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Amnesty International
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Secretariat

1 Easton Street
London WC1X 8DJ
United Kingdom

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@AMNESTY INTERNATIONAL'S CONCERNS AT THE

46TH REGULAR SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

Amnesty International is an independent and impartial human rights organization, founded 30 years ago. Its work is based on the principle of the international protection of human rights. Members of Amnesty International throughout the world work for the release of prisoners of conscience -- those detained for their beliefs, colour, sex, ethnic origin, language or religion, provided they have not used or advocated the use of violence. Amnesty International also advocates fair and prompt trials for all political prisoners and opposes torture and the death penalty without reservation.

Respect for human rights is a cardinal principle of the Charter of the United Nations. The human rights standards embodied in the Universal Declaration of Human Rights, the International Covenants on human rights and other international human rights instruments adopted by the United Nations are central to the work of Amnesty International. Amnesty International believes that close scrutiny by the international community of the implementation of these standards is essential in preventing the occurrence of human rights violations. In his report on the work of the United Nations in 1990, Secretary-General Javier Pérez de Cuéllar observed that "(T)he past year has seen the conversion of human rights from a subsidiary theme of the international discourse to a dominant concern." Amnesty International thus urges that human rights considerations are taken fully into account in all the activities of the United Nations Organization. In this memorandum, Amnesty International seeks in particular to draw attention to some of its concerns which relate to the forthcoming deliberations of the General Assembly.

1. Torture

In providing an assessment of developments during the five years of his mandate the Special Rapporteur on torture in his report to the 47th session of the Commission on Human Rights noted that "... the intensified campaign of the organized world community against torture, ... has not led to the eradication of that evil. Torture continues apace, as is clear from the present report."

The report contained entries on over 50 countries. In his recommendations and conclusions, the Special Rapporteur again advocated declaring incommunicado detention illegal, since this practice "is highly conducive to torture". Another preventative action the Special Rapporteur recommended was a system of visits by independent experts to places of detention, such as is provided for in the proposed Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In view of the prevalence of torture, Amnesty International hopes the General Assembly will

take note of such recommendations and strongly urge further consideration of them.

Disappointingly few governments have ratified or acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment since the opening of the last session of the General Assembly. In 1991 only one state, Nepal, has to date taken this action. As of 30 June 1991, there are only 56 States Parties to the Convention. At the time of its adoption by the General Assembly in 1984, all governments were called upon to consider ratifying the Convention "as a matter of priority". Seven years later, Amnesty International is calling upon all governments which have yet to ratify or accede to this treaty to give this matter high priority and to join the efforts of the international community to prevent and take action against the abhorrent practice of torture.

Since the Committee against Torture (CAT) was established in 1988 it has provided a useful forum for examining the reports of States Parties on the measures they have taken to prevent the use of torture. CAT itself has emphasized the need for States Parties to provide full information on the implementation of such measures in practice and the difficulties faced in this.

To be able to undertake this work effectively, CAT is dependent upon the compliance of States Parties with their reporting obligations. It is thus of serious concern that already, early in the life of the Committee, there are a considerable number of initial reports which have yet to be submitted, from States Parties in all parts of the world. Several of these reports were due in 1988. Such delays severely affect the organization of the Committee's agenda and, of course, the effective implementation of the Convention against Torture. Delayed financial contributions also have longterm deleterious effects for the Committee. Amnesty International calls upon all States Parties to fulfil the reporting, and financial, obligations to which they have committed themselves in a timely and comprehensive manner.

Finally, Amnesty International welcomes the support of a growing number of Member States for the United Nations Voluntary Fund for Victims of Torture by making contributions to it. The fund has been financing an increasing number of projects, and to enable it to operate effectively and with continuity, Amnesty International urges Member States to contribute to it further.

2. Summary or arbitrary executions and enforced or involuntary disappearances

The need for continued and sustained attention to the human rights performance of governments is also demonstrated by the latest reports of the Special Rapporteur on summary or arbitrary executions and the Working Group on Enforced or Involuntary Disappearances. Both mechanisms addressed a substantial number of communications to a wide range of governments in 1990, including urgent appeals to 25 and 20 governments respectively. Over the same period, Amnesty International found that suspected government opponents or critics were apparently extrajudicially killed by official security forces or by "death squads" said to be linked to governments in at least 29 countries. People "disappeared" or were held in secret detention in more than 25 countries.

