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Compilation of statements by Amnesty International

(including joint statements)



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UN Human Rights Council

Sixth regular session

Compilation of statements by Amnesty International (including joint statements)

The following statements were delivered during the sixth regular session of the Human Rights Council that took place from 10 to 28 September 2007. The full text of the statements is posted on the extranet page of the UN Human Rights Council¹.

Written statement on the Human Rights Situation in Sri Lanka

Item 4: Human Rights situations that require the Human Rights Council's attention

Submitted on 30 August 2007

Sri Lanka: a continuing human rights crisis

Armed conflict in Sri Lanka between government forces, the Liberation Tigers of Tamil Eelam (LTTE) and other armed groups has escalated since April 2006 and is marked by widespread failures to respect human rights.² Grave violations of human rights and international humanitarian law by all parties to the conflict characterize the hostilities. Unlawful killings, abductions and enforced disappearances of civilians are daily occurrences. Several hundred cases of enforced disappearances and several hundred unlawful killings have been registered in the first six months of 2007.³ Amnesty International is also concerned about a rising incidence of killings of journalists by unidentified armed men, and tightened restrictions on freedom of expression.

Failure to protect civilians

There is an urgent need for sustained and effective protection for civilians. At least 4,000 people are reported to have lost their lives in the conflict since late 2005.⁴ Amnesty International is gravely concerned that civilians have not just been “caught in crossfire”, but have been deliberately targeted by the security forces, the LTTE and other armed groups.

Amnesty International remains particularly concerned over the failure to protect civilians in the north and east of the country. The number of reported unlawful killings and enforced disappearances has increased amid a continued failure to identify and bring to justice those responsible for human rights violations. The National Human Rights Commission in Jaffna reported that in the first three weeks of August 2007 alone, 21 cases of enforced disappearances and 13 cases of unlawful killings took place.

¹ <http://portal.ohchr.org/>

² Amnesty International raised these concerns in a briefing “Sri Lanka: urgent need for effective protection of civilians as conflict intensifies” (AI Index: ASA 37/009/2007), released 5 April 2007.

³ The Law & Society Trust, Colombo, in collaboration with local partners in Sri Lanka including the Civil Monitoring Commission and the Free Media Movement, has compiled a working document listing 547 persons killed and 396 persons disappeared during the period January to June 2007. The document was submitted to President Mahinda Rajapakse in August 2007.

⁴ BBC News South Asia, http://news.bbc.co.uk/2/hi/south_asia/2405347.stm.

At least 290,000 civilians have been displaced due to ongoing military operations by both sides. The majority of those displaced are women and children. Humanitarian access to civilians has been severely curtailed and over 30 humanitarian workers have been killed since 2006. While the government has condemned acts of violence against humanitarian staff, there has been a marked absence of impartial, effective investigations leading to the prosecution of those responsible. Amnesty International urges the authorities to ensure the provision of appropriate assistance to the civilian populations in the north and eastern provinces and to cooperate fully in facilitating the work of humanitarian agencies.

Many internally displaced persons (IDPs) continue to live in fear, sustained in part by the LTTE's continued involvement in widespread human rights abuses including unlawful killings and abductions. In addition to the threat of LTTE reprisals, many IDPs report that they are reluctant to return to their places of origin because of the threat of forced LTTE recruitment of both adults and children. Amnesty International has repeatedly raised its concerns on this issue with the LTTE and urged the organization to fulfil its pledge to release all child soldiers.⁵

The Karuna faction, a breakaway group from the LTTE,⁶ continues to recruit children in government-controlled areas, particularly in Batticaloa District. Amnesty International reported in April 2007 that humanitarian agencies in the East also report a number of incidents of extortion and threats by the Karuna faction.⁷ Philip Alston, the Special Rapporteur on Extrajudicial, Summary or Arbitrary executions, said in 2006 that the government should publicly reiterate its renunciation of any form of collaboration with the Karuna group.⁸

Attacks on journalists

The number of attacks on journalists, particularly those considered part of the Tamil media, has escalated. Ten media workers have been killed since the beginning of 2006 and another journalist, a victim of an enforced disappearance, is presumed dead. There has been a serious failure by the authorities to conduct effective investigations leading to the prosecution of those responsible for such unlawful killings.

