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## **UN Human Rights Council Seventh Session 3-28 March 2008**

### **Compilation of statements by Amnesty International**

(including joint statements)



21 April 2008  
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**INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM**

# Table of contents

<b>Item 1 – Organizational and procedural matters .....</b>	<b>3</b>
Written statement on the roster for Special Procedure mandate-holders.....	3
Public statement - UN Human Rights Council Special Procedures Selection: Second Chance to Get it Right Must Not be Missed .....	5
Statement on the selection and appointment of Special Procedures mandate holders – 26 March 2008 .....	7
<b>Item 2 – Annual Report of the United Nations High Commissioner for Human Rights and reports of the OHCHR and the Secretary-General.....</b>	<b>8</b>
Statement on the resignation of the High Commissioner – 7 March 2008.....	8
Statement on the report on Colombia – 7 March 2008.....	9
<b>Item 3 – The Promotion and Protection of all Human Rights, civil, political, economic, social and cultural rights, including the right to development .....</b>	<b>11</b>
Question for the interactive dialogue with Manfred Nowak, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment – 11 March 2008.....	11
Question for the interactive dialogue with Ambeyi Ligabo, Special Rapporteur on right to freedom of opinion and expression – 12 March 2008 .....	12
Review, rationalisation and improvement of the mandate of the Special Representative of the Secretary General on Human Rights Defenders: Joint NGO Statement by Human Rights First, Amnesty International, International Service for Human rights, Front Line, The Observatory for the Protection of Human Rights Defenders (FIDH / OMCT) – 14 March 2008 .....	13
Review, rationalisation and improvement of the mandate of the Special Representative of the Secretary General on Human Rights Defenders: Joint NGO Statement by Front Line on behalf of the International Coalition on Women Human Rights Defenders – 14 March 2008.....	14
Statement on the review, rationalisation and improvement of the mandate of the Working Group on Enforced or Involuntary Disappearances – 18 March 2008 .....	15
<b>Item 4 – Human Rights situation that require the Council’s attention .....</b>	<b>16</b>
Written Statement on the human rights situation in Myanmar.....	16
Written statement on the human rights situation in Colombia .....	19
<b>Item 8 – Follow-up and implementation of the Vienna Declaration and Program of Action.....</b>	<b>21</b>
Press release - UN scrutiny of Tibet crisis required – 17 March 2008.....	21
Statement on the situation in Tibet – 25 March 2008.....	22
Written statement submitted to the UN Secretariat on the human rights situation in Tibet – 25 March 2008 .....	24
Press release - Tibet off the Human Rights Council’s agenda – 26 March 2008 .....	25
<b>Item 10 – Technical assistance and capacity-building.....</b>	<b>26</b>
Question for the Interactive dialogue with the Special Rapporteur on Cambodia – 19 March 2008 .....	26
Statement on the review, rationalisation and improvement of the mandate of the Independent Expert on the situation of human rights in the Democratic Republic of the Congo – 20 March 2008 .....	27
Intervention in the Interactive dialogue with the Independent Expert for Somalia – 20 March 2008 .....	28
<b>Public statement on the seventh session of the HRC - Human Rights Council: Council continues to struggle to establish itself as an effective human rights body .....</b>	<b>29</b>

# **UN Human Rights Council**

## **Seventh Session**

**3-28 March 2008**

### **Compilation of statements by Amnesty International**

**(including joint statements)**

The following statements were delivered during the seventh main session of the Human Rights Council that took place from 3 to 28 March 2008.

#### **Item 1 – Organizational and procedural matters**

##### **Written statement on the roster for Special Procedure mandate-holders**

AI Index: IOR 40/001/2008 (Public)  
15 January 2008

##### **United Nations: Urgent call to nominate candidates as human rights experts**

In March 2008 the President of the United Nations Human Rights Council is expected to appoint up to 16 human rights experts to serve as Special Procedure mandate-holders. The Special Procedures in question deal with issues such as the right to adequate housing, the right to food, human rights defenders, indigenous people, arbitrary detention, enforced disappearances, contemporary forms of slavery, extreme poverty and the human rights situations in Myanmar and Somalia.

The appointment of independent, impartial, competent and expert men and women from all regions of the world to the Special Procedures mandates is crucial to a well-functioning system of Special Procedures and to the ability of the Human Rights Council to protect and promote human rights.

The basis of the new appointment process is a public roster of eligible candidates, maintained by the Office of the High Commissioner for Human Rights (OHCHR.) A Consultative Group has begun to review the candidates on the roster. By 2 February 2008, it is expected to make recommendations on suitable candidates for 16 mandates. Based on these recommendations and broad consultations, the President of the Council will then proceed with the appointments, with final approval by the Human Rights Council expected during the 7th regular session in March 2008. Additional appointments – to other Special Procedures mandates - will be made at the 8th and 9th regular sessions of the Human Rights Council in June and September 2008.

Although the establishment of the Special Procedures roster has the potential to expand the pool of persons qualified to hold Special Procedures' mandates, as of 10 January only 51 candidates were included in the public roster. Of these, only 15 are women.

For the most competent candidates to be appointed it is crucial that the Special Procedures roster, which will constitute the primary pool of eligible candidates, is extensive and broadly representative with many potential candidates from all regions and both sexes.

Amnesty International, therefore, renews its call on Governments, NGOs and relevant professional associations to send names of eligible candidates to the OHCHR for inclusion in the roster. Particular urgent attention should be dedicated to nominating candidates for the 16 vacancies that require appointment in March.

Suggestions for the Special Procedures roster should be based on the technical and objective requirements for eligible candidates for mandate holders, adopted by the Human Rights Council on 27 September 2007 (Decision 6/102). Amnesty International has developed a checklist (<http://www.amnesty.org/en/united-nations/special-procedures/checklist>) for each requirement. Account should also be taken of the exclusion from appointment to a given mandate of individuals holding decision-making positions in Government or in any other organization or entity which may give rise to a conflict of interest inherent to the mandate.

Amnesty International reminds Governments, NGOs and relevant professional associations of the importance of nominating "more women candidates for election and appointment to the human rights treaty bodies and mechanisms" as affirmed by Human Rights Council in its resolution 6/30 on integrating the human rights of women throughout the United Nations system, adopted without a vote on 14 December 2007.

### **Background information**

The new appointment process, established in Human Rights Council Resolution 5/1 (A/HRC/5/21), has several stages. The basis of the appointment process is a roster of eligible candidates, based on technical and objective requirements, to be prepared, administered and regularly updated by the Office of the High Commissioner for Human Rights (OHCHR).

The Consultative Group, which will make recommendations to the President of the Council, consists of Ambassadors Idriss Jazaïry, Juan Martabit, Masood Khan, Valery Loshchinin and Blaise Godet. Although they are respectively the Geneva UN Ambassadors of Algeria (African Group), Chile (GRULAC), Pakistan (Asian Group), Russian Federation (Eastern European Group) and Switzerland (Western European Group.), they serve on the Consultative Group in their personal capacities. Human Rights Council resolution 5/1 requires the Consultative Group to take into account, as appropriate, the views of stakeholders, including the current or outgoing mandate-holders, in determining the necessary expertise, experience, skills, and other relevant requirements for each mandate.

The Special Procedures mandate holders list of vacancy is available at the OHCHR website (<http://www2.ohchr.org/english/bodies/chr/special/nominations.htm>). Nominations should be sent directly to the OHCHR, using the standardised form by email: [hrcspecialprocedures@ohchr.org](mailto:hrcspecialprocedures@ohchr.org), by fax: +41 (0) 22 917 9011; or by post, addressed to: HRC Secretariat, c/o Orest Nowosad, Office of the High Commissioner for Human Rights, Room PW 4-093, Palais des Nations, 8-14 Avenue de la Paix, CH-1211 Geneva 10, Switzerland.

Amnesty International is promoting the public roster. However, in keeping with long-established policy, Amnesty International does not take a position in favour of or against any candidate. Consequently, the organization will not put forward names for inclusion on the roster.

## **Public statement - UN Human Rights Council Special Procedures Selection: Second Chance to Get it Right Must Not be Missed**

AI Index: IOR 40/010/2008 (Public)  
25 March 2008

In June 2008, the President of the United Nations Human Rights Council (the Council) is expected to appoint up to six more human rights experts to serve as Special Procedures mandate-holders.

