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**ISRAEL & THE OCCUPIED TERRITORIES INCLUDING
THE AREA UNDER THE JURISDICTION OF THE PALESTINIAN AUTHORITY**

Despite the Declaration of Principles signed between Israel and the PLO in September 1993 and the establishment of a Palestinian Authority in the Gaza Strip and Jericho in 1994, serious human rights violations and abuses continue to occur. Amnesty International is concerned at the denial of the right to life and to the integrity of the human person by the Israeli Government, the Palestinian Authority and Palestinian opposition groups.

Chairperson,

The use of torture by members of the Israeli security services appears to be intensifying. The Landau Commission in 1987 endorsed the use by the General Security Service of "a moderate measure of physical pressure" in interrogating suspects. The Commission's guidelines have remained secret, but interrogation methods in Israel and the Occupied Territories include beatings all over the body; hooding; prolonged sleep deprivation; standing or sitting for long periods in painful positions; confinement to closet-sized rooms; severe pressure on the abdomen or genitals; and threats of death or disablement. In November 1994 the Israeli ministerial committee which periodically reviews the guidelines is said to have authorized the use of "increased" physical pressure.

In November, Ahmad Sa'id, arrested in June, and interrogated on several occasions, stated that interrogators had told him that they were now allowed to "take their gloves off". He was reportedly forced to stand hooded for up to 18 or 20 hours a day and deprived of sleep for an entire week. During his interrogation he was allegedly tied in a painful lying position on a chair, and threatened with disablement.

The UN Committee against Torture, which considered Israel in March 1994, found the use of "moderate physical pressure" to be "completely unacceptable" and recommended that interrogation practices in breach of the Convention be ended immediately. Amnesty International also calls for torture and ill-treatment to cease immediately.

Palestinians continue to die in circumstances which suggest that they have been summarily executed by Israeli undercover units. In March 1994, six members of Fatah were shot, apparently without warning, by an undercover unit in Jabalia Refugee Camp in the Gaza Strip. One was reportedly shot in the head after being wounded and apprehended.

Other Palestinians have died in circumstances where UN standards for the use of force and firearms appear to have been disregarded. In October, Nidal al-Tamimi was killed in Hebron after a struggle with soldiers. Video-taped evidence showed shots being fired into Nidal al-Tamimi's head

after he was lying on the ground, posing no danger to the soldiers. Others who have been killed include stone-throwing demonstrators and people, sometimes driving stolen cars, who have failed to stop at checkpoints.

Amnesty International is calling for the immediate end to all unlawful killings by Israeli forces.

Over 250 Palestinians are believed to be held in administrative detention without charge or trial by the Israeli authorities. Detention orders last for up to six months and crucial evidence is routinely withheld from the detainee and his lawyer, making it almost impossible to prepare a defence. Ahmad Qatamesh, allegedly a senior official of the Popular Front for the Liberation of Palestine (PFLP) and arrested in September 1992, has been in administrative detention ever since a court ordered his release on bail in October 1993.

Amnesty International is calling on the Israeli Government to end the use of administrative detention. All administrative detainees should be released if they are not to be tried promptly and fairly.

Over 30 Lebanese nationals, some abducted from Lebanon, are held in administrative detention in Israel. Some were tried and have served their sentences. Others have never been tried. Those believed to be without access to the International Committee of the Red Cross include Mustafa al-Dirani, abducted from Lebanon in May 1994, and Shaykh 'Abd al-Karim 'Ubayd, abducted in July 1989.

Over 250 detainees continue to be held incommunicado without charge or trial in the Khiam detention centre in an area of south Lebanon controlled by Israel and the South Lebanon Army. Many are believed to have been tortured during interrogation. Three people from Khiam over the past few months have reportedly died in detention or soon after release. They include Haitham Dabaja, aged 28, who died in January after 10 years in the Khiam detention centre without trial.

The Israeli Government has failed to clarify the legal status of the Khiam detainees. Amnesty International fears that some or all of the Lebanese nationals held in Israel and the Khiam detainees may be held as hostages in order to obtain the freedom of, or information about, four missing Israeli soldiers and several members of the South Lebanon Army. If so, we call for their immediate release. Whatever their status, they should be protected from torture and ill-treatment and allowed access to family members and the International Committee of the Red Cross. The same applies to the missing Israeli and South Lebanon Army soldiers whose fate should be clarified. It is high time to end the suffering of all these victims and their families.