There are grounds to fear a return to a pattern of the security forces involvement in extrajudicial killing of journalists and others. In a recent illustrative incident, Sahathevan Deluxshan, 22, a media student at Jaffna University Media Research and Training Center and a part time journalist, was shot dead by unidentified men on 2 August 2007 in Jaffna town. Jaffna is a high security zone under the control of the Sri Lankan military and has a series of checkpoints to control the movement of armed groups. That the attack occurred during curfew hours provides grounds for concern that military personnel may have been involved or complicit in the shooting.

Restrictions on freedom of expression: the Emergency Regulations

The Emergency Regulations (ER), which lapsed during the 2002 ceasefire, were re-introduced in August 2005 after the assassination of Foreign Minister Lakshman Kadirgamar.⁹ In 2006 the government introduced a new set of ER to strengthen its already

⁵ '[Sri Lanka: Amnesty International urges LTTE to live up to its pledge to end child recruitment](#)', (AI Index: ASA 37/017/2007), 10 July 2007.

⁶ In 2004, former Tamil Tiger commander Colonel Karuna broke away from the Liberation Tigers of Tamil Eelam (LTTE) to form his own splinter group, Tamil Makkal Viduthalai Pulikal, or People's Liberation Tigers of Tamil Eelam (TMVP).

⁷ '[Sri Lanka: Armed groups infiltrating refugee camps](#)', (AI Index :ASA 37/007/2007), 14 March 2007.

⁸ From the report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions' mission to Sri Lanka, UN Doc. E/CN.4/2006/53/Add.5, 27 March 2006.

⁹ The Emergency (Miscellaneous Provisions and Powers) Regulations (EMPPR), August 2005.

wide powers.¹⁰ The new set of regulations allows the government to deploy the military and detain without charge anyone suspected of terrorist activities.

Over many years Amnesty International has repeatedly expressed concern about certain provisions of the Emergency Regulations (ER) that threaten to impose unjustified and disproportionate restrictions on freedom of expression. Amnesty International remains concerned at the restrictions placed on civil and political rights under the Emergency Regulations. For example, Regulation 6 of the 2006 ER criminalizes, not only “terrorism” and “any specified terrorist activity,” but also “any other activity in furtherance of any act of terrorism or specified terrorist activity committed by any person, group or groups of persons.” Regulation 7 provides, among other things, that:

“no person shall... promote, encourage, support, advise, assist, act on behalf of; or organize or take part in any activity or event of, any person, group, groups of persons or an organization which acts in contravention of regulation 6 of these regulations.”

Regulation 8 criminalizes “any transaction in any manner whatsoever,” with individuals or groups “which act[s] in contravention of regulations 6 and 7 of these regulations.” These provisions are very vaguely and generally worded, and therefore may be interpreted as criminalizing a wide range of activities, including media investigations and reporting. The organization is also concerned at their allegedly discriminatory application with regard to Tamils.

Combating impunity: the need for effective investigations

As human rights abuses in the context of the conflict have increased, Amnesty International is gravely concerned about a persistent climate of impunity reported by human rights activists and other civil society actors in Sri Lanka. The need for systematic monitoring and prompt, impartial and effective investigations remains acute.

In response to international criticism of the human rights crisis in Sri Lanka, the government established a Commission of Inquiry (CoI) and International Independent Group of Eminent Persons (IIGEP) in September 2006. While Amnesty International welcomes steps to address impunity, it is concerned that the mandate of the CoI and IIGEP is limited to 16 cases (with the possibility of new additions) and cannot address the broader range of human rights violations, particularly the most recent incidents. It is cause for concern that the IIGEP may only advise the CoI and that the CoI is obligated to report only to the Sri Lankan President and is not formally part of the country’s justice system.¹¹ The continuing absence of an operational witness protection programme poses a serious obstacle to the work of the CoI and other investigative bodies.

