



# UN HUMAN RIGHTS COUNCIL

## TENTH SESSION

COMPILATION OF  
STATEMENTS BY AMNESTY  
INTERNATIONAL

**AMNESTY**  
INTERNATIONAL



Amnesty International Publications

First published in 2009 by  
Amnesty International Publications  
International Secretariat  
Peter Benenson House  
1 Easton Street  
London WC1X 0DW  
United Kingdom  
[www.amnesty.org](http://www.amnesty.org)

© Copyright Amnesty International Publications 2008

Index: IOR 41/011/2009  
Original Language: English  
Printed by Amnesty International, International Secretariat, United Kingdom

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without the prior permission of the publishers.

Cover photo: UN Human Rights Council tenth session  
© Amnesty International

Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories, who campaign on human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. We research, campaign, advocate and mobilize to end abuses of human rights. Amnesty International is independent of any government, political ideology, economic interest or religion. Our work is largely financed by contributions from our membership and donations

**AMNESTY  
INTERNATIONAL**



# CONTENTS

INTRODUCTION .....	5
ITEM 2 – ANNUAL REPORT OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS .....	6
Question for the inter-active dialogue with, Navi Pillay, UN High Commissioner for Human Rights on her Annual Report (Special procedures; Sri Lanka; expert seminar on articles 19 and 20 of the ICCPR) – 5 March 2009 .....	6
Oral statement by Amnesty International on the High Commissioner’s report on Colombia - 25 March 2009 .....	7
ITEM 3 – PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS .....	9
Question for the inter-active dialogue with the Chairperson of the Working Group on Arbitrary Detention: joint intervention with the Friends World Committee for Consultation (Quakers) (Human rights of persons deprived of their liberty) - 6 March 2009 .....	9
Question for the Panel Discussion on the Realization of the Right to Food (expulsion of international humanitarian NGOs from Darfur, Sudan) – 9 March 2009 .....	10
Question for the interactive dialogue with, Ms. Raquel Rolnik, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (Impact of the housing, financial and economic crises on the right to adequate housing; Canada; Cambodia; Angola) - 10 March 2009 .....	11
Question for the inter-active dialogue with, Manfred Nowak, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and, Mr. Martin Scheinin, the Special Rapporteur on the promotion and protection of human rights while countering terrorism (Death penalty; Thailand; Spain) - undelivered contribution .....	12
Question for the inter-active dialogue with, Ms. Asma Jahangir, the Special Rapporteur on freedom of religion or belief, Asma Jahangir and the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya (Turkmenistan; Human rights defenders in the Middle East and North Africa) - 2 March 2009.....	14
Question for the inter-active dialogue with, Mr. Walter Kälin, the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons (Sri Lanka) – 13 March 2009 .....	15
ITEM 4 – HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL’S ATTENTION ...	17

Amnesty International's written statement on the human rights situation in Colombia ....	17
Question for the inter-active dialogue on the follow-up to the special session on The situation of the human rights in the East of the Democratic Republic of the Congo - 17 March 2009.....	20
Oral intervention on the general debate on item 4 (Iran, China, USA) -17 March 2009...	22
ITEM 5 – HUMAN RIGHTS BODIES AND MECHANISMS.....	24
Joint statement on behalf of Amnesty International, Asian Forum for Human Rights and Development (FORUM-ASIA), Cairo Institute for Human Rights Studies (CIHRS), Franciscans International, Lutheran World Federation and World Organization against Torture (OMCT) (Reprisals against those cooperating with the UN) – 23 March 2009 .....	24
ITEM 6 – UNIVERSAL PERIODIC REVIEW.....	26
Written Statement on Colombia in relation to the Universal Periodic Review .....	26
Oral intervention on the Bahamas - 18 March 2009 .....	29
Oral Intervention on Burundi -18 March 2009 .....	30
Oral Intervention on Montenegro -18 March 2009.....	31
Oral Intervention on Israel - 19 March 2009.....	32
Oral Intervention on Liechtenstein – 19 March 2009.....	33
Oral Intervention on Serbia – 19 March 2009.....	34
Oral Intervention on Turkmenistan-19 March 2009.....	34
Oral Intervention on Colombia – 20 March 2009.....	35
Oral Intervention on Uzbekistan – 20 March 2009.....	37
Oral Intervention on Tuvalu – 20 March 2009 .....	38
UPR general debate: Oral statement - 20 March 2009 .....	38
ITEM 9 – RACISM AND OTHER RELATED FORMS OF INTOLERANCE.....	40
Oral intervention on the durban Review conference – 24 March 2009.....	40

# INTRODUCTION

The following statements were made by Amnesty International during the tenth session of the United Nations Human Rights Council which took place from 2 to 27 March 2009. This compilation also includes joint oral statements and public statements.

All video links of oral statements have been extracted from the United Nations Webcast<sup>1</sup>.

UPR oral statements in this compilation reflect the statements as delivered at the Human Rights Council. The full text of each oral statement is posted on the extranet page of the UN Human Rights Council.<sup>2</sup> It can also be found under the country's section on our website.<sup>3</sup>

## ITEM 2 – ANNUAL REPORT OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS<sup>4</sup>

QUESTION FOR THE INTER-ACTIVE DIALOGUE WITH, NAVI PILLAY, UN HIGH COMMISSIONER FOR HUMAN RIGHTS ON HER ANNUAL REPORT (SPECIAL PROCEDURES; SRI LANKA; EXPERT SEMINAR ON ARTICLES 19 AND 20 OF THE ICCPR) – 5 MARCH 2009

**Videolink:** <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/tenth/hrc090305pm-eng.rm?start=02:13:10&end=02:16:21>

**Delivered by *Peter Splinter***

Thank you Mr. President,

Madame High Commissioner,

Amnesty International welcomes the opportunity to engage in this dialogue with you on the basis of an advance copy of your rich and varied introductory remarks. We wish to speak to three elements in those remarks.

We strongly support your call for the **Special Procedure** system to receive adequate resources to fulfil the increasingly numerous demands that the Council places on the system's expertise. This is all the more important because mandate-holders offer their services *pro bono* and can already only devote limited time to the fulfilment of their global mandates.

In addition to ensuring adequate resources for the system of Special Procedures, States active in this Council must also do better in taking account of the Special Procedures' analysis in its decision-making. The Council must consider with the greatest seriousness the advice that it itself has sought.

To better assist the Council to address crisis situations, it needs to devise credible, long-term, sustainable and well-resourced mechanisms for investigation, monitoring, advice and follow-up of specific situations that can draw on the expertise of the Special Procedures. These mechanisms would need to be complementary to the existing global thematic mandates.

Madame High Commissioner,

Amnesty International welcomes the attention that you draw to the precarious situation of civilians affected by the armed conflict in northern **Sri Lanka**. Current news reports suggest that the situation of some is deteriorating gravely. This Council must demand that more humanitarian assistance be brought into the Wanni immediately and that all efforts be made to evacuate civilians from the conflict zone.

While we acknowledge the value of the perspective presented to this Council by representatives of the Government of Sri Lanka, the severe restrictions on access of the press and non-governmental organisations to the conflict zone makes it essential that this Council benefit from informed independent and objective assessments of that situation and the measures necessary to protect civilians in and emerging from the zone. We encourage you to do everything in your power to ensure that this Council receives such information from wherever it is available on a regular basis.

Madame High Commissioner,

Amnesty International applauds the holding of the **expert meeting** in October 2008 to discuss **articles 19 and 20** of the International Covenant on Civil and Political Rights. That initiative has provided a solid grounding for further discussion of the relationship between freedom of expression and the prevention of advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence. It enables this Council and the international community to discuss this important contemporary issue on the basis of existing well-established universal human rights legal standards. It helps to avoid confusing the discussion through a misdirected focus on perceived clashes of values.

We would be interested to know what follow-up actions you are planning to the expert seminar.

Thank you Mr. President.

Thank you Madam High Commissioner.

## ORAL STATEMENT BY AMNESTY INTERNATIONAL ON THE HIGH COMMISSIONER'S REPORT ON COLOMBIA - 25 MARCH 2009

**Videolink:** <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/tenth/hrc090325am1-eng.rm?start=01:14:57&end=01:17:03>

**Delivered by *Patrizia Scannella***

Amnesty International welcomes the High Commissioner's report on Colombia and supports its recommendations.

The report indicates that the Colombia office recorded a significant number of attacks in 2008 against human rights defenders and trade union members. The report also states that the "worrying practice by some senior Government officials of publicly stigmatizing human rights defenders and trade union members, as biased and sympathetic to guerrilla groups, continued."<sup>5</sup>

Mr. President,

Attacks against **human rights defenders and other activists**, such as trade unionists, are a constant feature of Colombia's 40-year-long armed conflict. More than a dozen of human rights defenders and 46 trade unionists were killed in 2008 alone.

One of the latest victims is Álvaro Miguel Rivera Linares, an activist working on Lesbian, Gay, Bisexual and Transgender issues and on the rights of people with HIV/AIDS. His body was found bound and gagged in his apartment in the city of Cali on 6 March 2009.

Amnesty International is also concerned at the recent renewed criminal proceedings against two prominent Colombian activists: the Jesuit priest Father Javier Giraldo and Elkin Ramírez - a lawyer for the Corporación Jurídica Libertad. We fear that the decision to reopen their cases is related to their work on the 2005 San José massacre and is an attempt to create a smokescreen to undermine criminal investigations into the role of the Colombian army's XVII Brigade in the killings<sup>6</sup>.

We welcome the commitment made by Colombia in the Universal Periodic Review to do more to protect human rights defenders and trade unionists. There is, however, clearly a gap between the government's stated commitment and the reality on the ground in Colombia. Amnesty International urges the government to act without delay to ensure that the protection offered to human rights defenders and trade unionists corresponds to the stated commitment. We remind the government that one effective way of discouraging harassment and attacks against activists is for the authorities to publicly acknowledge at the highest levels the invaluable work carried out by those who defend human rights.

Thank you Mr. President.

