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TABLE OF CONTENTS

| | |
|---|----|
| I Introduction..... | |
| 1 | |
| Country situations | |
| 1 Review of the special procedures | |
| 2 | |
| II Country concerns | |
| Algeria | 8 |
| Cambodia | 11 |
| The Great Lakes region (Burundi, Democratic Republic of Congo and Rwanda) | 14 |
| Turkey | 19 |
| The United States of America | 22 |
| China | 25 |
| Colombia | 26 |
| Indonesia and East Timor | 27 |
| Mexico | 28 |
| The Russian Federation | 29 |
| Saudi Arabia | 30 |
| III Thematic Issues | |
| The Commission and standard setting | 32 |
| A. Child Soldiers | 32 |
| B. "Disappearances" | 35 |
| C. Torture | 36 |
| Human rights defenders: the next step | 36 |
| The death penalty | 37 |
| Annex: Selective list of other Amnesty International documents | 39 |

1999 UN Commission on Human Rights Making Human Rights Work: time to strengthen the special procedures

I INTRODUCTION

On 10 December 1998 the world celebrated the 50th anniversary of the Universal Declaration of Human Rights. The General Assembly marked that day, appropriately, by adopting the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (the Declaration on Human Rights Defenders). The work of human rights defenders, whoever and wherever they are, to freely monitor, report and act upon violations of human rights, whether alone or in association with others, and without interference, is now fully recognized by that Declaration. Their contribution is essential for connecting the efforts of the UN Commission on Human Rights (the Commission) to promote and protect human rights to the reality of their observance on the ground. Human rights defenders gathered at the first ever such summit issued their own declaration in Paris on the same day, (the Paris Declaration) calling on states to take the necessary measures at national and international levels to ensure the effective implementation of the rights enshrined in the Declaration on Human Rights Defenders.

It is now time to put the Declaration on Human Rights Defenders into practice. The need to do so is evident: within days of the draft Declaration being approved by the Commission, a leading human rights defender was killed in Colombia. The Commission should now allocate priority to the effective implementation of the Declaration on Human Rights Defenders. Drawing on the monitoring resources of its special procedures, on the good offices role of the UN High Commissioner for Human Rights (the High Commissioner) and on its own ability to create a special procedure entirely devoted to the protection of human rights defenders, the Commission should establish a strong machinery to ensure that the human rights provided in the Declaration on Human Rights Defenders become a reality for all of them in all countries. As a first step it should establish a Special Rapporteur with a specific mandate for that purpose. States themselves should take all the necessary legal and administrative steps to secure the rights of human rights defenders, translate and widely distribute the Declaration on Human Rights Defenders and ensure that all relevant government departments fully implement its provisions.

Country situations

Amnesty International works to prevent and combat human rights violations throughout the world. At the Commission, it focuses on those countries which deserve particular attention because of the gravity, persistence and / or widespread nature of the human rights violations in question. This year the priority countries to which Amnesty International is drawing the Commission's attention are: **Algeria, Cambodia, the Great Lakes region of Africa (Burundi, Democratic Republic of Congo, Rwanda), Turkey and the United States of America.** Amnesty International calls on the Commission and the governments concerned to take concrete action to protect human rights and

cooperate with the Commission's special procedures. This paper briefly reviews these countries' human rights records, comments on their cooperation with the Commission's special procedures and, where particularly relevant also, on the implementation of recommendations made by human rights treaty bodies. A sustained analysis of the manner in which governments cooperate with the Commission's own special procedures and the human rights treaty bodies should underlie all country specific considerations of the Commission and provide the more objective approach which its Bureau, justly, advocates in its review (see below).

Amnesty International also wishes to draw the Commission's attention to six other countries which require close scrutiny and consideration by the Commission. These countries are: **China, Colombia, Indonesia and East Timor, Mexico, the Russian Federation and Saudi Arabia.**

Review of the special procedures

The Commission has made an important contribution to the protection of human rights by establishing 'special procedures'. Over the last two decades the Commission has created an armoury of country-specific and thematic rapporteurs, experts and working groups (its special procedures) to help it in its crucial task to protect and promote human rights. This system enables the Commission to monitor, assess and intervene to seek the protection of the rights of women, children and men. The creation of these special procedures has been *ad hoc* as means were created to meet specific human rights concerns. At its last session the Commission requested its Bureau to undertake a review of the procedures and report to the 55th session of the Commission in 1999¹. After consulting governments and non-governmental organizations (NGOs), the Bureau submitted its report in December 1998². Amnesty International comments in this paper on some of the issues addressed in the report.

¹ Commission on Human Rights decision 1998/112. The Bureau of the Commission consists of five members selected from different regional groupings for one year to organize Commission sessions and take action between annual sessions as appropriate. At its 54th session the Commission selected Mr. Jacob S. Selebi [South Africa] as Chairman, Mr. Iftekhar Ahmed Chowdhury [Bangladesh], Mr. Luis Gallegos Chiriboga [Ecuador] and Mr. Ross Hynes [Canada] as Vice Chairmen, and Mr. Roman Kuznia [Poland] as Rapporteur.

² E/CN.4/1999/104.

Amnesty International welcomes the foremost observation made by the Bureau identifying that the aim of the review is “to enhance the capacity of the United Nations to promote and protect internationally recognized human rights and contribute to the prevention of their violation.” Amnesty International is convinced that the review should do no more and no less. It strongly endorses the Bureau’s approach that, to advance that purpose, it is important “... to promote maximum depoliticization of the Commission’s work by taking all possible measures to ensure that its procedures are established and operate on the basis of the highest standards of objectivity and professionalism, free of influence from extraneous political and other considerations”³.

The direction set by the Bureau provides the Commission with an excellent opportunity to make human rights and not politics, whether regional or otherwise, the yardstick of its thematic and country based initiatives. It enables the Commission to place international human rights standards, in particular the two international covenants, at the centre of its work and to ensure that the special procedures use those international standards to assess the human rights situations in and make recommendations for the countries or themes within their mandates. A well informed impartial assessment of the human rights situation based on international standards should underpin all efforts to engage in dialogue with governments or provide advisory services or technical assistance to their countries.

The Bureau rightly stresses the need for “depoliticizing country proceedings” (observation 8). Taking action on the human rights situation in specific countries - whether in the form of resolutions, decisions or statements of the Chair - is a crucial part and perhaps the most politicised aspect of all Commission activities. Taking decisions that have political impact is of course the essence of Commission action. But the practice of regional ‘block voting’ and more generally the failure of the Commission to act effectively in respect of some countries where grave human rights violations are committed -- because Commission members put powerful political and/or economic interest above their obligation to protect and promote human rights -- has seriously hampered the Commission in exercising its responsibilities and has had a negative impact on its credibility as an effective and objective human rights body. The Bureau observes that country specific action by the Commission should “preferably be determined on the basis of consensus, if possible with the engagement of the country concerned” (observation 7). However, an undue emphasis on consensus decision-making, although otherwise welcome, may prevent the Commission taking effective action when faced with serious human rights situations.

Dialogue, although important, should not replace the Commission taking decisive action where countries flagrantly or persistently fail to act to halt violations or to fully implement resolutions of the Commission, the recommendations made by its special procedures or the human rights treaty bodies. Establishing cooperative relations and indeed a dialogue with the country concerned is clearly desirable for a Commission mechanism in order to achieve lasting improvement in the human rights situation once the Commission has established such a mechanism. However, negotiating with the government of the country concerned to determine the

³ Observation 2, paragraph 13.

nature of Commission action, as the Bureau argues should be the case, carries the grave risk of weakening the strength of Commission action on that country and could even make such action meaningless. When faced with grave human rights situations, the Commission's primary responsibility is to take effective action to protect the victims. Programs for technical assistance and cooperation can contribute to that aim but should only be initiated once the government has agreed concrete measures to improve its human rights performance.

Amnesty International fully agrees with the Bureau's observation that: "the essential foundation on which the effectiveness of the Commission and its mechanisms rests is the responsibility of all governments to cooperate fully with those mechanisms"⁴. However, the reality is that some governments still ignore requests of special procedures to visit their country and/or the recommendations they make at little or no political cost. The fifth meeting of special rapporteurs, representatives, experts and chairpersons of working groups of the special procedures in fact discussed several instances in which governments had refused to cooperate and noted a 'growing trend towards undermining the mandates of the experts of the special procedures system'⁵. It is ironic that states which created the special procedures should refuse to cooperate with them when they themselves become the subject of their attention. Moreover, the reports of the special procedures can easily be ignored as long as they continue to receive only the most superficial discussion at the Commission.

In the course of the review conducted by the Bureau, numerous governments expressed a firm commitment to strengthen the special procedures. To transform that commitment into reality, the Commission should urge all governments, even in the absence of specific requests, to extend open invitations to special procedures to visit their country whenever they wish and to provide substantive responses to their queries and recommendations. The Commission should also ask to be provided with a list of requests for visits made and the government's responses thereto prior to the start of the session. As the Bureau recommends: "at each session of the Commission, there should be conducted regular, focussed and systematic deliberations on serious incidents or situations involving a failure or denial of cooperation by governments with the Commission or its mechanisms"⁶. Amnesty International urges the Commission to take serious note of countries which, despite attempts by the special procedures and the Office of the High Commissioner for Human Rights (OHCHR) to overcome difficulties, persistently refuse to cooperate with them or refuse to implement their recommendations, and ensure that such situations are drawn to the attention of the UN Secretary-General for appropriate action.

Special procedures deal with a variety of civil and political rights and, increasingly also, with cultural, economic and social rights. Addressing an imbalance in the thematic procedures created so far, the Commission, at its last session, added three more procedures with mandates that were mixed or fell into the latter category⁷.

⁴ Observation 3, paragraph 14.

⁵ E/CN.4/1999/3 paragraph 30.

⁶ Recommendation 7, paragraph 42.