The need for governments to investigate and hold to account those responsible for human rights violations is paramount if such practices as "disappearances" and extrajudicial executions are to be ended. The Working Group's comment in its latest report to the Commission on Human Rights that "impunity is perhaps the single most important factor contributing to the

phenomenon of disappearance" is equally applicable to extrajudicial executions, and torture too. Moreover, when "disappearances" occur in the context of counter-insurgency operations, impunity becomes, in the words of the Working Group, "almost endemic". Amnesty International knows of almost no case of perpetrators being brought to justice in these circumstances. A number of governments at the last session of the Commission drew attention to the need for further study of the issue of impunity. Amnesty International hopes the General Assembly will reassert the need for governments faced with complaints of human rights violations such as "disappearances", extrajudicial executions or torture to conduct thorough, speedy and impartial investigations, and to bring to justice those responsible, as measures essential to combat impunity.

In resolution 45/165, the General Assembly noted with satisfaction that the Sub-Commission on the Prevention of Discrimination and Protection of Minorities forwarded to the Commission the draft Declaration on the Protection of All Persons from Enforced or Involuntary Disappearances. This draft will be examined in late October 1991 by an open-ended working group. Amnesty International hopes the General Assembly will continue to give its support to this draft instrument, and urge its speedy transmission from the Commission on Human Rights for prompt adoption by the General Assembly.

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The Commission on Human Rights has consistently emphasized the need for all governments to respond expeditiously and comprehensively to the requests for information made to them by its thematic procedures, in view of the continuing lack of response by some governments. It addressed this issue in resolution 1991/31, and also invited governments to study carefully the recommendations made to them following a visit by a Special Rapporteur or the Working Group.

Amnesty International hopes the General Assembly will endorse the requests the Commission made in this resolution, so as to contribute its support to the full and effective implementation of the mandates of the Commission's thematic procedures.

3. Situations of human rights in specific countries

Amnesty International looks to the United Nations to respond effectively and in an objective and impartial manner to situations involving serious human rights violations wherever they occur. In so doing, Amnesty International expects governments to take due note of well-attested information from a variety of sources, including the reports of its own monitoring mechanisms. The interim reports of the Commission on Human Rights' long-established Special Rapporteur on Afghanistan and its Special Representative on El Salvador will, as usual, be before the General Assembly. It is all the more regrettable, in Amnesty International's view, that despite continuing violations of human rights in the Islamic Republic of Iran, in contravention of internationally established standards, the Special Representative will not be submitting an interim report to the General Assembly, as has been the practice in former years, but will report only to the 48th session of the Commission on Human Rights.

In his last report to the Commission, the Special Rapporteur on **Afghanistan** drew attention to the repeated requests of the International Committee of the Red Cross (ICRC) to have access to several hundred prisoners held for interrogation by the Ministry of State Security, which, as of late June 1991, have not been granted. Amnesty International is concerned that prisoners held

in interrogation centres and segregated prison blocks under the control of this ministry have reportedly been subjected to systematic torture and ill-treatment.

During this time, they are reportedly denied access to legal counsel and family visits. A short report issued recently by Amnesty International, Afghanistan - Reports of Torture and Long-term Detention Without Trial (AI Index ASA 11/01/91), provides details of some of these interrogation centres, and contains testimony citing torture there, including during 1990. Amnesty International is also concerned that, despite periodic amnesties announced by the government, hundreds of political prisoners are detained in Afghanistan, following conviction by special tribunals, the procedures of which did not conform to international standards for a fair trial. President Najibullah stated in March 1991 that special courts were no longer in existence, although no measures are known to have been introduced to give re-consideration to the cases of prisoners sentenced after unfair trials.

