

# CONTENT

page

## I PRESS RELEASES

1. UN Commission on Human Rights : Rights for all, not politics,  
must prevail (*issued 14 March 2002*)  
..... 5
2. UN Commission on Human Rights: No dichotomy between human  
rights and security (*issued 22 March 2002*)  
..... 6
3. Urgent action needed by the UN Commission on Human Rights.  
Speech delivered to the UN Geneva press corps *by Irene Khan,*  
*AI's Secretary General (delivered 22 March 2002)*  
..... 7
4. Indonesia: Impunity and human rights violations in Papua.  
Speech delivered to the UN Geneva press corps by Lucia Withers,  
AI's researcher on Indonesia and East Timor (delivered 3 April 2002) .....  
9
5. *The death penalty: Worldwide executions doubled in 2001*  
*(issued 9 April 2002)* .....  
11
6. Equatorial Guinea: The UN Commission on Human Rights must act  
in the interest of human rights (*issued 15 April 2002*)  
..... 13
7. Russian Federation: UN Commission fails the victims of serious human  
rights abuses in Chechnya (*issued 19 April 2002*)  
..... 14
8. The UN's highest human rights body fails victims in Indonesia and  
East Timor (*issued 22 April 2002*)  
..... 15
9. Prevention is better than a cure - breakthrough vote on new torture treaty

	(issued 23 April 2002) .....	
		16
10.	Amnesty International regrets inaction on Zimbabwe by United Nations Commission on Human Rights (issued 25 April 2002) .....	18
11.	UN Commission fails to uphold human rights in fight against terror (issued 26 April 2002) .....	19
12.	UN Commission on Human Rights wrap up (issued 2 May 2002) .....	20

## **II ORAL STATEMENTS**

1.	Oral statement on Colombia, delivered on 18 April 2002 under Agenda Item 3: “Organization of the work of the session” .....	25
2.	Joint oral statement with Human Rights Watch on human rights and terrorism, delivered on 20 March 2002 under Agenda Item 4: “Report of the UN High Commissioner for Human Rights” .....	27
3.	Oral statement on follow-up to the World Conference against Racism, delivered on 22 March 2002, under Agenda Item 6: “Racism, racial discrimination, xenophobia and all forms of discrimination” .....	29
4.	Oral statement on Israel and the Occupied Territories, delivered on 2 April 2002, under Agenda Item 8: “Question of the violation of human rights in the occupied Arab territories, including Palestine” .....	30
5.	Oral statement on Indonesia, Russian Federation, Saudi Arabia and Zimbabwe, delivered under Agenda Item 9: “Question of the violation of human rights and fundamental freedoms in any part of the world” .....	32

6.	Oral statement on the Draft Optional Protocol to CAT, “disappearances” and the death penalty, delivered under Agenda Item 11: “Civil and political rights” .....	35
7.	Joint oral statement with ICJ on Israel and the Occupied Territories, prepared for the “Special Sitting” .....	37
8.	Joint oral statement on standing invitations to the thematic human rights mechanisms, with Association for the Prevention of Torture, Friends World Committee for Consultation (Quakers), Human Rights Watch, International Commission of Jurists, International Federation of ACAT and FIDH .....	38

**III JOINT OPEN NGO STATEMENT**

1.	“A human rights framework for responding to terrorism”, Open statement to the 2002 Commission on Human Rights from Amnesty International, Cairo Institute for Human Rights Studies, Federation International des Ligues des Droits de l’Homme, Human Rights Watch and International Commission of Jurists, issued 22 March 2002 .....	40
----	---	----

## **I PRESS RELEASES**

1. UN Commission on Human Rights: Rights for all, not politics, must prevail  
(issued 14 March 2002)

Selectivity and double standards must not take precedence over human rights standards, Amnesty International warned as the UN Commission on Human Rights opened its 58<sup>th</sup> session.

"Human rights are being undermined in the post-11 September security overdrive and the Commission has to rise to the challenge of protecting the rights of all independently of political interests. If the Commission - as the UN's supreme human rights body - fails to do so, who else can?"

In response to the attacks of 11 September, a number of governments have introduced "anti-terrorism" measures that put at risk the human rights of their own citizens, as well as those of foreigners and those seeking asylum in their countries.

"The challenge for states is not to promote security at the expense of human rights, but rather to ensure respect of human rights for all," stated Martin Macpherson, Head of Amnesty International's Legal and International Organizations Program.

As the situation in the Middle East escalates, the organization is calling on the Commission to strongly condemn the grave violations of human rights in Israel and the Occupied Territories. Specifically, Amnesty International is urging the Commission to support its call for the urgent deployment of international observers to the region.

In response to the rising tension and widespread human rights violations taking place in Zimbabwe, Amnesty International is calling on the Commission to firmly place this country on its agenda and to ensure respect for human rights in that country.

Amnesty International's membership is campaigning for the Commission to address the pattern of grave and systematic violations of human rights, and in particular in the six following countries: Colombia, Indonesia, Israel and the Occupied Territories, Russian Federation/Chechnya, Saudi Arabia and Zimbabwe.

In addition, the organization is calling for action on a number of thematic concerns: "anti-terrorism" measures, death penalty, "disappearances", racism and torture.

"What we really want to see this year is words taken into action. It is not sufficient for the Commission to issue recommendations and resolutions. It must send a clear and consistent message that states must fully implement them," Martin Macpherson urged.

2. UN Commission on Human Rights: No dichotomy between human rights and security (issued 22 March 2002)

There is a risk of a schism developing between security and human rights in the UN itself if the UN fails to reconcile the dual obligations of governments to ensure international security and protect human rights, said Irene Khan, Amnesty International's Secretary General, today as she chaired a panel with other NGOs at the UN Commission on Human Rights.

"The Commission must send a clear message that there is no contradiction between human rights and security."

Ms Khan spoke at a public event where Amnesty International, Cairo Institute for Human Rights Studies, Federation Internationale des Ligues des Droits de l'Homme, Human Rights

Watch and International Commission of Jurists presented an open statement to the Commission urging states to ensure that any measures they take to combat "terrorism" are in compliance with their human rights obligations.

Amnesty International supports Mary Robinson's call for a new mechanism to examine the human rights implications of counter-terrorism measures taken by states. The organization urges that this mechanism be given the authority to advise the Counter-Terrorism Committee of the UN Security Council.

Amnesty International is deeply concerned by the way in which national security has become the predominant concern of many governments at the expense of human rights since the tragic events of 11 September. This includes the suppression of political opponents by branding them as "terrorists", the creation of shadow criminal justice systems, and a greater reluctance by governments to criticize others' domestic policies.

The organization has documented new provisions introduced throughout the world allowing for indefinite detention without trial, special courts based on secret evidence, and cultural and religious restrictions. Legitimate refugee and asylum seeker rights are being curtailed on the grounds of security.

"An accountable state, based on respect for human rights and the rule of law is the best way of countering 'terrorism' and violence by armed groups," stated Ms Khan.

"There is no dichotomy between human rights and security. Effective action against terrorism can be taken without violating human rights. Insecurity is created when rights are violated -- whether by states or non-state actors."

Amnesty International and the other organizations signing the open statement also called on the Commission to pay particular attention to the risks to human rights of anti-terrorism measures and on the UN High Commissioner for Human Rights to produce a report on the

impact of anti-terrorism measures on human rights including recommendations for their effective observance.

3. Urgent action needed by the UN Commission on Human Rights. Speech delivered to the Geneva press corps by Irene Khan, AI's Secretary General (delivered 22 March 2002)

“Thank you for your coming to this meeting.

Today is the first time I have the privilege of addressing you here in Geneva since I took up my position as Secretary General of Amnesty International.

I am here at the 58<sup>th</sup> session of the United Nations Commission on Human Rights, because simply put, the Commission is the UN's highest body on human rights.

Amnesty International has come to the Commission to call for urgent action to address the pattern of grave and systematic violations of human rights taking place around the world, but specifically in Colombia, Indonesia, Israel and the Occupied Territories, Russian Federation/Chechnya, Saudi Arabia and Zimbabwe. We are also here to call for action on a number of thematic concerns like "anti-terrorism" measures, the death penalty, racism and torture.

Can the Commission really stand by without taking the strongest possible action as its members watch the situation in Israel and the Occupied Territories deteriorate?

Will the Commission this year rise above regional political interests to address the human rights situation in Zimbabwe, where people are at even greater risk after the election?

My key message to the Commission is that selectivity and double standards cannot and must not take precedence over human rights. The biggest danger to human rights is when political and economic interests are allowed to drive the human rights agenda.

I cannot emphasize this enough, particularly now when the Commission is being challenged as never before.

The events of 11 September were a crime against humanity that shocked and changed the world. However, many governments (like Israel and Zimbabwe) have seized the moment to step up repression and undermine human rights protection.

The racist backlash has generated a climate of suspicion, mistrust, xenophobia, exaggerated by the way in which foreigners are being targeted as a source of "terrorism".

Many governments have introduced draconian legislation in the name of security: measures such as indefinite detention without trial and special courts based on secret evidence, creating a shadow criminal justice system.

Legitimate refugees and asylum seekers rights are being curtailed on the grounds of security. In Italy we have seen the unprecedented measure of an emergency declaration being put in place just yesterday. Italy should not become the European Australia. Italy has an international obligation to allow asylum-seekers in Italian territorial waters to disembark and apply for asylum. The Italian authorities have a responsibility to examine these people's claims for protection in a fair and satisfactory procedure that can scarcely be met by on the spot processes. It is the causes of flight that must be addressed, punitive measures will not solve anything.