⁷ These are the Special Rapporteurs on the effect of foreign debt on the full enjoyment of economic, social

The creation of these new mandates reflects a growing trend in the Commission to pay more attention to social and economic rights, including the right to development. Amnesty International welcomes that trend. However, the creation of these new mandates should never be used as a tool to diminish the importance of and support for the work of existing special procedures, for example the important mandates dealing with torture, with extrajudicial, summary and arbitrary executions, with involuntary and enforced disappearances, with arbitrary detention, with violence against women and with independence of judges and lawyers. Providing adequate resources to the special procedures, is, as the Bureau argues, of critical importance. Amnesty International strongly supports the Bureau's proposal that the High Commissioner develop an action plan with the UN Secretary-General to secure these resources from the regular UN budget and urges the Commission to take meaningful steps to support them.

and cultural rights; the Special Rapporteur on the right to education; and the Independent Expert on human rights and extreme poverty.

Amnesty International agrees with the Bureau that there is scope to rationalize and strengthen the current network of mandates of special procedures. But Amnesty International strongly opposes the Bureau's recommendation to transform the Working Group on Arbitrary Detention into a Special Rapporteur with such a mandate⁸. Only a working group of experts can do justice to the specific requirements of this complex mandate, which, unlike other mandates, has a quasi-judicial character. It is the only Commission mechanism specifically mandated to carry out investigations into cases and review whether detention is "imposed arbitrarily or otherwise inconsistently with the relevant international standards...". The Working Group now carries out examinations of complaints and the responses from governments, assesses the facts and reaches legal conclusions on the basis of international standards. The quality and authority of the conclusions is greatly enhanced if they are reached by a group of experts, from a variety of legal and regional backgrounds, rather than by an individual. Amnesty International wishes to remind the Bureau that the review "is not a 'budget-driven' exercise, but rather one impelled... by the purpose of strengthening the UN's capacity to promote and protect human rights"⁹.

⁸ Recommendation 1 (c), paragraph 20.

⁹ Paragraph 16.

Likewise, Amnesty International does not believe that it is wise to transform the Working Group on Enforced or Involuntary Disappearances into a Special Rapporteur¹⁰. Among the special procedures, the Working Group on “disappearances” is the only one with a specific mandate to monitor states’ compliance with their obligations provided in a specific human rights instrument: the Declaration on the Protection of All Persons from Enforced Disappearance. Extending its methods of work, the Working Group has now taken on the substantive task to advise governments on general and specific aspects of implementation of the Declaration¹¹, a task which calls for broad based expertise which is available in a group rather than one individual. Moreover, it is important that the Working Group continues to be in force as long as there is no other group or committee to deal with these issues on a global basis. This may change once the Draft Convention on “Disappearances” (see below) has entered into force having been adopted and ratified by the vast majority of countries, including those confronted with the problem of “disappearances”.

Crucial for the effectiveness of any special mechanism is the quality, integrity and independence of office holders, enhancing their impact by securing serious discussion of their reports and effective follow-up to their recommendations. Given the chronic underfunding of the special mechanisms they should be provided with professional and other essential support on a solid basis from the UN’s regular budget. Their coordination within an overall policy framework and their effective integration within the UN system and specialised bodies should be strengthened. Last but not least, the cooperation from governments should be secured and appropriately strong action, as suggested above, should be taken by the Commission if a government persistently refuses to cooperate.

The Bureau makes a series of positive observations, proposals and recommendations to that effect, including that the OHCHR develop and maintain a roster of qualified persons for potential service as office holders of special procedures¹². In addition, Amnesty International recommends that strict selection criteria be developed and that potential candidates provide detailed information to the OHCHR in standardised *curricula vitae* so that an informed choice can be made by the Commission. To strengthen the independence of the special procedures, rules should be drafted about official functions and activities that are incompatible with holding the office of special rapporteurs, independent experts or membership of a working group or the *Sub-Commission on Prevention of Discrimination and Protection of Minorities*¹³. Special efforts should be made by the OHCHR and other parties suggesting names to seek out qualified women so that the current gender imbalance in office holders of special procedures can effectively be addressed.

¹⁰ Recommendation 1(d), paragraph 20.

¹¹ Working Group on Enforced or Involuntary Disappearances - Methods of Work - Rev.2, E/CN.4/1996/38, Annex I: 52nd session of the Commission on Human Rights, item 8 (c).1.

¹² Proposal 2, paragraph 30.

¹³ The same applies to members of the Sub-Commission.

When the UN Secretary-General addressed the Commission at the opening of the fifty-fourth session, he spoke of the unlimited information sources available, and referred in that context also to the reports submitted to the Commission to underline that “[t]he international community must summon the will to use this information to act in time”¹⁴. Although, as the Bureau rightly observes, the special procedures are the “cornerstone of UN efforts to promote and protect internationally recognized rights” (paragraph 48), their detailed reports are unfortunately barely discussed. The extent to which their recommendations are implemented is not systematically analysed and there is little follow-up to the important recommendations they make. The Bureau makes a number of important recommendations about the presentation of these reports, their early and effective distribution, discussion and follow-up by the Commission¹⁵.

¹⁴ Kofi Annan, Statement at the Opening of the fifty fourth session of the Commission on Human Rights, 16 March 1998).

¹⁵ Recommendations 8, 9 and 10 and observation 24 in, respectively, paragraphs 47, 48, 49 and 50.

Amnesty International recommends that the special procedures provide more information on the implementation of their recommendations in their reports and draw appropriate conclusions. To facilitate effective follow-up, the OHCHR should allocate specific responsibility to ongoing monitoring, analysing and assessing the extent to which recommendations of the special procedures are implemented by governments. The Bureau argues for the OHCHR to prepare a yearly report on the progress of implementation of special procedures' recommendations and Commission conclusions, to be reviewed in annual meetings of the Bureau held in advance of the human rights debate at the UN General Assembly in the autumn¹⁶. Such a report must be public and made available well in advance of the human rights debate at the General Assembly. Amnesty International believes that the deliberations by the Bureau on the report should be in public session. NGOs should have an opportunity to provide input in this important review process since they have first hand information about implementation of Commission resolutions and recommendations by the special procedures.

Finally, Amnesty International urges the Commission to ensure that UN specialised agencies and programmes with a relevant mandate as well as the human rights treaty bodies have a proper input in the Commission's discussion and implementation of special procedures' reports, especially since the Bureau already observed that the Commission should take full account "of relevant information and views from other UN human rights entities, such as the High Commissioner for Human Rights and human rights treaty bodies..." (Observation 9). Such active involvement by the UN specialised agencies could make an important contribution to improving the effective protection of human rights and is clearly part of the process of mainstreaming of human rights so forcefully articulated by the UN Secretary-General in his Programme for Reform¹⁷.

II COUNTRY CONCERNS

ALGERIA

Human rights abuses continued on a large scale: extrajudicial executions, deliberate and arbitrary killings, abductions and torture continued to be widespread and thousands of "disappeared" remained unaccounted for. Throughout 1998, killings of civilians -- sometimes entire families -- continued daily in different parts of the country. Scores of civilians were also victims of bomb attacks.

Security forces and militias armed by the state continued to be responsible for extrajudicial executions, deliberate and arbitrary killings, torture, "disappearances" and arbitrary detention.

¹⁶ Recommendation 10, paragraph 49.

¹⁷ Renewing the United Nations: a programme for reform. Report of the Secretary-General 14 July 1997 (A/51/950).

Armed groups which call themselves "Islamic groups" continued to target civilians. They slaughtered individuals and groups of people, including children, women and elderly people -- at times after abducting them -- and carried out bomb attacks claiming scores of lives and leaving hundreds injured.

Impunity remains a serious concern. As in previous years, the Algerian authorities stated that scores of members of security forces and of state-armed militias had been brought to justice for serious human rights violations, including murder, abduction and rape. However, they continue to refuse to provide any information on the cases, including the names of those convicted and details of their trial and the sentences imposed. In February 1998, two militia chiefs, who were also mayors of the main government party, were arrested for murder, abduction, extortion and other crimes committed since 1995. However, they were promptly released and have not been brought to trial.

During 1998 violations reportedly committed by the security forces in previous years were confirmed. In October 1998 it was established that in June 1997 27 prisoners had died of suffocation during a prison transfer as a result of neglect. The same month confirmation was received that some 50 Moroccans, eventually released in December 1996, had in fact spent 18 years in secret detention in Algerian detention centres. No investigation is known to have been carried out into these incidents.

Amongst pressing human rights concerns requiring concrete action is the fate of some 3,000 people who "disappeared" after abduction by security forces and state-armed militias since 1993. For years families of the "disappeared" have been searching for their missing relatives in police stations, army barracks, prisons, hospitals and morgues to no avail. In some cases the Algerian government has responded to the UN Working Group on Enforced and Involuntary Disappearances (WGEID) claiming that the "disappeared" had voluntarily gone into hiding to join armed groups, or had been killed by security forces in the context of armed conflict or had been abducted or murdered by armed groups. However, the government has systematically failed to substantiate such claims and in some cases gave contradictory responses. Since August 1998, overcoming fears for their own safety and that of their relatives, families of the "disappeared" have been holding public demonstrations calling for information about their missing relatives. The Algerian authorities have promised to look into the cases and established offices to receive the families' complaints. However, to date no independent investigation into the fate of the "disappeared" has been initiated.

The Algerian government has repeatedly broken its promises to cooperate with the mechanisms of the Commission and has continued to refuse access to the country to the UN Special Rapporteurs on torture and extrajudicial, summary and arbitrary executions, as well as to the International Committee of the Red Cross (ICRC) and to international human rights organizations. The international community -- and particularly the Commission on Human Rights -- has so far failed to take any concrete action to address the continuing human rights crisis.

