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**Compilation of statements by
Amnesty International**

(including joint statements)



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UN Human Rights Council

Resumed sixth session

Compilation of statements by Amnesty International (including joint statements)

The following statements were delivered during the second part of the sixth regular session of the Human Rights Council that took place from 10 to 14 December 2007. The full text of the statements is posted on the extranet page of the UN Human Rights Council¹.

Written statement on the review of the mandate of the Special Rapporteur on the promotion and protection of human rights while countering terrorism

The establishment, in 2005, of the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedom while countering terrorism (Special Rapporteur) represented an important acknowledgment of the need to address the issue of states' legislation and practices that violate fundamental human rights in the name of combating terrorism.

The former Commission on Human Rights resolution 2005/80, introduced by Mexico and co-sponsored by 68 states², mandated the Special Rapporteur, *inter alia*, to make concrete recommendations on the promotion and protection of human rights and fundamental freedoms while countering terrorism, including for the provision of advisory services or technical assistance; and to gather and receive information on alleged violations of human rights while countering terrorism and to regularly report to the Commission and the UN General Assembly.³

Since its establishment, the Special Rapporteur has developed important analysis and recommendations on some key issues and policies related to state actions to counter terrorism, notably on terrorist profiling and shoot-to-kill policies (A/HRC/4/26); refugees and counter-terrorism measures, non-refoulement and use of diplomatic assurances (A/62/263); derogations and limitations to freedom of assembly and association and listing of terrorist groups (A/61/267); the

¹ <http://portal.ohchr.org/>

² The resolution was co-sponsored by: Albania, Argentina, Armenia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Chile, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Monaco, Netherlands, New Zealand, Nigeria, Norway, Panama, Paraguay, Poland, Portugal, Romania, Russian Federation, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Swaziland, Sweden, Switzerland, Tanzania, Togo, Ukraine, United Kingdom, United States of America, Uruguay and Venezuela.

³ Since the establishment of his mandate, the Special Rapporteur has submitted one report to the former Commission on Human Rights, two reports to the Human Rights Council and three reports to the UN General Assembly.

definition of terrorism and the rule of law (E/CN.4/2006/98), and the impact of counterterrorism measures on the enjoyment of economic, social and cultural rights (A/HRC/6/17.)

The Special Rapporteur has also conducted country visits to Turkey, the United States of America, Israel and the Occupied Territories, and South Africa, as well as publishing a “desktop study” on Australia. In his communications to governments, the Special Rapporteur acted upon information concerning individual cases of alleged violations of human rights in the context of counter terrorism. He also provided comments on draft or adopted legislation designed to combat terrorism - with a view to assessing its compliance with human rights standards.

The Special Rapporteur has also developed relationships and dialogues with various UN bodies and regional organizations dealing with issues relevant to his mandate, including notably the Counter-Terrorism Committee of the UN Security Council (CTC.)

The fact that many governments, from different regions of the world, have cooperated with the Special Rapporteur and have accepted requests for visits is an encouraging sign. However, Amnesty International remains concerned that many governments continue to refuse to cooperate with the Special Rapporteur. Many communications sent to governments in 2007 received no reply and the following countries have not responded to the Special Rapporteur’s visit requests: Algeria, Egypt, the United States of America in relation to the detention facility at Guantánamo Bay, Malaysia, Pakistan, and Tunisia.

The continuing erosion of human rights and the undermining of international humanitarian and human rights law in the context of counter-terrorism requires ongoing scrutiny and action by the Human Rights Council and other UN bodies. This has been recognised by the UN General Assembly where the Third Committee that has just adopted a resolution on protection of human rights and fundamental freedoms while countering terrorism, which notes with concern counter-terrorism measures taken by states that undermine human rights and the rule of law and which requests, *inter alia*, all governments to cooperate fully with the Special Rapporteur.⁴

Enforced disappearances, unlawful detainee transfers (renditions) and secret detention have taken place with the active participation or complicity of the Afghanistan, Bosnia Herzegovina, Djibouti, Egypt, Ethiopia, Gambia, Indonesia, Iraq, Jordan, Kenya, Macedonia, Mauritania, Morocco, Morocco, Pakistan, Somalia, Syria, Tanzania, Thailand, USA, Yemen and many member countries of the European Union.⁵ 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.

In view of the above and other instances of serious violations of human rights in connection with counter terrorism measures, Amnesty International believes that the mandate of the Special Rapporteur on the promotion and protection of human rights while countering terrorism serves a most important function in addressing the impact of state counter terrorism measures on the enjoyment of all human rights and fundamental freedoms.

Therefore, Amnesty International calls on the Human Rights Council to:

- Renew the mandate of the Special Rapporteur on the promotion and protection of human rights while countering terrorism;

⁴ A/C.3/62/L.47/Rev.1

⁴ See *Partners in Crime: Europe’s Role in US Renditions* AI Index: EUR 01/008/2006 (June 2006).

- Urge states to fully cooperate with the Special Rapporteur on the protection of human rights and fundamental freedoms while countering terrorism including by responding promptly and in full to his urgent appeals, communications and requests for visits;
- Encourage further dialogue and collaboration between the Special Rapporteur and the Counter-Terrorism Committee of the Security Council, in particular with a view to ensuring that reviews by the CTC of Member State reports address how measures to counter terrorism meet the requirement that they be compatible with human rights.

Written statement on the situation of human rights in Myanmar

Amnesty International takes the opportunity of the Resumed Sixth Session of the Human Rights Council to reflect on the state of implementation of Resolution S-5/1, adopted by the Council at its Fifth Special Session on 2 October 2007. In this resolution, the Council strongly deplored the violent repression of peaceful demonstrations in Myanmar and urged the government of Myanmar to exercise utmost restraint and desist from further violence against peaceful demonstrators. The Council further called on the government to ensure full respect for human rights and fundamental freedoms and to investigate and bring to justice perpetrators of human rights violations; to release without delay those arrested and detained as a result of the repression of peaceful protests as well as other political detainees; and to lift all restraints on peaceful activity of all persons by guaranteeing freedom of peaceful assembly and association and freedom of opinion and expression.

Despite the assertion on the government-controlled *New Light of Myanmar* website on 7 November, that “peace and stability is prevailing in the whole nation ... [and the] situation has returned to normal”,⁶ Amnesty International continues to document serious human rights violations indicating that the crackdown continues against the backdrop of the long-standing, widespread and systematic human rights violations that have been perpetrated by the Myanmar authorities for decades.