Amnesty International has also received numerous reports that Mujahideen forces are detaining hundreds of prisoners, and are responsible for torture and killings. Soldiers and civilians captured by Mujahideen forces are reported to have been killed by Mujahideen groups after various offensives on government-controlled cities, including in October 1990 at Tarin Kot in Uruzgan Province. Amnesty International urged the Mujahideen Afghan Interim Government to ensure that prisoners held by the Mujahideen forces after the capture of Khost in March this year are protected from possible torture and execution.

Under United Nations auspices, representatives of the Government of **El Salvador** and the Frente Farabundo Martí para la Liberación Nacional (FMLN) signed an Agreement on Human Rights at San José in July 1990. This committed them to taking immediate steps to prevent killings, torture and "disappearances". Subsequent peace talks between the two parties also resulted in some important agreements in April this year which could, in the future, lead to improvements in the human rights situation. In the meantime, however, human rights violations have persisted over the last 12 months, as is illustrated in a report Amnesty International issued in March, El Salvador: Amnesty International's Continuing Concerns (AI Index AMR 29/02/91). "Death squad" killings began to rise again after a sharp drop between September and November 1990. Trade unions and other non-governmental organizations reported receiving death threats or being subjected to other forms of harassment. Apparent extrajudicial executions, or killings resulting from abuse of authority, by military personnel or civil defence members were again reported. Testimonies and other information show that detainees held in police or military custody still risk torture or ill-treatment.

Military personnel have repeatedly failed to observe prescribed detention procedures and held detainees incommunicado without judicial warrant and without immediately handing them over to police. The authorities have taken few, if any, steps to investigate the thousands of "disappearances" which have occurred over the past decade. Only in isolated cases of killings, notable for the prominence or nationality of the victims (such as the killing of the Jesuit priests in November 1989), have any steps been taken to prosecute security force personnel for serious human rights violations.

A constitutional amendment was approved by the outgoing legislative assembly in April which would reintroduce the death penalty for certain crimes. As of mid-June, this had yet to be ratified by the new assembly, as is required before it can come into effect.

There have been reports of several summary killings by the FMLN since mid-1990, including the killing of two US military personnel in January 1991 following their capture by FMLN forces.

As noted above, Amnesty International continues to have serious concerns in **Iran**. Eleven prisoners remain detained, over a year after their arrest, for having written an open letter to President Rafsanjani. The Special Representative met with some of them in October 1990, and described them as "prisoners of conscience". There is particular concern about the health and psychological state of at least three of these prisoners, most of whom are elderly.

The situation of a number of women prisoners associated with the Tudeh Party and other leftwing groups remains unclear. Few of the women have been definitively released. Many appear either to have been returned to prison or to be in the position of having to report back regularly for interrogation, with no guarantee that they will again be free at the end of the session. Similar treatment appears to be accorded to many other 'released' prisoners in Iran.

A major concern of Amnesty International over the years has been the fairness of trial proceedings in Iran, such trials taking place in camera and in the absence of defence counsel. While the Special Representative rightly welcomed in his last report the introduction of a provision guaranteeing all defendants legal counsel, it is as yet unclear to Amnesty International that this law is in fact in operation. In such circumstances, it is particularly disturbing that a very large number of executions continues to take place in Iran. During the first five months of 1991, Amnesty International recorded almost 500 executions, announced in the official media, mostly for drug-trafficking offences. It is noteworthy that the Special Representative's first recommendation in his report to the Commission on Human Rights urged "immediate action to reduce drastically the application of the death penalty, and, while technical reforms are being introduced into penal legislation, clemency and the right of pardon should be exercised broadly;".

The last session of the Commission on Human Rights also created three new mechanisms intended to provide scrutiny of specific country situations. Amnesty International, as well as other non-governmental organizations, has appealed regularly over the past several years for the international community to address adequately the human rights violations persistently committed by the Government of Iraq. Reports of large-scale extrajudicial executions and "disappearances" in Iraq, as well as torture, had also been documented by the Commission's own 'thematic mechanisms' over the years. Amnesty International welcomes the establishment of a Special Rapporteur, who is now to "make a thorough study" of the violations committed by the Iraqi Government and submit an interim report to the General Assembly. It regrets, however, that this action was only taken following Iraq's isolation after its invasion of Kuwait and not earlier, despite Iraq's longstanding contravention of international standards. The Iraqi Government's behaviour also led to the establishment of a Special Rapporteur to examine the violations committed during its invasion and occupation of Kuwait, who will also report to the General Assembly. Finally, the Commission appointed a Special Representative "to maintain direct contact with the Government and citizens of Cuba" in connection with the human rights situation there, who is mandated to report only to the next session of the Commission.

