

UN Commission on Human Rights
50th Session
Agenda Item 4

Delivered: 1 February 1994

@ORAL STATEMENT BY AMNESTY INTERNATIONAL

ISRAELI-OCCUPIED TERRITORIES

Chairperson,

Since the last session of this Commission, the Israeli Government and the Palestine Liberation Organization (PLO) have signed a Declaration of Principles as a first step towards a peace settlement. Regrettably, however, this document contains no reference to human rights. In practice, serious violations and abuses continue to occur.

Amnesty International wishes to draw attention particularly to the detention or imprisonment of some 10,000 Palestinians, the situation in south Lebanon and the killings of Palestinian and Israeli civilians.

Today some 10,000 Palestinians arrested on security grounds remain held by the Israeli authorities. They include up to 140 who are held in administrative detention, without charge or trial. Amnesty International urges the Israeli Government to undertake a prompt review of their situation.

Specifically, we call for the immediate and unconditional release of those who are held solely for membership of Palestinian organizations, raising the Palestinian flag, or other non-violent political offences.

All administrative detainees accused of violence should receive a fair and prompt trial or be released. Despite existing legal safeguards such practice has inevitably led to serious violations of human rights and should be abandoned.

Political prisoners convicted of violent offences after unfair procedures should be retried fairly or be released. This should include, for example, all those convicted by military courts before the right of appeal was introduced in the Occupied Territories in 1989.

Chairperson,

As in previous years, over 200 detainees are held at any one time in the Khiam detention centre in an area of south Lebanon controlled by Israel and the South Lebanon Army (SLA). Many are believed to have been tortured during interrogation. About 30 men and women were released from Khiam last year, but those remaining are held outside any legal framework and without access to relatives or humanitarian organizations such as the International Committee of the Red Cross.

In Israel, at least 20 Lebanese nationals taken prisoner in Lebanon between 1986 and 1989 are still held. The legal status of their continued detention is unclear. Among them is Shaikh 'Abd al-Karim 'Ubayd, a Shi'a Muslim leader abducted in Lebanon in 1989, and six other Lebanese Shi'a who had been taken prisoner in Lebanon by the Lebanese Forces militia in 1987 and secretly transferred to Israel in 1990. They are held in an undisclosed detention centre. We have serious concerns about the health of at least one of them, Ghassan al-Dirani.

All indications are that the sole purpose for the continued detention of some or all of these people is to exchange them for the freedom of, or for information about, four missing Israeli soldiers and several SLA members. If this is the case, then they are hostages and should be released immediately and unconditionally.

Equally, if any of the missing Israeli soldiers and SLA members are being held solely to obtain the release of detainees from Israel or Khiam, then they are also hostages and should be released immediately and unconditionally. Last year the PLO produced part of the identification tag of Zachary Baumel, one of the Israeli soldiers missing since 1982, but his fate and that of the others remain unknown.

Amnesty International believes that the basic human rights of any Lebanese, Israeli or any other who is known to be detained or is still unaccounted for, must not be used as bargaining chips. The fate and legal situation of these people have remained unclear for far too long. Their rights should be fully restored regardless of any negotiation taking place in the region.

Chairperson,

During 1993, about 150 Palestinians were shot dead by Israeli forces. Some were killed during clashes with the army or border police, or during operations ostensibly aimed at arresting them. Others were killed while apparently not involved in any violent activity and may have been victims of extrajudicial executions or other unjustifiable killings. They have included children and young people.

In some such killings, particularly those of children, the Israeli authorities expressed regret. This, however, is not enough: the official guidelines for opening fire may allow excessive use of lethal force; investigations often seem to fall below relevant international standards; prosecutions, in the rare instances in which they take place, result in punishments which appear not to be commensurate with the gravity of the offence.

We call on the Israeli authorities to redress this record. Human rights violations should be prevented. When they occur, they should be promptly, thoroughly and impartially investigated. Those responsible should be brought to justice and the victims or their families should receive proper compensation.

In this context, we hope that the Israeli authorities will state unequivocally that, in the performance of their duties in the Occupied Territories, they consider themselves bound by the United Nations Code of Conduct for Law Enforcement Officials and all other relevant international standards.

Chairperson,

During 1993 Palestinian armed groups committed grave human rights abuses in the Occupied Territories, including torture and deliberate and arbitrary killings. Since October several people were shot in the legs by alleged members of *Fatah*, apparently as punishment for acts such as burglary. Over 30 Israeli civilians were deliberately killed in attacks for which responsibility was claimed by the Islamic Resistance Movement (*Hamas*), the Islamic Jihad, the Popular Front for the Liberation of Palestine and the Democratic Front for the Liberation of Palestine. *Hamas* took responsibility for the killing of two Israeli soldiers after they had been taken prisoner. Members of Palestinian groups also killed over 100 Palestinians, many branded as "collaborators" with the Israeli authorities. Some may have been killed for their political activities.

