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Human rights of victims of terrorism. Excessive restrictions on human rights work in Ethiopia.

Oral intervention at the UN Human Rights Council 20th Session (18 June – 6 July 2012)

Item 3: Interactive dialogue with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism¹ and the Special Rapporteur on the right to freedom of peaceful assembly and association².

Madam President,

Mr. Emmerson, Amnesty International welcomes your efforts to promote better recognition and respect for the human rights of victims of terrorism.

At the core of the concept of terrorism are attacks that deliberately target civilians or fail to discriminate between civilians and others. Such attacks constitute grave abuses of human rights and are fundamentally incompatible with basic principles of humanity. They are also grave violations of national or international criminal law, or both. Depending on the context, they can also constitute war crimes or crimes against humanity.

States unquestionably have a duty under international law to take human-rights compatible measures to protect against these attacks. When they occur nevertheless, governments must do more than merely affirm their solidarity with the victims. States must, in law and in practice, respect and fulfil their human rights, particularly as regards access to justice, reparation and the truth.

Following an attack, states must open prompt, thorough, effective and independent investigations. Victims have the right to see those responsible brought to justice in fair and open trials. States should ensure emergency medical and psychological assistance. Mechanisms for reparations should be accessible; when compensation is not available from those responsible for an attack, the state should step in.

¹ See: Amnesty International written statement, Response to the report on human rights of victims of terrorism by the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, A/HRC/20/NGO/103.

² See: Amnesty International written statement, Ethiopia: The 2009 Charities and Societies Proclamation as a serious obstacle to the promotion and protection of human rights in Ethiopia, A/HRC20/NGO/109.

Existing instruments that should provide some support and protection to victims of terrorism have not been fully implemented and respected in practice. There is more that governments and inter-governmental organisations can and should be doing to monitor the actual performance of states in this regard.

To this end, Amnesty International agrees with the Special Rapporteur that states should develop a new global instrument that specifically and comprehensively addresses the human rights of victims of terrorism. In this connection, we also support many of the specific principles set out in the recommendations in the Special Rapporteur's report.

We urge members of this Council and observer states to act on the report by doing more at the national level to recognise and respect the human rights of victims of terrorism, and by endorsing the development a new global instrument in the UN, in a process that is transparent and open to participation by civil society, including groups of victims themselves.

Mr. Kiai, we welcome your attention to Ethiopia.

As detailed in Amnesty International's written statement to the Council, the 2009 Ethiopian Charities and Societies Proclamation places excessive restrictions on the work of human rights organisations. These include a prohibition on organisations working on human rights receiving more than ten percent of their funding from abroad, thereby depriving them of essential funding. The governmental Charities and Societies Agency established under the law has broad discretionary powers over non-governmental organisations, including surveillance and direct involvement in the running of organisations.

The law has had a devastating impact on human rights work, through the practical obstacles it creates for human rights defenders and by exacerbating the climate of fear in which they operate. Many fled the country when the law was passed. Many organisations have removed human rights work from their mandates. Those remaining have been forced to significantly scale back their operations.

In placing restrictions on essential human rights work the law jeopardises the promotion and protection of all rights of Ethiopians.

We encourage you to seek to engage the Ethiopian government to amend the Proclamation on the basis of your best practice guidelines to bring it into line with the UN Declaration on Human Rights Defenders, as recently recommended by the African Commission on Human and Peoples' Rights.

Thank you Madam President.