



# General Assembly

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*Official Records*

*President:* Mr. Ali Abdussalam Treki . . . . . (Libyan Arab Jamahiriya)

*The meeting was called to order at 3.15 p.m.*

## Terrorist attack in Afghanistan

**The President** (*spoke in Arabic*): On behalf of the General Assembly, I wish to express our deep and sincerest sympathy and condolences to the family members of the five United Nations employees who were killed in the horrific attack that took place in Kabul, Afghanistan. Let me join the Secretary-General in condemning this and all threats and acts of violence against humanitarian workers, United Nations staff and others. I emphatically state that perpetrators of such crimes should be brought to justice. I urge all Member States to fully comply with their obligations under international law pertaining to the protection of humanitarian workers and United Nations staff.

## Agenda item 20

### The situation in Central America: progress in fashioning a region of peace, freedom, democracy and development

#### Report of the Secretary-General (A/64/370)

#### Draft resolution (A/64/L.6\*)

**The President** (*spoke in Arabic*): I now give the floor to the representative of Guatemala to introduce draft resolution A/64/L.6\*.

**Mr. Rosenthal** (Guatemala) (*spoke in Spanish*): On 10 November a year ago, I had the honour to explain from this very rostrum the origin of the International Commission against Impunity in

Guatemala (CICIG) — an initiative that complies with one of the many commitments of our Peace Accords signed in December 1996. I explained that we had inherited a culture of impunity as a sequel to the conflict and that criminal groups sheltered by the climate of impunity had also appeared that were sometimes highly organized and had transnational connections.

In order to deal with the situation, we turned once again to the United Nations with a single request for cooperation between the Organization and the Government of Guatemala, which led to the creation of the CICIG and the start of its operations on 4 September 2007.

Last year, this initiative received the collective support of the General Assembly with the adoption by consensus of resolution 63/19. We greatly appreciate that support. As will be recalled, the final paragraph of that resolution requested the Secretary-General to report on the work of the Commission to the sixty-fourth session of the General Assembly.

That report, issued on 23 September in document A/64/370, presents an objective assessment of the Commission's important achievements during its first two years of activities and discusses some of the challenges it continues to face. We basically agree with the assessment of the Secretary-General, to whom we express our sincere appreciation for his constant support of the work of the Commission.

As our President, Álvaro Colom Caballeros, pointed out in his statement delivered to the General

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Assembly barely a month ago, the Commission “has the solid support not only of my Government, but of all of civil society”. For this reason, we have renewed the agreement between the Government of Guatemala and the United Nations to extend the mandate of the Commission for an additional two years.

The draft resolution I am introducing to the Assembly this afternoon, contained in document A/64/L.6\*, is sponsored by over 70 nations, beginning with our partners from the Central American Integration System. The draft follows up on resolution 63/19, adopted last year, with some updating in the language to reflect the observations in the Secretary-General’s report. We trust that this draft resolution will be adopted by consensus, and we thank you in advance for your support.

There are three final points I would like to make. First, the Commission is a response to a Guatemalan initiative. It reflects our deep conviction that in order to respond to organized groups that operate in impunity, international cooperation is needed. Such cooperation would not replace national institutions, but would support and strengthen them.

We approached the United Nations because we see it as an objective and independent Organization, without its own agenda. We looked for creative modalities of partnership with the United Nations, without renouncing our own responsibilities as a sovereign nation, as set out in our Constitution.

Secondly, the Commission is fully funded through voluntary contributions from the donor community, and I take this opportunity to extend our special gratitude to the many Governments that have worked with our country on that initiative. At the same time, I would like to emphasize that the draft resolution involves no additional financial or budgetary implications for the United Nations.

Thirdly, I would like to publicly and warmly recognize the work of the Commissioner, Carlos Castresana, for his selfless and excellent work. The important progress achieved by the Commission is, in large part, due to the leadership he has exercised in heading his team of national and international experts.

Before concluding, permit me to read out the list of countries that are sponsoring this draft resolution in addition to those that are already listed in document A/64/L.6\*. Albania, Argentina, Australia, Brazil,

Bolivia, Colombia, Cypress, Costa Rica, Slovakia, the former Yugoslav Republic of Macedonia, Fiji, Greece, Haiti, Hungary, Iceland, India, Ireland, Iraq, Italy, Japan, Latvia, Lithuania, Luxembourg, Madagascar, Norway, New Zealand, Paraguay, Czech Republic, Republic of Korea, Romania, Rwanda, Senegal, Jamaica, Switzerland, Trinidad and Tobago and Turkey.

I have confined myself to introducing the draft resolution contained in A/64/L.6\*. However, I feel I must state that this very broad agenda item relates to the situation in Central America. Here, we have a pending issue. In this very Hall, resolution 63/301 was adopted on 30 June 2009 on strengthening democracy in Honduras.

I would like to say that Guatemala will stand together with a legitimate Government of President Manuel Zelaya and we call for the immediate implementation of the provisions in that resolution. That is not only a situation concerning Honduras, but rather one involving our entire region.

**Mr. Lidén** (Sweden): I have the honour to speak on behalf of the European Union (EU).

Turkey, Croatia, the former Yugoslav Republic of Macedonia, Albania, Bosnia and Herzegovina, Montenegro, Norway, Ukraine, the Republic of Moldova, Armenia and Georgia, align themselves with this statement.

The European Union welcomes the Secretary-General’s report on the activities of the International Commission against Impunity in Guatemala (CICIG), and the draft resolution contained in document A/64/L.6\*, just introduced by the Ambassador of Guatemala.

CICIG continues to be a positive force in Guatemala with its efforts to combat the prevailing situation of impunity in the country. Through highly professional work, CICIG is now accepted as a key player in security and justice matters in Guatemala. CICIG has entered a phase where high-impact cases are in the process of being presented to the national courts, and a number of legal proceedings have been initiated. The EU fully supports the work of the Commission.

In spite of the positive results during the reporting period, where the Commission has made significant progress in key areas of its mandate, the EU would like to express its deep concern about the

continued high levels of violence and impunity in Guatemala. The EU urges the United Nations Secretariat to do its utmost to ensure that the operational challenges now faced by the Commission are appropriately addressed. The safety and security of the Commission's staff are matters of particular concern.