We are today releasing a report on China in which we call on the Chinese authorities to stop the crackdown on Uighurs in the name of combatting terrorism. Amnesty International has documented that since 11 September the Chinese government has stepped up its harsh

repression of ethnic Uighur opponents of Chinese rule branded as "separatists" in the name of countering terrorism. New legislation has allowed the detention of a range of people, some of whom have done little more than practice their religion or defend their culture.

Chinese authorities have also imposed new restrictions on freedom of religion and cultural rights. For example, fasting during Ramadan was banned in schools, hospitals and government offices. The Commission must not allow the Chinese and other governments to justify human rights violations in the name of the "war against terrorism".

Is it likely that Saudi Arabia will escape scrutiny because it is now a crucial ally in the war against terrorism?

One cannot pick and choose countries where abuses will be allowed to go ignored simply because they are being committed by allies in the fight against terrorism. If this happens the whole notion of human rights as a global standard is damaged.

Amnesty International knows from its experience of monitoring countries around the world for over 40 years that security is best provided when human rights are respected.

Look at Northern Ireland: Britain tried internment in the 1970s for the IRA that worsened the situation and produced more, not less support for the IRA. Tony Blair decided to go down the road of political negotiations based on a Bill of Rights. Yet the UK is the first among EU nations to seek to derogate from its obligations under the European Convention after 11 September in order to detain foreigners without trial.

Human rights are the basis for creating accountable government. Insecurity is created when rights are violated -- whether by states or non-state actors.

The Commission must send a clear message that there is no contradiction between human rights and security. The Commission must urge the UN Security Council to take into account

the implications of the counter-terrorism measures which the Council is asking governments to take.

In addition, the Commission also has to note that the work of human rights defenders and activists is becoming much more difficult as a result of how governments are now approaching security.

The world has undoubtedly changed radically since 11 September. But at the same time many things remain the same: a disregard of economic, cultural and social rights; an escalation of old and festering situations such as Colombia and the Middle East.

If the Commission continues to ignore serious violations, if it panders to the political and economic interests of states - it will be nothing more than a talking shop and risks becoming redundant.”

4. **Indonesia: Impunity and human rights violations in Papua**  
*Speech delivered to the UN Geneva press corps by Lucia Withers, AI's researcher on Indonesia and East Timor (delivered on 3 April 2002.)*

*“Thank you for coming to this meeting. Today Amnesty International is launching its report, *Impunity and human rights violations in Papua*. The report documents grave human rights violations in the province of Papua and the way in which failure to investigate and bring to justice perpetrators of violations is perpetuating this situation. Amnesty International believes that there is a direct and causal link between impunity and the commission of human rights violations. Each failure to*

investigate or bring those responsible to trial reinforces the confidence of perpetrators that they are indeed above the law. In Papua no perpetrator has been brought to justice in recent years. In the meantime, the leader of the civilian independence movement, Theys Eluay, has been killed -- the military has recently admitted that its members may be responsible. Other leading political leaders have been put on trial, pro-independence demonstrations have been violently broken up and there have been indiscriminate operations by the security forces against whole communities for attacks by armed groups. In Wasior Sub-district, Manokwari District, some 150 people are believed to have been arbitrarily detained, tortured or otherwise ill-treated during the course of operations by the Police Mobile Brigade (Brimob) in the latter half of 2001. At least one person is known to have died in police custody. The number that were unlawfully killed or "disappeared" is as yet unknown. These operations were prompted by an attack by an armed group on a logging company in June 2001 in which five members of Brimob were killed. Amnesty International condemns these killings, but equally condemns the operations that followed which appeared to be little short of a frenzy of revenge. To give just one example: the 60-year-old principal of a primary school described to Amnesty International how he had been repeatedly beaten by members of Brimob with the butt and magazine of a gun when he was detained as he tried to flee the operations. He was released after Brimob realised that he had been mistakenly detained, but was detained and beaten a second time several days later. To this day, the school head does not know why he was treated in this way. He remains too afraid to return to his village or his job and now fears that he may lose the sight in one eye as a result of the beatings. Attempts by human rights monitors to reach Wasior were

prevented by the authorities for several months. A joint group of church workers and local human rights activists did manage to negotiate access to the area in October 2001, but were greeted on their arrival by some 20 members of Brimob firing shots into the air. The difficulties encountered by human rights defenders in Wasior is part of an increasingly common pattern in which activists have been threatened and harassed or otherwise prevented from carrying out their work. Amnesty International believes that the Commission on Human Rights has a duty to address the present as well as the past. The Commission has quite rightly called for perpetrators of serious crimes, including crimes against humanity, in East Timor 1999 to be brought to trial. However, to date it has so far failed to recognize that grave violations continue to be committed in Indonesia, most notably in the contested provinces of Papua and Aceh, by the very same state institutions that were responsible for committing crimes in East Timor. Our message to the Commission is that it cannot ignore the human rights situation in Indonesia any longer. As the UN's highest body on human rights it must show consistency by acting now to condemn the appalling human rights practices of the security forces in Papua, Aceh and elsewhere in Indonesia. At the same time, the Commission must use its influence to pressure Indonesia to take urgent steps to ensure that the trials of serious crimes committed in East Timor during 1999 which are currently in progress in Jakarta meet with international fair trials standards. Amnesty International welcomes this process, but is seriously concerned that these trials could fail because basic safeguards have not been put in place. If these trials are not credible, and do not deliver justice in a manner which is consistent with international standards, there is a real risk that impunity will become further entrenched in Indonesia. I was given a stark illustration of the close

connection between the serious crimes that were committed by Indonesian security forces and pro-Indonesia militias in East Timor during 1999, and the ongoing grave violations in Papua, during a visit to Papua in January this year. Murjono Murib, a political activist and school teacher from Wamena, related how he had been beaten with an iron bar by a member of Brimob in February 2001. As he was beaten he was threatened by the Brimob officer with the following words: "We have experience in operations in East Timor, be careful or we will shoot you all". Murjono Murib and four other political leaders from Wamena have since been sentenced to terms of imprisonment of between four and four-and-a-half years for their peaceful political activities. Amnesty International regards them as prisoners of conscience. No one has been held accountable for the beating of Murjono Murib, or for other cases of torture and ill-treatment of detainees in Wamena, together with unlawful killings and arbitrary detentions in connected cases dating from October 2000. On the rare occasions when allegations of human rights violations in Papua have been investigated trials have not resulted. The most recent case is that of the abduction and killing in November 2001 of Theys Eluay, the leader of the independence umbrella group, the Papua Presidium Council. To date there have been five separate investigations into the killing, but no suspect has yet been charged. Amnesty International fears that this plethora of investigations is being used to obstruct the case from being brought to trial. Although we are encouraged by a recent admission by the military that its members may have been involved - after repeated denials - it appears that there is no will to look at issues of command responsibility and of the broader causes and patterns of human rights violations in Papua of which Theys Eluay's death was a part. The Commission cannot be selective about the human

*rights violations it addresses. It was the scale and public nature of the crimes committed in East Timor during 1999 that drew condemnation from the world including the Commission. Just because neither the world's media nor the UN is in Papua to witness the violations this does not mean they are not happening. They are happening and must be condemned in equally strong terms.*

**5. The death penalty: Worldwide executions doubled in 2001** (issued 9 April 2002)

During 2001 over 3,048 people were executed in 31 countries, Amnesty International said today. The figure was more than twice the total of 1,457 executions recorded in 2000. Releasing its statistics for the number of worldwide executions carried out during 2001, Amnesty International called on the United Nations Commission on Human Rights to take strong action against the death penalty at its annual session, currently in progress in Geneva, and to establish a universal moratorium on executions. "The Commission on Human Rights, currently sitting in Geneva, will hopefully soon pass another strong resolution reiterating its call for an immediate worldwide moratorium on executions and urging states to respect international standards, including the ban on executing child offenders. The UN should take the lead and take firm and positive measures to protect those facing the death penalty." Amnesty International stressed that the figures released today only include cases known to the organization. "It is impossible to give a complete total because many countries deliberately keep the true numbers of those executed secret, belying the supposed deterrent value of the death penalty," the human rights organization said. Amnesty International also recorded over 5,265 people who were sentenced to death in 68 countries during 2001. "Many cases were in blatant violation of international standards on the application of the death penalty," Amnesty International said. "Prisoners were sentenced to death following unfair trials. In violation of international law, there were executions of child offenders -- people convicted of crimes committed when they were under the age of 18." Three such executions

were recorded in 2001 - in Iran, Pakistan and the USA. The dramatic increase in worldwide executions was due to the intensified use of the death penalty in China after the government launched a national "strike hard" campaign against crime. Between April and July 2001 alone at least 1,781 people were executed in that country -- more than the total number of people executed in the rest of the world in the previous three years. Many of those condemned to death could have been tortured to extract confessions. Condemned prisoners were often shackled and humiliated by being paraded in public. Amnesty International recorded 139 executions in Iran, but the true number was believed to be much higher. In Saudi Arabia, 79 executions were reported. Sixty-six people were executed in the USA, down from 85 in 2000. "The figures for China, Iran, Saudi Arabia and the USA accounted for 90 per cent of all known executions in 2001," Amnesty International said. "Yet there has also been progress towards abolition. By the end of the year, 111 countries had abolished the death penalty in law or practice, three more than at the end of the previous year." During 2001, Chile abolished the death penalty for peacetime offences. Turkey adopted a constitutional amendment reducing the scope of the death penalty. Amnesty International welcomed the decision by the President of Pakistan in December 2001 to commute the death sentences of approximately 100 child offenders. Additionally, during 2001 Bosnia-Herzegovina and the Federal Republic of Yugoslavia have ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) -- a treaty providing for the total abolition of the death penalty -- bringing the number of state parties to the Second Optional Protocol to 46. "The death penalty is the ultimate cruel, inhuman and degrading punishment and a violation of the right to life," Amnesty International said. "Protecting the right to life is an international responsibility."

