

# AMNESTY INTERNATIONAL PRESS RELEASE

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## **JOINT PRESS RELEASE OF: Amnesty International, Asian Federation Against Involuntary Disappearances, Association for the Prevention of Torture, Federación Latino Americana de Asociaciones de Familiares de Detenidos Desaparecidos, Humanist Committee on Human Rights, Human Rights Watch, International Commission of Jurists, International Federation of the Action by Christians Against Torture, International Federation on Human Rights.**

(Geneva) At the end of the first week of the formal session of the Intersessional open-ended working group to elaborate a draft of a legally binding normative instrument for the protection of all persons from enforced disappearance, the nine above-mentioned organisations are deeply concerned about the possible outcome of the discussion relating to the right to justice for the victims of enforced disappearances, thus risking undermining the very reason for the instrument.

After the first week's discussion, there is no assurance that the authors of such acts cannot benefit from amnesties or similar measures which would have the effect of exempting them from any criminal prosecution or punishment.

This would be contrary to the evolution of international law in this regard, as stated in several international instruments , as well as in the jurisprudence of the Human Rights Committee , of the Committee against Torture , and of the Inter-American Court of Human Rights . Such an outcome would go against the commitment made during the World Conference on Human Rights (Vienna, 1993), where they called on States to abrogate legislation leading to impunity for those responsible for grave violations of human rights. It would be contrary to fundamental United Nations policy, as expressed by the United Nations Secretary-General, who declared when he refused to accept the amnesty in the 1999 Lomé peace agreement that « the United Nations has consistently maintained the position that amnesty cannot be granted in respect of international crimes, such as genocide, crimes against humanity or other serious violations of international humanitarian law »

The scope of a provision allowing amnesties or similar measures would be even more damaging if the final text does not qualify enforced disappearances committed as part of a widespread or systematic practice as crimes against humanity. Were such a text to be adopted, the instrument would in effect allow amnesties for acts qualified as crimes against humanity under international law .

The above-mentioned organisations urge States participating in the Working Group to exercise vigilance to ensure that the future instrument does not allow for amnesties for persons responsible for

enforced disappearance that exempt them from any prosecution or criminal sanction. This instrument would otherwise represent a weakening of international law and an affront to the victims, for whom the right to justice is as important as the right to truth and the right to reparation.

Public Document

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