Political initiatives such as visits in January by the European Union (EU) Troika and in July 1998 by the UN panel under the auspices of the UN Secretary-General lacked a human rights

mandate and had no impact on the human rights situation. The EU Troika failed to secure access to Algeria for the UN Special Rapporteurs and the UN panel had neither the mandate nor the means to conduct any investigations and its report contains no provisions for the implementation of its recommendations. The government particularly welcomed the fact that the report contained no provisions for any kind of follow-up.

In July, the (UN) Human Rights Committee expressed concern at the human rights crisis in Algeria and regretted the unwillingness of the government to provide concrete information about the situation in the country. The Committee's recommendations to the government included:

ensuring that independent mechanisms be set up to investigate all violations of the right to life and security of the person -- including into the conduct of the security forces, from the lowest to the highest levels -- and that the offenders be brought to justice and the results of such investigations be published;

establishing a central register to record all reported cases of disappearances, assist the families concerned to retrace the disappeared, set up a credible system for monitoring treatment of all detainees to prevent torture or cruel, inhuman or degrading treatment, ensure that nobody may be arrested or detained "outside the law";

granting prompt access to the ICRC and other independent observers;

maintaining within its police and defence forces the responsibility of enforcing law and order and, in the meantime, ensuring that "legitimate defence groups" (militias armed by the state) be brought under the strict and effective control of responsible State organs, and promptly to justice in the case of abuse.

So far, the government has not taken concrete action to implement these recommendations.

Amnesty International calls on the Commission to:

- appoint a Special Rapporteur on Algeria;
- urge the government to implement the recommendations of the Human Rights Committee;
- urge the government to invite the WGEID to promptly carry out a visit to Algeria to investigate cases of "disappearances";
- urge the government to immediately release all the "disappeared", unless they are charged with recognizably criminal offences, in which case they must be transferred to recognized places of detention and afforded due process;
- urge the government to set up independent and impartial investigations into all cases of "disappearance", promptly clarify the fate and whereabouts of the "disappeared", provide comprehensive information about causes and circumstances of death of any deceased "disappeared", notify the families of the place of burial and allow for exhumation and independent post-mortem examinations, and bring to justice those responsible for the "disappearances";
- urge the government to ensure that prompt, independent and impartial investigations are carried out into all other cases of human rights abuses;
- urge the government to disband all militia groups armed by the state;
- urge the government to fulfill its repeated promises to allow access to the Special Rapporteurs on torture and extrajudicial, summary and arbitrary executions;
- urge the government to allow the ICRC immediate and unrestricted access to all places of detention, as well as prompt access to the country by international human rights organizations.

CAMBODIA

Total impunity for human rights violations continues to be the norm in Cambodia. To date, perpetrators of recent human rights violations, including extrajudicial executions, torture and arbitrary detention -- as well as those who committed acts of genocide, crimes against humanity and war crimes between 17 April 1975 and 7 January 1979 while the Khmer Rouge was in power -- have not been brought to justice.

The authorities have ignored the recommendations made over the last six years by the Commission on Human Rights and its thematic mechanisms, by the General Assembly and the Committee on the Elimination of Racial Discrimination. This situation defies the efforts made by the UN Secretary-General's Special Representative for Human Rights in Cambodia (the Special Representative) and the Cambodia Office of the High Commissioner for Human Rights (COHCHR).

The government's failure to bring to justice those responsible for recent violations -- highlighted for instance by the fact that none of the cases reported by the Special Representative has led to any prosecutions or anyone being sentenced -- has led to a climate where further human rights violations continue unabated in a self-perpetuating cycle. Without the political will to address the ongoing violations and halt impunity, the situation will not improve, and without institutional reform the ability to prosecute alleged violators will remain weak.

Since the violent removal from power in July 1997 of then First Prime Minister Prince Norodom Ranariddh of the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC) by forces loyal to Cambodian People's Party (CPP) then Second Prime Minister Hun Sen, scores of FUNCINPEC supporters have been extrajudicially killed, and hundreds have fled the country.

Elections held in July 1998 were marred by a climate of intimidation and threats. Despite having won, the CPP failed to secure enough seats to form a government. However, a coalition government was formed after talks initiated by the King in November. In September 1998, police violently dispersed demonstrators who had -- by and large -- peacefully demonstrated against election rigging. At least three people were shot dead by the security forces, scores of people were arrested and dozens remain unaccounted for. In the aftermath of the crack-down, two dozen bodies were found in and around the capital Phnom Penh. In this connection, the Special Representative "expressed grave concern at the increasing numbers of arrests, disappearances, and discoveries of bodies". He said that many of the bodies bore signs of torture or other violence including bullet wounds and strangulation marks. Despite the high number of arrests witnessed, the Special Representative noted that Cambodian authorities had acknowledged carrying out only 22 arrests. To date, the Cambodian authorities maintain that the sudden appearance of so many corpses was unrelated to the violent dispersal of the demonstrators. However, no substantive investigations have so far been carried out into these killings.

Human rights defenders, including those working for the COHCHR, were the regular target of official criticism both before and after the July elections; some received death threats and two were arrested in December 1998 in the course of their legitimate human rights work. One Cambodian employee of the COHCHR was beaten in April 1998 by a group of people including uniformed police.

The Special Representative has continued to stress that torture and ill-treatment by the police remains a very serious problem, as documented by Amnesty International. Current police practice routinely denies detainees access to lawyers, their families or medical personnel for the first 48 hours of detention -- the critical period during which all detainees are vulnerable to torture and ill-treatment. Court convictions on the basis of confessions obtained under duress during the first 48 hours of detention are routine.

The Special Representative has also raised problems arising from conditions in prisons, namely lack of food and medical care contributing to serious health problems. In addition, continued shackling of prisoners was reported in a number of provincial prisons.

Impunity remains entrenched in law. Article 51 of the 1994 Law on Civil Servants provides that the Council of Ministers' consent is required for criminal proceedings to be instituted against civil servants -- including law enforcement officials -- effectively preventing the initiation of such proceedings by the competent authorities. The establishment of a National Human Rights Committee -- which lacks any independence, and which so far has not carried out any serious investigations into alleged human rights violations -- is a cause of serious concern, particularly as this body is intended to act as the precursor of a permanent national human rights commission.

As recently as December 1998, the General Assembly in resolution A/RES/53/145 on the situation of human rights in Cambodia reiterated similar concerns outlined in resolution 1998/60 by the Commission, and expressed "grave concern about ... violations of human rights ..." and "called upon the Government of Cambodia to investigate urgently and prosecute all those who perpetrated human rights violations". The resolution reiterates the Special Representative's concerns about "the independence of the judiciary and the establishment of the rule of law, the use of torture, the administration of prisoners and the ill-treatment of prisoners" and stresses that "addressing the continuing problem of impunity...remains a matter of critical and urgent priority".

In November 1998 a group of experts appointed by the UN Secretary-General pursuant to General Assembly resolution 52/135 of 1997, visited Cambodia to examine evidence about serious human rights violations committed between 1975 and 1978 while the Khmer Rouge was in power. In late December 1998, Prime Minister Hun Sen welcomed the defection of two senior former Khmer Rouge leaders as a sign of the success of his policy of national reconciliation. This appeared to contradict previous requests to the UN "for assistance in responding to past serious violations of Cambodian and international law by the Khmer Rouge". This move contributed to the already overwhelming climate of impunity in the country and risked seriously undermining attempts to tackle past and recent human rights violations.

The Commission needs to send a strong message to the new Cambodian government that the cycle of impunity must end, and that strong measures must be taken to protect human rights and prevent violations.

Amnesty International calls on the Commission to:

- urge the Cambodian government to initiate full and independent inquiries into recent human rights violations, including the killings of opposition demonstrators by the security forces in September 1998, the extrajudicial killings following the July 1997 coup and the grenade attack on peaceful demonstrators on 30 March 1997. The whereabouts of those who remain unaccounted for following the September 1998 crack-down should be clarified. Those implicated in human rights violations should be suspended from duty and brought to justice;
- urge the authorities to halt impunity for human rights violations, and facilitate prosecutions by repealing article 51 of the 1994 Law on Civil Servants;

- urge the authorities to take all necessary steps to bring to justice members of the Khmer Rouge political movement implicated in gross violations of human rights between 1975 and 1978. The government should cooperate fully with the experts appointed by the UN Secretary-General as a vital step in ending the culture of impunity in Cambodia;
- give full political and financial support to the Special Representative and the COHCHR and urge the Cambodian government to cooperate with the Special Representative and the staff of the COHCHR, and ensure that they can go about their tasks without fear or obstruction.

THE GREAT LAKES REGION OF AFRICA: Burundi, Democratic Republic of Congo (DRC) and Rwanda

A horrific catalogue of persistent, widespread and gross human rights abuses is the everyday reality in the Great Lakes region of Africa with impunity acting as a catalyst for renewed cycles of violence. In a vicious circle, the human rights crisis which has plagued the region for years has been, and remains, the root cause of old and new conflicts which, in turn, give rise to forced mass displacement. As the conflicts have become increasingly internationalized, human rights abuses are committed throughout the region and beyond.

In this context, large scale massacres of unarmed civilians, deliberate and arbitrary killings, extrajudicial executions, "disappearances", torture -- including rape and other forms of sexual abuse -- ill-treatment, arbitrary arrests, incommunicado detention, detention conditions amounting to cruel, inhuman or degrading treatment, denial of due process in the administration of justice, the use of child soldiers and the use of the death penalty seem to be the norm. Driven by fear, people are forced to flee their homes and communities giving rise to mass internal and cross-border displacement. Many of those in flight have yet to find security either in their own or in a neighbouring country. At least 600,000 people are internally displaced within Burundi, and hundreds of thousands have fled the country, including over 260,000 who have taken refuge in Tanzania. Also, in early January 1999 the UN High Commissioner for Refugees expressed grave concern about the fate of approximately 1,500 Congolese refugees who were forcibly expelled from Uganda to the DRC. As of January 1999, an estimated 500,000 people are internally displaced in Rwanda.