In **Iraq**, widespread human rights violations were reported in the aftermath of a mass uprising which began on 1 March in several cities in southern Iraq, and which spread to the northern Kurdish areas. These violations were perpetrated by Iraqi Government forces in an attempt to crush the uprising, which

effectively came to an end by late March/early April. Iraqi military, intelligence and security personnel were reported to have carried out widespread arrests and mass extrajudicial killings of people suspected of having taken part in the uprising. For instance, on 20 March Iraqi forces arrested Grand Ayatollah Abul Qassem al-Kho'i, 10 of his relatives and nine aides from Najaf and detained them in Baghdad. The Grand Ayatollah, who is 95 years old, was reportedly returned to his home in Najaf three days later. Amnesty International understands that as of mid-June he continued to be under house arrest. The fate and whereabouts of the other detainees remained unknown. Eye-witnesses informed Amnesty International that over 500 suspected opponents were executed by firing squad on 16 March at al-Mahawil garrison near the city of al-Hilla in southern Iraq. On 29 March, eye-witnesses reported that over 45 suspected opponents from the Kurdish village of Kara Hanjir were taken from their homes following house-to-house searches and were summarily shot. Unarmed civilians, including women and children, were also targeted. On 1 April large numbers of civilians were reportedly killed in the town of Toz Khurmatu after Iraqi troops opened fire with automatic weapons on the civilian population. Over 1.5 million Iraqi Kurds and Arabs (mainly Shi'a Muslims) fled to Turkey, Iran and areas of southern Iraq which were under United States military control at the time. Scores of those fleeing are believed to have been killed on route as Iraqi Government troops bombarded them from the air or crushed them with tanks. Reports were also received that Iraqi Kurds who had returned to their homes in Arbil following the amnesty announced by the Iraqi Government on 5 April were being arbitrarily detained, deprived of food and water and summarily killed, in an effort to force them into revealing the identities of alleged collaborators with opponents of the government. Amnesty International appealed to the Iraqi Government to put an end to these human rights violations, but has not received a substantive response in this matter.

In addition, the organization continues to be gravely concerned about the fate of Iraqi nationals who are being forcibly repatriated to Iraq from Kuwait, about the fate of those who returned voluntarily into the "safe havens" of the north in the event of a complete withdrawal of coalition forces, and about the fate of the Shi'a Muslim population in the south, whose plight has been less well-publicised. Amnesty International believes that further steps urgently need to be taken by the UN in order to ensure the immediate protection of the Iraqi civilian population against further large-scale human rights violations and also to ensure the establishment of durable guarantees that human rights will be respected in future by the Iraqi Government. On 15 July the organization made a special appeal to the UN to take steps to set up an ongoing UN human rights monitoring operation in Iraq and we hope the General Assembly will also support and encourage such an initiative.

In **Iraqi-Occupied Kuwait**, government forces carried out a wave of arrests in the last days of the occupation as hundreds of Kuwaiti and other nationals were detained and taken to Iraq. It is believed that several hundred of the detainees are still being held in Iraq. In mid-April, Amnesty International confirmed that its report, Iraq/Occupied Kuwait: Human rights violations since 2 August (AI Index MDE 14/16/90), issued in December, provided an account of large-scale human rights violations, including arbitrary arrest, torture, "disappearance" and executions, perpetrated by the Iraqi forces during the seven-month occupation.