Amnesty International calls on all Palestinian groups, whether they support or oppose the current peace negotiations, not to commit human rights abuses and to respect at all times basic principles of humanitarian law. This is all the more important as Palestinians are soon expected to take on law enforcement duties in the Occupied Territories.

In this context, we welcome the undertaking that Chairman Yasser Arafat gave to Amnesty International last October when he stated that the PLO is committed to respect all internationally recognized human rights standards and to incorporate them into Palestinian legislation and police training.

Chairperson,

Last year this Commission appointed a Special Rapporteur on the human rights situation in the Palestinian Occupied Territories. We believe that his work would benefit greatly from a review of all other existing United Nations (UN) bodies with human rights mandates relating to the Occupied Territories, so as to increase the coordination, efficiency and effectiveness of UN action in this area.

In this context attention should be given to the human rights monitoring function currently performed by the Research Officers and the Refugee Affairs Officers of the United Nations Relief and Works Agency. As a first step, their reports should be made public. In addition, human rights on-site monitoring in the Occupied Territories should be further developed, with monitors reporting directly to the relevant UN human rights mechanisms and with a mandate expanded to cover the actions of all officials with law enforcement duties.

The international community retains great potential to assist all parties involved in the Arab/Israeli conflict in ensuring that human rights are fully respected during the search for a just peace, and will ultimately constitute the cornerstone of peace. Amnesty International hopes that such potential will be fully exploited in the coming difficult months.

Thank you.

UN Commission on Human Rights
50th session
Agenda item 5

Delivered: 4 February 1994

@SOUTH AFRICA

Oral Statement by Amnesty International

Chairperson,

South Africa hovers on the brink of a new era in which the potential exists for creating a society based on legality, respect for the rights of every individual, and justice. Last year, on 22 December, the tricameral parliament adopted by an overwhelming majority the Constitution of the Republic of South Africa Act, which the new parliament will implement as an interim constitution after the country's first ever non-racial elections in April. The legislation entrenches, among other provisions, a set of fundamental rightsⁱ, the articulation of which represents, at least in law, an astonishing reversal of decades of legalized repression and injustice for millions of South Africans.ⁱⁱ

The hopes for the new South Africa will be still-born, however, if those who seek to participate in the 1994 elections become victims of extrajudicial executions, deliberate and arbitrary killings, torture or arbitrary detention. The present government bears the greatest burden of responsibility in this regard, through its control of state resources, including the security forces, and its duty to protect the lives of all South Africans. Some of the burden of responsibility also falls upon the participants in the multi-party Transitional Executive Council (TEC) and the Independent Electoral Commission (IEC).ⁱⁱⁱ

In some areas, notably Natal, the East Rand and Bophuthatswana, violence and fear - whether the fear of violent attack or the fear of arbitrary detention and torture - are casting deep shadows over the prospects for a free and fair election. In 1993, according to the South African-based Human Rights Commission (HRC), at least 4,364 people died in incidents of political violence and through acts of terrorism.^{iv} Amongst last year's victims were political leaders at national, regional and local level, trade unionists, and peacemakers, who were targeted for assassination by their political opponents, or by members of the security forces or men acting at their behest.^v Many others apparently died simply because they lived in an area targeted for politically exclusive control.^{vi}

Chairperson,

In many of these situations, the role of the security forces has been highly questionable, ranging from the direct involvement of the KwaZulu Police in "death squad" killings and participation in Inkatha Freedom Party (IFP) attacks on African National Congress (ANC) supporters and trade unionists in Northern Natal, through South African Police Internal Stability Unit (ISU) involvement in arbitrary detentions, torture and extrajudicial executions of suspected Self-Defence Unit members on the East Rand, to a failure to protect the lives of vulnerable communities when the security forces had the capacity and the duty to act.^{vi}

For the most part the arrest and conviction of Chris Hani's killers remained an exception during the past year in a situation where perpetrators of political killings were able to act with impunity.^{vii}

During this crucial pre-election period, government, TEC and IEC capacity to ensure the creation of a climate conducive to free political activity will rest ultimately on the will, resources and training of the security forces, in particular the South African Police and "homeland"-based police forces.^{ix}

Current efforts to build up relationships of trust between the police and local communities should help improve the criminal justice system and combat the problem of impunity for human rights violators. In the Grahamstown area, in Cape Town's Nyanga and Mannenberg townships, in Sharpeville and Alexandra townships, for instance, police station commanders or officers under their command have committed themselves to a process of consultation and accountability to the local communities.^x

These initiatives, however, can be undermined when, for instance, outside police units such as the Internal Stability Unit and the Murder and Robbery Units fail to co-ordinate with the local station commander regarding their operations in his area of command. Members of these units are often identified by township residents as responsible for search raids on homes which are conducted with gratuitous violence, and for assaults and torture of arrested suspects.^{xi}