Beatings, killings and deaths in custody

During the violent suppression of the demonstrations in September 2007, Myanmar state security personnel and groups supported by them beat with sticks monks, as well as men, women, and children participating in the protests; bystanders were also beaten. In some cases beatings were administered indiscriminately, in others individuals were deliberately targeted. At least one demonstrator, Ko Ko Win, a 22-year-old National League for Democracy (NLD) member, died as a result of injuries sustained when he was beaten near Sule Pagoda in Yangon on 27 September. Amnesty International has confirmed that both rubber bullets and live rounds were fired into the crowds of peaceful demonstrators.

Shortly after the crackdown the Myanmar authorities admitted that at least 10 protesters died. While Amnesty International has not been able to confirm the total number of deaths, the organization strongly believes that the real figure is higher. For example, the Assistance Association for Political Prisoners, Burma (AAPPB) has so far recorded details of 18 deaths during the crackdown.⁷

Amnesty International urges the Human Rights Council to demand that the Myanmar authorities:

- *provide the names of those killed and the cause of their deaths;*

⁶ UN Envoy holds talks with Spokes Authoritative Team of SPDC, meets NPED Minister, Foreign Minister, Religious Affairs Minister, Labour Minister, members of social organizations, representatives of national races, *New Light of Myanmar*, 7 November <http://www.myanmar.com/newspaper/nlm/>

⁷ See http://www.aappb.org/died_sept_07.html

- *ensure that independent, impartial and prompt investigations are carried out into all deaths during demonstrations and in custody;*
- *ensure that those responsible for unlawful killings are brought to justice in accordance with international standards for fair trial.*

Detention of protesters

According to the *New Light of Myanmar*, 2,927 persons were detained during the crackdown in September 2007. Of these, 2,836 were subsequently released, and 91 remain in detention.⁸ Amnesty International believes that these totals are not the full picture. The organization is particularly concerned about numerous accounts of large-scale informal detention centres, unacknowledged by state authorities. Amnesty International estimates that the number of prisoners of conscience arrested during the current crackdown and presently detained is about 700. This is in addition to the approximately 1,150 political prisoners already in detention from before the pre-crackdown. Detainees have included children and at least two pregnant women. At least 20 individuals arrested in connection with the protests have been sentenced to prison terms of up to nine and a half years. At least five of them are reported to have been tried in closed and flawed proceedings in a court inside Thayet prison, Magway division, on 24 and 26 September.⁹

Amnesty International is gravely concerned that many of those arrested are held solely for their participation in peaceful demonstrations. The organisation considers such persons prisoners of conscience, detained solely for exercising their right to freedom of expression or assembly.

The organization is also concerned at reports that the authorities have arbitrarily and unlawfully detained family members, friends and suspected sympathisers of protesters currently in hiding.

Amnesty International urges the Human Rights Council to demand that the Myanmar authorities:

- *immediately and unconditionally release those arrested for peacefully exercising their right to freedom of expression or assembly during the crackdown, as well as all prisoners of conscience held since before the recent events;*
- *make public the names of those detained in connection with the demonstrations, as well as their place of detention, the legal basis for their arrest and detention and their current status;*
- *ensure that the detainees are held only in official places of detention, and are given immediate access to lawyers, their families and any medical treatment they may require, as well as to independent, impartial, civilian courts in front of which they can challenge their detention; and*
- *immediately cease the systematic and arbitrary detention of suspected sympathizers or family members of protestors.*

Enforced disappearances

Amnesty International is aware of at least 72 cases of enforced disappearance in connection with the recent events.¹⁰

⁸ UN Envoy holds talks with Spokes Authoritative Team of SPDC, meets NPED Minister, Foreign Minister, Religious Affairs Minister, Labour Minister, members of social organizations, representatives of national races, *New Light of Myanmar*, 7 November 2007.

⁹ Democratic Voice of Burma, 10 October 2007. The five included U Pike Ko, a member of the National League for Democracy, and four other residents of Pakokku. See <http://english.dvb.no/news.php?id=537>

¹⁰ The AAPPB has compiled a list of such individuals. Amnesty International considers this information has been verified and can be considered reliable. See http://www.aappb.org/disap_sept_07.htm.

- *Amnesty International calls on the Human Rights Council to demand that the Myanmar authorities immediately investigate and account for all those subjected to enforced disappearance.*

Torture and other cruel, inhuman and degrading treatment in detention

Amnesty International has confirmed reports of appalling conditions of detention constituting cruel, inhuman or degrading treatment prohibited under international law. Since the crackdown there has been an increasing number of reports of deaths in custody as well as a lack of food, water and medical treatment in overcrowded unsanitary detention facilities across the country. Amnesty International is particularly disturbed by reports from recently released detainees that they were held in buildings designed for holding dogs (commonly known as ‘dog cells’).

Individuals have reported incidents of torture and other cruel, inhuman or degrading treatment. One recently released detainee testified that he was made to kneel for long periods of time on broken bricks and also made to stand on tiptoes in an uncomfortable position for long periods (this is known as the bicycle-riding position). There are also confirmed reports of beatings, as well as of monks held in detention being stripped of their robes and purposely fed in the afternoon, a time of the day when their religion forbids them eating.

- *Amnesty International calls on the Human Rights Council to demand that the Myanmar authorities ensure -+ detainees and prisoners are treated humanely and held in conditions that respect their dignity, and ensure their security and healthcare.*

Bringing perpetrators to justice

In addition to government soldiers and riot police, members of the government-backed Union Solidarity and Development Association (USDA) are reported to have used violence against the September 2007 protesters under government instructions or with government acquiescence or approval in violation of international law and standards. Amnesty International has received information that members of a group known as *Swan-Ar-Shin*, or ‘People Power’, also participated in the violent suppression of protesters with government acquiescence or backing. There is evidence that the Myanmar authorities were complicit in the abuses perpetrated by these groups, or negligent in failing to intervene to prevent and punish them.

