
amnesty international

55th UN Commission on Human Rights (1999): Statements and press releases issued by Amnesty International

June 1999

SUMMARY

AI INDEX: IOR 41/08/99

DISTR: SC/PG

The 55th session of UN Commission on Human Rights took place from the 22 March - 30 April 1999. Amnesty International issued four press statements during the session. In addition, Amnesty International delivered five oral statements to the 55th session of the UN Commission on Human Rights. The organization also submitted one joint written statement, delivered one joint oral statement and was associated with three oral statements made by other non-governmental organizations (NGOs). Appended to this document is also Amnesty International's background briefing on this year's session of the UN Commission on Human Rights. Attached are:

- Press release at the start of the Commission: 1999 UN Commission on Human Rights: Politics versus human rights (AI Index: IOR 41/03/99), 22 March 1999;
- Background Briefing: 55th UN Commission on Human Rights (AI Index: IOR 41/05/99), March 1999;
- Statement made by AI Secretary-General on the first day of the 55th session: A moratorium on politics (AI Index: IOR 41/06/99), 22 March 1999;
- Press release issued after votes on country situations (Item 9), The 1999 Commission on Human Rights: A parody of human rights concerns (AI Index: IOR 41/07/99), 23 April 1999;
- Press release at the end of the Commission, 1999 Commission on Human Rights: A step towards the abolition of the death penalty, two steps backward on the Human Rights Defenders and Cambodia (AI Index: IOR 42/05/99), 29 April 1999;
- Agenda item 3 oral statement on Colombia;

- Agenda item 8 oral statement on the **Occupied Arab Territories, including Palestine**;
- Agenda item 9 oral statement on the **question of the violation of human rights and fundamental freedoms in any part of the world**;
- Agenda item 11 oral statement on **civil and political rights including the questions of torture and detention, disappearances and summary executions**;
- Agenda item 17 oral statement on the **promotion and protection of human rights: the death penalty**.
- Joint written statement on Algeria (E/CN.4/1999/NGO/29);
- Joint oral statement made by AI and Friends World Committee for Consultation (Quakers) under item 13 on Child soldiers;
- Joint oral statement made by NGO's in association with Amnesty International under item 11 on Disappearances;
- Joint oral statement made by NGO's in association with Amnesty International under item 17 on the English Speaking Caribbean countries;
- Joint oral statement made by NGO's in association with Amnesty International under Item 17(b) on Human Rights Defenders

More information about the Commission including the text containing all resolutions adopted and statements made by the Chair and the High Commissioner for Human Rights, can be found on the High Commissioner's website.¹

¹[Http://www.unhchr.ch](http://www.unhchr.ch)

News Service: 049/99
AI INDEX: IOR 41/03/99

1999 UN Commission on Human Rights Politics versus human rights

Geneva -- The UN Commission on Human Rights should have the courage once and for all to make human rights and not politics the yardstick of its work, Amnesty International said at a press conference today.

___ "By putting powerful political and economic interests above their obligation to protect and promote human rights, Commission members have seriously hampered the effectiveness and credibility of the Commission throughout its history," said Pierre Sané, Amnesty International's Secretary General.

___ This has been the case for many years, even when it comes to countries where violations are grave and persistent.

___ "Victims in places like Algeria, Cambodia, Turkey and the Great Lakes Region of Africa have been let down by governments' failure to match human rights rhetoric with adequate support for action," Mr Sané stressed. "The Commission has a duty to ensure such action is taken."

___ During this year's session, Amnesty International will highlight these four examples together with the USA -- where a persistent and widespread pattern of human rights violations appears to disproportionately affect people of racial or ethnic minority backgrounds.

___ At the 1998 session, the Commission requested its Bureau to undertake a review of its human rights mechanisms and report to this year's session. Amnesty International welcomes the report's stated purpose of enhancing the UN's capacity to promote and protect rights, and its recognition that to do this, the Commission's mechanisms must be established and operate "free of influence from extraneous political and other considerations".

___ Whilst not agreeing with all of the report's recommendations, Amnesty International fully supports the underlying thrust of strengthening the mechanisms and establishing a follow up procedure to review compliance and implementation of their recommendations. However, this procedure should be transparent and effective.

___ "Governments should be reminded by the Commission of their responsibility to cooperate fully, and countries refusing to do so should not be allowed to get away with it," Mr Sané said.

___ This review of the human rights mechanisms -- while in many aspects a positive step -- may overshadow discussion of actual human rights situations at this session of the Commission, and indeed, be used as an excuse for non-action pending final decisions on the recommendations contained in the report.

___ "The Commission must act in the spirit of the report, and not allow itself to be paralysed by giving too much time to the details of its recommendations," Mr Sané stressed. "We should not lose focus of the fact that lives are at stake in many countries."

___ In **Algeria**, the government has repeatedly broken its promises to cooperate with the mechanisms of the Commission and has continued to refuse access to the country to the UN Special Rapporteurs on torture and extrajudicial, summary or arbitrary executions. The (UN) Human Rights Committee has expressed concern at the human rights crisis in the country and regretted the government's unwillingness to provide concrete information about the human rights situation.

___ "The international community -- and particularly the Commission on Human Rights -- has failed to take concrete action to address the situation in Algeria," Mr Sané said. "The Commission should appoint a Special Rapporteur, and urge the Algerian government to cooperate with its mechanisms, grant unrestricted access to the International Committee of the Red Cross and international human rights organizations, and implement the recommendations of the Human Rights Committee."

___ The authorities in **Cambodia** have ignored the recommendations made by different UN bodies and mechanisms over the last six years. None of the cases reported by the UN Secretary-General's Special Representative for Human Rights in Cambodia has led to prosecutions. Human rights defenders -- including those working for the Cambodia Office of the High Commissioner for Human Rights (COHCHR) -- have been subjected to death threats, arbitrary arrest and physical attacks by uniformed police.

___ "The Commission should urge the Cambodian government to tackle impunity -- both past and present," Mr Sané stressed. "The Commission must also give full political and financial support to the Special Representative and the COHCHR, and insist on full government cooperation to ensure they can go about their tasks without fear or obstruction."

___ The **Great Lakes Region of Africa (Burundi, Democratic Republic of Congo and Rwanda)** is treated by the Commission as three separate situations. However, the cycle of conflict and gross human rights abuses

-- and the resulting mass displacements -- have become so internationalized that only a regional approach could have any impact.

___ "The Commission should request the High Commissioner for Human Rights to convene another extraordinary coordination meeting -- as in 1996 -- to involve the participation of experts of the Commission on the Great Lakes region, and to draw up recommendations to prevent a further deterioration of the human rights situation in the region," Mr Sané urged.

___ "The mandates of the Special Rapporteurs on Burundi and the Democratic Republic of Congo must be renewed and their importance reaffirmed, while the mandate of the Special Representative on Rwanda needs to be strengthened by including monitoring of and publicly reporting on the human rights situation. UN human rights field presences should be strengthened in Burundi and Democratic Republic of Congo, and re-established in Rwanda."

___ Six years after the (UN) Committee against Torture took the unprecedented step of issuing a public statement on the incidence of torture in Turkey, its recommendations have still not been implemented.

In 1995, the Working Group on Arbitrary Detention recommended that Selahattin Simsek be retried in accordance with international standards or released. This has not been done.

___ At this session of the Commission, the Special Rapporteur on torture and the Working Group on Enforced or Involuntary Disappearances will present their reports on their recent missions to Turkey. Amnesty International calls on the Commission to urge the government to implement all the recommendations of the mechanisms, and those of the Committee against Torture, and end impunity for human rights violations.

___ Despite its claims to international leadership in the field of human rights and its many institutions to protect individual civil liberties, the USA is failing to deliver the fundamental promise of rights for all.

___ Human rights violations in the USA are persistent, widespread, and appear to disproportionately affect people of racial or ethnic minority backgrounds. Application of the death penalty fails to meet minimum international standards, ill-treatment in detention and police brutality are common across the country, while asylum seekers are increasingly detained without judicial review and are often held in jails with criminals.

___ "The USA should declare an immediate moratorium on executions with a view to totally abolishing the death penalty," Mr Sané stressed. "The Commission must also urge the US authorities to fully incorporate

into US laws and policies relevant international human rights standards , and then make sure they are enforced.”

Amnesty International will also call on the Commission to:

* ___ Form an intersessional working group to finalize, within a time frame set by the Commission, the text of a strong draft **Convention on Disappearances**.

* ___ Appoint a **Special Rapporteur on Human Rights Defenders** to oversee the implementation of the Declaration adopted by the General Assembly last year, including monitoring the situation of human rights defenders and intervening on their behalf.

* ___ Urge the **Working Group on child soldiers** to adopt 18 years as the minimum age for recruitment into armed forces and participation in hostilities.

* ___ Adopt a resolution calling for the finalization of the **Optional Protocol to the Convention against Torture**.

* ___ Adopt a resolution welcoming the international consensus which prohibits the death penalty for persons under eighteen years of age at the time of the crime, and reiterating its call for a moratorium on executions with a view to complete abolition.