Since 26 February, Amnesty International has focussed its attention on serious human rights violations committed by Kuwaiti military and intelligence personnel. These include widespread arbitrary arrests, torture and

ill-treatment, in some instances resulting in deaths in custody, "disappearances" and extrajudicial killings, affecting particularly Palestinians, Jordanians, Sudanese and Iraqis suspected of having collaborated with Iraqi Government forces during the occupation. Amnesty International also sent an observer to attend the trials of alleged collaborators and others which began in May and subsequently appealed for a halt to the trials until all the defendants could be guaranteed fair trial in accordance with international human rights standards. Amnesty International welcomes the commutation of the 29 death sentences imposed by the Martial Law Court and urges that no further death sentences be passed. The organization notes the transfer of cases of prisoners still awaiting trial to the State Security Court and ordinary criminal courts. However, Amnesty International has had longstanding concerns about trial procedures before Kuwait's State Security Court in the period before the occupation by Iraqi forces.

These procedures do not conform to international standards for fair trial, and defendants have no right of appeal to a higher tribunal. Amnesty International urges that, in view of its concern about the fairness of trial proceedings to date, proceedings do not continue before either the ordinary criminal courts or the State Security Court until the authorities grant assurances that all subsequent trials will conform to international standards for fair trial. The organization further urges that there should be a full review of all verdicts and sentences passed by the Martial Law Courts since the trials began on 19 May.

Although the Special Rapporteur's mandate specifies examination of human rights violations committed under Iraqi occupation of Kuwait, Amnesty International urges the General Assembly also to give consideration to information about the serious violations committed subsequently, and to take action to end them.

The General Assembly will also consider the human rights situation in **Myanmar**, following the deferral of a draft resolution entitled 'Respect for the will of the people of Myanmar' at its 45th session. While the draft resolution refers largely to the disregard shown by the non-elected State Law and Order Restoration Council (SLORC) for the results of parliamentary elections held in May 1990, Amnesty International continues to be seriously concerned by large-scale arbitrary detention, reports of widespread torture and allegations of extrajudicial executions by government troops in ethnic minority areas affected by armed insurgency. Hundreds of people remain detained for their peaceful election campaigning activities or for protesting against the continuing repression of government critics. Recently, more than 25 members of parliament representing the National League for Democracy, which obtained the highest number of votes, were reportedly sentenced to lengthy terms of imprisonment. They were apparently charged with offences relating to High Treason or knowledge of High Treason, in connection with discussions about the possibility of forming a symbolic counter-government. Military tribunals, which were established in July 1989, use summary trial procedures and defendants have no right to judicial appeal, contrary to internationally accepted standards for fair trial. Throughout 1990 reports of torture and ill-treatment of prisoners were received from prisons in urban centres and in ethnic minority areas. In the latter, civilians continued to be forcibly conscripted as porters by government forces, as has occurred for many years, and they were apparently used as human minesweepers by troops as well as to carry supplies. Conscripted porters were said to have been beaten and kicked, and some reportedly died as a result. Amnesty International strongly urges that the General Assembly takes up the question of Myanmar to address the human rights violations committed by the government there.

The General Assembly will continue to consider the human rights situation in the **Israeli Occupied Territories** in conjunction with the reports of the Special

Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs in the Occupied Territories and other agenda items. Amnesty International has repeatedly expressed its concern about the pattern of serious and widespread human rights violations in the Israeli Occupied Territories, including the large-scale use of administrative detention without trial, torture and ill-treatment, and the killings of civilians by Israeli forces.

The Israeli Government has not taken urgently needed measures to redress these violations. In a report published in July 1991, The military justice system in the Occupied Territories: detention, interrogation and trial procedures (AI Index MDE 15/34/91), Amnesty International drew attention to the lack of safeguards against torture and ill-treatment and for a fair trial. Thousands of Palestinian civilians have been tried annually in recent years before military courts, most charged in connection with offences such as throwing stones. After arrest they are held in prolonged incommunicado detention, and confessions obtained during this period are often the primary evidence against the accused.

Many defendants are subjected to methods of torture or ill-treatment, including beatings all over the body, hooding, sleep and food deprivation and being held in small dark cells referred to as "closets". Some such methods may be consistent with secret official guidelines allowing "moderate physical pressure". The report includes recommendations Amnesty International urges the Israeli Government to implement. Amnesty International also continues to call on the Israeli Government urgently to review existing guidelines on the use of force, including firearms, to ensure that they comply strictly with international standards and to undertake speedy, impartial and public investigations, as well as appropriate prosecutions of any official found responsible for abuses, to demonstrate its will to protect human rights.