Across the region, unarmed civilians -- taking no active part in the hostilities -- have paid a high price with thousands of vulnerable children, women, men and elderly people being deliberately killed both by government forces and armed opposition groups. In Rwanda, many elderly people unable to flee have been among those killed by Rwandese Patriotic Army (RPA) troops carrying out brutal counter-insurgency operations. The war which broke out in the DRC in August 1998 has contributed to a further deterioration of the human rights situation across the region leading to an increase in the involvement of neighbouring countries and troops from other African countries and to further internationalization of the conflict. In the context of escalating hostilities, international humanitarian law has been flagrantly and systematically violated by all parties. In addition, transfers of arms and the provision of funding to buy military equipment from foreign governments and other sources to the region are common. No government

supplying military and security equipment to the region is known to have taken any steps to ensure that these would not be used to perpetrate human rights abuses.

People continue to be targeted purportedly on account of their real or perceived ethnicity and/or political affiliation. Civilians are targeted by combatants out of reprisal for losses suffered or simply to punish alleged collaborators and informants. In the DRC women have been particularly targeted for human rights abuses and reports of rape and other acts of sexual violence by combatants have recently escalated. Sexual violence appears to be used as a weapon of war by combatants at times preceding or accompanying the massacre of civilians.

In addition to abuses perpetrated in the context of insurgency and counter-insurgency operations, numerous human rights violations occur in the context of law enforcement and the administration of justice. Many arrests appear to be arbitrary without substantive evidence resulting in unlawful detentions. Others are apparently politically motivated and result in prolonged detention without charge or trial. There are widespread reports of detainees suffering beatings and other forms of ill-treatment. In the context of fair trial procedures, serious concerns arise in all three countries. In Burundi, for instance, most of the trials which have taken place continue to fall far short of international standards for fair trial, despite the activities of the UN Program of Judicial Assistance. Many detainees are tortured. Incommunicado detention which makes people more vulnerable to torture and "disappearances" is common throughout the region. Throughout 1998 in Rwanda, there was a dramatic increase in "disappearances": hundreds and possibly thousands of people "disappeared" across the country, including in the capital Kigali. Some are believed to be held in military detention centres to which access is denied, but most are believed to have been killed.

Detention conditions in the three countries are generally poor, amounting -- in some cases -- to cruel, inhuman or degrading treatment. For instance, in Rwanda, since 1994 thousands of detainees have died as a result of gross overcrowding. In Burundi hundreds of detainees died in 1998 as a result of harsh conditions of detention, including malnutrition and lack of access to medical care. Prisoners under sentence of death in Mpimba Central Prison in the capital Bujumbura are held under particularly harsh conditions. Extremely limited measures have been taken in the three countries to address problems of overcrowding and the majority of detainees remain without trial, and have had no chance to formally challenge the basis for their detention.

With respect to the imposition of capital punishment, the DRC government is using the death penalty more than any other country in the region and since it came to power in May 1997 there have been at least 70 executions, all but one during 1998. In Burundi, at least 260 people have now been sentenced to death, the majority of them in connection with massacres committed in 1993. Those sentenced to death may appeal only to the Cassation Chamber and over 50 of those who received the death penalty in connection with the massacres have had their appeal turned down and, unless the president grants clemency, could be executed. Across the region, most of those executed were sentenced to death following unfair trials, including, in some instances, without a right of appeal. In Rwanda, for instance, in April 1998 the government carried out the first executions of people found guilty by the Rwandese courts of participation in the genocide in 1994. Twenty-two people were executed by firing squad in front of large crowds,

despite the government's earlier commitment not to carry out executions in public. Several of those executed had had an unfair trial. In the DRC, people have been executed as a result of sentences handed down by the *Cour d'ordre militaire*, Military Order Court. The court was set up in August 1997 to try undisciplined soldiers but it increasingly tries and convicts civilians, including for non-violent political offences.

Impunity for gross human rights abuses prevails across the region and very few of those responsible have been arrested and brought to justice. For instance, in Burundi, few human right violations allegedly committed by the security forces have been investigated. Very few soldiers have been tried and convicted of human rights violations. In Rwanda, massacres carried out by the RPA appear to go almost unnoticed. In some cases, the Rwandese authorities have taken action against RPA soldiers allegedly responsible for killing civilians, but the vast majority of these crimes go unpunished. In addition, some RPA soldiers reported to have been found guilty of human rights violations are reported to have subsequently returned to active duty. With respect to the DRC, the UN Secretary-General in April 1998 was forced to finally withdraw his Investigative Team (UNSGIT) as a result of the DRC government's continued and systematic obstruction of its activities. The UNSGIT was set up to establish the truth following widespread allegations of massacres from 1993 onwards in the DRC after the government had refused to cooperate with the Commission's own investigation. In its June 1998 report to the UN Security Council, UNSGIT found evidence of systematic killings amounting to crimes against humanity and possible genocide in the country. In October 1998, the DRC and Rwandese governments failed to report to the Security Council on measures undertaken to bring the perpetrators of the massacres to justice as required by the Security Council in July 1998. However, in January 1999 the DRC government responded to the long-standing request of the Commission's Special Rapporteur on the DRC and invited him to visit the country. Amnesty International hopes that this step marks a new era of cooperation with the UN.

Amnesty International calls on the Commission to:

- provide support to and reaffirm the importance of the mandate of its Special Rapporteurs on Burundi and the DRC, and ensure that they are able to carry out their work without being hindered, including being allowed unfettered access to the countries. The mandate of the Special Rapporteurs on Burundi and the DRC should be renewed;
- strengthen the mandate of the Special Representative on Rwanda by including monitoring of the human rights situation as a key component of the mandate. The mandate of the Special Representative should be renewed;
- ensure the continuing monitoring of human rights abuses by strengthening the UN human rights field presences in Burundi and the DRC in order to address the current human rights crisis. In Burundi, the Office of the High Commissioner should play a stronger, more public role in monitoring human rights abuses. Contingent upon security considerations, the Office of the High Commissioner in the DRC should be extended, including through the establishment of branches in the provinces;
- urge the Rwandese government and the High Commissioner to resume negotiations for the immediate re-establishment of a monitoring presence in the country;

- call on the Special Representatives of the UN Secretary-General on internally displaced people and children and armed conflict to carry out a fact-finding mission to the region and report on their findings to the Commission at its next session;
- request that the UN High Commissioner for Human Rights convene another extraordinary coordination meeting similar to the one convened by her predecessor in 1996. The meeting would involve the participation of experts of the Commission on the Great Lakes region and its purpose would be to draw up recommendations to prevent a further deterioration of the human rights situation in the region. The contributions of other UN experts and representatives of UN Agencies and Programs and relevant treaty bodies, as well as other inter-governmental and non-governmental bodies with relevant expertise should be sought;
- ensure that the provision of technical assistance and advisory services to the countries in the region be based on human rights needs on the ground, as identified by the monitoring functions of the different human rights field presences;
- request the High Commissioner to undertake a comprehensive evaluation of the current UN Program of Judicial Assistance in Burundi and make the findings public. The Commission should ensure that the Program also provides full assistance to victims of torture and to those seeking reparation for human rights violations resulting from failures of the judicial system;
- request the High Commissioner to establish effective judicial assistance programs in the DRC and Rwanda based on a thorough analysis of the systems for administration of justice in these countries and their failures;
- urge the three governments to immediately declare a moratorium on executions with a view to totally abolishing the death penalty in accordance with the Commission's resolution 1998/8. In the meantime, governments must ensure the application of the Safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, and other relevant international standards;
- explicitly request the UN Security Council to establish a Commission of Experts to complete the work of the UNSGIT and follow up on its recommendations regarding the establishment of procedures and mechanisms for the prosecution of those who reportedly committed genocide and other crimes against humanity;
- remind governments that they have a responsibility to ensure that arms, security equipment and training which they or those under their jurisdiction supply to governments and armed opposition groups in the Great Lakes region are not used to commit human rights abuses. Military, security or police transfers to governments and armed opposition groups in the region that can reasonably be assumed to contribute to

human rights abuses should be immediately stopped and prohibited in the future unless it can be reasonably demonstrated that they will not be used to perpetrate such abuses;

- urge the Security Council to set up mechanisms for effective follow-up to the work of the UN Commission of Inquiry (COI) into arms transfers to the former Rwandese armed forces (ex-FAR), following its final report in November 1998. In view of the grave violations of human rights and humanitarian law committed by all parties to the conflicts, this should include in-depth investigations into arms and military equipment supplied to all parties to the conflict in Rwanda (not only the ex-FAR but also the current Rwandese security forces), to the security forces and armed opposition groups of Burundi and the DRC, as well as other neighbouring countries.

TURKEY

Turkey has a legacy of grave and widespread human rights violations. Torture and ill-treatment persist, scores of people continue to be detained for their non-violent political activities, and many are imprisoned after unfair trials. Several deaths in custody, “disappearances” and over a dozen extrajudicial executions were reported in 1998.

In spite of this, tentative signs of change suggest that Turkey may be at a turning point. Such changes can only be consolidated and built upon if the government strengthens legal safeguards and other structural measures to protect human rights, brings them fully in line with international standards, and takes decisive action to ensure their scrupulous application throughout the country.

The legal changes to the Criminal Procedure Code of March 1997 reduced the period in which people detained for offences under the Anti-Terror Law can be held in incommunicado detention, without access to lawyers, for up to four days. Although an improvement, these provisions still fall far short of international standards and give ample opportunity for torture. Moreover, the legal obligation to allow access to lawyers after four days is frequently simply ignored. Many of the detailed recommendations made by the (UN) Committee against Torture have still not been implemented. Amnesty International welcomed visits to Turkey in November 1998 by the UN Special Rapporteur on torture, which the European Union had also urged, and by the Working Group on Enforced or Involuntary Disappearances in September 1998.