Amnesty International believes that other existing national monitoring and investigation mechanisms, such as the Sri Lankan National Human Rights Commission (HRCSL), are not provided with sufficient resources and do not have the capacity to address the current scale of human rights violations. The CoI cannot fulfil this role either, given its case-limited and retrospective scope.

Amnesty International calls for an international human rights monitoring presence to support and augment the capacity of national bodies tasked with human rights protection. Amnesty International is convinced that international observers actively monitoring

¹⁰ Emergency Regulation (Prevention and Prohibition of Terrorism and Specified Terrorist Activities) No. 7 of 2006.

¹¹ See “Establishing a Commission of Inquiry into serious violations of human rights law and international humanitarian law in Sri Lanka: Amnesty International’s recommendations” (ASA 37/031/2006), 12 September 2006.

respect for international human rights and international humanitarian law by all sides would act as an effective deterrent to abuses and would contribute to a clear identification of suspected perpetrators. Monitors could independently investigate claims and counter-claims, reporting publicly on their findings and on the degree of cooperation (or lack thereof) of the parties in conflict. As stated by Louise Arbour, the High Commissioner for Human Rights, in her address to the UN Human Rights Council in September 2006: “There is an urgent need for the international community to monitor the unfolding human rights situation as these are not merely ceasefire violations but grave breaches of international human rights and humanitarian law”.

The scheduled visit to Sri Lanka by the High Commissioner for Human Rights in October can be an important step in assisting the government of Sri Lanka to develop programmes to protect human rights. Amnesty International urges the Human Rights Council to also support the people of Sri Lanka by addressing the situation of human rights in Sri Lanka without further delay.

Intervention on the technical and objective requirements for the submission of candidatures – Informal consultations on Advisory Committee of the Human Rights Council

Delivered by *Peter Splinter* on 10 September 2007

Mr. President,

We join with others in thanking the Ambassador of Nicaragua for the preparation of the draft requirements that have been the basis of this afternoon’s discussion. We welcome this first opportunity to contribute to the elaboration of these technical and objective requirements.

It is important to bear in mind that some members of the Advisory Committee will be members of the Working Group on Communications for the Complaints Procedure. In deciding on the admissibility of communications, they will need to assess the merits of allegations of violations, including whether the communication, alone or in combination with others, reveals a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

The ability to fulfil this mandate well will require particular skills not required for the Advisory Committee’s think-tank function. Some candidates for election will need to have a background that includes training or experience in handling complaints of alleged human rights violations. This requirement might be reflected in the third bullet under heading 1, competence and expertise, of the draft requirements.

Thank you Mr. President.

Intervention on the Universal Periodic Review - Informal Consultations following simulation of the UPR exercise

Delivered by *Peter Splinter* on 12 September 2007

Thank you Mr President.

Through you Amnesty International thanks the Secretariat for today's presentation and congratulates them for developing the clear model for selection of States for review that they presented to us this afternoon.

We hope that if this model is adopted by the Council, it will be adjusted in the future to meet the requirements of UNGA resolution 60/251 and HRC resolution 5/1.

When resolution 60/251 was being negotiated and adopted, most NGOs and many governments from all regions held the view that membership on the Human Rights Council came with special responsibilities. One of those responsibilities was that every member would be reviewed in the universal periodic review during its term of membership.

Logically that requirement and the requirement for equal treatment would have called for a three-year cycle for the UPR. Every member must be reviewed during its term of membership and each term lasts three years. However, during the negotiation of the modalities of the modalities for the UPR, we heard repeatedly over the year past that the requirement for equal treatment did not apply to the cycle of review for members and non-members.

Mr. President,

It is a matter of concern that today some delegations seem to be arguing that the principle of equality mentioned in Council resolution 5/1 displaces the requirement in resolution 60/251 of the Council's parent body that Council members be reviewed during their three-year term of membership.

If the rule of operative paragraph 9 of resolution 60/251 is applied, Council members, such as India, the Philippines, and South Africa, which are now in their second term on the Council, should be reviewed twice in the cycle that runs from 2008 to 2011, because they will complete two terms within that period.

