Officers**

9. At its second organizational meeting of the third cycle, on 19 June 2008, the Council elected the following officers, who also served as officers for the eleventh special session:

*President:* Martin Ihoeghian Uhomobhi (Nigeria)

*Vice-Presidents:* Erlinda F. Basilio (Philippines)  
Alberto J. Dumont (Argentina)  
Marius Grinius (Canada)

*Vice-President and Rapporteur:* Elchin Amirbayov (Azerbaijan)

#### **D. Organization of work**

10. Pursuant to paragraph 124 of the annex to Council resolution 5/1, an open-ended informative consultation was held on 25 May 2009 in preparation for the eleventh special session.

11. At the 1st meeting of the eleventh special session, on 26 May 2009, the Council considered the organization of its work, including speaking-time limits, which would be five minutes for statements by States Members of the Council and concerned countries, and three minutes for statements by observers for non-Member States of the Council and other observers, including United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations. The list of speakers would be drawn up in chronological order of registration. The concerned parties would be given the floor first, followed by States Members of the Council, observer States and observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, and observers of national human rights institutions and non-governmental organizations.

12. The special session was conducted in accordance with the relevant provisions contained in Council resolution 5/1.

#### **E. Resolution and documentation**

13. The resolution adopted by the Council at its eleventh special session is reproduced in chapter I of the present report.

14. The list of documents issued for the eleventh special session is contained in the annex to the present report.

#### **F. Statements**

15. At the 1st meeting, on 26 May 2009, the President of the Council made a statement.

16. At the same meeting, the United Nations High Commissioner for Human Rights made a video statement.

17. Also at the same meeting the Independent Expert on human rights and extreme poverty, Magdalena Sepúlveda Carmona made a statement on behalf of special procedure mandate-holders.

18. At the same meeting, the representative of Sri Lanka made a statement as the concerned country.

19. Also at the same meeting, statements were made by the following States Members of the Council: Argentina, Brazil, Canada, Chile, China, Cuba (also on behalf of the Non-Aligned Movement), Czech Republic<sup>1</sup> (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Montenegro, Republic of Moldova and the former Yugoslav Republic of Macedonia), Egypt (also on behalf of the Group of African States), France, Germany, Ghana, India, Indonesia, Italy, Japan, Jordan, Malaysia, Mexico, Nicaragua, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Qatar, Russian Federation, Saudi Arabia, Slovenia, South Africa, Switzerland and United Kingdom of Great Britain and Northern Ireland.

20. At the 2nd meeting, on 27 May 2009, statements were made by the following:

(a) States Members of the Council: Angola, Azerbaijan, Bangladesh, Bolivia, Mauritius, Netherlands, Nigeria, Republic of Korea, Uruguay and Zambia;

(b) Observer States of the Council: Algeria, Australia, Austria, Bhutan, Cambodia, Costa Rica, Democratic People's Republic of Korea, Denmark, Iran (Islamic Republic of), Ireland, Israel, Liechtenstein, Maldives, Nepal, New Zealand, Norway, Singapore, Sudan, Sweden, Syrian Arab Republic, Thailand, Turkey, United States of America, Venezuela (Bolivarian Republic of) and Viet Nam;

(c) Observer for United Nations entities, specialized agencies and related organizations: Office of the United Nations High Commissioner for Refugees;

(d) Observer for the Sovereign Military Order of Malta;

(e) Observers for non-governmental organizations: Asian Legal Resource Centre, Cercle de Recherche sur les Droits et les Devoirs de la Personne Humaine, Fédération Internationale des Ligues des Droits de l'Homme (also on behalf of Organisation Mondiale Contre la Torture), Franciscans International (also on behalf of Pax Romana and Dominicans for Justice and Peace), Human Rights Watch, Interfaith International, International Movement against All Forms of Discrimination and Racism, Lawyers' Rights Watch Canada, Liberation, Nord-Sud XXI, Pasumai Thaayagam Foundation, United Nations Watch and Women's International League for Peace and Freedom.

21. At the 3rd meeting, on 27 May 2009, statements were made by the following observers for non-governmental organizations: Amnesty International, Arab Commission for Human Rights, Asian Forum for Human Rights and Development and International Commission of Jurists.

22. At the same meeting, the representative of Sri Lanka made a statement in exercise of the right of reply.

23. Also at the same meeting, the President made his concluding remarks.

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<sup>1</sup> Observer of the Council speaking on behalf of States members and observer States.