It is important that the work of CICIG be institutionalized by the Guatemalan State in order to create long-term sustainability after the end of its mandate. An independent judicial system is of crucial importance in combating the high levels of impunity in the country. We ask all State institutions to take the decisions necessary to ensure the independence and effectiveness of Guatemala's judicial system and to work in close cooperation with CICIG.

The EU also underlines the importance of Guatemala's continued commitment to strengthen its own institutions, and we reiterate our support for the Commission's efforts to assist Guatemala in maintaining and strengthening its democratic institutions, which are vital for peace and development in the country, and to build a State governed by the rule of law for all Guatemalans.

I would now like to turn to the situation in Honduras. On 21 July, the EU presidency, on behalf of its 27 member States, decided to restrict contact with the representatives of the *de facto* Government of Honduras and to suspend bilateral development cooperation with the institutions of the *de facto* Government. The EU stands ready to take further restrictive measures, including targeting those members of the *de facto* Government seen to be blocking progress on a negotiated solution based on the San José Accord.

The European Union underlines again the importance of a rapid and peaceful negotiated solution to the severe crisis in Honduras and calls on all actors involved to work on the basis of the San José Accord, which, in the view of the EU, remains a key reference. The EU urges the parties to continue negotiations in a constructive manner in order to achieve restoration of constitutional order in the country, and particularly before the elections to be held in November. The European Union firmly supports the initiatives undertaken by the Organization of American States and its Secretary-General, José Miguel Insulza, to facilitate dialogue with a view to a peaceful negotiated solution.

**Ms. Grau** (Switzerland) (*spoke in French*): I warmly thank the representative of Guatemala for his presentation of draft resolution A/64/L.6\*. Switzerland has supported the establishment of the International Commission against Impunity in Guatemala (CICIG) since its inception. My delegation is pleased that the mandate of the Commission has been extended for two more years. I would also like to endorse the Secretary-General's remarks in his address of 19 June, in which he commended the work of CICIG and its Commissioner, Mr. Carlos Castresana. Together with his national and international team, Mr. Castresana has acted with a high degree of professionalism.

The Guatemalan Government has shown courage in trying to find ways to put an end to impunity. CICIG's mandate and institutional structure provide a solid framework for pursuing this goal and strengthening State institutions. This is particularly important in a context where alarming levels of violence and corruption challenge not just the institutions of the country itself, but those of the subregion as a whole.

For these reasons the Commission deserves the full support of the international community. CICIG can be considered a pioneering transitional justice instrument. It bases its activities on national assessments, national participation, and national needs and aspirations. Its strategy seeks to support the political will to reform as much as the technical capacity to make those reforms. Moreover, its very existence shows that international mechanisms need not be costly in order to contribute effectively to sustainable national capacities for the administration of justice.

If CICIG is to be able to fulfil its mission efficiently, it has to deal with several challenges. I would like to mention two of them. First, as regards the status of the Commission, the report of the Secretary-General (A/64/370) underscores the dangers and risks that have become part of the Commission's daily life. Enhanced protection and security for its staff is crucial. Accordingly, Switzerland stands ready to engage in discussions with other Member States on how to strengthen existing modalities and, if necessary, to revise the Commission's status within the United Nations. Indeed, given the strategic issue that CICIG addresses — the dismantling of parallel power structures linked to international organized crime — it is crucial to provide it with the means necessary to

enable it to function in an optimal manner, while guaranteeing it adequate protection.

Secondly, regarding CICIG's need for additional financial support, Switzerland will continue to provide such support, as well as expert assistance. Alongside its specific criminal investigations, CICIG has helped to strengthen the competencies of the prosecutorial services in Guatemala. It has also been involved in updating and improving Guatemala's national legislation by making recommendations concerning vetting and the reorganization of the justice and security sectors. It is important that the international community strengthen such measures by adapting the support it provides to justice and security. The Commission's mission goes to the heart of the mandate of the United Nations to ensure that the rule of law, justice and lasting peace are mutually reinforcing.

Switzerland hopes that the support of the United Nations and the international community as a whole will live up to the needs of CICIG and Guatemala in their difficult struggle against impunity.

**Mr. Gutiérrez (Peru)** (*spoke in Spanish*): As this is the first time I have taken the floor at the present session, I would like to congratulate you, Mr. President, and through you, the other Bureau members, on your election at the sixty-fourth session of the General Assembly, and to assure you of my delegation's full support in your efforts.

My delegation would like to address two aspects relating to item 20 on the agenda, "The situation in Central America: progress in fashioning a region of peace, freedom, democracy and development": first, the draft resolution (A/64/L.6\*) on the International Commission against Impunity in Guatemala (CICIG), and secondly, the situation in our sister republic of Honduras. Regarding the draft resolution on CICIG, it must be said that this testifies to the joint endeavours of the United Nations and Guatemala to ensure that the rule of law is respected. In this forum we have repeatedly heard the dictum, "There us no peace without justice", and indeed the Commission clearly shows the international community's commitment to achieving that goal and fighting impunity.

This year by mutual agreement it was decided to extend the mandate of the International Commission for a period of two years, beginning 4 September 2009. To that end the Secretary-General's report in document A/64/370 has identified significant progress achieved

in Guatemala in investigation, prosecution and legal reforms. However, major operational challenges still remain, given the *sui generis* nature of the Commission, and those have still to be overcome.

A programme of work has been established, and the Commission must present a consolidation strategy to ensure that its powers can be transferred to national institutions. In that way it will be possible to support, strengthen and assist the work of State institutions in Guatemala. To that end it is vital that dialogue continue among the State, political parties, the press and civil society so that all can join fully in the process.

As the agenda item before us is "The situation in Central America: progress in fashioning a region of peace, freedom, democracy and development", the delegation of Peru must refer to the current situation faced by the Republic of Honduras.

Peru is firmly committed to contributing to the consolidation of democracy in Latin America and the Caribbean. The maintenance and strengthening of democratic institutions, with full respect for the rule of law and the protection and promotion of the political and social rights of our people, are supreme values that should not and cannot be subject to any conditions. It is regrettable that, after a lengthy and successful process to restore democracy in Central America, we are witnessing a terrible reversal with the constitutional breach that occurred in Honduras on 28 June, which, with no justification whatever, is continuing.