The situation of human rights in **South Africa** will arise in connection with a number of agenda items, including the Report of the Special Committee against Apartheid and the preliminary report of the Ad Hoc Working Group of Experts on southern Africa. Despite important initiatives by the South African Government to reduce violations of basic civil rights through the repeal of some apartheid laws, the unbanning of political organizations and the release of certain political prisoners, Amnesty International remains concerned that the government has not acted effectively to make its security forces accountable for acts of torture or the killings of unarmed civilians and government opponents.

The amendments to the Internal Security Act (74 of 1982), which are contained in the Internal Security and Intimidation Bill, and the recommendations of the joint parliamentary committee which considered the Bill, still permit conditions conducive to human rights violations. The Bill was passed by South Africa's parliament on 21 June 1991. In its final form, the period of detention without charge or judicial supervision has been reduced to 10 days. However, there is provision for the renewal of the period of detention, the duration of which could still effectively be indefinite. The amendments do not meet international standards for effective and substantial judicial control over the circumstances of an arrested person from the beginning of the period of detention. The police will not be required under all circumstances to inform the detainee's relatives of the detention or where the detainee is being held. There is also provision for the Minister of Law and Order and Commissioner of Police to deny any person access to the detainee if they consider access would hamper police investigations.

Such deficiencies need to be corrected to prevent further deaths in police custody in suspicious circumstances, 18 of which occurred during 1990. In only one of these cases did the government order a full, judicial inquiry.

The lack of proper accountability of the security forces is particularly serious when it results in large-scale loss of life. Only eight months after the publication of a report of a commission of inquiry which harshly criticized police conduct in Sebokeng in March 1990, when 12 demonstrators were shot dead, did the Attorney General announce his intention to prosecute nine police officers for murder. All nine will, however, remain on duty pending the outcome of proceedings against them. The outcome of this and other inquiries have exposed a pattern of unlawful behaviour by members of the security forces which the South African authorities have not addressed by initiating timely prosecutions and suspending officers from their duties pending the outcome of these proceedings.

Similarly, the government has failed to act promptly on the findings of its judicial commissions of inquiry and court judgments regarding the involvement of members of the security forces in assassinations and attempted assassinations of government opponents.

The hunger-strike by some 190 prisoners during May this year drew attention to the unexpectedly prolonged nature of the government's review of cases of political prisoners to assess who qualifies for indemnity and pardon, in accordance with the agreement with the African National Congress on this issue. Lawyers have allegedly been obstructed by the authorities in their work of processing cases. During the hunger-strike, Amnesty International received reports that in some cases prisoners were denied proper medical care and have been subjected to other forms of ill-treatment by prison staff. Similar reports have been received regarding the treatment of 53 political prisoners who went on hunger-strike in the nominally independent "homeland" of Bophuthatswana.

More than 300 prisoners remain under sentence of death in South Africa. Of these, some 120 have been notified that their cases will be reviewed by a nine-person panel of judges and academic lawyers constituted under the Criminal Law Amendment Act of July 1990. This Act also abolished the mandatory imposition of the death penalty in certain murder cases and provided automatic appeal and clemency procedures in all capital cases. The panel is to assess cases in the light of the new law and decide if death sentences should still be imposed. It has been criticized on a number of grounds, including the in camera nature of its proceedings and the fact that the prisoners and their legal representatives cannot be present to give oral evidence.

Less well publicised is the human rights situation which persists in the nominally independent "homelands". For example, although emergency regulations were lifted in Bophuthatswana in December 1990, the provisions of the Internal Security Act in force there effectively restrict freedom of expression and assembly. Local human rights groups organize under severe constraints, and their members face constant harassment. Amnesty International has frequently received information that the security forces have ill-treated and tortured untried political detainees, and, in at least two incidents in 1991, carried out extrajudicial executions.