The culture of impunity that has pervaded Myanmar for decades is well-documented by Amnesty International. As a necessary first step toward ending human rights abuses perpetrated by state and non-state actors:

- *Amnesty International urges the Human Rights Council to demand that the Myanmar authorities ensure that all reports of killings, torture and other ill-treatment of detainees, unlawful arrests, and enforced disappearances are promptly, independently and efficiently investigated. The authorities must bring perpetrators to justice and ensure reparation for victims and survivors in accordance with international standards.*

Restraints on political activity and access to information

A large contingent of riot police took to the streets in Yangon and elsewhere in Myanmar on the weekend of 26-28 October in anticipation of demonstrations to mark the one-month anniversary of the September crackdown. Similarly, on 1 November, it is believed that access to the internet, which was cut on 28 September, was again blocked. Amnesty International has also received credible reports that despite the lifting of the curfew, the night raids and harassment continue to occur, as do intermittent arrests.

- *Amnesty International urges the Human Rights Council to demand that the Myanmar authorities lift all restraints on peaceful political activity, and guarantee freedom of*

peaceful assembly and association and freedom of opinion and expression, including by allowing unhindered access to media and other forms of information.

Ongoing human rights violations

Amnesty International has for decades documented human rights violations by the military authorities in Myanmar. People are frequently arrested without warrant and held incommunicado. Torture and other cruel, inhuman and degrading treatment are common in pre-trial detention. Laws criminalise peaceful expression of political dissent. Proceedings against political and other detainees have failed to meet international standards of fairness. Defendants are often denied the right to legal counsel or to legal counsel of their own choice. Prosecutors have relied on confessions extracted through torture. The use of forced labour is frequent and children are recruited as soldiers.

The organization has concluded that the widespread and systematic attacks on civilians in some minority areas, including the demolition of homes and whole villages, the destruction or confiscation of crops and food stocks, forced labour, unlawful killing and torture, and other forms of collective punishment, constitute crimes against humanity.

- *Amnesty International urges the Human Rights Council to demand that the Myanmar authorities put an end to the culture of human rights violations which has pervaded the country, including by bringing laws into line with international human rights standards; similarly reforming the judicial system, the armed forces and law enforcement agencies; and putting an end to impunity.*

Written statement on the review of the mandate of the Special Rapporteur on the situation of human rights situation in the Sudan

The current mandate of the Special Rapporteur on the human rights situation in the Sudan (Special Rapporteur) was established by the former Commission on Human Rights in 2005, which called on the Special Rapporteur “to monitor the situation of human rights in the Sudan”. However, the establishment of a Special Rapporteur for Sudan goes back to 1993.¹¹

Previous mandate holders have carried out fact finding visits throughout Sudan and reported regularly to both the former Commission on Human Rights and the UN General Assembly on the situation of human rights in the Sudan. It should be recalled that the Special Rapporteur already started focusing on Darfur in 2001 and visited the region in October 2002 "because of the seriousness of reports received". At its 59th session in 2003, he warned the Commission of "a serious deterioration of the situation, with a high potential of destabilizing the country". Despite this, the Commission ignored his warning and terminated his mandate at that session. In recognition that seriousness of the human rights situation in Sudan required ongoing attention, in 2004, the Commission established an Independent Expert on Sudan, and the following year it re-established a Special Rapporteur on the human rights situation in Sudan.

Since convening a Special Session on the situation in Darfur in December 2006, the Council has, on various occasions, expressed its serious concern on the human rights situation in Darfur. It has established a high level mission and, subsequently, a Group of Experts, composed of the Special

¹¹ The mandate of the Special Rapporteur on the human rights situation in the Sudan was renewed by the former Commission on Human Rights each year between 1993 and 2002. The mandate was terminated in 2003. In 2004, the Commission established an Independent Expert on Sudan, and the following year, a Special Rapporteur on the human rights situation in Sudan with resolution 82/2005 adopted by consensus at the 61st session of the former Commission on Human Rights.

Rapporteur and six other thematic special rapporteurs, to ensure effective follow-up on previous resolutions and recommendations on Darfur.

Amnesty International has welcomed the establishment and activity of the Group of Experts and their methods of work, including identifying priority issues, indicators and steps towards implementation of existing recommendations.

However, despite the above initiatives and the cooperation of the government of Sudan with the Group of Experts, the situation in Darfur remains characterized by widespread and systematic violations of human rights and international humanitarian law by all parties to the conflict and by almost total impunity for the perpetrators of such violations. Although the engagement of Sudan with the recommendations is welcome, the government's answers almost invariably fail to respond to major concerns and often distort the situation. More importantly, there is insufficient progress in the actual implementation of the recommendations.

Amnesty International expects that the Council will strongly support the conclusions of the Group of Experts by urging the government of Sudan to continue to work closely with the Group in taking concrete measures to ensure that the recommendations are implemented. It is most important the Group of Experts be able to continue to monitor the implementation of the recommendations and that Council continues to ensure follow up to the Group's work.

While the situation in Darfur has commanded the attention of the Human Rights Council, and is the focus of the work of the Group of Experts, the human rights situation in other parts of Sudan is also serious, and it is deteriorating in some places. Amnesty International and other independent observers, including the Special Rapporteur, continue to receive credible reports of serious human rights violations in regions of Sudan beyond Darfur. They make it clear that the Council must continue to monitor the human rights situation throughout Sudan. The role of the Special Rapporteur on Sudan will be central both to the work of the Group of Experts and to monitoring the human rights situation throughout Sudan.

Violations in regions other than Darfur include continued arbitrary arrest and prolonged incommunicado detention. Torture by different Sudanese government security forces continues to be recorded, particularly against students and marginalised groups like Darfuris. Of some thirty opposition politicians and retired army officers arrested in July who were accused of plotting against the government (the Mubarak al-Mahdi group), most have said they were tortured by methods including suspension by hands and feet, severe beating, and prolonged sitting or standing. The government of Sudan persistently fails to investigate allegations of torture, even when they are raised in court.

The government of Sudan is still failing to take action to redress abuses committed by government authorities. Too often it is those who complain and who investigate human rights violations who are detained, rather than the perpetrators of abuses. For instance, a government Committee of Investigation set up to investigate the killing of four persons, and wounding of nine on 13 June 2007, in a peaceful march to protest the building of the Kajbar Dam, has still not reported on its findings, while journalists and others who travelled to the area to carry out their own investigation were arrested and held in detention, some for up to 10 weeks. Other committees set up to investigate serious human rights incidents, such as the attacks on Buram in 2006 and the conflicts between Rizeiqat and Tarjum in 2007, have never reported publicly on their findings, and nothing has been done to redress the violations committed.