In the areas under the jurisdiction of the Palestinian Authority detainees accused of having collaborated with the Israeli authorities and others suspected of criminal offences have been tortured or ill-treated, mainly through beatings. In July Farid Abu Jarbu', a suspected collaborator, died after two weeks' incommunicado detention in the interrogation centre of Gaza Prison. The Palestinian Authority acknowledged he died as a result of violence and initiated an internal investigation. Four officials were arrested in connection with his death. At least one was charged but no trial has yet been held.

Hundreds of alleged members of Islamist groups such as Hamas and Islamic Jihad have been arrested since the establishment of the Palestinian Authority. None were charged with any offence or

brought before any judicial authority. Although most were released after a few days, some were kept for weeks or months without access to lawyers.

The Palestinian Authority's security forces have also killed at least 15 people in circumstances suggesting unlawful killings. Thirteen people were killed when security forces shot demonstrators outside the Palestine Mosque in Gaza City on 18 November in apparent disregard for UN standards on the use of force and firearms. The Palestinian Authority announced the setting up of a judicial inquiry, but no public report has yet been issued. The Palestinian Authority should ensure that all its forces adhere strictly to international standards on the use of force and bring to justice any person responsible for unlawful killings.

Chairperson,

Palestinian opposition groups such as Hamas and Islamic Jihad have increasingly committed gross abuses such as hostage-taking and bomb attacks against civilians. At least 35 civilians have been killed in such attacks since April 1994. Amnesty International condemns these abuses and repeats that they must stop.

Chairperson,

Amnesty International takes no position on political conflicts or on the legitimacy of resorting to arms to pursue political goals. However, human rights violations and abuses are indefensible. No level of violence by one side, however serious, can ever justify breaches of international law by another side. All governments, other political authorities and opposition groups should prevent such violations and abuses. The peace process remains fragile and it is most important that a Special Rapporteur continues to monitor the situation and make recommendations which will encourage respect for human rights by all parties. Such respect for human rights remains fundamental to ensure a just outcome of this process.

THE THEMATIC MECHANISMS

Chairperson,

The thematic mechanisms of the Commission play a vital role in the battle to end persistent and grave human rights violations, wherever they occur. It is through their work that the Commission can enrich its understanding - and therefore tackle - the causes of human rights violations. Their humanitarian appeals help protect individuals at risk throughout the world. Their detailed on-site investigations and recommendations give the Commission the opportunity - which it too often fails to grasp - to promote real change in the world. Yet the thematic mechanisms are woefully under-resourced. We urge this Commission to recognize this need, and in particular to ensure all mechanisms have enough staff to help prepare and carry out a sufficient number of on-site visits. Amnesty International has continued to submit information on serious human rights violations in many countries to the Special Rapporteur on torture and the Working Groups on Enforced and Involuntary Disappearances and arbitrary detention as well as other thematic rapporteurs.

Amnesty International has submitted to the relevant mechanisms information about the thousands of pro-democracy activists who have been arbitrarily detained in **China** since the 1989 protests were crushed, and the hundreds of political prisoners held in Tibet. Many of these prisoners have been tortured. Amnesty International has continued to receive reports about the detention as prisoners of conscience and ill-treatment of members of religious groups in various parts of China. At least 31 members of the protestant Jesus Family are reported to be serving prison terms or administrative sentences for peaceful religious activities in Shandong province.

Amnesty International has raised with the relevant thematic mechanisms a disturbing pattern in **Peru** over the last two years in which thousands of women and men have been imprisoned under wide-ranging and imprecise anti-terrorism laws which fall short of international human rights standards. Many claim to have been raped or otherwise tortured or sexually harassed in order to secure a "confession" implicating them in involvement with the armed opposition.

In **Mexico** a continuing pattern of serious human rights violations affects large sectors of the population. The underprivileged, including indigenous people and women, are frequent victims. Arbitrary arrest, torture and extrajudicial killings have occurred throughout the country. However, Amnesty International has particular concerns about the pattern of gross human rights violations by

state agents in Chiapas especially in early January 1994 and February 1995. Violations include extrajudicial executions, "disappearances", the widespread use of torture and beatings, arbitrary arrests and death threats. Victims have included men, children and women, such as the three Tzeltal Indian women raped in a military check-point near Altamirano in June. Despite calls for investigation and bringing those responsible to justice, the perpetrators have benefited from a continuing policy of impunity.

In **Afghanistan** thousands of Muslim women, girls and boys have been subjected to torture including rape since the Mujahideen groups took power in Kabul in April 1992. Mass killings, arbitrary detention and torture -- including widespread rape of women and children -- have been carried out by almost all armed political groups. Over 25,000 people have been killed, hundreds of thousands have been displaced and thousands more have "disappeared". The majority of those killed have been unarmed civilians. All sections of the population are at risk of human rights violations, including parents killed for allowing their daughters to go to school and educated Afghan women who are seen as having violated Islamic law.