ENDS.../

**

For a copy of the report *1999 UN Commission on Human Rights -- Making human rights work: time to strengthen the special procedures*, or to arrange an interview, please call:

Soraya Bermejo, Press Officer Tel: +41 22 798 2500 Mobile: +44 468 670 248

AMNESTY INTERNATIONAL

55TH UN COMMISSION ON HUMAN RIGHTS

BACKGROUND BRIEFING

REVIEW OF SPECIAL PROCEDURES

A key item on the Commission on Human Rights's agenda will be the report written by the Commission's Bureau ¹to review its special procedures (these are the Commission's independent experts who act as human rights watchdogs on specific countries and themes) and bodies (the Sub-Commission). The purpose of the review is to enhance their effectiveness. The Bureau has consulted governments, UN experts and non-governmental organizations, and published its report in December 1998. Some of the key points and Amnesty International's views thereon are:

* ___ The credibility of Commission action on human rights has suffered for many years because its members often put powerful political interests above human rights considerations, including in countries where violations are grave and persistent. The review therefore provides a major challenge to the Commission to make human rights and not politics the yardstick of all its human rights activities.

* ___ Amnesty endorses the approach taken by the Bureau in identifying that the aim of the review is to 'enhance the capacity of the UN to promote and protect internationally recognized human rights and contribute to the prevention of their violation'. The Commission should unequivocally support this view, and governments should match this commitment by meaningful action to strengthen support for Commission experts and their scope for effective and fully independent action especially to protect human rights. That includes, as the Bureau proposes, ensuring that adequate resources are provided from the regular UN budget.

* ___ Many governments fail to implement the recommendations made by these Commission experts and some governments even refuse to cooperate with them. The Commission should therefore endorse the Bureau in stressing 'the responsibility of all government to cooperate fully' with the Commission and its special procedures. But the Bureau stops short of recommending that countries which persistently fail to cooperate should pay the penalty. Amnesty International recommends that the Commission should bring such countries to the attention of the UN Secretary General with a request that he determine an appropriate response.

* ___ Dialogue with governments, although important, should not prevent the Commission taking effective action when countries flagrantly and persistently violate human rights. Programs for technical assistance

¹ ___ The Bureau of the Commission consists of 5 members from different regional groups nominated for one year to organize Commission sessions and take appropriate action in between sessions.

can definitely advance human rights and the Bureau calls for such assistance to be given to all "willing governments". But Amnesty International considers that technical assistance should not provide a pretext for government inaction to protect human rights. It therefore recommends that such assistance should only start once a government has agreed to take concrete measures to improve its human rights performance.

* ___ Amnesty International supports many of the observations and recommendations of the Bureau, wishes some to be strengthened but opposes others. For example, it strongly opposes the Bureau's recommendation that two Working Groups -- the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances -- should be transformed into Special Rapporteurs. Given their specific mandates, such working groups provide a better mechanism of protection than a single expert.²

COUNTRY BACKGROUNDS

Algeria

Human rights abuses continue on a large scale. Throughout 1998, killings of civilians -- sometimes entire families -- continued daily in different parts of the country. Security forces and militias armed by the state continue to be responsible for extrajudicial executions, deliberate and arbitrary killings, torture, "disappearances" and arbitrary detention.

Armed groups which call themselves "Islamic groups" continue to target civilians. They have slaughtered individuals and groups of people, including children, women and elderly people -- at times after abducting them -- and have carried out bomb attacks claiming scores of lives and leaving hundreds injured.

Among other things, Amnesty International calls on the Commission to:

² *The Working Group on Arbitrary Detention has a mandate to investigate cases of detention and makes pronouncements as to whether they are compatible with international standards. Only a group of experts with different legal and regional backgrounds can do justice to the Working Group's quasi-judicial mandate. The Working Group on Enforced or Involuntary Disappearances needs to preserve the broad based expertise of a group to deal with a world-wide phenomenon for which the UN has created a specific declaration but not - yet - a specific treaty supervisory body.*

* ___ appoint a Special Rapporteur on Algeria, urge the government finally to fulfill its promise to give access to the two Special Rapporteurs on Torture and on Extrajudicial, Summary or Arbitrary Executions and implement the recommendations made by the Human Rights Committee.

Cambodia

Total impunity for human rights violations continues to be the norm in Cambodia. To date, perpetrators of recent human rights violations, including extrajudicial executions, torture and arbitrary detention -- as well as those who committed acts of genocide, crimes against humanity and war crimes between 17 April 1975 and 7 January 1979 while the Khmer Rouge was in power -- have not been brought to justice.

___ The authorities have ignored the recommendations made over the last six years by the Commission on Human Rights and its thematic mechanisms, by the General Assembly and the Committee on the Elimination of Racial Discrimination. None of the human rights violations reported by the UN Secretary-General's Special Representative for Human Rights in Cambodia (the Special Representative) has led to any prosecutions. This underlines the lack of political will to halt human rights violations and tackle impunity.

Among other things, Amnesty International calls on the Commission to:

* ___ give full political and financial support to the Special Representative and to the Cambodia Office of the High Commissioner for Human Rights, and urge the Cambodian authorities to put an end to the total impunity reigning in the country by bringing perpetrators of recent and past human rights violations to justice.

The Great Lakes Region of Africa: Burundi, Democratic Republic of Congo and Rwanda

A horrific catalogue of persistent, widespread and gross human rights abuses is the everyday reality in the Great Lakes region of Africa with impunity acting as a catalyst for renewed cycles of violence. In a vicious circle, the human rights crisis which has plagued the region for years has been, and remains, the root cause of old and new conflicts which, in turn, give rise to forced mass displacement.

___ As the conflicts have become increasingly internationalized, human rights abuses are committed throughout the region. In this context, large scale massacres of unarmed civilians, deliberate and arbitrary killings, extrajudicial executions, "disappearances", torture -- including rape and other forms of sexual abuse -- ill-treatment, arbitrary arrests, incommunicado detention, detention conditions amounting to cruel, inhuman or degrading treatment, denial of due process in the administration of justice, the use of child soldiers and the death penalty often following unfair trials are all widespread. Driven by fear, people

are forced to flee their homes and communities giving rise to mass internal and cross-border displacement. Many of those in flight have yet to find security either in their own or in a neighbouring country.

Among other things, Amnesty International calls on the Commission to:

* ___ renew the mandates of the Special Rapporteurs on Burundi and the DRC and that of the Special Representative on Rwanda, and support their work. The mandate of the Special Representative on Rwanda should be strengthened by including the monitoring of the human rights situation in the country as a key component. Human rights field presences in the DRC and Burundi should be strengthened, and a field operation in Rwanda should be re-established.

Turkey

Turkey has a legacy of grave and widespread human rights violations. Torture and ill-treatment persist, scores of people continue to be detained for their non-violent political activities, and many are imprisoned after unfair trials. Several deaths in custody, "disappearances" and over a dozen extrajudicial executions were reported in 1998. In spite of this, tentative signs of change suggest that Turkey may be at a turning point. Such changes can only be consolidated and built upon if the government strengthens legal safeguards and other structural measures to protect human rights, brings them fully in line with international standards, and takes decisive action to ensure their scrupulous application throughout the country.

Among other things, Amnesty International calls on the Commission to:

* ___ urge the Turkish authorities to implement all the recent recommendations made by the special procedures of the Commission, as well as outstanding recommendations made by the Committee against Torture.

The United States of America (USA)

Despite its claims to international leadership in the field of human rights and its many institutions to protect individual civil liberties, the USA is failing to deliver the fundamental promise of rights for all. There is a persistent and widespread pattern of human rights violations in the USA. These violations appear to disproportionately affect people of racial or ethnic minority backgrounds. Police brutality is common across the country, as are human rights violations against people in detention, particularly women.

___ The increase in crimes punishable with capital punishment, its imposition for crimes committed by people below 18 years of age and

the continuous increase in executions contravene international human rights standards. Over 350 prisoners have been executed in the USA since 1990, and a further 3,500 people await execution. The increase in the practice of detaining asylum-seekers is alarming as is the fact that many continue to be held in jails with criminals, and there is no judicial review of their continued detention.

Among other things, Amnesty International calls on the Commission to:

* ___ urge the US authorities to immediately declare a moratorium on executions with a view to totally abolishing the death penalty and bring the treatment of prisoners and asylum seekers, and the behaviour of law enforcement officials in line with international obligations.

THEMATIC ISSUES

Child Soldiers

For more than a decade, non-governmental organizations have campaigned to raise the minimum age of recruitment into armed forces, whether compulsory or voluntary, to 18 years. More than 300,000 children under the age of 18 are now fighting in conflicts around the world. Children fighting in armed conflicts are much more likely to die than other soldiers, because they are inexperienced and lack training. Girl soldiers usually have to provide sexual services, and are consequently highly likely to suffer HIV/ aids, unwanted childbirth and abortion.

