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UN Commission on Human Rights fails once again to protect victims of human rights violations

As the main human rights body of the UN, the Commission on Human Rights (the Commission) is charged with promoting and protecting human rights wherever these occur. Yet only a handful of countries are on the Commission's agenda despite ample evidence of gross and systematic human rights violations in many more countries in all regions of the world.

"Victims of human rights violations around the world expect this most important body to be outspoken on human rights situations wherever they occur and its 53 members to pay attention to strengthening their own national protection system," Amnesty International said.

This year's session coincided with dramatic events in Iraq and Amnesty International has urged the Commission to support the deployment of human rights monitors as soon as the security situation permits. The draft resolution on Iraq has been continuously postponed in efforts to reach a compromise, yet it still fails to include monitors. The latest draft text is reduced to a few elements compared to previous years. The latest draft condemns past violations by the Iraqi Government, calls on all parties to the current conflict to respect international law, and extends the mandate of the Special Rapporteur on Iraq for a further year. Despite enormous pressure that the mandate of the Special Rapporteur only focus on past human rights violations, the latest draft text requests the Special Rapporteur to focus "on newly available material information about violations of human rights and international law by the government of Iraq over many years." Amnesty International has argued that the Special Rapporteur's mandate should not be time limited.

As in previous years, the Commission turned its attention to the situation in Israel and the Occupied Territories. Amnesty International welcomes the stronger language in the EU resolution on Israeli settlements however the organisation's call for the urgent deployment of human rights monitors was not reflected in any of the adopted resolutions.

Action has been taken on the human rights situations in Cuba, Democratic Republic of the Congo, Myanmar, Timor-Leste and Sierra Leone including new initiatives on Belarus, North Korea and Turkmenistan, however no new country mechanisms were created with respect to these countries.

The Chairperson statements on Colombia and Timor-Leste are particularly disappointing. The statement on Colombia fails to express concern at Decree 128 (of January 2003) which authorizes the Minister of the Interior to give amnesties to members of illegal armed groups who have not previously been formally investigated or convicted. This represents a serious risk of impunity for grave human rights violations, crimes against humanity and war crimes. A weakly worded Chairperson statement on

Timor-Leste may hail the end of the Commission's consideration of Indonesia's legacy in Timor-Leste. As the flawed trials in Jakarta near an end, this was precisely the moment for the Commission to condemn Indonesia for its failure to fulfil its commitment to bring perpetrators to justice and demand that alternative measures should be initiated, including the possibility of an international tribunal. The Chairperson statement expresses "disappointment" about the conduct of the trials in Jakarta" but fails entirely to recognize that Indonesia has neither the capacity nor will to carry out the substantial legal and institutional reform that is needed for fair and credible trials for crimes committed in Timor-Leste.

The Commission adopted by consensus a resolution on the Democratic Republic of the Congo yet it failed once again to ensure serious investigations into reports of grave violations of human rights to establish a comprehensive commission of inquiry as recommended by the High Commissioner for Human Rights. Despite negotiations in the Security Council and political settlements, the human rights crises remain unchanged -- this must be addressed before any peace settlements can succeed.

A resolution on Afghanistan was tabled by Italy under the agenda item that deals with technical assistance that countries should ordinarily 'graduate' to once they have shown real progress and advancement in improving their domestic human rights situation. Yet human rights abuses continue to be committed with impunity throughout the country. The resolution that will be voted on today does not address past human rights abuses nor the need for human rights monitoring. Furthermore, it replaces the mandate of the Special Rapporteur for independent expert.

"Particularly disappointing is the Commission's failure at this year's session to adopt resolutions on the human rights situation in Chechnya, Sudan and Zimbabwe," Amnesty International stated.

Human rights abuses, by Russian security forces as well as Chechen fighters, continue to take place on a daily basis in Chechnya: Chechen civilians continue to "disappear" during raids by Russian troops and many are later found in mass graves. Internally displaced persons are forced to leave camps in Ingushetia following their closure by the Russian authorities. Chechen fighters continue to commit serious human rights abuses including against members of the pro-Moscow administration.

Despite some positive changes in Sudan, there is still an urgent need for human rights monitoring by the UN in that country, especially as the peace protocol signed over eight months ago has not yet materialized into a peace agreement. Nevertheless, the Commission voted to terminate the mandate of the Special Rapporteur on Sudan.