The continuing practice of arbitrary detention without trial and the use of torture by the police also undermine efforts to transform relations between the police and black communities. Despite the government's decision in January 1993 to sign the UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, violence, whether in the form of verbal threats, including death threats, serious assaults or systematic torture is still a feature of arrest and detention.^{xii}

Chairperson,

South African citizens living within the boundaries of the nominally-independent "homeland" of Bophuthatswana have suffered increased repression and human rights violations as a direct consequence of the "homeland" authorities' rejection of the new constitution, refusal to participate in the TEC, the National Peacekeeping Force and the planned elections. During the past year the authorities and the security forces have used arbitrary detentions and unjustified excessive force to break up public gatherings, which are virtually impossible to hold legally in Bophuthatswana. In recent months the same pattern of human rights abuses has occurred against ANC officials, other political activists, human rights activists and church groups, when they attempt to organize meetings, training courses and publicity events intended to inform eligible voters about

their rights and the procedures involved in registering for identification documents and voting on election day. Organizers have been forced to conduct meetings outside "homeland" territory or risk harassment and assault at the hands of the Bophuthatswana police.^{xiii}

In conclusion, during this critical period in South Africa's history, the government, together with the TEC and the IEC, is obliged to ensure that the planned elections can be conducted in an atmosphere free of fear. They are obliged to ensure that the authorities' response to situations of potential or actual violence is impartial and prompt, both in terms of law enforcement and investigations into suspected offences; that any arrests made are carried out lawfully and with due respect for the basic rights of those detained; and that the rights to freedom of association and peaceful assembly are fully respected. In addition, Amnesty International urges the government to give unequivocal support to the initiatives of locally-based police who are committed to being accountable to the communities they serve, and an unequivocal commitment to conducting swift investigations leading to members of the security forces and others implicated in human rights violations being brought to justice.

Thank you.

notes

UN Commission on Human Rights
50th Session
Agenda Item 10

Delivered: 17 February 1994

@THE THEMATIC MECHANISMS

Chairperson,

In addition to the country mechanisms, the thematic mechanisms are among the most worthwhile tools that the Commission has created in its attempts to halt persistent and grave human rights violations around the world. They are particularly valuable in that they allow investigation, including by on-site visits, and discussion of grave human rights violations in many countries, including those which the Commission has failed to put under full scrutiny under Item 12 of its agenda.

In the case of **China**, for example, Amnesty International has submitted information over the last year to the Special Rapporteurs on torture, extrajudicial, summary or arbitrary executions and religious intolerance, and the Working Group on arbitrary detention. Hundreds of people, including political dissidents and members of ethnic and religious groups have been arbitrarily detained for the peaceful exercise of their fundamental human rights. Some have been sentenced to terms of imprisonment after unfair trials while others are held under administrative regulations which provide for long-term detention without charge or trial. Torture, which is prohibited in law, continues to be widespread, sometimes resulting in death. In the last two years the death penalty has been increasingly used for non-violent offences. Amnesty International recorded 1,250 executions for all offences carried out between January and November 1993 but believes that the actual number is much higher. Amnesty International calls on the government to cooperate with the relevant theme mechanisms and enable them to visit the country.

In **Peru**, since the introduction of wide-ranging anti-terrorism legislation in May 1992, at least 2,000 people have been arbitrarily detained with the vast majority being kept incommunicado for at least the first 15 days of their detention. Until the legislation was amended in November 1993, the filing of habeas corpus petitions in favour of those detained was prohibited. These circumstances led to reports of scores, probably hundreds, of detainees being tortured, and to their "confessions" being used against them in cases heard in camera before civilian and military tribunals. The report [published in November 1992] of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, following his visit to Peru, documents the prevalence of extrajudicial executions in recent years. Amnesty International calls on the government to invite the Working Group on arbitrary detention and the Special Rapporteur on torture to visit to investigate this new pattern of human rights violations.

In other cases, the work of the thematic mechanisms can serve to inform the Commission

more fully on situations that are considered elsewhere on its agenda, such as **Zaire**, which was the subject of a resolution under item 12 last year. In Zaire, the security forces and supporters or allies of President Mobutu Sese Seko have killed thousands of civilians with impunity since 1990. During the same period, thousands have been arbitrarily detained, many of them subjected to torture or other forms of ill-treatment. Dozens have "disappeared" in custody or after abduction by people suspected to be members of the security forces. President Mobutu and those responsible for the security forces have neither condemned the horrific abuses nor responded to appeals for their end. In the absence of any investigation into these violations by the government, the Commission should call on the Zairean authorities to invite the appropriate thematic mechanisms to visit the country.