Longstanding torture methods such as electric shocks and hanging by the arms persist in official places of detention but are reported less frequently. Reports of the most brutal treatment remain common. For example, Cengiz Suslu who had absconded from military service and was held for a week in May 1998 in Istanbul Police Headquarters in incommunicado detention was delivered to hospital with a perforated bowel. When he was finally permitted to speak to a lawyer after two weeks, he explained that a truncheon had been forced into his anus during interrogation and that electric shocks had been applied through his sexual organs. There are also increasing reports of ill-treatment during unofficial and completely unrecorded interrogation outside recognised places of detention, frequently accompanied by threats.

Female and male detainees often complain of sexual assaults. Five women were detained by police in Istanbul in the course of May Day demonstrations and held incommunicado for five days. They reported beatings, prolonged standing and sexual assault. Aynur Tokluo_lu said she was stripped naked and suspended by her wrists tied behind her back. Several detainees had medical certificates describing injuries consistent with torture allegations. But Duygu Senem, who complained that she was beaten by the Anti-Terror branch of the Istanbul Police Headquarters in April 1998, claimed police confiscated the report of her medical examination.

Even children are not spared torture. Police officers and prosecutors routinely deny children applicable legal safeguards such as interrogation by senior officials in the presence of a lawyer. On 1 October 1998 the government introduced new provisions requiring that children under 15 years held under the Anti-Terror Law were to be interrogated by the prosecutor instead of the police. However, it also confirmed that those between 16 and 18 years detained under that law can be held for four days in incommunicado detention.

Some victims are very young: five children between six and eight years old (whose names Amnesty International had submitted to the government) reported they had been beaten and sexually assaulted at Beyo_lu Police Headquarters, Istanbul in June 1998. Sixteen-year-old Mahmut Y_ld_z was reportedly detained by police officers from the home of a relative in Siirt on 22 November 1997. He was interrogated at Siirt Gendarmerie Regimental Headquarters and on 25 November taken by helicopter to Diyarbakir Military Hospital where he died on 5 December, apparently of a brain haemorrhage.

Although prosecutors and judges remain extremely reluctant to investigate and prosecute complaints of ill-treatment or torture against police officers and gendarmes, more have been charged and tried for such human rights violations. However, no meaningful statistics of suspensions, investigations, trials and convictions of those allegedly responsible have been published. Convicted police are frequently only fined or given suspended sentences, even in cases of the most serious violations.

Of the 153 cases of enforced or involuntary disappearances reported as of January 1998 to the UN Working Group on Enforced or Involuntary Disappearances 83 remain unresolved. Relatives of such "disappeared" persons who assemble every Saturday in Istanbul calling for clarification of their whereabouts or fate have been beaten and sprayed with pepper gas, arbitrarily detained and prosecuted. One woman, Neslihan Uslu, and three men, Hasan Aydogan, Metin Andac and Mehmet Mandal, "disappeared" in Izmir in March 1998. All four had previously reportedly received death threats from security forces. Mehmet Mazaca "disappeared" on or about 22 October 1998 in Elaz__. He was still suffering from the after-effects of torture inflicted in 1993 and was reportedly seen in custody at Elaz__ Police Headquarters.

At least 14 people have been reported victims of extrajudicial executions. On 1 May 1998 Ömer Du_ak was taken from his house in Eyyubiye, allegedly by gendarmerie officers. Five days later his body was found with five bullet wounds.

Armed separatist and leftist organizations have also continued to kill civilians and prisoners. The Kurdish Workers' Party (PKK) and the Marxist-Leninist Communist Party (MLKP) were held responsible for at least 24 deliberate and arbitrary killings of civilians or prisoners during 1998.

Many prisoners of conscience have been sentenced to imprisonment for their non-violent criticism of the government's policies towards the Kurdish minority. In July 1998 Akin Birdal, President of the Human Rights Association (HRA), was sentenced to one year's imprisonment under Article 8 of the 'Anti-Terror Law' for a speech he made on World Peace Day two years earlier. In October the Appeal Court confirmed the sentence.

The government must take decisive action if the pattern of grave violations of human rights, which AI has persistently highlighted for many years, is definitely to be broken.

Amnesty International calls on the Commission to urge the government to:

- fully implement recommendations made by UN special mechanisms and the Committee against Torture, especially for the prevention of torture and ill-treatment, and for the halting of blind-folding during interrogation;
- ensure that the perpetrators of all grave human rights violations including torture and ill-treatment, extrajudicial executions and "disappearances" be brought to justice. Sentences handed down by the courts should reflect the seriousness of the crimes;
- ensure that the maximum detention period provided in Turkish law is never exceeded and that full and free access to legal counsel is provided in accordance with international standards and at least in accordance with the Turkish Code of Criminal Procedure;
- ensure that persons are only held in officially recognised places of detention, and that officers who hold prisoners in unofficial or unregistered detention are prosecuted in accordance with Article 181 of the Turkish Penal Code;
- ensure that the 1995 recommendation of the UN Working Group on Arbitrary Detention that Selahattin _im_ek be promptly retried in accordance with international standards or released, is implemented without delay.

UNITED STATES OF AMERICA (USA)

Despite its claims to international leadership in the field of human rights and its many institutions to protect individual civil liberties, the USA is failing to deliver the fundamental promise of rights for all. There is a persistent and widespread pattern of human rights violations in the USA. Human rights violations appear to disproportionately affect people of racial or ethnic minority backgrounds. Police brutality is common across the country, as are human rights violations against people in detention. The increase in crimes punishable with capital punishment, its imposition for crimes committed by people below 18 years of age and the continuous increase in executions contravene international human rights standards. The increase in the practice of detaining asylum-seekers is alarming as is the

fact that many continue to be held in jails with criminals, and there is no judicial review of their continued detention.

Those responsible for law enforcement, including police officers, prison guards, immigration and other officials in the USA are regularly breaching their own laws and guidelines as well as international human rights standards. Police officers have beaten and shot unresisting suspects, they have misused batons, chemical sprays and electro-shock weapons, they have injured or killed people by placing them in dangerous restraint holds. Despite this pattern of human rights violations, the authorities have failed to take adequate action to punish and prevent violations.

Sixty per cent of the prisoners incarcerated in the country are from racial and ethnic minorities. Thousands of prisoners are isolated in solitary confinement for long periods, and many prisoners do not receive adequate care for serious physical and mental health problems. Victims of human rights violations in the prison system include many women. Incidents amounting to cruel, inhuman or degrading treatment or even to torture, including physical abuse, the cruel use of mechanical restraints, and the shackling of women while terminally ill or when about to give birth have been reported. Women are reportedly subjected to sexual abuse, including rape, by male staff in jails and prisons across the USA.

Despite the worldwide trend toward the abolition of the death penalty more than 350 prisoners have been executed in the USA since 1990, and a further 3,500 people await execution. Capital punishment is applied in an arbitrary and unfair manner and is prone to bias on grounds of race or economic status. International human rights standards forbid the sentencing to death of those convicted of a crime committed when they were children and of mentally impaired persons. These standards also demand the strictest legal safeguards in capital trials. The USA fails to meet these minimum standards on all counts. When the USA ratified the International Covenant on Civil and Political Rights (ICCPR), it reserved the right to impose capital punishment on people convicted of a crime committed when they were children. The Human Rights Committee has stated that this reservation is incompatible with the object and purpose of the ICCPR.

Successive US governments have used international human rights standards as a yardstick against which to judge other countries, but they have inconsistently applied the very same standards at home and have been reluctant to ratify them. The USA has not ratified the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and is one of only two countries which have failed to ratify the Convention on the Rights of the Child. The USA has often ratified human rights treaties only half-heartedly with major reservations limiting their object and purpose. The USA has not ratified the (first) Optional Protocol to the ICCPR allowing individuals to petition the Human Rights Committee about violations of the Covenant, nor has it permitted individuals to communicate to the Committee against Torture alleged violations of the Convention against Torture. Furthermore, human rights experts appointed by the Commission who have conducted fact-finding missions to the USA have not received the full cooperation of the US authorities. The Special Rapporteur on violence against women was denied access to a number of prisons in the state of Michigan and the Special Rapporteur on extrajudicial, summary and arbitrary executions faced obstacles in meeting senior federal officials.

Amnesty International calls on the Commission to urge the US authorities to:

- ensure that all allegations of human rights violations are fully and impartially investigated, that those responsible are brought to justice, and that relevant international human rights standards are fully incorporated into US laws and policies and are rigorously enforced;
- take all necessary measures to prevent the use of excessive force, including lethal force, as well as other human rights violations by police officers;
- ensure that the treatment of prisoners is consistent with international human rights standards forbidding torture and ill-treatment. Steps should be taken to prevent sexual abuse of female prisoners by male guards and to ensure that no prisoners are confined long-term or indefinitely in conditions of isolation and reduced sensory stimulation;
- introduce enforceable standards to prevent the cruel use of mechanical restraints, including a ban on the routine shackling of pregnant women and their shackling during labour;
- ensure that asylum-seekers are treated in accordance with international standards. They should never be detained in the same facilities as people charged with criminal offences;
- immediately declare a moratorium on executions with a view to totally abolishing the death penalty. Meanwhile, UN safeguards protecting the rights of those facing the death penalty should be enforced¹⁸. The imposition of capital punishment on people convicted of a crime committed when they were children and on mentally impaired persons should be immediately halted;
- ratify without reservations all human rights treaties and withdraw limiting reservations to treaties already ratified. The authorities should make a declaration under the Convention against Torture permitting individuals to present communications to the Committee against Torture and should implement all outstanding recommendations formulated by the experts of the Commission;
- invite the Special Rapporteur on torture and the Working Group on Arbitrary Detention (WGAD) to carry out a joint visit to the USA. The visit should focus in particular -- but not exclusively -- on the administration of justice in the country. In this context, the WGAD should conduct a review of the detention of asylum-seekers. The experts would be requested to report to the following session of the Commission.