Women in **Sudan** have regularly suffered at the hands of the Sudanese Government and each faction of the armed opposition. They have been detained without charge or trial, flogged, raped and unlawfully killed. Women active in banned political parties have been liable to detention without charge or trial. Hundreds of women have also been arrested and flogged for activities which are now punishable by law but provide traditional sources of income such as brewing alcohol. In the war zones of the south and the Nuba mountains there have been many reports of rape and killings of thousands of civilian women in attacks on villages.

Chairperson,

The Commission has recognized the enormity of human rights violations against women in situations such as **Bosnia-Herzegovina**, where women from all backgrounds have been raped in an organized and systematic way, in detention and in their homes, and in **Rwanda** where rape, other forms of torture, and killing of women were part of the genocide and mass killing. Yet human rights violations against women remain a worldwide scandal. In all the countries we have named so far, and many others from all regions of the world, women are subjected to all the violations which the Commission has identified as sufficiently grave and widespread as to warrant the establishment of a thematic mechanism. We must all be more active in ensuring that human rights are a woman's right.

While the appointment of a Special Rapporteur on violence against women is extremely important and timely, all human rights mechanisms should be encouraged to fully integrate the human rights of women into their activities. Resolution 1994/45 reiterated important language from the Vienna Declaration and Programme of Action, but the Commission has still not formulated concrete proposals on how this integration should be achieved. In particular, all the Commission's country and thematic mechanisms should be encouraged to take full account of the violations that are specific to or primarily directed against women or to which women are particularly vulnerable. The Special Rapporteur on violence against women should be involved in joint country visits with other mechanisms. On-site visits should always include delegates with expertise in women's issues and, wherever possible, use female interpreters to facilitate the collection of sensitive testimony from women. Sources submitting information to the mechanisms, and governments responding to their enquiries, should supply gender-specific information.

There remains a need for better coordination and integration and for a full exchange of information and expertise between the Commission on Human Rights and the Commission on the Status of Women. This Commission should consider carefully how it can contribute to the workplan requested in Resolution 38/2 of the last session of the Commission on the Status of Women. It must take an initiative in ensuring that there are adequate resources and support for the integration of the work of both Commissions and their secretariats.

The Fourth UN World Conference on Women, to be held in Beijing, China, this September is a significant opportunity for the international community to tackle governments' violations of women's human rights. The themes for the conference are equality, development and peace. The reality is that any woman who fears being arbitrarily imprisoned, tortured, executed or "disappeared" stands no chance of exercising any of her other human rights. Amnesty International calls on everyone in this room to demonstrate the will and commitment to the human rights of women and the girl-child that will ensure measurable progress in the year of the Fourth World Conference and beyond.

**GOVERNMENT EXCUSES FOR HUMAN RIGHTS VIOLATIONS
AND THE DUTY OF THE COMMISSION ON HUMAN RIGHTS TO ACT**

When confronted with well-attested evidence of human rights violations governments often counter with a range of excuses to obscure or disown the brutality they inflict on their citizens. Too often members of this Commission accept these excuses without question, especially when they would rather be silent because of their own perceived economic and strategic interests.

It is a myth that drug-trafficking has been the principal cause of political violence in **COLOMBIA**. The majority of political killings are committed by the army and their paramilitary allies. More than 1,000 people were extrajudicially executed last year. At least 100 others "disappeared" after detention and hundreds of prisoners were the victims of torture. The government led by President Ernesto Samper has acknowledged the gravity of the human rights crisis, has welcomed UN experts and Amnesty International to the country and has announced a human rights program. Public commitments, however, will not reduce the number of people extrajudicially executed, "disappeared" or tortured until the government removes the impunity protecting the army, the security forces and the paramilitary groups.

Amnesty International is calling for vigorous action by the Commission. This high level of attention is essential to ensure the government fulfills its promises of reform. The government should implement the recommendations of the thematic rapporteurs who visited the country last year and invite them to return this year to review progress.

In **INDONESIA** the government dismisses criticism of its human rights record as politically motivated or an interference in its internal affairs. While the visit to East Timor by the Special Rapporteur on extrajudicial, summary or arbitrary executions was a welcome step, it is disturbing that the government has dismissed his report and recommendations as "unbalanced and not based on fact". Meanwhile serious violations, including extrajudicial executions, continue in East Timor. These violations give credence to the Special Rapporteur's conclusions and highlight the urgent need to implement his recommendations. The Government has also failed even to begin to implement all but one of the recommendations made by the Special Rapporteur on torture following a 1991 visit to East Timor.