That situation was forcefully condemned by Peru, and we firmly supported the regional efforts by the Organization of American States (OAS) to facilitate the immediate restoration of the constitutional and legitimate Government of President José Zelaya Rosales. Likewise, here at the United Nations Peru co-sponsored resolution 63/301, which the General Assembly adopted by consensus, which called for the immediate and unconditional restoration of President Zelaya's Government and expressed firm support for the regional efforts being undertaken pursuant to Chapter VIII of the Organization's Charter to lead to a just solution to the serious political crisis in Honduras.

Furthermore, the peaceful return of the constitutional President José Zelaya to Honduras was supported by the member States of the Rio Group, of which Peru is one. The Group also condemned the violent acts and ongoing harassment on the part of the *de facto* Government against the Brazilian Embassy,

where President Zelaya is. Peru reiterates its vigorous call to respect and guarantee the physical safety of President Zelaya's person, family and associates, as well as to ensure the inviolability of the Brazilian Embassy in Tegucigalpa and the personal safety of its staff, in strict observance of the Vienna Convention on Diplomatic Relations.

A few weeks ago my Government welcomed the developments in Honduras following the second mission of foreign ministers of various OAS States. We were hopeful about the progress of negotiations in Tegucigalpa, which held out the prospect of a Honduran solution to a Honduran crisis. However, unfortunately, intransigence and placing differences before consensus have led to a breakdown in the negotiations.

Peru trusts that the dialogue process will continue in Honduras as soon as possible, within the terms of the San José Accord, as urged by the Permanent Council of the OAS in its press release of Wednesday, 21 October, to achieve a peaceful solution to the crisis and that that in turn could lead to the national reconciliation we all hope for and the restoration of democracy, legality and the rule of law, to the benefit of the nation and the Honduran people.

**Mrs. Viotti** (Brazil): Brazil has gladly co-sponsored draft resolution A/64/L.6\*, regarding the International Commission against Impunity in Guatemala. We fully support the efforts of the Commission to assist the Government of Guatemala in its difficult but indispensable fight against impunity.

I take this opportunity to also address the situation in Honduras. It is an issue of grave concern to my Government and that of the entire United Nations membership.

As delegations are aware, since 21 September 2009 the constitutional President of Honduras, Mr. José Manuel Zelaya, has taken shelter, together with family members and close advisors, at the Brazilian Embassy in Tegucigalpa. President Zelaya arrived at the Embassy peacefully and by his own means. He was received in the Embassy and remains there as the constitutional head of State of Honduras and the legitimate ruler of the country. That is the firm conviction of all Member States of the United Nations, in accordance with General Assembly resolution 63/301. It is also the view of all countries of the region.

Since the day it first sheltered President Zelaya at its premises, the Brazilian Embassy has been virtually under siege. It has been constantly subjected to acts of harassment and intimidation by the de facto authorities. The Embassy continues to be surrounded by military forces; tear gas has been used; basic services were suspended and later restored; sound and light devices continue to be employed, especially at night, as tactics to deprive those sheltered in the building of much-needed sleep and therefore affect them physically and psychologically. Scaffolds have been mounted outside the premises to monitor movement inside. Humiliating security procedures are used to screen those entering and leaving the Embassy, and locally engaged personnel are prevented from entering the building. Telephones are tapped. Delivery of food is restricted and perishable food is left under direct sunlight for hours. Garbage is not collected for days. That behaviour by the de facto authorities constitutes flagrant and unacceptable violations of the obligations of Honduras under the Vienna Convention on Diplomatic Relations and of the human rights of persons inside the Embassy.

We are encouraged that the international community has clearly and forcefully repudiated those aggressions. We are also grateful for the solidarity shown by organizations and numerous countries or groups of countries.

The members of the Security Council, at the Council's 6192nd meeting, on 25 September, condemned the acts of intimidation by the de facto authorities and called upon them to cease harassing the Brazilian Embassy and to provide all necessary utilities and services. Council members recalled that respect for and protection of the inviolability of diplomatic premises is a universally accepted principle of international relations. They also stressed the importance of respecting international law through preserving the inviolability of the Embassy of Brazil in Tegucigalpa and other protections afforded it by the Vienna Convention on Diplomatic Relations, and of ensuring the safety of individuals on its premises. They also underlined the need to preserve the inviolability of the Embassy of Brazil in Tegucigalpa and of its diplomatic personnel, in accordance with international law.

The Organization of American States (OAS) has also deplored the reprehensible behaviour of the de facto Government of Honduras on several occasions.

Most recently, on 21 October, the Permanent Council of that Organization denounced and strongly condemned the hostile actions against the Embassy of Brazil and the harassment of its occupants. It again called on the de facto regime to put an immediate end to those actions, to respect the Vienna Convention on Diplomatic Relations and international human rights instruments and to withdraw all repressive forces forthwith from the areas surrounding the Embassy, without neglecting the due security of the mission. The Council also appealed for guarantees for the right to life, integrity and security of President Zelaya and of all persons in and around the Embassy of Brazil, as well as for the protection of their dignity, and it urged the Inter-American Commission on Human Rights to follow up on the situation.

It is high time for the de facto authorities to heed the unanimous calls of the international community and fully abide by Honduras' international obligations. Their behaviour is incompatible with the right to dignity of the Honduran people.

On 21 October, the Permanent Council of the OAS issued a strong appeal for continuation of the dialogue already under way between the parties, in accordance with the proposed San José Agreement and without any attempt to open topics other than those contained in the proposal. The appeal follows a clear stagnation in the negotiating process. We call on the de facto Government to abandon dilatory tactics and negotiate in good faith.

Brazil believes that the return of President Zelaya is indispensable. Coups d'état are no longer acceptable in a region that has outgrown - often with blood - years of instability and violence. Elections alone will not solve the problem, since their legitimacy would be seriously compromised. Under the current circumstances conditions are simply not in place to allow the holding of free, fair, transparent and democratic elections in Honduras.

*Mr. Acharya (Nepal), Vice-President, took the Chair.*

Brazil is ready to continue to support initiatives aimed at resolving the current crisis. We count on the support of the international community, especially those who have a direct influence on the de facto authorities.