6. Equatorial Guinea: The UN Commission on Human rights must act in the interest of human rights (issued 15 April, 2002.)

A pending decision of the 58th Session of the United Nations Commission on Human Rights to end the mandate of the Special Representative on Equatorial Guinea is likely to compound the deteriorating human rights situation in the country, Amnesty International said today.

"International monitoring in Equatorial Guinea is essential, especially now when human rights violations are still being perpetrated, including the incommunicado detention for a month of more than fifty suspects who are at risk of being tortured to death", the organization said.

The serious human rights situation in Equatorial Guinea had led to the appointment by the UN Commission on Human Rights of Special Rapporteurs, Independent Experts or Special Representatives on that country without interruption since 1979.

In his January 2002 report, presented to the Commission, Mr Gustavo Gallón, the Special Representative of the Commission on Equatorial Guinea stressed that: "The human rights situation in Equatorial Guinea has been a matter of concern to the Commission on Human Rights for longer than that of any other country". He recommended that the situation of human rights in that country "should continue to be monitored in order to ensure the implementation of the recommendations repeatedly made by the Commission over the last 20 years."

The need for ongoing international monitoring has dramatically increased since March 2002 when more than one hundred people, both civilians and military and security personnel, were arrested and are still held in detention, for alleged links with the Fuerza Democrática Republicana (FDR), Republican Democratic Force, a not-yet-legalized opposition party. The detainees include two FDR leaders, Felipe Ond Obiang, former parliamentarian, and Guillermo Nguema Ela, former minister of Finance, as well as a pregnant woman and three sons of Felipe Ond Obiang, who were apparently arrested only because of their family links with the FDR leader.

Amnesty International has received reliable information from eyewitnesses who saw some of these detainees in prison with visible marks of torture during their first days of detention.

"The fact that the families are being denied access to their relatives and that nobody knows where they are currently being held has led to fears that some of them may already have died under torture. The relatives of the two FDR leaders, Felipe Ond Obiang and Guillermo Ela, have publicly expressed their fears that they may have been killed while in detention," the organization added.

Torture by the security forces is routine in Equatorial Guinea and Amnesty International has repeatedly denounced these widespread practices as well as the detention of some 50 members of the Bubi ethnic group, sentenced in June 1998 after an unfair military trial. Many of them appear to be prisoners of conscience, arrested solely on account of their ethnic origin.

"The UN Commission on Human rights should make a strong statement in the interest of human rights in Equatorial Guinea by renewing the mandate of the Special Representative on that country. The international community must not send a signal that it is turning a blind eye to serious human rights violations", the organization said.

7. **Russian Federation: UN Commission fails the victims of serious human rights abuses in Chechnya (issued 19 April 2002)**

Today, the UN Commission on Human Rights, in its 58th session, narrowly voted against a resolution expressing concern at serious violations of human rights in Chechnya.

"The Commission's failure to hold Russia's human rights record in Chechnya to account is deplorable," stated Amnesty International.

The Commission has effectively turned a blind eye to egregious human rights violations committed with impunity by Russian forces against a largely defenceless civilian population. These violations include extra-judicial executions, "disappearances" and torture, including rape, that constitute grave breaches of the Geneva Conventions.

In failing to pass the resolution the Commission has effectively endorsed Russian military conduct in Chechnya. The Russian government is now under no obligation to report back to the Commission's next session or the General Assembly on the human rights situation in Chechnya.

"As the conflict in Chechnya intensifies, the UN Commission on Human Rights today turned a blind eye to human rights abuses committed there," Amnesty International said.

8. The UN's highest human rights body fails victims in Indonesia and East Timor (issued 22 April 2002)

Following the adoption of a statement on East Timor by the United Nations Commission on Human Rights in Geneva last Friday, Amnesty International expressed its disappointment that once again the Commission has succumbed to pressure from the Indonesian Government not to address either the grave human rights situation in Indonesia or its poor record on holding perpetrators to account.

Although serious human rights violations continue to be committed by the Indonesian security forces, most notably in the provinces of Aceh and Papua, no reference to this was made in the statement. The statement was confined to the current human rights situation in East Timor and to Indonesia's responsibility for serious crimes committed there by Indonesian security forces and pro-Indonesian militia during 1999.

"Despite being provided with ample evidence of grave human rights violations, including unlawful killings and torture, the Commission has chosen once again to ignore the situation in Indonesia," said Amnesty International. "It is sad that the UN's highest human rights body will not take a stand against a government which permits its security forces to engage in acts of such brutality."

The Commission also lost the opportunity to apply serious pressure on Indonesia to carry out a credible and effective justice process for serious crimes, including crimes against humanity, which were committed by Indonesian security forces and pro-Indonesian militia throughout East Timor during 1999. Trials in three cases began in the Indonesian capital, Jakarta, in March 2002, but the court process is likely to be flawed and lacking in safeguards to ensure it meets international standards for fairness. There are also signs that Indonesia intends to limit to just five the number of cases to be brought to trial thereby denying justice to thousands of victims in East Timor.

"Given the serious concerns about the quality of the trials which have been voiced by Amnesty International and other observers, it is surprising that the Commission is so positive about them," Amnesty International said. "The weakly worded references to the process will not put the Indonesian authorities under any pressure to take the measures necessary to ensure that justice is delivered or that all alleged perpetrators, including those with command responsibility, are brought to justice."

Amnesty International is particularly concerned that the Commission statement fails to express concern that both justice and the rights of defendants are at risk because basic measures, such as a functioning witness/victim protection program, necessary to guarantee that the trials are fair, are not yet in place. It also makes no reference to the sweeping temporal and territorial limits on the jurisdiction of the Ad Hoc Human Rights Court on East Timor which mean that many of the perpetrators will escape justice and that the full truth behind the events of 1999 will not be revealed.

Also absent from the statement is any condemnation of Indonesia's failure to cooperate with the UN Transitional Administration in East Timor (UNTAET) in its own investigations and prosecutions of the 1999 serious crimes, including by handing over individuals who have been charged with crimes against humanity by UNTAET Serious Crimes Unit.

Similarly, the Commission barely mentions the plight of tens of thousands of East Timorese refugees in Indonesia who are still prevented by security and other concerns from making a free and informed decision as to whether to return to East Timor or remain in Indonesia. The refugees have been in Indonesia since September 1999 when they fled or were forcibly expelled by Indonesian security forces and militia.

"The Commission should be impressing on governments such as Indonesia that it expects human rights to be promoted and protected in all places and in all circumstances. Instead it has turned a blind eye to ongoing violations, including in Papua and Aceh, and ignored the fact that the East Timor justice and refugee repatriation processes are falling far below acceptable standards."

The one positive element of the Commission statement is the call for the High Commissioner for Human Rights to submit an interim report to the UN General Assembly later this year. Amnesty International hopes that the UN General Assembly will now address the grave human rights situation in Indonesia, the victims of which have been badly let down by the Commission.

9. Prevention is better than a cure - breakthrough vote on new torture treaty  
(issued 23 April 2002)

A crucial vote on a new treaty to prevent torture took place yesterday, Monday 22 April 2002, at the current session of the UN Commission on Human Rights. The Commission voted in favour of an important new instrument - the draft Optional Protocol to the UN Convention against Torture. This new treaty aims to help states to implement their existing obligations under the Convention against Torture to prevent torture in places of detention, such as police stations, prisons, and psychiatric institutions.

***What is this new treaty?***

The draft Optional Protocol to the Convention against Torture will establish an international Sub-Committee of independent experts enabled to visit any place of detention under the jurisdiction of a state which ratifies this protocol "whenever necessary and without prior consent" in order to monitor the treatment and conditions of detention of the persons deprived of their liberty. On the basis of these visits, the international Sub-Committee will make recommendations to the state concerned to assist it in effectively fulfilling its obligation to prevent torture and ill-treatment. It also requires states parties to create or maintain domestic visiting mechanisms, having access, without prior consent, to any place of detention with the same objective to make recommendations to prevent torture and ill-treatment of people deprived of their liberty.

***Why is this vote at the Commission on Human Rights important?***

Despite the creation and adoption of international and regional instruments prohibiting torture and ill-treatment in absolute terms, these violations are still being perpetrated in many countries around the world. These abuses most often occur in places of detention either to extract confessions or information, or to intimidate; these abuses are particularly common where training and discipline of officials is not effective.

Negotiations have taken place for the past ten years to draft a treaty to create an international body of experts to carry out visits to places of detention to help prevent torture. The vote at the Commission to approve the draft new treaty is the first step in making this practical method of preventing torture a reality. It is an innovation as this new treaty will focus on preventing torture - whereas other international methods of dealing with torture (such as the Committee against Torture, the Special Rapporteur on torture, and international and domestic prosecutions for torture) address acts of torture after they have been committed. In the words of the former Special Rapporteur on torture, Mr Kooijmans, this preventive mechanism will be "the final stone in the edifice which the United National has built in their campaign against torture" [E/CN.4/1991/17].

