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Amnesty International

**Declaration of the
International Conference on
"Disappearances" and Political Killings**

Amsterdam, 6 September 1992

More than a million people have "disappeared" or been deliberately killed by their governments: these are the silenced witnesses of the past decades of ultimate abuses.

Tens of thousands more have been liquidated by opposition groups.

These crimes, and the methods used, are designed to eliminate, to instil terror and to evade accountability. The perpetrators, be they government agents or killers operating in the shadows of armed conflict or civil strife, are almost always assured of impunity.

Some of the victims were abducted from their homes and never seen again. Others were assassinated in broad daylight, gunned down in peaceful demonstrations, or murdered during armed operations.

They include people targeted for political reasons, members of particular ethnic, linguistic, religious or cultural groups, "disappeared" children who are cut off from their families and given a new identity, and petty criminals, street children and other "social undesirables".

These "disappearances" and political killings are widely ignored by the world. In the face of established or emerging patterns of gross human rights violations, the prevailing reaction in international relations is still "business as usual". Governments and intergovernmental organizations are selective in their response, too often turning a blind eye to the actions of certain governments on grounds of political expediency.

The numbers are so staggering that the significance of the individual life is lost. Yet the victims were all human beings of our time, who yesterday had life, an identity, hopes of a future. And each of them was deliberately killed, tortured to death, or singled out to "disappear".

Shattered families are left behind, grieving for the dead or hoping against all odds for the reappearance of their loved ones. They often suffer the added cruelties of harassment, threats and extreme hardship. Children grow up without parents - traumatized, not understanding.

This devastation of lives, families and communities cuts deeply into the human fabric of society, damaging it for generations to come.

In recent years the context in which "disappearances" and political killings are committed has changed in many countries.

Today, most countries where "disappearances" and political killings occur are not repressive dictatorships but have elected civilian governments. This changing character of government has produced new ways of avoiding official accountability. Other governments refuse to intercede, fearing that they may undermine what is perceived as a weak but democratic government which itself is under threat.

"Disappearances" and political killings are being perpetrated in situations of political strife and chaos where civil power has largely broken down. Elsewhere paramilitary forces have colluded with criminal organizations to carry out killings for mutual gain.

Civilian governments coming to power after a period of repressive dictatorship are confronted with the need to come to terms with the abuses of previous governments. But the desire for truth and justice is threatened by entrenched interests. Some new governments continue to employ the repressive apparatus of the former regime, carrying the risk that the abuses may recur.

Recent years have seen major advances for human rights. New organizations have been formed nationally and internationally to defend the rights of individuals and make the idea of human rights better known. Important international standards for the prevention of "disappearances" and political killings have been adopted by the community of nations. The changing world political order has brought to prominence new governments committed to the advancement of human rights.

Recognizing the gravity of "disappearances" and political killings today and the challenges posed by these new situations, the International Conference on "Disappearances" and Political Killings, convened by Amnesty International in the Netherlands from 4 to 6 September 1992,

DEMANDS that governments

- act immediately to stop "disappearances" and political killings perpetrated by agents of the state;
- ensure the safety and physical integrity of everyone put at risk by these practices;
- account fully for prisoners who have "disappeared" or been killed under present and former governments;
- ensure that all "disappearances" and political killings are impartially and effectively investigated, and that those responsible are brought to justice;

CALLS ON opposition groups to stop deliberate and arbitrary killings.

The International Conference on "Disappearances" and Political Killings adopts the following recommendations:

Investigating the abuses and bringing the perpetrators to justice

Human rights organizations should insist that governments act on these demands, and that the victims, should they reappear, and the victims' relatives be entitled to receive compensation.

Human rights organizations should make efforts to identify perpetrators of "disappearances" and political killings, those who gave the orders, and the political leaders who instigated such acts. Where appropriate, they can communicate the names to the government concerned, insisting on investigation and prosecution.

Trials for these crimes should be conducted in civilian courts and not under military jurisdiction. They should comply fully with international standards for fair trial.

In order to support investigation of the fate of the victims and prosecution of those responsible for "disappearances" and political killings, international human rights organizations should provide assistance to local human rights groups in the legal, medical and technical fields, including the rapid mobilization of medical and other forensic experts.

The principle of universal jurisdiction should apply fully to "disappearances" and political killings. It should be incorporated into all relevant international standards, and put into effect where perpetrators are found under other jurisdictions.

New governments should ensure that past abuses are fully investigated and that those responsible are brought to justice. These measures are necessary to cleanse the wounds of the past and to prevent a recurrence of the abuses.

Governments should be assisted to improve knowledge of human rights standards and to provide human rights training for judges, prosecutors, lawyers, military and police personnel, as well as to enhance the capability of the justice system to function impartially, independently and efficiently. Development assistance should be made available for these purposes.

Domestic non-governmental organizations are among the most effective groups to investigate and publicize "disappearances" and political killings. They often do so at great risk for the survival of the organization and for the lives or liberty of their members. They should be supported by offering material assistance and training. Even more important, they should be protected through political support and international attention, and through rapid intervention which may include solidarity visits and, where necessary, assistance to find refuge for members who are in danger.

