

Where there is racism, there can be no justice Amnesty International releases new report

*"Racism is a blatant attack on the very notion of basic human rights -- that human rights belong to all people, equally. Justice systems should be central to combatting racism, yet all too often they end up perpetuating it by mirroring the prejudices of their societies," Amnesty International said today in a new report; *Racism and the Administration of Justice*.*

The report is a contribution to the UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance due to be held in Durban, South Africa, between 30 August and 7 September 2001.

"Racism is a blot on humanity that infects virtually every country in the world. Governments must pro-actively tackle racism and ensure that justice is administered on the basis of human rights for all," said Amnesty International.

*Racism unchecked can lead to large scale tragedies. The world looked on in horror when in just 13 weeks up to a million people were massacred in **Rwanda** in 1994. Most of those killed were Tutsi.*

But what rarely catches the headlines are the abuses that take place everyday in the administration of justice partly or solely because of racism. In most countries racism can only be identified by looking at patterns of arrest, conviction and sentencing in relation to the racial background of the defendant, victim or administrators of justice.

In the **USA**, studies have consistently indicated that race -- particularly of the murder victim -- is a key factor in determining who is sentenced to death. Blacks and whites are the victims of murder in almost equal numbers, yet more than 80 per cent of prisoners executed since 1977 were convicted for the murder of a white person.

Police and the judiciary are involved in what has been called **India's** "hidden apartheid". Over 160 million Dalits, formerly known as "untouchables", are vulnerable to a whole range of human rights abuses because of their caste almost all of which go uninvestigated and unpunished.

At a conference last year an elderly Dalit man recalled how his wife, daughter and two sons were burned alive, along with three others, when members of the of a dominant Hindu upper caste set fire to three huts belonging to Dalit families. His eldest son, the first graduate from the village, had been murdered two years earlier also by caste Hindus. All the Dalits in the village had fled and none wanted to return home as they believed the police would not protect them.

"All over the world the connection between racism and brutality by state officials is clear. In many countries ethnic minorities often suffer harassment, ill-treatment and torture at the hands of police. They then go on to face unfair trials, discriminatory sentencing and harsh punishments, including the death penalty," Amnesty International said.

Ethnic minorities are likely to face discrimination wherever they live. In the **UK** the police were found to have been negligent in their response to racist attacks. The Kurdish community in **Turkey** are not recognised in law and publicly referring to "the Kurdish people" can lead to a prison sentence. Across **Europe**, Roma people are commonly viewed as criminals and subjected to beatings.

An estimated 300 million indigenous peoples still face discrimination in almost every aspect of their lives and many are targeted for other grave human rights abuses. Their vulnerability is enhanced by a lack of state protection.

In Honduras in recent years, police have harassed indigenous people determined to protect their rights. The government has signed several agreements with indigenous leaders but still the protection is inadequate. Over the last decade, some 25 indigenous community leaders have been killed as a result of their campaigning.

In Australia, Aborigines continue to suffer economic disadvantage, social disruption and systemic discrimination. In 1997 an Aboriginal woman complained to Northern Territory police that she had been raped by two men. The police detained her for failure to appear in court on a minor charge. Although a doctor confirmed she was a rape victim, she was taken to court in the rain, and locked in an uncovered cage on the back of a police van. Police officers reportedly justified her treatment on the grounds that it was better care than in her "primitive" Aboriginal community home.

Around the world, foreigners, including migrant workers and asylum seekers, live in xenophobic environments, sometimes stirred up by the authorities and almost always reflected in the administration of justice. Increasingly asylum seekers are being detained for months or years while their claims for protection are examined.

In December 2000, a 31-year-old Iraqi national committed suicide in al-Rafha refugee camp in the northern desert of Saudi Arabia where he had been living since the early 1990s. He was one of 5,000 people who have been held in the camp since the end of the Gulf War.

From the outset, the Saudi Arabian authorities referred to them as "guests", refusing to consider them as refugees even though the constitution stipulates that "The state shall grant political asylum, if so required by the public interest..." Most of the original 33,000 men, women and children have been resettled by the United Nations.

The Amnesty International report calls on all governments to adopt national plans of action to combat racism and to include specific measures relating to the administration of justice. The report makes several recommendations, including: ensure that national laws prohibit all forms of discrimination; investigate allegations of racist abuses by justice officials; and ensure that policing operations are not discriminatory.

"Racism, however, is not confined to the institution of the state. It can be found at any level of civil society. The responsibility for combatting racism therefore extends to everyone."

Amnesty International is issuing this report as concerns mount that political disputes may derail the World Conference against Racism. Much of the preparations for the conference have been marred by a failure to reach agreement over how to deal with the legacy of slavery and colonialism, with insufficient attention being given to addressing the various and widespread forms of contemporary racism.

"The world must recognize the wrongs of the past as a way to better understand the present and move forward towards a future free from the evil of racism," Amnesty International said. "Governments must not allow the World Conference to fail. It is too important an opportunity for making a breakthrough against racism and providing hope to countless people worldwide."

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