Amnesty International believes that this vote is a significant step forward in the global fight against torture.

***What led to this result?***

Despite long-term opposition by states such as the USA, Egypt, China, Cuba and Saudi Arabia, the resolution was adopted by a healthy majority - 29 votes in favour, 10 against and 14 abstentions. The resolution was proposed by Costa Rica, the country which initially began the negotiations to create this new treaty in 1991, and was supported by many states in all regions of the world: Denmark, the Netherlands, Sweden, Spain (representing the EU as a whole) and Switzerland lead the supporters in the European group; Mexico led the support of many countries in Latin America; and South Africa and Senegal lead the support of the African countries.

A joint appeal launched by 10 international NGOs<sup>1</sup> helped to create broad-based international support for the draft Optional Protocol to be adopted at this year's session of the Commission.

***Do visits to places of detention really prevent torture and ill-treatment?***

Visits to places of detention have already proved to be an effective means to prevent torture and ill-treatment. At the European level, the European Committee for the Prevention of Torture, a body which has visited places of detention in 41 of the 43 States members of the Council of Europe, has showed the preventive value of its visits and recommendations.

***What happens next?***

The text of the proposed new treaty will now be considered by the Economic and Social Council and the General Assembly later this year; with the approval of these bodies, it will

---

<sup>1</sup> Amnesty International, Association for the Prevention of Torture, International Rehabilitation Council for Torture Victims, International Commission of Jurists, International Federation of Action by Christians for the Abolition of Torture, International Federation of Human Rights, Human Rights Watch, World Organization against Torture, Redress, International Service for Human Rights. addressed to all states and to other NGOs and civil society helped to create broad-based international support for the draft Optional Protocol to be adopted at this years' session of the Commission.

become a fully formalized treaty and open to states for ratification. It will enter into force when 20 states have ratified it.

10. Amnesty International regrets inaction on Zimbabwe by the United Nations Commission on Human Rights (issued 25 April 2002)

Amnesty International today expressed its deep regret at the decision by members of the UN Commission on Human Rights in Geneva to vote in favour of a "No-Action" motion to avoid a discussion of a draft resolution on Zimbabwe during the 58<sup>th</sup> session of the Commission.

"The UN Commission on Human Rights is a forum in which human rights violations should be discussed in an open and cooperative way to establish accountability and work towards ending impunity", the organization said. "Voting items off the agenda of the Commission which relate to open, grave and flagrant violations of human rights will only contribute to the perpetuation of impunity which is the root cause for the ongoing violations of human rights in Zimbabwe and a threat to regional stability", Amnesty International added.

Amnesty International, with many other organizations, has impartially documented and reported numerous cases of killings, acts of torture, arbitrary arrests and discrimination on grounds of political opinion in Zimbabwe over the past years, including the period of the parliamentary elections in 2000 and the recent presidential elections in March 2002.

The draft resolution had asked for government assurances of "full respect for freedom of opinion and expression, including freedom of the press in relation to all types of mass media".

It also called for the UN's human rights experts to visit the country and carry out independent and impartial investigations into allegations of "political killings, acts of torture and widespread intimidation of opposition supporters and human rights activists by government supported militia". Following consultation with members of African delegations the draft text also recognised "the importance of fair, just and sustainable land reform".

The vote was narrowly split between 26 votes for the motion, 24 against it, and three abstentions. With the exception of Cameroon, abstaining, all African countries supported the motion, as did many Asian countries. The vote resulted in blocking the discussion on the draft resolution submitted by Spain on behalf of the European Union.

11. UN Commission fails to uphold human rights in fight against terror  
(issued 26 April 2002)

International human rights organizations - Amnesty International, FIDH, Human Rights Watch and International Commission of Jurists - expressed dismay at the failure of the Commission on Human Rights to adopt measures to protect human rights in the fight against terrorism.

A resolution presented by Mexico called for counter-terrorism measures to be compatible with international human rights and humanitarian law. The resolution would have requested the UN High Commissioner for Human Rights to monitor and analyse counter-terrorism laws and measures and make recommendations to governments and UN bodies, including in their implementation of Security Council resolutions on counter-terrorism.

The proposed resolution had been co-sponsored by the European Union (including Security Council members France and the UK), as well as many central and east European and Latin American governments, New Zealand and Nigeria.

Mexico today reluctantly withdrew the proposed resolution in the face of concerted pressure from the United States, a wrecking amendment from Algeria and other governments, and weakness on the part of the European Union.

"From Illinois in the US to Xinjiang in China, counter-terrorism measures have placed human rights at risk," the organizations warned. "The Commission's silence on this critical issue sends a dangerous signal that in the fight against terrorism, anything goes."

UN Secretary-General Kofi Annan and UN High Commissioner for Human Rights Mary Robinson earlier called on the Commission to ensure that counter-terrorism measures were not used as a pretext for suppression.

"This could have been one of the most important outcomes from this Commission, but instead has become one of its lowest points," the organizations said. "The Mexican resolution enjoyed broad support from the Commission, but was prevented by key players from even coming to the vote."

While the Mexican initiative could have helped to protect Muslim minorities and other vulnerable groups, it was derailed by governments such as Algeria, Egypt, India, Pakistan and Saudi Arabia which have used counter-terrorism measures to suppress dissent. At the same time, the US also strongly resisted the proposed resolution, apparently on grounds that it could tie the hands of the Security Council and lead to criticism of US Government policies. The European Union - particularly Spain, France and the UK - failed to maintain a united position under this concerted pressure.

"As the UN's supreme human rights body, we look to the Commission to defend human rights when they are under threat," the organizations said. "The UN Security Council's Counter Terrorism Committee previously claimed that protection of human rights was a matter for other UN bodies."

The human rights organizations called on the High Commissioner for Human Rights, regardless of the failure of the resolution, to produce an analytical report on the effects of anti-terrorism measures on human rights.

"This is too important an issue to let die at the Commission," the organizations said. "The High Commissioner has the authority to act on her own and she should."

12. UN Commission on Human Rights wrap up (issued 2 May 2002)

This year's session of the United Nations Commission on Human Rights has been heralded as the toughest ever -- the first session to be held since the World Conference against Racism in Durban and the terrorist attacks of 11 September. In addition, this year's Commission was plagued by drastic cuts to session time against a dramatic backdrop of escalating violence in the Middle East.

The Commission failed in its principal duty to protect victims of appalling human rights violations in countries like China, Indonesia, Iran, the Russian Federation, Saudi Arabia, Togo and Zimbabwe; and failed to deliver an appropriate response to protect human rights in the fight against terrorism. Meanwhile, Israel's non-cooperation with the Commission's decision for the High Commissioner for Human Rights to undertake a visiting mission to the Occupied Territories has undermined the Commission's credibility and competency. Nevertheless, it managed to produce some positive results. The Commission took positive steps in recommending an Optional Protocol to the Convention against Torture, requested an open-ended Working Group to prepare a draft of a new legally binding instrument on enforced or involuntary "disappearances", called again for a moratorium on executions and appointed a new Special Rapporteur on the Right to Health.

UN Secretary-General Kofi Annan and UN High Commissioner for Human Rights Mary Robinson earlier called on the Commission to ensure that counter-terrorist measures were not used as a pretext for suppression. Mexico had proposed a resolution calling for counter-terrorism measures to be compatible with international human rights and humanitarian law and for the UN High Commissioner for Human Rights to monitor and analyse counter-terrorism laws and measures and make recommendations to governments and

UN bodies, including in their implementation of Security Council resolutions on counter-terrorism. Although the proposed resolution had received broad support, Mexico reluctantly withdrew its proposal on the final day of the Commission in the face of concerted pressure from the United States, a wrecking amendment from Algeria and other governments, and weakness on the part of the European Union. While the Mexican initiative could have helped to protect Muslim minorities and other vulnerable groups, it was derailed by governments such as Algeria, Egypt, India, Pakistan and Saudi Arabia which have used counter-terrorist measures to suppress dissent. At the same time, the US also strongly resisted the proposed resolution, apparently on grounds that it could tie the hands of the Security Council and lead to criticism of US Government policies. The European Union - particularly Spain, France and the UK - failed to maintain a united position under this concerted pressure. Amnesty International, along with other NGOs, calls on the High Commissioner for Human Rights to produce an analytical report on the effects of anti-terrorism measures on human rights. This is too important an issue to let die at the Commission - the High Commissioner has the authority to act on her own and she should.

Following the cancellation of evening and night sessions for budgetary reasons, drastic time cuts to the 58<sup>th</sup> session resulted in severe cuts in speaking time for NGOs as well as for UN Special Rapporteurs who are mandated by the Commission to present and introduce their yearly reports. Most of the Special Rapporteurs refused to attempt to present their reports within the meagre five minutes they had been allocated. Meanwhile the number of speeches by State Dignitaries increased this year with some speaking for as long as 25 minutes. It is arguable that this year's Commission became a forum for defending government's records rather than examining them. If the Commission is to live up to its role as the UN's primary human rights body it must consider human rights on their merits rather than protect the narrow self-interests of the governments that make up the Commission.

