

57th UN Commission on Human Rights (2001): Statements and press releases issued by Amnesty International

12 March 2001

AI Index IOR 42/001/2001 - News Service Nr. 45

UNCHR: Permanent open door for human rights experts

As the United Nations' leading human rights body begins its annual session, Amnesty International is calling on the member states to use its thematic experts effectively to prevent major human rights crises.

"Thematic experts were introduced to tackle grave human rights violations such as torture, "disappearances", and violence against women, yet they are forced to waste valuable time and scarce resources seeking invitations from governments whose prime obligation is to cooperate with them,"Amnesty International said.

This year, Amnesty International is urging all states to issue standing invitations to these thematic experts to visit their country, removing the need for experts to seek permission. Under the present system, some states respond promptly, others block invitations and yet other states don't respond at all. Three Special Rapporteurs were asked by the Commission to visit Chechnya for example and none of them have been successful in gaining access.

The Russian Federation/Chechnya is one of the countries which Amnesty International is singling out for decisive action by the Commission. The others are Colombia, Indonesia, Saudi Arabia, Sierra Leone and Togo (see background briefing).

In most of these countries people continue to "disappear", causing extreme anguish to the victims and their relatives who may spend the rest of their lives searching for them in vain. Existing UN standards prohibit the practice, but do not provide specific means to halt, prevent and punish "disappearances".

The draft Convention on the Protection of All Persons from Enforced Disappearances, currently before the Commission, describes enforced disappearances as an international crime and provides for a Committee Against Disappearances which would conduct on-the-spot investigations. Amnesty International is calling on the Commission to establish a working group with non-government organization participation to strengthen this draft.

Amnesty International will also continue to highlight the death penalty as a violation of the right to life and urges the Commission to again adopt a resolution for a general moratorium. Since 1990 the Democratic Republic of Congo, Iran, Nigeria, Pakistan, Saudi Arabia, the USA and Yemen have executed people who were under the age of 18 when they committed their crime. The Commission should confirm that this is against customary international law and urge all states to prohibit the execution of juvenile offenders in law and practice.

Amnesty International will also be lobbying for the adoption of a strong optional protocol to the Convention against Torture which would allow for inspection visits to places of detention.

In the lead up to the World Conference Against Racism in South Africa in September, the Commission should urge all states, which haven't yet done so already, to ratify without the reservations the conventions against racism and genocide; the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Prevention and Punishment of the Crime of Genocide.

For more information please see "2001 UN Commission on Human Rights: Bridging the gap between rights and realities" (December 2000)

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AMNESTY INTERNATIONAL
57th UN COMMISSION ON HUMAN RIGHTS (2001)
BACKGROUND BRIEFING

This document briefly describes the concerns which Amnesty International will raise at the 57th session of the United Nations (UN) Commission on Human Rights (the Commission).

STANDING INVITATIONS TO THEMATIC PROCEDURES

Since the 1980s, the UN Commission on Human Rights has established a number of thematic human rights mechanisms, known as “special procedures”. These consist of Special Rapporteurs, Working Groups and Independent Experts whose mandates cover thematic human rights issues in all countries of the world. As part of their work, special procedures visit countries to examine at first hand the human rights situation within their mandate, and report to the Commission on these visits.

In order to undertake a country visit, the thematic mechanisms have to be invited by the state concerned. Special procedures have to approach the state expressing the wish to visit and asking for the necessary invitation. Some States respond promptly to such requests, some respond eventually and some fail to respond at all. This also means that special rapporteurs’ scarce resources have to be used in securing an invitation rather than in implementing their mandates.

Since all special procedures are established by resolution of the Commission in which all the Member States of the UN can participate and since country missions are part of the established methods, states should do their utmost to facilitate such visits.

Amnesty International urges all states to:

- issue standing invitations to all thematic procedures to visit their country.

WORLD CONFERENCE ON RACISM

The 57th session of UN Commission on Human Rights takes place between the end of the Millennium summit and the start of the World Conference on Racism, placing the Commission in a good position to recommend specific measures to be adopted by the World Conference. Amnesty International acknowledges that institutionalized racism still persists in many countries, and found racial discrimination notably in administration of justice systems, as manifested by patterns of racially motivated torture and ill-treatment by State officials. At the World Conference, governments should not only reaffirm or strengthen their commitment to combat racism, but should also take practical measures to put their legal obligations into practice.

Amnesty International calls on the Commission to:

- urge all states that have not done so to ratify, without limiting reservations, the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Prevention and Punishment of the Crime of Genocide
- urge States to make a declaration under Article 14 of the first Convention that they recognize the competence of the Committee on the Elimination of Racial Discrimination to hear complaints from individuals or groups claiming to be victims of violations of the rights set out in the Convention.

COUNTRY SITUATIONS

Colombia

Colombia's human rights crisis continues to deepen against a background of an increasingly brutal armed conflict and has been the focus of increasing international attention. Amnesty International is concerned that a US-backed military aid program, which includes arms, security equipment and training for the Colombian armed forces, could further exacerbate the human rights crisis. Colombia continues to be one of the most dangerous countries in which to work for the defence and promotion of human rights. The Colombian government's human rights policy has been seriously deficient

both in terms of providing adequate humanitarian aid to victims of political violence and in fulfilling its commitments to implement UN recommendations including the need to tackle impunity.

The Commission has adopted consensus statements from the Chairperson on the situation of human rights in Colombia during its last five sessions. The Statement of the Chair of the 56th Session in April 2000 welcomes the renewal of the agreement between the Government of Colombia and the High Commissioner for Human Rights extending the mandate of the permanent office in Bogotá until April 2002 but regretted that many of the recommendations formulated by the Office had not been implemented.

Amnesty International calls on the Commission to:

- adopt a resolution reiterating its concern at the deepening human rights and humanitarian crisis in Colombia;
- urge the Colombian government to implement UN recommendations in full, in particular the need to dismantle paramilitary groups and to end impunity;
- reaffirm the importance of the presence of the Office of the High Commissioner for Human Rights, strengthen the office and take the necessary measures to enable the office to effectively fulfill its mandate throughout the country by establishing regional offices.

Indonesia

Democratic reforms have so far failed to prevent systematic human rights violations continuing on a wide scale in Indonesia. Extrajudicial executions, “disappearances”, arbitrary detention, torture and ill-treatment continue to be regularly reported. Important recommendations by UN bodies have not been implemented and are hampered by the slow pace of human rights reform in general. Weaknesses in the legal and judicial framework and a lack of political will continue to obstruct successful investigations and trials of alleged perpetrators of human rights violations. Although there have been investigations, no one has yet been charged or brought to trial in Indonesia for massive and widespread human rights violations, some of them amounting to crimes against humanity, committed by Indonesian security forces and pro-Indonesian militia.

Since November 1998 two thematic mechanisms of the Commission on Human Rights visited Indonesia: the Working Group on Arbitrary Detention (WGAD) and the Special Rapporteur on violence against women, and recommended the establishment of an international criminal tribunal. Most of their recommendations have not been implemented. Two delegations of the UN Security Council, three UN Special Rapporteurs, and an International Commission of Inquiry (CoI) have visited Indonesia and East Timor since November 1999 in relation to the widespread human rights violations committed in the wake of the 30 August 1999 popular consultation in East Timor. But many of their recommendations have not been implemented, notably the recommendation by two UN Special Rapporteurs and the CoI to create an international criminal tribunal to try the alleged perpetrators. Meanwhile, gross human rights violations continue in Indonesia, especially in Aceh and Papua, where armed groups have also been responsible for abuses.

Amnesty International calls on the Commission to:

- adopt a resolution condemning gross human rights violations in Indonesia;
- urge the Indonesian government to take immediate measures to stop extrajudicial executions, “disappearances”, arbitrary detentions and torture and ill-treatment in Aceh, Papua and elsewhere in Indonesia;
- express concern that the perpetrators of serious human rights violations, including crimes against humanity, committed in East Timor in 1999, have not been brought to justice and take steps to create an international criminal tribunal on East Timor.