Amnesty International calls on the Commission to:

- request that its Special Rapporteurs on extrajudicial, summary or arbitrary executions, on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, on the sale of children, child prostitution and child pornography and on violence against women produce a joint follow-up report on the implementation of their recommendations following their previous fact-finding missions to the USA. Where no implementation has occurred, steps should be taken to remedy the situation.

¹⁸ Annex to ECOSOC resolution 1984/50 of 25 May 1984.

CHINA

Just over two months after China signed the International Covenant on Civil and Political Rights in October 1998, the authorities arbitrarily arrested several key dissidents and sentenced them to long prison terms for the peaceful exercise of fundamental human rights. Serious human rights violations continued in China throughout 1998.

Widespread arbitrary arrests of members of ethnic and religious groups, pro-democracy activists, human rights defenders and suspected opponents of the government were carried out. Thousands of political prisoners remained in jail, many of them prisoners of conscience. Many political detainees were held without charge or trial, while unfair trials continued to be the norm for those prosecuted under the Criminal Law. Torture and ill-treatment of prisoners remained endemic throughout the country, in some cases resulting in the victims' death. The death penalty continued to be used extensively, including for many non-violent offences.

Serious human rights violations continued in the Tibet Autonomous Region, where ten Tibetan prisoners reportedly died in suspicious circumstances after a protest in Drapchi prison in Lhasa in May.

Gross violations of human rights were reported in the Xinjiang Uighur Autonomous Region, where the government faced opposition by Uighur nationalist groups, fuelled by ethnic discontent over growing unemployment, discrimination and the continued denial of fundamental freedoms. While violent clashes between small groups of nationalists and the security forces were reported, hundreds of Uighurs were arbitrarily detained merely on account of their suspected nationalist sympathies or for engaging in peaceful religious activities. Torture of political detainees was reported to be systematic, resulting in some cases in permanent disablement or the death of victims. At least 14 political prisoners accused of involvement in violence were executed in 1998 in the region and there were reports of arbitrary killings by the security forces.

Amnesty International calls on the Commission to:

- express its concern at the widespread human rights violations which continue in China despite the government expressed commitment to the realization of all human rights, and in particular, urge the Chinese government to take immediate steps to stop gross human rights violations in the Xinjiang Uighur Autonomous Region and set up a commission of enquiry into allegations of systematic torture of detainees and other human rights abuses in the region;
- urge the Chinese government to invite the Special Rapporteur on torture, who first requested a visit in 1995, as well as the Special Rapporteur on extrajudicial, summary and arbitrary executions, and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to visit the country;
- urge the Chinese government to ratify the International Covenant on Economic, Social and Cultural Rights, which it signed in 1997, and the International Covenant on Civil and Political Rights, without reservations.

COLOMBIA

The human rights situation in Colombia continues to deteriorate despite moves to initiate talks between the government of President Andrés Pastrana and the principal armed opposition groups, the *Fuerzas Armadas Revolucionarias de Colombia* (FARC) and the *Ejército de Liberación Nacional* (ELN), aimed at ending the decades-old armed conflict.

All parties to the conflict have intensified their military actions throughout the country leading to widespread and systematic human rights violations.

The principal victims of the spiralling conflict continue to be civilians: community leaders, trade unionists, political and social activists, human rights defenders and poor peasant farmers living in areas whose control is disputed between the armed forces, their paramilitary allies and armed opposition groups.

During 1998 hundreds of civilians were extrajudicially executed and scores “disappeared” as paramilitary forces continued their campaign of territorial expansion. Increasingly, army-backed paramilitary forces burned entire villages and killed or displaced the inhabitants. Victims of extrajudicial execution were frequently tortured and their bodies mutilated. Compelling evidence has emerged in judicial and other independent investigations that paramilitary forces continue to work with the complicity and, in many cases, in close coordination with the Colombian armed forces.

Armed opposition groups continue to commit serious abuses of international humanitarian law, including kidnapping and holding hostages, deliberate and arbitrary killings of civilians considered to be working with the military and paramilitary forces and attacks on economic and military targets which caused numerous civilian casualties.

While welcoming initiatives in relation to the search for peace, Amnesty International considers that respect for human rights should not be dependent on an eventual political agreement between the state and armed opposition groups, as fundamental human rights are not negotiable.

Amnesty International calls on the Commission to:

- adopt a resolution reiterating its concern at the deepening human rights crisis in Colombia and remind the Colombian government that respect for human rights should not await an eventual political agreement between the state and armed opposition groups;
- urge the Colombian government to take immediate steps to implement in full all recommendations made by the UN thematic mechanisms;
- support the extension of the mandate of the Office of the High Commissioner for Human Rights which expires in April 1999;

- strengthen the office with the appointment of sufficient, suitable experts to effectively fulfil the office's mandate to monitor the human rights situation and to advise the government on the implementation of the recommendations of the Commission and its thematic mechanisms.

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INDONESIA AND EAST TIMOR

On assuming power in May 1998, the new government led by President Habibie committed itself to protecting and promoting human rights. It has taken some steps towards this end by publishing a five year National Plan of Action on Human Rights (NA) and releasing around 50 prisoners of conscience and political prisoners. The government ratified the Convention against Torture. The Special Rapporteur on violence against women visited the country in November 1998 and the Working Group on Arbitrary Detention is scheduled to do so in February 1999.

The human rights situation in Indonesia and East Timor remains serious, despite these and other initiatives. In many cases the measures the government announced to improve human rights have not been implemented. Structural and legislative reform, such as the establishment of an independent judiciary and accountability for the security forces, has not taken place. The government has not, as it promised, repealed the Anti-subversion Law, which permits peaceful political activists to be imprisoned and continues to use its provisions for that purpose. Around 35 prisoners of conscience remain held after conviction and political prisoners continue to face unfair trials.

Dozens of arbitrary arrests, incommunicado detention and extrajudicial executions have been documented in Aceh, in Irian Jaya and East Timor since the new government came to power. East Timorese women were raped or otherwise tortured by the armed forces. In Jakarta women belonging to the ethnic-Chinese minority were raped during violent disturbances, the allegations involving the armed forces. These and other reported serious human rights violations have not been fully and impartially investigated and perpetrators have not been brought to justice.

Only by fulfilling its commitments to respect human rights and to implement the NA's program of ratification of international human rights treaties, of legislative reform and of human rights training, will the Indonesian government ensure that political, economic and social stability is not further undermined during this transitional period.

Amnesty International calls on the Commission to urge the government to:

- release all prisoners of conscience and order the prompt retrial or release of political prisoners in accordance with international standards;
- implement its commitment to repeal the Anti-subversion Law and to repeal all other legislation that allows people to be imprisoned for their peaceful political activities;

- lift all reservations to the Convention against Torture, to take steps to ensure its effective implementation and to include the prohibition of torture in the Criminal Code;
- end impunity by ensuring that all allegations of human rights violations are systematically, fully and impartially investigated, that the perpetrators are brought to justice including those responsible for past violations such as the 1991 Dili Massacre;
- implement all recommendations made by the Commission, by the Special Rapporteur on torture in 1992, the Special Rapporteur on extrajudicial, summary or arbitrary executions in 1994 and by the High Commissioner for Human Rights in 1996;
- ensure unlimited access to all areas of Indonesia and East Timor by international and domestic human rights organisations as well as UN human rights experts.

MEXICO

The human rights situation in Mexico continues to be of deep concern. Human rights continued to be violated, particularly in the context of counter-insurgency operations in Chiapas, Guerrero and Oaxaca states. These abuses were widely attributed to members of the police, army and paramilitary organizations acting with the acquiescence of the authorities.

Many of those accused of human rights violations acted with impunity. They included senior state officials implicated in the massacre of 17 indigenous peasants near Aguas Blancas, Guerrero, in June 1995. Similarly, those responsible for the massacre in December 1997 of 45 indigenous peasants in Acteal, Chiapas, have yet to be brought to trial. At least 20 people were left dead in two separate incidents in June 1998 involving the security forces at El Charco, Guerrero, and El Bosque, Chiapas. Some were allegedly extrajudicially executed. By December 1998, official investigations had not yet identified the full circumstances, manner and cause of their death. Hundreds of “disappearances”, the majority longstanding, remained unresolved.

In August 1998 the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities urged the government of Mexico in resolution 1998/4 “to combat the impunity of perpetrators of serious human rights violations, especially those suffered by numerous members of the indigenous populations”, and requested that the Commission on Human Rights examine Mexico’s human rights situation at its forthcoming session. The UN Special Rapporteur on torture, following his 1997 visit concluded “that torture and similar ill-treatment are frequent occurrences in many parts of [the country].”

Amnesty International calls on the Commission to:

- consider the human rights situation in Mexico at its forthcoming session;
- urge the government of Mexico to promptly implement the recommendations made by the Committee against Torture and the Special Rapporteur on torture, in particular that cases involving torture of civilians by the military should be brought before civilian courts and that no statements by detainees should be accepted unless made before a judge;

- urge the government of Mexico to extend invitations to the UN Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the independence of judges and lawyers.

THE RUSSIAN FEDERATION

Human rights violations in the Russian Federation are serious and widespread. Torture and ill-treatment are common in police custody, in prisons and in the armed forces. Detention conditions -- particularly for those awaiting trial -- often amount to cruel, inhuman or degrading treatment. Victims include women, who are tortured and ill-treated during interrogation in police custody. Recommendations made by the UN Special Rapporteur on torture, the Human Rights Committee in July 1995 and the Committee against Torture in 1997, have not been fully implemented by the authorities.