## ITEM 3 – PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS<sup>7</sup>

QUESTION FOR THE INTER-ACTIVE DIALOGUE WITH THE CHAIRPERSON OF THE WORKING GROUP ON ARBITRARY DETENTION: JOINT INTERVENTION WITH THE FRIENDS WORLD COMMITTEE FOR CONSULTATION (QUAKERS) (HUMAN RIGHTS OF PERSONS DEPRIVED OF THEIR LIBERTY) - 6 MARCH 2009

**Videolink:** <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/tenth/hrc090306pm2-eng.rm?start=02:14:37&end=02:16:25>

**Delivered by Rachel Brett, Quaker UN Office.**

FWCC (Quakers) and Amnesty International welcome the report of the WGAD (A/HRC/10/21) and the cases in which they have addressed the arbitrary detention, imprisonment and repeated punishment of conscientious objectors to military service).

We agree with the Working Group's analysis that although a number of the existing thematic special procedures mandates could address aspects of the **human rights of persons deprived of their liberty**, there is no current means of considering the entirety of the human rights of this particularly vulnerable group of people. The State bears special responsibility for them because it has deprived them of liberty and therefore has direct responsibility for protecting and fulfilling their economic and social rights, as well as their civil and political ones.

Furthermore, such persons are subjected to restrictions on their rights because of their deprivation of liberty, and have particular aspects or issues relating to rights. The scope of the enjoyment of the whole range of human rights by persons deprived of their liberty and its practical application would benefit from expert examination.

We would like to ask the Chair of the Working Group to expand on their recommendation that the experience of the Special Rapporteur on prisons and conditions of detention in Africa of the African Commission on Human and Peoples' Rights and of the Rapporteur on the rights of persons deprived of liberty of the Inter-American Commission on Human Rights should guide the UN's consideration of how best to address this gap in the UN special procedures system?

## QUESTION FOR THE PANEL DISCUSSION ON THE REALIZATION OF THE RIGHT TO FOOD (EXPULSION OF INTERNATIONAL HUMANITARIAN NGOS FROM DARFUR, SUDAN) – 9 MARCH 2009 <sup>8</sup>

**Videolink:** <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/tenth/hrc090309am-eng.rm?start=01:57:59&end=02:00:00>

**Delivered by *Peter Splinter***

Mr. President,

Esteemed panellists,

Thank you for your stimulating presentations.

Amnesty International welcomes the attention that this Council is giving to the right to food as well as this panel discussion on the realization of the right to food. It is important that today you are helping this Council discuss national and international systemic issues related to the respect, protection and fulfilment of the right to food. However, the Council will only be credible in addressing the right to food if it also addresses situations where governments deliberately violate the right to food as a means of political coercion.

Esteemed panellists,

Today the world faces an emerging gross and systematic violation of human rights that holds the ugly promise of creating a human rights emergency.

According to Catherine Bragg, the deputy head of OCHA, the Government of Sudan has expelled thirteen international humanitarian NGOs from Darfur, and it has revoked the registrations of another four national NGOs. This deliberate action of the Government of Sudan will have a devastating effect on the delivery of humanitarian assistance in Darfur. Among other grave consequences it means, according to Ms. Bragg, that up to 1.1 million persons may soon be without food. These persons are placed at heightened risk of starvation, disease and death.

This decision of the Sudanese authorities came immediately after the International Criminal Court issued an arrest warrant for the Sudanese H.E. President Omar al-Bashir. It is a flagrant example of a government violating the right to food for political reasons<sup>9</sup>.

Esteemed panellists,

Amnesty International urges you and through you the Council to call upon the Government of Sudan in the strongest possible terms to revoke its recent measures that prevent or inhibit international and national humanitarian NGOs from providing food and other humanitarian assistance to those persons in need in Darfur.

Thank you Mr. President.

QUESTION FOR THE INTERACTIVE DIALOGUE WITH, MS. RAQUEL ROLNIK, THE SPECIAL RAPPORTEUR ON ADEQUATE HOUSING AS A COMPONENT OF THE RIGHT TO AN ADEQUATE STANDARD OF LIVING, AND ON THE RIGHT TO NON-DISCRIMINATION IN THIS CONTEXT (IMPACT OF THE HOUSING, FINANCIAL AND ECONOMIC CRISES ON THE RIGHT TO ADEQUATE HOUSING; CANADA; CAMBODIA; ANGOLA) - 10 MARCH 2009

**Videolink:** <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/tenth/hrc090310am1-eng.rm?start=01:17:21&end=01:20:13>

**Delivered by *Patrizia Scannella***

Thank you Mr. President.

My comments are for the Special Rapporteur on adequate housing.

Amnesty International welcomes the Special Rapporteur's report on the **impact of the housing, financial and economic crises on the right to adequate housing**. We encourage you to continue to monitor this situation closely, particularly in relation to weakening of security of tenure, increase in homelessness, and effects on groups living in poverty and other groups facing marginalization and discrimination around the world.

The Special Rapporteur's mission report to **Canada** highlights [the role of gender and race discrimination in perpetuating homelessness and poverty in a country where most of the population enjoys a high standard of living, and] the situation of indigenous peoples, whose rights to land are inadequately protected and who face inequality and discrimination both in the delivery of services in their own communities and in access to adequate housing in Canadian cities. The situation is particularly acute for indigenous women for whom inadequate access to housing compounds an already high risk of violence.

Amnesty International strongly supports the Special Rapporteur's recommendation that Canada adopt a national affordable housing strategy, in collaboration with indigenous peoples and civil society, and make increased efforts to close the social and economic gap between indigenous and non-indigenous people in Canada.

Mr. President,

Amnesty International [emphasizes the importance of follow-up in the work of all Special Procedures and] welcomes the Special Rapporteur's assessments of implementation of recommendations to countries. We would like to highlight concerns about follow-up in some additional countries in the addendum to her report.

In relation to **Cambodia**, for example, the recommendations made by the Special Rapporteur three years ago are even more pertinent today. In 2008 alone, Amnesty International received reports of about 27 forced evictions, affecting an estimated 23,000 people. [In a public

statement at the end of January 2009 you also highlighted that more than 130 families were forcibly evicted during the night of 23 and 24 January 2009 from Dey Krahom, in central Phnom Penh.]

Amnesty International calls on the Cambodian government to cease all forced evictions immediately, to develop and adopt guidelines for evictions, based on the Basic Principles and Guidelines on Development-Based Evictions and Displacement and which comply with international human rights law and, until such steps have been taken, to introduce a moratorium on mass evictions.

Along with other human rights organizations, Amnesty International has called upon the government of **Angola** to facilitate a visit by the Special Rapporteur on adequate housing, which the authorities undertook to reschedule two years ago. We have highlighted a number of concerns in relation to the government's failure to respect, protect and fulfill the right to adequate housing, including by not adopting laws and policies which provide a clear prohibition on and protection from forced evictions. [We have called on the government of Angola to prioritize the most vulnerable in housing programs and ensure the availability of adequate housing, water, sanitation, health services and education to people living in informal settlements on a non-discriminatory basis.] Through you, Mr. President, we would like to ask the Special Rapporteur to provide an update on the status of the visit request to Angola?

Thank you Mr. President.

**QUESTION FOR THE INTER-ACTIVE DIALOGUE WITH, MANFRED NOWAK, THE SPECIAL RAPPORTEUR ON TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT AND, MR. MARTIN SCHEININ, THE SPECIAL RAPPORTEUR ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS WHILE COUNTERING TERRORISM (DEATH PENALTY; THAILAND; SPAIN) - UNDELIVERED CONTRIBUTION**

*Amnesty International had planned to make the following intervention but was unable to attain a speaking slot.*

Mr. President.

Amnesty International welcomes the attention that the Special Rapporteur on torture has given to the **death penalty** in his report. We support the Special Rapporteur's suggestion that the Human Rights Council request a more comprehensive legal study on the compatibility of the death penalty with the right not to be subjected to cruel, inhuman or degrading treatment under present human rights law.

We also note that several member states have yet to respond positively to the Special Rapporteur's requests to visit, some requests being more than 10 years old. Many states are also failing to respond fully, or at all, to the Special Rapporteur's communications. Amnesty International calls on all member states to cooperate with the Special Rapporteur, and on the Human Rights Council to develop effective means to address the problem of non-cooperation.

Amnesty International recently published a report on **Thailand** which concludes that torture and other ill-treatment are practiced systematically in the southern provinces by security forces pursuing counter-insurgency operations<sup>10</sup>.

The organization has called on the government to end such practices immediately and ensure accountability for any security forces engaged in torture. Specifically, Amnesty calls on the government to close all unofficial places of detention, to allow visits by lawyers, doctors and family members to detainees, and to amend the Emergency Decree to eliminate immunity from prosecution for officials who commit torture. The organization also calls on Thailand to initiate a prosecution against officials involved in the death in custody of Yapha Kaseng. Does the Special Rapporteur have any plans to enquire into torture in Thailand?

Mr. President,

Amnesty International shares many of the concerns expressed by the Special Rapporteur on countering terrorism in his report to this Council. We join him in emphasizing that there can never be any legal or moral justification for torture – neither *a priori* nor *a posteriori*, neither for the state nor for individual officials, neither through specific laws nor through criminal law defences, nor yet through the granting of general amnesties.

Mr. Scheinin, we support your findings in relation to **Spain**. We agree that the definition of collaboration with terrorism is problematic and could include acts which are non-violent in nature. Further, incommunicado detention increases the risk of torture and ill-treatment, as well as violating other fundamental human rights. Allegations of torture must be investigated in every instance, to prevent impunity and clear the name of the falsely accused. We note with satisfaction from today's discussion that you and the Spanish authorities are engaged in a fruitful dialogue about how to ensure respect for human rights obligations while countering terrorism. We welcome and encourage the pursuit of that dialogue.

Thank you Mr. President.