Russian Federation/ Chechnya

The human rights crisis in Chechnya failed to improve after Russian forces started reducing large-scale military activities in the first quarter of 2000. Russian authorities claimed that the situation has normalized. However, Amnesty International continued to receive reports that Russian forces frequently resorted to indiscriminate bombing and shelling of civilian areas in breach of international humanitarian law, and that they extrajudicially executed dozens of Chechen civilians and prisoners of war every month. Russian forces continued to detain arbitrarily large numbers of civilians. Many were

held in incommunicado detention in “filtration camps”, where torture, ill-treatment, extrajudicial executions and “disappearances” were reported to be routine.

Amnesty International calls on the Commission to:

- adopt a resolution expressing serious concern about the continuing grave abuses of international human rights and humanitarian law committed in the Chechen Republic and calling on all parties, in particular the Russian government, to take effective steps to halt them;
- establish an international commission of inquiry into allegations of grave abuses of human rights and humanitarian law;
- urge the government of the Russian Federation to fully implement last year’s Commission resolution, by promptly inviting the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Representative of the Secretary-General on internally displaced persons, and by inviting, as the High Commissioner requested, the Special Rapporteur on torture and the Special Rapporteur on violence against women to conduct a joint visit, and by facilitating the visit of the Special Representative of the Secretary-General for children and armed conflict.

Saudi Arabia

At last year’s Commission Amnesty International raised grave concerns about Saudi Arabia’s record of gross and systematic violations of human rights. Specifically, Amnesty International highlighted the deficiencies in the criminal justice system from arrest to the final stages of trial process as a fundamental cause of human rights violations. The criminal justice system is premised by secrecy and gives excessive powers to the arresting authorities. Those caught up in the system are denied their human dignity and fundamental rights. It generates and perpetuates torture and ill-treatment and offers no opportunity for redress. Amputations, a form of torture, and floggings amounting to torture or cruel, inhuman and degrading treatments remain common practice in Saudi Arabia as judicial punishments.

The system discriminates against religious minorities, women and migrant workers. Women continued to be subject to human rights abuses by the state, including arbitrary

arrest and detention, torture and the death penalty, which is imposed for a wide variety of offences. At least 145 people were executed between January 2000 and February 2001, most of them foreign nationals.

At last year's Commission Saudi Arabia made undertakings to promote and protect human rights, but, a year on, the human rights situation remains of serious concern to Amnesty International.

Amnesty International calls on the Commission to:

- adopt a resolution expressing concern about gross and systematic human rights violations in Saudi Arabia urging the government to take urgent steps to end the secrecy of the criminal justice system and discriminatory laws and practices and calling on the government to put into immediate effect the undertakings given to the commission last year;
- urge the Saudi Arabian government to immediately suspend executions, pending complete abolition of the death penalty, and to comply with its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by abolishing floggings and amputations immediately;
- request the government to invite the Special Rapporteur on torture to visit Saudi Arabia in 2001 and report to the 2002 session of the Commission.

Sierra Leone

Serious threats to the protection of human rights remain in an uncertain political and security situation where rebel forces continue to control large parts of the north and east of the country. If the fragile cease-fire ends and hostilities resume, civilians risk further killings, mutilation, rape, abduction and forced recruitment, particularly of children, by rebel forces. Government-allied forces, including the Sierra Leone Army and the Civil Defence Forces, have also been responsible for extrajudicial executions, torture and ill-treatment, and recruitment of children as combatants. Rape and other forms of sexual violence against girls and women have been used systematically as a weapon of war during the conflict.

The international community, in particular the UN, has taken important initiatives to respond to continuing threats to peace and stability in Sierra Leone. The UN Security Council has decided to strengthen the UN Mission in Sierra Leone (UNAMSIL), to act to end the trade in diamonds from rebel-held areas, and to establish a Special Court for Sierra Leone to prosecute those most responsible for crimes against humanity, war crimes and other serious violations of international humanitarian law. This is an important step towards ending impunity. Amnesty International has made a number of recommendations, however, for steps be taken to ensure that the Special Court will be fair, effective and viable. It is also vitally important that the national judicial system is rebuilt and strengthened so that it can eventually assume responsibility for bringing alleged perpetrators of human rights abuses to justice.

Amnesty International calls on the Commission to:

- urge the government of Sierra Leone to ensure that all government-allied forces end human rights violations, and that all reports of human rights violations are investigated so that those responsible can be brought to justice;
- *urge leaders of rebel forces to instruct their combatants to end all human rights abuses and to adhere to international human rights and humanitarian law;*
- fully support the early establishment of an effective Special Court, including by ensuring that the court receives adequate and sustained funding to initiate and complete trials of those most responsible for the gravest human rights abuses committed since 1991;
- request the government to invite the Special Rapporteur on violence against women to visit the country.

Togo

Amnesty International has been concerned for many years about a widespread pattern of gross human rights violations in Togo and the persistence of impunity for such violations in the country. During the last decade, Amnesty International has recorded *hundreds of extrajudicial executions*, Disappearances”, large numbers of arbitrary arrests, often followed by torture or ill-treatment sometimes resulting in deaths in detention, as well as inhuman and degrading detention conditions. Witnesses wishing to give evidence about

these violations have frequently been subjected to harassment, threats and intimidation. Human rights defenders have been a particular target of attacks by the Togolese authorities in an attempt to silence those who speak out for human rights.

For the last fifteen years, Amnesty International has urged that independent and impartial investigations be conducted and that the perpetrators of these human rights violations be brought to justice. However, the Togolese authorities have persistently failed to end such violations and have refused to bring those responsible to justice, even when calls for action have been made by Togo's own National Commission for Human Rights, as in 1991 when it concluded that security forces were involved in the killings of people whose bodies were found in the Be lagoon. Noting that an escalation of violations took place in the context of the presidential elections of 1998, Amnesty International fears that such an escalation may recur again in the context of the forthcoming parliamentary elections due in October 2001.

The International Commission of Inquiry for Togo, instituted jointly by the Secretaries-General of the UN and the Organization of African Unity (OAU) in June 2000, to investigate the allegations of extrajudicial executions in Togo during 1998 which were first made in an Amnesty International report of May 1999, has published its report. Despite the assurances given by the government of Togo to the Commission of its full cooperation, the Commission found that there had been persistent attempts to intimidate witnesses in efforts to dissuade them from speaking to the Commission. It concluded that *there was "a situation of systematic violations of human rights in Togo" and that allegations of extrajudicial executions, "disappearances", torture, arbitrary arrest and rape should be further investigated and those responsible brought to justice. The Commission of Inquiry recommended to the Commission on Human Rights (the Commission) that it appoint a Special Rapporteur on Togo and that three of the Commission's thematic Special Rapporteurs be asked to visit Togo.*

Amnesty International calls on the Commission to:

- appoint a Special Rapporteur on Togo;

- urge the Government of Togo to invite the Special Rapporteurs on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and the Special Rapporteur on violence against women to visit the country
- request that a team of forensic experts is appointed as soon as possible to proceed with the exhumation of bodies in Togo and Benin.

THEMATIC ISSUES

The Death Penalty

Amnesty International opposes the death penalty in all cases without exception and continues to demand unconditionally the worldwide abolition of the death penalty. Amnesty International will be focussing governments' attention on the question of death penalty especially in relation to those under 18 at the time of the commission of the offence and the fact that the imposition of the death penalty on those young offenders contravenes customary international law.

In April 2000 the Commission adopted a resolution which, as in 1999, urged states to "comply fully with their obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, notably not to impose the death penalty...for crimes committed by persons below 18 years of age..." All states are now party to international treaties which prohibit the imposition of the death penalty for crimes committed by persons below 18 years. However, since 1990, Amnesty International has documented executions of persons who were younger than 18 years at the time of the offence in seven countries: the Democratic Republic of Congo, Iran, Nigeria, Pakistan, Saudi Arabia, the United States of America (USA) and Yemen.