Perhaps the Council will need to make an exception for the particular circumstances of those countries with initial one and two year terms. However, for the future this Council should not and cannot amend the clear requirement of operative paragraph 9 of resolution 60/251, which calls for every member to be reviewed during its three-year term of membership.

Thank you Mr. President.

Questions for the Special Rapporteur on Freedom of Religion or Belief - Joint statement of the Friends World Committee for Consultation (Quakers), International Service for Human Rights and Amnesty International

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

Delivered by *Rachel Brett* (Friends World Committee for Consultation) on 13 September 2007

Friends World Committee for Consultation (Quakers), International Service for Human Rights and Amnesty International wish to stress that all forms of discrimination based on religion or belief are equally prohibited by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Declaration on the Elimination of All forms of Intolerance and of Discrimination Based on Religion or Belief and must be addressed accordingly by this Human Rights Council. These international standards recognise the rights of individuals to freedom of religion and belief that can be practised alone or in community with others.

We recognise that at different times and places adherents of certain religious groups, or those of no religion or belief, are or may be subjected to greater, more harmful or higher profile forms of discrimination than those of other religious groups. The degree, nature and subject of discrimination vary in different countries, regions and sub-regions. A focus on the adherents of only some religions fails to address the need to eliminate all forms of intolerance based on religion or belief and is also discriminatory and unacceptable.

Furthermore, focussing on only some religions fails to take account of the discrimination and religious intolerance which occurs within faiths. Intolerance and discrimination are not only practised between adherents of different religions. Indeed, the adherents of many religious groups experience as great or greater discrimination and harm from persons of the ‘same’ religion as from those of ‘other’ religions. The implication that religious intolerance and discrimination are only practised by ‘outsiders’ is not only wrong, it is misleading. It is dangerously so, because it indeed helps to propagate the attitude that what is happening is a clash of religions or beliefs, rather than the pernicious discrimination on the basis of misconceived attitudes that identify others by certain characteristics (real or imagined), and deems it acceptable to treat them differently when the possession of such characteristics is actually irrelevant.

Our organisations welcome the report (A/HRC/6/5) of the Special Rapporteur on Freedom of Religion or Belief with its careful identification of the issues of concern which have arisen under the mandate, and would like to ask her how the mandate can assist States and the Human Rights Council itself to:

1. Address the question of freedom of religion or belief consistently and without discrimination as required by universal human rights standards?
2. Promote non-discrimination and tolerance in relation to *all* religions and beliefs, including within religions and beliefs?
3. Explore ways in which to address that some “religious intolerance” may be as much about xenophobia as about religion *per se*?
4. Avoid characterisations that may propagate the idea of a clash of religions?

Adoption of the United Nations Declaration on the Rights of Indigenous Peoples - Joint Statement by Amnesty International, Friends World Committee for Consultation (Quakers), International Service for Human Rights (ISHR), International Federation of Human Rights (FIDH), International Work Group for Indigenous Affairs (IWGIA), Netherlands Centre for Indigenous Peoples (NCIV), Rights and Democracy

Item 2: General debate

Delivered by *Rachel Brett* (Friends World Committee for Consultation) on 13 September 2007

International human rights organizations welcomed today's decision by the United Nations General Assembly to adopt the UN Declaration on the Rights of Indigenous Peoples.

The Declaration provides guidance on basic measures needed to ensure the dignity, survival and well-being of some of the world's most impoverished and marginalized peoples.

The Declaration recognizes the rights of Indigenous peoples to the lands, territories and natural resources that are critical to their ways of life. The Declaration affirms that Indigenous peoples, like all peoples, have the right to self-determination.

Adoption of the Declaration sends a clear message to the international community that the rights of Indigenous peoples are not separate from or less than the rights of others, but are an integral and indispensable part of a human rights system dedicated to the rights of all.

The Declaration was adopted by a vote of 143 to four with 11 abstentions. The vote was called by Australia, New Zealand and the US. Only Canada joined these three states in voting against the Declaration.

The Declaration has been under development for more than two decades within the UN system. The Declaration was adopted by the UN Human Rights Council on 29 June 2006, and human rights organizations joined with Indigenous peoples in calling for its immediate adoption by the UN General Assembly. However, final adoption was delayed and further amendments were introduced to accommodate the concerns of some states.

