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2005 UN Commission on Human Rights: An important opportunity to address human rights violations whenever and wherever they occur

On the eve of the 61st session of the UN Commission on Human Rights, Amnesty International calls on the Commission, its Members and observer governments to reaffirm unequivocally that the absolute prohibition of torture and ill-treatment applies in all circumstances, including the "War on Terror".

"Torture and cruel, inhuman or degrading treatment or punishment are prohibited in all circumstances, without any possible exception or derogation, including in times of war, unrest or emergency. The Commission must also acknowledge that statements and any other evidence that has been obtained as a result of torture or ill-treatment shall not be invoked in any proceedings, except against a person accused of torture or ill-treatment," Peter Splinter, Amnesty International's representative at the UN in Geneva, said.

"Governments have a responsibility to ensure the security of their citizens. However, any measures to prevent or respond to attacks by armed groups or individuals will only be effective if they are fully consistent with international law. The Commission can support this by expanding the Independent Expert's mandate on counter-terrorism and authorize him to monitor and analyze the impact on human rights of measures taken by states to combat terrorism," Peter Splinter said.

At the 61st session, the organization will also focus on the abolition of the death penalty, violence against women, business and human rights, and human rights of refugees, asylum-seekers, migrants and other non-nationals. It will also continue to follow closely the standard setting exercises related to the rights of indigenous peoples, the protection of persons from enforced "disappearances", an optional protocol to the International Covenant on Economic, Social and Cultural Rights, and the basic principles and guidelines on the right to a remedy and reparation. In recent years, the Commission has increasingly failed to denounce gross and systematic violations of human rights and fundamental freedoms by some governments.

The organization urges the Commission members to end their shameful failure to act on human rights violations in countries such Iraq, Russian Federation (Chechnya), USA (Guantánamo Bay) and Zimbabwe. That failure lies behind the legitimacy deficit that the Secretary-General's High-level Panel on Threats, Challenges and Change characterized as casting doubts on the overall reputation of the United Nations. Every Commission member and observer government shares the responsibility to act at the 61st session to re-establish the credibility and professionalism of the Commission.

Amnesty International is also calling on the Commission to act on the human rights situations in Colombia, the Democratic Republic of Congo, Israel/Occupied Territories, Nepal, Sudan and Turkmenistan

"Nepal is on the verge of a human rights catastrophe -- basic human rights have been suspended; impunity is rampant. The international community must take immediate and decisive action to pull Nepal back from the verge. The Commission must adopt a strong resolution on Nepal and establish a Special Rapporteur to monitor the human rights situation," Peter Splinter said.

Amnesty International urges members and observers to use the occasion of the 61st session of the UN Commission on Human Rights to explore measures that can be taken within the reform process launched by the UN High-level Panel report to enable the UN address more effectively the protection and promotion of human rights in all countries at all times and to respond more effectively to crisis situations.

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