Amnesty calls on the Commission to adopt a resolution on the question of the death penalty, which builds upon the language of last year's resolution, urging all states that have not yet abolished the death penalty, among others:

- to suspend all executions and to establish a moratorium on executions, with a view to completely abolishing the death penalty, while ensuring full respect for the application of the Safeguards guaranteeing protection of the rights of those facing the death penalty and other relevant international standards;
- confirm that the imposition of the death penalty on persons below the age of 18 years at the time of the offence contravenes customary international law and urging all states to immediately implement the prohibition thereof in law and practice.

“Disappearances”

“Disappearances” constitute one of the most appalling forms of human rights violations. The draft International Convention on the Protection of all Persons from Enforced Disappearances, now before the Commission, advances the international protection of victims of “disappearances” in a substantive and novel way and provides a comprehensive and integral approach to the problem. The draft Convention describes enforced disappearances as an international crime subject to universal jurisdiction and provides for a Committee against Disappearances with powers to conduct on the spot investigations. It makes specific provisions for the protection of children of persons who subsequently “disappeared”.

Amnesty International urges the Commission to:

- establish at its 57th Session an International Working Group with the mandate to study and approve, with the full and active participation of NGOs in the process and within the tightest possible time frame, the text of a strong Convention on “enforced disappearances” which strengthens the current draft.

Torture

Since 1992 a Working Group of the Commission has been drafting an optional protocol to the Convention against Torture which would establish a global mechanism to visit places of detention in order to prevent torture and ill-treatment.

Amnesty International has actively participated in the Working Group and noted that, while many states appeared willing to negotiate a strong and effective protocol, a few states maintain objections on key issues which could substantially weaken the text.

Amnesty International calls on the Commission to:

- give full support to the Working Group by adopting a resolution calling for the drafting to be continued to ensure the adoption of a strong optional protocol, which, among other issues, provides for an effective inspection system by an expert international body and in which ratification of the protocol serves as consent of the state concerned.

29 March 2001

AI Index EUR 46/007/2001 - News Service Nr. 57

Russian Federation-Chechnya

Only an international investigation will end impunity

The UN Commission on Human Rights must act now

As the UN Commission on Human Rights is scheduled to open its discussions on Chechnya today, Amnesty International is urging the Commission to demand accountability for the grave and persistent human rights violations committed in the region.

The organization is urging the Commission to establish without delay an international investigation into violations of human rights and humanitarian law in Chechnya as the only effective answer to impunity.

The Commission, as a defender of human rights, has an obligation to remind the Russian authorities that no country is above the law. Membership of the Security Council does not exonerate a state from its obligation to protect human rights, or permit it to ignore a resolution adopted by the Commission.

Faced with reports of massive violations of human rights, the Commission last year adopted a resolution on Chechnya. However, the Russian Federation has refused to consider these recommendations, claiming that "the aforementioned resolution is totally unacceptable to Russia".

The government of the Russian Federation has proved that it lacks the political will to investigate human rights abuses in Chechnya. It continues to reject the findings of independent human rights organizations on torture and ill-treatment, while it refuses access to Chechnya for human rights monitors and independent media.

International investigation is particularly needed because the three national bodies established by the Russian government to deal with violations of human rights and criminal law in Chechnya have not given results to date. None of these bodies have a mandate to undertake investigations. The Russian government has not established any other agency with prosecutorial authority to investigate crimes against civilians in Chechnya.

Amnesty International is concerned that only 62 out of the 740 criminal cases reportedly instituted against Russian servicemen in Chechnya deal with human rights. The rest of the criminal cases are mainly related to internal matters, such as bullying in the army. Not a single investigation has been opened against officers of the Ministry of Internal Affairs or army servicemen for torture. To date not a

single Russian serviceman or police officer has been convicted in a court of law for committing crimes against civilians in Chechnya.

Amnesty International is convinced that any domestic investigations into claims of human rights abuses will continue to prove ineffective. Last year, the Commission made a gesture to the Russian government by recommending a national-led effort to bring the perpetrators to justice. The Russian government ignored it and continued with business as usual. Now the time for experiments is over and the Commission must live up to its own standards of accountability and justice by establishing an international investigation.

Amnesty International is also concerned about the lack of consistency and transparency in the information about criminal investigations given by the Russian authorities. In a statement to the members of the Commission in March 2001, the Russian government claimed that eight cases have reached court, while the Russian Chief Military Procurator stated on 22 March 2001 that 20 cases have been referred to the courts. Amnesty International is not aware of the specific nature of the charges in these cases because they have not been made public.

The Office of the Special Representative of the President of the Russian Federation for Human Rights in the Chechen Republic, Vladimir Kalamonov, has received 12,000 complaints filed by civilians, 1,200 of which concern arbitrary arrest and "disappearances". Yet as of January 2001 the procuracy has launched fewer than 150 investigations into "disappearances". Often such investigations are quickly closed, although over a thousand people who have "disappeared" during the conflict are still missing.

These efforts are inadequate given the magnitude of the crimes that have been perpetrated, including three well-known massacres

that took place earlier in the conflict and the continuing torture in detention, and also the volume of civilian complaints filed.

The organization believes that the international investigation into crimes against civilians in Chechnya must take the form of a team of independent international experts and investigators, including forensic and medical specialists, who should be mandated to undertake the collection of testimonies from individual victims, as well as the examination of places of detention and the sites of mass graves in Chechnya. The findings of such international investigation will provide the factual basis for future judicial prosecutions into particular crimes and will speed-up the process of ensuring that the perpetrators are brought to justice in a court of law.

Background

Between the two sessions of the Commission, Amnesty International continued to document violations by Russian forces in Chechnya, including: arbitrary detention, torture and ill-treatment, "disappearance", extrajudicial executions, and indiscriminate or direct attacks on civilians during military operations.

These practices have not lessened since the early months of the war, but rather have become a routine part of Russian operations. Chechen fighters violated humanitarian law by failing to protect civilian immunity during attacks on Russian positions, by attacking civilians who work in the local administration in Chechnya, and by ill-treating and killing Russian soldiers they have captured.

Russian forces on "cleansing operations" (in Russian, *zachistka*) in towns and villages continue to arbitrarily arrest and use disproportionate force against civilians. According to the Ministry of Internal Affairs, by the end of last summer 15,000 people in

Chechnya had been detained in relation to the conflict. Most are reportedly beaten or subjected to torture while held in incommunicado detention often in makeshift pits in the ground on locations where Russian military units are stationed or near Russian military check-points; bribes are almost always extorted from their relatives in exchange for their release.

Men, women and children have also been tortured, including raped, in detention in "filtration camps". Over a thousand simply "disappeared" in custody. The dead bodies of some people who have "disappeared" after being detained by Russian forces are later sold to the relatives by the military or are found in mass graves. Bombing and shelling continues in several districts, and land mines have killed and maimed countless civilians.

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18 April 2001

AI Index ASA 17/011/2001 - News Service Nr. 69

News Flash

China: Escapes scrutiny again

Once again China has escaped scrutiny at the United Nations Commission on Human Rights in Geneva, by successfully using a procedural motion "to take no action" to prevent debate of a draft resolution on its human rights record.

"Year in and year out, China -- a major world power and a leading human rights violator -- uses the 'no action' motion to avoid scrutiny of its human rights record. The Commission allows political manoeuvring to get in the way of what it is supposed to do -- protect human rights," Amnesty International said.

"As the UN's leading human rights body, the Commission has the responsibility of addressing human rights violations. Commission members should have a long hard think about what their role is and about the thousands of victims they are letting down, annually."

*For more information on China's human rights record visit
www.web.amnesty.org/ai.nsf/countries/china*

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27 April 2001

AI Index IOR 41/012/2001 - News Service Nr. 76

UNCHR: Acts to prevent “disappearances” but continues to ignore grave violations in some countries

At the closing of its annual session in Geneva, the United Nations Commission on Human Rights (CHR) took positive steps to tackle "disappearances", called again for a moratorium on executions, appointed a new Special Rapporteur on Indigenous People and took strong action on Chechnya and Iran. However, it failed in its principal duty to protect victims of appalling human rights violations who happen to live in powerful countries like China, Indonesia and Saudi Arabia. Equally disconcerting was the Commission's premature decision to drop consideration of human rights violations in Rwanda and attacks on several of its own Special Rapporteurs.