The right to freedom of expression is frequently violated in Sudan. The government regularly imposes gag orders on the media - for instance on reporting criminal processes in Darfur; in relation to detention of the Mubarak al-Mahdi group after the initial announcement in July; and on the killing of protestors against the Kajbar Dam. At least 10 journalists have been detained since June for writing articles critical of government policies or because they were investigating sensitive

subjects. Without enjoyment by all of the right to freedom of expression, the monitoring of the implementation of the Comprehensive Peace Agreement, the institution in Darfur of a durable peace that incorporates full respect for human rights, and the holding of free elections in 2009, as scheduled, will be impossible. The serious failures of domestic mechanisms are further reasons for continued UN monitoring of the human rights situation in Sudan.

In the light of these considerations, Amnesty International recommends that the Council extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan.

The Special Rapporteur and the Group of Experts have distinct and complementary mandates. Both are necessary for the Council in addressing the situation of human rights in Darfur, in particular, and Sudan, in general. In addition, the Special Rapporteur plays a vital role as coordinator to the Group of Experts.

Maintenance of the mandate of the Special Rapporteur is essential to convey to the government of Sudan and to the victims of human rights violations the UN's continued concern about the need to improve the human rights situation in Sudan. The mandate of the Special Rapporteur must be renewed to maintain the Council's (and the UN General Assembly's) only independent mechanism able to regularly report on and provide authoritative recommendations aimed at addressing the human rights situation in Sudan.

Written statement on the state of emergency in Pakistan

On 3 November 2007, General Musharraf, acting *ultra vires* his powers as Pakistan's Chief of Army Staff, imposed a state of emergency, suspended the Constitution and replaced it with a "Provisional Constitutional Order" (PCO) that explicitly suspended fundamental constitutional rights, including the right to life and to equality before the law, empowered him to amend the Constitution at will, and prohibited any judicial review over his orders or his government's actions.

In the pledges and voluntary commitments of 24 April 2006 that Pakistan made as part of its successful campaign for election to the Human Rights Council, the government of Pakistan informed UN Member states, *inter alia* that:

"Promotion of human dignity, fundamental freedoms and human rights, equal status and rights of the followers of all religions and prohibition of discrimination on account of religion, race, caste or creed etc are enshrined in Articles 9-29 of the Constitution of Pakistan."¹²

However with the imposition of the state of emergency, General Musharraf suspended all of Pakistan's constitutional guarantees for the protection of human rights and fundamental freedoms.

As a member of the Human Rights Council, Pakistan "shall uphold the highest standards in the promotion and protection of human rights".¹³ The suspension of fundamental rights and freedoms, particularly when their existence formed a key part of Pakistan's bid for election to the Council, can hardly be consistent with this requirement to uphold the highest standards.

While Amnesty International notes reports that the Pakistan authorities intends to lift the state of emergency on 15 December, the organization remains gravely concerned that safeguards critical for the future protection of human rights in Pakistan have now been seriously undermined.

¹² For the full text of Pakistan's election pledges, please see: <http://www.un.org/ga/60/elect/hrc/>

¹³ UN General Assembly Resolution, A/RES/60/251, OP 9.

The credibility of the Council's predecessor, the UN Commission on Human Rights, was called into question due to repeated charges that the Commission's work was characterized by politicisation and double standards. If the Human Rights Council fails to address the grave consequences of the imposition of the state of emergency for the very underpinnings of the protection of human rights in Pakistan, Council members risk being complicit in politicization and double standards entering the Council.

Background

Following the declaration of the state of emergency, General Musharraf summarily dismissed Chief Justice Iftikhar Choudhry, along with 11 other Supreme Court judges – a move flagrantly breaching the country's Constitution and core provisions of the UN Principles for the Independence of the Judiciary. Only those judges who were invited to resume their position and agreed to take an oath to uphold the PCO were allowed to continue in their post. As noted above, the PCO suspended fundamental rights - including safeguards to arrest and detention, and freedom of association and assembly – while providing full immunity for all government actions taken during emergency rule. Under the PCO no court order can be issued against the President, Prime Minister or any person exercising powers under their authority.

The government also amended the Army Act (1952), on 11 November, to allow military authorities to try civilians on charges including treason, sedition, and "statements conducive to public mischief". Publishing materials containing comments against the imposition of the emergency could be at risk of falling in this category.¹⁴ Despite the Attorney General's assurances that no politician or lawyer would be tried under the Army Act in the current circumstances, the amended Act poses serious threats to freedom of expression and the work of civil society activists as well as political opponents.

On 15 November, General Musharraf amended the PCO, transferring the power to lift the state of emergency from his role as Chief of Army Staff, to his role as President. This will enable him to continue to exercise these powers now that he has stepped down as Army Chief.

Under rules of customary international law, fundamental human rights such as the rights to life, freedom from discrimination and arbitrary detention, as well as key rights to a fair trial, can never be suspended and must not be curtailed in order to silence political opposition.

Amnesty International condemns General Musharraf's suspension of fundamental human rights through emergency rule as a blatant violation of international law, as well as of Pakistan's Constitution. Additionally, Amnesty International condemns the suspension and replacement of members of the Supreme Court as it removes a crucial safeguard against human rights violations and impunity for perpetrators, at a time when they are needed most.¹⁵

Mass arrests

Amnesty International is gravely concerned at a continuing pattern of arrests across the country. Despite the authorities' announcement on 27 November of the release of 5,748 detainees, including human rights activists,¹⁶ lawyers, and political activists, there are reports of continuing arrests targeting lawyers and human rights activists who have been jailed in violation of legal procedures.

¹⁴ Amnesty International notes that the grounds for detention of many persons detained immediately after 3 November were that their activities were prejudicial to public safety and the maintenance of public order.

¹⁵ For further information see: *Amnesty International: Pakistan: Fatal erosion of human rights safeguards under emergency* (AI Index: ASA 33/040/2007) 23 November 2007.

¹⁶ Among those detained were more than 50 human rights activists, who had gathered at the Office of the Human Rights Commission of Pakistan to discuss the emergency. They were charged with unlawful

Lawyers

Since the imposition of emergency rule, hundreds of lawyers are reported to have been arrested nationwide, particularly in the cities of Karachi, Lahore, Peshawar, Rawalpindi, Quetta, Hyderabad and Sukkur, where many had been peacefully protesting. On several occasions, security forces reportedly beat protesting lawyers, at times firing teargas at crowds. In Lahore more than 400 lawyers arrested on 5 November and subsequently released on provisional bail, continue to face serious criminal charges, including terrorism and murder, filed against them.