In the first resolution adopted at the 58<sup>th</sup> session of the Commission, the UN High Commissioner for Human Rights was mandated to lead a visiting mission to the Occupied Territories and to submit its findings and recommendations to the current session of the

Commission. However, by the end of the session the Government of Israel had still not granted permission for the mission to enter the Occupied Territories. Amnesty International is dismayed by the Israeli Government's refusal to cooperate with the visit of High Commissioner for Human Rights and continues to believe that in-depth investigations into the human rights situation in the Occupied Territories is urgently required. In a resolution sponsored by the Organisation of the Islamic Conference and passed on the final day of the session, the Commission deplored the denial by Israel of the visit and endorsed the High Commissioner's proposal for a comprehensive investigation into the breaches of human rights and international humanitarian law.

In addition to the Middle East crisis, this year's Commission was characterized by acute politicization as borne out in the voting on both country situations and themes. A North/South divide was reflected by the polarized voting at this year's session particularly on country situations.

This year's Commission saw an unprecedented use of motions of "No-Action". Amnesty International deplores the use of the "No-Action" motion as it prevents the Commission from debating the subject-matter of a resolution. This year, calls for "No-Action" were used before voting on resolutions on Zimbabwe, Cuba and the Draft Optional Protocol to the Convention against Torture. In the past, this procedural rule "taboo" was exclusively used by China to prevent any scrutiny of its own human rights record. Nigeria's call for a "No-Action" motion on the EU-sponsored resolution on human rights in Zimbabwe, broke China's exclusive domination of this procedure and has opened the door for future misuse.

Voting items off the agenda of the Commission which relate to open, grave and flagrant violations of human rights will only contribute to the perpetuation of impunity which is the root cause for the ongoing violations of human rights in Zimbabwe and a threat to regional stability. Amnesty International, with many other organizations, has impartially documented and reported numerous cases of killings, acts of torture, arbitrary arrests and discrimination on

grounds of political opinion in Zimbabwe over the past years, including the period of the parliamentary elections in 2000 and the recent presidential elections in March 2002.

At the heart of the African sponsored resolution on the situation of human rights in Equatorial Guinea, was the aim to terminate the mandate of the Special Representative and a shift of focus from monitoring human rights to providing technical assistance. Fortunately, the resolution on Sudan, that was branded "outdated" and "unsubstantiated" by the African group passed by one vote -- Uganda's -- and the extension of the Special Rapporteur was extended for a further year.

Last year the Commission failed to press the government of Togo to invite two Special Rapporteurs to visit the country, pursuant to the recommendations of the Togo Commission of Inquiry. Amnesty International was dismayed that this year, Togo who sits as Member of the Commission, was dropped from consideration under the confidential 1503 Procedure. The Commission's failure to investigate allegations of numerous extra-judicial executions in Togo in 1998 remains deplorable.

Torture continues to be one of the world's most horrifying, widespread and largely unaddressed human rights concerns perpetrated in more than 150 countries. A key achievement of the Commission was its decision to recommend a Draft Optional Protocol to the Convention against Torture which will allow for a system of regular country visits intended to prevent torture in places of detention, such as police stations, prisons and psychiatric institutions. The initiative for this resolution was led by Costa Rica and Switzerland, supported by a joint appeal launched by ten international NGOs, including Amnesty International. The resolution was adopted despite strong opposition from the United States, Australia, Egypt, China, Cuba and Saudi Arabia who argued against the proposal under the pretext that important international conventions should be adopted by consensus.

Amnesty International welcomes the Commission's decision to call again for a world-wide moratorium on all executions and for the death penalty not to be imposed on anyone who committed the crime when younger than eighteen years or who is suffering from any form of mental disorder. For the first time the Commission also recommended that the death penalty not be imposed for non-violent acts such as sexual relations between consenting adults.

The Commission continued to ignore gross and persistent abuses in countries such as China and Saudi Arabia, both members of the Commission, who rank among the countries with the highest numbers of reported executions.

AI was disappointed that the Commission failed to adopt resolutions on Chechnya and Iran this year despite being provided with ample evidence of continuing human rights violations. The defeat of the Iran resolution spells the end of the mandate of the Special Rapporteur on Iran. The draft resolution on the human rights situation in Chechnya would have deplored the lack of cooperation by the Russian Federation with the special mechanisms of the Commission, while affirming the right of Russia to defend its territorial integrity and welcoming positive developments in the region. The resolution was narrowly defeated 15 in favour, 16 against and 22 abstentions.

Despite ample evidence of grave human rights violations, including unlawful killings and torture, the Commission chose once again to ignore the situation in Indonesia. The Commission adopted a Chairperson statement on East Timor, but made no reference to the continuing serious human rights violations committed by the Indonesian security forces, most notably in the provinces of Aceh and Papua. "It is sad that the UN's highest human rights body will not take a stand against a government which permits its security forces to engage in acts of such brutality."

The Commission also adopted a Chairperson statement on the human rights situation in Colombia which supports the extension of the mandate of the Office of the High

Commissioner for Human Rights in Bogota and urges the Colombian Government to further develop their cooperation with the Office.

Amnesty International welcomes those 38 countries who have extended open invitations to all thematic mechanisms of the Commission to visit their country, in the true spirit of effective cooperation with the Commission's human rights experts. Their example should be followed by all members and observers.

## **II ORAL STATEMENTS<sup>2</sup>**

1. Oral statement on Colombia, delivered on 18 April under Agenda Item 3:  
“Organization of the work of the session”

Chairperson,

On 20 February 2002 the peace talks collapsed between the Colombian Government and the FARC, and President Pastrana ordered the demilitarized zone to be retaken. Amnesty International fears that this will lead to a further deterioration of the already extremely grave human rights crisis in Colombia as the conflict continues to escalate.

Even before the collapse of the peace talks with the FARC, the conflict had spread to previously unaffected areas. Both sides in the conflict continue to disregard international human rights and humanitarian law, and the main victims are the civilian population living in the conflict zones. Amongst civilian sectors at particular risk are human rights defenders, trade unionists, other activists, and indigenous, Afro-Colombian and displaced communities living in conflict zones. In the first days of the military re-entering the former demilitarized zone, at least three civilians were killed in the municipality of Macarena, department of Meta, in an aerial bombing. Reports indicate that FARC forces have also killed several civilians accused of collaborating with the paramilitaries.

Over 80% of non-combat killings were allegedly carried out by paramilitaries in collusion with the security forces. Despite repeated promises by the government to dismantle the paramilitary forces, these groups have expanded in size, increased their area of operations and retain strong links with the security forces.

---

<sup>2</sup> The Oral Statements were all issued as press releases following their delivery to the Commission under the relevant agenda item.

By August 2001, some 400 paramilitaries had been arrested. This is indicative of the increased international pressure on the Colombian Government to combat paramilitarism, but does not necessarily signal that their links with the security forces have been severed. Amnesty International continues to receive reports that strong links still exist between the security forces and paramilitaries.

In August 2001, the Colombian Government approved a new National Security and Defence Law, which, among other provisions restricting human rights safeguards, grants judicial police powers to the security forces in certain circumstances. Amnesty International fears that this could be used to cover up human rights violations committed by the security forces or their paramilitary allies.

This new law contradicts repeated UN recommendations to combat and dismantle mechanisms of impunity. It also undermines modest advances over the past two years to adopt legislation against forced “disappearances” as well as the new Military Penal Code, which excludes cases of “disappearances”, torture and genocide from consideration by military courts; in the past these have played a key role in guaranteeing impunity for human rights violations. At the time of writing the Colombian Congress is examining further anti-terrorist legislation.

Armed opposition groups have paid scant regard to UN recommendations calling on these groups to adhere to international humanitarian law. Guerrilla forces continue to be responsible for kidnappings, arbitrary and deliberate killings of civilians whom they accuse of siding with their enemies, and for disproportionate and indiscriminate attacks on military targets that have resulted in numerous civilian casualties.

Chairperson,

At this stage it is crucially important that the international community sends a strong signal to the in-coming Colombian Government that it must ensure full and prompt implementation of

the recommendations made by the Office of the High Commissioner for Human Rights, the relevant treaty bodies and the thematic mechanisms of the Commission.

Amnesty International calls on the Commission on Human Rights to:

- Urge the Colombian Government to ensure full and prompt implementation of the recommendations made by the Office of the High Commissioner for Human Rights, including to end impunity, to dismantle the paramilitaries and to guarantee the safety of human rights defenders, and to closely monitor progress on implementation through the establishment of an implementation time line;
- Call on the Colombian Government to take effective and decisive action to combat and dismantle paramilitary groups and sever the links between the security forces and the paramilitaries and to oppose any proposals to involve the civilian population in the conflict or set up civilian defence structures, which, as in the past, could result in the strengthening of paramilitarism;
- Call on both sides in the conflict in Colombia to reach a humanitarian agreement;
- Call on the Colombian Government to guarantee access to conflict areas by human rights and humanitarian agencies; and
- Support the extension and strengthening of the mandate of the Office of the High Commissioner for Human Rights, in particular its ability to monitor the human rights situation in the country.

Thank you, Mr. Chairperson.

2. Joint oral statement with Human Rights Watch on human rights and terrorism, delivered on 20 March 2002 under Agenda Item 4: “Report of the United Nations High Commissioner for Human Rights”

Chairperson,

Since the attacks in the United States on 11 September 2001, many states have taken steps to enhance the protection of people within their territories from similar criminal acts. However, some of the measures adopted violate or facilitate the violation of human rights. The challenge to states is not to promote security at the expense of human rights, but rather to ensure full respect for human rights for all, even in situations where national security is at stake. In the words of the UN Secretary General “there is no trade-off between effective action against terrorism and the protection of human rights”. We are concerned by some of the measures adopted by India, the United States, China, the United Kingdom and Egypt -although this is not an exhaustive list.