The system of Special Procedures is central to the credibility and effectiveness of the Council. The appointment of independent, impartial, competent and expert men and women from all regions of the world is essential to ensuring a well-functioning system of Special Procedures. Amnesty International reaffirms its belief that the selection procedure contained in Council resolution 5/1 (resolution 5/1) can, if applied faithfully, lead to the appointment of a highly-qualified person with the appropriate expertise and experience to every vacant mandate.

Transparency and a clear division of labour among the Consultative Group<sup>1</sup>, the President and the Council underpin the selection process in Chapter II A of resolution 5/1. Regrettably, there have been repeated efforts from some quarters to undermine these principles. Shortcomings in the 7 February 2008 Consultative Group's report to the President have contributed to those efforts. The paucity of information on the process and recommendations in that report stood in stark contrast to the expectations raised in the letter and spirit of resolution 5/1 and to the efforts of all stakeholders to set up and contribute to an effective selection process.

In line with the provisions of Chapter II A of resolution 5/1, Amnesty International urges the following in the selection of the mandate-holders:

- Member and observer states of the Council promote the public list of eligible candidates and the nomination of women and men of the highest standards of expertise, relevant experience, independence, impartiality, personal integrity, and objectivity; particular attention should be paid to promote candidacies of women, given their current underrepresentation on the public list;
- The Consultative Group consult with stakeholders, and in particular the current or outgoing mandate-holders, to determine the necessary expertise, experience, skills, and other relevant requirements for each mandate to be filled; the Consultative Group should determine such requirements before proceeding to review the list of experts on the public list to make suggestions to the President;
- The Consultative Group ensure that it recommends to the President a list of candidates for each vacancy;

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<sup>1</sup> The Consultative Group consists of Ambassadors Idriss Jazaïry, Juan Martabit, Masood Khan, Valery Loshchinin and Blaise Godet. Although they are respectively the Geneva United Nations Ambassadors of Algeria (African Group), Chile (GRULAC), Pakistan (Asian Group), Russian Federation (Eastern European Group) and Switzerland (Western European and Others Group), they serve on the Consultative Group in their personal capacities.

- The Consultative Group's public report to the President contain specific information on its meetings, the consultations held, and the process followed by the Group to recommend candidates for each vacancy, including the particular requirements used as a basis to select candidates;
- The Consultative Group's public report substantiate its recommendations to the President, in particular by describing how the candidates proposed meet the general criteria for mandate-holders (expertise, experience, independence, impartiality, personal integrity and objectivity) and the specific criteria for each mandate to be filled;
- The Consultative Group ensure that it proposes a list of candidates that includes men and women sufficiently representative of diverse geographic origin and legal backgrounds to ensure that the President can give due consideration to overall gender balance, equitable geographic representation and appropriate representation of different legal systems across *all* existing Special Procedures mandates.

Amnesty International acknowledges the substantial contribution of members of the Consultative Group to the Council's efforts to make the new Special Procedures selection process work well. The organisation encourages them to build on this contribution through the faithful application of the letter and the spirit of Chapter II A of resolution 5/1 as they elaborate the list of candidates for appointment in June 2008.

Amnesty International focuses its comments on the process of selection and appointment of Special Procedures mandate-holders. In keeping with long-established policy, the organisation does not take a position in favour of or against any candidate or mandate holder.

### **Background information**

On 26 March 2008, the Council will consider the approval of the 14 Special Procedures mandate-holders appointed by the Council's President on the basis of the recommendations contained in the 7 February 2008 Consultative Group's report and of intense consultations with members and observers of the Council. Amnesty International also acknowledge the important contributions of the Council's President, the Council's Secretariat, those mandate holders who elaborated mandate specific criteria and members and observers of the Council to the making of the appointments on 26 March.

In June 2008, the President of the Council is expected to appoint up to 6 human rights experts to serve as Special Procedures mandate-holders. These include a member of the Working Group on peoples of African Descent, the Asian member of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the right to everyone on the enjoyment of the highest attainable standards of physical and mental health, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on trafficking in persons, especially in women and children. The vacancy list for the June appointments to the Special Procedures is available at the Office of High Commissioner for Human Rights (OHCHR) website at: (<http://www2.ohchr.org/english/bodies/chr/special/nominations.htm>). More appointments are expected to be made at future sessions of the Council.

The new appointment process, established in resolution 5/1 of 18 June 2007 has several stages. The basis of the appointment process is a public list of eligible candidates, reflecting technical and objective requirements, to be prepared, administered and regularly updated by the OHCHR. Resolution 5/1 sets out general criteria for nominating, selecting and appointing mandate-holders. It calls for eligible candidates for appointment as Special Procedures to have demonstrated expertise, relevant experience, independence, impartiality, personal integrity and objectivity. These criteria are

to be reflected in the “technical and objective requirements for eligible candidates” to have their name placed on the roster and in the determination of specific requirements for individual mandates by the Consultative Group. The first set of requirements were adopted by the Council at its sixth session in September 2007 in decision 6/102, part C, “Technical and objective requirements for eligible candidates for mandate holders”. In determining the second set of requirements, i.e. the necessary expertise, experience, skills, and other relevant requirements for each mandate, resolution 5/1 calls on the Consultative Group to take into account, as appropriate, the views of stakeholders, including the current or outgoing mandate-holders. Resolution 5/1 also requires that all the Consultative Group’s recommendations to the President be public and substantiated. On the basis of the recommendations of the consultative group and following broad consultations, in particular through the regional coordinators, the President of the Council is to identify an appropriate candidate for each vacancy and to present to member States and observers a list of candidates to be proposed at least two weeks prior to the beginning of the session in which the Council will consider the appointments. The appointment of the mandate-holders is completed upon the approval by the Council of the President’s appointments.

(See: <http://daccessdds.un.org/doc/UNDOC/GEN/G07/141/13/PDF/G0714113.pdf?OpenElement> at pages 53-54, pars. 39-53.)

## **Statement on the selection and appointment of Special Procedures mandate holders – 26 March 2008**

### **Delivered by *Peter Splinter***

Mr. President,

In June 2008, you are expected to appoint up to six more human rights experts to serve as Special Procedures mandate-holders.

Amnesty International reaffirms its belief that the selection procedure contained in Council resolution 5/1 can, if faithfully applied, lead to the appointment of a highly qualified person with appropriate expertise and experience to every vacant mandate.

In line with the provisions of resolution 5/1, Amnesty International urges the following in the next selection of mandate-holders:

- Members and observers of the Council should promote the public list of eligible candidates and the nomination of women and men of the highest qualification; attention should be paid to candidacies of women, given their current underrepresentation on the public list;
- The Consultative Group should consult with stakeholders, in particular the current or outgoing mandate-holders, to determine the necessary expertise, experience, skills, and other relevant requirements for each mandate; the Group should determine such requirements before it reviews the candidates on the public list;
- The Consultative Group should ensure that it recommends to the President, to you, a list of candidates for each vacancy;
- The Group’s public report to you, the President, should contain specific information on its meetings, consultations, and the process it followed to recommend candidates for each vacancy, including the mandate-specific requirements used;

- The Consultative Group’s public report should substantiate its recommendations, in particular by describing how the candidates proposed meet the general criteria for mandate-holders and the specific criteria for each mandate;
- The Consultative Group should ensure that it proposes a list of candidates that includes men and women sufficiently representative of diverse geographic origin and legal backgrounds to ensure that you, the President, can give due consideration to overall gender balance, equitable geographic representation and appropriate representation of different legal systems.

We encourage the members of the Consultative Group to build on their original and important contribution through the faithful application of both the letter and the spirit of resolution 5/1 as they elaborate the list of candidates for appointment in June 2008.

Amnesty International wishes the new mandate-holders well.

Thank you Mr. President.

## **Item 2 – Annual Report of the United Nations High Commissioner for Human Rights and reports of the OHCHR and the Secretary-General**

### **Statement on the resignation of the High Commissioner – 7 March 2008**

**Delivered by *Peter Splinter***

Mr. President,

Amnesty International regrets that Louise Arbour has confirmed today that she intends to step down as United Nations High Commissioner for Human Rights when her current mandate expires at the end of June. Amnesty International wishes to pay tribute to Ms. Arbour as a forceful and formidable advocate for human rights protection.