Several senior lawyers, including former Supreme Court Bar Association presidents Tariq Mahmood and Munir A Malik, were held incommunicado following their arrest on 3 November. Serious concerns were raised about Mr Malik's health and he was eventually brought to hospital on 23 November, under police custody, for medical treatment. He suffers from renal failure and his condition is reported to remain critical.

Many of the lawyers detained were held in administrative detention for up to 90 days under the Maintenance of Public Order law. They were held without charge or trial, at risk of torture and other ill-treatment.

Journalists

Local independent television and radio channels were for weeks prevented from broadcasting within the country till they agreed to abide by a code of conduct issued by the authorities. One TV channel has declined to sign any such code and is still banned. New laws restricting freedom of print and electronic media have been issued imposing three to four years' imprisonment and heavy fines as penalties for their breach. Many journalists were arrested since 3 November, including over one hundred protesting journalists who were baton-charged and arrested by police in Karachi on 21 November. They were later released.

Further harassment and detention of journalists remains likely. On 17 November, the editor of the Islamabad Urdu-language daily newspaper *Tulu* was arrested in his office by plainclothes police. During his detention he was blindfolded, taken to an unidentified location and questioned about his writings and released after three days. He was informed that he had been arrested on the orders of senior government officials.

Political activists

The threat of a "revolving door" of mass arrest and release continues for thousands of political activists of opposition political parties, including in particular the two main opposition parties, the Pakistan People's Party (PPP) and Muslim League. On 12 November, the PPP's leader, Benazir Bhutto, was placed under house arrest for a period of seven days, in an attempt to prevent her from leading a mass protest march from Lahore to Islamabad.

Three politicians and a trade unionist have also been charged with sedition on 8 November, after being arrested in Karachi for making speeches and participating in an anti-emergency demonstration outside the city Press Club.

'Disappearances' justified by the 'war on terror'

Amnesty International is deeply concerned about thousands of individuals who have reportedly "disappeared" over the past six years since the start of the "war on terror". Dozens of cases from a

assembly and activities prejudicial to the maintenance of public order law. Among the detainees was the Chair of the Commission, Asma Jahangir, who is also the UN's Special Rapporteur for freedom of religion. A 90-day detention order under preventive detention laws confined her in her house from 3 to 17 November, when the order was withdrawn. A similar detention order was issued against Hina Jilani, UN Special Representative of the Secretary General on human rights defenders, who was out of the country at the time.

list of 485 submitted before the Supreme Court were scheduled to be heard before it on 13 November; however, following the arbitrary changes in the judiciary, the hearing was cancelled.

Their fate and whereabouts unknown, the “disappeared” are at serious risk of torture and other ill-treatment. The vast majority have not been charged with any crime. Some have been labelled terrorists or threats to national security and are thought to be held in undisclosed locations or to have been unlawfully transferred to the custody of other governments, including the USA.

The Supreme Court had been taking a rigorous approach to enforced disappearances demanding that the government disclose the whereabouts of the individuals. On 13 November the Court was due to hear a progress report by the government on cross-checking the lists of those “disappeared” into government custody or produce the individuals before the Court. Chief Justice Iftitkar Choudhry, now removed from his office and under *de facto* house arrest, had previously stated that there was “irrefutable proof that the missing persons are in the custody of secret agencies,” and that the Supreme Court would initiate legal proceedings against those thought to be responsible.

Action:

Amnesty International calls on Human Rights Council to urge the Pakistan government to fulfil its responsibility to uphold the highest standards of human rights, including as a member of the Council, and to:

1. Restore human rights and fundamental freedoms, including the rights to freedom of expression, association and assembly;
2. Release all those who remain arbitrarily detained under emergency provisions, including human rights activists, judges, lawyers, journalists and political activists;
3. Reinstatement of the superior court judges removed from service under the PCO and enable an independent judiciary to fulfil its critical role in the protection of human rights and the rule of law.
4. Rescind the measures conferring jurisdiction over civilians on military tribunals and ensure that civilians are tried fairly in independent civilian courts.
5. Lift all restrictions on the media
6. Invite the High Commissioner for Human Rights to visit Pakistan without delay to assess the situation.

Open-ended Working Group on an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights: Joint statement by Centre on Housing Rights and Evictions (COHRE), Food First Information and Action Network (FIAN) 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: Open-ended Working Group on an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights – Related debate

Delivered by *Claude Cahn* (Centre on Housing Rights and Evictions – COHRE) on Tuesday, 11 December 2007

Mr. President, Madam Chairperson, Distinguished delegates,

The NGO Coalition for an Optional Protocol to the ICESCR warmly welcomes the progress made in the negotiation of the draft Optional Protocol which will eventually place Economic, Social and Cultural Rights on an equal footing with civil and political rights in terms of international legal protections.

The Coalition also welcomes the active and positive work of a large majority of states towards the adoption of a comprehensive Optional Protocol in the 4th session of the Open-Ended Working Group charged with the development of the text of an Optional Protocol on the basis of the draft prepared by the Chairperson-Rapporteur.

In this regard, we would like to extend our sincere thanks to Catarina de Albuquerque for her draft and for her very valuable role in building international consensus around this important mechanism.

We would take advantage of the presentation of the report of the 4th session to the Council to highlight the elements which we identify as being crucial to make the new instrument a tool for the effective realisation of economic, social and cultural rights. We believe that the new procedural instrument must draw from, and build on, the experience of the existing communications mechanisms established in similar instruments related to other UN human rights treaties. In this regard, it is crucial that the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights is comprehensive in its scope, extending to communications concerning alleged violations of States' obligations related to all of the economic, social and cultural rights in the ICESCR; it should also provide the Committee on Economic, Social and Cultural Rights with the possibility to decide upon interim measures and to carry out inquiries in situations which require this procedure.

In addition, the NGO Coalition urges the Human Rights Council to mark the 60th anniversary of the Universal Declaration of Human Rights by clearly demonstrating the strength of its commitment to the interdependence and indivisibility of human rights. The swift adoption of an effective optional protocol to the ICESCR would be a fitting way to concretely demonstrate the equal value of economic, social and cultural rights.