The point has repeatedly been made that the thematic mechanisms can only be effective if governments cooperate fully with them and, in particular, implement their recommendations. In the case of **Sri Lanka**, for example, the government's invitation to the Working Group on Enforced or Involuntary Disappearances to visit in 1991 and 1992 is to be welcomed. However, many of the Working Group's recommendations, particularly those dealing with the investigation of "disappearances" which occurred prior to 11 January 1991 and the prosecution of those responsible for "disappearances" and other human rights violations, have yet to be fully implemented. To deal with situations such as this, and to strengthen the functioning of the thematic mechanisms, Amnesty International has proposed that the Commission create a new sub-item on its agenda to monitor governments' progress towards implementation. It is not recommendations that end human rights violations, important though these are, but action by governments - and in too many cases governments will not take that action unless they are persistently urged by the international community to do so. It is also highly important that the Commission takes strong measures to ensure that all governments respond to requests from the thematic Special Rapporteurs and Working Groups for information. In this year's reports, as previously, the mechanisms have identified those governments which have not replied as well as those, notably Indonesia, which have ignored proposals that they issue invitations for on-site visits.

Chairperson,

Another area which urgently requires action from the international community is human rights violations against women. Amnesty International strongly supports the call last year for the Commission to appoint a Special Rapporteur on violence against women. The need for the UN to take stronger action on human rights violations against women was recognized by the Vienna Declaration and Program of Action and is borne out by the work of the many NGOs working in this area, including Amnesty International. During 1993, our organization took action to stop human rights violations against women in over 50 countries, in all regions of the world. The Commission should call on the Special Rapporteur to integrate her work with that of the Commission on the Status of Women, particularly in connection with the preparations for the Fourth UN World Conference on Women, to be held in Beijing, China in 1995.

Other steps are needed if the Commission is to demonstrate a serious commitment to halting violations against women. Firstly, all the Commission's thematic and country mechanisms should take much greater account of the characteristics and practice of violations that are specific to or primarily directed against women or to which women are particularly vulnerable, and include full information on this in their reports. On-site visits should include delegates with expertise in women's issues, and wherever possible use female interpreters to facilitate the collection of sensitive information from women.

Secondly, the Commission must ensure that the Special Rapporteur on violence against women, as well as the other mechanisms established by the Commission, have adequate human and financial resources to carry out the tasks with which they are entrusted by the Commission. Particularly during the last year, the thematic mechanisms have been restrained in fulfilling their mandates by the inadequate resources available to them in the Centre for Human Rights. With the growing number of mechanisms, it is also important that the Centre has the resources to ensure proper coordination between the mechanisms. It is imperative that they be given the material resources as well as the active support of the Commission if they are to effectively deal with the persistent and widespread incidence of human rights violations.

Thank you

United Nations Commission on Human Rights
50th session
Agenda item 11

Delivered: 24 February 1994

@HUMAN RIGHTS AND MASS EXODUS

Chairperson,

For a number of years the Commission on Human Rights has dealt with the issue of human rights and mass exodus. When this issue was first raised in the UN in the early 1980s the apparent purpose was for UN bodies to confront and put a stop to human rights violations which were leading to refugee movements, so that people did not need to flee their own countries in search of protection or, if they had already fled, were able to return home safely. However, the Commission's treatment of this issue over the past decade has proved largely irrelevant to tackling human rights violations resulting in refugee movements. While the Commission, along with other UN bodies, has recognized the link between violations of human rights and refugee movements, it has as yet made no concerted effort to follow up and take appropriate measures in its consideration of the human rights situation in countries around the world. Given that the number of refugees in the world continues to increase -- as the recent report on the State of the World's Refugees by the UN High Commissioner for Refugees (UNHCR) demonstrates -- such an effort is urgently needed.

While too little attention has been given to addressing human rights violations causing refugee movements, there has been, particularly in recent years, a great deal of attention paid to the consequences of such violations -- the arrival of large numbers of refugees and asylum-seekers in other countries. Governments complain about the "burden" of providing asylum, and increasingly seek to circumvent, avoid or ignore international obligations towards those who seek their protection. Indeed, some governments complain about the "burden" of hosting refugees while at the same time pursuing repressive policies which lead to people fleeing the country and thereby creating "burdens" for other countries.

In many countries governments are aggressively pursuing measures to restrict the access of asylum-seekers, to send asylum-seekers back to countries they have passed through and to narrow the range of those considered deserving of protection. In a recent report prepared for the 44th session of the Executive Committee of the Programme of UNHCR, Amnesty International argued that such measures, especially those taken by the member states of the **European Union** in their

efforts to harmonize asylum policies and by the **US Government** towards the Haitians fleeing their country, were undermining established international standards for the protection of refugees and asylum-seekers.