In response to international calls for a “war against terrorism” following the 11 September attacks, India has taken steps to enact new anti-terrorist legislation. On 15 October 2001, the Union Cabinet approved the new Prevention of Terrorism Ordinance which gives Indian police sweeping powers of arrest and detention. We consider that the Ordinance is incompatible with international human rights treaties, particularly the International Covenant on Civil and Political Rights, to which India is a party, in that it offers insufficient safeguards on arrest, undermines the right to a fair trial, and threatens freedom of expression and association.

In the United States, in the two months following the 11 September attacks, more than 1,200 non-US nationals were taken into custody. Six months on, some 300 people are believed to remain in the custody of the Immigration and Naturalization Service, and our findings suggest that a significant number of detainees continue to be deprived of certain basic rights guaranteed under international law. These include the right of anyone deprived of their liberty to be informed of the reasons for the detention, to be able to challenge its lawfulness, and to have prompt access to and assistance from a lawyer.

We are deeply concerned that many post-11 September detainees are held in conditions in jails which do not meet international standards, including prolonged solitary confinement,

heavy shackling of detainees during visits or court appearances and lack of adequate outdoor exercise. New rules issued by the Justice Department allow for the indefinite detention of non-US citizens, as does new legislation allowing the President to certify non-US citizens as “terrorists” using broad and vague criteria. Under the new regulations, the government can detain foreign nationals without charging them with any crime for an undefined period of time in “the event of an emergency or other extraordinary circumstance”.

Following the 11 September attacks, China intensified its crackdown on Uighur opponents of Chinese rule in the Xinjiang Uighur Autonomous Region, claiming that their opponents were linked with “international terrorism”. There has been a new wave of executions of people labelled as “separatists” or “terrorists” by the authorities, and a “political re-education campaign” for imams in charge of mosques in the Xinjiang Uighur Autonomous Region has intensified.

In the United Kingdom, the Anti-terrorism, Crime and Security Act, enacted on 14 December 2001, permits non-nationals to be detained without charge or trial for an indefinite period of time. People can be detained when the Home Secretary states that he reasonably believes and suspects a person to be a national security risk and a suspected “international terrorist”. The Home Secretary’s belief and suspicion may be based on secret evidence and then confirmed by a judicial body that can hold hearings in secret, from which the detainee and their lawyer may be excluded. We are concerned that in the name of “fighting international terrorism”, this new act will result in the creation of a shadow criminal justice system without affording the basic guarantees of international human rights standards.

In the aftermath of 11 September the Government in Egypt ordered some 285 suspected Islamists to be tried in three separate cases before the Supreme Military Court, despite their civilian status. Many had been imprisoned for years without trial. Citing the United States’ decision to establish special military tribunals to try captured suspected terrorists, the Egyptian President recently asserted that “there is no doubt that the events of 11 September

created a new concept of democracy, that differs from the concept that Western states defended before these events, especially in regard to the freedom of the individual.”

In conclusion, Mr. Chairperson, Amnesty International and Human Rights Watch call on the Commission on Human Rights to:

- Urge all states to ensure respect for human rights while taking action against terrorism; and to
- Encourage states, developing and implementing anti-terrorism measures, to make use of expertise available within the UN system and externally to ensure compliance with international human rights standards.

Thank you, Mr. Chairperson.

3. Oral Statement on follow up to the World Conference against Racism, delivered on 22 March, under Agenda Item 6: “Racism, racial discrimination, xenophobia and all forms of discrimination”

Chairperson,

The International Day for the Elimination of Racial Discrimination is a fitting opportunity for taking stock of the achievements of the World Conference against Racism. Amnesty International is pleased that at the Conference many important issues were put on the international agenda as never before, and that the implementation of the *Durban Declaration* and *Programme of Action* has started. These documents recognize the damage caused by past expressions of racism, reflect a new global awareness of modern forms of racism, and indicate ways for carrying forward the fight against racism.

Amnesty international participated actively in the World Conference against Racism, highlighting in particular the impact of racism on the administration of justice. We made specific recommendations for eliminating racism from the functioning of law enforcement and custodial agencies, the judiciary and asylum determination systems.

Chairperson,

Amnesty International welcomes the fact that some of its concerns were reflected in the *Durban Declaration* and *Programme of Action*. We welcome in particular the recognition by the World Conference against Racism that racism, racial discrimination, xenophobia and related intolerance persist in the functioning of the penal system and in the application of the law, as well as in the actions and attitudes of institutions and individuals responsible for law enforcement. We are also pleased to note the recognition of the importance of fair trial proceedings, of the full implementation of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and of training for law enforcement and immigration officials.

Amnesty International also welcomes the establishment of the Anti-Discrimination Unit in the Office of the High Commissioner for Human Rights. We wish to take this opportunity to pay tribute to High Commissioner Mary Robinson for her commitment to the fight against racism, and hope that the newly-established Unit will be provided with the necessary resources.

While these are all important achievements, Amnesty International wishes to draw the attention of the Commission to those issues that were left unresolved by the World Conference against Racism, because of disagreements and lack of time.

Chairperson,

Amnesty International wishes to highlight three main areas of concern that governments should address as a matter of urgency: the impact of racism on the imposition of the death penalty, the plight of the Dalits, and the overlap between racism and sexual orientation.

First, in countries where the death penalty is still imposed, we call on governments to investigate any disproportionate impact of such penalty on racial, ethnic or national groups, and declare a moratorium on executions pending such investigations. We also call on countries not to hand over prisoners to jurisdictions which may impose the death sentence, including in a discriminatory manner. From the United States to Saudi Arabia to China, hundreds are facing death in proceedings corrupted by discrimination.

Second, we call on governments to recognize the plight of the Dalits, as victims of discrimination based on work and descent. Discrimination against them, specifically in southern Asia, often results in extreme poverty and marginalization. It also manifests itself in harassment, arbitrary arrests and torture – including rape – with the active participation or collusion of law enforcement officials.

Third, we call on governments to recognize and take action against multiple forms of discrimination, specifically those affecting lesbian, gay, bisexual or transgender persons. The

abuses they suffer is a worldwide problem, but one which provokes little outrage. It is time to overcome the prejudices surrounding these persons and protect them from abuses, including those deriving from discrimination on grounds of racial and ethnic origin and sexual orientation.

Chairperson,

Amnesty International looks forward to this Commission building on the platform of the World Conference against Racism to ensure stronger and wider protection for all people, without distinction, exclusion, restriction or preference of any kind.

Thank you, Mr. Chairperson.

4. Oral Statement on Israel and the Occupied Territories, delivered on 2 April 2002, under Agenda Item 8: "Question of the violation of human rights in the occupied Arab territories, including Palestine"

Chairperson,

In the recent negotiations for a cease-fire in Israel and the Occupied Territories there has been much mention of "security", little or none of human rights. Yet human rights are at the heart of this conflict and if human rights are not firmly on the agenda of the cease-fire talks there can be no durable cease-fire and no sustainable peace. Palestinians and Israelis will continue to be slaughtered in the alleyways of refugee camps and the streets of Israeli towns.

Armed Palestinians have breached fundamental principles of international humanitarian law on numerous occasions. It is not acceptable to deliberately target civilians, to let off a bomb

where women and children are standing, to shoot a girl on a street, to arbitrarily target cars on roads or to kill people who are held as prisoners.

These actions are shocking. Yet they can never justify the human rights violations and grave breaches of the Geneva Conventions which, over the past 18 months, have been committed daily, hourly, even every minute, by the Israeli authorities against Palestinians. Israeli forces have consistently carried out killings when no lives were in danger. The Israeli authorities' failure to carry out proper investigations into unlawful killings sends the message that Palestinian lives are cheap. More than 600 Palestinian homes have been systematically demolished, making thousands homeless, the vast majority children. More than 100 checkpoints throughout the West Bank and Gaza have not stopped suicide bombings. The closures of towns and villages deny freedom of movement and appear to be set up to harass, collectively punish, intimidate and humiliate the Palestinian people.

Two weeks ago Amnesty International delegates investigated the Israeli army's recent attacks on towns, including refugee camps. In each instance tanks had entered the area, rolling over cars, running over walls, breaking down houses and shop fronts. Heavy fire was used against densely-populated residential areas. Homes of the families of "wanted" men or suicide bombers were blown up, causing severe structural damage to houses all around.

In the camps, curfews were imposed and electricity, water and telephones cut off for up to nine days. In several camps, male Palestinians between 15 and 45 were ordered to report to an assembly point and hundreds were arrested. For the first 24 hours they were handcuffed, blindfolded, given no food, no blanket, and not allowed to go to the toilet. Ten days afterwards about 100 of more than 2,500 arbitrarily arrested remained in detention. Again, in treatment apparently intended to hurt and degrade the population, Israeli soldiers who occupied apartments had systematically trashed them: clothes were torn, cupboards emptied on the floor, TV sets hurled down stairs, and a copy of the Qur'an was torn into pieces and scattered on the floor. An independent military advisor, one of Amnesty International's

delegates, said: "Either the Israeli army is totally undisciplined or they have been ordered to disobey the laws of war".

Chairperson, this language would have been even stronger if we were describing the present incursions.