We hope that all States will work in good faith to implement in their domestic law and practice this vitally important and long overdue human rights instrument.

These organizations call on all States to seize the historic opportunity presented by adoption of the Declaration to enter into a new relationship with Indigenous peoples based on a principled commitment to the protection of human rights.

Oral statement on Colombia

Item 2: General Debate

Delivered by *Patrizia Scannella* 14 September 2007

Amnesty International welcomes this general debate.

We welcome the signing of the agreement for a three-year extension of the integral mandate of the High Commissioner's Office in Colombia. This extension was essential given the ongoing serious human rights situation in the country.

Colombia continues to face a human rights and humanitarian crisis, despite improvements in certain indicators of violence associated with the armed conflict, such as killings and kidnappings. In particular, AI continues to be concerned about the still high numbers of internally displaced people; killings of and threats against trade unionists and human rights defenders, mainly by paramilitary groups; continued enforced disappearances,

arbitrary detentions and the increasing number of reports of extra-judicial executions by the security forces; and killings and kidnappings of civilians by guerrilla groups¹².

All parties to the conflict – paramilitaries, the security forces and the guerrilla groups– continue to commit war crimes and crimes against humanity. They are responsible for serious human rights abuses against human rights defenders, trade unionists and other groups at particular risk in Colombia. Despite the supposed demobilisation, paramilitaries continue to issue death threats against and to kill human rights defenders, trade unionists and other social activists, accusing the victims of these threats of being subversive collaborators. The demobilization process is also failing to dismantle effectively paramilitary structures, which continue to operate in collusion with security forces, sometimes under new names.

AI remains seriously concerned about continued and repeated breaches of international humanitarian law by guerrilla groups, including selective killings of civilians and hostage taking.

AI also continues to receive many reports of extra-judicial executions committed directly by the security forces. The victims are repeatedly presented as guerrillas killed in combat. Many cases of extra-judicial executions are investigated by the military justice system thus guaranteeing impunity for those responsible.

A serious flawed paramilitary demobilization process, combined with thousands of cases of threats and killings and a chronic lack of investigations and prosecutions, makes Colombia one of the most dangerous places in the world for trade unionists. In a report issued last July¹³ AI highlights a pattern of systematic attacks against trade unionists involved in labour disputes, in campaigns against privatization or in favour of workers' rights in some areas where extractive industries operate.

AI welcomes the Tripartite Agreement signed by the Colombian government, Colombian business representatives and Colombia's trade union confederations in June 2006, under the auspices of the International Labour Organization (ILO). The agreement provides for the establishment of a permanent presence of the ILO in Colombia. This presence will monitor respect for freedom of association in the country and progress made by the special units of the Office of the Attorney General to investigate killings of trade unionists most of which are carried out with impunity.

AI asks this Council to:

- support adequate monitoring of the security situation faced by the trade unionists and other human rights defenders in Colombia;
- support efforts by the Colombian government and the ILO to investigate cases of threats, attacks against and killings of trade unionists; and to
- regularly examine the situation in Colombia with the aim of insisting on the full and prompt implementation by the Colombian government and by the guerrilla forces of the recommendations of the UN High Commissioner for Human Rights.

¹² See for example AI's annual report 2007 entry on Colombia at: <http://thereport.amnesty.org/eng/Regions/Americas/Colombia>

¹³ *Killings, arbitrary detentions, and death threats -- the reality of trade unionism in Colombia* - AI Index: AMR 23/001/2007 available at <http://web.amnesty.org/library/Index/ENGAMR230012007>

Assessment of the Mandate of the Working Group on Arbitrary Detention

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

Delivered by Yvonne Terlingen, 17 September 2007

Mr. President,

Since its establishment in 1991, the Working Group on Arbitrary Detention has received broad and consistent support from states in all regions of the world. This has been confirmed by a regular extension of the Working Group's mandate by consensus. From its inception, the creation of the Working Group constituted a significant development in the Commission's work to protect human rights - its mandate to "investigate" was an important development, and the Working Group has remained the only non-treaty based body expressly mandated to consider individual cases.