The international community should take all possible steps to provide such protection to individual human rights activists and monitors, as well as to lawyers, witnesses and relatives of victims.

Bringing pressure to bear

While governments must ultimately be held accountable for all human rights violations committed by state agents or with their complicity, those agencies or institutions directly responsible for the perpetration of "disappearances" and political killings should also be identified and, whenever appropriate, made a focus for international campaigning.

Governments should make human rights an integral part of their foreign policy. Where governments maintain political and economic relations with states or parties that commit "disappearances" and political killings, they should review their links in order to push for such violations to be stopped. Action taken, particularly where the exercise of pressure through aid and trade relations is concerned, should give due consideration to its long-term implications and to the opinions of concerned individuals and organizations in the country towards which the pressure is directed.

Where there are reliable reports of "disappearances" and political killings, human rights organizations may bring pressure to bear on governments to make cuts in military aid and to embargo arms transfers. Human rights organizations may promote the introduction of legislation banning arms transfers, the export of military, security and police equipment, or the provision of personnel or training to countries where a pattern of "disappearances" and political killings exists.

Human rights organizations should urge international financial institutions and aid agencies, wherever appropriate, to integrate human rights-related concerns into their programs.

Pressure should be brought to bear on regional and other intergovernmental organizations which fail to hold governments accountable for "disappearances" and political killings.

Action against abuses by opposition groups

Opposing deliberate and arbitrary killings, whether by governments or armed opposition groups, is based on the moral imperative that all parties to a conflict observe basic standards of humane behaviour. These standards are to be found in fundamental provisions of human rights law, the laws of armed conflict (humanitarian law), and the dictates of public conscience. Human rights organizations who have chosen actively to oppose certain abuses committed in situations of armed conflict should promote such standards of humane behaviour. To this end, and profiting from the knowledge and experience of organizations specialized in humanitarian law, they should make such standards explicit in a manner which facilitates the training of human rights activists and the education of the general public on these important issues.

Impartiality being a cardinal principle of the work of human rights organizations, it should be made clear to parties in a conflict and to public opinion that reporting abuses or patterns of abuses by armed opposition groups does not imply a condemnation of the groups as such; neither does it affect the legal status or otherwise constitute recognition of such groups; and that this is in consonance with the practice that opposing human rights violations does not imply passing judgment on the legitimacy of governments which commit them.

Further it should be made clear that by expanding their work into this field human rights organizations in no way imply that the responsibility of states for the observance of human rights law is diminished. Therefore, the mandate and effectiveness of the human rights mechanisms of the United Nations and of other intergovernmental organizations should not be diluted by taking on abuses by armed opposition groups, and the legitimate choice of other human rights groups to continue to monitor only government violations should be respected.

In situations where there is no effective central governmental authority, or in countries or regions where there is disputed or multiple authority, human rights organizations should endeavour to work at least for the observance of minimum humane standards, regardless of the uncertain legal status of the parties in conflict. In such situations they may press for effective, urgent humanitarian action by the UN and by concerned governments, and for access for the International Committee of the Red Cross.

The ability to conduct independent field investigations being of the essence of impartial human rights and humanitarian work, safe access to areas where abuses are reported ought to be facilitated, whenever possible, by the parties in control of those areas. Neither governments nor opposition groups should draw adverse inferences from the fact that human rights organizations conduct or attempt to conduct such work in situ.

While human rights organizations do not usually involve themselves directly in peacemaking, efforts to promote peace agreements between warring parties should be welcomed and encouraged.

Action in the United Nations and other intergovernmental organizations

A high-level human rights office should be established within the United Nations able to respond promptly and effectively to serious violations of human rights, including widespread "disappearances" and political killings. The office should be led by a single individual with sufficient authority, resources and personnel to become a focal point for UN action and information on human rights.

There is a need to increase the effectiveness of existing UN mechanisms and to develop new mechanisms for the prevention of "disappearances" and political killings, in particular the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on summary or arbitrary executions. They should enhance their visibility by holding press conferences when their reports are published or when a "disappearance" or political killing is threatened. These mechanisms should publicize the failure of governments to respond to requests for information on individual cases, requests for visits or other forms of repeated non-cooperation. UN member states should ensure that these mechanisms are provided with adequate staffing and resources.

The UN Commission on Human Rights should hold special sessions and develop special procedures to respond rapidly to human rights situations of extreme urgency by, for example, sending fact-finding rapporteurs. In grave situations, on-site human rights monitoring should be undertaken by the UN.

In addition to its regular review of human rights in states parties to the International Covenant on Civil and Political Rights, the Human Rights Committee set up under the Covenant should ask for supplemental reports and seek particular information in the event of states of emergency and other situations where there is a risk of "disappearances" and political killings.

Since securing human rights for all is a fundamental purpose of the UN, every UN agency should cooperate with the existing human rights mechanisms as well as the new high-level office when human rights matters arise in the course of their work.

Existing regional arrangements for human rights protection in Africa, the Americas, Europe and the Middle East should be strengthened to tackle the problems of "disappearances" and political killings in their regions. In Asia, where there are no regional human rights mechanisms, sub-regional intergovernmental organizations should act to prevent "disappearances" and political killings in their countries.