**Mr. Heller (Mexico)** (*spoke in Spanish*): We welcome the report of the Secretary-General on the activities of the International Commission against Impunity in Guatemala (A/64/370) and draft resolution A/64/L.6\*, which was introduced by the Guatemalan delegation.

The work of the International Commission against Impunity in Guatemala (CICIG) is a successful example of what can be achieved through multilateral action to benefit the States and peoples of the world. Since it was founded in August 2007 pursuant to a request by Guatemala, the Commission has shown that it is a fundamental tool for combating impunity in Guatemala and for strengthening the judicial institutions responsible for investigation and criminal prosecution of crimes against the people of Guatemala allegedly committed by illegal security forces and clandestine groups. Guatemala waged a long struggle to achieve national reconciliation, strengthen the rule of law and combat impunity. For that it deserves the full support of the international community.

The positive results of the International Commission show that it is possible to effectively combat impunity through creative models of international cooperation, gradually restoring the citizens' trust in their institutions. Progress to date is truly encouraging, but much remains to be done. Mexico has thus joined the sponsors of the draft resolution and will continue supporting the Commission's work.

The situation in Central America has both lights and shadows. Allow me now to turn to the situation in Honduras, which represents a marked step backwards in the life of the region.

After years of political stability, on 28 June the situation of relative calm that prevailed in Central America and in Honduras suffered a blow that had significant regional political repercussions. That day, the constitutional order of Honduras was smashed by the illegal expulsion of President José Manuel Zelaya, who for a time was forced to live outside of his country. He was able to return to Honduras only by taking temporary refuge in the Brazilian Embassy in Tegucigalpa. That situation is in every respect unacceptable.

Mexico confirms its unambiguous condemnation of the events of 28 June and demands the restoration of democracy in Honduras, including the return of

President Zelaya, in accordance with the constitution of the country, the Inter-American Democratic Charter, the Charter of the Organization of American States (OAS) and General Assembly resolution 63/301, which was sponsored by my delegation and adopted by acclamation on 1 July.

From the beginning of the crisis, the OAS has worked tirelessly to make possible President Zelaya's restoration to power. Mexico has supported and promoted those actions, within the OAS and through competent regional bodies, including the declarations of heads of State and Government of the Rio Group, the mechanism for consultation and concerted political action, and the Group's many ministerial declarations and communiqués. We will continue to play an active role in the multilateral regional mechanisms and necessary mediation efforts in accordance with Chapter VIII of the United Nations Charter until constitutional order is restored in Honduras.

I wish to highlight in particular the work of the OAS special commission of ministers for foreign affairs, in which Mexico's Foreign Minister participated. That commission visited Tegucigalpa twice and was crucial in starting a dialogue between representatives of the constitutional president and the de facto Government to find a way out of the crisis through dialogue and agreement. At the same time, we urge the Organization of American States and its Secretary General, Mr. José Miguel Insulza, to continue promoting all efforts towards mediation, negotiation and conciliation in order to encourage political dialogue between the players involved — the Hondurans themselves — and to reach a solution to this political crisis.

Since the June coup d'état we have witnessed many actions of the de facto Government in Honduras that violate international law and the human rights of the Honduran people. On their behalf we call for respect for the democratic institutions, governance and protection of the people's human rights.

We support the mission of the United Nations High Commissioner for Human Rights (OHCHR) which, pursuant to a mandate of the Human Rights Council, was sent to Honduras to collect information about possible human rights violations.

In addition to violations of human rights, Mexico is particularly concerned by the de facto regime's harassment of President Zelaya, his followers and the

diplomatic staff of the Brazilian Embassy in Tegucigalpa. We repudiate those illegal and inhuman actions and call for an immediate halt to them. Similarly, we demand that the diplomatic status and the privileges and immunities of diplomatic representatives in Honduras be respected, in line with the Vienna Convention on Diplomatic Relations. The international community can no longer tolerate such intimidation of the diplomatic personnel of the Brazilian Embassy, or of any other mission that has also been the victim of such actions, which run counter to international law and pose a threat to the security and physical integrity of President Zelaya and his followers.

Mexico will continue to follow developments in the political situation in Honduras. We will continue to support every effort aimed at enabling the Hondurans to find, as soon as possible, a political solution to this crisis that leads to national reconciliation and promotes stability in the country and improvement in the living conditions of its inhabitants.

**Mr. Husain** (Canada) (*spoke in French*): Canada welcomes this important draft resolution in support of the International Commission against Impunity in Guatemala (CICIG) (A/64/L.6\*). We are pleased to be part of a long list of like-minded sponsors who continue to support the Commission through voluntary contributions. Further, the representatives work closely with the Commission and United Nations colleagues to combat corruption and provide an impartial voice in public debates about security and justice issues in Guatemala.

The draft resolution comes at a crucial time for the Commission. That body continues to play a central role in publicly challenging entrenched interests and demanding greater justice and accountability on behalf of all Guatemalans. The recent Supreme Court nomination process, while controversial, represented a step forward for Guatemala in terms of transparency and open debate. In his report of 23 September 2009 (A/64/370), Secretary-General Ban Ki-moon has highlighted the significant progress made by Commission.

(*spoke in English*)

In that report, the Secretary-General calls our attention to the pressing operational challenges faced by the Commission as it moves forward into the second phase of its mandate. Those challenges are the result of the Commission's status as a non-United Nations body,

as well as a reflection of its success in challenging powerful criminal networks. Through this draft resolution, and in response to the Secretary-General's report, Canada strongly encourages the United Nations, with the ongoing support of the Guatemalan State and Commission's international allies, to bolster its assistance to the Commission in order to strengthen its security, its credibility, its capacity and its stability.

Specifically, Canada strongly supports measures to provide the CICIG staff with immediate and full diplomatic privileges and protections. Canada also encourages the United Nations to act swiftly in offering much-needed assistance to CICIG in key areas, including guaranteeing the safety and security of the Commission's staff as they undertake their important and often dangerous work.

The fact that CICIG is facing increasing pressures against its work suggests that it is having an impact in Guatemala. As a strong supporter of the Commission since its inception, Canada hopes that through this draft resolution, the United Nations system and the international community can take further tangible steps toward sustaining and improving our support to CICIG.

