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Conference of the Political Internationals
Human Rights and Democracy: An International Agenda

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Address by P. Sané, Secretary General
Amnesty International

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Honourable Participants,

On behalf of Amnesty International and its one million members I would like to congratulate the political Internationals for their long involvement in ushering in an international Human Rights order, and I would like to thank the International Centre for Human Rights and Democratic Development for this initiative and the Government of Canada for its support and continued efforts in promoting human rights worldwide.

Amnesty International contribution over the past 35 years has been founded on the belief that rights and obligations go hand in hand: that all people have the right to express their own convictions, assert all the rights expressed in the Universal Declaration of Human Rights AND have the obligation to protect and extend similar rights to others throughout the world.

AI believes that human rights are indivisible and interdependent and that personal prerogatives should not be dissociated from existential needs. Human rights must reflect the fundamental needs the individual is entitled to satisfy in order to live a life of inherent dignity. At the same time, since human rights form a whole, the relationship between one set of rights (civil and political) and another (economic, social and cultural) is one of mutual dependence in as much as advance or impairment of one right would affect enjoyment of the whole.

One issue that has always laid at the heart of everything AI has done is the question of impunity for human rights violations.

Central to all international human rights law is the fact that governments are responsible for the protection of human rights.

Sometimes people have the impression that it is solidarity organizations, or lawyers or committees of relatives of Human Rights NGOs that are responsible for the protection of human rights --- and that governments are only responsible for violating human rights! But that is not the way it is meant to be!

In international law, governments have the responsibility of protecting their citizens, of protecting their rights. It is governments who are responsible for drawing up and

implementing human rights legislation. They are responsible for promoting human rights in their countries. They are responsible for monitoring observance of human rights in their countries. They are responsible for investigating alleged abuses of human rights in their countries. And they are responsible for bringing those responsible for human rights abuses to justice.

And I want to stress the international character of these responsibilities.

At the World Conference on Human Rights in Vienna, for the first time on such a scale, the issue of impunity was tackled. The conference encouraged the International Law Commission to continue its work on an international criminal court. It supported the efforts of the UN Commission on Human Rights to examine all aspects of the issue of impunity. And in the case of torture and enforced "disappearances", it specifically called for the prosecution of anyone held to be responsible for these abuses.

Ending impunity for those responsible for grave human rights violations, the conference declared, would provide a firm basis for the rule of law.

In Amnesty International's view, there is an obvious link between continuing human rights violations and the phenomenon of impunity. In fact, impunity is the determining element which allows sporadic violations to develop into a systematic pattern of abuse. The fight against grave human rights violations can only be won if this problem is tackled effectively.

Impunity, literally exemption from punishment, has serious implications for the proper administration of justice. Adequate investigation of human rights abuses is essential if the structure of justice is to be upheld and respected. Bringing the perpetrators to justice is not only important in respect of the individual case, but also sends a clear message that violations of human rights will not be tolerated and that those who commit such acts will be held fully accountable.

There is a dimension to this beyond theory. Victims, their relatives and the society at large all have a vital interest in knowing the truth about past abuses and in the clarification of unresolved human rights crimes.

I think of the families of hundreds of Moroccans who have disappeared. They have no knowledge as to the whereabouts or fate of their relatives. The government denies detaining these people, there has been no investigation and no compensation.

I think of the families of scores of people who have "disappeared" into military and police custody in Northern Sumatra. As with their counterparts in East Timor, they too have no idea what has happened to their loved ones and the Indonesian government appears not only to allow its security forces to act in this way with impunity, but to enjoy impunity itself within the community of nations.

I could go on citing families in countries around the world, from Peru to El Salvador, to Mauritania to China, -- all of whom could come here, if that were possible, to share with you the consequences they have faced -- and which they fear their sons, daughters, husbands and wives have faced -- while those responsible enjoy impunity.

I think of the tragic events in Rwanda one year ago this month which shocked all of us and reintroduced the term genocide into everyday speech. But the mass killings in April and May 1994 were only the latest and most devastating in a cycle of violence which has claimed hundreds of thousands of lives in post-colonial Rwanda. This pattern keeps repeating itself, largely because those who planned, ordered and carried out the atrocities each time have known they can get away with it.

The Rwandese Government, in a press release issued on the first anniversary of the start of last year's killings reminded the world:

"The people of Rwanda need justice. Rwanda's first goal is to bring perpetrators of this crime against humanity to justice. It is the best way to break the cycle of violence, embedded in a culture of impunity in Rwanda from 1959, and to build a new country based on the rule of law ... There can be no peace without justice".

Agreed. But we want to remind the new Rwandese Government that justice is not revenge. The new government will be held accountable for the renewed atrocities committed by its armed forces.