The growing number of refugees in the world demands effective and concerted action by governments. Rather than being so preoccupied with the problems posed by receiving refugees and asylum-seekers -- often to the detriment of those in need of protection -- governments should also take action through UN mechanisms to address the repressive policies of other governments which frequently cause people to flee. Protection of those who have fled, as well as effective action to tackle human rights violations which lead to flight, are both essential in seeking solutions for the growing number of refugees in the world.

What steps should the Commission take to achieve such solutions?

Last year's resolution focused on supporting UN efforts to establish an early warning system and created a sub-item on human rights, mass exoduses and the displaced. The Secretary General's report on human rights and mass exodus submitted to this Commission draws attention to the need for an effective early warning capacity so that action can be taken to avert potential refugee movements. However, there have been a number of UN initiatives towards this end since the early 1980s and, in the meantime, the number of refugees in the world has doubled. As Amnesty International indicated in its statement to the Commission last year, it is unlikely that the embryonic UN early warning structure, now based in the Department of Humanitarian Affairs, can address in a coordinated and effective manner human rights violations which are causing or are likely to cause refugee movements. What is needed is prompt and effective action to put a stop to such violations. The mechanisms of this Commission could play a crucial role in this regard if there were sufficient political will to confront the governments who commit these violations.

Recent events prove the point. For example, a few months ago in **Burundi** the army's assassination of the head of state triggered inter-ethnic killings and massacres of civilians by the army and provoked the exodus of three-quarters of a million people from the country in a matter of weeks. This tragedy should not have taken the world by surprise given the record of killings and massacres in Burundi -- over 150,000 people, primarily ethnic Hutu, have been killed in Burundi since 1965. Yet the Commission has never publicly considered the human rights situation in Burundi. Now the UN is charged with the task of ensuring protection and assistance for the refugees from Burundi.

Similarly, in **China, Indonesia, Peru, and Turkey** repeated efforts by non-governmental organizations to have the Commission take action to address human rights violations have failed; yet thousands of people continue to flee these countries in search of protection. The persistent human rights violations in these countries means the potential exists for much greater numbers to flee.

Amnesty International believes that the item on human rights, mass exodus and the displaced must allow for consideration of actual country situations. There must be provision for a focused debate and follow-up action to bring pressure to bear on governments whose practices lead, or are likely to lead, to refugee movements. Amnesty International still considers, as it indicated at last year's Commission, that, in view of the pressing importance of this issue, it deserves a separate full agenda item. As well, the reports of UNHCR on its protection activities throughout the world should be formally put before the Commission. In this way the Commission could be informed of issues or situations in which it could take appropriate measures to ensure that people

are not forced to flee in search of protection, that when they do flee to escape serious human rights violations they are provided with the protection they need, and that they are able to return home voluntarily in conditions of safety and dignity. This would not mean that the Commission was duplicating UNHCR's role, but rather playing a supportive function.

Finally, the Commission should ensure that the mandate of the Secretary-General's Representative on Internally Displaced extends to addressing human rights violations contributing to displacement and that this mandate is secure and treated in the same way as a regular thematic mechanism of the Commission.

The Vienna Declaration and Programme of Action recognized that human rights violations can lead to displacement of people, and reaffirmed the right of everyone to seek and to enjoy in other countries asylum from persecution and the right to return to one's own country. The Commission must ensure this year that the resolution on human rights and mass exodus takes concrete steps towards implementing these provisions.

Thank you.

UN Commission on Human Rights
50th session
Agenda Item 12

Delivered: 2 March 1994

@HUMAN RIGHTS AND INTERNAL ARMED CONFLICT

Chairperson,

In the last year, Amnesty International has issued appeals about human rights violations in connection with armed conflicts in more than 15 countries in Africa, the Americas, Asia and the Pacific and Europe¹. Last month Amnesty International published a report and its 15 Point Program on peace-keeping and human rights, covering UN operations in more than a dozen situations². Most violations have been committed by the official state apparatus, but Amnesty International has also called attention to abuses by armed opposition groups. All too often, however, governments do not respond to such abuses with responsible measures to contain and control the violence, but use them as an excuse for intensifying repression so that armed conflict becomes the pretext, as well as the context, for appalling violations of human rights.

In **Algeria**, for example, more than 3,000 people have been killed in the past two years. Armed Islamist opposition groups have been responsible for the deliberate killing of hundreds of civilians. Government forces have shot dead close to 2,000 members and suspected supporters of armed opposition groups, many of them unarmed; others have been extrajudicially executed after arrest or surrender. Known or suspected Islamist militants are reported to have been systematically tortured in secret detention and at least twelve have died in custody. After the promulgation of a new anti-terrorist law in September 1992, 26 people were executed and over 370 sentenced to death before the suspension of executions in November 1993, most of them by special courts in unfair trials which the UN Special Rapporteur on extrajudicial, summary or arbitrary executions has stated do not provide the full right to appeal required by international law.