Madam High Commissioner,

You have addressed human rights challenges regardless of political considerations. You have unflinchingly strived to protect all human rights, whether civil, cultural, economic, political or social - throughout the world.

You took office when the so-called “war on terror” was being used, almost without reserve, as a justification for challenging fundamental principles of human rights protection. You rose to the challenge and demanded that states, however powerful, act in conformity with their human rights obligations. At the same time, you have also brought a new focus on extreme poverty as a cause and consequence of human rights violations, and you have consistently urged the international community to meet this compelling challenge.

Mr. President,

There is much more that should be said, but in short, Ms. Arbour has been a true champion of human rights and replacing her will not be easy.



Amnesty International looks to the United Nations Secretary-General to select the next High Commissioner as an individual recognized by the international community as a strong and independent advocate for human rights. That person must also have impeccable integrity and be ready to speak out without fear or favour when demanding respect for human rights. The new High Commissioner must be a strong leader with a clear vision and a proven ability to inspire not only the United Nations Secretariat, but also the broader human rights community.

Amnesty International urges the Secretary-General to consult widely in the selection of the next High Commissioner, not only with governments, but with civil society as well. We encourage the Secretary-General to look at nationals of all countries in all regional groups in his efforts to select the best qualified person as the next High Commissioner.

While he looks for the next High Commissioner, the Secretary-General must also continue to defend, with vigour, the independence of the High Commissioner and the High Commissioner's Office.

Mr. President,

In closing, Amnesty International salutes Ms Arbour's substantial contribution to strengthening the Office of the High Commissioner for Human Rights and the United Nations human rights program.

Madam High Commissioner,

Amnesty International wishes you well in your future endeavours. We look forward to a smooth transition to your successor.

Thank you Mr. President.

Thank you Madam High Commissioner.

## **Statement on the report on Colombia – 7 March 2008**

**Delivered by *Patrizia Scannella***

Thank you Mr. President.

Madame Deputy High Commissioner

Amnesty International welcomes the report on Colombia. We also welcome the agreement to renew the integral mandate of the Office in Colombia for a further three years. We share the concerns expressed in the report about the human rights and humanitarian situation in the country.

Although there have been improvements in the security situation in some large cities, leading to fewer kidnappings and conflict-related killings of civilians, the human rights and humanitarian situation remains serious, especially in some regions and in rural areas. In Nariño, for example, combat between the security forces and guerrilla groups has led to serious human rights abuses. In Arauca Department the dispute between the FARC and ELN is having a devastating impact on civilian communities. There was a sharp increase in forced displacements in Colombia as a whole in 2007.

As the report shows, all parties to the conflict continue to be responsible for repeated and widespread human rights abuses and violations of international humanitarian law.

Amnesty International is concerned by increasing reports of extrajudicial executions carried out by the security forces. The victims, mostly peasant farmers, have often been presented by the security forces as “guerrillas killed in combat” and cases of extrajudicial executions have been referred to the military justice system, which has usually closed such cases.

There is also strong evidence that paramilitary groups continue to operate and to commit human rights violations despite their supposed demobilization. They often act in collusion with the security forces.

Guerrilla groups also continue to disregard human rights and international humanitarian law. We condemn the practice of hostage-taking. We reiterate our call on guerrilla groups to immediately and unconditionally release all civilians they still have under their control and to put an end to hostage-taking.

Impunity continues to characterize the human rights crisis despite recent progress in some emblematic cases. While we welcome this progress, we remain concerned that the perpetrators of most human rights abuses are still not brought to justice.

We share the concerns voiced in the report that human rights defenders and other activists, including trade unionists, continue to be targeted.

Mr. President,

This Council has a pivotal role to play in efforts to improve the human rights situation in Colombia. The stance adopted by the international community on several human rights issues has often been clear and constructive, and it has been particularly commendable in the case of human rights defenders and trade unionists. The Human Rights Council should take up the situation in Colombia at this session by critically engaging with the Colombian government, especially on those issues where it is still falling short, such as on full compliance with repeated UN human rights recommendations.

AI therefore calls on this Council to:

- express concerns over the ongoing serious human rights and humanitarian situation in Colombia;
- urge all parties to the conflict to fully comply with the High Commissioner’s recommendations, including those issued in all her previous reports; and to
- put in place a process with deadlines and milestones to monitor compliance with these recommendations

Thank you Mr. President.

**Item 3 – The Promotion and Protection of all Human Rights, civil, political, economic, social and cultural rights, including the right to development**

**Question for the interactive dialogue with Manfred Nowak, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment – 11 March 2008**

**Delivered by *Tomaso Falchetta***

Thank you Mr. President,

Mr. Nowak,

In your communications report you include the case of Nassim Saadi<sup>2</sup>, a Tunisian resident of Italy who appealed to the European Court of Human Rights as the Italian authorities sought to deport him to Tunisia.

In a 28 February 2008 ruling the Court stated that “substantial grounds had been shown for believing that there is a real risk” that Nassim Saadi would be subjected to torture or other ill-treatment if he were deported. While the Court acknowledged the immense difficulty states face in protecting their communities from terrorist violence, it affirmed that the danger of terrorism must not however call into question the absolute nature of the prohibition of torture and other inhuman or degrading treatment or punishment. Amnesty International welcomes this reaffirmation of the absolute prohibition. The *Saadi v Italy* judgment serves as a reminder to all states: not only are they prohibited from committing torture themselves, but they are also forbidden from sending *anyone* to a country where he or she would be at risk of torture or other ill-treatment.

Few weeks earlier the CIA Director made the first public admission that the agency had used waterboarding as an interrogation technique against three detainees held in secret custody by the USA. Reacting to this admission you were quoted as stating “Time has come that the government will actually acknowledge that they did something wrong and not continue trying to justify what is unjustifiable.” Last Friday, 8 March, President George W. Bush vetoed legislation aimed at preventing the CIA from using waterboarding and other “enhanced” interrogation techniques.

While the examples are different, they both concern the attempts of some states to subvert the absolute prohibition of torture and cruel, inhuman and degrading treatment in the context of counter-terrorism measures. In your view, Mr. Nowak, what can the Council do to better defend this absolute prohibition?

Thank you Mr. Nowak, Thank you Mr. President.

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<sup>2</sup> A/HRC/7/3/Add.1, page 141

## **Question for the interactive dialogue with Ambeyi Ligabo, Special Rapporteur on right to freedom of opinion and expression – 12 March 2008**

**Delivered by *Anita Goh***

Mr. Ligabo,

On 7 February 2008, Amnesty International published the report “Sri Lanka: Silencing Dissent”, which examines attacks on freedom of expression in Sri Lanka. We will make the report available to you and delegations later this week.

In your report, we find many echoes of our own findings, both in connection with allegations of specific human rights violations in Sri Lanka and in your general observations about censorship, concern for the safety and protection of journalists, emergency powers, excessive limitations justified as counter-terrorism measures, and the importance of ending impunity.

Since the resumption of armed conflict in Sri Lanka in 2006, threats to the media and media freedom have become very serious. There have been reports that at least ten media workers have been unlawfully killed; two have allegedly disappeared in the custody of the security forces; and others have been tortured and arbitrarily detained under Emergency Regulations. The right to life of media workers, particularly Tamil journalists, is under severe threat from the security forces and Tamil armed groups that appear to be acting with the consent of the security forces.<sup>3</sup> While most of the members of the media who have been targeted are from the Tamil community, since 2006 government officials and pro-government Tamil armed groups have been increasingly targeting journalists of the majority Sinhalese community.

Other serious obstacles to media freedom include the closure of newspapers; the blocking of a website; arbitrary arrests and detention under the Emergency Regulations; censorship and intimidation. Amnesty International is concerned that many of these measures far exceed those that may legitimately be imposed for national security or any other reason. They breach Sri Lanka’s international obligations. Violations of journalists’ right to life and freedom from torture and ill-treatment can never be justified in the name of national security.