If the CHR is to live up to its role as the world's primary human rights body it must protect human rights on their merits rather than protect the narrow self-interests of the governments that make up the Commission. Sending increasing numbers of top government officials to pay lip-service to human rights in Geneva, does not stop governments continuing to commit grave violations at home.

A key achievement of the Commission was its consensus decision to appoint a working group to fill a crucial gap: to establish a treaty to prevent, effectively investigate and halt enforced disappearances. These appalling human rights violations continue in every region of the world. The initiative to push for this initiative was led by GRULAC, the Group of Latin American countries and France, which tabled the resolution.

The resolution was adopted despite strong opposition from the United States and Canada. They argued against the proposal under the pretext that other treaty bodies already covered the issue. An independent expert will now review existing legal norms, take account of the draft Convention on Enforced Disappearances already prepared by the Sub-Commission on the Promotion and Protection of Human Rights, and submit findings to the working group.

Amnesty International (AI) also welcomed the Commission's decision to reiterate its call 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. The resolution was adopted with 27 votes in favour -- the same number as last year -- and 18 against, five more than last year, eight new Commission members among them. There were 66 co-sponsors to the resolution. AI regrets that 60 countries disassociated themselves from the resolution in a statement made by Saudi Arabia.

The Commission continued to ignore gross and persistent abuses in some of the most influential countries. Saudi Arabia, a member of the Commission, ranks among the countries with the highest numbers of reported executions (at least 123 during 2001). Floggings, amputations and secret trials continue at an alarming rate. Yet AI's attempts to raise this grave situation met, at most, with embarrassed silence by governments keen to preserve their economic ties and strategic alliances with Saudi Arabia.

Following the pattern of recent years, China used procedural rules once more to halt any scrutiny of its human rights record by presenting a motion to take no action on a resolution on human rights in China. The motion was adopted with 23 votes for and 17 against. That happened a week after China launched an anti-crime campaign leading to the swift execution in the following 12 days of no

less than a reported 350 people believed to have been summarily tried.

The Commission adopted a consensus statement by the Chair on East Timor, but it ignored the call by UN experts and three Special Rapporteurs to establish an international criminal tribunal on East Timor or even consider particularly serious human rights abuses committed in Aceh and West Papua in Indonesia.

Despite Canada's efforts to maintain the already weak mandate of the Special Representative on Rwanda, the Commission, in a move initiated by Kenya, removed Rwanda from its agenda. The situation in Rwanda remains extremely volatile and demands the continued close attention of the Commission. Reports of "disappearance" and torture or ill-treatment of detainees continue, and many of the estimated 125,000 people held in detention mostly accused of taking part in the 1994 genocide, are held for several years without charge or trial in conditions that amount to cruel, inhuman and degrading treatment.

Equally deplorable is the Commission's failure to act on the explicit recommendation of the Commission of Inquiry (Col), jointly established by the UN and the OAU, to appoint a Special Rapporteur on Togo to investigate allegations of numerous extra-judicial executions in the country in 1998. The Commission did not even press the government to invite two Special Rapporteurs to visit the country, as the Col had recommended.

An encouraging sign was the Commission's determination to extend the mandate of the Special Representative on Iran, especially since he has been unable to visit the country since 1996. Amnesty International was concerned about continuing reports of arbitrary arrests and imprisonment of prisoners of conscience. The resolution

was adopted with 21 votes for and 17 against, one more in favour than last year.

The Commission adopted a strong resolution on Chechnya / Russian Federation. The resolution, adopted by 20 members in favour and seven against, with 19 abstentions, condemns the continued use of disproportionate indiscriminate force by the Russian military and other breaches of international humanitarian law and human rights. The Commission underlined the slow pace of investigations by national bodies but failed to establish an international commission of inquiry without which there will be no effective investigations into past grave human rights abuses and without which the perpetrators cannot be brought to justice.

Amnesty International welcomes in particular those 33 countries who have extended open invitations to all thematic mechanisms of the Commission to visit their country at any time, in true spirit of effective of cooperation with the Commission's human rights experts. Their example should be followed by all members and observers next year. The organization firmly believes in the principle that, once appointed, these thematic mechanisms should be able to function entirely independently from the Commission, although within the framework set by the Commission for their work. Amnesty International hopes that this principle will be fully observed in future.

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28 March 2001

Togo: Time to turn principles into practice

Joint Press Statement from Amnesty International (AI), Association for the Prevention of Torture (APT), International Federation of Action by Christians for the Abolition of Torture (FIACAT), FJdJration Internationale des Droits de l Homme (FIDH), Organisation Mondiale Contre la Torture (OMCT), The Association for the Prevention of Torture/Association pour la Prevention de la Torture - Working Together for Human Rights.

The group of NGOs today calls on the international community to "turn principles into practice", as Mary Robinson highlighted in her opening statement to the UN Commission on Human Rights. The case of Togo, which has systematically violated international human rights standards, will be a test case for whether the Commission on Human Rights can put effective action before political interests.

As the report of the joint UN - OAU Commission of Inquiry for Togo (COI) is about to be discussed at its 57th session, the UN Commission on Human Rights must ensure a full and prompt implementation of their recommendations to address the culture of impunity and provide justice for the victims of grave human rights violations in Togo.

NGOs urge the UN Commission on Human Rights to act upon the key recommendation of the COI: to appoint a Special Rapporteur on Togo. Based on its conclusion that there was "a situation of systematic violations of human rights in Togo", the COI sees a Special Rapporteur as necessary to allow closer cooperation between the UN Commission on Human Rights and the Togolese authorities to better protect human rights in Togo.

The Special Rapporteur should be appointed not only to monitor human rights but also to play an important role of preventing new abuses in the run up to elections later this year. In Togo every election campaign in the last decade has been marred by gross human rights violations.

"The international community cannot continue to evade its responsibility under the name of Realpolitik". The UN Commission on Human Rights would lose credibility if its member states failed to implement the recommendations of a commission that the UN itself decided to establish. "To ignore the UN/OAU recommendations will send a signal to states responsible for human rights violations that they can get away with large scale abuses with the complicity of the international community", the NGOs spokesperson said*.

The Commission on Human Rights should also ensure that three Special Rapporteurs (on extrajudicial, summary or arbitrary executions, on torture and on violence against women) are invited to visit Togo. In doing so, the Commission would implement another important recommendation of the COI. Allegations of extrajudicial executions, torture, "disappearances", arbitrary arrest and rape should be further investigated and those responsible brought to justice as recommended by the Commission.

It is also crucial that the international community provides financial help to the Office of the UN High Commissioner for Human Rights to ensure that a mechanism of monitoring and protection of witnesses is set up. Since the COI left Togo in December, at least ten people both in Togo and Benin have been threatened by the Togolese authorities. Some of them had collaborated with the Commission and had to flee their home fearing for their lives. In light of this information and the repeated attempts at intimidation of witnesses by the Togolese authorities, as experienced by the COI itself during its investigations, the NGOs strongly urges the international community to ensure that

the national commission of inquiry announced by the Togolese government on 7 March meets with international standards, including that complainants, witnesses and those conducting the investigation and their families be effectively protected from any form of intimidation. It is also important that any national commission of inquiry is fully resourced, has the power to compel officials to testify, and is composed of members recognized for their competence, independence and impartiality.

NGOs, victims and their families are waiting to see whether the Commission will put UN principles into practice.

Background

The report of the joint OAU/UN Commission of Inquiry on Togo charged with "verifying the truth of allegations of hundreds of extrajudicial executions, which allegedly took place in Togo during 1998, made by Amnesty International's report published on 5 May 1999" was released on 22 February 2001.

The report uncovered evidence of extrajudicial executions carried out by security forces in concert with the police and armed militias. It also reports acts of torture, ill treatment of people in detention as well as rapes of women in the presence of their husbands, perpetrated by armed militias close to the authorities.