In **Colombia** over 20,000 people from all sectors of society have been killed for political reasons since 1986. Successive governments have persistently blamed drug-trafficking organizations and guerrillas for most political killings. While it is clear that guerrilla groups have committed abuses which have contributed to the spiral of violence, the evidence shows that the security forces and their paramilitary allies are responsible for most of the killings. Only exceptionally have those

¹ Angola; Afghanistan; Azerbaydzan (Nagorno Karabakh); Bosnia-Herzegovina; Burundi; Chad; Colombia; Georgia; Guatemala; India; Liberia; Papua New Guinea; Peru; Somalia; Sri Lanka, Sudan; Tadzhikistan and Turkey.

² Peace-keeping and Human Rights, AI Index IOR 40/01/94, January 1994

responsible for human rights violations been brought to justice; normally members of the armed forces responsible for gross human rights violations are beyond the reach of the law.

As the Commission is aware, **Indonesian** military forces in **East Timor** have been responsible for grave violations of human rights in response to both armed and peaceful opposition since 1975. Far less attention has been given to political killings and "disappearances" on a comparable scale which have been committed in Indonesia. In the last ten years alone, more than 7,000 civilians have been unlawfully killed, and scores of others have "disappeared" in various parts of the country. Few of these cases have been properly investigated, and those responsible have rarely been brought to justice.

In southern **Iraq**, hundreds of suspected government opponents, including whole families, were rounded up in late 1993 as part of the government's continuing crackdown on the Shi'a Muslim population. Ground military attacks in the marshes region have also continued unabated. In Baghdad, scores of prominent Sunni Arabs were rounded up and several were executed. In response to the alarming deterioration in the human rights situation, Amnesty International reiterates its request that the Secretary-General make available without further delay the necessary human and financial resources for establishing a human rights monitoring operation for Iraq in implementation of the resolution passed by the 49th Session of the Commission on Human Rights.

A new military offensive by the government of **Sudan**, which has displaced tens of thousands of people from camps near the Ugandan border, underscores Amnesty International's grave concern at the way government forces and both factions of the armed opposition Sudan People's Liberation Army (SPLA) have been ruthless in assaulting civilians as a deliberate tactic of war. Of particular concern is the situation in the Nuba mountains in west Sudan where, since 1989, thousands of villagers have been extrajudicially executed by government forces, and the government's persistent failure to account for hundreds of people who "disappeared" in Juba in south Sudan in 1992 during government retaliation following SPLA incursions into the town. The government has taken no real action while claiming that Sudan is the innocent victim of anti-Islamic propaganda. In addition Amnesty International is concerned by the deliberate and arbitrary killing of thousands of civilians by different factions of the SPLA in fighting between 1991 and 1993 in rural parts of Upper Nile and other areas in the south.

In southeast **Turkey**, the security forces have tortured villagers, political activists, journalists, human rights defenders, women and children with impunity. Gendarmes and village guards have killed dozens of civilians in reprisal raids, and there are clear signs of security force involvement in many of the political killings in the area, of which there have been more than 800 since 1991. In a new development "disappearances" are now being reported with increasing regularity - at least 24 during the second half of 1993. Armed opposition groups have also been responsible for grave abuses, which has served to enhance impunity extended to the security forces. During 1993, such groups were responsible for over 200 arbitrary killings, with victims including children, teachers, local politicians and other civilians, as well as captured village guards and their families, and people suspected of collaborating with the security forces.

The former Yugoslavia is one of the most tragic situations of armed conflict. **Bosnia-Herzegovina** has rightly attracted the attention of the international community, but as the Special Rapporteur's latest report indicates, much more remains to be done if human rights are to be protected. By contrast the international community has, as yet, given scant attention to the situation in **Burundi** where, in October 1993 soldiers executed the head of state and several other senior officials. The attempted coup triggered countrywide intercommunal massacres which left

more than 100,000 civilians dead. Surviving members of the government called for UN help to set up a commission of inquiry into the abuses that occurred. It remains unclear whether the UN intends to help the government do this or to provide adequate assistance to Organization of African Unity conflict resolution efforts.

Chairperson,

Amnesty International condemns all arbitrary killings of non-combatants and "disappearances" regardless of who is responsible for them. In times of armed conflict both governments and their opponents should observe minimum standards laid down by humanitarian law. In addition, international law prohibits governments making any derogation from fundamental human rights, including the right to life, even in emergency situations.

In a report published this week - "Disappearances and Political Killings: Human Rights Crisis of the 1990s - A Manual for Action" - Amnesty International has set forth a comprehensive program for the prevention of "disappearances" and extrajudicial executions. Many of the measures are drawn from UN instruments³ and from the recommendations of UN bodies and mechanisms⁴, which governments have debated and agreed in fora such as this Commission as the basic minimum for their own behaviour. As the report also describes, year after year we have appealed to the Commission to stem the flood of "disappearances" and extrajudicial executions.