Lack of accountability for the perpetrators of human rights violations in Sri Lanka is a serious concern. Amnesty International is deeply concerned that those who target and even kill journalists have enjoyed impunity for years. Investigations into the unlawful killings of media workers have shown little progress, even when suspects have been identified by reliable witnesses. To date, Amnesty International is unaware of any investigation that has led to prosecution and conviction of those believed responsible for human rights violations against journalists and other media workers.

For their part, the Liberation Tigers of Tamil Eelam do not allow any independent media in the territories it controls, and closely monitor and restrict the work of journalists.

Mr. President,

Yesterday we heard that the Working Group on Enforced or Involuntary Disappearances is seeking to visit Sri Lanka. Media workers have not been spared by the plague of disappearances that has re-

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<sup>3</sup> These Tamil armed groups include the Eelam People’s Democratic Party (EPDP) and the Tamil MakkalViduthalai Pulikal (TMVP) also referred to as the Karuna-Pillaiyan faction.

established itself in Sri Lanka. Amnesty International encourages the Government to accept a visit by the Working Group at the earliest occasion suitable to the Group.

Mr. Ligabo,

You have also requested a visit to Sri Lanka. Do you have any expectation of being able to make a visit soon?

Thank you Mr. President.

**Review, rationalisation and improvement of the mandate of the Special Representative of the Secretary General on Human Rights Defenders: Joint NGO Statement by Human Rights First, Amnesty International, International Service for Human rights, Front Line, The Observatory for the Protection of Human Rights Defenders (FIDH / OMCT) – 14 March 2008**

**Delivered by *Franck Kamunga, International Service for Human Rights***

Mr. President,

Human Rights First presents this statement on behalf of six international human rights organizations.

The Special Representative on Human Rights Defenders is a vital mandate that offers substantial and important protection to human rights defenders around the world. The Special Representative's work has frequently led to the release of defenders from prison or the curtailment of attacks against them. One human rights defender spoke for many when they said, "the immediate intervention of the Special Representative on Human Rights Defenders after my arrest ... reminded the authorities that their practices were under close scrutiny and certainly deterred them from going too far in their persecution."

The mandate is unique among the Special Procedures because it not only ensures the protection of the defender and the protection of their right to defend human rights but also more broadly promotes the existence of favorable conditions for human rights activities. Another distinctive feature of the mandate is that it assists in the implementation of the United Nations Declaration on Human Rights Defenders. Given the cross-cutting nature of the mandate it is appropriate that it bear the title of Special Representative of the Secretary-General.

We pay tribute to the caliber of work of the current and founding Special Representative, Hina Jilani. Through her reports, country missions and recommendations, Ms. Jilani has improved the lives of human rights defenders in many countries. By analyzing the information she has received, the Special Representative has been able to distill common trends and patterns of attacks against human rights defenders in countries and regions and to identify remedial recommendations that, if effectively implemented, would protect human rights defenders and promote their work. She has provided a focal point for the efforts of the United Nations to protect human rights defenders.

The review of the mandate offers an important opportunity for the Human Rights Council to affirm its strong commitment to the protection of human rights defenders. This is particularly timely as 2008 marks the 10<sup>th</sup> anniversary of the Human Rights Defenders Declaration.

We call on the Human Rights Council to:

- Renew, in its current form, the mandate of the Special Representative of the Secretary General, while making clear the importance of a gender perspective in the carrying out of the mandate;
- Urge states to fully cooperate with the Special Representative, especially by implementing her recommendations, improving their follow-up and the quality of responses sent to the Special Representative.

Thank you Mr. President.

**Review, rationalisation and improvement of the mandate of the Special Representative of the Secretary General on Human Rights Defenders: Joint NGO Statement by Front Line on behalf of the International Coalition on Women Human Rights Defenders<sup>4</sup> – 14 March 2008**

**Delivered by *Front Line***

Mr. President,

The International Coalition on Women Human Rights Defenders, comprised of 18 international, regional and national women's rights and human rights organisations, strongly supports the renewal of the mandate of the Special Representative of the UN Secretary General on Human Rights Defenders.

As a Special Representative of the Secretary General, the mandate holder has access to the highest levels of the UN and to governments, and is therefore uniquely placed to play an essential role in supporting and protecting human rights defenders. The successful collaborations of the mandate with UN agencies, representatives of governments, and members of civil society since 2000 has resulted in the increased visibility of human rights situations concerning defenders and their work. It has also improved the protection provided to them and as a consequence helped to make the voices of victims heard. Our organisations and many others have come to rely on the mandate as one of the most responsive and effective means to assist defenders at risk, with tangible outcomes, such as the release of defenders from prison or the curtailment of attacks against them.

We would like to congratulate the current and founding Special Representative, Hina Jilani for her comprehensive work on violations related to defence of all human rights for all, and for her work on women human rights defenders.

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<sup>4</sup> Amnesty International (AI), Asian Forum for Human Rights and Development (Forum Asia), Asia Pacific Forum on Women, Law and Development (APWLD), Center for Women's Global Leadership (CWGL), Front Line, Information Monitor (Inform), International Service for Human Rights (ISHR), ISIS-Women's International Cross-Cultural Exchange (ISIS-WICCE), The Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM), Women Living Under Muslim Laws (WLUML), World Organisation Against Torture (OMCT), Association for Women's Rights in Development (AWID), Baobab for Women's Human Rights, Human Rights First, International Federation of Human Rights (FIDH), MADRE (an international women's human rights organisation), Urgent Action Fund for Women's Rights (UAF), Women's Initiative for Gender Justice (WIGJ)

Mr. President,

Women defenders continue to face different forms of violence and restrictions because they are women and because of the controversial issues they advocate for.

Her courageous and thoughtful work inspired the launching of the International Campaign on Women Human Rights Defenders in 2005, which has evolved into the current coalition.

2008 marks the 10th anniversary of the Human Rights Defenders Declaration, and the 60th anniversary of the Universal Declaration of Human Rights. On this occasion, we urge the Human Rights Council to affirm the renewal of the mandate of the Special Representative, including its commitment to effectively integrate human rights of women as well as include a gender perspective in its work.

Thank you Mr. President.

**Statement on the review, rationalisation and improvement of the mandate of the Working Group on Enforced or Involuntary Disappearances – 18 March 2008**

**Delivered by *Patrizia Scannella***

Mr. President,

Disappearances are one of the worst violations of human rights. Reflecting the gravity and global dimension of the problem, in December 2006 the UN General Assembly adopted, by consensus, the International Convention for the Protection of All Persons from Enforced Disappearance. Amnesty International believes that the entry into force of the Convention will represent a significant step towards preventing the crime of enforced disappearance.

We call on this Council to urge all states that have not yet done so to ratify the Convention as a matter of urgency.

Mr. President,

The Convention does not diminish the need for or the role of the Working Group.

The Working Group was first established in 1980. Since its establishment the Working Group has transmitted to governments more than 50,000 cases of reported enforced disappearances from all regions of the world.

If at the international level we observe encouraging signals, at the national level, however, the practice of enforced disappearance is far from eradicated. Indeed the Working Group transmitted 629 new cases of reported enforced disappearances last year. This figure adds to the more than 40,000 active cases that have not yet been clarified. This demonstrates the continuing importance of the Working Group. It is imperative for governments to cooperate with the Working Group in a timely and effective manner.

The Working Group has continued, throughout the years, to develop its working methods to better address the phenomenon of enforced disappearance. Its general comments have also contributed

greatly to the clarification of international standards on this issue. Its annual reports, with updates on communications and statistics, offer an independent and authoritative overview of enforced disappearances in the world.

The Working Group's visits have also facilitated the resolution of pending cases, and the identification of steps at the national level to prevent enforced disappearances, address impunity and guarantee rights to reparations for the victims.

Mr. President,

For these reasons, Amnesty International strongly urges the Human Rights Council to renew the mandate of the Working Group.

Thank you Mr. President.