When the Russian Federation joined the Council of Europe in February 1996, it made a commitment to introduce a moratorium on executions and fully abolish the death penalty. Although since August 1996 no executions are known to have taken place in the Russian Federation, at least six people have been executed in the Chechen Republic following conviction by Shari'a courts since 1997. In addition, the government has failed to make a public commitment to halt executions, and many prisoners continue to be under sentence of death. Moreover, some government officials have recently stated that violent criminals should be executed, contrary to Russia's binding commitment to abolish the death penalty, and its vote at the 54th session of the Commission in support of resolution 1998/8 which called on retentionist states "to establish a moratorium on executions, with a view to completely abolishing the death penalty".

Amnesty International calls on the Commission to:

- call on the Russian government to publicly announce a moratorium on executions, to abolish the death penalty in law and practice, to accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, which provides for the abolition of the death penalty;
- call on the Russian government to fully implement the recommendations for the prevention of torture made by the UN Special Rapporteur on torture in 1994, by the Committee against Torture in 1997 and by the Human Rights Committee in 1995;
- call on the Russian government to invite the Special Rapporteur on violence against women to conduct a fact-finding mission and report to the 56th session of the Commission.

SAUDI ARABIA

Gross and systematic human rights violations continue in Saudi Arabia. Hundreds of people are detained indefinitely on political grounds. Although Saudi Arabia is a party to the Convention

against Torture, torture and ill-treatment are widespread. Amputations, a form of torture, and floggings, amounting to torture or cruel, inhuman and degrading treatment, continue to be imposed and carried out as judicial punishments. Saudi Arabia has one of the highest execution rates *per capita* in the world. People continue to be executed, often in public, after summary and secret trials in blatant disregard of the most basic standards for fair trial.

Contrary to international standards, defendants are denied access to lawyers. They are denied the basic right to bring witnesses in their defence or to cross examine those appearing for the prosecution. Appeals are conducted in total secrecy and the defendant is denied access to the proceedings and even knowledge of their progress.

Prisoners are often held for indefinite periods without charge, in incommunicado detention, and there is no independent, impartial judicial supervision of arrest and detention. Such conditions foster torture and a climate of impunity for the perpetrators of torture and other gross human rights violations.

Consideration of the human rights situation under the confidential '1503 procedure' has failed to produce any results. The Commission should no longer evade its responsibility to address the grave human rights situation in Saudi Arabia under the public procedure.

Amnesty International calls on the Commission to:

- request the government to invite the Special Rapporteur on the independence of judges and lawyers to visit Saudi Arabia and report to the Commission in the year 2000;
- urge the government to suspend all executions pending abolition of the death penalty and to abolish forthwith punishments amounting to cruel, inhuman or degrading treatment or even to torture, including flogging and amputation;
- urge the government to end incommunicado detention, provide arrested persons prompt access to a lawyer and ensure all guarantees for a fair trial provided in international human rights standards;
- urge the government to ratify, without reservations, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and to withdraw the reservations made to the Convention on the Rights of the Child, the Convention against Torture and the Convention on the Elimination of All Forms of Racial Discrimination.

III THEMATIC ISSUES

THE COMMISSION AND STANDARD SETTING

A. Child Soldiers

For more than a decade, NGOs particularly those involved in children's rights advocacy, have campaigned vigorously to raise the minimum age of recruitment into armed forces -- whether voluntary or compulsory -- to 18 years¹⁹.

It is estimated that more than 300,000 children under the age of 18 are currently fighting in conflicts around the world and hundred of thousands more are members of armed forces who could be sent into combat at any time²⁰. Although most child soldiers are between 15 and 18 years of age, significant recruitment starts at the age of 10 and the use of even younger children has been recorded. Many of these have been forced to join armed forces (governmental or non-governmental) by intimidation, abduction or other forms of violence. Others volunteer, many because they are orphans and have nowhere else to go, or because they seek food, shelter and security. The involvement of children in armed forces, particularly in situations of armed conflict, has been shown to have devastating effects on their physical and mental integrity. There are frequently higher casualty rates among children due to their inexperience and lack of training. Because of their size and agility children may be sent on particularly hazardous assignments. Girl soldiers are usually expected to provide sexual services (though boys too are liable to sexual abuse) as well as to fight as combatants, with consequent dangers of sexually transmitted diseases, HIV/AIDS, pregnancy, childbirth or abortion. The physical, mental, emotional and societal impacts continue long after the conclusion of hostilities.

¹⁹ Article 38 of the Convention on the Rights of the Child sets forth 15 years of age -- not 18 years -- as the minimum age for recruitment of children into states parties' armed forces, as well as their participation in hostilities.

²⁰ Amnesty International has drawn attention to human rights abuses in the context of child recruitment both by government and/or armed opposition groups in countries such as Colombia, the DRC, Sierra Leone, Sri Lanka and Uganda.

In response to growing international pressure to prevent the involvement of children in armed conflicts, the UN Commission on Human Rights decided in 1994 to establish a Working Group to draft an optional protocol on the involvement of children in armed conflicts to the Convention on the Rights of the Child.²¹ The issue which is causing most controversy is whether the age specified in the text for recruitment (voluntary or compulsory) and participation in armed conflicts should be 18 years or a lower age.²² The purpose of new human rights standards is to significantly develop international law and elaborate clear obligations for states. The practice in recent years of drafting standards by consensus has given any government the opportunity to block action to defend and protect human rights. Drafting groups can become hostage to a few states and are all too often faced with the stark reality of accepting the lowest common denominator or abandoning the drafting exercise. But this need not be the case. Consensus decision-making should no longer be used unquestionably as the working method for standard-setting initiatives. It is true that a balance has to be struck between drafting a text that enough states will ratify and maintaining the highest standard of human rights protection. Yet one state, or a small minority of states, should not be allowed to undermine a broad international consensus on a strong text especially when the instrument is optional. Ultimately, in order to avoid the lowest common denominator approach, voting on the text may be necessary.

In response to the political deadlock in the Working Group on the age to be specified six leading international NGOs²³ came together to form the Coalition to Stop the Use of Child Soldiers²⁴. The Coalition's primary objectives are "the adoption of, and adherence to, an Optional Protocol prohibiting the military recruitment and use in armed conflict of any person younger than 18 years of age, and the recognition and enforcement of this standard by all armed groups, both governmental and non-governmental".

Despite the lack of progress made in the Working Group there have been some encouraging developments which will assist in protecting children from recruitment and participation in armed conflicts. In July 1998 the majority of the world's nations adopted the Statute of a permanent International Criminal Court that will have jurisdiction to prosecute

²¹ Commission on Human Rights, resolution 1994/91 entitled "Implementation of the Convention on the Rights of the Child".

²² In addition to discussions on the minimum age other controversial issues are whether the prohibition on participation in hostilities should be limited to taking a "direct part in hostilities" or should extend to taking "any part" in hostilities.

²³ Amnesty International, Human Rights Watch, International Fédération Terre des Hommes, the International Save the Children Alliance, the Jesuit Refugee Service and the Quaker UN Office (Geneva), subsequently joined by Defence for Children International (DCI).

²⁴ The Coalition has established links with the International Red Cross and Red Crescent Movement, and key UN bodies and agencies, including the Office of the High Commissioner for Human Rights, the Special Representative of the Secretary-General for Children and Armed Conflict, UNHCR and UNICEF.

persons charged with war crimes, genocide, aggression, and crimes against humanity. Included in the list of war crimes in international armed conflicts is "conscripting or enlisting children under the age of fifteen years into national armed forces or using them to participate actively in hostilities" and, in the case of an internal armed conflict, "conscripting or enlisting children under the age of fifteen years into armed forces or groups using them to participate actively in hostilities". It is to be hoped that these provisions will be strictly enforced by the International Criminal Court, which will be formally established once 60 States have ratified the Statute.

In October 1998 the UN Secretary-General (SG) decided to set minimum age requirements for United Nations peacekeepers who are made available to the Organization by Member States.²⁵ The SG requested contributing governments not to send civilian police and military observers younger than 25 years to serve in peacekeeping operations; troops in national contingents should preferably be 21 years, but not less than 18. According to the SG this decision was taken as an additional measure in the UN's efforts to promote the rights of the child. Although there is no indication that Member Governments have provided the United Nations with soldiers under the age of 18, the policy has been adopted as a proactive measure, and to ensure that the UN's use of uniformed personnel is an example for police and military forces worldwide. The Special Representative of the Secretary-General for Children and Armed Conflict following a number of country visits also received a number of commitments by parties to the conflict which would help prevent the recruitment of children into armed forces and their participation in hostilities.

Amnesty International calls on the Commission to:

- urge the Working Group to adopt 18 years as the minimum age for recruitment (voluntary or compulsory) into armed forces and participation in hostilities;
- request special rapporteurs and working groups to systematically include child soldier issues in country and thematic reports;
- systematically include child soldiers in country and thematic resolutions or chairperson's statements requesting that parties to the conflict stop recruiting child soldiers and demobilise children already recruited;
- include commitments made to the Special Representative of the Secretary-General for Children and Armed Conflict on the recruitment of children into armed forces and their participation in hostilities in relevant country resolutions;
- request the Special Representative of the Secretary-General for Children and Armed Conflict to report on how commitments made to him concerning child soldiers are being implemented;

²⁵ Press Release SG/SM/6777, PKO/79.

- urge states, as a first step towards stopping the recruitment of children into armed forces and their participation in hostilities, to ratify the Statute of the International Criminal Court.

B. “Disappearances”

The draft convention on the protection of all persons from enforced disappearance (the draft convention), now before the Commission, is an important step towards adopting a strong instrument to fight the practice of “disappearances”. The draft convention develops in an innovative way provisions laid down in the Declaration on the protection of all persons from enforced disappearance of 1992²⁶. NGOs and families of the “disappeared” have worked hard for the adoption of a Convention to strengthen existing instruments to protect people from “disappearances”.