The question of **East Timor** remains on the agenda of the General Assembly. Amnesty International has consistently brought its concerns about arbitrary arrests, torture and, in some cases, "disappearance" and extrajudicial execution to the attention of the Special Committee on Decolonization. Since the last occasion on which Amnesty International testified to this committee in August 1990, the human rights situation has not improved. There is an increasing concern at a pattern of short-term detention, ill-treatment and torture of alleged political opponents of Indonesian rule in East Timor. Amnesty International has also continued to receive reports of extrajudicial executions and hundreds

of cases of "disappearance" remain unresolved. Amnesty International believes the United Nations' active consideration of the question of East Timor is important towards ensuring respect for human rights there.

4. International Covenants on Human Rights

The General Assembly decided by resolution 45/135 to hold a commemorative meeting on 16 December 1991 on the occasion of the 25th anniversary of the adoption of the International Covenants on Human Rights. A related development to mark also is the entry into force in July 1991 of the Second Optional Protocol to the International Covenant on Civil and Political Rights Aiming at the Abolition of the Death Penalty.

Yet despite the number of years which have passed since the two Covenants were adopted by consensus by the General Assembly, over one-third of the Member States of the United Nations have yet to ratify or accede to them. Those still to take this action include two permanent members of the Security Council, and some of the Member States with the largest populations. The importance of ratification has been consistently underlined in resolutions of the General Assembly. Further to resolution 1991/30 of the Commission on Human Rights, ratification of international human rights instruments, in particular the Covenants, is to be a focus in the work of the Preparatory Committee of the World Conference on Human Rights. Amnesty International strongly urges all governments which have yet to ratify the International Covenants, and the Optional Protocols to the International Covenant on Civil and Political Rights (ICCPR), to give priority attention to this.

Amnesty International also calls upon all governments which are States Parties to the Covenants to comply fully with the obligations they thus assume, including to submit initial and periodic reports as required. The growing number of overdue reports is a matter of serious concern. The Human Rights Committee has noted that there may be various reasons for reports being overdue. While a delay in reporting may be the result of a shortage of resources, or the assignment of insufficient priority to this task, it can also be an indication of the reluctance of some States Parties to expose themselves to scrutiny.

Amnesty International welcomes the action taken by the Human Rights Committee under article 40, paragraph 1(b) of the ICCPR to request the Government of Iraq "to submit its third periodic report without further delay" and in any event to report by 15 June 1991 on its compliance with specific articles of the Covenant. It hopes that greater recourse to this article, as circumstances may require in the future, might be made by the Committee to further enhance its work. Furthermore, Amnesty International urges that this and another measure, requested in resolution 1991/24 of the Commission on Human Rights, to ensure that reports from States Parties to treaty monitoring bodies and the summary records of discussion of them are available in the UN Information Centre of the country which submitted the report, will be endorsed by the General Assembly.

5. Adequate resources for the human rights program

The necessity for adequate financial and other resources for United Nations human rights programmes has been of growing concern to the international community in recent years. This was evidenced in the adoption by consensus of Economic and Social Council resolution 1991/36, entitled Developments relating to the activities of the Centre for Human Rights, which was co-sponsored by no less than 55 Member States from all geographical regions. The resolution, noting

the further increase in the workload of the Centre for Human Rights, calls upon the General Assembly "to take into account the discrepancy between the Centre's resources and its increased responsibilities and, in accordance with established procedure, to take appropriate and prompt action to rectify this problem". The forthcoming General Assembly will be considering the proposed programme budget for the biennium 1992-1993. Amnesty International realizes the many and conflicting priorities which must be faced when deciding on the allocation of the regular budget. It welcomes the interim action taken by the General Assembly last year under resolution 45/248 B. Since then, important new human rights mechanisms, whose mandates have considerable servicing and financial implications, have been assigned to the Centre for Human Rights during the 47th session of the Commission of Human Rights. For example, the Commission in resolution 1991/42 decided by consensus to establish a five-member working group to investigate cases of detention imposed arbitrarily or otherwise inconsistently with relevant international human rights standards. Such efforts to improve the international protection of human rights should not be adversely affected by lack of resources. Amnesty International strongly urges that, in accordance with ECOSOC resolution 1991/36, the General Assembly gives the necessary priority to concrete measures to address the problem of inadequate resources for human rights activities when discussing the proposed biennium budget for 1992-1993.