#### **Item 4 – Human Rights situation that require the Council's attention**

##### **Written Statement on the human rights situation in Myanmar**

###### **The aftermath of the September 2007 crackdown on peaceful demonstrations**

Nearly five months after the Human Rights Council met in Special Session and passed a resolution deploring the crackdown on protesters, Amnesty International continues to receive reports of widespread torture, enforced disappearances, political imprisonment, unlawful killings, and excessive use of force in Myanmar. In resolution S-5/1, the Council urged the government of Myanmar to ensure full respect for human rights and fundamental freedoms, to investigate and bring to justice perpetrators of human rights violations, to release those arrested during the repression of peaceful protests as well as all political prisoners, and to lift restrictions on peaceful political activity. There is little to suggest that the government has acted on these recommendations, and it is therefore imperative that the Council finds new and more effective ways to encourage the government to restore respect for human rights in Myanmar.

In resolution S-5/1, the Council asked the UN Special Rapporteur on the Situation of Human Rights in Myanmar to further assess the situation of human rights, including by undertaking a mission to the country. The Special Rapporteur carried out an official mission to Myanmar from 11 to 15 November 2007, and reported to the resumed 6<sup>th</sup> Session of the Human Rights Council on 11 December. In resolution 6/33, adopted 14 December 2007, the Council requested the Special Rapporteur to conduct a follow-up mission to Myanmar and report to the Council at its 7<sup>th</sup> Session. As of 25 February, the Special Rapporteur has still not been invited by the government of Myanmar to carry out this mission. Amnesty International calls on the government of Myanmar to comply with this and the other calls for action by the Council, including allowing a full-fledged fact-finding mission to Myanmar and taking adequate action in response to the recommendations of the Special Rapporteur.

Since the Special Session, unlawful arrests of peaceful demonstrators have continued. During the September protests, between 3,000 and 4,000 persons, including children and pregnant women, were detained in mass round-ups. To date, at least 700 of those arrested during the crackdown remain in detention. This is in addition to the 1,150 political prisoners who were being held prior to the protests. More than 80 persons remain unaccounted for since the September demonstrations,



and are likely the victims of enforced disappearance. During November 2007 through January 2008, there were more than 100 new arrests of peaceful demonstrators. People have been targeted for attempting to send information related to the September crackdown to the international community, clearly demonstrating efforts by the government to silence its critics. Since 1 November 2007, the Myanmar authorities have sentenced at least 15 protesters and their supporters to prison terms in proceedings that violate international standards of fair trial, including because most defendants were denied the right to legal counsel.

### **A continuing pattern of human rights violations**

The September 2007 crackdown and following events have taken place against the backdrop of the long-standing, widespread and systematic human rights violations that have been perpetrated by the Myanmar authorities for decades. These violations continue.

In April 2007, members of the Human Rights Defenders and Promoters group were attacked by more than 50 people in Ayeyarwaddy Division, while senior members of the village police and the Secretary of the state-sponsored Union Solidarity Development Association (USDA) reportedly stood by. To Amnesty International's knowledge, no one has been brought to justice for these attacks.

Even before the large-scale demonstrations in August 2007, the authorities arrested nine people on 22 February and a further eight on 22 April for demonstrating against poor economic conditions. On 21 August, two days after the first large-scale demonstration - and likely in an attempt to discourage further protests - many prominent activists were arrested, including Min Ko Naing, Ko Ko Gyi, Min Ze Ya, Ko Jimmy, and Ko Pyone Cho. Several of them had been released from prison only months earlier.

Members of the main opposition party, the National League for Democracy (NLD), continue to be harassed and threatened and many have been forced to resign from the party.

In Kayin State, a military offensive by the Myanmar army (*tatmadaw*) has continued, recently on a slightly lesser scale, but still including widespread and systematic attacks directed against the civilian Karen population. Violations include murder, enslavement, deportation or forcible transfer of population, unlawful imprisonment, torture, persecution of an ethnic group, and enforced disappearance, amounting to crimes against humanity.

Prison conditions are poor, and the International Committee of the Red Cross has been denied access to prisons in Myanmar since December 2005. Many detainees are held in degrading conditions, and political detainees are sometimes held with persons convicted of serious non-political crimes. There have been reports of torture and other cruel, inhuman and degrading treatment, including beatings, of persons in custody. Monks held in detention have been stripped of their robes and purposely been served food in the afternoon, which is a time of day when their religion forbids them to eat.

The number of deaths in detention is unconfirmed, but from 27-29 September 2007, a large number of bodies were reportedly burned at the Ye Way municipal crematorium in Yangon during the night. It is unusual for the crematorium to function at night, and the cremations were carried out by state security personnel or USDA members after regular employees had been instructed to stay away. On at least one night, reports indicate that some of the bodies cremated had shaved heads and bore marks of serious injury.

## **Constitutional process**

On 19 February, the State Peace and Development Council (the SPDC) announced that, pursuant to its seven-step 'Road Map to Democracy', the Constitution had been finalised. However, the main opposition NLD party has not participated in the process, as consultations on the Constitution have been limited to political parties and groups which support the government. There are well-founded concerns that the entire process has been characterised by a lack of transparency, accountability and participation by opposition parties or others not in favour with the government. So far, the constitutional process has not fulfilled any criteria of legitimacy or legality and cannot be considered as a step forward in the process towards national reconciliation, democratic elections or respect for human rights. Rather, it appears to be an exercise aimed at perpetuating the SPDC's oppressive rule, while lulling the international community into believing that meaningful reform is taking place.

A representative of the Myanmar government has met with NLD leader Daw Aung San Suu Kyi several times since 30 September, ostensibly to start a dialogue on national reconciliation. However, Daw Aung San Suu Kyi, who remains under house arrest, has expressed her dissatisfaction with the nature, substance, and pace of these talks.

## **Amnesty International's recommendations to the Human Rights Council**

The human rights situation in Myanmar continues to require the urgent attention of the Council and the international community as a whole. For too long, the government of Myanmar's cooperation with the Council and its Special Procedures has been neither full nor in good faith.

Amnesty International therefore calls on the Human Rights Council at its 7<sup>th</sup> Session:

- To adopt a comprehensive resolution on the human rights situation in Myanmar, condemning the long-term and systemic human rights violations in the country, and urging the government of Myanmar to take the following steps without further delay:
  - to immediately and unconditionally release those arrested for peacefully exercising their right to freedom of expression and assembly;
  - to make public the names of those detained or missing in connection with the September 2007 demonstrations;
  - to ensure that all reports of killings, torture and ill-treatment of detainees, unlawful arrests, and enforced disappearances are fully and promptly investigated and that those responsible are brought to justice;
  - to lift all restraints on peaceful political activity and to guarantee the rights to freedom of assembly, association, opinion and expression;
  - to cease committing crimes against humanity against Karen civilians in Kayin State and Bago Division, as well as other abuses perpetrated against ethnic minorities.
- To urge the Myanmar government to comply fully with Resolutions S-5/1 and 6/33, including by allowing full, unrestricted and regular access to the country by the Special Rapporteur on the Situation of Human Rights in Myanmar in conformity with the *Terms of Reference for Fact-finding missions by Special Procedures*;
- To renew the mandate of the Special Rapporteur on the Situation of Human Rights in Myanmar.

## Written statement on the human rights situation in Colombia

Amnesty International (AI) welcomes the agreement to renew the integral mandate of the High Commissioner's Office in Colombia for a further three years and expresses its continued appreciation of the work of the Office in Colombia to improve respect for human rights in the country.

Although there have been improvements in the security situation in some large cities, which have led to fewer kidnappings and conflict-related killings of civilians, the human rights situation remains serious, especially in some regions, such as Nariño and Arauca, and in rural areas. All parties to the conflict – guerrilla groups, paramilitaries, and the security forces – continue to be responsible for repeated and widespread human rights abuses and violations of international humanitarian law, including war crimes and crimes against humanity. Human rights defenders and other activists continue to be targeted in particular. Impunity continues to characterize the human rights crisis in Colombia, despite recent progress in some emblematic and long-standing cases. While AI welcomes this progress, it remains concerned that the perpetrators of most cases of human rights abuses, especially the intellectual authors, are still not being brought to justice.