**Mr. Valero Briceño** (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The Bolivarian Republic of Venezuela commends the efforts by Guatemala and the international community to establish and operationalize the International Commission against Impunity in Guatemala (CICIG), which seeks to strengthen the rule of law and respect for human rights in that fraternal country. We also commend the Government and people of Guatemala on the conviction of former military commissioner Felipe Cusanero, whom the judicial system has just sentenced for the disappearance of six peasants during the civil war that assailed that fraternal Central American country.

Unfortunately, the coup d'état in Honduras could set the stage for a new wave of dictatorships in Latin America and the Caribbean, a return to massive violations of human rights, the heinous practice of disappearances, mass incarcerations and the death of innocent civilian. Just when it seemed that Central America's tragic history had been overcome, the worthy and democratic President José Manuel Zelaya Rosales was overthrown, kidnapped and exiled. At the same time, the human rights of the Honduran people are being repeatedly violated. Oligarch elites, who

endeavour to secure their obscene privileges, have once again forcefully intervened against the constitutional order of one of the continent's countries.

Just a few years ago, Assembly resolution 58/239, which was adopted on 23 December 2003 and is entitled "The situation in Central America: progress in fashioning a region of peace, freedom, democracy and development", took note of the existence throughout Central America of freely elected Governments. It also called for the achievement of political, economic and social changes conducive to the further development of democratic, just and equitable societies.

However, we can no longer say that all Governments in Central America have been freely elected. Instead of making progress towards improving democracy, the de facto Government that emerged from the military coup d'état in Honduras has succeeded in turning back many years of efforts to strengthen the principles of peace and democracy in our region. Resolutions seeking a way forward that have been adopted by the United Nations and the Organization of American States have been ignored by the regime established by the coup — an affront to the international community for which there cannot be impunity. We would like to underscore that the Bolivarian Republic of Venezuela attaches particular importance to resolution 63/301, which was adopted by the General Assembly in connection with this issue.

The Bolivarian Republic of Venezuela condemns the harassment against the Brazilian Embassy in Tegucigalpa and against President José Manuel Zelaya Rosales, Honduras's constitutional leader, as well as his family and supporters in the Embassy and other staff of other missions accredited in that country. We demand full respect for international law, especially the 1961 Vienna Convention on Diplomatic Relations. Venezuela condemns the de facto regime's intention to legitimize the coup d'état, as well as the mass violations of the Honduran people's human rights and the violations of international law. As Honduran Foreign Minister Patricia Rodas said recently, "elections are a right, but not a way to resolve coups d'états or illegitimate situations".

In that regard, our delegation would like to point out the decision by Secretary-General Ban Ki-moon to suspend the technical and financial assistance provided by the United Nations to the Honduran Supreme Electoral Tribunal because "he does not believe



conditions are currently in place for the holding of credible elections” (*Press Release SG/SM/12482*).

A new kind of coup d’état is emerging before our very eyes, one that seeks to legitimize itself through an opaque and highly contested electoral process. Those who carried out the coup d’état should be brought before national or international bodies to pay for their crimes.

The international community, and in particular the United Nations, should send a clear message to the coup regime in Honduras. In that regard, on 17 October 2009 at Cochabamba, Bolivia, we held the seventh summit of heads of State and Government of the Bolivarian Alternative for the Americas (ALBA). The declaration adopted at the meeting included a set of measures intended to contribute to restoring Mr. José Manuel Zelaya Rosales to the presidency. The declaration also emphasized that every ALBA country had decided not to recognize any electoral process or result carried out under the coup regime.

**Mr. Yáñez-Barnuevo** (Spain) (*spoke in Spanish*): My delegation fully associates itself with the statement delivered by the Permanent Representative of Sweden on behalf of the European Union in connection with the issue now being considered by the General Assembly, namely, the situation in Central America.

My delegation is grateful for the report of the Secretary-General (A/64/370) on the activities of the International Commission against Impunity in Guatemala (CICIG). We also welcome draft resolution A/64/L.6\*, which was introduced by the Permanent Representative of Guatemala.

With Commissioner Carlos Castresana at its helm, CICIG continues to be a positive force in Guatemala that is having a growing impact on various areas of Guatemalan society and on other countries of the region. The Commission is carrying out its work in especially difficult circumstances, in particular when it comes to the safety of its members and associates. We hope that those conditions will improve as much as possible with the full backing of the United Nations, thereby ensuring the independence that the Commission needs to be effective and carry out its work.

From the very beginning, Spain supported the establishment and operationalization of the Commission by virtue of an agreement between

Guatemala and the United Nations. Both parties have now agreed to extend that agreement for an additional two years. Spain has also been a main contributor to the financing of the Commission from the outset. We are prepared to continue to support the work of CICIG in the political, technical and financial areas, so as to strengthen the rule of law in Guatemala.

Spain has been a member of the group of friends that has supported CICIG since it began its operations. Of course, we are also a sponsoring country of the draft resolution that has just been introduced for the Assembly’s consideration. We hope that the draft will be adopted by consensus in recognition and support of the difficult and important work being done by CICIG and the Government of Guatemala to combat impunity.

I must also refer to the current situation in another country of the subregion, namely, Honduras. Spain viewed the events of 28 June 2009 — exactly four months ago to the day — as a coup d’état. Those events entailed the illegal overthrow and expulsion from Honduras of the constitutional President, Mr. José Manuel Zelaya Rosales. The Spanish Government’s position has led to our resolute condemnation of those events, a demand that President Zelaya be restored to office and the adoption of measures, both nationally and at the level of the European Union, aimed at contributing to a return to the democratic order in Honduras.

Spain has supported the efforts to that end undertaken by the Organization of American States and its Secretary General, Mr. José Miguel Insulza. We have also backed mediation efforts by President Arias Sánchez of Costa Rica on the basis of the so-called San José accord for a resolution to the situation. We support the search for a peaceful and democratic solution to the crisis that is negotiated by Honduran parties. We believe the San José accord to be a key term of reference for any solution.

We regret that dialogue at the table has been interrupted. We hope that is only a temporary situation. In that regard, it is necessary to continue to put maximum pressure on the de facto Government, especially now that President Zelaya has himself agreed to the San José accord and the military establishment, which was materially responsible for carrying out coup d’état of 28 June, has stated, on more than one occasion, that it would not stand in the way in the search for a peaceful negotiated solution to the

current crisis. Finding such a solution between the parties in Honduras, with the backing of the international community, is more urgent than ever. Such an agreement would confer on the elections to be held in a month's time the national and international credibility necessary to make the results legitimate, thereby genuinely making it possible to emerge from the current situation in Honduras.