During the incursions the IDF unlawfully killed six medical aid workers, including two doctors. Ambulances, including those of the ICRC, have been consistently shot at. Such attacks on the fundamental principle of medical neutrality are flagrant violations of the Geneva Conventions. The director of the Red Crescent at Tulkarem told delegates that it was now safer to transport patients by taxi than by ambulance.

Chairperson,

The Commission on Human Rights must send a strong message to all governments involved in the peace process that human rights can not be neglected. It is more than a year since the findings of the UN Commission of Inquiry called for urgent deployment of international human rights monitors. With more than 1,000 Palestinians and more than 300 Israelis killed, including hundreds of Palestinian and Israeli children, it is now clearer than ever that the paralysis of the international community in delaying the setting up of such protection is sacrificing the lives and human rights of Palestinians and the lives of Israelis. Amnesty International urges members of the Commission to make every effort to reach a consensus on all resolutions. Security can only be achieved through full respect for human rights, not at their expense.

Thank you, Mr. Chairperson.

5. Oral statement on Indonesia, Russian Federation, Saudi Arabia and Zimbabwe, delivered under Agenda Item 9: “Question of the violation of human rights and fundamental freedoms in any part of the world”

Chairperson,

Amnesty International urges the Commission this year to focus on grave and persistent human rights violations committed in Colombia, Indonesia, Israel and the Occupied Territories<sup>3</sup>, the Russian Federation/Chechnya, Saudi Arabia and Zimbabwe.

Despite three changes of government in **Indonesia** since mid-1998, each of which has promised reform, the human rights situation is still serious and impunity remains the status quo. The Commission on Human Rights has raised the need for trials of perpetrators of crimes against humanity and other serious crimes committed in East Timor during 1999, including by the Indonesian military and police, but it has failed to recognize that human rights violations, whether they be extrajudicial executions, “disappearance”, torture or unlawful detentions, are still being committed by the very same state institutions in Indonesia, most notably in Papua and in Aceh.

On 14 March 2002, trials began in Indonesia of suspects involved in serious crimes in East Timor. Amnesty International has consistently demanded justice for serious crimes, including crimes against humanity committed in East Timor. However, the organization has equally insisted that the process meet international standards of fairness. In the absence of basic safeguards, including an effective witness and victim protection program and adequate training for judicial officials, it is feared that justice may not be delivered and that the rights of defendants are being placed at risk.

Amnesty International calls on the Commission:

---

<sup>3</sup> See previous statement on Israel and the Occupied Territories, delivered under Agenda Item 8.

- to recognize the grave human rights situation in Indonesia by adopting a resolution condemning these violations and calling upon the Indonesian government to take immediate measures to prevent them;
- to urge the Indonesian Government to end impunity by bringing alleged perpetrators of human rights violations to justice, both for serious crimes committed in East Timor and for past and current human rights violations in Indonesia;
- to urge the Indonesian Government to ensure that all trials meet international standards of fairness.

In the **Russian Federation** both parties to the conflict in Chechnya continue to commit serious abuses of human rights and international humanitarian law. Violations by Russian forces include arbitrary detention, detention in unofficial and secret places, torture, including rape, ill-treatment, “disappearance” and extrajudicial executions. Chechen forces repeatedly target and kill members of the civilian administration for Chechnya set up by the Russian authorities. Amnesty International is deeply concerned at the abject and continuing failure of the Russian authorities to investigate all human rights violations and to prosecute the alleged perpetrators.

Human rights concerns in the Russian Federation are, however, not confined to the Chechen Republic. Amnesty International continues to receive reports alleging that police subject detainees, including women and children, to torture and other cruel, inhuman or degrading treatment or punishment. Prisons and pre-trial detention facilities remain grossly overcrowded and infectious diseases, such as tuberculosis and HIV/AIDS, are rife and spreading. The organization is also concerned at the failure of the state to provide adequate protection to women against violence perpetrated by non-state actors, including in the context of domestic violence and trafficking of women.

Amnesty International calls on the Commission:

- to adopt a resolution condemning the grave violations of human rights in the Russian Federation, including the Chechen Republic;
- to establish an international commission of inquiry into allegations of grave abuses of human rights and international humanitarian law in the context of the armed conflict in Chechnya, and report back to the 59<sup>th</sup> Session of the Commission.

Chairperson,

Amnesty International continues to be deeply concerned that flaws in the criminal justice system in **Saudi Arabia** result in serious and systematic violations of human rights. Systematic torture and ill-treatment in Saudi Arabian prisons and police stations continue to be reported and the authorities fail to ensure prompt and impartial investigations.

During 2001, Amnesty International recorded 79 executions in Saudi Arabia. All were sentenced to death after trials which fall far short of international standards of fairness.

Law and custom in Saudi Arabia facilitate discrimination against women. Amnesty International is gravely concerned at reports that on 11 March 2002, 14 girls lost their lives in a fire at their school in Mecca when the religious police (Mutawa'een) prevented them from escaping from the fire because they were not wearing headscarves.

Amnesty International calls on the Commission:

- to adopt a resolution deploring the continued grave violations of human rights in Saudi Arabia, and calling for undertakings given by the Saudi Arabian representative at the 56<sup>th</sup> Session of the Commission on Human Rights to be put into immediate effect;
- to urge the government to immediately suspend all executions pending total abolition of the death penalty;

- to urge the government to abolish all discriminatory laws and practices against women, girls and minorities.

The human rights situation in **Zimbabwe** has not previously been scrutinised by the Commission, despite a pattern of gross and systematic violations of fundamental human rights in that country. Amnesty International continues to receive information indicating a pattern of arbitrary arrests, torture and intimidation, condoned or facilitated by the state. In order to address the human rights concerns in Zimbabwe the state-sponsored militias must be immediately disbanded, those in illegal detention should be released immediately, reforms must be introduced to ensure impartiality within the police force, and laws which curtail freedom of expression and assembly must be immediately repealed.

Amnesty International is particularly concerned about the continuing violence in the aftermath of the elections held on 9, 10 and 11 March 2002, especially following the departure of international election observers. The organization has received reports of attacks and abductions by militia groups against perceived supporters of the opposition in the first few weeks after the election.

Amnesty International calls on the Commission:

- to adopt a resolution expressing concern at the systematic and widespread human rights violations in Zimbabwe;
- to call upon the government of Zimbabwe to take effective and decisive action to stop its state-sponsored militias from intimidating and attacking opposition activists, farm workers, farmers and others; and
- to encourage the government to immediately issue standing invitations to the Special Rapporteurs on torture, on Independence of the judges and lawyers, on Freedom of expression and extrajudicial, summary or arbitrary executions to visit Zimbabwe.

6. Oral statement on the Draft Optional Protocol to CAT, “disappearances” and the death penalty, delivered on 15 April 2002 under Agenda Item 11: “Civil and political rights”

Chairperson,

*The present session of the Commission on Human Rights presents an exceptional opportunity to prevent torture world-wide. The Chairperson of the Working Group on the **Draft Optional Protocol to the Convention against Torture** has submitted for the Commission’s adoption a proposal. This proposal would establish a dual national and international system of visits to places where people are deprived of their liberty, with the purpose of making recommendations to prevent torture and ill-treatment.*

*Its focus on prevention makes it unique in the United Nations system: in the words of the former Special Rapporteur on torture, Professor Koojmans in 1991, a strong Optional Protocol would be “the final stone in the edifice which the United Nations has built in their campaign against torture.”*

After a decade of negotiations, compromise and creative ideas, this proposal represents an important breakthrough.

Amnesty International urges the Commission:

- to give this proposal, as it stands, its firm and unconditional support.

Chairperson,

**Enforced or involuntary “disappearance”** is one of the most appalling forms of multiple human rights violation which continues to cause extreme anguish to the victims and their relatives.

Amnesty International welcomes the findings of the independent expert, Manfred Nowak that indicate an existing gap in the present international legal framework for the protection of all persons from enforced disappearance.

Amnesty International urges the Commission to instruct its inter-sessional open ended working group:

- to elaborate a legally binding normative instrument for the protection of all persons from enforced or involuntary disappearance referring to the UN Declaration on the Protection of all Persons from Enforced Disappearance; the report of the independent expert Manfred Novak to the Commission; and the draft International Convention on the Protection of all Persons from Enforced Disappearance; and
- to ensure its recommendations are reported to the Commission well in advance of its fifty-ninth session.

Chairperson,

During 2001, Amnesty International witnessed continued progress towards worldwide abolition of the **death penalty**, yet the use of the death penalty remained widespread. The organization recorded 3,048 executions worldwide, more than twice the number recorded in 2000. Many prisoners were executed after unfair trials. Many may have been tortured.

Amnesty International urges the Commission:

- to adopt a strong resolution calling for a worldwide moratorium on executions and the observance of established safeguards. In keeping with UN General Assembly

resolutions, the application of the death penalty should not be expanded under “anti-terrorist” legislation or for other reasons; and

· to reaffirm the conclusion of the Sub-Commission on the Promotion and Protection of Human Rights that the use of the death penalty against people under the age of 18 at the time of the offence is contrary to customary international law.<sup>4</sup>

Thank you, Mr. Chairperson.

7. Oral statement, jointly with ICJ, on Israel and the Occupied Territories, prepared for the “Special Sitting” (not delivered due to time constraints, but issued as a press release)

Chairperson,

There are many victims of the grave abuses of human rights in Israel and the Occupied Territories over the past week. There are the Palestinians, including medical workers, who have been killed unlawfully by the Israeli Defence Forces. There are the Israeli civilians who have been deliberately targeted by Palestinian armed groups and individuals. Palestinians have also been unlawfully killed by other Palestinians.