And while the world's focus has been on Rwanda, nothing has been done to bring to justice those responsible for more than 50,000 killings in neighbouring Burundi following a coup attempt in October 1993. A year and half later, killings are continuing unchecked in Burundi. Thousands have already been killed this year and the death toll is rising daily. The situation remains extremely tense and urgent international action is needed to prevent another catastrophe.

There is an international dimension to the search for justice. Many of the human rights violations and abuses committed in places such as Angola, Bosnia-Herzegovina, Burundi, Haiti and Rwanda, are so heinous and so shock the conscience of humankind that they are crimes under international law. Individuals can be held personally responsible under principles of international human rights and humanitarian law.

It does not matter how long ago these crimes occurred or where the perpetrators have fled. Under international law, states who find these people on their territory are obliged to prosecute them or extradite them to a country which can do so.

In the barren years since the Nuremberg and Tokyo war crimes tribunals, these lofty principles have been rarely enforced by governments. Now there is a glimmer of hope that governments are being pushed by public pressure, to create a better system of international justice.

Public outrage at the inability of the UN and its member states to stop the killing and suffering in Rwanda and the former Yugoslavia led to the Security Council setting up ad hoc tribunals to prosecute those responsible for atrocities in these places.

These tribunals send a powerful message to the parties that the criminals must be held to account individually. They have the power to prosecute anyone who planned, instigated, ordered or carried out crimes. Carrying out a crime on the orders of a superior will be no defence. Most safeguards for a fair trial are guaranteed and AI welcomes the exclusion of the death penalty.

But all the powers of the tribunals are of little use unless they also receive resources and political support from states. Almost two years since the tribunal for the former Yugoslavia was established, only seven out of 185 UN member states have passed laws enabling their authorities to cooperate with it. No state has yet done so for the Rwanda tribunal. This is unacceptable. Without such laws suspects cannot be handed over, judicial and police authorities cannot properly cooperate.

The tribunals also need resources, especially an injection of money into the voluntary trust funds set up for both tribunals.

But ad hoc tribunals can only be a stop gap. The biggest challenge is to deter people in the future from committing crimes against humanity. The world urgently needs a permanent international criminal court: a court that can try individuals from anywhere in the world who are responsible for grave violations of international human rights and humanitarian law.

Almost half a century ago the UN General Assembly asked experts in the International Law Commission to draft a statute for a permanent criminal court. The Cold War stifled progress for decades. But public anger at the atrocities in the former Yugoslavia stimulated governments to revive the initiative.

The fate of the court now hangs in the balance. There is overwhelming agreement on the need for such a court, but governments still delay. Last year's UN general Assembly again postponed a decision on creating the court. 1995 is crucial. A committee of government experts met this month in New York and will meet again in August to go over the details of the draft statute. The UN General Assembly which opens on 19 September 1995 will decide whether to call a special conference of governments to adopt a treaty which would establish the court. If this opportunity is rejected hope of a court could be put back to the 21st century.

AI is campaigning for a treaty establishing a permanent international criminal court to be adopted by 24 October 1996 - what more fitting climax to the end of the UN 50th anniversary year. To achieve this the 1995 General Assembly must decide to hold the special conference of states next year. In particular, we have urged that the statute of the court ensure that:

- the Prosecutor may initiate an investigation and prosecution in any case where the Court has jurisdiction, based on information from any reliable source;

- the Security Council may only submit situations to the court for investigation and prosecution, not select individual cases, and that it have no other role in determining whether the Prosecutor may commence a prosecution in situations where it is acting pursuant to Chapter VII of the UN Charter;

- the Court will have jurisdiction over suspects whenever the state having custody of the suspect has submitted to the Court's jurisdiction over the suspect and the crime, even if other states could assert jurisdiction in the case;

- all internationally recognized safeguards of the right to fair trial, not just those in Article 14 of the International Covenant on Civil and Political Rights, are effectively guaranteed at all stages of the proceedings, by incorporating them directly or by reference; and

- there is an effective method to adjust the size of the Court if its workload changes.

I call on this Conference and on the Political Internationals to work for the end of impunity and the creation of a better system of international justice. Your work can make a difference. Silence will send an equally strong message that perpetrators are free to carry on killing and torturing and "disappearing".

I urge this Conference to take action in four specific ways:

First, recognise that impunity is one of the major causes for continuing cycles of human rights violations.

Second, affirm that national authorities have the continuing obligation to bring to justice perpetrators of human rights violations.

Third, support the adoption by the UN of a treaty establishing a permanent international criminal court, no later than 24 October 1996, the end of the 50th anniversary year of the UN. To achieve this I urge you to call for the convening by the 50th session of the UN General Assembly of a special meeting of the states in 1996 to adopt such a treaty.

