



FIJI HUMAN RIGHTS COMMISSION

GPO Private Mail Bag
SUVA, FIJI ISLANDS

June 14th 2007

Press Statement

Human Rights Council deliberations on Fiji breach General Assembly resolution 60/251

Australia and New Zealand have breached the protocols of the Human Rights Council under resolution 60/251 by calling for a review of Fiji by the Council. Such a review of Fiji, or any of its independent institutions such as the judiciary, would be in breach of the UN General Assembly resolution establishing the Council. Fiji is entitled to take this up with the United Nations as a matter of grave concern to its sovereign status as a member of the United Nations. It may also be a matter for the International Court of Justice.

The UN General Assembly resolution 60/251 establishing the Human Rights Council stresses that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue.

The resolution also states that the work of the Council should be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights.

The resolution further states that the Human Rights Council should be used as a forum for dialogue on thematic issues on all human rights and that any review of states should be conducted transparently, and based on objective and reliable information and should be a cooperative mechanism based on interactive dialogue, with the full involvement of the country concerned.

These provisions of the resolution have not been followed by Australia and New Zealand who have asked the Council to review Fiji. The Human Rights Council, in entertaining such requests, may be acting *ultra vires* its own founding resolution and could be seen to be supporting statements of aggression against Fiji by these two countries, in violation of the spirit of the United Nations.

The Commission is particularly concerned with the report, in support of Australia and New Zealand, of the Special Rapporteur on the independence of judges and lawyers, Mr. Leondro Despouy, who has reached certain conclusions, without verification, about the rule of law in Fiji. Mr. Despouy did not provide the relevant institutions referred to in his report with an opportunity to be heard. This is in breach of the Code of Conduct for Mandate Holders of the Special Procedures of the Human Rights Council. Mr. Despouy's conclusions have compromised his independence as a mandate holder.



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Dr Shaista Shameem
Director