The Working Group has considered a wide range of cases of alleged arbitrary detention in countries from all regions of the world, including high-profile cases such as the case Saddam Hussein, the five individuals known as the "Miami Five", individuals detained in the context of the "war on terror", the so-called "Queen Boat" case. Amnesty International has noted the positive impact of many of the Working Group's opinions on the situation of those individuals whose detention has been found to be arbitrary.

In addition to its caseload, the Working Group has undertaken visits in many countries, including Norway, Equatorial Guinea, Ecuador, Honduras, Nicaragua, South Africa, Canada, China, including a follow-up visit, Belarus, Latvia, Argentina, Iran, Mexico, Australia, Bahrain, Indonesia, Romania, the UK, Peru, Bhutan, including a follow-up visit, Nepal, Turkey, and Vietnam. The Working Group has just started a visit to Angola. The WG has a pending visit request to Guantánamo Bay.

Through its deliberations, the WG has examined topical issues that required particular attention, such as the situation of immigrants and asylum seekers, deprivation of liberty of persons detained in Guantánamo Bay, deprivation of liberty linked to use of the internet.

When the Commission on Human Rights created this mandate, it was argued, particularly by states of the developing world, that the mechanism should reflect regional balance, rather than to entrust the tasks of this mandate to a single rapporteur. The importance of maintaining a WG structure was recognized by the Commission on Human Rights when it undertook a review of the Special Procedures in 1999-2000 and it was reflected in Commission's decision 2000/109. Amnesty International believes that the quasi-judicial nature of the work of this mandate requires its structure as a Working Group, including by ensuring the representation of different legal systems among its membership.

Towards a system of special procedures

Item 5 - Human rights bodies and mechanisms

Delivered by Patrizia Scannella, 19 September 2007

Mr President,

With resolution 5/1, the Council decided that “the review, rationalization and improvement of each [Special Procedure] mandate would take place in the context of the negotiations of the relevant resolutions (...)”. Amnesty International expects the Council to respect the procedure that it established notwithstanding calls that we have heard to effectively rewrite those provisions.

Over the coming year, the Human Rights Council has a rare opportunity to redress the lack of an overall institutional framework for the various Special Procedure mandates by establishing a comprehensive and coherent system. A system of Special Procedures is one which can facilitate different mandate-holders operating together, as part of the UN’s larger human rights machinery, to protect and promote all human rights effectively. One key element of constructing such a system involves identifying gaps in the existing framework. We suggest that the Council adopt a two-stage approach to identify gaps and to decide on whether and how to fill them.

The initial stage requires the Council to review existing mandates against three measures:

- * the first measure is the International Bill of Rights and its implementation, on the basis of which we can identify a number of rights as yet not subject of a Special Procedure mandate, such as contemporary forms of slavery, the right to work and the right to remedy and reparation;
- * the second measure is that of specific groups who are only partially covered by existing special procedure mandates, for example, people in prison, elderly people, or individuals who suffer human rights violations on account of their sexual orientation and gender identity;
- * the third measure is the identification of gaps in the coverage of countries by the thematic Special Procedures. A system of Special Procedures must have the cope to consider the human rights situation in all member states. The counterpart of this is that the system must also be able to examine in-depth the situation in particular countries where required.

The Council should regularly set some time aside on its program of work to go through this first stage, perhaps in the way another NGO (Action Canada for Population and Development) suggested in a statement earlier this week.

The second stage is for the Council to agree whether there is a need to fill the gap (including by looking at functions performed by other parts of the UN’s human rights machinery) and, if so, how. This requires the Council to agree a process, one which should be explicit and applicable in all cases where the creation of a new, or change or merger of an existing mandate is contemplated. The criteria contained in resolution 5/1 should form part of this process. A key element of this process will be the advice of the Special Procedure mandate holders, through their Coordination Committee, as well as that of the High Commissioner for Human Rights.

Creating a system also means supporting the Office of the High Commissioner for Human Rights to develop mechanisms and procedures to ensure coherence and consistency between mandates. Among other things, this requires an investment in increased permanent and professional resources to support.