The draft convention defines the systematic or widespread practice of enforced “disappearances” as a crime against humanity. The definition of “disappearance” covers the various practices used to make people “disappear”. The draft convention also sets out the clear obligation of states to prevent and investigate “disappearances”, bring the perpetrators to justice, provide reparation to the victims and provide international cooperation with respect to “disappearances”. Furthermore, it envisages that no order or instruction from any authority, whether civil, military or other can be used to justify an act of enforced “disappearance”. The draft convention also provides that presumed perpetrators of “disappearances” will be tried only by civilian courts and not by military courts. A Committee against disappearances is envisaged as well as a system of individual communications which permits anyone to make a complaint. The Committee’s competence to deal with individual complaints would apply automatically once a state becomes a party to the Convention. The Convention would also establish a system of international *habeas corpus*, through which the Committee could intervene on a humanitarian basis.

²⁶ General Assembly, resolution 47/133 entitled “Declaration on the Protection of All Persons from Enforced Disappearances”.

The persistent practice of these grave human rights violations and the complex and serious implications of the crime of “disappearance” continues to underline the increasing and urgent need for an international convention on enforced “disappearances”. Two expert meetings were held in 1996 and 1997, in which NGOs participated, to discuss the draft convention. In August 1998 the Sub-Commission adopted and transmitted to the Commission the draft text of the convention²⁷, requesting the Commission to invite governments, inter-governmental organizations and NGOs to provide comments thereon.

Amnesty International recommends that the Commission:

- form an intersessional working group mandated to take a dynamic approach to ensure the speedy examination and adoption, within a time frame set by the Commission, of a strong draft Convention on “disappearances” which preserves and enhances the strength of the current draft and which ensures the full and active participation of NGOs in this process.

C. Torture

The outcome of the October 1998 session of the Commission’s Working Group drafting an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention against Torture) was disappointing. This protocol aims to create a global inspection system for places of detention as a way of preventing torture and ill-treatment. The Working Group has been meeting since 1992. However, a small group of states opposed to a strong protocol played a particularly obstructive role during the meeting by making drafting suggestions aimed at limiting the effectiveness of the mechanism envisaged. They eventually managed to block not only final adoption of all substantive articles discussed during the session, but also the Working Group’s report. As a result, the future of this drafting exercise hangs in the balance.

Amnesty International calls on the Commission to:

- give full support to the work of the Working Group by adopting a resolution calling for the continuation of the process without further obstruction in order to finalize the text of a strong optional protocol to ensure the creation of an effective inspection system as quickly as possible.

HUMAN RIGHTS DEFENDERS: THE NEXT STEP

Although it took 13 years of painstaking negotiations and shameful bargaining to define the rights of human rights defenders, the Declaration on Human Rights Defenders was finally adopted by the General Assembly in December 1998. It constitutes the minimum acceptable standard. With the phase of codification at last completed, the Commission now has the responsibility to build upon the Declaration and ensure its effective implementation.

Although the Commission has in the past called on the human rights mechanisms to address specifically the question of human rights defenders (see resolution 1998/74), the request

²⁷ Sub-Commission on Prevention of Discrimination and Protection of Minorities: resolution 1998/25 entitled “Draft international convention on the protection of all persons from enforced disappearance”.

was unfortunately formulated in very weak terms. In most cases, it has not been implemented. Country rapporteurs have rarely included specific data on the situation of human rights defenders within their mandate in their reports.

The activities of human rights defenders cut across all countries and all themes. Therefore, they are essentially universal in scope. Without human rights defenders, fully effective monitoring of respect for human rights, whether civil, cultural, economic, political or social, is impossible. For this reason, securing the effective protection of the rights of human rights defenders lies at the core of the protection of all other rights, and the Commission has a duty to treat this issue with due regard for its specific importance.

Amnesty International calls on the Commission to:

- appoint a special rapporteur under item 17 b (human rights defenders) with a mandate to monitor, document and intervene on behalf of human rights defenders subjected to human rights violations. The Commission should request the Special Rapporteur to develop a comprehensive framework and effective strategies for the better protection of human rights defenders.

THE DEATH PENALTY

Resolution 1998/8 adopted by the Commission at its 54th session, among other things, calls on retentionist states "progressively to restrict the number of offences for which the death penalty may be imposed" and "to establish a moratorium on executions, with a view to completely abolishing the death penalty".

Since its adoption, three more countries have abolished the death penalty for all crimes: Bulgaria, Canada and Lithuania. As a result, the number of countries that have abolished the death penalty in law or practice has risen to 105. Moreover, moratoria on executions have been imposed in Kyrgyzstan and Turkmenistan. Belgium, Costa Rica and Liechtenstein have recently ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) which aims to abolish the death penalty. There are now 35 state parties to this Protocol. In addition, the statute of the International Criminal Court adopted in June 1998 in Rome excludes capital punishment from the penalties that can be imposed.

The fact that the Convention on the Rights of the Child has been ratified by all but two states of the international community demonstrates the international consensus on the prohibition of imposition and use of capital punishment for a crime committed by anyone below 18 years of age.²⁸ Resolution 1998/8 urges retentionist states "to comply fully with their obligations under the International Covenant on Civil and Political Rights [ICCPR] and the Convention on the Rights of the Child, notably not to impose [the death penalty] for crimes committed by persons below eighteen years of age". Despite all of this, in 1998 the USA -- a party to the ICCPR -- executed three persons who were all 17 at the time of offence²⁹. In Pakistan, a 13-year-old child was sentenced to death in December 1998. However, he was later acquitted.

²⁸ The only two states which have yet to ratify the Convention on the Rights of the Child are the collapsed state of Somalia and the United States of America.

²⁹ They are: Joseph John Cannon, Robert Anthony Carter and Dwayne Allen Wright.

Amnesty International calls on the Commission to adopt a resolution on the question of the death penalty in which the Commission should:

- welcome the international consensus which prohibits the imposition and use of the death penalty on persons below eighteen years of age at the time of the crime;
- reiterate its call on retentionist states to establish a moratorium on executions with a view to completely abolishing the death penalty. In the meantime, retentionist states should ensure the application of the Safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, and other relevant international standards.

Annex**SELECTIVE LIST OF OTHER AMNESTY INTERNATIONAL DOCUMENTS**

The following documents are available from Amnesty International section offices, the International Secretariat in London or the Amnesty International UN office in Geneva.

GENERAL

Amnesty International Report 1998

(AI Index: POL 10/01/98)

54th UN Commission on Human Rights (1998): Statements and press releases issued by Amnesty International

(AI Index: IOR 41/06/98)

ALGERIA

Algeria: Civilian population caught in a spiral of violence

(AI Index: MDE 28/23/97)

CAMBODIA

Cambodia: Human rights at stake

(AI Index: ASA 23/04/98)

Cambodia: The Killing of Thach Kim San

(AI Index: ASA 23/10/98)

Cambodia: Demonstrations crushed with excessive use of force

(AI Index: ASA 23/26/98)

GREAT LAKES

Burundi: Justice on Trial

(AI Index: AFR 16/13/98)

Burundi: Insurgency and Counter-Insurgency perpetuate human rights abuses

(AI Index: AFR 16/34/98)

Democratic Republic of Congo: A long-standing crisis spinning out of control

(AI Index: AFR 62/32/98)

Democratic Republic of Congo: War against unarmed civilians
(AI Index: AFR 62/36/98)

Rwanda: Hidden violence - "Disappearances" and killings continue
(AI Index: AFR 47/23/98)

TURKEY

Turkey: Oman Murat Ülke - conscientious objector imprisoned for life
(AI Index: EUR 44/22/98)

Turkey: "Birds or earthworms" - The Güçlükonak Massacre, its alleged cover-up, and the prosecution of independent investigators
(AI Index: EUR 44/24/98)

Turkey: Listen to the Saturday Mothers
(AI Index: EUR 44/17/98)

Concerns in Europe - January-June 1998, pp. 62-65
(AI Index: EUR 01/02/98)

UNITED STATES OF AMERICA

United States of America: Violation of the Rights of Foreign National Under Sentence of Death
(AI Index: AMR 51/1/98)

United States of America: Human Rights Concerns in the Border Region with Mexico
(AI Index: AMR 51/3/98)

United States of America: Rights for all (Campaign Report)
(AI Index: AMR 51/35/98)

United States of America: Betraying the Young: Human Rights Violations Against Children in the US Justice System (AI Index: AMR 51/57/98)

United States of America: On the Wrong Side of History: Children and the Death Penalty
(AI Index: AMR 51/58/98)

United States of America: Fatal Flaws: Innocence and the Death Penalty
(AI Index: AMR 51/69/98)

Amnesty International is a worldwide voluntary movement that works to prevent some of the gravest violations by governments of people's fundamental rights. The main focus of its campaigning is to:

- *free all prisoners of conscience. These are people detained anywhere for their beliefs or because of their ethnic origin, sex, colour or language - who have not used or advocated violence;*
- *ensure fair and prompt trials for all political prisoners;*
- *abolish the death penalty, torture and other cruel, inhuman or degrading treatment of prisoners;*
- *end extrajudicial executions and "disappearances".*

Amnesty International also opposes abuses committed by armed opposition groups which are contrary to minimum international standards of humanitarian conduct such as hostage-taking, torture and deliberate and arbitrary killings of prisoners and other civilians and non-combatants.

Amnesty International is impartial. It is independent of any government, political persuasion or religious creed. It does not support or oppose any government or political system, nor does it support or oppose the views of victims whose rights it seeks to protect. It is concerned solely with the protection of human rights regardless of the ideology of the government or opposition force or the belief of the victim.

Amnesty International promotes awareness of and adherence to all the rights embodied in the Universal Declaration of Human Rights and elaborated in human rights instruments adopted by the United Nations

including the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights although the specific rights on which it takes action are found in the latter treaty. All human rights are universal and indivisible and the specific rights which are the focus of Amnesty International's actions are inextricably linked to other human rights.