In order to achieve this, the NGO Coalition urges the members of the Human Rights Council as well as all UN member states to complete the negotiations of the text of the Optional Protocol by the end of the second part of the 5th session of the OEWG in April 2008.

Thank you for your attention to these issues.

Questions for the inter-active dialogue with the High Commissioner for Human Rights

Item 4 – Human rights situations that require the Council's attention: Update by the High Commissioner

Delivered by *Peter Splinter* on Tuesday, 11 December 2007

Thank you Mr. President. Amnesty International joins others in condemning today's bombing in Algiers; we extend our condolences to the victims.

Madam High Commissioner

On 3 November 2007, General Musharraf, acting *ultra vires* his powers as Pakistan's Chief of Army Staff, imposed a state of emergency, suspended the Constitution and replaced it with a "Provisional Constitutional Order" (PCO). He summarily dismissed the Chief Justice and 11 other Supreme Court judges and more than 30 High Court judges – a move flagrantly breaching Pakistan's Constitution and core provisions of the UN Principles for the Independence of the Judiciary.

Amnesty International is deeply concerned that the arbitrary replacement of judges of the Superior Courts removes crucial safeguards against human rights violations and impunity for perpetrators at a time when they are needed most.

Our organisation shares your concern that even once the state of emergency is lifted, safeguards critical for the future protection of human rights in Pakistan have been seriously undermined for a long time to come.

Madame High Commissioner: What can be done to restore the legitimacy and authority of Pakistan's judiciary? Is this a matter that you expect to discuss if you are able to visit Pakistan?

Madame High Commissioner,

Previously and again today, you have observed that while Sri Lanka has many of the elements needed for a strong national human rights protection system and much of the necessary institutional infrastructure, critical elements of protection have been undermined or compromised.

You have previously noted that government representatives insist that national mechanisms are adequate for the protection of human rights, but require capacity building and further support from the international community. At the end of your visit to Sri Lanka, you noted, however, that people from across a broad political spectrum and from various communities expressed a lack of confidence and trust in the ability of the existing institutions to adequately safeguard against the most serious human rights abuses.

Amnesty International's findings correspond with your observations. The Government of Sri Lanka appears to lack the political will to enable Sri Lanka's national mechanisms to meet the dire need of the people of Sri Lanka for the protection of their human rights.

Amnesty International understands that independent International Co-ordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) will downgrade the status of the Sri Lankan Human Rights Commission to not-independent. We hope that will act as the wake-up call that prompts the Government of Sri Lanka to change its policy of denial and to move earnestly towards meeting its international legal obligations to take real and effective measures to protect the civilian population. The serious abuses by the LTTE are cause for concern, but are no excuse for further government delay.

Madame High Commissioner: What can the United Nations do to help to protect the human rights of the people of Sri Lanka if the Government of Sri Lanka continues to refuse to take serious domestic measures to protect its civilian population from the many violations of international humanitarian and human rights law taking currently taking place?

Thank you Madam High Commissioner. Thank you Mr. President.

Statement on the Group of experts report on the situation of human rights in Darfur

Item 4 - Human rights situations that require the Council's attention: Follow-up to Resolution OM/1/3

Delivered by *Krisztina Huszti Orbán* on Tuesday, 11 December 2007

Mr. President

The report of the Group of Experts on the situation of human rights in Darfur offers a stark and timely reminder that this Council must continue to monitor the human rights situation in Darfur and urge the government of Sudan to implement all recommendations made by UN human rights bodies on Darfur.

Since convening a Special Session on Darfur in December 2006, the Council has, repeatedly, expressed its serious concern about the human rights situation in Darfur. Amnesty International has welcomed the activity of the Expert Group and their methods of work, including identifying priority issues, indicators and steps towards implementation of existing recommendations.

As the report points out, the government of Sudan has not, with very few exceptions, implemented the recommendations compiled by the Expert Group.

Indeed Darfur remains characterized by widespread and systematic violations of human rights and international humanitarian law by all parties to the conflict and by almost total impunity for the perpetrators of such violations.

As mentioned by the Expert Group, the Sudanese government has failed to implement measures to control and disarm the Janjawid and other militia operating in Darfur and to protect populations under attack in all areas under government control.

Furthermore, the Expert Group assessed that contrary to recommendations, human rights defenders are still subject to arbitrary arrest, physical abuse and harassment. Freedom of expression is still repressed with journalists routinely arrested, newspapers closed. According to the report, since March 2007 there is a general ban on writing "news related to criminal cases connected with the Darfur conflict". Amnesty International receives reports of those who complain of human rights violations being arrested rather than the perpetrators, and of rape victims in Darfur who are sent away by the police without a hearing.

On allegations of torture, the government's response is that it is holding training courses and it issued Order 58/2007 requiring that civilians in police custody not be subject to assault. These are positive moves. But the Expert Group has received information that highlights systematic beatings, torture, and other serious ill-treatment of detainees in Darfur, as well as torture of Darfuris arrested in Khartoum.

The Special Rapporteur on the human rights situation in Sudan has presided over the Expert Group. Her role will continue to be central both to the Expert Group and to monitoring the situation throughout Sudan. The Special Rapporteur and the Expert Group have distinct and complementary mandates. Both are necessary for the Council to address the situation of human rights in Darfur, in particular, and Sudan, in general.

It is most important that the Expert Group continues to monitor the implementation of the recommendations and that the Council continues to ensure follow up to the Group's work. Amnesty

International expects that the Council will work closely with the Group in identifying the concrete measures necessary to ensure that the recommendations are implemented.

Thank you Mr. President.

Statement on Myanmar

Item 4 - Human rights situations that require the Council's attention: Follow-up to Resolution S-5/1

Delivered by *Marianne Lilliebjerg* on Wednesday, 12 December 2007

In Resolution S-5/1, the Human Rights Council urged the Government of Myanmar to guarantee freedom of peaceful assembly, association, opinion, and expression; to immediately release those detained in the recent crackdown on protests, as well as all political detainees in Myanmar; and to investigate and bring to justice perpetrators of human rights violations.

The Special Rapporteur's report paints a bleak picture of the human rights situation in Myanmar. He notes that he "did not find significant signs that the Government is implementing the substantive demands set out in Resolution S-5/1". Contrary to its own assurances, the Government has neither reversed its policy of repression of peaceful political expression, nor has it released unconditionally all of those arbitrarily detained; rather it has carried out further arrests.