At the same time, it is necessary to continue to send out a strong message of the international community's resolute rejection of practices such as military intervention to subvert the constitutional order. Such acts are a thing of the past and have no place in Latin America in the twenty-first century.

**Mr. Limeres** (Argentina) (*spoke in Spanish*): I would first of all like to speak about the International Commission against Impunity in Guatemala (CICIG). In that regard, we welcome the important progress made by the Commission in the two years that it has been operational, as indicated in the report of the Secretary-General contained in document A/64/370. We also commend the efforts by the Government of Guatemala to consolidate the achievements and overcome the challenges before it.

Argentina is committed to the Commission's efforts. We have contributed national gendarmerie personnel, who are part of the teams providing security for both staff and the Commission's facilities. My country hopes that the General Assembly will adopt by consensus draft resolution A/64/L.4, of which we are a sponsor.

With regard to the situation in Honduras, from the very beginning, the Argentine Republic energetically condemned the coup d'état carried out on 28 June. We have expressed our resolute support for the constitutional Government of Mr. José Manuel Zelaya Rosales. We have also called for his unconditional return to the office to which he was elected by the Honduran people. And we have urged the preservation of the rule of law, peace and national stability, including the stability of democratic institutions and the observance of human rights.

Argentina deplores the fact that, four months after the suspension of democratic and constitutional order in Honduras, and despite the tireless efforts in the region by the Organization of American States and the entire international community, the legitimate Government has not been restored in that country. My

country continues to be firmly committed to a return to democratic normalcy in Honduras. Our commitment is reflected in the active participation of our country's President, Cristina Fernández de Kirchner, in every effort made by the Organization of American States, including by accompanying former General Assembly President Father Miguel d'Escoto Brockmann to El Salvador, with a view to safeguarding two basic values that our region has been able to enshrine, namely, democracy and respect for human rights.

I would like to reiterate the words spoken by Argentina's President during the general debate at the sixty-fourth session on 23 September 2009:

"it is crucial that we realize that we must design and forge a multilateral strategy which is strong and specific to return democracy to Honduras. We need a strategy which would actually allow for true respect for human rights and ensure free and democratic elections — which can take place only with full respect for the constitution. If we do not do this, we would be setting a harsh precedent in a region where, for decades during the national security doctrine, suspensions of democracy claimed the lives of thousands and thousands of Latin Americans, led to the exile of many others and created the region's most serious economic and social tragedy in memory." (A/64/PV.4)

We therefore once again demand the immediate and unconditional restoration of the legitimate Government of President Zelaya, as called for in paragraph 2 of resolution 63/301. We also reiterate our resolute support for regional efforts undertaken by the Organization of American States in accordance with Chapter VIII of the Charter of the United Nations to resolve the political crisis in the Republic of Honduras.

**Mrs. Gallardo Hernández** (El Salvador) (*spoke in Spanish*): Allow me to welcome the initiative to hold this meeting in order for the General Assembly to take up agenda item 20, entitled "The situation in Central America: progress in fashioning a region of peace, freedom, democracy and development". I should also like to thank the Secretary-General for his report on this issue (A/64/370).

The Government of El Salvador attaches great importance to the situation in Central America, in line with the integrationist approach reflected in our foreign policy towards the region. That focus places priority on

promoting and supporting efforts, initiatives and projects that can contribute to the establishment of the Central American union and to the strengthening of both individual and collective efforts by the member countries of the Central American Integration System (SICA). The overall purpose is to build a region of peace, freedom, democracy and development.

In our view, the Central American region has great potential and strengths that should jointly be exploited in order to achieve sustainable development in the region. We also acknowledge that we in the region face common challenges and threats that call for ongoing concerted efforts at the national and regional levels if we are to address them successfully. That includes efforts to combat threats to public safety, drug activity, the illicit trade in drugs, the trade in human beings, illicit gang activity, corruption and the weakness of democratic institutions.

All that was recently acknowledged by President Carlos Mauricio Funes Cartagena during the general debate at the sixty-fourth session of the General Assembly, where he said that

“there will be no solution or future for any of our countries if we act in isolation from each other. We long ago emerged from the era of nationalities, and we are now ready to embark on a new phase, one of greater integration. In this regard the European Union is perhaps the most advanced example.” (A/64/PV.4)

The President also stated:

“I appeal to my Central American colleagues to consider this point. There are many pending issues that we must address. There are common challenges that we must face shoulder to shoulder. We have everything to gain and nothing to lose in the full integration of our region.” (*Ibid.*)

The Government of El Salvador was therefore especially pleased with the designation of 14 October as a date on which we will henceforth commemorate Central American Integration Day. That symbolic date is a valuable opportunity to renew El Salvador's commitment to regional integration by reiterating the integrationist thrust of our country's foreign policy. Among other things, that is a reflection of my country's desire to promote regional initiatives aimed at implementing the Central American strategic social

agenda, which should make it possible to bring Central Americans into the regional integration process, as well as to create greater awareness of the benefits of regional integration for Central American peoples.

Moreover, El Salvador is committed to taking the necessary steps to establish the Central American customs union. That is seen as a prerequisite for moving towards greater regional integration. In that regard, my country reaffirms its political resolve to adopt, as soon as possible, a multi-year SICA plan with the aim of giving the System a medium- and long-term regional integration agenda in which priority actions to ensure the strengthening of the integration process, the periodic review and the modernization of the System's legal and institutional framework can be set in line with the common desire for a regional integration process.

We believe it important to reiterate the proposal of President Funes to convene a summit of heads of State and Government of SICA to take stock of the integration in order to analyse, *inter alia*, a greater transfer of power to strengthen the supranational mechanism so as to make it credible and essentially viable.

The Government of El Salvador supports the work of the International Commission against Impunity in Guatemala, to which draft resolution A/64/L.6\* refers. It was set up at the request of Guatemala, as we know, as a non-United Nations body financed with voluntary contributions. As has been stated on various occasions, the prime objective of the Commission is above all to support, strengthen and assist the institutions of the State of Guatemala responsible for the investigation and prosecution of crimes allegedly committed by illegal security forces and clandestine security bodies, and any other type of criminal conduct linked to those operating in that country. The Commission is also empowered to refer criminal or administrative charges to the relevant authorities against officials contributing to impunity by hampering the Commission's powers or tasks.