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2 April 2001

AI Index EUR 46/011/2001 - News Service Nr. 60

Chechnya: It's urgent to act - A Joint statement

This is a joint statement by Amnesty International, Human Rights Watch, International Commission of Jurists, International Federation of Human Rights Leagues, International League for Human Rights, Médecins du Monde and The Memorial Human Rights Center.

The 57th United Nations Commission on Human Rights must respond to the continuing human rights crisis in Chechnya.

The pattern of “disappearance,” torture, and extrajudicial and summary execution of detainees, and the use of unofficial and secret detention sites has been exhaustively documented by Russian and international human rights organizations. The mutilated corpses of some of the “disappeared” and of many other, unidentified individuals have been discovered in more than a dozen dumping grounds throughout Chechnya.

Federal authorities in Russia are not committed to a meaningful accountability process. Criminal investigations into abuses by military and police forces in Chechnya have been shoddy, ineffective, and incomplete. The recent trial of a Russian colonel for the murder of a Chechen woman is the exception that shows that diligent investigations are possible, but that the political will to follow up on all serious violations has been lacking.

The federal government has not committed the necessary resources to investigations, nor are they empowering the relevant agencies to conduct them. Nowhere is the failure to investigate more obvious than in the mass “grave” at Dachny village, where at least 51 bodies were found beginning in January 2001. No autopsies were

performed on the corpses, and the authorities have rushed to bury, rather than preserve for the purposes of further investigations, those corpses that have not yet been identified.

Chechen forces violate humanitarian law by failing to protect civilian immunity during attacks on Russian positions, by attacking civilians who work in the local administration in Chechnya, and by ill-treating and summarily executing captured Russian soldiers.

Last year the 56th UN Commission on Human Rights adopted a resolution on Chechnya that called on both parties to the conflict to end the abuses. It called on the Russian government to, among other things, form a national commission of inquiry to investigate allegations of violations of human rights and international humanitarian law, and to invite the relevant UN special mechanisms to conduct visits to the region.

The resolution represented the broadest consensus among international actors that impunity would not be countenanced in Chechnya. At the

time, Commission members determined that the Russian criminal justice system should be given a chance to hold accountable those responsible for the abuses, and thus the resolution called for a national rather than an international commission of inquiry. The Russian government refused to comply with the resolution and wilfully failed to implement most of its requirements. One year later, there are no effective domestic prosecutions, no national commission of inquiry has been established, and none of the national bodies set up has the capacity or the attributes required to take sufficient, effective and adequate steps toward bringing perpetrators of human rights violations to justice. It is this ongoing environment of impunity that facilitates continued, serious abuses.

Taking this into account, the Commission must now adopt a resolution that acknowledges the failure by Russian authorities to implement the resolution, renews calls for invitations to the special mechanisms, and calls for the creation of an international commission of inquiry to investigate violations of international human rights and humanitarian law.

A strong resolution is needed to send a message to the federal authorities in Moscow that the Commission is committed without reservation to preventing abuses and ending impunity for them; that the lack of cooperation experienced by the U.N Commission and other international organizations is unacceptable; and that responding to violations of international human rights and humanitarian law in any member country is the legitimate province of the Commission. Should the Russian authorities again fail to cooperate with a resolution, then an international commission of inquiry could stand ready to commit significant time and resources to compiling an official record of the atrocities perpetrated throughout the armed conflict in Chechnya.

The victims of this conflict deserve nothing less.

Amnesty International

Human Rights Watch

International Commission of Jurists

International Federation of Human Rights Leagues

International League for Human Rights

Médécins du Monde

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United Nations Commission on Human Rights : 57th session (19 March-27 April 2001)

Item 8

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

Delivered on 29 March 2001

Grave human rights abuses continue in Israel and the territories occupied by Israel, including the areas administered by the Palestinian Authority.

Since the recent *intifada* started in September 2000, more than 350 Palestinians have been killed by Israeli security forces. More than 100 were children. Most Palestinians were unlawfully killed by Israeli forces who used excessive lethal force including during demonstrations when stones were thrown but no lives were imminently in danger. Most of the 60 Israelis killed were victims of unlawful attacks by armed Palestinian groups.

In November 2000 the government established the Or Commission of Inquiry to examine the deaths of 13 Palestinian citizens of Israel allegedly killed by Israeli forces during demonstrations in Israel. Witnesses from the Israeli security services corroborated Amnesty International's findings that excessive, lethal force had been used. Some police told the Commission that they only had firearms and no other means of crowd control, that they were ordered to use live bullets, and that they were told to shoot Palestinian demonstrators to give other Palestinians a warning.

The Israeli Defence Force has also admitted to a policy of extrajudicial execution of those they decided, without any charge or trial, had

carried out or were planning attacks on Israelis even though those killed could have been arrested and brought to trial.

The failure of the Israeli Government to order investigations into all such killings reinforces the continuing impunity which Israeli security forces enjoy for violations of human rights and humanitarian law, and can only perpetuate their occurrence.

Many of the Palestinians arrested over the past six months have been beaten upon arrest; in some cases torture methods banned in 1999 by the Israeli High Court of Justice have again been used. Palestinians living in areas under the Palestinian Authority suffer from Israeli imposed blockades on towns and villages.

Israeli civilians have been unlawfully killed by Palestinian armed groups and individuals in bomb attacks and drive-by shootings. Palestinians accused of Acollaboration@ have been extrajudicially executed by members of Palestinian security services or killed by Palestinian armed groups. The lack of investigations suggests that these killings are condoned or even encouraged by the Palestinian Authority.

Two Palestinians charged with Acollaborating@ with Israel were executed by the Palestinian Authority after grossly unfair summary trials.

Mr Chairman,

Abuses by Palestinian armed groups cannot excuse human rights violations by the Israeli authorities. The Israeli Government has failed to cooperate fully with United Nations mechanisms. It has refused to meet either the UN Special Rapporteur on the Occupied Territories or the UN Commission of Inquiry, which visited the area last month.

The Commission on Human Rights should:

§ *Request the Israeli Government to ensure that lethal force is not used against anyone when there is no imminent danger to life;*

§ *Request the Israeli Government and the Palestinian Authority to investigate all killings and bring the alleged perpetrators of any unlawful killings to justice;*

§ Invite the Security Council to reconsider its recent decision not to deploy an international observer force in light of the recommendation of the human rights inquiry commission to establish an effective international presence in the occupied territories to monitor and regularly report on the compliance, by all parties, of their obligations under human rights and international humanitarian law.

A durable peace can only be based on protection and respect of human rights for all.

United Nations Commission on Human Rights : 57th session (19 March-27 April 2001)

Item 9

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

Delivered 29

March 2001

Amnesty International urges the Commission this year to focus on grave and persistent human rights violations committed in Colombia, Indonesia, the Russian Federation / Chechnya, Saudi Arabia, Sierra Leone and Togo. In these countries impunity is a prime concern.

Faced with reports of massive violations of human rights, the Commission adopted last year its resolution on **Chechnya**. During the last year, dozens of civilians have been

extrajudicially executed. Men, women and children have been tortured in *Afiltration camps*. Over a thousand have "disappeared".

The government has established three national bodies to deal with violations of human rights and criminal law. The results of their efforts to date have been deeply disappointing. None of these bodies have a mandate to undertake investigations. Most of the 740 criminal cases reportedly instituted by the military procuracy against Russian servicemen dealt with internal matters, while human rights violations against civilians resulted in no more than 62 cases. To date no Russian servicemen or officers of the Ministry of Internal Affairs have been convicted for human rights violations against civilians. Amnesty International remains convinced that such national inquiries remain ineffective and that only an international mechanism will ensure that impunity is ended for the perpetrators.

Membership of the Security Council does not exonerate a state from its pertinent obligations to protect human rights, or permit a State to ignore a resolution adopted by the Commission. The Commission should:

§ urge the government to fully implement last year's resolution and request that all four Special Rapporteurs mentioned, and not yet invited, will now be asked to visit the area.

§ insist that the UN establish an **international** Commission of Investigation into violations of human rights and humanitarian law in Chechnya.