Once again, we must repeat our appeal. For countless victims, it is already too late. But for those who have survived, for those who will become victims unless prompt action is taken, we urge every government and this Commission to face up to the challenge of protecting human rights in the face of internal armed conflicts.

Thank you.

i. They include: equality of every person before the law, freedom from discrimination on the grounds of race, gender, belief or other similar reasons, the right to life, the right not to be subjected to torture or to detention without trial, the rights to freedom of belief, expression, association and peaceful assembly, the right to vote and to stand for election, the right to fair trial (Chapter 3, Constitution of the Republic of South Africa Act)

ii. The new constitution also provides for the setting up of a constitutional court to adjudicate in all matters relating to the interpretation, protection and enforcement of the provisions of the constitution, including "any alleged violation or threatened violation of any [entrenched] fundamental right". In addition the Act obliges the new President and Houses of Parliament to appoint a Human Rights Commission responsible for promoting the observance and protection of fundamental rights, monitoring proposed legislation for adherence to norms of international human rights law,

³ including the Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the Declaration on the Protection of All Persons from Enforced Disappearance; the International Covenant on Civil and Political Rights and the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions

⁴ including the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on extrajudicial, summary or arbitrary executions

investigating alleged violations of fundamental rights and assisting complainants in securing redress.

iii. The TEC's functions include monitoring the conduct of key government departments or agencies, and ensuring the creation of a climate conducive to the full participation of all eligible voters in the electoral process. The IEC is charged with the responsibility of administering the elections, promoting conditions favourable to free and fair elections, and ultimately certifying the results, including the degree to which the elections have been free and fair.

iv. Nearly 90 per cent of these deaths occurred in Natal and in the townships on the East Rand near Johannesburg, where the political conflict between supporters of the African National Congress (ANC) and the Inkatha Freedom Party (IFP) is most intense.

v. They included: Natal peacemaker Reverend Richard Kgetsi gunned down in his Murchison home; Thokoza ANC executive member Dennis Makhanya abducted into a hostel and later found in a mortuary with bullet wounds; Cape Town development worker Super Nkatozo abducted and shot dead; Transport and General Workers Union shop steward, Elias Shumi Mkhize, shot dead while travelling from work near Empangeni; and KwaThema IFP branch chair, Samuel Motha, shot dead as he left his home for work.

vi. For instance, in Sundumbile, Northern Natal, and Radebe section in Katlehong township on the East Rand, IFP supporters have been attempting to drive out supporters of the ANC and allied organizations. At the same time on the East Rand, Zulu-speaking township residents have been targeted by young ANC-aligned "comrades" or Self-Defence Unit (SDU) members as suspected IFP supporters.

vii. For instance, in Crossroads, Cape Town, the police failed to take appropriate measures during three months of arson attacks and killings, which left some 50 people dead and hundreds more homeless. Most of those affected by the violence were opposed to a development project, which was being aggressively pushed by the Cape Provincial Administration and a local ANC-aligned leader and his armed supporters.

viii. Obstacles to justice included an apparent lack of will, training and resources on the part of police investigators, the passivity of the prosecuting authorities, and their failure to take effective steps to protect potential trial witnesses at a time when courts were readily granting bail to suspected multiple murderers. Adding to the atmosphere of fear and last year's death toll were the killings of hundreds of black civilians travelling on trains and in taxis, or moving about townships streets, as well as 55 white civilians. They fell victim to highly trained, masked gunmen motivated, apparently, by a desire to sow fear and panic, to increase the level of racial and political polarization within the country and disrupt progress towards the April elections. By the very nature of their operations and indeed from the apparent intentions behind their activities the men responsible for these murders are not susceptible to any local or national initiatives at peacemaking or political negotiations. They may only be brought under control by concerted and sophisticated police investigations leading to disclosure of who they are and their prosecution. Here, too, few suspects have been arrested other than a handful of alleged members of the military wings of the Pan Africanist Congress (PAC), the ANC, the IFP and the *Afrikaner Weerstandsbeweging* (AWB). Human rights monitors in South Africa fear that behind at least some of these killings lie the operations of the South African Defence Force's Directorate of Military Intelligence, known to have been involved in the training of assassins in the late 1980s.

ix. The eventual deployment of the National Peacekeeping Force (NPKF), currently undergoing training and answerable to the TEC, should contribute to this task. The new force, though, will be relatively small - some 10,000 members, hastily trained and integrated. An additional problem may also undermine the effectiveness of the peacekeeping force, in that, at the time of its deployment - possibly in March - it may still lack representatives of the military or police or paramilitary forces of Bophuthatswana, KwaZulu, the IFP and the white rightwing, all of whom, in February 1994, were still refusing to participate in the TEC. Amnesty International is concerned, in addition,

that in light of the brief period available for training, the new force may not be adequately instructed in international human rights law. However successful the training process may be though, the National Peacekeeping Force, and for that matter South African Defence Force members deployed in peacekeeping operations, will not have responsibility for the crucial areas of investigation and prosecution of alleged perpetrators of killings or other acts of political violence. The proper functioning of the criminal justice system is essential to the restoration of a lasting peace in many communities. It would most obviously help put a stop to the resort to "selfhelp" or vigilante violence.