For the second year running the African Group presented a "No-Action" motion to block discussion at the Commission of the human rights situation in Zimbabwe.

A previous Commission resolutions on the human situation in parts of south-eastern Europe were discontinued despite continuing and well-documented human rights abuses in those countries (Bosnia-Herzegovina, Kosovo, Serbia and Montenegro, Croatia, and the Former Yugoslav Republic of Macedonia). The serious human rights situation in Nepal was not acted upon by the Commission.

"The Commission has failed the victims of these countries, effectively condoned impunity and seriously undermined its own credibility as a defender of human rights," Amnesty International said.

Resolution or Chairperson statement will be considered today on Afghanistan, Cambodia, Haiti and Somalia.

The 59th session took place amid a review to enhance its working methods. Amnesty International welcomes modest but important procedural changes which allowed the Special Procedures of the Commission (the independent human rights experts of the Commission) more time to present their findings and recommendations to the Commission and to engage in an inter-active dialogue with governments. These measures represent a positive development, but need to be taken much further to truly enhance the

role and functioning of the Commission. Amnesty International however, notes with concern the increasing attack on the Special Procedures by some states as evidenced in some of the interactive debates. Particularly worrying is an initiative sponsored by Pakistan and Saudi Arabia to be voted on today that aims to impede the work of the special procedures under the guise of strengthening the system (L.96).

Amnesty International welcomes the Commission's decision to call again 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 or who is suffering from any form of mental disorder or new mothers. This year the text condemns cases of women subjected to capital punishment on the basis of gender-discriminatory legislation and called on states that maintain the death penalty to ensure that capital punishment be carried out so as to inflict the minimum possible suffering, that it not be carried out in public or in any other degrading manner, and to ensure that any application or particularly cruel or inhumane means of execution, such as stoning, be stopped immediately. This year the Commission also called on states that maintain the death penalty not to extend its application to crimes to which it does not presently apply and that fair trial guarantees must apply to legal proceedings "before special tribunals or jurisdictions in response to situations of internal conflict or other exceptional circumstances." Co-sponsorship for this resolution increased to 75 this year.

Amnesty International welcomes the Commission's decision for the Working Group on the Optional Protocol to the International Covenant on Economic Social and Cultural rights to make specific recommendations concerning the question of an Optional Protocol. However, Amnesty International would have preferred the Commission to have mandated the Working Group to begin drafting an optional protocol.

The organization welcomes the Commission's resolution on Mass Exodus and Displaced Persons that has requested this year, for the Office of the High Commissioner for Human Rights to prepare an analytical report on the protection of refugees and asylum seekers. Amnesty International also welcomes that the Commission urged states to uphold the civilian and humanitarian nature of asylum, that it expressed grave concerns of sexual exploitation of refugees and internally displaced persons and underscored the importance of addressing protracted refugee situations and forgotten emergencies. Amnesty International will continue to promote refugees, asylum seekers and internally displaced persons in the Commission as well as within other human rights forums and UNHCR's Executive Committee.

Amnesty International urges that a human rights and counter-terrorism resolution will be adopted by consensus today. It is expected to closely resemble the General Assembly resolution of last year. While this is a welcome development, the organisation had hoped that the Commission would significantly strengthen the General Assembly resolution, by establishing a new human rights mechanism and by strengthening the mandate given the High Commissioner of Human Rights so that he would be able to make specific recommendations and give unsolicited advice to states.

In advance of the Commission, Amnesty International wrote to the five members of the Commission's Bureau (Australia, Croatia, Libya, Peru and Sri Lanka) calling on them to lead by example by taking concrete steps to demonstrate their commitment to the promotion and protection of human rights in their own countries. Such steps could include ratification of human rights treaties, improved cooperation with the treaty monitoring bodies, full implementation of the recommendations of treaty bodies and special procedures and the issuing of a standing invitation to the human rights mechanisms of the Commission.

Amnesty International is pleased that since January a further seven countries have issued a standing invitations to the human rights mechanisms of the Commission:

Ecuador (9 January 2003)
Liechtenstein (21 January 2003)
Croatia (13 March 2003)
Paraguay (17 March 2003)
Colombia (17 March 2003)
San Marino (3 April 2003)

Sierra Leone (7 April 2003)

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