QUESTION FOR THE INTER-ACTIVE DIALOGUE WITH, MS. ASMA JAHANGIR, THE SPECIAL RAPPORTEUR ON FREEDOM OF RELIGION OR BELIEF, ASMA JAHANGIR AND THE SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS DEFENDERS, MARGARET SEKAGGYA (TURKMENISTAN; HUMAN RIGHTS DEFENDERS IN THE MIDDLE EAST AND NORTH AFRICA) - 2 MARCH 2009

**Videolink:**

<http://webcast.un.org/ramgen/ondemand/conferences/unhrc/tenth/hrc090312pm2-eng.rm?start=01:06:47&end=01:08:44>

**Delivered by *Patrizia Scannella***

Mr. President,

My comments and questions are for the Special Rapporteur on freedom of religion or belief and for the Special Rapporteur on the situation of human rights defenders.

Amnesty International welcomes the government of **Turkmenistan's** decision to invite the Special Rapporteur on freedom of religion or belief and encourage it to extend an invitation to the other Special Procedures who have requested visits.

We also welcome the Special Rapporteur's report and the attention it draws to restrictions on the religious activities of individuals and groups over the last eight years. These include the imposition of legal or policy restrictions on registration of religious communities, places of worship, religious material, religious education, conscientious objection and proselytism.

Ms. Jahangir,

Our information<sup>11</sup> coincides in analysis and recommendations with yours. In particular, we support the recommendation in paragraph 63<sup>12</sup> of your report that the Government should review the Religious Organizations Law and the one in paragraph 68<sup>13</sup> that it should ensure that conscientious objectors be offered an alternative civilian service which is compatible with the reasons for conscientious objection. [What assurances have you been given from the government of Turkmenistan that it will implement these recommendations?] Have you received any information about steps taken by the Government to implement these two recommendations?

Amnesty International remains concerned about reports of harassment and intimidation both of registered and unregistered religious groups. Many religious believers are included in a "black list" banning them from travelling abroad, and many religious communities have been unable to invite representatives of their faith from abroad.

Taking action to respect and protect the human rights of religious believers would also be an important step by the government towards implementing key recommendations made during the Universal Periodic Review of Turkmenistan in December 2008 that were accepted by Turkmenistan. In this regard, Turkmenistan undertook to "adopt adequate measures for the protection and promotion of religious freedom, in order to ensure an effective freedom of worship of all religious communities".

Ms. Sekaggya,

In your report, you indicate that you intend to make additional efforts to conduct consultations with defenders from the Middle East and Asia in the coming months. We wish to draw to your attention a comprehensive report that Amnesty International has released on **human rights defenders in the Middle East and North Africa**.<sup>14</sup> The report shows their widespread imprisonment, torture, persecution and repression for seeking to uphold the rights of others. Do you have any plans to carry out missions in this region in the near future?

Thank you Mr. President.

**QUESTION FOR THE INTER-ACTIVE DIALOGUE WITH, MR. WALTER KÄLIN, THE REPRESENTATIVE OF THE SECRETARY-GENERAL ON THE HUMAN RIGHTS OF INTERNALLY DISPLACED PERSONS (SRI LANKA) – 13 MARCH 2009**

**Videolink:** <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/tenth/hrc090313pm-eng.rm?start=00:08:11&end=00:10:08>

**Delivered by Gráinne Kilcullen**

Thank you Mr. President,

My remarks are addressed to the Representative of the Secretary General on the situation of Internally Displaced Persons (IDPs).

Amnesty International appreciates the sustained attention that you have paid to the ongoing situation of displacement in **Sri Lanka**, notably with your visits there in 2007 and 2008. We encourage you to continue to follow the situation closely.

You have reported that restrictions on movement of displaced populations and limited access for humanitarian organizations are perpetuating insecurity and hardship for displaced populations. One matter of serious concern for Amnesty International is the lack of consistent international access to the so-called “welfare centres” run by the government. Although UNHCR and the ICRC have been granted limited access to these centres, there is still a lack of adequate safeguards against abuse of security measures. Sri Lanka’s recent historical experience and current information warn us some IDPs in these centres, particularly young men and women, are vulnerable to serious human rights violations such as torture and cruel or inhuman treatment (including sexual and other gender-based violence), disappearance and extra-judicial killings.

Another concern we have is that the restrictions on freedom of movement of persons confined to these centres impair the fulfilment of their rights related to access to medical healthcare and the ability to earn a livelihood.

Mr. Kälin,

Have your discussions with Sri Lankan government representatives addressed specific measures to ensure the security of IDPs in welfare centres and other collection centres for

IDPs in northern Sri Lanka? What measures do you recommend to ensure their security?

Thank you Mr. President

# ITEM 4 – HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION

## AMNESTY INTERNATIONAL'S WRITTEN STATEMENT ON THE HUMAN RIGHTS SITUATION IN COLOMBIA <sup>15</sup>.

UN Index: A/HRC/10/NGO/66 - 25 February 2009

Amnesty International expresses its continued appreciation of the work of the Office of the UN High Commissioner for Human Rights in Colombia to improve respect for human rights in the country.

This statement presents an overview of Amnesty International's concerns in Colombia and recommendations to the Human Rights Council.

Although some key indicators of conflict-related violence continue to improve, others are still deteriorating. Hundreds of thousands of people are still affected by the ongoing armed conflict. Guerrilla groups, paramilitaries and the security forces continue to be responsible for widespread and systematic human rights abuses and violations of international humanitarian law.

**The security forces.** In November 2008, during a visit to Colombia, the UN High Commissioner for Human Rights said extrajudicial executions in Colombia appeared to be systematic and widespread. The government has taken some steps to address extrajudicial executions, including the removal in October 2008 of 27 army officers following revelations that soldiers were responsible for the killing of dozens of men from Soacha, as well as subsequent dismissals for other cases of extrajudicial executions. However, these serious human rights violations will continue until impunity is effectively addressed.

**Guerrilla groups.** The Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) continue to be responsible for widespread and systematic human rights abuses and violations of international humanitarian law, including killings of civilians and hostage-taking. Amnesty International welcomes the latest releases of hostages held by the FARC, but calls on the guerrilla to immediately and unconditionally release the hundreds of civilians they still hold captive.

In December 2008, President Álvaro Uribe stated that members of the guerrilla who hand over hostages will be granted freedom and financial rewards. Hostage-taking in an armed conflict is a war crime. Under international law, war crimes, as well as crimes against humanity and genocide, are not subject to amnesties or similar provisions. All those reasonably suspected of having committed hostage taking and other violations of international humanitarian law must be brought to justice in legal proceedings that meet

international standards on fair trials.

The use of anti-personnel mines by guerrilla groups is widespread, with hundreds of civilians and members of the security forces injured and killed each year. Colombia continues to have the most landmine victims in the world each year. Amnesty International calls on all parties to the conflict not to use landmines or other inherently indiscriminate weapons, and to ensure that necessary precautions are taken in planning and carrying out attacks to protect civilians and civilian objects.

**Paramilitary groups.** Paramilitary groups remain active, despite claims by the government that all paramilitaries have demobilized. Paramilitaries continue to kill civilians and to commit other violations, sometimes with the support or acquiescence of the security forces. Moreover, the security forces also continue to use supposedly demobilized paramilitaries in military and intelligence operations despite an official ban, introduced in 2007, on such deployments. Amnesty International calls on the Colombian government to ensure that paramilitary groups are effectively disbanded, and disarmed, and that those paramilitaries against whom there is credible evidence that they committed human rights violations are prosecuted. The government must also ensure that third parties who have engaged in conduct amounting to complicity in the unlawful acts of paramilitary groups, are properly investigated and held to account in a court of law.

**The Justice and Peace Process.** This process allows paramilitaries who have laid down their arms to benefit from reduced prison sentences in return for confessions about human rights violations. However, 90 per cent of paramilitaries were excluded from the process and have thus evaded justice. Threats against and killings of victims testifying in the process continue, while many paramilitaries are not collaborating fully with the Justice and Peace tribunals, in particular by failing to return millions of hectares misappropriated by them and their backers.

Human rights organizations have raised concerns that the extradition in May 2008 of 15 national paramilitary leaders to the USA to face drug-related charges has seriously undermined investigations in Colombia into human rights violations committed by the paramilitaries, and into the links these may have had with Colombian politicians and other state officials.

In May 2008 the Constitutional Court ruled that the government's protection programme for victims and witnesses participating in the Justice and Peace process was in breach of the state's constitutional and international obligation to prevent discrimination and violence against women.

**Impunity.** Impunity remains the norm in most human rights cases. There has been progress in several high-profile investigations, mainly as a result of international pressure, but there have been few advances in identifying chain-of-command responsibility. Amnesty International is concerned about efforts by the military justice system to claim jurisdiction over the criminal investigation against retired army Colonel Luis Alfonso Plazas Vega, on trial in the civilian courts for his alleged part in the enforced disappearance of 11 people during the military assault on the Palace of Justice in Bogotá in 1985. In accordance with repeated recommendations from the UN High Commissioner for Human Rights, all cases implicating members of the security forces in human rights violations must be investigated by the civilian

justice system.

**Human rights defenders, trade unionists and other activists.** Human rights activists continue to be targeted by all parties to the conflict. Threats against human rights defenders and killings of trade unionists increased in 2008, especially around the time of the 6 March 2008 demonstrations in Colombia in protest of human rights violations by paramilitaries and the security forces. President Uribe again made statements undermining the legitimacy of human rights work.<sup>16</sup> Amnesty International calls on all government and state officials to desist from making public statements which undermine the legitimacy of human rights work by stigmatizing human rights defenders.

**Civilian groups at particular risk.** Civilians continue to bear the brunt of the conflict. The human rights situation facing Indigenous, Afro-descendant and peasant farmer communities is particularly precarious. In December 2008, Amnesty International condemned the killing by members of the security forces of Edwin Legarda, the husband of Indigenous leader Aída Quilcué. At the time, Edwin Legarda was travelling by car to the city of Popayán, Cauca Department, to pick up his wife, who was returning from Geneva where she had been active around the Universal Periodic Review (UPR) examination of Colombia by the UN Human Rights Council. Amnesty International calls on the authorities to carry out an impartial and thorough investigation into the killing.

Forced displacement continues to be a defining feature of the Colombian conflict. In 2008 there was another large increase in forced displacement.