This statement presents an overview of AI concerns in Colombia and recommendations for the 7<sup>th</sup> session of the Human Rights Council (3 to 28 March 2008):

**Security forces.** The increasing reports of extrajudicial executions (EJEs) carried out by the security forces are of particular concern for AI. The victims, mostly peasant farmers, were often presented by the security forces as “guerrillas killed in combat”. Most EJE cases have been referred to the military justice system, despite the 1997 ruling of the Constitutional Court stating that human rights cases implicating the security forces should be handled by the ordinary justice system. The military justice system usually closed such cases without any serious attempt to hold accountable those responsible. AI is concerned that the government is failing to ensure the complete exclusion of such cases from military courts in line with repeated UN recommendations.

**Guerrilla groups.** The Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) continue to commit human rights abuses and to violate international humanitarian law, including by the deliberate killing of civilians and hostage-taking. AI condemned the killing in uncertain circumstances in June of 11 of the 12 deputies from Valle del Cauca kidnapped by the FARC in 2002. The organisation reiterates its call on guerrilla groups to immediately and unconditionally release all civilians still detained by them.

AI is also concerned about the dispute between the FARC and ELN in Arauca Department, which has resulted in the killing of hundreds of civilians over the last few years, and about the continued use of anti-personnel mines by guerrilla groups which has resulted in numerous casualties. The FARC were also allegedly responsible for many of the killings of candidates in the run-up to October's local elections.

**Paramilitary groups.** AI does not share the Colombian government's view that paramilitaries no longer operate in the country and that much of the ongoing violence in Colombia is due solely to drug-trafficking criminal gangs. While some paramilitary groups are operating as criminal gangs, and some of the resultant violence is linked to disputes between such groups, there is evidence that many traditional paramilitary groups continue to operate in many regions. Although the number of killings attributed to paramilitaries has fallen over the last few years, the figure remains high. AI has also received evidence of continued collusion between these groups and the security forces.

**The Justice and Peace process.** The Justice and Peace process is still failing to meet international standards for victims' rights to truth, justice and reparation. With only some 20 investigative units to handle thousands of cases of human rights violations committed by paramilitaries, the process has moved very slowly. Government plans to try paramilitaries collectively rather than individually, as currently is the case, is likely to further contribute to impunity.

Although some of those paramilitary leaders participating in the Justice and Peace process have revealed some information about persons they have killed, information on their victims' identities and the whereabouts of their bodies remains sketchy. More than 1,100 bodies were exhumed from numerous mass graves between 2006 and the end of 2007, but most of these were discovered as a result of information from rank-and-file paramilitaries who are not participating in the Justice and Peace process. Most of the bodies remain unidentified.

Very little of the estimated 4 million hectares of land stolen by paramilitaries has been returned to their rightful owners. Similarly, what little land has been returned has been as a consequence of investigations carried out outside of the Justice and Peace process. Moreover, the investigations into the links between hundreds of state officials and paramilitaries has been due largely to the work of the Offices of the Attorney General and Procurator General, and the Supreme Court of Justice, as well as of journalists and human rights groups, rather than as a result of the Justice and Peace process. Threats against and killings of victims and persons representing them in the Justice and Peace process, such as Yolanda Izquierdo and Carmen Cecilia Santana Romaña, have been of particular concern.

**The civilian population.** Civilians continue to bear the brunt of the conflict, especially those belonging to Indigenous, Afro-descendant and peasant farmer communities. Many of them live on lands of economic and strategic interest to the parties to the conflict. AI continues to be concerned about the high numbers of forcibly displaced persons, with some estimates suggesting that more than 130,000 civilians were newly displaced by the conflict in the first half of 2007. AI is particularly worried about the serious humanitarian situation in Nariño, where combat between the guerrilla and the security forces and paramilitary groups has led to the displacement of thousands of civilians and to serious human rights abuses committed by all parties.

During AI's recent visits to Colombia, delegates from the organization also received many testimonies about continued forced recruitment of children by both guerrilla and paramilitary groups. AI also received information about the recruitment of women and girls for prostitution by paramilitaries and criminal gangs in, for example, Putumayo Department. Some of them have been killed. AI is also concerned about the indiscriminate bomb attacks that have taken place in several urban areas, including Cali and Buenaventura, some of which the authorities attributed to the FARC.

**Human rights activists.** Human rights defenders, trade unionists, and community activists continue to be targeted, principally by paramilitaries. The theft last year of sensitive information from the offices of several non-governmental organizations, as well as the increase in email threats against numerous human rights organizations, trade unions and social organizations are of particular concern to AI. Physical attacks against human rights defenders continue unabated. The attack against Yolanda Becerra of the Women's Popular Organization (OFP) in Barrancabermeja in November 2007 and the killing in April 2007 of Judith Vergara, a community activist from Medellín, are only two prominent examples of such attacks.

While AI welcomes the arrival of a permanent representation of the International Labour Organization and the establishment of special units of Colombia's Office of the Attorney General to investigate the killing of trade unionists, AI remains concerned at the still-high number of attacks

against trade unionists and the few prosecutions of the perpetrators of these attacks. Some 39 members of trade unions were killed in 2007.

The international community has a pivotal role to play in efforts to improve the human rights situation. The stance adopted by the international community on several human rights issues has often been clear and constructive, and it has been particularly commendable in the case of human rights defenders and trade unionists. The Human Rights Council should take up the situation in Colombia at its 7<sup>th</sup> session by critically engaging with the Colombian government, especially on those issues where it is still falling short, such as on full compliance with repeated UN human rights recommendations.

AI therefore calls on the Human Rights Council at its 7<sup>th</sup> session to:

- express concerns over the ongoing serious human rights and humanitarian situation in the country;
- urge all parties to the conflict to comply fully with the High Commissioner's recommendations, including those issued in all her previous reports;
- put in place a process with deadlines and milestones to monitor compliance with these recommendations; and
- urge the Colombian government to fully cooperate with the Council and its mechanisms.

## **Item 8 – Follow-up and implementation of the Vienna Declaration and Program of Action**

### **Press release - UN scrutiny of Tibet crisis required – 17 March 2008**

The Chinese authorities must allow independent UN investigation into the events of the last week in Tibet and lift the long-term restrictions on human rights monitoring in the area.

After a week of unrest, the region has been sealed off. Amnesty International has called on the Chinese authorities to show restraint in responding to continuing protests in Lhasa and elsewhere in Tibet. International law requires that governments handle such crises in ways that uphold fundamental human rights and the principles of necessity and proportionality in the use of force.

The authorities must also fully account for all detainees and release those detained solely for peacefully expressing their views.

“The Chinese authorities also need to address the underlying grievances of the Tibetan people and the long-term policies that have generated such resentment,” said Catherine Baber, Director of the Asia-Pacific Programme at Amnesty International. “The situation also demands attention by the UN Human Rights Council at its current session.”

Tibetans' long-term grievances include perceived exclusion from the benefits of economic development, restrictions on religious practice, and government policies weakening their culture and ethnic identity.

On Friday, protests in Lhasa turned violent, with protestors setting fire to Chinese-owned businesses, police stations and attacking Han Chinese. As a result, thirteen persons died according to official Chinese sources, largely Han Chinese businesspeople in Lhasa. Police and military forces were reported to have fired teargas and live ammunition into crowds and beaten protestors in an

attempt to disperse them. According to spokespersons for the Tibetan Government in Exile this has resulted in around 80 deaths.

A curfew is reported to have been imposed throughout Lhasa and all shops are closed. Entry into the city has been blocked off through check-points. Armoured vehicles and contingents from the People's Armed Police are present throughout the city. Reports suggest that scattered protests continued in parts of the city over the weekend.

Police and military forces have surrounded three major monasteries in the Lhasa area, confining monks inside and beating those who have attempted to leave. Monks from Sera monastery are reported to have started a hunger strike demanding the withdrawal of military forces from their monastery.

### **Statement on the situation in Tibet – 25 March 2008**

**Delivered by *Patrizia Scannella***

**Note:** Below is the transcription of the statement that was eventually delivered. It differs from the planned statement and the one submitted as a written statement since the speaker was cut twice by two points of order raised by the delegation of China. On that same afternoon, most other speakers who tried to make a statement on the situation in Tibet, including some state delegations, were interrupted by points of order, asked to amend their statements to ensure that they were not selectively focussing on only one country situation and had a link with the item under debate, i.e. the follow-up and implementation of the Vienna Declaration and Program of Action. Those who did not respect that were not given the floor to finish their statement.