Last year the UN and the Organization of African Unity established an International Commission of Inquiry for Togo (Inquiry Commission) to investigate allegations of numerous extrajudicial executions in Togo during 1998. It found that a situation of systematic violations of

human rights in Togo¹ existed at the time². The Inquiry Commission obtained substantive evidence of witness

intimidation. Echoing earlier conclusions of the Human Rights Committee on impunity for human rights violations in Togo, the Inquiry Commission concluded that those responsible for human rights violations, especially for extrajudicial executions, must be brought to justice.

The important recommendations of the Inquiry Commission must be implemented in full in order to end impunity and provide justice to the numerous victims of extrajudicial executions, Adisappearances³ and torture, including rape. By insisting on their effective implementation, the Commission on Human Rights will also contribute to preventing gross human rights violations that may occur in the run-up to the forthcoming elections, as has been the pattern in the last decade. In particular, the Commission should:

- § appoint a Special Rapporteur on human rights on Togo
- § request the government to invite the Special Rapporteurs on torture, on extrajudicial, summary or arbitrary executions and on violence against women to visit Togo
- § ensure that the High Commissioner is given all necessary means to establish an effective witness protection and monitoring program.

In **Sierra Leone** the UN has also taken another important initiative to end impunity by deciding to establish a Special Court for Sierra Leone composed of international and national judges. The court should play a major role in re-establishing and assisting an effective national judicial system, destroyed as a result of protracted armed conflict. It should have jurisdiction over crimes committed during the last ten years. Moreover, the independence and impartiality of its prosecution

policy must be guaranteed. The Commission must ensure that the Special Court is of high quality and obtains all necessary support.

Amnesty International calls on the Commission to:

§ urge that the court receives adequate and sustained funding from the regular budget to try those most responsible for grave human rights abuses since 1991;

§ urge that high quality judges, prosecutors and staff are appointed to serve on the Special Court.

¹Report of the International Inquiry Commission for Togo, paragraph 6

United Commission on Human Rights
57th session (19 March - 27 April 2001)

Item 11

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

Delivered 4 April 2001

Last year, Saudi Arabia assured the Commission of its commitment to protect human rights. It acceded to the Convention on the Elimination of All Forms of Discrimination against Women, and invited the Special Rapporteur on the independence of judges and lawyers to visit the country. New regulations on court proceedings have also been announced. Yet these positive measures do not appear to have made any impact on the pattern of grave human rights violations. Although the gravity of the situation is widely known, it continues to be blatantly ignored by the international community. Amnesty International is not allowed to visit the country and its numerous letters to the government receive no substantive reply.

Fundamental deficiencies in the country's criminal justice system are central to the gross and systematic violations of human rights in Saudi Arabia. The system, which denies defendants the most basic fair trial guarantees, relies heavily on confessions, even when obtained under torture. Amputations, a form of torture, and floggings remain common forms of punishment. During 2000 Amnesty International recorded at least 34 amputations, 24 of them on foreign nationals. Even children have been flogged. At least 145 people were executed between January 2000 and February 2001, most of them foreign nationals. Amnesty International calls on the government, now that it has become a member of the Commission, to comply with its obligations under the Convention against Torture and abolish these

punishments, and also to invite the Special Rapporteur on Torture to visit the country.

*Extrajudicial executions, Adisappearances@ and torture are regularly reported in **Indonesia**, especially in Aceh and Papua. Many hundreds of people, the majority of them civilians, have been extrajudicially executed during the last two years in Aceh by the Indonesian military and police facing armed opposition by the Free Aceh Movement. Many of its alleged supporters have been tortured in custody. In Papua the dialogue between the government and supporters of the independence movement has also failed to reduce human rights violations committed by Indonesian security forces. Ten civilian activists from Papua and Aceh are being tried or are imprisoned for their peaceful activities in support of independence. Investigations have been conducted into some human rights violations in Indonesia, but prosecutions of suspected perpetrators remain extremely rare. No one has yet been brought to justice in Indonesia for crimes against humanity committed by the Indonesian security forces and pro-Indonesian militia in East Timor in 1999.*

Legal reform has slowed down and existing legal safeguards are often ignored. Two thematic mechanisms have visited Indonesia since 1998¹, but important recommendations, such as those made by the Working Group on Arbitrary Detention, still await implementation. The Commission should urge the government to halt human rights violations, to fully implement the recommendations made by the two thematic mechanisms, and request that the Special Rapporteurs on torture and extrajudicial executions be invited to visit Indonesia, especially Aceh and Papua.

Mr Chairman,

Let me now turn to another matter. Amnesty international attaches great importance to the creation of a strong **Protocol to the Convention against Torture**. Amnesty International believes that a strong international element in the protocol is vital. An effective Protocol must allow an international committee of experts to visit places of detention. The five following principles must be adhered to if the Protocol is to be truly effective:

§ the Subcommittee must have a standing invitation to visit the territory of any state party to the Protocol;
§it must be guaranteed unlimited access to all places and all detainees and have the right to interview detainees in private;
§it must be able to make a public statement should a state refuse to cooperate or misrepresent a report of the Subcommittee;
§no reservations to the protocol should be permitted;
§national legislation must not be used to limit or restrict the work of the Subcommittee.

It is crucial that these principles are included for the Protocol to be strong and relevant to prevent and help eradicate torture

¹The Working Group on Arbitrary Detention and the Special Rapporteur on violence against women.

United Nations Commission on Human Rights

57th session (19 March - 27 April 2001)

Item 17

Promotion and protection of human rights

Delivered 19 April 2001

As the High Commissioner for Human Rights emphasized, racism and xenophobia run counter to the fundamental message of human rights that everyone has equal and inalienable rights. A potent illustration of the violation of these principles in practice is that people who belong to racial minorities are often the primary victims of the death penalty, the ultimate cruel, inhuman and degrading punishment, which violates the right to life. In the USA, for example, the principal victims of this state-sanctioned violation of the right to life have been black.

Last year=s resolution adopted by the Commission on Human Rights urged states not to impose the death penalty on or execute any person suffering from any form of mental disorder. Yet in the United States at least four such persons were executed in the year 2000.

The Commission also urged states not to impose the death penalty for crimes committed by person below 18 years. However, during 2000, the Democratic Republic of Congo, Iran and the United States have continued to execute persons who were children when they committed offences. The largest number, four, were executed in the United States where over 80 juvenile offenders remain on death row. In the Democratic Republic of Congo a

14-year-old boy soldier was executed within 30 minutes of his trial. In Iran a 17-year-old child was executed in public.

Since 1990, 26 persons were known to have been executed who were younger than 18 when the crime was committed, in seven countries, which, apart from the three named above, include **Nigeria, Pakistan, Saudi Arabia, and Yemen**. In Yemen the last such execution took place in 1993 and in Pakistan in 1997. Amnesty international welcomes that both these countries have since taken legislative measures to exclude the death penalty for such young offenders, although it regrets that over 50 child offenders remain on death row in Pakistan.

Mr Chairman,

The imposition of the death penalty on persons who were children when they committed the crime is now extremely rare. The very few states that continue this appalling practice violate customary international law, as the Sub-Commission on the Promotion and Protection of Human Rights affirmed in resolution 2000 /17. In some cases, these States violate their own treaty obligations.

Such executions are expressly prohibited by the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the American Convention on Human Rights, and the African Charter on the Rights and Welfare of the Child. Moreover, the Human Rights Committee in an authoritative comment has stated that no reservations to the Covenant on this prohibition are permitted. The Fourth Geneva Convention and the two Additional Protocols to the Geneva Conventions also prohibit the death penalty for such young offenders.

Calls for a moratorium on executions, repeatedly made by the Commission, are gathering strength, even in the United States. In

December 2000 the UN Secretary-General received a petition for a world-wide moratorium signed by over 3 million people from nearly every country in the world.

Amnesty International calls on the Commission to:

§ adopt a resolution urging all states that have not yet abolished the death penalty to suspend all executions and to establish a moratorium on executions;

§ confirm that the imposition of the death penalty on persons below the age of 18 years old at the time of the offence contravenes customary international law and to urge all states to halt such executions forthwith;

§ request the Secretary-General, when preparing his annual supplement to his quinquennial report on capital punishment and implementation of the *Safeguards Guaranteeing Protection of the Rights of those facing the death penalty*, to pay particular attention to the imposition of the death penalty against persons younger than 18 at the time of the offence.