Amnesty International's own information confirms the Special Rapporteur's findings. We continue to receive reports of arrests and believe that roughly 700 people detained during and since the protests remain behind bars. A further 1,150 political prisoners held prior to the protests also remain in detention. There are reports of at least 72 cases of enforced disappearances in connection with the recent events, of appalling conditions in detention, and of torture and other ill-treatment of detainees.

Amnesty International supports the Special Rapporteur's recommendations and urges the Government to act swiftly on these. At the same time, the organization urges the Council to stay focused on violations committed prior to the September crackdown.

Amnesty International calls on the Council to urge the Government of Myanmar:

- To release immediately and unconditionally those arrested for peacefully exercising their right to freedom of expression or assembly during the crackdown, as well as all prisoners of conscience held since before the recent events;
- To make public the names of those detained or missing in connection with the demonstrations, [including their place of detention, the legal basis for their arrest, and their current status];
- To ensure that all reports of killings, torture and other ill-treatment of detainees, unlawful arrests, and enforced disappearances, are promptly and independently investigated, and that those responsible are brought to justice;
- To lift all restraints on peaceful political activity, and to guarantee freedom of peaceful assembly and association and freedom of opinion and expression; and

- To end the culture of impunity for human rights violations that pervades the country, including by bringing laws into line with international human rights standards [and by reforming the judicial system, the armed forces, and law enforcement agencies].

The Special Rapporteur notes that his recent visit did not meet the conditions for a full-fledged fact-finding mission; Amnesty International therefore calls on the Council to urge the Government of Myanmar:

- To invite the Special Rapporteur to undertake a follow-up mission prior to March session of the Council with unfettered access to persons, places and sources of information, in line with the terms of reference for missions by UN Special Rapporteurs; and
- To develop effective channels for the Special Rapporteur to monitor, on an ongoing basis, the human rights situation in Myanmar, including events preceding the crackdown and relating to ethnic minorities. Such a channel would include follow-up communication, cooperation and regular access to the country.

Questions for the inter-active dialogue with Martin Scheinin, Special Rapporteur on the promotion and protection of human rights while countering terrorism

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

Delivered by *Patrizia Scannella* on Tuesday, 13 December 2007

Thank you Mr. President.

Mr. Scheinin,

Amnesty International welcomes your important contribution to the UN's efforts to ensure that states' measures to combat terrorism are consistent with their international legal obligations. Your reports and current events remind us regularly that these are Sisyphian labours.

In 2001 the United States of America adopted a global war paradigm to counter-terrorism. The US government has applied its unilateral interpretation of the law of war to justify, among many other measures, the indefinite detention of persons it designates as "enemy combatants" without charge or trial. It has asserted that international human rights law is generally not applicable to this detention regime. "Enemy combatants" are treated as individuals from whom information can be taken rather than to whom process is due. Their detention has been removed from judicial scrutiny. The USA has undermined the absolute prohibition on torture and other ill-treatment, developed administrative review and military commission schemes that can rely on coerced evidence, and established a program of secret detentions in which detainees have become the victims of enforced disappearance. The USA continues to maintain that it acts lawfully, but as your report contributes to pointing out, it does not, to the distress of thousands of detainees and their families, and to the detriment of the rule of law and long-term security.

Unfortunately many other states have also enthusiastically decided to conduct the "war on terror" at the expense of respect for human rights.

Only last month, in Pakistan, General Musharraf imposed a state of emergency, suspended the Constitution and replaced it with a "Provisional Constitutional Order" (PCO) that explicitly

suspended fundamental constitutional rights, empowered him to amend the Constitution at will, and prohibited any judicial review over his orders or his government's actions.

In the name of the so-called "war on terror" General Musharraf seriously undermined safeguards critical for the future protection of human rights by summarily dismissing the Chief Justice and 11 other Supreme Court judges and more than 30 High Court judges. Pakistani authorities have made mass arrests of human rights activists, lawyers, and political activists. They prevented local independent television and radio channels from broadcasting for weeks within the country. They have charged many persons with serious criminal offences for peacefully exercising their freedoms of expression and assembly.

Mr. Scheinin,

Your mission to the United States of America was useful in identifying what you have described as best practices in fighting terrorism in compliance with human rights and fundamental freedoms. It also enabled you to draw attention to serious situations of incompatibility between international human rights obligations and the counter-terrorism law and practice of the USA. We hope that US authorities will benefit from your analysis and we urge them to correct these incompatibilities.

Amnesty International notes that you have also requested to visit Pakistan. We believe that Pakistani authorities could also benefit from an in-depth dialogue with you. Have you been able to agree with Pakistani authorities dates for a visit to Pakistan?

Thank you Mr. Scheinin.

Thank you Mr. President.

Interactive dialogue with Paul Hunt, Special Rapporteur on the right to the highest attainable standard of physical and mental health: Joint statement by Amnesty International, the Canadian HIV/AIDS Legal Network and International Service for Human Rights

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

Delivered by *Katrine Thomasen* (International Service for Human Rights) on Wednesday, 13 December 2007

Mr President,

We appreciate the commitment and extensive work of Mr Paul Hunt as Special Rapporteur on the right to health since the establishment of this important mandate in 2002.

The mandate and work of the Special Rapporteur has brought focus to the enjoyment of the right to health and highlighted that its full enjoyment still remains a distant goal for millions of people.

The mandate is challenging in view of the wide-ranging and complex factors and determinants that affect the right to health and its application to a broad range of groups, including those that are often most vulnerable and marginalised. We welcome the contribution of the Special Rapporteur to a better understanding of the scope and content of the right to health in all its aspects.

We also acknowledge the sensitivities of the issues addressed by the mandate which often engage complex economic, social, cultural and resource considerations.

The Special Rapporteur has brought a balanced approach to the mandate and these issues situating the right to health in a human rights analytical framework while responding to the needs of those affected.

We trust that the Council will renew the mandate of the Special Rapporteur by consensus.

Thank you

Assessment of the mandate of the Special Rapporteur on the human rights in the Sudan

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

Delivered by *Krisztina Huszti Orbán* on Friday, 14 December 2007

Thank you Mr. President

The establishment of a Special Rapporteur on the Sudan goes back to 1993. Amnesty International recalls that the then Special Rapporteur already started focusing on Darfur in 2001 and visited the region in October 2002 “because of the seriousness of the reports received”. In 2003, he warned the Commission of “a serious deterioration of the situation, with a high potential of destabilizing the country”. Despite this, the Commission ignored his warning and terminated his mandate. In recognition that the seriousness of the human rights situation in Sudan required ongoing attention, in 2004, the Commission established an Independent Expert on Sudan, and the following year it re-established a Special Rapporteur.