___ A Working Group of the Commission on Human Rights is drafting an Optional Protocol to the Convention on the Rights of the Child. The stumbling block is whether the age for recruitment and participation in armed conflict should be 18 years or lower. The Statute of the permanent International Criminal Court, adopted in July 1998, already prohibits, as a war crime, conscripting or enlisting children under 15 years into armed forces.

* ___ Amnesty International calls on the Commission to urge the Working Group to adopt 18 years as the minimum age for recruitment into armed forces and participation in hostilities

“Disappearances”

The Commission on Human Rights has before it a draft Convention on the protection of all persons from enforced disappearances (the draft convention) prepared by the Sub-Commission. Unlike the 1992 Declaration of the same name, the Convention, when adopted, will be a binding document. The draft convention contains many innovative provisions to strengthen protection against “disappearances”. The persistent practice of these grave human rights violations in many parts

of the world underlines the urgency to proceed with adopting a convention on “disappearances”.

* ___ Amnesty International calls on the Commission to form an intersessional working group to act speedily and effectively to adopt, within a specific time frame, a strong and effective Convention on “disappearances” which preserves and enhances the strength of the present draft, for adoption at the General Assembly.

Torture

Since 1992 a Working Group of the Commission on Human Rights has been drafting an Optional Protocol to the Convention against Torture which would establish a global inspection system of places of detention in order to prevent torture and ill-treatment. But a small group of states continues to obstruct these important efforts.

* ___ Amnesty International calls on the Commission to adopt a resolution calling for the finalization of the text of a strong optional protocol without further delay.

Human Rights Defenders

After 13 years delay and shameful bargaining the Declaration of Human Rights Defenders was finally adopted in December 1998. It is the minimum acceptable standards, but the Commission should now take decisive action to ensure its effective implementation. The work of human rights defenders cuts across all regions, and is truly universal. Effective monitoring of all human rights cannot take place without them and the protection of their rights lies at the heart of the protection of all other rights.

* ___ Amnesty International calls on the Commission to appoint a Special Rapporteur on human rights defenders and to develop effective strategies to better protect them.

Death Penalty

The fact that the (UN) Convention on the Rights of the Child – which, among other things prohibits the imposition and use of capital punishment for a crime committed by anyone below 18 years of age – has been ratified by all but two states of the international community, demonstrates the international consensus on the prohibition of the imposition and use of the death penalty on those committing the offence when under 18 years old.³

³ The only two states which have yet to ratify the Convention on the Rights of the Child are the collapsed state of Somalia and the United States of America.

___Amnesty International calls on the Commission to adopt a resolution on the question of the death penalty in which the Commission should:

.___ welcome the international consensus which prohibits the imposition and use of the death penalty on persons below eighteen years of age at the time of the crime;

.___ reiterate its call on retentionist states to establish a moratorium on executions with a view to completely abolishing the death penalty. In the meantime, retentionist states should ensure the application of the Safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, and other relevant international standards.

ENDS.../

For a copy of the report 1999 UN Commission on Human Rights -- Making human rights work: time to strengthen the special procedures, or to arrange an interview, please call Soraya Bermejo, Press Officer, Tel: +41 22 798 2500 Mobile: +44 468 670 248

AI INDEX: IOR 41/06/99
Geneva, 22 March 1999

*A moratorium on politics
55th UN Commission on Human Rights*

*Statement by Pierre Sané
Amnesty International's Secretary General*

Amnesty International is here to issue a challenge to the Commission of Human Rights members: in your first session post UDHR 50, declare a moratorium on politics and focus on human rights action.

At times, the Commission members have seriously hampered the effectiveness and credibility of the Commission by putting powerful political and economic interests above their obligation to protect and promote human rights.

This has been the case even when it comes to countries where violations are grave and persistent, and this will be on the conscience of many Commission members.

The time has come to stop this behaviour.

Victims in places like Algeria, Cambodia, Turkey and the Great Lakes Region of Africa have been let down by governments' failure to match human rights rhetoric with adequate support for action. The Commission has a duty to ensure that action is taken.

During this year's session, Amnesty International will highlight these four examples together with the USA -- where a persistent and widespread pattern of human rights violations appears to disproportionately affect people of racial or ethnic minority backgrounds.

In Algeria, the government has repeatedly broken its promises to cooperate with the mechanisms of the Commission and has continued to refuse access to the country to the UN special rapporteurs on torture, and on extrajudicial, summary or arbitrary executions.

And yet, the international community -- and particularly the Commission on Human Rights -- has failed to take concrete action to address the situation.

Amnesty International will recommend the appointment of a Special Rapporteur on Algeria and the fulfilment of the government's promise to allow access to the Special Rapporteurs on torture and on extrajudicial, summary or arbitrary executions, as well as a much needed visit by the Working Group on Enforced or Involuntary Disappearances.

The authorities in Cambodia have ignored the recommendations made by different UN bodies and mechanisms over the last six years.

Human rights defenders -- including those working for the Cambodia Office of the High Commissioner for Human Rights -- have been

subjected to death threats, arbitrary arrest and physical attacks by uniformed police.

Amnesty International will call on the Commission to urge the Cambodian government to initiate full and independent inquiries into recent human rights violations – including the killings of opposition demonstrators by the security forces in September 1998.

We will also urge the Commission to give due consideration to the proposal of the Group of Experts concerning the creation of an international tribunal.

The human rights situation in the Great Lakes Region -- Burundi, the Democratic Republic of Congo and Rwanda -- is treated by the Commission as three separate cases. But the cycle of conflict and gross human rights abuses in the region -- and the resulting mass displacements -- have become so internationalized that only a regional approach could have any impact.

Amnesty International will ask the Commission to renew the mandate of the Special Rapporteurs on Burundi and the Democratic Republic of Congo, and strengthen the role of the Special Representative on Rwanda by including human rights monitoring as a key component of the mandate.

We will also ask for the UN High Commissioner for Human Rights to convene another extraordinary coordination meeting, involving the participation of Commission experts on the Great Lakes region, with the purpose of drawing up recommendations aimed at preventing a further deterioration of the human rights situation.

In Turkey, six years after the UN Committee against Torture took the unprecedented step of issuing a public statement on the incidence of torture, its recommendations have still not been implemented.

But in spite its legacy of grave and widespread human rights violations, Turkey might be at a turning point. The country is showing tentative signs of change with regard to human rights.

Such change can only be consolidated if the government strengthen legal safeguards and other structural measures to protect human rights, brings them fully in line with international standards, and ensures their strict application.

The Commission should not miss the opportunity to strongly encourage these steps. The Turkish government should be urged to fully implement the recommendations made by UN special mechanisms and the Committee against Torture.

The United States of America, despite its claims to international leadership in the field of human rights and its many institutions to protect individual civil liberties, is failing to deliver the fundamental promise of rights for all.

Human rights violations in the USA are persistent, widespread, and appear to disproportionately affect people of racial or ethnic minority backgrounds.

Ill-treatment in detention and police brutality are common across the country. Asylum seekers are increasingly detained without judicial review and are often held in jails with criminals. Application of the death penalty fails to meet minimum international standards,

Among other things, the Commission must urge the USA to declare an immediate moratorium on executions with a view to totally abolishing the death penalty.

In addition to our recommendation for the five countries mentioned, during this year's session, Amnesty International will also urge the Commission to act on "disappearances", human rights defenders, child soldiers, torture and the death penalty. _____

People everywhere should have the right to express their views without the fear of torture or "disappearance".

Amnesty International will ask for a strong draft convention on disappearances, for the Optional Protocol to the Convention against Torture to be finalized, and for the appointment of a Special Rapporteur on Human Rights Defenders to oversee the implementation of the Declaration adopted by the General Assembly last year.

Children should not be fighting wars or be executed for their crimes. Amnesty International will ask for a resolution reaffirming the international consensus against the imposition of the death penalty for people under eighteen at the time of the offense, and reiterates the call for a moratorium on executions with a view to complete abolition.

At the 1998 session, the Commission requested its Bureau to undertake a review of the Commission's human rights mechanisms and report to this year's session.

Amnesty International welcomes the report's stated purpose of enhancing the UN's capacity to promote and protect rights, and its recognition that to do this, the Commission's mechanisms must operate "free of influence from extraneous political and other considerations".

We oppose, however, the recommendation that the Working Groups on Arbitrary Detention and

on Enforced or Involuntary Disappearances should be replaced by Special Rapporteurs.

Only a working group of experts can do justice to the specific requirements of the Working Group on Arbitrary Detention's complex mandate. The Working Group on "disappearances" should be in force as long as there is no other group or committee to deal with these issues on a global basis.

The Bureau's review is, in many aspects, a positive step. But there is a serious risk that it may overshadow discussion of actual human rights situations at this session of the Commission.

The review could even be used as an excuse for inaction, pending final decisions on the report's recommendations.

In the spirit of the report, the Commission should not allow itself to be distracted by its own self-examination.

We should not lose focus of the fact that lives are at stake in many countries. Governments refusing to cooperate fully should not be allowed to get away with it.

Let us refocus the work of the Commission on human rights action, and _ for once _ keep politics at bay.