Thank you Mr President

Israel-Occupied Palestinian Territories-Palestinian Authority: Time for the Human Rights Council to act on all abuses

Item 7: Human Rights Situation in Palestine and other occupied Arab territories

Delivered by *Krisztina Huszti Orbán*, 20 September 2007

Mr. President,

While unlawful killings, destruction of homes and property, discriminatory and disproportionate restrictions, and a wide range of other human rights violations have continued to be perpetrated on a daily basis by Israeli forces against Palestinians in the Occupied Palestinian Territories (OPT), this year has also seen an unprecedented level of inter-factional violence between rival Palestinian security forces and armed militias affiliated to the two main political parties – Fatah and Hamas.

Repeated armed clashes between the two sides in the Gaza Strip claimed the lives of more than 300 Palestinians, including children and other unarmed bystanders, in the first half of the year. Such violence and related abductions have subsided since June but President Abbas' decision to suspend the operation of PA security forces and judicial institutions in the Gaza Strip has left the population there with no formal law enforcement. Hamas, which now holds the ascendancy in the Gaza Strip, has established alternative security and law enforcement mechanisms, but without appropriately trained personnel or adequate accountability mechanism or safeguards. Further, Hamas forces have assaulted demonstrators, tortured detainees with impunity, and curtailed freedom of expression and association. In the West Bank, meanwhile, hundreds of known or suspected Hamas supporters have been arbitrarily arrested and detained by Palestinian Authority (PA) security forces without adequate judicial supervision. Some have been tortured. In addition, the *al-Aqsa Martyrs' Brigades*, the armed wing of President Abbas' Fatah party, has carried out attacks and abductions with impunity.

In the Gaza Strip, the blockade imposed by Israel on the crossing points to the outside world has effectively trapped the 1.5 million Palestinian inhabitants and further undermined the beleaguered economy – with harsh social and economic consequences for a population in which the majority already live below the poverty line.

The firing of so-called “qassam” rockets by Palestinian armed groups from Gaza into Israel has continued to pose a serious risk and cause alarm among the population of Sderot and surroundings. Such attacks invariably result in further restrictions being imposed by the Israeli army on the entire population of Gaza.

Mr. President,

As the situation continues to deteriorate, it is imperative that the Human Rights Council ensures a fair hearing for all the victims and accountability for all the perpetrators – whoever they are and regardless of whose support they enjoy. In this regard, Amnesty International urges the Council to address the abuses committed by Palestinian armed groups and security forces – both those committed against other Palestinians and those committed against Israeli civilians. We equally urge the Council to address the human rights violation committed by Israeli forces. Further, we urge the Israeli government to cooperate with the Council, and we urge both the Israeli government and the PA to stop conditioning their readiness to discuss respect for human rights in this Council on what the other does.

Thank you Mr. President.

Human rights situations that require the Council's attention

Item 4: Human rights situations that require the Council's attention

Delivered by *Peter Splinter*, 24 September 2007

Mr. President,

The Human Rights Council must fulfil its mandate to address situations of violations of human rights.¹⁴ Many situations of grave violations, including those in Colombia, Iran, Iraq, Myanmar, Somalia, Uzbekistan, and Zimbabwe not only require, but demand, this Council's prompt attention. Amnesty International urges the Council to start to address these and other situations of grave violations without further delay. The Council should remain seized of the situation in Darfur.

Mr. President,

The erosion of human rights and the undermining of international humanitarian and human rights law occasioned by the so-called "war on terror" also demand this Council's attention. Amnesty International acknowledges governments' obligation to protect their populations against terrorist attacks. However, real and lasting security can only be achieved through strengthening protection of human rights, rather than resorting to arbitrary detention, torture and other ill-treatment, unfair trial, suppression of political dissent and other violations of human rights.