The guerrilla and paramilitaries still recruit children, while the security forces use children as informers. Amnesty International welcomes the government's decision to accept the reporting and monitoring mechanisms under UN Security Council Resolution 1612 (2005) on children and armed conflict, but regrets its reservations about extending it to cover acts of sexual violence.

Civilians continue to be the main victims of bomb attacks in urban centres, some of which have been attributed to the FARC.

In April 2008, the government issued Decree 1290, which created a programme to allow victims of abuses by guerrilla and paramilitary groups to receive monetary compensation from the state. However, Amnesty International regrets that the compensation scheme did not address the issues of restitution of stolen lands or of reparation for victims of violations by security forces.

Amnesty International also regrets that the original draft of a bill designed to legislate on reparation for victims (the "Victims' Law"), which would have gone some way towards guaranteeing reparation for the victims of the conflict, was weakened by a congressional committee. The Office in Colombia of the UN High Commissioner for Human Rights said the bill, as amended, was discriminatory. Amnesty International calls on the Colombian Congress to ensure that, when it votes on the bill, it takes fully into account the right of all victims of human rights violations – including those of state agents – to integral reparation as defined by international standards.

**Role of the international community.** The role of the international community is fundamental to resolving the serious human rights and humanitarian situation in Colombia. As the recent UPR process has demonstrated, many countries acknowledge that the situation remains critical, although there have been some improvements. The international community must continue to engage actively with the Colombian government. While acknowledging where concrete and effective action on particular issues has been taken, the international community must not shy away from criticizing the authorities on those issues where they have clearly failed to deliver, such as on full compliance with the repeated recommendations of the UN High Commissioner for Human Rights.

Amnesty International calls on the Human Rights Council at its 10th session to:

- express its deep concerns over the ongoing serious human rights and humanitarian situation in the country;
- urge all parties to the conflict to comply promptly and fully with the recommendations of the High Commissioner for Human Rights, including those issued in all her previous reports, and of other UN bodies;
- recommend full implementation of accepted UPR recommendations and commitments and regular reporting to the Council on such implementation;
- put in place a process with deadlines and milestones to evaluate compliance with these recommendations; and
- urge the Colombian government to fully cooperate with the Council and its mechanisms.

#### QUESTION FOR THE INTER-ACTIVE DIALOGUE ON THE FOLLOW-UP TO THE SPECIAL SESSION ON THE SITUATION OF THE HUMAN RIGHTS IN THE EAST OF THE DEMOCRATIC REPUBLIC OF THE CONGO - 17 MARCH 2009

**Videolink:** <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/tenth/hrc090317pm1-eng.rm?start=00:03:35&end=00:05:50>

#### **Delivered by *Peter Splinter***

Thank you Mr. President,

Amnesty International welcomes and supports the recommendations made by the seven thematic experts to address the enduring human rights and humanitarian tragedy in eastern Democratic Republic of Congo (DRC).

[The conflict(s) that continue to rage in the east have many contributing military, political, social and economic causes. These drivers to conflict, although complex, have been evident for at least the last 10 years, yet no concerted international and national action has been taken to resolve them.]

We [therefore] especially welcome the recommendations made by the experts for multilateral

technical assistance that the DRC needs in order to develop its capacity to meet its human rights obligations. We support the establishment of benchmarks by which progress towards the priority objectives can be measured.

[Although it has suffered from poor coordination and continued insecurity, financial, technical and capacity-building assistance to the DRC has not been in short supply, however.] A major obstacle to progress has been the absence of clear political engagement by the DRC state to protect its citizens, ensure respect for human rights, and end impunity. Essential programmes of institutional reform in this direction remain largely unimplemented.

State security forces continue to be responsible for grave violations of human rights, and still pose as serious a threat to civilians as the armed groups. The national justice system remains under-resourced, not independent, inaccessible to the majority of the population, and dominated by the military judiciary. It is currently in no fit state to ensure impartial accountability and redress for human rights violations.

Amnesty International believes that reforms in these two key areas are essential if real progress is to be made. This requires the DRC government to demonstrate that is prepared to tackle impunity, especially at senior levels, and to direct greater support and resources to strengthening its criminal justice system.

We believe these immediate measures can be undertaken by the DRC authorities, with the assistance of international agencies and other states:

- The arrest and surrender of Bosco Ntaganda to the International Criminal Court;
- The introduction an independent vetting mechanism to exclude suspected perpetrators of gross human rights violations from the army, police and intelligence services, starting with the senior officer corps.
- Reforming military judicial law in line with the Constitution so that the military no longer has the power to arrest and try civilians, since this has resulted in widespread miscarriage of justice.
- Undertaking a programme of reform and rehabilitation of the DRC's justice system to enable it to effectively investigate and prosecute crimes, with priority given to sexual violence, [including by ensuring greater access to the courts by rape survivors];
- Consulting with appropriate national and international bodies on establishing an independent transitional justice mechanism to address grave human rights violations committed in the DRC since 1993.

We urge the Council and the DRC government to recognize and support the efforts of Congolese civil society and human rights defenders to promote human rights and to assist victims. Amnesty International believes that these organizations, especially those representing women and children, should have a central place in peace initiatives and institutional reform programmes.

Lastly, Amnesty International believes that the high level of systematic and gross violations of human rights still being committed requires the establishment of a special procedure mandate for the conflict areas of eastern DRC as recommended by the seven experts. The mandate should focus on the standard of protection being offered by government forces to civilians in the conflict areas and the effectiveness of steps taken by the authorities to eradicate sexual violence and impunity.

Thank you Mr. President.

## ORAL INTERVENTION ON THE GENERAL DEBATE ON ITEM 4 (IRAN, CHINA, USA) - 17 MARCH 2009

**Videolink:** <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/tenth/hrc090317pm1-eng.rm?start=01:19:54&end=01:22:08>

**Delivered by *Peter Splinter***

Mr. President,

Amnesty International wishes to draw attention to three situations that require the sustained attention of this Council.

Recently, the human rights situation in the Islamic Republic of **Iran** has worsened. We have received reports of arbitrary arrest and other repressive measures taken against, hundreds of individuals, mostly on account of their political or social dissent. Some persons arrested have been tortured or ill treated. Many have been imprisoned after unfair trials. Freedom of expression is severely limited: newspapers and magazines have been closed down, and access to internet sites has been restricted, including some relating to human rights or operated by international broadcasters. Women face severe discrimination in law and practice; those who seek to change the law face harsh reprisals. Iran continues to have one of the highest execution rates in the world. Contrary to the worldwide trend, it is increasing its use of the death penalty, both in terms of numbers of individuals executed (over 120 so far in 2009) and by expanding the scope of the death penalty.

Amnesty International has documented repeatedly how vaguely worded legislation is being used to silence the most active sectors of the Iranian population. Charges such as “acting against state security”, “spreading lies”, “propaganda against the system”, “creating unease in the public mind”, “insulting the holy sanctities” and “defamation of state officials” are used to target members of Iran’s religious and ethnic minorities as well as human rights and other civil society activists. Such laws and practices violate Iran’s obligations under Articles 18, 19, 21 and 22 of the International Covenant on Civil and Political Rights regarding freedom of belief, expression, assembly and association.

The Iranian authorities appear to seek to avoid first-hand scrutiny of the human rights situation by failing to implement long-standing visit invitations to UN human rights mechanisms. Amnesty International has not been permitted to visit Iran for first-hand investigation of the human rights situation there since shortly after the Islamic Revolution 30 years ago.

This Council has heard about, but not discussed sufficiently, the dire human rights situation in Tibet. Amnesty International continues to call for access for UN human rights experts and other independent observers to investigate the human rights situation in the Tibetan Autonomous Region and in Tibetan populated areas in neighbouring provinces.

The situation in the Xinjiang Uighur Autonomous Region (XUAR) in northwest **China** shows similarities as the Uighur Muslim population there have faced intensifying persecution. In 2008, the authorities used a series of violent incidents, allegedly linked to terrorism, to launch a sweeping crackdown on the Uighur population in the XUAR. According to official Chinese media, almost 1,300 people were arrested during the year for terrorism, religious extremism or other state security charges. Over eleven hundred were formally charged and faced trials or administrative punishments. On 14 August 2008, Wang Lequan, Party Secretary of the XUAR, announced a “life and death” struggle against Uighur “separatism”. This Chinese version of the so-called war-on-terrorism is exacting a high price in human rights violations.

Amnesty International welcomes a number of early moves taken by the Obama Administration on detentions and interrogations. These include substantial steps towards ending the **USA's** use of secret detention and torture, and committing the United States government to closing the Guantanamo detention facility. Amnesty International seeks assurances that these steps will be built upon in ways that bring the USA's detention and interrogation policies into full conformity with international law and standards. In parallel, the new administration and Congress should also take the measures necessary to ensure accountability and remedy for human rights violations committed by or at the instigation of the USA in the so-called war-on-terror. These would include, among other measures, the establishment of an independent commission of inquiry into all aspects of the USA's post 11 September 2001 detention and interrogation policies and practices, with a view to bringing to justice anyone responsible for crimes under international law.

Mr. President,

Each of these situations requires the sustained attention of this Council.

Thank you Mr. President.

# ITEM 5 – HUMAN RIGHTS BODIES AND MECHANISMS

JOINT STATEMENT ON BEHALF OF AMNESTY INTERNATIONAL, ASIAN FORUM FOR HUMAN RIGHTS AND DEVELOPMENT (FORUM-ASIA), CAIRO INSTITUTE FOR HUMAN RIGHTS STUDIES (CIHRS), FRANCISCANS INTERNATIONAL, LUTHERAN WORLD FEDERATION AND WORLD ORGANIZATION AGAINST TORTURE (OMCT) (REPRISALS AGAINST THOSE COOPERATING WITH THE UN) – 23 MARCH 2009

**Videolink:** <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/tenth/hrc090323am2-eng.rm?start=01:43:28&end=01:45:43>

**Delivered by *Peter Splinter***

Mr. President,

Amnesty International speaks on behalf of six organisations.<sup>17</sup> Human rights bodies and mechanisms depend on cooperation with individuals and organisations to fulfil their mandates. This statement will address **reprisals against individuals and organisations cooperating with United Nations** human rights bodies and mechanisms.