While the situation in Darfur has already commanded the attention of this Council, the human rights situation in other parts of Sudan is also serious, and it is deteriorating in some places. Amnesty International and other independent observers, including the Special Rapporteur, continue to receive credible reports of serious human rights violations in regions of Sudan beyond Darfur, including continued arbitrary arrest and prolonged incommunicado detention, torture and impunity. The right to freedom of expression is also frequently violated. This week the High Commissioner has expressed to this Council her concerns that “grave violations of international human rights and humanitarian law continue to be committed in Sudan for the most part with total impunity.”

These grave violations make it clear that this Council must continue to monitor the human rights situation throughout Sudan.

We regret that the Group of Experts will not be continued. We hope that this Council will give the Special Rapporteur the support she requires to hold the Government to the fulfilment of the many outstanding commitments that it made voluntarily to the Group and this Council.

Maintenance of the mandate of the Special Rapporteur will convey to the victims of human rights violations the UN’s continued concern about the crying need to improve the human rights situation in the country.

Thank you Mr. President.

Public Statement

AI Index: IOR 41/029/2007 (Public)

20 December 2007

UN Human Rights Council resumed sixth session: Promise for the future haunted by ghosts of the past

Amnesty International considers that the Human Rights Council made notable progress at its resumed sixth session in the maintenance and development of mechanisms inherited from the former Commission on Human Rights. The Council also managed to sustain its consideration of the serious human rights situations in the Darfur region of Sudan and Myanmar.

While the Council achieved some positive outcomes at the resumed sixth session, Amnesty International believes that its members would be well-advised to reflect on where they are taking the Council, which is showing troubling signs of reverting to ways of the discredited Commission. The focus on decision-making by consensus on Sudan led the Council to affirm progress in the protection of human rights in Darfur in manifest contradiction with the analysis of the Council's own experts, who have found little improvement of the situation of human rights in Darfur. The developing human rights crisis in Sri Lanka received only superficial attention. The assault on the rule of law in Pakistan was scarcely mentioned. The Council membership essentially abdicated responsibility for the negotiation of a resolution on the universally important issue of freedom of religion and belief to the European Union and the Organisation of the Islamic Conference. The full Council membership has a duty to ensure that issues of such importance are addressed with commensurate care.

Among the highlights of the resumed session that Amnesty International welcomes were the renewal of the mandates of the Special Rapporteurs on [adequate housing](#), health, [freedom of religion or belief](#), the promotion and protection of human rights while countering [terrorism](#), and Sudan, the Representative of the Secretary-General on the human rights of [internally displaced persons](#) and the Independent Expert for [Liberia](#).

Amnesty International also welcomes the adoption by consensus of the comprehensive resolution on integrating the human rights of women throughout the United Nations system. Of particular note are the Council's decisions to dedicate at least a full day annually to discussion of the human rights of women and to hold an annual discussion of the integration of a gender perspective throughout the Council's work. This resolution signals a welcome resolve to move beyond rhetoric to action in efforts to end violations of women's human rights and discrimination based on gender.

While Amnesty International applauds the decision to extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan, the organisation is dismayed by the decision to terminate the mandate of the Group of Experts. The Group was a key element of the process the Council itself had established, with the full participation of the Government of Sudan, to foster the

effective implementation of previous UN recommendations related to the protection of human rights in Darfur. Despite almost no progress on implementation of those recommendations by the Government of Sudan, the Council has disbanded the Group mid-way through the process. The onerous task of monitoring implementation has been left to the Special Rapporteur on the Sudan, who with few resources is also mandated to monitor the deteriorating situation throughout all of Sudan. The establishment of the Group of Experts in March 2007 had been widely regarded as a turning point in the Council's engagement on the situation in Darfur and as a promising innovation by the Council. Amnesty International hopes that the termination of the Group does not signal a return to a time when States supported by an axis of powerful friends would regularly escape scrutiny regardless of their human rights record.

Amnesty International acknowledges that the Council membership remains united in efforts to address the human rights situation in Myanmar. However, it is disappointed that the Council saw fit to do little more than reiterate the demands that it had already made of Myanmar at the fifth special session in October 2007. The Special Rapporteur found no significant signs that the Government of Myanmar is implementing key provisions of the resolution the Council adopted at that time, and the Council has now missed an opportunity to convey to the Government of Myanmar the international community's expectations that actions replace words. Amnesty International believes that the Council must find more effective means to convey its concerns if the Government of Myanmar is not more cooperative in the period leading up to the seventh session. At that session, the Council must, at a minimum, consider comprehensively the human rights situation in Myanmar and extend the mandate of the Special Rapporteur.

Amnesty International regrets that once again the Council did not seize the opportunity to assist the Government of Sri Lanka in preventing human rights violations. The International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights had only just decided that the Human Rights Commission of Sri Lanka is no longer independent in accordance with the Paris Principles. This development was further corroboration of the assessment of the High Commissioner for Human Rights that Sri Lanka's national institutions and mechanisms are unable to deliver adequate human rights protection. Even the Ambassador of Sri Lanka spoke of his country's determination that its national institutions and national processes be supplemented and supported by international assistance. The time has come for the Council to move beyond sterile political discussion of the human rights situation in Sri Lanka to discuss concrete measures to respond to the human rights emergency there.

In a display reminiscent of the double standards and selectivity of the Commission on Human Rights, nearly all members of the Council turned a blind eye to long-term damage done to the rule of law and the protection of human rights by the recent imposition of the state of emergency in Pakistan. Rather than calling on Pakistan to fulfil its duty to "uphold the highest standards of human rights" as a member of the Council,¹⁷ Members and Observer States preferred to ignore the concern expressed by civil society and the High Commissioner for Human Rights that emergency rule and actions taken under it have inflicted severe, long-term injury to the judiciary and civil society.

¹⁷ UN General Assembly resolution A/RES/60/251, op 9.

As the Council looks ahead to its seventh session in March 2008, Amnesty International urges its Members and Observers to rise above the temptation to lose themselves in reworking the Council's institution-building package and to consider how to better realize the promise that the Council offered when it replaced the Commission on Human Rights.