ENDS.../_

News Service: 076/99
AI INDEX: IOR 41/07/99
23 April 1999_

The 1999 Commission on Human Rights: a parody of human rights concerns

The gap is widening between the actual human rights situation in any given country and the action taken by the Commission on Human Rights, Amnesty International said today.

___“Striking deals and negotiating over human rights have become a standard practice of the Commission proceedings,” the organisation said. “In some cases this year the Commission's action has been completely unrealistic and irrelevant.”

___Despite the widely-acknowledged recent worsening of the human rights situation in China -- with the detention of possibly thousands of suspected government opponents during the last year, the continued repression of ethnic and religious minorities, and the imposition of heavy prison sentences to high-profile dissidents -- members of the Commission, and in particular the EU, were passively looking the other way until the third week of the session. In a last minute, face-saving and half-hearted gesture, the United States announced then that it would table a resolution. The lateness of the decision eroded the probability of a strong unified approach, while reducing possibilities to reject the foreseeable no action motion.

___In a tried and tested misuse of the Commission's procedural rules, China again invoked a no action motion, thus denying the competence of the Commission to consider the substance of the resolution.

___ "It is appalling to note that members of the Commission gave in to Chinese pressure to create double standards. It is paradoxical that China -- which has repeatedly criticized the Commission for its "selectivity and double standards" -- was the only member of the Commission for years blatantly to misuse procedural motions to avoid any discussion of its human rights record," Amnesty International said.

___ Again this year, the Commission by its silence effectively sanctioned the continuing human rights violations in Algeria, and completely ignored the deliberate and arbitrary killing of more than 200 civilians each month, and the fate of the thousands of people who have "disappeared".

___ More than a year after the Algerian authorities' promise to invite the Special Rapporteurs on torture and on extrajudicial, summary or arbitrary executions, the authorities are still denying them access to the country. Neither UN experts nor international human rights organizations have been able to carry out an investigation into the massive human rights violations since the outbreak of the violence.

___ "The Commission had a moral obligation to take action on Algeria, in particular those members who do not want to remember their commitment last year to take action in 1999 if government promises of cooperation with the rapporteurs did not materialize," Amnesty International said.

___ "Instead of objectively reflecting the human rights situation in the countries under scrutiny, Commission resolutions are increasingly tailored to suit the countries' wishes -- to such an extent that they are often directly involved in the drafting and approval process," Amnesty International said.

___ This seems to have been the case with the resolution on Nigeria . Yielding to the political logic of regional group solidarity, the Commission adopted a resolution -- tabled by the African group after close consultation with the country's delegation -- which praises the Nigerian Government. The text, adopted today by consensus, completely overlooks ongoing serious human rights concerns documented in the report of the Special Rapporteur on Nigeria. These include the lack of judicial independence, special tribunals that fail to guarantee a fair trial, the situation of women's human rights, detention without trial, and prison conditions leading to deaths in detention.

___ In its attempts to praise the Nigerian government, the Commission went so far as to commend the "release of all political prisoners and detainees". However, to Amnesty International's knowledge, some political prisoners still remain in prison. The Commission decided to stop considering the human rights situation in Nigeria at its future

sessions, after the government's previous rejection of any future role for the Commission and the Special Rapporteur on Nigeria.

___ "The mandate of the Special Rapporteur on Nigeria was thus concluded and sacrificed on the altar of political entente, in a dangerously premature and irresponsible move," Amnesty International said, deploring once more the Commission's inability to have a mid-term strategy.

___ Since last July, when the government expelled the UN human rights officers, there has been no UN international human rights monitoring presence in Rwanda. However, Amnesty International's information shows that thousands of vulnerable civilians are being deliberately killed by both government forces and armed opposition groups. In addition, deaths in custody resulting from extreme prison overcrowding continue, and impunity for gross human rights abuses prevails, with massacres carried out by the Rwandese Patriotic Army going almost unnoticed. In spite of this evidence of gross human rights violations and of the absence of a monitoring field mission, the Commission failed to strengthen the mandate of the Special Rapporteur to include an explicit monitoring element.

___ "The Commission prefers to rest comfortably on the assurances of the Rwandese Government that the newly-created National Human Rights Commission will fill the gap left by the departure of the High Commissioner's Human Rights Field Operation, but the conditions simply do not exist for a national institution to function effectively," Amnesty International said.

___ Finally, the Commission failed to address the dramatic human rights situation in **East Timor**, where paramilitaries have killed tens of people in the last two weeks. As talks on autonomy -- with human rights conspicuously absent from the agenda -- are taking place in New York, Commission members have proved unable to face up to the situation and to remind the Indonesian government of its responsibilities.

___ "At a time when hopes for peace in East Timor are growing, it is particularly disappointing that the Commission has failed to ensure that human rights are given a central place in any peace agreement for the territory," Amnesty International said.

___ "The Commission on Human Rights cannot continue to ignore the realities of human rights violations and abuses," Amnesty International said.

___ "During its six-week session, the Commission is provided with ample information from its own mechanisms and others about what is actually happening. Unless action is taken on the basis of that information, the

whole process of adopting country resolutions is a waste of time and money."ENDS .../

News Service: 082/99
AI INDEX: IOR 42/05/99
29 April 1999

1999 Commission on Human Rights: a step towards the abolition of the death penalty, two steps backward on Human Rights Defenders and Cambodia

The world has come one step closer to the **abolition of the death penalty**, Amnesty International said today commenting on the adoption of a resolution calling for a moratorium on executions, with a view to completely abolishing the death penalty.

___ The resolution was adopted by an unequivocal majority of 30 votes in favour -- four more than in 1998 -- and 11 against.

___ "With this vote, the Commission sent a clear message to all states that maintaining the death penalty is not tenable in the long run, and that no execution should be carried out pending the abolition of this punishment which amounts to the utmost form of torture," Amnesty International said.

___ Sponsored by 72 states -- 7 more than last year -- the resolution was tabled by Germany on behalf of the European Union. It reaffirms the international obligation of all states not to impose death sentences on people younger than 18 when the crime was committed, and on people suffering from any mental disorder -- obligations that are often violated by some states. The resolution also urges states not to extradite persons to countries where they might be sentenced to death.

___ "Not only has Germany made this resolution stronger than in the past, it has even collected more support for it than in previous years," Amnesty international said.

___ Paying lip service to the need to protect **human rights defenders**, the Commission remained deaf to the repeated calls of the human rights NGO community to establish the post of special rapporteur on human rights defenders.

___ The resolution, tabled by Norway and adopted without a vote, does not provide for any serious follow up mechanism to the Declaration on Human Rights Defenders, adopted last year, but simply calls for a report by the UN Secretary General.

___ "The Commission has lost a golden opportunity to capitalize without further delay on the Declaration, and Norway's failure to take bold steps in this field during the session is very disappointing," Amnesty International said.

___ "It is a real let down for all human rights defenders that the Commission has failed to adopt real measures to concretely address this crucial issue."

_____ “The resolution on **Cambodia** was also a missed opportunity,” Amnesty International said, regretting that the resolution did not follow the lead presented by the Special Representative, nor endorses the recommendation made by the Group of Experts that the UN establishes an *ad hoc* international tribunal to bring the Khmer Rouge to justice.

_____ Instead, the resolution merely “takes note with appreciation of the report” by the Group of Experts and appeals to the Cambodian government to ensure that the perpetrators of human rights violations are brought to account “bearing in mind” the Group's report.

_____ “Encouraging the Cambodian government to work with the international community on this important issue is not enough,” Amnesty International said, adding that UN involvement -- not mentioned in the resolution -- is crucial for the whole process to have any credibility for ordinary Cambodians.

_____ “It is ironic that the Commission -- which had itself requested the appointment of a group of experts to examine this question -- has chosen not to support explicitly the experts' chief recommendation,” Amnesty International said.

ENDS.../

COLOMBIA

Oral Statement to the United Nations Commission on Human Rights on Colombia

Item 3

55th session 22 March - 30 April 1999

Chairperson,

The systematic and widespread contempt for human rights in Colombia has caused a deep-rooted crisis of alarming proportions. More than 30.000 people have been victims of politically motivated killings in the last decade, some 3.000 have “disappeared” and close to one and a half million people have been internally displaced by the escalating and increasingly brutal armed conflict.

All parties to the conflict have been responsible for serious violations of human rights and international humanitarian law. Although the number of violations directly attributable to the Colombian army and police has fallen in recent years, there has been a corresponding increase in abuses committed by paramilitary groups. The Colombian government has failed to take effective action to fulfil its commitment to dismantle paramilitary organizations, many of which continue to operate with the tacit or active support of sectors of the Colombian armed forces. Nor has the government taken action to end the existing links between state agents and paramilitary groups.

Both of the main armed opposition groups, the FARC and the ELN, have been responsible for serious abuses of international humanitarian law, including numerous deliberate and arbitrary killings and the kidnapping and holding hostage of hundreds of people each year.