United Nations Commission on Human Rights :

57th session (19 March-27 April 2001)

COLOMBIA

Item 3

Delivered 17 April 2001

Mr. Chairman,

The systematic and widespread contempt for human rights in Colombia has caused a deep-rooted crisis of alarming proportions. Political violence has steadily intensified and spread throughout the country for almost four decades. The increasingly brutal conflict is characterized by widespread and systematic violations of human rights and grave and persistent breaches of international humanitarian law by all parties to the conflict. During the last ten years alone more than 35,000 people have been victims of politically motivated killings, some 3,000 have disappeared and close to two million people have been internally displaced. Kidnapping by armed groups has reached epidemic proportions.

Despite the efforts during the administration of President Andrés Pastrana to advance peace talks between the government and the principal armed opposition groups, the FARC and the ELN, political violence continues to escalate and to extend to new areas of the country. Few regions of the country remain unaffected by the conflict which now threatens major urban centres as well as rural areas which have been the traditional focus. The principal victims continue to be civilians as the armed groups fight for control of territory and population.

Amnesty International is concerned that a US-backed military aid program, part of Plan Colombia, will further exacerbate the armed conflict and the human rights crisis in Colombia and risks extending the conflict to neighbouring countries.

Despite repeated government promises to dismantle paramilitary forces, no effective action has been taken to curtail their illegal action which continues to be characterized by widespread atrocities against the civilian population. Frequently, paramilitary forces employ a scorched earth strategy, killing community leaders, burning entire villages and displacing the inhabitants.

Members of the Colombian armed and security forces continue to commit serious human rights violations. Links between the armed forces and paramilitary groups have been strengthened. Although in October 2000 over 380 armed forces personnel were dismissed in what was described as an internal purge, fewer than 50 were believed to have been dismissed for human rights related offences and only lower-ranking officers and rank and file soldiers were affected. Senior military officers implicated in serious human rights violations continue in service. None of those dismissed was brought to justice.

Armed opposition groups are responsible for numerous violations of international humanitarian law including the deliberate and arbitrary killings of civilians and disproportionate and indiscriminate attacks on military targets which have resulted in significant civilian casualties. Kidnapping and holding of hostages has become increasingly widespread.

Colombia continues to be one of the most dangerous countries in which to work for the defence of human rights. Although the government has expanded the protection programs for human rights

defenders and other sectors at risk such as trades unionists and journalists, these measures have proved inadequate to halt the campaign of intimidation and attacks. Evidence has emerged in official investigations of the participation of state agents in several recent attacks.

Mr Chairman

Amnesty International calls on the Commission to reiterate its call to full compliance with the recommendations of the High Commissioner and the UN thematic mechanisms.

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

§Dismantle paramilitary organizations

§Separate from active military duty all armed and security force personnel formally charged with or convicted of collusion with paramilitary groups and other serious human rights violations

§Ensure that all investigations and prosecutions of armed forces personnel implicated in human rights violations are conducted by the civilian courts

§End harassment, threats and attacks against human rights defenders

§Ensure adequate humanitarian assistance for displaced persons and guarantees for their safe return

Respect for human rights is an essential pre-requisite to achieving peace. Only by ensuring that fundamental civil and political rights are protected can the government of President Pastrana and the Colombian people hope to achieve a just and lasting peace.

COLOMBIA

Declaración sobre Colombia a la Comisión de Derechos Humanos de la ONU en su 57^a periodo de sesiones (del 19 de marzo al 27 de abril de 2001)

Tema 3

Señor presidente:

La profunda crisis causada en Colombia por la falta sistemática y generalizada de respeto a los derechos humanos ha adquirido proporciones alarmantes. Durante casi cuatro décadas, la violencia política se ha intensificado y propagado constantemente por el país. El conflicto es cada vez más brutal y se caracteriza por las violaciones generalizadas y sistemáticas de derechos humanos y las infracciones graves y persistentes del derecho internacional humanitario que cometen todas las partes. Sólo en los últimos diez años, más de 35.000 personas han sido víctimas de homicidios políticos, unas 3.000 han desaparecido y cerca de dos millones se han convertido en desplazados internos. Los secuestros perpetrados por los grupos armados son ya un problema generalizado.

A pesar de los esfuerzos realizados durante la presidencia de Andrés Pastrana para impulsar conversaciones de paz entre el gobierno y los principales grupos armados de oposición, las FARC y el ELN, la violencia política continúa intensificándose y extendiéndose a nuevas zonas del país. Son pocas las regiones que no se han visto afectadas aún por el conflicto, el cual amenaza ahora a importantes centros urbanos, además de a zonas rurales, que es donde había estado tradicionalmente centrado. Las principales víctimas siguen siendo los civiles, ya que los grupos armados luchan por el control del territorio y de la población.

Amnistía Internacional teme que el programa de ayuda militar respaldado por Estados Unidos en el contexto del Plan Colombia agrave aún más el conflicto armado y la crisis de derechos humanos del país, con el riesgo de que se propaguen a los países vecinos.

A pesar de las reiteradas promesas del gobierno sobre la disolución de las fuerzas paramilitares, no se han tomado medidas efectivas para reducir su actividad ilegal, que continúa estando caracterizada por la comisión generalizada de atrocidades contra la población civil. Los paramilitares recurren con frecuencia a tácticas de "tierra quemada": matan a los dirigentes de las comunidades, queman pueblos enteros y desplazan a sus habitantes.

Las fuerzas armadas y de seguridad colombianas continúan cometiendo graves violaciones de derechos humanos. Los vínculos entre el ejército y los paramilitares se han reforzado. Aunque en octubre del 2000 se licenciaron más de 380 militares como resultado de una medida calificada de purga interna, se cree que por delitos relacionados con los derechos humanos sólo se expulsaron a menos de 50, y todos los afectados eran oficiales de baja graduación o soldados rasos. Los altos mandos militares implicados en violaciones graves de derechos humanos continúan en su puesto. Ninguno de los licenciados fue puesto a disposición judicial.

Los grupos armados de oposición son responsables de numerosas infracciones del derecho internacional humanitario, incluidos homicidios deliberados y arbitrarios de civiles y ataques desproporcionados e indiscriminados contra objetivos militares que han causado considerables bajas civiles. Los secuestros y la toma de rehenes son prácticas cada vez más extendidas.

Colombia continúa siendo uno de los países más peligrosos en los que trabajar en defensa de los derechos humanos. Aunque el gobierno

ha ampliado los programas de protección de los defensores de los derechos humanos y de otros sectores en peligro, como los sindicalistas y los periodistas, estas medidas han resultado inadecuadas para detener la campaña de intimidaciones y atentados. En investigaciones oficiales se han encontrado indicios de la participación de agentes estatales en varios atentados recientes.

Señor presidente,

Amnistía Internacional pide a la Comisión que reitere su llamamiento en pro del cumplimiento pleno de las recomendaciones del Alto Comisionado y de los mecanismos temáticos de la ONU.

En particular, la Comisión debe instar al gobierno colombiano a:

- § Disolver las organizaciones paramilitares.
- § Retirar del servicio activo a todos los miembros de las fuerzas armadas y de seguridad acusados formalmente o declarados culpables de colusión con grupos paramilitares o de otras violaciones graves de derechos humanos.
- § Garantizar que todas las investigaciones y enjuiciamientos de militares implicados en violaciones de derechos humanos los realicen tribunales civiles.
- § Poner fin al hostigamiento, las amenazas y los atentados contra defensores de los derechos humanos
- § Proporcionar a los desplazados asistencia humanitaria adecuada y garantías de regreso seguro a su lugar de origen.

El respeto a los derechos humanos es un requisito previo esencial para conseguir la paz. Sólo garantizando la protección de los derechos

civiles y políticos fundamentales pueden el gobierno del presidente Pastrana y el pueblo colombiano abrigar la esperanza de lograr una paz justa y duradera.