### G. Action on the draft proposal

24. At the 3rd meeting, on 27 May 2009, the representative of Sri Lanka introduced draft resolution A/HRC/S-11/L.1, sponsored by Sri Lanka and co-sponsored by Bahrain, Bolivia, China, Cuba, Egypt, India, Indonesia, Malaysia, Nicaragua, Pakistan, Philippines and Saudi Arabia. Subsequently, Algeria, Bangladesh, Belarus, Bhutan, Brazil, Cambodia, Côte d'Ivoire, Democratic People's Republic of Korea, Iran (Islamic Republic of), Lao People's Democratic Republic, Lebanon, Maldives, Myanmar, Nepal, Oman, Qatar, Russian Federation, Singapore, Sudan, Syrian Arab Republic, Thailand, Untied Arab Emirates, Uruguay, Venezuela (Bolivarian Republic of) and Viet Nam joined the sponsors.
25. At the same meeting, the representative of Germany (on behalf of States members of the European Union that are members of the Council, Bosnia and Herzegovina, Canada, Mauritius, Switzerland and Ukraine) introduced amendments to draft resolution A/HRC/S-11/L.1.
26. Also at the same meeting, the representative of Cuba, in accordance with rule 117 of the rules of procedure of the General Assembly, moved the closure of the debate on the amendments proposed by the representative of Germany.
27. At the same meeting, in accordance with rule 117 of the rules of procedure of the General Assembly, the representatives of Mexico and Switzerland made statements opposing the closure motion proposed by the representative of Cuba.
28. Also at the same meeting, a recorded vote was taken on the motion proposed by Cuba. The motion was carried by 22 votes in favour, 17 against, with 7 abstentions, and the President of the Council declared the closure of the debate on the amendments proposed by the representative of Germany. The voting was as follows:
- In favour:* Angola, Bahrain, Bangladesh, Bolivia, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Ghana, India, Indonesia, Madagascar, Malaysia, Nicaragua, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa;
- Against:* Argentina, Bosnia and Herzegovina, Canada, Chile, France, Germany, Italy, Japan, Mauritius, Mexico, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, Uruguay;
- Abstaining:* Azerbaijan, Brazil, Gabon, Nigeria, Senegal, Ukraine, Zambia.
29. At the same meeting, the representatives of Canada, South Africa and Switzerland made general comments in relation to draft resolution A/HRC/S-11/L.1.
30. Also at the same meeting, the representative of Sri Lanka made a statement as the concerned country.
31. At the same meeting, statements in explanation of vote before the vote were made by the representatives of Chile, Germany and Mexico.

32. Also at the same meeting, at the request of the representative of Switzerland, a recorded vote was taken on draft resolution A/HRC/S-11/L.1. The draft resolution, as revised, was adopted by 29 votes in favour, 12 against, with 6 abstentions. The voting was as follows:

*In favour:* Angola, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

*Against:* Bosnia and Herzegovina, Canada, Chile, France, Germany, Italy, Mexico, Netherlands, Slovakia, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland;

*Abstaining:* Argentina, Gabon, Japan, Mauritius, Republic of Korea, Ukraine.

33. At the same meeting, statements in explanation of vote after the vote were made by the representatives of Argentina, Brazil, Japan, Nigeria, Republic of Korea and Uruguay.

34. For the text of the resolution as adopted, see chapter I.

### **III. Report of the Human Rights Council on its eleventh special session**

35. At the 3rd meeting, on 27 May 2009, the report was adopted ad referendum and the Rapporteur was entrusted with its finalization.

## ANNEX

### List of documents issued for the eleventh special session of the Council

*Documents issued in the general series*

- A/HRC/S-11/1 Letter dated 19 May 2009 from the Permanent Representative of Germany to the United Nations Office at Geneva, addressed to the President of the Human Rights Council
- A/HRC/S-11/2 Report of the Human Rights Council on its eleventh special session

*Documents issued in the limited series*

- A/HRC/S-11/L.1 Assistance to Sri Lanka in the promotion and protection of human rights
- A/HRC/S-11/L.2 Draft decision on the human rights situation in Sri Lanka

*Documents issued in the non-governmental organizations series*

- A/HRC/S-11/NGO/1 Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster
- A/HRC/S-11/NGO/2 Written statement submitted by Women's International League for Peace and Freedom, a non-governmental organization in special consultative status
- A/HRC/S-11/NGO/3 Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
- A/HRC/S-11/NGO/4 Written statement submitted by Pasumai Thaayagam Foundation, a non-governmental organization in special consultative status

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