The principal victims of the spiralling human rights crisis continue to be civilians: community leaders, trades unionists, political and social activists, members and supporters of indigenous communities, human rights defenders and poor peasant farmers living in areas whose control is disputed between the armed forces, paramilitary groups and guerrilla organizations.

Despite serious and welcome efforts made by the human rights unit of the Attorney General’s office, levels of impunity are still unacceptably high.

Amnesty International is particularly concerned by the growing number of attacks against Colombian and international human rights defenders, including members of non-governmental organizations, environmentalists, indigenous rights activists and state judicial officials. At the forefront of the campaign to seek truth and justice, human rights defenders are increasingly the target of serious abuses principally by state-backed paramilitary forces but also, more recently, by the FARC. The 54th Commission urged the Colombian government to give special importance to the safety of human rights workers. Since then, at least 10 have been killed.

In recent months important sectors of Colombian civil society and the government of President Pastrana have embarked on initiatives in relation to the search for peace. Amnesty International shares the hope of the Colombian people that, despite recent difficulties and setbacks, a process of dialogue can begin in the near future which will lead to an end of over forty years of conflict. However, despite commitments by all parties to enter into dialogue, massive human rights violations show no signs of abating.

Amnesty International considers that respect for human rights should not be dependent on an eventual political agreement between the state and armed opposition groups, as fundamental human rights are not negotiable.

The presence of the office of the High Commissioner for Human Rights is vital. Amnesty International welcomes the agreement to extend for a further 12 months the mandate of the Office and urges the Commission to continue to support and strengthen the Office in order that it can effectively fulfil its mandate to monitor the human rights situation and to advise the government on the implementation of the recommendations of the UN bodies.

Mr Chairperson

In a statement from the Chair of the 54th session, the Commission considered that the implementation by the Colombian government of the recommendations of international human rights bodies had been insufficient to improve the human rights situation. Unfortunately, that continues to be the case. Amnesty International calls on the Commission to reiterate its call to full compliance with the recommendations by the High Commissioner and the UN thematic mechanisms.

In particular, the Commission should urge the Colombian government to:

- Dismantle paramilitary organizations and civilian vigilante groups known as *Convivir*
- Separate from active military duty all armed and security force personnel formally charged or convicted of human rights violations
- Improve the administration of justice and combat impunity by reforming the military penal code and by introducing legislation to criminalize enforced disappearance
- End harassment, threats and attacks against human rights defenders
- Ensure adequate humanitarian assistance for displaced persons and guarantees for their safe return

Respect for human rights is an essential pre-requisite to achieving peace. Only by ensuring that fundamental civil and political rights are protected can the government of President Pastrana and the Colombian people hope to achieve genuine national reconciliation based on peace and justice.

UN Commission on Human Rights
55th session (22 March - 30 April 1999)
Item 8
Delivered 3 March 1999

Question of the violation of human rights in the occupied
Arab territories, including Palestine

Over the past year, Israel has, in the name of "security", flouted its obligations in human rights treaties it has freely ratified and has ignored recommendations made by United Nations treaty bodies.

Although the number of Palestinians imprisoned or administratively detained by the Israeli security services has decreased in recent years, more than 1,600 Palestinians are still arrested each year. They have been routinely tortured or ill-treated during interrogation. At least 80 of them are held in administrative detention without charge or trial.

In addition, about 130 Lebanese nationals remain detained without charge or trial for up to 13 years in Khiam detention centre in Israeli-occupied south Lebanon.

The Human Rights Committee examined Israel's human rights record including its use of administrative detention in July 1998. The Committee found that the present application of administrative detention is "incompatible with articles 7 and 16 of the Covenant". These articles prohibit torture and ill-treatment and the right of every person to recognition before the law. The Committee expressed specific concern that Lebanese held in administrative detention "do not personally threaten state security" but are kept as "bargaining-chips". This fact, which constitutes a violation of human rights, has been acknowledged by the Israeli Supreme Court.

Moreover, the Working Group on Arbitrary Detention concluded last year that the detention of the 21 Lebanese held as "bargaining chips" was arbitrary. Nevertheless the Israeli government renewed their administrative detention.

Examining Israel's second periodic report in May 1998, the Committee against Torture again concluded that interrogation

methods, such as violent shaking, or hooding and shackling detainees to low chairs with loud music playing, constituted torture or cruel, inhuman or degrading treatment or punishment and thus contravened Article 1 of the Convention against Torture. Nevertheless, in January this year, Israel's State Attorney stated before Israel's High Court that these methods were legal.

Many of these human rights violations are officially authorized at the highest level and indeed effectively legalized.

More than 100 Israeli civilians have been killed in suicide bombings by armed Palestinian groups over the last five years. But such abuses by non-governmental groups can never excuse human rights violations by governments in its territory and subject to its jurisdiction.

Without human rights there can be no genuine security and no sustainable peace. Amnesty International requests the Commission to call on the Israeli government to immediately cease violations of basic human rights and to apply fully United Nations human rights treaties, as well as the Fourth Geneva Convention of 1949, in the Occupied Territories.

United Nations Commission on Human Rights

55th session (22 March - 30 April 1999)

**Question of the violation of human rights and fundamental freedoms
in any part of the world**

Item 9

This year, Amnesty International wishes to draw the attention of the Commission to human rights violations in five countries including Algeria, Cambodia and Turkey. In this statement however, we will address the two remaining situations: the United States of America (USA) and the Great Lakes region.

While the human rights situations in the USA and the Great Lakes area are profoundly different, Amnesty International considers that no state's human rights record should be immune from Commission scrutiny, and should be considered on the merits of the specific situation.

In the USA, the government prides itself for its leadership in human rights but despite many institutions to protect individual rights, serious and widespread human rights violations are prevalent across the country. Many of the victims are from racial or ethnic minorities.

Over 3,500 people await their execution in prisons across the USA. The steady increase in the number of executions defies Commission resolutions, which called on states to establish a moratorium on executions with a view to totally abolishing capital punishment. The former Special Rapporteur on extra-judicial, summary or arbitrary executions concluded in his 1998 report on his visit to the USA that the imposition of the death penalty in the USA is arbitrary. He identified race, ethnic origin and economic status as key factors which determine whether the death penalty will be imposed.

Torture and ill-treatment, including rape and other forms of sexual abuse, are commonly reported in prisons. Pregnant women prisoners have been shackled during transport to hospital to give birth, or even during labour. Contrary to international standards, many US states allow male guards to supervise female inmates.

The US authorities are violating their international obligations by detaining many asylum seekers indefinitely, and often on grounds prohibited by international standards.

The Commission should urge the US authorities:

- to ratify without reservations all human rights treaties, in particular the Convention on the Rights of the Child,
- to institute a moratorium on all executions,
- to implement the recommendations made by Special Rapporteurs who have visited the USA and
- to extend an invitation to the Special Rapporteur on torture and the Working Group on Arbitrary Detention

Madam Chairperson

In Burundi, the Democratic Republic of Congo and Rwanda, extrajudicial executions, torture - including rape - and “disappearances” continue on a massive scale. Civilians, often targeted for their real or suspected ethnicity or political leanings, have been massacred in their thousands.

Scores of prisoners have been executed, the highest number in the Democratic Republic of Congo. Hundreds were sentenced to death and some executed in Burundi and Rwanda, many after unfair trials, which failed to meet international standards. Hundreds of prisoners died from harsh detention conditions in both countries.

Impunity for human rights violations prevails and continues to fuel the crisis. Nearly one and a half million people have been displaced as a result of the ongoing conflict and live in daily fear for their lives and safety.

The situation requires a well coordinated international response by the Commission, which includes the Commission’s experts, the Office of the High Commissioner for Human Rights and UN human rights field monitoring personnel.

Amnesty International urges the Commission *inter alia* to request the High Commissioner to convene an extraordinary meeting of Commission and other UN experts on the Great Lakes region, the purpose of which should be to make recommendations to prevent a deterioration in the human rights situation. The Commission should renew the mandates of the Special Rapporteurs on Burundi and the Democratic Republic of Congo, and strengthen the mandate of the Special Representative on Rwanda to include human rights monitoring. The Commission should ensure that UN human rights field presences in Burundi and the Democratic Republic of Congo are strengthened, and are re-established in Rwanda.

United Nations Commission on Human Rights

55th session (22 March - 30 April 1999)

Civil and political rights including the questions of torture and detention, disappearances and summary executions

Item 11 _____

Delivered
April 1999

In Algeria persistent human rights violations by the security forces and abuses by armed groups calling themselves "Islamic groups" continue. Torture and extrajudicial executions remain widespread. Arbitrary arrests and secret detention have become routine during the last seven years. More than 3000 men and women have "disappeared" and their families continue to face a governmental wall of silence. The Commission has done little to break this conspiracy of silence.

Meanwhile, the authorities have continued to refuse access to the Special Rapporteurs on torture and on extrajudicial, summary or arbitrary executions, in clear breach of their earlier promise to set dates for their visits. Last year, several countries stated that they would reconsider their position during this session of the Commission if Algeria persisted in its refusal to cooperate.