At this session, this Council has heard about the tragic killing of three persons.

Edwin Legarda was shot to death on 16 December 2008 by members of the Colombian armed forces shortly after his wife, Aida Quilcué, had been active at the third session of the UPR Working Group in connection with its review of Colombia.

On 5 March 2009, Oscar Kingara and Paul Oulu were murdered - soon after meeting the Special Rapporteur on extrajudicial, summary or arbitrary executions during his mission to Kenya in February 2009.

We condemn the killings of Edwin Legarda, Oscar Kingara and Paul Oulu, and look forward to the completion of the investigations of the investigations into their killings and the prosecution of those persons responsible for their deaths.

We welcome the Colombian commitment, expressed to this Council by H.E. Vice-President Santos Calderón, the Colombian Ambassador and Dr. Franco, to investigate the killing of Mr. Legarda and to hold accountable those responsible for his death.

We appreciate that Kenya has informed this Council that there will be a thorough investigation into the killing of Mr. Kingara and Mr. Oulu. We welcome that the Deputy High Commissioner brought their killing promptly to this Council's attention.

When a government or persons acting with governmental complicity take reprisals against a person or organisation cooperating with a United Nations human rights body or mechanism, they directly challenge the authority of the United Nations. This Council should take a particular interest in all incidents of reprisal. It must not tolerate any such affront to its authority.

We urge this Council to build on the example set by Colombia and Kenya. Whenever there is a credible allegation of a reprisal for cooperation with any United Nations human rights body or mechanism, this Council should demand that the government concerned inform it of measures to investigate the allegation and the outcomes of the investigation and any eventual prosecution of the perpetrators. The High Commissioner for Human Rights should bring all credible allegations of reprisal to the immediate attention of the Council.

Thank you Mr. President.

# ITEM 6 – UNIVERSAL PERIODIC REVIEW

## WRITTEN STATEMENT ON COLOMBIA IN RELATION TO THE UNIVERSAL PERIODIC REVIEW<sup>18</sup>

UN Index: A/HRC/10/NGO/65 - 25 February 2009

Amnesty International welcomes the results of the examination of the human rights situation in Colombia, which took place in the context of the Universal Periodic Review (UPR) on 10 December 2008, in which 43 countries participated.

Many of the reviewing countries noted the Colombian government's openness in its approach to the UPR process. Amnesty International hopes this indicates a willingness on the part of the government to make greater and more effective efforts to address the serious human rights and humanitarian situation.

Many of the interventions made during the review reflected the concerns repeatedly expressed by Colombian and international human rights organizations, including Amnesty International, as well by the UN High Commissioner for Human Rights and the OAS' Inter-American Commission on Human Rights. Of particular note was a widely shared acknowledgement that the human rights and humanitarian situation in Colombia remains serious, that the country continues to be in the midst of an armed conflict, and that paramilitary groups continue to operate despite stated efforts by the government to demobilise such groups. The Colombian government has repeatedly rejected all these assertions.

Although some key indicators of conflict-related violence, such as on kidnappings and hostage-taking, continue to improve, others are still deteriorating, such as those on internally-displaced persons. Hundreds of thousands of people are still affected by the ongoing armed conflict, especially those belonging to Indigenous, Afro-descendant and peasant farmer communities, many of whom live on lands of economic interest to the warring parties. Guerrilla groups, paramilitaries and the security forces continue to be responsible for widespread and systematic human rights abuses and violations of international humanitarian law. The still-high incidence of extrajudicial executions committed by the security forces continues to be a grave concern, as do the continued threats against and killings of human rights defenders and trade unionists. Paramilitaries are still operating, sometimes with the support or acquiescence of the security forces, despite government claims to the contrary. There has been some progress in judicial investigations into key human rights cases, although impunity remains a serious problem.

During the dialogue, many reviewing states expressed similar concerns and made an impressive 65 recommendations for concrete action by the Colombian authorities to address

these.

**The security forces.** Many reviewing states expressed concern that the security forces continue to be responsible for serious human rights violations, in particular extrajudicial executions, and they called on the Colombian government to effectively address these human rights violations by vigorously investigating such cases and prosecuting those responsible, putting in place effective measures to stop their occurrence, and ensuring that all cases of human rights violations implicating members of the security forces are investigated by the civilian, not the military, justice system.

**Guerrilla groups.** Several states highlighted violations of international humanitarian law by guerrilla groups, especially kidnapping and hostage-taking, the use of landmines, and the recruitment of children. Some states called for an end to hostage-taking and kidnapping.

**Paramilitaries.** Several states expressed concern about continuing human rights violations committed by paramilitary groups and about links that still existed between these and members of the security forces and other state officials. They called on the government to increase efforts to dismantle paramilitary groups and to break any links that they might have with state officials.

**The Justice and Peace process and impunity.** Several states expressed reservations about the implementation of the Justice and Peace Law. This Law allows some paramilitaries who have laid down their arms to benefit from reduced prison sentences in return for confessions about human rights violations. Concerns revolved around whether the process was fully respecting the right of victims to truth, justice and reparation. Concern was also expressed about the still-high levels of general impunity in the country. Some interventions called on the Colombian government to ensure that all legislation and programmes related to the Justice and Peace process comply with international standards, that those responsible for serious human rights violations or abuses do not benefit from amnesties or any other similar provisions, and that greater protection is offered to witnesses and victims, and their representatives, participating in the process.

Human rights defenders, trade unionists and other activists. Many states expressed concerns over the safety of human rights defenders, trade unionists and journalists. They called on the government to refrain from making statements which undermined the legitimacy of human rights work, to make public statements at the highest level in support of human rights defenders, to take effective measures to end impunity for human rights abuses against defenders, and to cooperate with human rights organizations to adopt the National Action Plan for Human Rights.

**Civilian groups at particular risk.** Most states raised serious concerns about groups and communities considered at particular risk, especially Indigenous People, Afro-descendant communities, women, children and victims of human rights abuses. In particular, forced displacement was raised as a serious concern by many states. They called on the government to prosecute those responsible for forced displacement, to make greater efforts to address the serious situation facing the 3-4 million internally displaced persons in Colombia, and to ensure that misappropriated lands are returned to their rightful owners. Some states also called on the government to ensure that the Victims' Law, currently before Congress, is non-

discriminatory and that it grants the same rights to reparation to victims of human rights violations by state actors as to victims of guerrilla groups. They also recommended that the government cooperate with the monitoring and reporting mechanism of UN Security Council Resolution 1612 (2005) on children and armed conflict.

As regards concerns expressed about Indigenous People, Amnesty International reiterates its condemnation of the killing by members of the security forces of Edwin Legarda, the husband of Indigenous leader Aída Quilcué, 16 December 2008. At the time of his killing, Edwin Legarda was travelling by car to the city of Popayán, Cauca Department, to pick up his wife, who was returning from Geneva where she had been active around the UPR examination of Colombia by the UN Human Rights Council, in meeting with, for example, diplomats, journalists and members of the NGO community.

Amnesty International again calls on the authorities to carry out an impartial and thorough investigation into the killing and to bring to justice in the civilian courts all those responsible. Until such investigations are effectively concluded, doubts will remain over whether the vehicle in which Edwin Legarda was travelling was deliberately targeted and whether Aida Quilcué was in fact the intended target. The Colombian authorities must also adopt all the necessary measures to protect Indigenous leaders so that they can carry out their legitimate work of promoting and defending the human rights of Indigenous Peoples.

Amnesty International welcomes the Colombian government's decision to accept most of the recommendations submitted by states participating in the UPR, but the organization regrets that the government has rejected several key recommendations. These include, inter alia, recommendations to accept the jurisdiction of the committee established by the International Convention for the Protection of All Persons from Enforced Disappearance; to ratify the Optional Protocol to the Convention against Torture; to withdraw the declaration regarding Article 124 of the Rome Statute; and to once and for all put an end to the controversial programme "soldiers for a day", which Amnesty International considers threatens to drag civilians further into the conflict.

Many of the recommendations presented in the UPR review mirror those repeatedly made on an annual basis by the UN High Commissioner for Human Rights, and those from other international bodies, such as the Inter-American Commission on Human Rights. Amnesty International welcomes the fact that the government has expressed its support for a key recommendation arising from the review to urgently implement in full the repeated recommendations of the UN High Commissioner for Human Rights.

However, successive Colombian governments have repeatedly failed to fully comply with these recommendations, despite their repeated commitments to do so. The Colombian government's decision to accept the majority of the recommendations presented during the UPR must once and for all translate into comprehensive, concrete and effective action. To ensure full compliance with these recommendations arising from the review, as well as those put forward by the UN High Commissioner for Human Rights, the Human Rights Council should develop a comprehensive monitoring and follow-up mechanism, in conjunction with Colombian civil society, to effectively evaluate progress in this respect.

## ORAL INTERVENTION ON THE BAHAMAS - 18 MARCH 2009

**Videolink:** <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/tenth/hrc090318am2-eng.rm?start=00:21:48&end=00:23:59>

**Delivered by *Marianne Lilliebjerg***

Thank you Mr. President,

Amnesty International welcomes the Bahamas' prompt ratification of the two Covenants, following the announcement in the UPR Working Group of its intention to do so.<sup>19</sup> We also note the Bahamas' willingness to consider acceding to other human rights instruments, including the Convention against Torture, its Optional Protocol, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.<sup>20</sup>

We are very disappointed, however, that the Bahamas rejected a wide range of recommendations by many states regarding the death penalty, including to establish a moratorium on executions, to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, and to abolish the death penalty.<sup>21</sup> While it is a most welcome trend that no executions have been carried out for the past nine years in the Bahamas, Amnesty International is concerned that death sentences continue to be handed down and that the authorities have recently voiced support for a resumption of hanging. We take this opportunity to reiterate our call to the government to repeal all provisions allowing for the death penalty and to declare a moratorium on executions.