57th session UN Commission on Human Rights

Agenda item 18(c): Effective functioning of human rights mechanisms

Joint oral statement by the Association for the Prevention of Torture, Fédération Internationale des Ligues des Droits de l'Homme, Friends World Committee for Consultation (Quakers), International Commission of Jurists and International Federation of ACAT (Action by Christians for the Abolition of Torture)

Delivered by Rachel Brett, Quaker United Nations Office, Geneva, on 19 April 2001

Standing Invitations to Thematic Human Rights Mechanisms

The Association for the Prevention of Torture, Fédération Internationale des Ligues des Droits de l'Homme, Friends World Committee for Consultation (Quakers), International Commission of Jurists and International Federation of ACAT (Action by Christians for the Abolition of Torture) welcome the decision of the following 33 governments to extend open or standing invitations to visit their countries to all the thematic mechanisms of the UN Commission on Human Rights, without distinction as to economic, social and cultural or civil and political rights: Norway, Canada, Iceland, the Czech Republic, Mexico, Latvia, Belgium, Guatemala, Sweden, Austria, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal Spain, UK, Bulgaria, Estonia, Hungary, Lithuania, Poland, Romania, Slovakia, Slovenia, Cyprus,

Malta and Turkey. By doing this, they 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.

Since the 1980s, the UN Commission on Human Rights has established a number of thematic human rights mechanisms, known generically as the "Special Procedures". These consist of Special Rapporteurs, Special Representatives, Working Groups and Independent Experts who are charged with considering a specific human rights issue in relation to all countries in the world. As part of their work, the Special Procedures visit countries in order to examine at first hand the situation in relation to the issue in their mandate, and report to the Commission on these visits.

In order to undertake a country visit, the individual thematic mechanism has to be invited by the State concerned. At present, the process is almost always initiated by the Special Procedures themselves approaching the State expressing the wish to visit and asking for the necessary invitation. Some States respond promptly to such requests, some respond eventually and some fail to respond. This also means that resources are used in soliciting invitations rather than on the implementation of the mandates.

Since all the Special Procedures are established by resolution of the Commission on Human Rights in which all the Member States of the UN can participate and since country missions are part of their established methods of work, States should do their best to facilitate such visits. Issuing a standing invitation to visit is a simple and effective way of doing this. This would:

1. demonstrate their commitment to co-operation with these procedures;

2. enhance the efficiency of the process by reducing delays and decreasing the administrative burdens on all parties;
3. de-politicise the process of country visits by shifting the focus away from the question of access to questions of substance;
4. enable the procedures (individually and corporately) to plan and prioritise visits more effectively, knowing that the invitation to visit already exists and remains open.

In practice, for those States who accept visits from Special Procedures already, there would be no substantive difference. Since the Special Procedures would still be undertaking visits only at the invitation of the Governments, albeit a standing invitation, it does not infringe State sovereignty in any way. At the same time, as a growing number of States issue such invitations, it would facilitate the work of the Special Procedures and demonstrate the good faith of States in accepting their obligation to co-operate effectively with the mechanisms which they themselves have created through the Commission on Human Rights.

The above named non-governmental organisations therefore

1. 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;
2. Urge all states which have not yet done so to issue standing invitations for country visits to all thematic human rights mechanisms of the UN Commission on Human Rights; and
3. Request the Office of the UN High Commissioner for Human Rights to draw this possibility to the attention of states, to establish a 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.

*57th session of the UN Commission on Human Rights
Agenda Item 13: Rights of the Child*

*Oral statement by Friends World Committee for Consultation
(Quakers)*

*Delivered by Rachel Brett, Quaker UN Office, Geneva, on 11 April
2001*

Child Soldiers

Friends World Committee for Consultation (Quakers) is making this statement on behalf of the Coalition to Stop the Use of Child Soldiers(1).

We welcome the important steps taken during 2000 in relation to the prohibition of the use of children as soldiers, in particular

- (i) the adoption by the UN General Assembly by consensus(2) of the Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict;*
- (ii) the entry into force(3) of the ILO Worst Forms of Child Labour Convention; and*
- (iii) the increasing number of states who have signed and ratified the Rome Statute for the International Criminal Court and the African Charter on the Rights and Welfare of the Child.*

The Optional Protocol strengthens the protection of children's rights by raising from 15 to 18 years the minimum age for direct participation in hostilities, for compulsory recruitment, and for any recruitment or use in hostilities by non-governmental armed groups.

In his report to the Security Council (4) of 19 July 2000, the UN Secretary-General, Kofi Annan, called on all Member States to ratify the Protocol and to deposit binding declarations with 18 as the minimum age for voluntary recruitment into national armed forces. We endorse that call, and are pleased to note that 79 states have already signed the Protocol and three have ratified it.

We oppose any recruitment of under-18s not only as a matter of principle but also because of the difficulty of ensuring that under-18s who are members of the armed forces do not in practice participate in hostilities or become a target of attack. In the negotiations on the text of the Optional Protocol, those states who wished to continue recruiting under-18s, insisted that they could not accept an absolute prohibition on participation but only an obligation that they would take "all feasible measures" to prevent under-18s in their armed forces from direct participation in hostilities. Even this standard has to be viewed in the light of the declaration made by the government of the United Kingdom on signature of the Protocol, which sets out the circumstances in which they anticipate they would deploy under-18s in their armed forces to take a direct part in hostilities. The UK's declaration – and its interpretation of Article 1 of a Protocol whose object and purpose includes preventing any person under the age of 18 from participating directly in hostilities – must be strongly opposed in itself. However, it also illustrates the importance of not including any under-18s in government armed forces under any pretext.

In this context, we welcome the strong Declaration adopted yesterday by the Amman Conference to Stop the Use of Children as Soldiers in which governments and non-governmental organisations from the Middle East and North Africa region participated.

We call on all governments and armed groups who currently recruit under-18s to stop doing so and to demobilise or otherwise release into safety any under-18s in their ranks. In particular, governments and others with influence are urged to use it to ensure that those armed groups who have made commitments not to recruit children and to demobilise those in their ranks do fulfil them, and to ensure that all demobilised children – boys and girls – are given access to appropriate rehabilitation and reintegration processes. However, it is important to recognise that children will not be encouraged to leave armed groups unless they are assured of physical protection. This is particularly problematic in situations of ongoing internal armed conflict or instability. Governments are quick to condemn the recruitment and use of children by armed opposition groups. However, such condemnation is only propaganda if it is not matched by effective procedures to ensure that children who leave armed groups are not ill-treated by the government's armed forces, are protected against ill-treatment by others, including the civilian community, and are not exposed to the public or the media. It is essential that all armed forces, including those likely to be participating as peacekeepers, are trained in the rights of the child and the need to ensure proper treatment of children who come within their ambit, even if they have been actively participating in armed opposition groups.

Finally, Mr Chairman,

We welcome the fact that, following its thematic discussion day on "State Violence against Children" (5) the Committee on the Rights of the Child recommended, *inter alia*, that States parties to the Convention on the Rights of the Child review any special legislation applying to children under 18 years in their armed forces to ensure that it reflects appropriately the provisions of the Convention, the UN Standard Minimum Rules for the Administration of Juvenile Justice and the UN Rules for the Protection of Juveniles deprived of their

Liberty, and other applicable standards. We urge all states who currently have under-18s in their armed forces to undertake such a review as a matter of urgency.

Thank you, Mr Chairman.

Endnotes

1. The Steering Committee of the Coalition to Stop the Use of Child Soldiers comprises Amnesty International, Defence for Children International, Human Rights Watch, International Federation Terre des Hommes, Jesuit Refugee Service, Quaker United Nations Office Geneva, Rädda Barnen (Swedish Save the Children on behalf of the Save the Children Alliance) and World Vision International, as well as

regional non-governmental organisations from Africa, Latin America and Asia.

2. 25 May 2000

3. ILO Convention 182 entered into force on 19 November 2000

4. UN document A/55/163 – S/2000/712

5. 22 September 2000