The Commission must now act decisively and should in particular:

- * ___ call on the government to fully implement the recommendations made by the Human Rights Committee last July,
- * ___ establish a Special Rapporteur,
- * ___ urge the government to fulfill its long-standing promise and invite the Special Rapporteurs on torture and on extrajudicial, summary or arbitrary executions to visit Algeria
- * ___ and also invite the Working Group on Enforced and Involuntary Disappearances.

In Turkey, torture and "disappearances" rank high among the grave human rights violations that have cost the lives of so many people. The report of the Special Rapporteur on torture on his visit to Turkey provides a thorough analysis of torture in all its dimensions. Amnesty International agrees with the Special Rapporteur's assessment that torture remains widespread although there has been some progress in combatting it.

Amnesty International strongly endorses the Special Rapporteur's recommendations and urges the government of Turkey to comply with them in particular that detainees should have prompt access to a

lawyer and that an independent body be established to visit and report on any place where persons are deprived of their liberty.

The report of the Working Group on Enforced or Involuntary Disappearances on its visit to Turkey is at most tentative in its conclusions and fails to formulate effective recommendations. The Working Group correctly concludes that impunity is a root cause of "disappearances", but is ambiguous in its conclusions which do not place responsibility for the hundreds of "disappearances" in the last eight years at the door of the security forces, despite strong evidence by eye-witnesses and judgments of the European Court of Human Rights establishing clear state responsibility in some cases.

The Turkish authorities have manifestly failed to effectively investigate well-documented "disappearances". The government should establish an independent and impartial investigation into all "disappearances" in line with UN standards laid down in the Declaration on the Protection of All Persons from Enforced Disappearance. The "disappeared" should not be allowed to "disappear" again.

Finally Madam Chairperson,

Governments should ensure that lawyers are able to carry out their work without fear of intimidation or reprisal, and should provide protection whenever lawyers are threatened. In Northern Ireland, the Special Rapporteur on the independence of judges and lawyers concluded last year that lawyers are systematically subjected to intimidation and harassment by the police. The killings of two human rights lawyers, Patrick Finucane and Rosemary Nelson, in Northern Ireland underscores Amnesty International's concerns that governments' failure to protect lawyers undermines the rule of law. Amnesty International calls on the UK government to establish independent inquiries into their killings.

United Nations Commission on Human Rights

55th session (22 March - 30 April 1999)

Promotion and protection of human rights

Item 17
1999

Delivered 20 April

Amnesty International welcomes the further progress towards abolition of the death penalty made since the Commission adopted last year's resolution calling for a moratorium on executions. The Commission urged countries in particular not to impose the death penalty for crimes committed by persons below 18 years of age. This punishment for such young people is explicitly prohibited in several major international and regional human rights standards and treaties, and in international humanitarian law. The almost universal ratification of one of these treaties, the Convention on the Rights of the Child -- ratified by all countries except Somalia and the United States of America -- is one factor which clearly demonstrates the international consensus against sentencing to death or executing anyone for crimes committed when under 18 years old.

Laws in a few countries still permit this punishment against persons below 18 years, but since 1990 only six countries have, to Amnesty International's knowledge, carried out executions of people who were below 18 at the time the crime was committed. They are: Iran, Nigeria, Pakistan, Saudi Arabia, the United States of America, and Yemen. Five of these countries acted in clear violation of their obligations either under the International Covenant on Civil and Political Rights, or the Convention on the Rights of the Child, or both.

The country that has carried out by far the highest number of executions of persons under 18 years old and that continues to do so, is the United States of America. As far as Amnesty International is aware the United States of America has, since October 1997, been the only country to defy the international consensus against the imposition and use of capital punishment on people convicted of a crime committed when they were under 18. Ten such executions have taken place since 1990, half of them in Texas alone. Sean

Sellers, executed in February, was the first to be killed in the last four decades in the United States of America for a crime committed when he was 16.

In 1998 alone, three more men were executed for crimes committed when 17 years old. The fact that all three were of limited mental capacity and were exposed to an extremely violent or gravely disrupted family environment, dramatically enhances the barbarity of the executions.

In order to continue imposing the death penalty on persons below the age of 18, the United States of America has entered a reservation to article 6 of the International Covenant on Civil and Political Rights which prohibits the imposition of the death penalty on offenders under 18 years of age - even though no state is permitted to make a derogation from that article under any circumstances. The Human Rights Committee concluded unequivocally in 1995 that this reservation was incompatible with the object and purpose of the Covenant. Nevertheless, the United States of America has turned a blind eye to the Committee's injunction to withdraw the reservation and has executed four more juvenile offenders since then, thus repeatedly and consistently violating international law.

The appalling legal killing by a state of people who were under 18 at the time of the offence can not be tolerated in any society.

The resolution adopted last year by the Commission also urged all States, *inter alia*, to observe the 1984 ECOSOC Safeguards guaranteeing protection of the rights of those facing the death penalty. One of these safeguards prohibits the execution of persons who have become insane. ECOSOC also recommends that the death penalty should be eliminated for anyone suffering from mental retardation or extremely limited mental competence.

The United States of America has repeatedly and blatantly ignored this elementary principle, and has continued to execute such people. The United States' Supreme Court even ruled in 1989 that it was not unconstitutional to use the death penalty against the mentally retarded. The three young offenders mentioned earlier are just a few examples among more than 30 prisoners suffering from mental disabilities who have been executed since that ruling.

Amnesty International calls on the Commission:

· to adopt a resolution urging all States, *inter alia*, to halt immediately the practice of imposing death sentences and carrying out executions of persons who committed crimes when younger than 18 and of persons suffering from mental retardation or insanity, as the 1984 ECOSOC safeguards require.

International law requires no less.

UN Commission on Human Rights
55th Session
Item 9 of the provisional agenda
Joint written statement on Algeria
E/CN.4/1999/NGO/29

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

Written statement submitted by Amnesty International, the International Federation of Human Rights Leagues, Human Rights Watch and Reporters sans frontieres, international non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council Resolution 1996/31

[14 January 1999]

Situation of human rights in Algeria

1. In April 1998, the Commission on Human Rights, at its 54th session, completed its work without taking any firm measures to address the crisis that has faced Algeria since 1992. The above-mentioned organizations hope that the fifty-fifth session of the Commission will at last make for more active involvement on the part of the international community, so that practical measures are taken to improve the human rights situation in Algeria, notably by putting a stop to massive violations and providing the civilian population with effective protection. Three reasons make this request still necessary today: a) the persistence of the human rights crisis in Algeria; b) the authorities' failure to take specific measures to face up to the grave and widespread violations and to put an end to the impunity enjoyed by members of the security forces, State-armed militias and armed groups responsible for serious violations and abuses; and c) the Algerian Government's continued refusal, despite earlier promises, to cooperate fully with the United Nations human rights protection mechanisms.

A continuing human rights crisis

2. During the country's seven-year conflict, armed groups operating under a variety of names and claiming to be "Islamic" have committed massive and flagrant human rights violations: assassinations of civilians, indiscriminate attacks and massacres. These groups have also raped and mutilated women and girls and harassed and attacked women who they accuse of "immoral" conduct, including going out to work or attending school, not wearing the veil and militating for women's rights. The truce called between the authorities and the Islamic Salvation Army (ISA) in late 1997, in circumstances that are still obscure, has done nothing to end the attacks of which civilians are the main victims. Certain armed groups have apparently supported the truce, while others are violently opposed to it. Although this information is not easily verifiable, armed groups nonetheless continue their depredations.

3. Amnesty International, IFHR, Human Rights Watch and Reporters sans frontieres have, in the strongest terms, consistently and categorically denounced the murders and other crimes perpetrated by these armed groups and urged the Algerian Government to take the necessary steps to guarantee the safety of the civilian population, in compliance with Algeria's international commitments.

4. During that very period, the security forces made thousands of unlawful and arbitrary arrests, torturing detainees and violating their rights both during police custody and following their appearance before a judge. Thousands of persons in Algeria have disappeared following arrest. Dozens of prisoners have been killed on the pretext of putting down "mutinies" or "attempts to escape" and although many of the large-scale massacres in the countryside have been officially imputed to armed groups, it is disquieting to observe the deliberate refusal to allow the security forces to intervene in certain cases.

5. Also, since 1994 the authorities have permitted State-armed civilian militias calling themselves "patriots" to operate outside the law and carry out so-called "anti-terrorist" military operations in the name of legitimate defence. The law concerning the Legitimate Defence Groups (GLD) which, since January 1997, encompasses the activities of these militias (put at 5,000 in January 1998 by former Prime Minister Ouyahia) is not observed by the militias, who have continued to commit grave violations with impunity. Hundreds of accounts show that units of the security forces have executed persons suspected of belonging to, or supporting, the armed groups. Likewise, they are alleged to have taken indiscriminate collective reprisals against the inhabitants of areas where attacks have recently been carried out.