Mr. President,

Amnesty International welcomes the endorsement by the Bahamas of recommendations to ensure full and effective implementation of the Domestic Violence (Protection Order) Act and to address the problem of rape.<sup>22</sup> Amnesty International recognizes that recent legislation has increased the penalty for serious sexual crimes to life imprisonment, but is concerned that recommendations by several states to criminalize marital rape were rejected.<sup>23</sup>

Finally, Amnesty International welcomes the undertaking by the Bahamas to respond promptly to concerns raised by several Special Procedures regarding conditions in the Carmichael Road Detention Centre.<sup>24</sup> Recent reports indicate that abuses continue to take place at the facility, and Amnesty International urges the Bahamas to act swiftly on this undertaking and conduct an independent investigation into recent allegations of ill-treatment.

Thank you, Mr. President.

## ORAL INTERVENTION ON BURUNDI -18 MARCH 2009

**Videolink:** <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/tenth/hrc090318am3-eng.rm?start=00:18:35&end=00:20:47>

**Delivered by *Marianne Lilliebjerg***

Mr. President,

Amnesty International welcomes the support by Burundi of recommendations to establish an independent national human rights commission, compliant with the Paris Principles.<sup>25</sup> We are concerned however, that the draft bill, drawn up on 27 November 2008 by the Council of Ministers, would create a commission which would fall far short of the Paris Principles by severely restricting its mandate, powers of inquiry, jurisdiction and independence.<sup>26</sup> Amnesty International urges the government of Burundi to instead re-consider the preceding version of the draft bill which provides a superior level of independence and capacity for the commission.<sup>27</sup>

Mr. President,

Amnesty International notes that several states called on Burundi to ensure that no one is subject to discrimination on the basis of sexual orientation and to therefore reconsider the inclusion of provisions criminalizing same-sex sexual relations in the draft criminal code.<sup>28</sup> Amnesty International strongly urges the government to support these recommendations and to reject the specific amendment criminalizing same-sex relations. Amnesty International considers as a prisoner of conscience anyone imprisoned solely for their actual or imputed sexual orientation, including for private sexual relations between consenting adults.

Finally, Amnesty International regrets that Burundi did not expressly support recommendations made by several states to respect the rights to freedom of expression, association and assembly.<sup>29</sup> Several prisoners of conscience remain in detention, imprisoned solely for expressing their conscientiously held beliefs, among them:

- Juvénal Rududura, Vice-President of the trade union of non-magistrate staff at the Department of Justice, arrested on 15 September 2008, and
- Journalist Jean-Claude Kavumbagu, arrested on 11 September 2008.

We call on Burundi to immediately and unconditionally release these individuals and others arrested solely for exercising their right to freedom of expression.

Thank you, Mr. President.

## ORAL INTERVENTION ON MONTENEGRO -18 MARCH 2009

**Videolink:** <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/tenth/hrc090318pm3-eng.rm?start=00:24:07&end=00:26:31>

**Delivered by *Marianne Lilliebjerg***

Mr. President,

Amnesty International welcomes many of the recommendations made by states to Montenegro, including calls for the protection of minorities, in particular measures to guarantee the rights of the Roma, Ashkali and Egyptian communities.<sup>30</sup>

Mindful of Montenegro's obligations under the International Covenant on Economic, Social and Cultural Rights, Amnesty International urges the government to prioritize fulfilment for all members of the Roma, Ashkali and Egyptian communities, without discrimination, of the rights to free and compulsory primary education, access to employment and essential primary health care, and to basic shelter and housing. When allocating resources, the government should prioritise the most vulnerable and should seek international cooperation and assistance where necessary to meet these basic obligations.

Mr. President,

Amnesty International welcomes recommendations relating to the clarification of the legal status of refugees and "internally displaced persons".<sup>31</sup> We note that persons originating from Kosovo continue to be defined as "internally displaced persons" (IDPs) rather than refugees; and that many of those who arrived after 2003 have not been granted access to a process whereby they may be registered as IDPs. As a result, they remain in danger of statelessness. In all instances, persons from Kosovo seeking protection, the majority of whom are of Roma, Ashkali and Egyptian origin, have not been allowed to apply for international protection under the Asylum Law.

Amnesty International notes that the Montenegrin authorities have been negotiating with the Kosovo authorities the return to Kosovo of Roma, Ashkali and Egyptian persons. We urge the authorities to ensure that such individuals be allowed to challenge the decision to apply a cessation of protection in their case. They should also be allowed access to a process to assess their continued protection needs in order for non-refoulement obligations to be met.

Finally, while we welcome the addendum to the Report of the Working Group in which Montenegro provides further information on the 20 recommendations made by states during the review, we encourage Montenegro to indicate clearly which of these recommendations it supports, as required by paragraph 32 of the Annex to Resolution 5/1 (the IB Package).

Thank you, Mr. President.

## ORAL INTERVENTION ON ISRAEL - 19 MARCH 2009

**Videolink:** <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/tenth/hrc090319am2-eng.rm?start=00:48:37&end=00:50:25>

**Delivered by *Marianne Lilliebjerg***

Mr. President,

Many of the recommendations made during the review of Israel in the UPR Working Group address concerns which are shared by Amnesty International. We look forward to learning which of the recommendations enjoy Israel's support.

Although the UPR examination is the most detailed dialogue that this Council has seen in connection with human rights in Israel and the Occupied Territories (OPT), Amnesty International would have welcomed a more direct approach to many of the issues raised. In particular, we suggest that the recommendations made in the Working Group be strengthened as follows:

- To recognize the applicability to the Occupied Palestinian Territories (OPT) of its responsibility under international human rights and humanitarian law and to investigate war crimes and other violations of international law, including those perpetrated in the recent military offensive in the Gaza Strip, hold the perpetrators accountable and provide reparation to the victims.
- To lift the blockade of the Gaza Strip and allow the unhindered passage of people and goods,<sup>32</sup> including much needed humanitarian aid and material for the reconstruction of homes and infrastructure destroyed in the recent conflict.
- To halt the expansion of Israeli settlements, the destruction of Palestinian homes and the construction of the fence/wall in the West Bank, including in East Jerusalem, and remove the more than 500 checkpoints and barriers which impede the movement of Palestinians within the West Bank.
- To reverse policies and practices which undermine the rights to health, education, housing, work and an adequate standard of living for Palestinians in the OPT, as well as for minorities in Israel, including the Bedouin communities living in the unrecognized villages in the Negev region.
- To cease the use of torture or other ill-treatment of detainees and ensure due process for Palestinian detainees and for asylum-seekers, migrants and trafficked persons
- To allow the resumption of family visits for some 900 Palestinian detainees from Gaza who are held in Israeli prisons and who have been denied family visits since June 2007.
- To stop imprisoning Israeli conscientious objectors who refuse to serve in the army for reasons of conscience.

Mr. President,

Many of the recommendations made during the UPR examination have taken on an additional urgency in the wake of the recent conflict in the Gaza Strip, during which Israeli forces killed hundreds of Palestinian children and other unarmed civilians and destroyed thousands of Palestinian homes and property, and Palestinian gunmen killed three Israeli civilians and six soldiers. We urge the full and prompt implementation of these recommendations.

Thank you Mr. President

### ORAL INTERVENTION ON LIECHTENSTEIN – 19 MARCH 2009

**Videolink:** <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/tenth/hrc090319pm1-eng.rm?start=00:12:16&end=00:14:11>

**Delivered by *Marianne Lilliebjerg***

Thank you, Mr. President,

Amnesty International welcomes many of the recommendations made by states during the review, especially those to continue efforts aimed at eliminating all forms of discrimination, to draft a law establishing registered partnership for same-sex couples, and to ensure the full implementation of the national plan of action against racism.<sup>33</sup> We welcome Liechtenstein's support of these recommendations.

Several states recommended the establishment of an ombudsman or national human rights institution in accordance with the Paris Principles.<sup>34</sup> Amnesty International regrets the rejection by Liechtenstein of these recommendations. Notwithstanding the comments by Liechtenstein in the Addendum, we continue to consider that such an institution would be an important step towards improving the coordination on human rights policy between the different institutional levels in Liechtenstein.

Mr. President,

Several states called for measures to strengthen the integration of foreigners.<sup>35</sup> Amnesty International takes this opportunity to urge Liechtenstein to amend the new Foreign National Act to avoid the creation of additional groups of non-citizens and to ensure that non-citizens are not discriminated against, especially with regard to their right to family reunification.

Finally, Amnesty International welcomes assurances by Liechtenstein, made during the review, that it has honoured all its reporting obligations under the UN treaty body system. We call on Liechtenstein to ensure that regular follow-up is undertaken to the concluding observations and recommendations of the treaty bodies. This should include regular human rights training for public servants, especially those working with foreign nationals and asylum seekers.

Thank you, Mr. President.

## ORAL INTERVENTION ON SERBIA – 19 MARCH 2009

**Videolink:** <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/tenth/hrc090319pm2-eng.rm?start=00:26:41&end=00:28:44>

**Delivered by *Marianne Lilliebjerg***

Thank you Mr. President,

Amnesty International welcomes many of the recommendations made by states to Serbia, including calls to ensure full cooperation with the International Criminal Tribunal for the former Yugoslavia.<sup>36</sup> We also welcome calls by several states to ensure that allegations of human rights violations are investigated, prosecuted and the perpetrators brought to justice; and to develop effective mechanisms to combat impunity.<sup>37</sup>

Amnesty International notes that since the establishment of the Special War Crimes Chamber at Belgrade District Court, Serbia has made real progress in addressing impunity for the war crimes which took place during the wars in Bosnia and Herzegovina, Croatia and Kosovo. However, the number of trials completed remains low, and the current capacity and the resources of the Court are inadequate. Amnesty International urges that additional resources be allocated to the Court and the Office of the War Crimes Prosecutor. Measures should be taken to strengthen the authority and capacity of the War Crimes Investigative Services, or it should be re-established as an independent agency or as a unit of the Prosecutor's Office.