It is worth noting however that during the 6<sup>th</sup> session of the Council, in September 2007, several delegations used item 8 to address events in Myanmar with no objection.

#### **Statement as delivered:**

PS on behalf of AI:

Mr. President,

The Vienna Declaration explicitly acknowledges the rights of minorities to enjoy their own culture, to profess and practice their own religion and to use their own language in private or public, freely and without interference or any form of discrimination.

Amnesty International is deeply concerned at human rights violations during recent events in the Autonomous Region of Tibet and neighbouring provinces.

Initial protests by Tibetans in these regions appear to have been peaceful and suppressed in violation of protestors' right to freedom of expression, association and assembly, including through excessive use of force.

We are aware that protests later turned violent, with individuals apparently attacked solely for their ethnic identity, resulting in death, injury and damage to property. We condemn such attacks unreservedly, and we acknowledge the Chinese authorities' right and duty to protect all individuals against violence.

However, Amnesty International is concerned ...

Point of order made by the delegation of China.

President of the Council:

The distinguished representative of China, you have a point of order.

China:

Thank you Mr. President.

Also I don't like to repeat what I've said but still I'm forced to repeat what I've said and to repeat as you just have already clarified. This is a general item, this is a general debate under item 8. As you have just clarified, no speaker should selectively select one issue and comment on only one issue. I thank you, Mr. President.

President of the Council:

I thank you, I'm going to go back to the speaker and ask her to continue, bearing in mind what have already been said in this room and more than once. Please Madam, you have the floor.

PS on behalf of AI:

Thank you Mr. President,

What I am going to say today is available as an Amnesty International public statement.

Mr. President,

The Vienna Declaration cannot be implemented in the abstract. Today AI wishes to address follow-up in a specific and concrete situation.

As I said, Amnesty International is concerned that in restoring order, the authorities have resorted to measures that violate international human rights law and standards. These have reportedly included excessive use of force, including lethal force and arbitrary detentions.

Amnesty International has previously documented a pattern of torture and other ill-treatment of detainees in Tibet by China's security forces ...

Point of order made by the delegation of China

President of the Council:

Yes, the distinguished representative of China, you have the floor, Sir.

China:

Thank you Mr. President,

Mr. President, my delegation and most of the delegates in this room have fully understood your clarification you have made again and again. Now, since the speaker does not want to abide by the

rules of procedure and does not want to show respect to this Council and to this item and does not want to use her right in a legal way according to the rules of procedures, now I would like to kindly request you to stop her remarks. I thank you Mr. President.

President of the Council:

Thank you. As I said before the Vienna Declaration and Programme of Action covers a multitude of topics. We understood that the speaker the organisation she represents had made a statement on one aspect. I'm sure that the Vienna Declaration and Programme of Action covers other aspects as well. So I would like to invite the delegations to bear this in mind so that we might continue this statement.

PS on behalf of AI:

Thank you Mr. President,

The Vienna Declaration affirms that “the promotion and protection of human rights is a legitimate concern of the international community”.

Thank you Mr. President.

**Written statement submitted to the UN Secretariat on the human rights situation in Tibet – 25 March 2008<sup>5</sup>**

The Vienna Declaration expressly acknowledged the right of minorities to enjoy their own culture, to profess and practise their own religion and to use their own language in private and public, freely and without interference or any form of discrimination.

Amnesty International is deeply concerned at human rights violations during recent events in the Autonomous Region of Tibet and neighbouring regions.

Initial protests by Tibetans in these regions appear to have been peaceful and suppressed in violation of protestors' right to freedom of expression, association and assembly, including through excessive use of force.

Amnesty International is aware that protests later turned violent, with individuals apparently attacked solely for their ethnic identity, resulting in death, injury and damage to property. Amnesty International condemns such attacks unreservedly, and acknowledges the Chinese authorities' right and duty to protect all individuals against violence.

However, Amnesty International is concerned that in restoring order, the Chinese authorities have resorted to measures which violate international human rights law and standards. These have reportedly included excessive use of force, including lethal force and arbitrary detentions.

Amnesty International has previously documented a pattern of torture and other ill-treatment of detainees in Tibet by China's security forces, especially those accused by the Chinese authorities of “separatist” activities. Moreover, China has long banned independent human rights monitors from Tibet, and the region is now virtually sealed. For these reasons AI fears for the safety of those recently detained.

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<sup>5</sup> The Secretariat refused to accept the statement.



Amnesty International calls on the Human Rights Council to address the human rights situation in the Tibetan Autonomous Region and in the neighbouring provinces which have experienced unrest. Amnesty International also calls on the Chinese authorities to:

- release all those detained solely for peaceful protest;
- fully respect the rights of all persons to freedom of expression, association and assembly;
- avoid unnecessary and excessive use of force in restoring order and protecting individuals and property;
- fully account for those detained, ensuring they will not be ill-treated and are released unless they are charged with recognizably criminal offences and remanded by an independent court;
- ensure that all killings, violent assaults and other attacks on persons and property are investigated promptly, independently and effectively, regardless of the identity of the perpetrators and the victims, and that suspected perpetrators are prosecuted in proceedings which meet international standards of fairness and are without the imposition of the death penalty;
- allow independent UN scrutiny into the current human rights situation in the Tibetan Autonomous Region and neighbouring provinces;
- grant unimpeded access to the Tibetan Autonomous Region and neighbouring provinces for journalists and other independent observers.

Beyond these immediate concerns, Amnesty International calls on the Council to urge the Chinese authorities to address Tibetans' long-term grievances, including restrictions on religious practice, persecution for exercising their freedoms of expression, association and assembly, government policies that have weakened their culture and ethnic identity, and perceived exclusion from the benefits of economic development.

### **Press release - Tibet off the Human Rights Council's agenda – 26 March 2008**

Discussion of the situation in Tibet was stifled at the UN Human Rights Council meeting in Geneva on Tuesday.

Following repeated Chinese protests, the President told NGOs that they could not limit their remarks under the agenda item before the Council to the situation in only one country.

Amnesty International had prepared an oral statement focussing on serious shortcomings in China's commitment in the Vienna Declaration to ensure that persons belonging to the Tibetan minority can exercise fully and effectively all human rights and fundamental freedoms without any discrimination.

It was forced to cut short its statement to the Council due to Chinese objections as it was being read out. Amnesty International's delegate to the Council, Patrizia Scannella, finished speaking by recalling that the Vienna Declaration and Program of Action affirm that "the promotion and protection of all human rights is a legitimate concern of the international community..."

A number of other non-governmental organizations were also frustrated in their efforts to discuss the situation in Tibet.

Amnesty International's statement to the Council expressed the deep concern at human rights violations during recent events in the Autonomous Region of Tibet and neighbouring regions. The organisation had intended to call on the Council to address the situation.

“Although the restrictions that China imposed on today's debate were extremely disappointing, Amnesty International welcomes that, in its remarks today, the Chinese delegation accepted that the situation in Tibet could be properly be discussed under agenda item 4 [“Human rights situations that require the Council's attention”],” said Patrizia Scannella, Amnesty International's Deputy Representative to the United Nations in Geneva.

## **Item 10 – Technical assistance and capacity-building**

### **Question for the Interactive dialogue with the Special Rapporteur on Cambodia – 19 March 2008**

**Delivered by *Peter Splinter***

Mr. President,

Amnesty International welcomes the new report of the Special Representative and the specific attention it draws to the link between the lack of rule of law and violations of human rights relating to land and housing.

Professor Ghai,

Amnesty International notes in your report, you highlight how influential individuals and groups force communities with legitimate tenure, but without economic or political leverage, from their homes. This is often done without provision of adequate alternative housing, fair and just compensation or procedural safeguards against forced eviction.

Our recently released report on forced evictions, *Rights Razed: Forced evictions in Cambodia*, coincides in analysis and recommendations with your own in this regard. We support your recommendation that “internationally accepted guidelines must be observed, including the principle that nobody should be made homeless” and the right to genuine participation of all of those threatened with eviction.

Amnesty International's report on forced evictions in Cambodia describes incidents where communities have been forcibly evicted resulting in homelessness or involuntarily resettlement to sites that lack even minimum essentials of shelter, water and sanitation. In numerous meetings with members of such communities and during visits to resettlement sites, Amnesty International documented how evictees have been deprived of their means to earn a living sufficient to secure a life with dignity.