6. Added to these entirely unlawful practices, certain laws adopted since 1992 have contributed to large-scale human rights violations: arbitrary arrests, secret detention in unofficial centres, widespread use of torture, summary executions, "disappearances", non-observance of the time frames established for police custody and pre-trial detention, violations of the right to a fair trial, infringement of the right of association and the right to demonstrate and freedom of the press. Thus, the state of emergency proclaimed in February 1992 is still in place, the independence of the Judiciary continues to be

drastically limited and disabling provisions under the September 1992 “anti-terrorist decree” are now an integral part of Algerian ordinary law.

Fears confirmed

7. Since early 1998, there has been information confirming the international organizations’ diagnosis of some years ago on the scope of the human rights crisis. Former high-level government officials have publicly corroborated reports that certain security forces were involved in grave violations. Hence, in October 1998, the Government confirmed that 27 prisoners had been smothered to death while being transferred from one prison to another in June 1997, a fact made public by a former military security official. During the same period, the existence of secret detention centres was confirmed by the statements of former Moroccan prisoners who had been “disappeared” in Algeria for 17 years and released in late 1996 through the intervention of the international Committee of the red Cross (ICRC).

8. After years of silence, the families of thousands of persons “disappeared” after being kidnapped or arrested by the security forces have begun to demonstrate in public and have formed an association. So far, 3,000 cases of forced “disappearances” have been inventoried and dossiers concerning 1,750 of them have been deposited with the Ministry of the Interior. At the time of writing, the Ministry has shed no light on the cases before it, has refused to accept new dossiers or to recognize this association, the statutes of which are in conformity with Algerian law. A number of demonstrations by families of “disappeared” have been broken up by force or refused authorization

9. In July 1998, the United Nations Human Rights committee expressed its concern at the human rights situation in Algeria and made the following recommendations to the Algerian Government:

a) creation of appropriate independent mechanisms for investigating violations of the right to life and personal safety and for identifying and sentencing the guilty parties;

b) the creation of a credible monitoring system for preventing the torture of prisoners;

c) establishment of a clearing-house for recording all the reported cases of disappearance and helping families to find disappeared relatives.

Refusal of transparency and cooperation

10. The Algerian authorities have rejected the Human Rights Committees’s observations and continue to refuse the United Nations Special Rapporteurs on torture and on extrajudicial, summary and arbitrary executions access to the country; so far the ICRC has still not been authorized to resume prison visits suspended since 1992. The report of the United Nations panel that visited Algeria in July 1998 states that the mission had neither the “mandate nor resources” to conduct investigations and that the Algerian Government had firmly demanded that its observations not be followed up.

Recommendations

11. The signatory organizations request the Commission on Human Rights to appeal to the Algerian Government to take specific measures to provide protection for the civilian population and to put an end to human rights violations. With that in view, they call upon the Commission:

a) To appoint a special rapporteur on Algeria;

b) To request that the Algerian Government:

i) Cooperate fully with the United Nations human rights protection mechanisms and that it be encouraged to|:

a. implement the final observations of the Human Rights committees;

b. grant the Special Rapporteurs on torture and on extrajudicial, summary or arbitrary executions access to the country and invite the Working Group on forced or involuntary disappearance, as well as the Special Rapporteurs on violence against women and on the independence of the Judiciary, to visit the country.

ii) Hold independent, impartial inquiries on all cases of “disappearance”, to inform the families of the “disappeared” of their fate and releases all “disappeared” persons who are in the hands of the security forces;

iii) Conduct independent, impartial inquiries into all cases of extrajudicial executions and murders and massacres, as well as all cases of torture, and bring those responsible to trial;

iv) Ensure that security operations are conducted exclusively by law-enforcement officers with the necessary training, who shall be required to answer for their actions, and, for that purpose, to dismantle the civilian militias if they are not subject to State control.

Copyright 1998

Office of the High Commissioner for Human Rights

Geneva, Switzerland

UN Commission on Human Rights
55th Session

Joint oral statement made by Friends World Committees for Consultation (Quakers) and Amnesty International, international non-governmental organisations in special consultative status with ECOSOC under Item 13: Rights of the Child

QUAKER UNITED NATIONS OFFICE - GENEVA

Delivered by Rachel Brett, Quaker UN office, Geneva

Child Soldiers

Thank you, Madam Chair,

“[W]e would be derelict if we did not reiterate, in the strongest possible terms, that until the minimum age of recruitment is universally set at 18, the ruthless exploitation of children as soldiers will continue.”

Friends World Committee for Consultation (Quakers) and Amnesty International, on behalf of the Coalition to Stop the Use of Child Soldiers, fully endorse this statement of the coalition to Stop the Use of Child Soldiers, fully endorse this statement by Carol Bellamy, Executive Director of UNICEF, to the recent UN Security Council debate on “protection of civilians in armed conflicts”. This is why the Coalition has produced the text of a draft optional protocol to the convention on the Rights of the Child, which is contained in document E/CN.4/19999/WG.13/2, as an alternative to the text so far produced by the Working Group of the commission.

The key features of the coalition’s text are:

1. a complete prohibition on any recruitment (compulsory or voluntary) of under-18s into government armed forces;

2. a complete prohibition on any participation of under-18s in hostilities as part of government armed forces;
3. a prohibition on any recruitment into or participation in hostilities of under-18s into armed groups, with an obligation on States parties to the protocol to take all feasible measures to prevent such activities; and
4. an obligation on States parties to criminalise the recruitment or use in hostilities of under-18s.

The involvement of children in armed conflict not only exposes children to the danger of being killed or injured, but violates many of the other rights of the child. Furthermore, in her opening statement to this Commission, the High Commissioner for Human Rights pointed out, “The involvement of children in conflict is not simply a violation of children’s rights. It affects the way a conflict is fought and the likelihood of a successful transition to peace. It is no co-incidence that states in which children have become combatants should be among the states where it is most difficult to create an enduring peace. Children without education, economic security and family life, often the poorest of the poor, whose only security has been the gun, do not find it easy to build the institutions of peace when they leave childhood to become the adults of the next generation.”

Madam Chair,

The involvement of children in armed conflicts is not inevitable. There are many ways of preventing such involvement ranging from adoption and implementation of national, regional and international standards, through short and long-term programmatic responses.

So long as some governments refuse to consider their own recruitment and use of children as soldiers, and to establish a minimum age of 18 for any form of recruitment into armed forces and groups without exceptions, children will continue to participate in hostilities. The increasing condemnation of such activities is welcome. However, without action to match, they are mere hypocrisy.

The Coalition to Stop the Use of Child Soldiers urges governments and others to give serious attention to the coalition’s draft optional protocol, a copy of which is attached to this statement.

Thank you, Madam Chair

UN Commission on Human Rights
55th Session
Item 11
Joint oral statement

Madam Chairperson,

The persistent practice of enforced disappearances in different regions of the world has been demonstrated once again by the numbers presented by the Working Group on Enforced or Involuntary Disappearances. In 1998 alone, the Working Group submitted 1,015 new cases to 31 governments, 240 of which occurred during that year. Despite the serious efforts made by the international community to put an end to this evil practice, the victims and potential victims of enforced disappearances still lack a convention that prohibits this crime and establishes the necessary means for its investigation and punishment.

Between 7th - 9th April, Fedefam organized a seminar on enforced disappearances at this United Nations Office, which was attended by delegates of associations of relatives of the “disappeared” from Africa, Asia and Latin America. Those who attended the seminar confirmed a dramatic reality: enforced disappearances is not a phenomenon unique to one region of the world. Today people “disappear” in Africa, Latin America and Asia just as they have done in the past. Europe has not escaped to this horrendous crime of the enforced disappearances of persons. What has been happening in recent years in the Balkans region is a dramatic reminder of this.

Madam Chairperson,

Enforced disappearances is an atrocious crime, which deprives the “disappeared” of their most fundamental rights: the right to individual freedom, the right to personal security and

integrity, the right to recognition as a person before the law, the right to receive legal protection, the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment. The right to life of the “disappeared” is placed under serious threat when it is not simply violated, which is often the case.

For the relatives of the “disappeared”, the enforced disappearances means a long search and suffering that most of the time has no end. The uncertain fate and whereabouts of their loved ones plunge the relatives of the disappeared into a permanent state of suffering and anxiety. The enforced disappearances amount to a form of torture for the relatives of the “disappeared”.

Madam Chairperson,

The draft convention on the protection of all persons from enforced disappearances that lies before the Commission today is the result of two decades of efforts and attempts on the part of relatives of the “disappeared”, human rights NGO’s, independent experts and other members of the international community.

The present draft looks in depth at the provisions of the Declaration on the Protection of All Persons from Enforced Disappearance. The members of the Sub-Commission’s Working Group on the Administration of Justice were also inspired by other instruments of international law, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Inter-American Convention on the Forced Disappearance of Persons. During the drawing-up of the present draft convention, particular importance was given to the doctrine of the UN Working Group on Enforced or Involuntary Disappearances.