Mr. President,

We also take this opportunity to call on Serbia to carry out effective, independent and impartial investigations into incidents where the actions of state agents, including police and prison officers, may have led to violations of human rights. While we acknowledge the decline in the number of reported incidents, we are concerned at the long-standing failure of Serbia to address impunity in cases of torture and other ill-treatment, and at the continued inclusion in the Criminal Code of a statute of limitation on prosecutions for such human rights violations. Investigations into serious allegations against both police and prison officers appear to have been concluded without any reported outcome. Amnesty International urges the government to establish a genuinely independent and transparent mechanism to investigate allegations of torture and other ill-treatment.

Thank you, Mr. President.

## ORAL INTERVENTION ON TURKMENISTAN-19 MARCH 2009

**Videolink:** <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/tenth/hrc090319pm3-eng.rm?start=00:34:16&end=00:36:27>

**Delivered by *Marianne Lilliebjerg***

Thank you Mr. President,

Amnesty International welcomes Turkmenistan's express support of recommendations to guarantee the rights to freedom of expression, association and assembly; to seek, receive and

impart information; to allow independent non-governmental organizations to register and work freely; and to end harassment and intimidation of journalists.<sup>38</sup> We call on the government to give immediate effect to these recommendations.

Amnesty International is deeply concerned about serious violations against human rights defenders, journalists and dissidents in Turkmenistan. We have received reports that Annakurban Amanklychev and Sapardurdy Khadzhiev of the Turkmen Helsinki Foundation had their appeal for pardon rejected by the President in 2008. Both are reported to have been tortured while in custody. Amnesty International considers them as prisoners of conscience and urges their immediate release, as recommended during the review.<sup>39</sup>

We are also very concerned that there appears to have been no independent investigation into the unexplained death in custody of their co-defendant Ogulsapar Muradova in September 2006. We urge Turkmenistan to reconsider the recommendation, made during the review, to hold an independent inquiry into her death.<sup>40</sup>

Mr. President,

A number of key recommendations made during the review were to be examined by Turkmenistan, including calls to protect human rights defenders, to eradicate impunity for torture and other ill-treatment, and to guarantee freedom of the press.<sup>41</sup> We urge the government to clearly indicate its full support of these key recommendations and ensure their prompt and full implementation. In this regard, Amnesty International regrets that Turkmenistan was unable to agree to release all political prisoners and human rights defenders, to review politically motivated trials, to account for those subjected to enforced disappearance, to lift travel bans on human rights defenders, and to abolish the “propiska” system.

Earlier commitments of the new government to carry out reform to strengthen the protection of human rights have still to be fully realized. Amnesty International calls on the government to use the opportunity of its review under the UPR to live up to these promises.

Thank you, Mr. President

## ORAL INTERVENTION ON COLOMBIA – 20 MARCH 2009

**Videolink:** <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/tenth/hrc090320am3-eng.rm?start=00:55:05&end=00:57:06>

**Delivered by *Patrizia Scannella***

Mr. President,

Many of the interventions made during the review of Colombia reflect the concerns repeatedly expressed by Colombian and international human rights organizations, as well by the UN High Commissioner for Human Rights and the Inter-American Commission on Human Rights. Of particular note was a widely shared acknowledgement that the human rights and humanitarian situation in Colombia remains serious, as the country continues to be in the midst of an armed conflict, and paramilitary groups continue to operate despite stated efforts

by the government to demobilise such groups. The Colombian government has repeatedly rejected these assertions.

Amnesty International welcomes the government's acceptance of most of the recommendations made during the review. We regret, however, the government's rejection of several key recommendations, such as to accept the jurisdiction of the Committee established by the International Convention for the Protection of All Persons from Enforced Disappearance, to ratify the Optional Protocol to the Convention against Torture, to withdraw the declaration regarding Article 124 of the Rome Statute, and to end the controversial programme "soldiers for a day", which threatens to drag civilians further into the conflict.<sup>42</sup> We ask the government to reconsider its position them.

Mr. President,

Many of the recommendations presented in the UPR review mirror those repeatedly made on an annual basis by the UN High Commissioner for Human Rights, and those of other international bodies, such as the Inter-American Commission on Human Rights. Amnesty International welcomes the government's stated support for the key recommendation of urgently implementing in full the recommendations of the High Commissioner for Human Rights.<sup>43</sup> We note, however, that their repeated commitments to do so, successive Colombian governments have consistently failed to comply with these recommendations. The outcome of the review of Colombia must be translated into concrete and effective action. Amnesty International, therefore, recommends that the Council adopt measures to ensure effective monitoring of progress in this regard, in cooperation with civil society.

Thank you Mr. President.

## ORAL INTERVENTION ON UZBEKISTAN – 20 MARCH 2009

**Videolink:** <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/tenth/hrc090320am4-eng.rm?start=00:41:42&end=00:44:03>

**Delivered by *Marianne Lilliebjerg***

Thank you Mr. President,

Amnesty International welcomes Uzbekistan's stated support of recommendations by several states to establish a national independent mechanism to monitor all places of detention and to consider complaints.<sup>44</sup> In our view, and as recommended by several UN mechanisms, such a mechanism would significantly contribute towards protecting individuals deprived of their liberty from torture or other ill-treatment.

Amnesty International is dismayed, however, that Uzbekistan considers as inconsistent with its obligations under international human rights standards calls by several states to establish an independent international investigation into the events of May 2005 when hundreds of individuals, including women and children, were killed when security forces opened fire on mostly unarmed demonstrators gathered in the centre of Andizhan, and as they subsequently fled. During the interactive dialogue Uzbekistan rejected as "unfounded" reports that excessive and disproportionate force had been used. Referring to visits by EU experts in 2006 and 2007 related to these events, the government characterized the issue as closed. Amnesty International takes this opportunity to reiterate its belief that these visits do not constitute an international investigation which we consider should be urgently undertaken in accordance with Uzbekistan's obligations under the International Covenant on Civil and Political Rights.<sup>45</sup>

Mr. President,

Amnesty International also urges Uzbekistan to reconsider its rejection of recommendations by several states to release all detained human rights defenders.<sup>46</sup> According to information available to Amnesty International, at least 10 human rights defenders remain in prison and those released in 2008 were not freed unconditionally. Only last month, a human rights defender was detained on charges which appear to be politically motivated. Amnesty International urges Uzbekistan to ensure that everyone, including human rights defenders, can peacefully exercise their right to freedom of expression in conformity with Uzbekistan's obligations under the International Covenant on Civil and Political Rights.

Thank you, Mr. President.

## ORAL INTERVENTION ON TUVALU – 20 MARCH 2009

**Videolink:** <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/tenth/hrc090320pm1-eng.rm?start=00:09:19&end=00:11:22>

**Delivered by *Gráinne Kilcullen***

Mr. President,

Amnesty International welcomes many of the recommendations made by states to Tuvalu, including to cooperate with the Office of the High Commissioner for Human Rights to strengthen legislation related to family, land and sexual offences against children; and to establish a national human rights commission based on the Paris Principles.<sup>47</sup> Amnesty International believes that such a commission would significantly improve the promotion and protection of human rights in Tuvalu.

Amnesty International also welcomes recommendations to develop a comprehensive strategy to reduce domestic violence in Tuvalu, including through raising public awareness and encouraging greater involvement by government agencies and civil society in efforts to address domestic violence and gender discrimination.<sup>48</sup> Amnesty International takes this opportunity to reiterate its call to Tuvalu to develop and enact legislation to protect women and children from violence, in particular domestic violence.

Prevailing cultural notions of women's status continue to be a key factor in perpetuating violence against women in Tuvalu. Amnesty International therefore urges Tuvalu to support recommendations to eliminate legislation that has a discriminatory effect against women, and to amend the Constitution to prohibit discrimination on the basis of sex and gender.<sup>49</sup> Amnesty International considers that gender violence cannot be eradicated without addressing the underlying factors that cause or contribute to gender discrimination.

Amnesty International welcomes Tuvalu's support of recommendations to ratify, with the assistance of the Office of the High Commissioner for Human Rights, a wide range of human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Thank you, Mr. President.

## UPR GENERAL DEBATE: ORAL STATEMENT - 20 MARCH 2009

**Videolink:** <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/tenth/hrc090320pm2-eng.rm?start=01:21:26&end=01:23:36>

**Delivered by *Peter Splinter***

Mr. President,

The UPR is one of the major innovations of the Human Rights Council. It has been one of the few reasons to believe that this Council might be an improvement over the former Commission on Human Rights.

Amnesty International regrets that double standards and politicization appear to show signs that they could poison the promise of the UPR if states do not make greater effort to avoid them.

Amnesty International would have appreciated a much clearer statement by **Israel** about which recommendations enjoy its support and which do not. However, Israel was not the first state under review to fall short in this regard. A careful review of the outcomes of the reviews of **South Africa, Pakistan, the Czech Republic** and **Guatemala** is instructive about their human rights situations, but it provides no clear indication of whether or not particular recommendations enjoy their support. Regrettably no issue was made of that lack of clarity. Amnesty International encourages this Council to require that every state under review take full, clear and timely positions on the recommendations made to it.

There are other symptoms of politicisation and double standards in the UPR. In some reviews, we have seen instances of fawning praise of “friends” or little effort to assist the state under review improve the fulfilment of its human rights obligations and commitments. In other reviews, we have seen almost categorical rejection of recommendations made by some countries. Greater effort must be made in participation in the UPR to aspire to and achieve the highest possible standards of rigour and equal treatment for all states under review.

Mr. President,

While there is always room for improvement, many states are manifestly taking the UPR very seriously, whether as the state under review or as a reviewing state. This widespread commitment to making the UPR an effective means for improving the promotion and protection of human rights must be nurtured and developed. All states in this Council have a responsibility to ensure that the promise of the UPR is realized.

Thank you Mr. President.

**Note:** In a right of reply the Ambassador of Guatemala clarified that Guatemala had accepted all recommendations.<sup>50</sup>

## ITEM 9 – RACISM AND OTHER RELATED FORMS OF INTOLERANCE<sup>51</sup>.

ORAL INTERVENTION ON THE DURBAN REVIEW CONFERENCE – 24 MARCH 2009

**Videolink:** <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/tenth/hrc090324pm3-eng.rm?start=01:53:07&end=01:55:16>

**Delivered by *Patrizia Scannella***

Mr. President,

[Amnesty International firmly believes all persons are entitled to fully enjoy all their human rights without discrimination.] Racism and related forms of discrimination are an attack on the very notion of human rights and violate the fundamental principle underlying the Universal Declaration of Human Rights – that human rights are every person's birthright and inhere to all without distinction.