Enforced disappearances, unlawful detainee transfers (renditions) and secret detention have taken place with the active participation or complicity of the USA, Egypt, Jordan, Morocco, Pakistan, Syria, Tanzania and countries in the European Union.¹⁵ The facility maintained by the USA at its naval base in Guantánamo Bay, Cuba is the most flagrant example of unlawful detention and ill-treatment. Diplomatic assurances have been used by countries including Austria, France, the Netherlands, Sweden, Turkey, the UK and the USA as a basis for sending individuals to countries such as Algeria, Jordan, Lebanon, Libya and Tunisia where the sending government acknowledges that it would otherwise be prohibited from sending them, because they risk torture or other ill-treatment. We urge the Council to address without further delay the serious violations of human rights that many governments seek to justify under the so-called "war on terror".

Mr. President,

Amnesty International is very concerned about the serious and deteriorating human rights situation in Sri Lanka.¹⁶ Enforced disappearances and extrajudicial executions have become an almost daily occurrence. We acknowledge the readiness of Sri Lankan authorities to discuss the human rights situation in Sri Lanka on the margins of the Council. However, the severity of the violations and abuses requires that the Government address in the Council itself the need for investigations, prosecutions and other practical measures to end those violations and abuses. The Government's ~~persistent~~ repeated

¹⁴ United Nations General Assembly Resolution A/RES/60/251 of 24 February 2006, operative paragraph 3.

² See *Partners in Crime: Europe's Role in US Renditions* AI Index: EUR 01/008/2006 (June 2006).

¹⁶ *The Human Rights Situation in Sri Lanka*, A/HRC/6/NGO/30, 4 September 2007.

denial of the severity of the situation and the casting of aspersions on those expressing concern about the situation is unhelpful.

Amnesty International welcomes that the Government and the High Commissioner for Human Rights have agreed that Ms. Arbour will visit Sri Lanka in October. Recalling that on 29 November 2006, the Ambassador of Sri Lanka informed this Council that Sri Lanka pledged “to continue to brief the Council in a comprehensive manner”, we urge the Council to meet in special session soon after the completion of the High Commissioner’s visit. That will allow it to receive and discuss an urgently needed comprehensive assessment of the human rights situation in Sri Lanka and explore measures that can assist the Government in improving that situation.

Thank you Mr. President.

Statement on the mandate of the Independent Expert on the situation of human rights in the Democratic Republic of the Congo¹⁷

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

Review, rationalization and improvement of mandates

Mr President,

In 2004, the Special Rapporteur on the Democratic Republic of Congo (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. Less than two weeks ago, Amnesty International warned the international community of a growing danger that the escalating violence in North-Kivu could develop into a renewal of mass ethnic killings and other human rights abuses¹⁸. We receive from those fleeing the fighting reports of rapes and killings of civilians. Recruitment and use of children by armed groups in the Kivus has not stopped.

In our latest annual report we describe the situation in the DRC as having remained unstable, with several regions of the country suffering widespread insecurity and ethnic tensions. Extrajudicial executions and other unlawful killings, arbitrary arrests, unlawful detentions, acts of torture or ill-treatment, and life-threatening prison conditions continue day in day out. Decades of neglect, poor governance and mismanagement of resources,

¹⁷ Amnesty International has planned to deliver this statement on 27 September 2007. However, the review, rationalisation and improvement of the mandate of the Independent Expert on the situation of human rights in the Democratic Republic of Congo has been deferred to the 7th session of the Council at the request of the main sponsor (Egypt on behalf of the Group of African States).

¹⁸ Democratic Republic of Congo (DRC): Escalating violence in North-Kivu deepens risk of mass ethnic killings AI Index: AFR 62/014/2007 (Public), 10 September 2007
<http://web.amnesty.org/library/Index/ENGAFR620142007?open&of=ENG-COD>

compounded in the east by war, have left essential services and infrastructure, including the justice, health and education sectors, in a state of near-collapse¹⁹.

Will Council members turn a blind eye to this situation? We urge not. This Council must ensure that it is provided with serious, independent and authoritative investigation on reports of grave violations of human rights. This is important for the Council to be able to take informed decisions.

For this reason, we call on the Council to extend this country mandate and to reinforce its ability to advise and inform the Council about the human rights situation in the DRC and the capacity building needs of the country.

Thank you Mr President

¹⁹ <http://thereport.amnesty.org/eng/Regions/Africa/Democratic-Republic-of-Congo>