Palestinians have been confined to their houses, shot if they ventured out, and left without electricity, water and diminishing food supplies for days. There are the hundreds of Palestinians who have been arrested; ill-treated and humiliated during their detention; and their families who enquire for news of their relatives and fear they may be dead. There are Palestinians, mostly children, whose homes have been destroyed and their belongings shattered. There are the Palestinian human rights organizations, who try to monitor and

---

<sup>4</sup> Resolution 2000/17 of 17 August 2000.

investigate the human rights violations which the Israeli Government should investigate and whose offices have been trashed by the IDF, and the journalists who are targeted or expelled as they try to report what is carried out in secrecy.

These are all victims over the past week in a human rights crisis which has continued unresolved for decades. But there is another victim: the credibility of the system of international human rights and humanitarian law which the international community has established in the aftermath of World War II. If the international community talks, but fails to act, while the fundamental principles of human rights and humanitarian law are violated then the Commission on Human Rights has betrayed the trust vested in it.

In the name of Amnesty International and the International Commission of Jurists, we urge the Commission to support the call to send international monitors to the region with a strong and transparent human rights mandate. We support the proposal of the High Commissioner for Human Rights that the Commission on Human Rights send a visiting mission to the area. We urge the Commission to send a strong message upholding respect for human rights. There can be no durable cease-fire or peace agreement unless the fundamental human rights of all Palestinians and all Israelis are addressed.

Thank you, Mr. Chairperson.

8. Joint oral statement on Standing Invitations to Thematic Human Rights Mechanisms by Amnesty International, the Association for the Prevention of Torture, the Friends World Committee for Consultation (Quakers), Human Rights Watch, the International Commission of Jurists, the International Federation of ACAT (Action by Christians for the Abolition of Torture) and the International Federation of Human Rights Leagues (FIDH).

Amnesty International, the Association for the Prevention of Torture, Friends World Committee for Consultation (Quakers), Human Rights Watch, the International Commission of Jurists, the International Federation of ACAT (Action by Christians for the Abolition of Torture) and the International Federation of Human Rights Leagues welcome the recent decisions of Brazil, Georgia, Costa Rica, Peru and Switzerland to extend standing invitations to all the thematic mechanisms of the UN Commission on Human Rights to visit their countries.

This brings to 38<sup>5</sup>, the number of States that since 1999 have demonstrated their willingness to cooperate with these mechanisms and their commitment to the promotion and protection of human rights through the United Nations system.

We fully endorse the proposal of the UN High Commissioner for Human Rights, Mary Robinson, in her opening statement to the 58<sup>th</sup> Session of the Commission on Human Rights, when she stated:

"It would be a strong message if this list of States were to include all the members of the Commission." We call therefore on the remaining current Members of the Commission on Human Rights, Algeria, Argentina, Armenia, Bahrain, Burundi, Cameroon, Chile, China,

---

<sup>5</sup> Austria, Belgium, Bulgaria, Brazil, Canada, Costa Rica, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, Norway, Peru, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey and the United Kingdom of Great Britain and Northern Ireland.

Cuba, the Democratic Republic of the Congo, Ecuador, India, Indonesia, Japan, Kenya, Libya, Malaysia, Nigeria, Pakistan, the Republic of Korea, the Russian Federation, Saudi Arabia, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Syria, Thailand, Togo, Uganda, Uruguay, Venezuela, Viet Nam and Zambia to extend standing invitations to all thematic mechanisms. We also call on all candidates for election to the Commission to extend such an invitation.

Why are these open invitations important?

States should do their best to facilitate visits by the Special Procedures, since they have been established by resolutions of the Commission on Human Rights, with mandates of worldwide applicability. Access to all States should therefore follow, since visits to assess problems and solutions first hand are part of their established methods of work. Governments do not always respond promptly, to requests for visits from the Special Procedures. Extending a standing invitation addresses this problem and greatly facilitates the implementation of the mandates of the Special Procedures.

The above named non-governmental organisations therefore:

Urge all States which have not yet extended standing invitations for country visits to all thematic human rights mechanisms of the UN Commission on Human Rights to do so;

Request those States which have issued standing invitations to encourage those not having done so to consider doing so quickly;

Encourage those States which have issued standing invitations to facilitate the work of the Office of the UN High Commissioner for Human Rights by sending the invitation to the Office in writing and

Request the Office of the UN High Commissioner for Human Rights to establish an official list of States which have issued such standing invitations and to circulate it regularly to the Special Procedures and their staff in the OHCHR, and to submit the list annually to the Commission.

Thank you, Mr Chairman.



### **III JOINT OPEN NGO STATEMENT**

#### **A human rights framework for responding to terrorism**

*Open statement to the 2002 Commission on Human Rights  
from Amnesty International, Cairo Institute for Human Rights Studies,  
Federation International des Ligues des Droits de l'Homme, Human Rights  
Watch and International Commission of Jurists*

*22 March 2002*

*We condemn the deliberate killing of civilians, whatever the motive or cause of the perpetrators.*

*States are obliged by international human rights law to prevent and punish violent criminal acts against civilians. Those responsible for such acts must be brought to justice in accordance with international standards for fair trial.*

*Our monitoring reveals that steps being taken today by many states in reaction to security threats are frequently violating or facilitating the violation of human rights. Particularly at risk are the rights to:*

- liberty and security of the person;*
- freedom from torture and other inhuman or degrading treatment;*
- freedom of expression and of peaceful assembly and association;*
- a fair trial and to take proceedings before a court to enable a determination without delay on the lawfulness of detention;*

- seek and to enjoy asylum and not to be forcibly returned to countries where people are at risk of suffering serious human rights abuses.

Effective action against terrorism<sup>6</sup> can be taken without violating human rights. Indeed, one of the best weapons to combat the root causes of terrorism is the full observance of human rights. As the UN Secretary-General recently said: “There is no trade-off between effective action against terrorism and the protection of human rights”.<sup>7</sup> Human rights law recognizes legitimate security concerns, reconciles those concerns with the need to provide justice and requires that certain rights cannot be derogated from under any circumstances.

We fully share the concern expressed by the 17 independent experts of the Commission on Human Rights that anti-terrorist measures adopted after the 11 September attacks may infringe upon human rights and fundamental freedoms. They specifically deplored “human rights violations and measures that have particularly targeted groups such as human rights defenders, migrants, asylum-seekers and refugees, religious and ethnic minorities, political activists and the media”.<sup>8</sup>

---

<sup>6</sup> We note that to date there is no internationally agreed definition of the term ‘terrorism’

<sup>7</sup> Statement to the Security Council, 18 January 2002

<sup>8</sup> “Human Rights Day: Independent Experts remind States of obligation to uphold fundamental freedoms,” Statement by independent experts of the United Nations Commission on Human Rights, 10 December 2001.

The Security Council adopted Resolution 1373 requiring states to adopt anti-terrorism measures. However, the Security Council did not adopt a human rights framework for that resolution which would have required states to ensure that any measures taken comply with international human rights standards. It is particularly disappointing that the Security Council has also declined to appoint human rights experts to the Counter-Terrorism Committee to help ensure that States comply with their obligations under the UN Charter to respect human rights and fundamental freedoms.<sup>9</sup>

We particularly welcome the commitment of the independent experts of the Commission on Human Rights and of the UN High Commissioner for Human Rights to closely monitor the effect of anti-terrorism measures on the observance of human rights.

- We request all Special Procedures of the Commission on Human Rights, as appropriate, to report on the impact of anti-terrorism measures on human rights and to make specific recommendations for their effective observance.
- We request the UN High Commissioner for Human Rights, after wide consultations, to produce an analytical report on the effects of anti-terrorism measures on human rights.

---

<sup>9</sup> We note, however, that the Counter-Terrorism Committee, which was established to monitor States' compliance with resolution 1373, will "remain aware of the interaction with human rights concerns" and will be "open to other organizations to study the reports and take up their content in other fora." Statement by Sir Jeremy Greenstock KCMG, Chairman of the Counter-Terrorism Committee to the Security Council, 18 January 2002.

- We request the Commission on Human Rights to remind states that in responding to terrorism they must have regard both to protecting the security of all people within their jurisdictions and to respecting, protecting and promoting all their human rights.
- We request the Commission on Human Rights to urge states to ensure that any measures taken comply with their human rights obligations, taking into consideration relevant comments of the human rights treaty monitoring bodies, and that such measures follow the guidelines provided by the High Commissioner for Human Rights for the submission of reports under Security Council Resolution 1373.<sup>10</sup>
- We request the Commission on Human Rights to support the proposal of the High Commissioner for Human Rights to establish a mechanism, such as an independent expert, to monitor the impact on human rights of measures taken to combat terrorism, and to make recommendations on safeguarding human rights in this context.

---

<sup>10</sup> See especially Human Rights Committee, “General Comment no. 29 – states of emergency (article 4)”, ICCPR/C/21/Rev.1/Add.11, 31 August 2001; Office of the High Commissioner for Human Rights, “Proposals for ‘Further Guidance’ for the submission of reports pursuant to paragraph 6 of Security Council Resolution 1373 (2001)”, submitted to the Security Council on 11 December 2001, referred to in the annex to S/2001/1227.