The 2001 Durban Declaration and Programme of Action demonstrated that the international community can be united in the conviction that racism must be eliminated.

In its statement at the first organizational session of the Preparatory Committee of the Durban Review Conference, Amnesty International called for the review process to unite governments and other stakeholders in a global alliance against all forms of racism. We feared that the preparations would deteriorate into accusations and mutual recriminations, and for a long time our fears were born out.

Amnesty International welcomes that the sustained efforts the High Commissioner for Human Rights, some governments and some NGOs now give grounds for hopeful expectation that the Durban Review Conference will make a positive contribution to uniting the international community in combating racism. From a human rights perspective, the 17 March “rolling text” for the Review Conference outcome document represents a very significant improvement over previous drafts, although it still should be more action-oriented.

The Review Conference [offers promise for some progress in eliminating racism, xenophobia and other related forms of discrimination. It] is an opportunity to focus on practical measures to address the links between poverty and racism, racial profiling, racism and the rights of migrants, the implementation of the *UN Declaration on the Rights of Indigenous Peoples*, and the effects of the interplay of discrimination on multiple grounds such as gender, identity and race.

The Durban Review Conference still faces considerable challenges. The outcome of the Conference should build on what was accomplished in 2001. It should establish additional

bases for concrete actions at both the national and international levels towards the elimination of racism, racial discrimination, xenophobia and related intolerance. To do this, Governments and other stakeholders must remain above mutual recriminations and political point-scoring.

Thank you Mr. President.

## ENDNOTES

---

<sup>1</sup> <http://www.un.org/webcast>

<sup>2</sup> <http://www2.ohchr.org/english/bodies/hrcouncil/>

<sup>3</sup> <http://www.amnesty.org>

<sup>4</sup> Full title: Item 2 – Annual report of the UN High Commissioner for Human Rights and reports of the OHCHR and the secretary-general

<sup>5</sup> A/HRC/10/32, paragraph 75

<sup>6</sup> See Colombia: Legal system used to hound human rights defenders <http://www.amnesty.org/en/for-media/press-releases/colombia-legal-system-used-hound-human-rights-defenders-20090319>

<sup>7</sup> Full title: Item 3 – Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

<sup>8</sup> The panellists were: **Mr. Paul Nicholson**, Via Campesina, **Ms. Andrea Carmen**, International Indian Treaty, **Dr. David Nabarro** (UK), Coordinator, Secretary-General's High Level Task Force on the Global Food Security Crisis (HLTF), **Mr. Jean Ziegler**, member of the HRC Advisory Committee, **Mr. Olivier De Schutter**, Special Rapporteur on the right to food.

<sup>9</sup> Sudan, as a party to the International Covenant on Economic, Social and Cultural Rights, is obliged to refrain from all actions that will have the effect of denying food to persons in Darfur. The Covenant recognizes that the right to be free from hunger is one of the core human rights.

<sup>10</sup> Thailand: Torture in the southern counter-insurgency, Index Number: ASA 39/001/2009, 13 January 2009 <http://www.amnesty.org/en/library/info/ASA39/001/2009/en>

<sup>11</sup> Reports concerning the human rights situation in Turkmenistan “Turkmenistan: No effective human rights reform” (2008) and “Individuals continue to be at risk of violations in Turkmenistan” (2009).

<sup>12</sup> “Several provisions of the amended Religious Organizations Law are incompatible with international human rights standards and contradict the Constitution of Turkmenistan in some instances. The Special Rapporteur urges the Government to review the Religious Organizations Law, so that it no longer infringes on the rights of individuals and groups in their exercise of freedom of religion or belief. In doing so, the Government should ensure that interested stakeholders at the national level be included in the reviewing process, in order to offer them the opportunity to provide valuable input to the revised draft legislation. Likewise, the Special Rapporteur is of the view that recommendations of relevant international or regional organizations relating to the revision of the Religious Organizations Law should be considered carefully. The Special Rapporteur remains available if further comments on draft legislation on religious issues are deemed necessary.” A/HRC/10/8/Add.4, paragraph 63.

<sup>13</sup> “The Government should ensure that conscientious objectors in Turkmenistan, in particular Jehovah's Witnesses who refuse to serve in the army due to their religious beliefs, be offered an alternative civilian service which is compatible with the reasons for conscientious objection. As such, the Government should also revise the Conscription and Military Service Act which refers to the possibility of being sanctioned twice for the same offence. The Special Rapporteur would like to recall that according to the principle of “ne bis in idem”, as enshrined in article 14 (7) of the International Covenant on Civil and Political Rights, no one shall be liable to be tried or punished again for an offence for which he or she has already been convicted or acquitted in accordance with the law and penal procedure of each country.” A/HRC/10/8/Add.4, paragraph 68.

<sup>14</sup> Challenging Repression: Human Rights Defenders in the Middle East and North Africa, Index Number: MDE 01/001/2009, 11 March 2009 available at <http://www.amnesty.org/en/library/info/MDE01/001/2009/en>

<sup>15</sup> A longer version of this statement is available as an Amnesty International public document in English at <http://www.amnesty.org/en/library/info/AMR23/004/2009/en> and in Spanish at <http://www.amnesty.org/es/library/info/AMR23/004/2009/es>

<sup>16</sup> For examples see Amnesty International's report on Colombia - “Leave us in Peace!”: Targeting

---

civilians in Colombia's internal armed conflict, Amnesty International (AMR 23/023/2008) and the joint Amnesty International/Human Rights Watch press release Stop False Accusations against Human Rights Groups, Government should Address Reported Abuses, 19 November 2008.

<sup>17</sup> Amnesty International, Asian Forum for Human Rights and Development (FORUM-ASIA)Cairo Institute for Human Rights Studies (CIHRS), Franciscans International, the Lutheran World Federation and World Organization against Torture (OMCT).

<sup>18</sup> A copy of this statement is also available as an Amnesty International public document in English at <http://www.amnesty.org/en/library/info/AMR23/005/2009/en> and in Spanish at <http://www.amnesty.org/es/library/info/AMR23/005/2009/es>

<sup>19</sup> A/HRC/10/70, paragraph 18.

<sup>20</sup> Ibid, paragraph 52, sub-paragraph 2.

<sup>21</sup> Ibid, paragraph 54, sub-paragraph 2.

<sup>22</sup> Ibid, paragraph 52, sub-paragraphs 5 and 6

<sup>23</sup> Ibid, paragraph 54, sub-paragraph 2.

<sup>24</sup> Ibid, paragraph 52, sub-paragraph 9.

<sup>25</sup> Report of the Working Group on the Universal Periodic review, Burundi, A/HRC/10/71, paragraph 80, sub paragraph 4.

<sup>26</sup> Projet de Loi No 1 / du / 2008 Portant Création de la Commission Nationale Indépendante des Droits de l'Homme, 27 November 2008 (finalized version).

<sup>27</sup> Projet de Loi No 1 / du / 2008 Portant Création de la Commission Nationale Indépendante des Droits de l'Homme, 27 November 2008 (draft proposal).

<sup>28</sup> A/HRC/10/71, paragraph 81, sub-paragraphs 4 and 5.

<sup>29</sup> Ibid, paragraph 83, sub-paragraph 2.

<sup>30</sup> A/HRC/10/74, paragraph 66, sub-paragraphs 15, 16 and 17.

<sup>31</sup> Ibid, paragraph 66, sub-paragraphs 18 and 19.

<sup>32</sup> A/HRC/10/76, paragraph 100, sub-paragraphs 38, 42, 46 and 47.

<sup>33</sup> A/HRC/10/77, paragraph 64, sub-paragraphs 5, 10 and 11.

<sup>34</sup> Ibid, paragraph 65, sub-paragraphs 4, 5, 6 and 7.

<sup>35</sup> Ibid, paragraph 65, sub-paragraphs 17 and 23.

<sup>36</sup> A/HRC/10/78, paragraph 57, sub-paragraph 14.

<sup>37</sup> Ibid, paragraph 57, sub-paragraph 15.

<sup>38</sup> A/HRC/10/79, paragraph 69, sub-paragraphs 13 and 14.

<sup>39</sup> Ibid, paragraph 41 (a). This recommendations did not enjoy the support of Turkmenistan.

<sup>40</sup> Ibid, paragraph 29 (d). This recommendations did not enjoy the support of Turkmenistan.

<sup>41</sup> Ibid, paragraphs 70, sub paragraphs 7, 9, 10 and 1.

<sup>42</sup> A/HRC/10/82, paragraphs 19 (d), 22 (c), 23 (d), 35(c) and 40 (e).

<sup>43</sup> Ibid, paragraph 87 (3).

<sup>44</sup> A/HRC/10/83, paragraph 104, subparagraphs 11 and 12.

<sup>45</sup> As a party to the International Covenant on Civil and Political Rights, Uzbekistan is obliged, including under Article 2(3), to ensure an independent, impartial and thorough investigation into the events of May 2005. In its General Comment 31 of 29 March 2004, the Human Rights Committee noted that failure to do so "could of itself give rise to a separate breach of the Covenant" (CCPR/C/21/Rev.1/Add.13).

<sup>46</sup> A/HRC/10/83, paragraph 107.

<sup>47</sup> A/HRC/10/84, paragraph 67, sub-paragraphs 7, 8 and 9, and paragraph 68, sub-paragraph 3.

<sup>48</sup> Ibid, paragraphs 67, sub-paragraph 12.

<sup>49</sup> Ibid, paragraph 68, sub-paragraph 6.

<sup>50</sup> <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/tenth/hrc090320am3-eng.rm?start=01:02:00&end=01:11:06>

<sup>51</sup> Full title: Item 9: Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action

Amnesty International  
International Secretariat  
Peter Benenson House  
1 Easton Street  
London WC1X 0DW

[www.amnesty.org](http://www.amnesty.org)

**AMNESTY**  
**INTERNATIONAL**