Fourth, call on governments to give political and financial support to the ad hoc international criminal tribunals for the former Yugoslavia and Rwanda. In particular, governments should urgently pass legislation enabling authorities to cooperate with the tribunals and should contribute money to the voluntary trust funds set up for the tribunals.

A tide of indignation is sweeping the globe. People throughout the world are telling their governments that impunity must end. They are saying that states working together through the UN must finally give teeth to the lofty principles of international justice. In the human rights movement, we know we have to win several battles to end impunity and to close the gaps between principles and reality.

I would like to suggest that, to close these gaps, the human rights movement needs to win four battles.

The first is a battle for identity. It is a battle for the preservation of the individual identity of the victims. Because a victim is not a statistical number nor a sociological category. A victim is a human being. And for many of the victims, death does not even bring to them the elemental human dignity of being named.

For instance, of over 2,000 recorded assassinations in Rio de Janeiro in a one-year period, 600 victims were not even identified. As a Rio de Janeiro state prosecutor told Amnesty International, in too many cases, both victims and perpetrators share a common attribute: they are both unknown.

That is why, for Amnesty International, the battle against impunity is not a battle of figures, important as they may be. The battle against impunity starts by naming the victims ... victims like Roberto Carlos da Costa and Natalino José Batista, killed in Sao Paulo, victims like Jean Alves da Cunha, killed in Espírito Santo in November 1992, names like José do Espírito Santo and Hemisfério Peres Ferreira, killed in Várzea Grande in November 1993, names like Paulo Roberto de Oliveira, Anderson de Oliveira Pereira, Marcelo Candido de Jesus, Valdevino Miguel de Almeida, Gambazinho, Leandro Santos da Conceicao, Paulo José da Silva and Marcos Antonio Alves da Silva, killed in Candelaria, Rio de Janeiro in July 1993, and so many others.

The second is a battle against forgetting.

"Let's forget about the past", demand the perpetrators of crimes against human rights. But, should we forget the "disappeared" during the years of military government in Haiti? Shall we forget that the Haitian torturers and rapists are still free?

To forget the crimes is not what justice is about. Hopefully, the new Justice and Truth Commission in Haiti will prevent the past from being buried.

Third is a battle for compassion.

In some countries, people have turned against human rights organizations, regarding their work as little more than the protection of criminals or terrorists.

In response to anxiety about the rising crime rate, the death penalty is used with more and more frequency. How sad that the headquarters of the UN is now in a state that has reintroduced the most cruel, inhuman and degrading punishment of all.

But the death penalty does not bring security. On the contrary, it degrades and brutalizes the society in which it is used.

The fourth battle is a battle for accountability.

Of course, if impunity is to end, those responsible for crimes against human rights should be made accountable for their crimes in a court of law.

That is why the fate of the international criminal court is so crucial today. In the names of the millions of victims of human rights violations, please take action to make this Tribunal a reality. Thank you.

As mentioned in the ICC media strategy, below is the update of the speech delivered by Pierre Sané.

**Update to Pierre Sané's Address to the Conference of the Political Internationals.
"Human Rights and Democracy: An International Agenda".**

Dear Friends,

You are encouraged to make the widest use possible of the enclosed speech by Pierre. However, you should be aware that details relating to legislation adopted by UN member states to support the ad hoc tribunals for the former Yugoslavia and Rwanda change rapidly. For instance, according to the information currently available to AI, as of 31 of August, the text from the 2nd line of the 2nd paragraph on page 7 should be altered to take account of the developments outlined below:

- almost two years since the tribunal for the former Yugoslavia was established, only 12 out of 185 UN member states have passed laws enabling their authorities to cooperate with it
- three states have indicated that no legislation was needed to cooperate with that tribunal;
- at least nine states have informed the Registrar that they are considering the adoption of such legislation or are known to be taking steps to do so.

As far as adoption of enabling legislation pertaining to the ad hoc tribunal for Rwanda is concerned, AI has learned that:

- nearly 10 months after the establishment of the tribunal for Rwanda, only two states had informed the Registrar that they had complied with their legal obligations by adopting legislation permitting cooperation with the tribunal;
- three states do not need to adopt such legislation;
- only 11 states are known to be taking effective steps to adopt legislation permitting cooperation with the tribunal for Rwanda.

In addition, on page 8, the 4th line of the 2nd paragraph should read: "A committee of government experts held two meetings in April and August in NY to review the major substantive and administrative issues arising out of the draft statute for an international criminal court prepared by the International Law Commission (a UN body of experts appointed by the General Assembly to codify and develop international law)".