While Amnesty International remains concerned that the government publicly denies carrying out forced evictions, we have been encouraged by indications from the government that it attaches priority to improving resettlement sites, particularly outside Phnom Penh.

In this regard, Mr. Ghai, what do you think that the Government of Cambodia could do to ensure that their efforts to improve resettlement sites comply with international human rights standards?

Thank you Mr. President. Thank you Professor Ghai.

**Statement on the review, rationalisation and improvement of the mandate of the Independent Expert on the situation of human rights in the Democratic Republic of the Congo – 20 March 2008**

Delivered by *Danny Vannuchi*

Mr. President,

In 2004, the Special Rapporteur on the DRC was replaced with an Independent Expert focusing on advisory and technical services. This was an acknowledgement of the expressed readiness of the government to address human rights violations. However, it also contributed to an erroneous impression that the human rights situation in the country was no longer dire.

Mr. President,

The human rights situation in the DRC continues to be extremely grave. In 2007, political and military tensions in the DRC resulted in major outbreaks of violence in Kinshasa and Bas-Congo province. Unrest has resurfaced in Bas-Congo in recent weeks, in which the security forces have again responded with excessive use of force and committed other violations.

The human rights and humanitarian crisis has deepened in the two Kivu provinces in the east of the country, with North-Kivu in particular being the scene of mass violations of IHL in the last few months.

Unlawful killings, arbitrary arrests and detentions, torture and other cruel, inhuman and degrading treatment by the security forces and by armed groups are common across the country. In many cases they are directed at perceived political opponents. Rape by members of security forces and armed groups continues on a large scale. North-Kivu has seen a marked resurgence in the recruitment and use of children by armed groups.

The delivery of vital social services, including health and education, has been hampered by poor governance, a decayed infrastructure and under-investment.

We urge the Council to ensure that it is provided with serious, focused, independent and authoritative investigation on reports of grave violations of human rights. This is essential for the Council to be able to take informed decisions.

We call on the Council to extend the mandate of the Independent Expert. Others could assist it to advise and inform the Council about the DRC's human rights situation and capacity building needs.

Thank you Mr. President.

## **Intervention in the Interactive dialogue with the Independent Expert for Somalia – 20 March 2008**

**Delivered by *Anita Goh***

Thank you Mr. President.

Insufficient attention is being paid by the international community to the inter-linked human rights and humanitarian crisis in Somalia, currently one of the worst in the world. Serious violations of human rights and international humanitarian law have taken place in the last year, particularly in the worsening conflict between the Transitional Federal Government and allied Ethiopian armed forces against armed opposition groups in Mogadishu and other areas.

In the near-total absence of the rule of law and effective institutions of governance, over 6,000 civilians were killed in the past year. Over a million are now internally displaced, including at least 600,000 who fled Mogadishu in the past year. Women and girls, as well as journalists<sup>6</sup> and human rights defenders, have been frequently subjected to unlawful killings, sexual violence, arbitrary detention or pillage perpetrated with impunity.

Amnesty International has spoken to many survivors of the conflict in Mogadishu who have fled after witnessing civilian relatives being killed by different groups, including the TFG and Ethiopian forces. The international community should not appear to tolerate violations by remaining silent.

In support of the valuable work of the Independent Expert, Amnesty International calls on the Human Rights Council to adopt a resolution that:

- renews the mandate of the Independent Expert, set up in 1993;
- requests the international community to allocate sufficient resources to the Office of the High Commissioner to monitor and report on the situation of human rights, provide technical assistance and advice to the Transitional Federal Institutions and international agencies, and support Somali human rights defenders;
- urges that the AMISOM and any succeeding UN peace-keeping mission be mandated to protect civilians and also to include a strong human rights component with the capacity to monitor, investigate and publicly report on human rights violations;
- calls on the Transitional Federal Government to remove any obstacles to the delivery of humanitarian assistance;
- supports calls for an independent international investigation under UN auspices.

I thank you Mr. President.

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<sup>6</sup> See Amnesty International: Somali journalists under attack (AI Index: 52/001/2008), March 2008

## **Public statement on the seventh session of the HRC - Human Rights Council: Council continues to struggle to establish itself as an effective human rights body**

AI Index: IOR 41/008/2008 (Public)  
4 April 2008

At its seventh session, the Human Rights Council (the Council) continued its transition from the heritage of the former Commission on Human Rights to what is generally hoped to be a more effective human rights body than its predecessor. The results of the seventh session suggest that unfortunately this transition could take much longer than expected.

Amnesty International welcomes the renewal of ten thematic and three country Special Procedures as among the positive outcomes of the seventh session. In particular, the organisation is pleased with the renewal of the mandate of the Special Rapporteur on the situation of human rights defenders. The session also saw the first appointments of 16 new Special Procedures mandate-holders made under the new selection process. Together, these developments demonstrate a widely-shared commitment to the crucially important Special Procedures. There were nonetheless some troubling signs. Amnesty International remains seriously concerned about the concerted efforts by a small number of states, including Algeria, Egypt and Pakistan, to rewrite the rules governing the selection of mandate-holders in order to impose measures that would seriously undermine the independence and effectiveness of the Special Procedures

While Amnesty International takes satisfaction that the important mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression was renewed, it regrets the deeply flawed amendments voted into the enabling resolution and in particular the request that the Special Rapporteur report on abuses of the right of freedom of expression. That request runs contrary to the main purpose of the mandate, which is to protect and promote the right to freedom of expression. In making it, the Council is departing from its mandate by deciding to police the exercise of rights rather than promote and protect them.

Amnesty International notes with satisfaction the renewal of the mandates for the Special Procedures devoted to the human rights situations in the Democratic People's Republic of Korea, Myanmar and Somalia. The organisation regrets, however, that the mandate of the Independent Expert for the Democratic Republic of the Congo (DRC) was terminated and replaced by an ambiguous call on a group of thematic Special Procedures to carry out a joint mission to the country and report to the Council in March 2009. Amnesty International considers that the proponents of this new approach to assisting the DRC bear a heavy onus to ensure that it will make a better contribution to improving the very grave human rights situation in that country.

Amnesty International appreciates that the Council adopted resolutions on the human rights situations in Myanmar and Sudan and on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan. The organisation is, however, increasingly concerned that the Council continues to take action on only a small number of country situations that were under review in the Commission on Human Rights, with some regrettable absences such as Colombia and Belarus, while failing to act on other grave situations, including those in Iran, Iraq, Sri Lanka, China (Tibet), the USA (Guantanamo Bay) and Zimbabwe. The organisation is also concerned that the Council continues to place an exaggerated emphasis on

dialogue and cooperation in dealing with most country situations instead of focussing on addressing human rights violations. This is leading to resolutions, such as that on Sudan adopted at the seventh session, that fail to reflect adequately the severity of the human rights situation or the government's responsibility for the serious human rights violations in the country.

Amnesty International welcomes the Council's unanimous acknowledgement in its first substantive resolution on human rights and counter-terrorism that States must ensure that measures taken to combat terrorism comply with their obligations under international human rights law. The organisation notes, however, serious shortcomings in how the resolution dealt with torture, detention, listing and other key issues at the centre of the protection of human rights in connection with counter-terrorism. It will be crucial that the Council addresses those shortcomings soon in order to better fulfil its responsibility to defend the fundamental importance of respect for human rights in efforts to combat terrorism.

Amnesty International is very concerned that the discussions related to racism and religion remained highly politicised at the seventh session. Unless corrective action is taken by all concerned, these important matters promise to become enduring catalysts of confrontation.

The Council's struggle to establish itself as a more effective human rights body than the former Commission on Human Rights places an even greater onus on the Universal Periodic Review to bring about demonstrable improvements in the human rights situations in states reviewed. Amnesty International looks forward to results being achieved, starting with the first round of reviews under this new mechanism in April 2008.

**The full text of each oral statement in this compilation is posted on the extranet page of the UN Human Rights Council<sup>7</sup>.**

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<sup>7</sup> <http://www2.ohchr.org/english/bodies/hrcouncil/>