Here, the Government of El Salvador urges the Government of Guatemala to continue to provide the necessary support to build on the achievements and overcome the challenges outlined in the Secretary-General's report. We also urge it to persevere in its efforts to strengthen the institutions that underpin the rule of law and the defence of human rights. At the

same time, it welcomes Guatemala's commitment to fighting impunity.

My Government reiterates its concern about the current situation in the sister Republic of Honduras as a result of the coup d'état of 28 June 2009. We pray once again that that situation will be resolved as soon as possible so that joint efforts can resume to form the region of peace, liberty, democracy and development in Central America that we all yearn for.

In that respect, we reaffirm the position of the Government of El Salvador in vehemently condemning the coup d'état in Honduras and in supporting the restoration of constitutional order, which indisputably requires the immediate and unconditional reinstatement of President José Manuel Zelaya Rosales. We also support the relevant resolutions of the General Assembly and the Organization of American States and the steps taken by the Rio Group to promote a broad political dialogue that will facilitate a peaceful and agreed solution to the crisis in Honduras, while fully respecting the human rights and fundamental freedoms of the entire Honduran people.

Furthermore, the Government of El Salvador requests the de facto regime to respect the physical integrity of President Manuel Zelaya and all members of the diplomatic and consular representations, and to guarantee the inviolability of their premises, in particular that of the Federative Government of Brazil.

Lastly, allow me to reiterate a statement made by President of the Republic Mauricio Funes Cartagena:

"Until the Constitution is restored in Honduras through the immediate reinstatement of President Zelaya and the creation of a government of national unity in keeping with the San José Agreement, the electoral process currently being prepared in our brother country will lack the legitimacy or transparency necessary to guarantee reliable results which might help resolve the crisis" (A/64/PV.4)

in Honduras, as the entire region hopes.

**Mr. Urbina** (Costa Rica) (*spoke in Spanish*): As a country that believes in law and justice, Costa Rica has consistently supported the International Commission against Impunity in Guatemala. It is a significant achievement in the context of the peace agreements signed in 1996. We support the extension of the agreement between the Government of Guatemala and

the United Nations system, and we believe that extending that mandate will make it possible to pursue additional efforts and initiatives of vital importance to ensuring the rule of law. Costa Rica welcomes the complete transparency and the willingness of the Government of the Republic of Guatemala in fulfilling the substantive obligations of the Commission. As a sponsor of draft resolution A/64/L.6\*, introduced by the brother nation of Guatemala, we call for its broad support.

For many years, Latin America suffered continuous breakdowns in the democratic order. Our region was a showcase of dictatorial horrors, fueled by the existence of repressive military regimes that abrogated political freedoms. The road to democracy in Latin America was painful and not without considerable bloodshed. The small isthmus of Central America was no exception in those processes to reclaim political systems.

Exactly four months ago, one of those projects was tragically disrupted when the democratically elected President of the sister Republic of Honduras was driven out of his country and sent to Costa Rica. On that morning of sad memory, the President of Costa Rica was the first head of State to demand the immediate reinstatement of President José Manuel Zelaya Rosales.

For over 60 years, Costa Rica has founded its peace on dialogue and the institutional mechanisms of conflict resolution. With those resources, we were able to avoid the Central American wars in the 1980s, and thanks to the moral strength of an unarmed country believing in negotiated solutions in accordance with the rule of law, our President was able to mediate the Honduran conflict. President Óscar Arias wasted no time or effort in bringing the parties together and in calling for sensitivity, common sense and the benefits of dialogue to resolve the political crisis in Honduras.

Although the mediation efforts of our President have not yet led to the signing of an agreement, somehow the spirit of the San José agreement has become the backdrop for the international community's efforts, in particular for the parties involved. In politically realistic terms, the terms of a practical political solution that is within reach of the parties remains the basis for achieving national reconciliation, the restoration of President Zelaya Rosales and the return to the constitutional order that prevailed before

28 June. It is only in that way that the Hondurans will be able to hold elections leading to a legitimate transfer of power and a normalization of relations between Honduras and the international community.

As a member of the Security Council, Costa Rica condemned the harassment and threats to which the Brazilian embassy in Tegucigalpa and its diplomatic personnel have been subject. Today, we reiterate that condemnation and remind the de facto authorities that they must comply with the Vienna Convention on Diplomatic Relations. That is an absolutely fundamental principle. We express our unequivocal solidarity with the Government of Brazil and our support for its legitimate demands for full respect for that international instrument.

Costa Rica supports every regional effort to resolve this situation and calls on the constitutional Government and the de facto authorities to resume dialogue in a constructive spirit, to resume democracy-building, and to give the Honduran people hope for better future, free from the specter of militarism and oppression. We call on them to have the moral integrity to address the real challenges facing Honduran society: abolishing poverty, overcoming violence and making real progress towards sustainable human development in peaceful coexistence.

**Mr. Reina Idiaquez** (Honduras) (*spoke in Spanish*): I would like to express our warm thanks for the solidarity of Assembly President Treki with the constitutional President of the Republic of Honduras, whom I represent with the greatest honour and pride. I would also like to congratulate the Bureau on its skilful conduct of the work of this Assembly.

As members of the Assembly are aware, my country, Honduras, has been plunged into a serious political crisis since 28 June, exactly four months ago today. At that time, I and the Minister for Foreign Affairs provided the most up-to-date information to the Assembly on the country's situation. Subsequently, following the overthrow of the constitutional President, new developments have arisen that I wish to elaborate on now.

The initiative to restore the President of the Republic to power enjoys the support of all and is needed now more than ever. The initiative to reach a negotiated, agreed, peaceful and civil solution to the internal conflict in Honduras was launched with the valuable mediation of the President of Costa Rica,

Óscar Arias Sánchez, and laid out a certain number of points that should have served as the basis for negotiations but have not.