x. In some of these townships where violence has been a continuing problem, grassroots peacemaking efforts have also been underway. These initiatives, which are helping to break the cycle of distrust and violence, are being encouraged and facilitated by the South African Police's Division of Community Relations, and by representatives of National Peace Accord structures, non-governmental organizations focussing on policing issues, and of intergovernmental organizations.

xi. On 27 December 1993, in a disturbing illustration of the problem, members of the East Rand Murder and Robbery and Vehicle Theft Units allegedly ambushed a vehicle in Vosloorus, opening fire on its occupants without warning and killing a local resident, Thabiso Mofokeng, and an Umkhonto we Sizwe (MK) member, Samuel Mabuja. During the six months preceding this incident local MK members were holding regular meetings with officers from the Vosloorus police station and were co-operating successfully with them in apprehending and handing over suspects involved in criminal activities in the township. On 27 December Samuel Mabuja was involved in one such investigation when he was shot dead. An eye-witness account indicates that one of the police officers, at the behest of a locally-notorious gangster, deliberately shot Samuel Mabuja in the head as he lay injured on the ground. Although police representatives later justified the killings on the grounds of self-defence, the incident clearly jeopardized progress made by the local police and community representatives. In this, as in other incidents where there is suspicion that the police have used lethal force unlawfully, there is an urgent need for a thorough, prompt and impartial inquiry.

xii. In one case, illustrating the routine use of violence against arrested suspects in criminal matters, Mduduzi Maphanga, a senior clerk with the Natal Provincial Administration office in Imbali township, was arrested on 19 August 1993 by members of the South African Police. During the ensuing four or five hours he was subjected to a brutal assault by the police, who were interrogating him about the whereabouts of a missing firearm. During the interrogation, he was assaulted with punches and kicks, stripped of his clothes, tied to a chair with rope, and subjected to partial suffocation with rubber tubing which his interrogators pulled over his face. The police eventually released him, uncharged, dumping him in a state of shock and pain in the streets of Pietermaritzburg. In other cases, in July and August last year Internal Stability Unit police and Defence Force members arrested several hundred young men, detaining them under the 30-day provisions of "Unrest Areas" state of emergency regulations imposed on East Rand townships. During the initial 48 hours of detention and interrogation the security forces obstructed the efforts of family members, lawyers and others seeking access to the detainees, who were subjected to beatings, partial suffocation with rubber tubing, and other forms of torture, in some cases while hooded. Lawyers representing some of the youths detained during this period succeeded in obtaining an interim order from the Supreme Court restraining the police from further assaulting or otherwise ill-treating the detainees. Medical evidence submitted as part of the court application documented a range of injuries and symptoms consistent with the allegations of assaults, including, in several cases, "subungual haematoma...consistent with the allegation of having had needles pushed under their fingernails". In late October investigators attached to the office of Advocate Jan Munnik, the Witwatersrand Police Reporting Officer, carried out a search of East Rand Internal Stability Unit vehicles and seized torture equipment, including electric shock motors and rubber car tyre tubing. Despite this discovery, a Supreme Court injunction and the appeals from the UN Observer Mission representatives who visited the detainees in prison, official investigations which may have taken place have not resulted in suspensions or prosecutions of security force members involved in these abuses. The police also continue to use security legislation which permits incommunicado detention, including Section 29

of the Internal Security Act and Section 47 of Transkei's Public Security Act. Both create conditions whereby torture and ill-treatment - physical and psychological - are likely to occur.

xiii. On 10 November 1993, for instance, Bophuthatswana police broke up an ANC-sponsored meeting in Moruleng village, in the Mankwe District, and detained 49 of the participants, including nurses, teachers, business people, civil servants and youngsters, at Mogwase police station. There the police kicked and hit them with boots, fists and wooden pick handles. Several detainees were so seriously injured they required hospitalization. Among them was school student Godfrey Sojane, who had to have one of his testicles surgically removed as a consequence of the assault. The detainees were released five days later and most were charged in court with attending an "illegal gathering". Similar incidents of detentions and assaults, including in January this year, demonstrate the politically-biased nature of the "homeland's" police force and the great difficulties confronting any person or organization wishing to exercise their internationally recognized rights of freedom of expression and peaceful assembly. As noted by the South African-based organization, Lawyers for Human Rights, in their urgent memorandum to the TEC and IEC this January, the rights of nearly two million potential voters are being placed in jeopardy by the repressive practices of the "homeland" government.