Serious human rights violations throughout the archipelago, including East Timor, Aceh, Irian Jaya and Java, have been a persistent part of Indonesia's official response to political opposition and a way of removing perceived obstacles to economic development. The Asia Pacific Economic Cooperation summit last November in Jakarta was one of the latest pretexts for a crack-down. It included an attack on freedom of the press, freedom of assembly and freedom of association. Government critics, labour activists and others were arbitrarily arrested, some were tortured or ill-treated or convicted after unfair trials. Amnesty International believes the Commission has a duty to address the long-standing pattern of grave human rights violations throughout Indonesia and East Timor.

Political violence presents one of the gravest challenges to international human rights and humanitarian law. Amnesty International takes no position on the legitimacy of resorting to violence for political purposes. It may be hard for governments to accept that non-governmental organizations will not condemn their opponents as "terrorists", but our use of the neutral term "armed opposition group" confers no legitimacy. We do, however, clearly condemn and act against abuses of humanitarian law by armed opposition groups.

In situations of internal armed conflict both governments and their opponents must observe legally binding obligations laid down by international humanitarian law. In addition, it is governments which have adopted and which are bound by international human rights law. Governments are prohibited from suspending certain fundamental human rights - including the right to life and the right not to be subjected to torture - even in emergency situations which threaten the life of the nation. Violence by opposition groups can never justify the abandonment of these fundamental principles. Abuses by such groups should never be used as a means to divert attention away from, still less to justify, human rights violations by governments. It is governments who are accountable to this Commission for their failure to honour their most basic commitments under international law.

In **ALGERIA** tens of thousands of people have been killed by security forces and armed opposition groups over the past three years. While the authorities claim that those killed by the security forces were killed in armed clashes, the reality is that many were extrajudicially executed. No public or independent inquiry has been carried out into cases of torture, extrajudicial executions and "disappearances" at the hands of the Algerian security forces since 1991. We note recently announced reforms to the legal codes, but any amendments must comply with international human rights standards.

Members of the Commission can no longer accept assertions by the Government of Algeria that its forces have not committed human rights violations and that only the armed opposition is guilty of killings and other attacks on civilians. The armed opposition groups have repeatedly committed deliberate attacks on civilians resulting in terrible loss of life. However, such violence cannot justify the recourse by the security forces to torture, extrajudicial executions and "disappearances". Amnesty International believes that visits by the Special Rapporteurs on torture and on extrajudicial, summary or arbitrary executions would be an important step. Their recommendations could help the authorities take urgent and practical remedial measures.

Human rights violations by the Indian security forces in the state of **Jammu and Kashmir** have reached alarming proportions with more than 700 people reported to have died in custody since the present conflict started in late 1989. The government, in its latest response to Amnesty International, has again denied responsibility for most of these deaths by claiming that the majority were "killed in encounters with the security forces". However, the government has not provided a single report of a thorough,

prompt and impartial investigation, as required by UN standards, to support this conclusion. Medical and police reports and the testimony of survivors show that in many cases these deaths were the result of torture. Amnesty International has condemned numerous abuses by armed opposition groups, but these abuses cannot justify the government's failure to address gross violations perpetrated with virtual impunity by the security forces. The government's own responses show that none of the perpetrators have so far been brought to justice.

This Commission should cut through the acute politicization of the human rights debate on Jammu and Kashmir. It should ensure the Government of India implements its stated commitment to transparency by inviting the Special Rapporteurs on torture and extrajudicial, summary or arbitrary executions to visit Jammu and Kashmir and by allowing access to international human rights organizations, including Amnesty International.

Amnesty International is fully aware of the abuse of humanitarian law by armed opposition groups in **TURKEY** but the government cannot use these abuses to shield its own violations of international law. Extrajudicial executions and "disappearances" of civilians only emerged in 1991. Their subsequent alarming increase cannot be dismissed as an unfortunate consequence of the counter-insurgency operation. The Commission has failed abysmally to voice any concern about Turkey. How can it not act after the UN Committee against Torture stated publicly more than one year ago that "...the existence of systematic torture in Turkey cannot be denied"?

The credibility of the UN human rights system will be seriously damaged if the Commission continues to accept excuses from the governments of **Algeria, Colombia, Indonesia, India** and **Turkey**. Governments scrutinizing their peers at the Commission, being open to scrutiny themselves, and acting swiftly in the face of violations, *can* make a difference. But a resounding silence sends an even stronger message to governments that they can trample on their people's human rights and the world will only stand by and watch.