The draft defines enforced disappearances as the deprivation of someone’s freedom, whatever its form or motivation might be, committed by state agents or by persons or groups of persons acting with the consent, support or acquiescence of the state, followed by the lack of information, or the refusal to acknowledge such deprivation, or the denial of information, or the concealment of the fate and whereabouts of the “disappeared” person. Furthermore, the systematic or widespread practice of enforced disappearances is described as a crime against humanity. This last description reflects the current state of international law regarding this issue, as it reiterates the provision contained in the Statute of the International Criminal Court adopted by the Rome diplomatic conference in July 1998.

Madam Chairperson,

The persistence and seriousness of enforced disappearances, and the inadequate and insufficient means of international protection existing nowadays, call for the adoption of an international convention on enforced disappearances , provided with appropriate mechanisms that guarantee an adequate international protection. This convention would help to fight effectively the evil of enforced disappearances.

We call on the UN Commission on Human Rights to establish an inter-sessional working group with the task to examine and adopt the draft convention on enforced disappearances . A task that cannot be postponed.

Fedefam
Amnistía Internacional
Human Rights Watch
Pax Christi International

UN Commission on Human Rights - 55th Session

Item 17 Promotion and protection of human rights

Joint oral statement presented with the support of Amnesty International, Caribbean Rights, Center for Justice and International Law, Human Rights Watch, Independent Jamaican Council for Human Rights, Interights, Lawyers Committee for Human Rights, and the Grenadines Human Rights Association.

Chairperson,

As this century comes to a close, the development of the human rights treaty system can rightly be looked upon with pride. The expansion of the international legal protection of human rights has been one of the truly significant developments in the latter half of the twentieth century. However, in examining the current status of international instruments, this year it is necessary to have regard to the recent, unprecedented and unwelcome retreat from the rule of international human rights law. This retreat has come in the form of withdrawals from and reservations to key human rights treaties. This statement, made on behalf of a group of NGOs, urges the Commission to strongly oppose this disturbing and unprecedented trend.

Last year Jamaica became the first ever country to withdraw from the (first) Optional Protocol to the International Covenant on Civil and Political Rights. Last year also Trinidad and Tobago became the first country to announce its withdrawal from the American Convention on Human Rights. The stated purpose of the governments who withdrew from these treaties was to facilitate the use of the death penalty.

In addition to these withdrawals, Trinidad and Tobago and Guyana took the unprecedented step of withdrawing from and then simultaneously re-acceding to the (first) Optional Protocol to the ICCPR with reservations purporting to bar the Human Rights Committee from considering communications from people sentenced to death. The text of these reservations specifically preclude the Human Rights Committee from considering any communications from people under sentence of death in respect of matters relating to prosecution, detention, trial, conviction, sentence, the carrying out of the death sentence and any matters connected therewith.

A reservation such as this strikes at the very core of the international legal protection of human rights for all people by threatening to erode the mechanism for individual complaints. It denies a class of people the protections afforded by the individual petitions system irrespective of the nature of the violations they are alleged to have suffered. The ramifications of this reservation are far reaching. They extend beyond any one geographical region and beyond the question of the death penalty. Should the reservation be unchallenged, other states could likewise enter reservations seeking to bar communications under the various human rights treaties concerning other fundamental rights, for example, allegations concerning torture or the right to a fair trial. Reservations of this nature would render the individual petitions system virtually meaningless.

Not only does this reservation set a retrogressive precedent, there are strong grounds to argue that, in legal terms, it is invalid. It is clear under the Vienna Convention on the Law of Treaties (Article 19 (c)) that a reservation may not be incompatible with the object and purpose of the treaty under which it is entered. As the Human Rights Committee said in its General Comment No. 24 (CCPR/C/21/REV.1/Add.6), a reservation which significantly impairs the competence of the Committee under the (first) Optional Protocol to hear communications will be incompatible with the object and purpose of the Protocol. On numerous occasions, states have been urged to ensure that reservations to human rights treaties are narrowly tailored to ensure that they are not incompatible with the object and purpose of the relevant agreement (see for example Commission on Human Rights Resolution 1998/9 on the Status of the International Covenants on Human Rights and Vienna Declaration and Programme of Action).

This reservation violates the object and purpose of the (first) Optional Protocol because it significantly impairs the competence of the Committee to hear a broad range of cases. A reservation that seeks to ensure that a State's compliance with its obligations under the Covenant may not be tested is contrary to the object and purpose of the (first) Optional Protocol. Further, in determining whether the

reservation is compatible with the object and purpose of the (first) Optional Protocol, it is appropriate to recall that a State may not withdraw from the Protocol for the purpose of shielding itself from international scrutiny in respect of its substantive obligations under the Covenant. This reservation would, in effect, serve that purpose and accordingly allow such an abuse to occur.

Moreover, the breadth of the reservation is suspect because it precludes consideration of any communications concerned not just with the imposition of the death penalty as such, but with every possible claim directly or even indirectly connected with the case merely because the death penalty has been imposed. Claims unrelated to the death penalty, such as claims of denial of access to legal counsel or inhumane treatment in prison could not be considered.

It is a grave irony that in the fiftieth anniversary year of the Universal Declaration of Human Rights, Jamaica, Trinidad and Tobago and Guyana saw fit to reverse the tide of universal ratifications of international human rights treaties *particularly in the light of the role they have played in promoting respect for universal human rights*. Since these withdrawals, other states in the region have stated that they are considering taking similar actions. A real risk exists that a number of states will likewise move in the same direction thereby precipitating a significant retreat from the rule of international human rights. A clear statement from the Commission on Human Rights is most urgently needed to discourage this retrogressive trend.

With concern for the citizens barred access to recourse for human rights violations now, as well as for human rights victims potentially barred recourse in the future, we call upon the Commission on Human Rights to adopt a resolution which would:

- * ___ Urge Trinidad and Tobago and Guyana to withdraw their reservations to, and urge Jamaica to re-ratify the (first) Optional Protocol to the ICCPR
- * ___ Reiterate its call upon all states to ratify all relevant human rights treaties without reservations
- * ___ Urge other states not to make similar reservations
- * ___ Call upon state parties to the ICCPR formally to object to these incompatible reservations.

UN Human Rights Commission

55th Session

Joint oral statement under Item 17 (b)

The need for a Special Rapporteur on Human Rights Defenders

Thank you Madame Chairperson and Members of the Commission,

1. As you have heard and read during this session, Human rights defenders, including Special Rapporteurs, continue to be the targets of threats, repression and assassination due to the courageous work they do in their pursuit of the full respect and implementation of the Universal Declaration of Human Rights.
2. The recently adopted Declaration on human rights defenders reveals the broad variety of issues and rights that are necessary for the free and effective functioning of human rights defenders. It also provides a yardstick for a new specific mechanism of the United Nations to deal with this key concern in the full promotion and protection of all the human rights. To quote the statement of one government delegate earlier in this session “*States can . . . build on the Declaration by identifying practical measures to take forward within the UN framework*”.
3. We believe that a Special Rapporteur on human rights defenders would be the most appropriate mechanism not only to review the implementation of the Declaration on human rights defenders but also to investigate individual cases, as well as to oversee the technical assistance provided by the office of the High Commissioner on matters related to the work and security of human rights defenders¹.
4. Although we welcome integrating a special focus on human rights defenders in the existing country and thematic mandates of the UN Commission, we do not believe that it would be an adequate response to the problems faced by human rights defenders. This is because the existing thematic mandates do not cover all the issues relating to the free and effective functioning of human rights defenders. These include, for example, violations of human rights defenders’ rights to freedom of association and to freedom of movement, which are fundamental for human rights defenders.

The existing thematic and country mechanisms already have complex assignments. It is clear that they would neither be able to provide a comprehensive review of the implementation of the Declaration on human rights defenders nor have the capacity to investigate adequately specific cases.

5. A Special Rapporteur on Human Rights Defenders would be able to elaborate a conceptual approach to the review of the implementation of the Declaration and would also be able to develop a particular methodology and interpretation in investigations of individual cases. The Special Rapporteur would then be able to provide specific recommendations on the protection of human rights defenders, to the UN Commission on Human Rights.
6. Following the unanimous adoption of the Declaration on Human Rights Defenders, the UN Commission on Human Rights should now seize the

¹ This proposal has also been made by over 200 NGOs from 60 countries as the NGO Forum, which met in Geneva from 28-30 August 1998. It was also one of the requests made in the joint statement from over 100 NGOs at last year’s 54th session of the commission on Human Rights.

opportunity to create an effective mechanism to safeguard those individuals and groups on the front-line of the promotion and protection of human rights.

We therefore request all members of the UN Commission on Human Rights to support the establishment of a Special Rapporteur on Human Rights Defenders.

On behalf of the following NGOs with consultative status:

- International Commission of Jurists
- Lawyers Committees for Human Rights
- Association for the prevention of Torture
- Baha'i International Community
- Federation Internationale de l'Action des Chretiens pour l'Abolition de la Torture (FiCAT)
- Amnesty International
- International Service for Human Rights

and many NGOs from all the major regions of the world, participating in this session,

I would like to thank you for your attention.

Geneva, 20 April 1999