We also enjoyed the clear and determined support of other movements, entities, persons and countries. The Organization of American States also made a decisive contribution to the resolution of this problem through the dialogue that has been ongoing since the return of the President. Since he re-entered the country, he has sought shelter in the Brazilian embassy. That dialogue, which was recently broken off because of the lack of an agreement on the issue of restoring the President of the Republic to power — as demanded by the people of Honduras and the international community as a whole — is now in a new phase, thanks to the intervention of the United States only a few hours ago through its Department of State. The parties are meeting to achieve consensus at this very moment, as we speak in this Hall.

I had hoped to speak here after the conclusion of that meeting, but alas, it has not yet ended. However, there is still a good chance of achieving a clear and appropriate agreement to restore President Zelaya to the presidency of the country and uphold the rights of the people of Honduras.

Allow me to express our deepest gratitude to the countries of all the representatives who have spoken before me of the serious problem facing Honduras. I thank them for their brotherhood, their cooperation and the efforts they have made to help to resolve the political crisis in my country. I would refer here in particular to the Government of Costa Rica, which facilitated the first reconciliation meeting, to the sister Republic of Brazil, and to all the other efforts exerted by other countries.

I wish to reiterate that, if members were to decide at some point in the future that it were necessary, I would return once again to this Assembly to raise support for a motion aimed at shielding the elections in my country, which must be an example of transparency and clarity, from any threat. The perpetrators of the coup d'état must not be allowed to manipulate those elections, a mechanism that the people use to resolve their problems.

If necessary, I will return to this Assembly, to the United Nations and to all other such forums to seek a resolution to the situation and to prevent the coming elections from being manipulated in such a way that,

instead of being a solution to the problem, they serve as a cover for a coup d'état that has overthrown the constitutional order of the country. But I will not say anything more about that for now because the negotiations have not yet concluded and I do not wish in any way to interfere with them, in keeping with the instructions laid out for me by the constitutional President of the Republic of Honduras.

I would also like to say that I was informed a few minutes ago of a statement that runs completely counter to the principle of friendship among peoples, made by a person claiming to be an official of the Government of Honduras at the International Court of Justice in the Hague, accusing Brazil of interference in the internal affairs of Honduras. Here, now, in this Assembly, I wish to say that that official will be immediately dismissed and that he speaks not on behalf of the legitimate Government of Honduras but on behalf of the perpetrators of the coup d'état. To Brazil, I simply offer my profound thanks for having sheltered the constitutional President of the Republic of Honduras and for having supported us, together with all the countries of the world, in our quest to re-establish legality, democracy and the well-being of the people in Honduras.

**Mr. Wolff** (United States of America): We thank the Secretariat for the report on the activities of the International Commission against Impunity in Guatemala (A/64/370) and express our strong support for the Commission. We are pleased to be a sponsor of the draft resolution presented today by the delegation of Guatemala (A/64/L.6\*). We would also like to recognize the excellent work of Commissioner Carlos Castresana. Guatemala is indeed well served to have an official of his calibre leading the efforts of the Commission.

I would like to address my remarks to the situation in Honduras. The United States, like other Member States, is firmly committed to the restoration of democratic order in Honduras. We believe that the situation in Honduras needs to be resolved through peaceful dialogue quickly for the well-being of the people of Honduras and the stability of the region. Accordingly, the United States is fully engaged in the ongoing efforts of the Organization of American States (OAS), the competent regional body to resolve this issue. That is also the reason that senior United States Government officials are in Honduras today to continue to urge the parties to resolve the situation in a

way that maximizes the ability of the Honduran people to determine their country's future and advance national reconciliation. We have clearly and consistently expressed our concern about the situation in Honduras within the OAS and, as appropriate, in the United Nations, and have worked hard to find a solution that restores democracy and peace to Honduras.

Along with other members of the OAS, we supported mediation by President Arias of Costa Rica between representatives of President José Manuel Zelaya and the de facto regime. President Arias worked intensively during July and part of August to facilitate a solution, and we commend his efforts. The proposal he circulated to both sides, the San José accord, has been used as the negotiating document during talks earlier this month launched by an OAS mission of member State foreign ministers. The United States also strongly supported that mission's work.

Although currently broken off, the talks launched by the OAS mission achieved significant progress. Representatives of the de facto regime and President Zelaya reached agreement on most of the text of the Guaymuras accord, the updated version of the San José accord, to resolve the crisis. Unfortunately, the two sides have not resolved the most critical issue, namely, the restoration of President Zelaya.

The United States remains intensively engaged with representatives from both sides, OAS mediators and other Member States to bring the parties back to the table to resolve the remaining outstanding issues. Our efforts continue to be guided by resolution 63/301, adopted on 30 June. The Honduran people clearly want a functioning democracy and the opportunity to express their will in free and fair elections. That comes across clearly through the presidential candidates' actions to support a dialogue to resolve the crisis. Those democratic candidates were chosen by their respective political organizations well before the events that led to the coup of 28 June. The candidates did not participate in the coup and have earned their positions thanks to the trust of Honduran voters. We should continue our efforts to promote a solution to the crisis in advance of the elections scheduled for 29 November.

We recognize the troubling situation at the Brazilian embassy. We want to assure our Brazilian friends that the United States will continue to help in

any way possible. Our embassy in Tegucigalpa has worked closely with the Brazilian embassy to ensure that it has food, water and electricity and that its diplomatic rights are respected by the Honduran de facto regime. We continue to remind the de facto regime that its behaviour must be consistent with its obligations under the Vienna Convention on Diplomatic Relations to respect diplomatic premises and personnel and those under their protection.

The United States will continue to work to expand opportunities for the people in Honduras, and a negotiated solution is the best way out of this crisis. In our view the United Nations should support the efforts of the OAS and others to reestablish democratic life in Honduras and help ensure its viability.

**The Acting President:** We have heard the last speaker in the debate on this item.

The Assembly will now take action on draft resolution A/64/L.6\*, entitled "International Commission against Impunity in Guatemala". May I inform the Assembly that since the introduction of the draft resolution, the delegations of Bulgaria and Côte d'Ivoire have joined in co-sponsoring draft resolution A/64/L.6\*.

May I take it that the Assembly decides to adopt draft resolution A/64/L.6\*?

*Draft resolution A/64/L.6\* was adopted (resolution 64/7).*

**The Acting President:** The General Assembly has thus concluded this stage of its consideration of agenda item 20.

*The meeting rose at 5 p.m.*