

52TH SESSION OF THE COMMISSION ON HUMAN RIGHTS: A CALL FOR ACTION

This year Amnesty International will call on the Commission on Human Rights to take action as a priority on five country situations: **China, Colombia, Indonesia/East Timor, Nigeria and Turkey.**

The Commission on Human Rights has for several years been confronted with overwhelming evidence from its own thematic mechanisms, treaty monitoring bodies, governments and non-governmental organizations on very grave human rights situations in these five countries. Yet, these countries with abysmal human rights records blatantly continue to escape scrutiny by the Commission. Often their peers shy away from action because of their own perceived economic, military and political interests.

The Commission is losing its credibility and will show itself to be weak and self-contradictory if it continues to ignore the fact that human rights are brazenly suppressed in these countries; rights that the governments are legally bound to uphold and protect. Inaction by the Commission must stop.

Amnesty International will also focus on the draft **Declaration on human rights defenders**, the draft **Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** (the Convention against Torture) and **women's human rights** as priority issues this year.

Amnesty International is concerned that new draft instruments being prepared by working groups of the Commission are being significantly weakened, sometimes by only a very small group of states.

State representatives in a working group of the Commission have been unable to reach agreement on the text of a basic declaration on the rights of human rights defenders. The working group operates by consensus and has been blocked by Cuba, Nigeria, Iran and China who have taken advantage of the consensus rule to push for amendments aimed at emphasizing the duties and responsibilities of human rights defenders, rather than protecting their rights and freedoms.

The Commission should address the impasse in this working group. The difficulties faced when drafting a declaration on human rights defenders reflects that some governments are not willing to allow human rights defenders to work. Human rights defenders are increasingly targeted victims of human rights violations. The Commission should request all its mechanisms to give attention to human rights defenders within their respective mandates.

The Commission should also reaffirm the fundamental principles which should guide the drafting of the Optional Protocol to the Convention against Torture.

PEOPLES REPUBLIC OF CHINA

Since the last session of the Commission serious violations of human rights have continued unabated. Thousands of political prisoners are detained often for simply expressing their views. The Commission's own Working Group on Arbitrary Detention has concluded that prisoners in China have been arbitrarily detained in violation of international human rights standards. Torture and ill-treatment are common but the government usually denies the allegations outright or fails to provide reports about any investigations which may have taken place. In 1993 the Committee against Torture voiced its concern about patterns of torture in China.

Thousands of people are sentenced to death each year in China often for non violent offences. There are many cases of summary and unfair trials, without safeguards against miscarriages of justice as required by the Economic and Social Council (ECOSOC) standards. The Special Rapporteur on extrajudicial, summary or arbitrary executions has stated his concern about reports of violations to the right to life in China, and noted persistent contradictions between the numerous allegations received from credible sources and the information provided by the authorities.

Amnesty International calls on the Government of China to immediately and unconditionally release all prisoners of conscience and undertake actions to end impunity and give compensation to victims of human rights violations, to stop and prevent torture, to end arbitrary detention and imprisonment, to ensure fair trials, to stop the use of the death penalty in practice and in law,, to stop abuses resulting from the birth control policy and to protect human rights defenders.¹

Amnesty International believes that it is time that the Commission examined China's human rights record. All states must be scrutinized by their peers and powerful political and economic states must not receive preferential treatment. The Commission must examine the facts and act accordingly and not abdicate its responsibility through "motions to take no action".

The Commission should adopt a resolution critical of China's human rights record and call upon the government among others to:

- C invite the Working Group on Arbitrary Detention, the Special Rapporteur on torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the country;
- C ratify the International Covenant on Civil and Political Rights and its two Optional Protocols and the International Covenant on Economic, Social and Cultural Rights.

COLOMBIA

There was no improvement in the appalling human rights situation in Colombia in 1995. During the year more than 2500 people were victims of politically motivated killings and over 150 "disappeared". Several hundred people were killed in armed confrontations between the armed forces, their paramilitary allies and armed opposition groups. The vast majority of victims, however, continued to be non-combatant civilians targeted for their real or perceived political allegiances. At least 600.000 people are internally displaced by the civil conflict. During 1995 scores of people were killed in towns and cities by police-backed "death squads" or guerrilla-backed urban militia groups in what are known as "social cleansing" operations.

At its last session, the Commission on Human Rights had before it the joint report of the Special Rapporteur on torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions on their visit to Colombia in October 1994. Their joint report made a number of specific recommendations which have

¹ See Amnesty International's publication *CHINA No one is safe* (AI Index ASA 17/01/96)

not been implemented. In their reports this year the two Special Rapporteurs recommend the appointment of a special rapporteur for Colombia. Amnesty International called last year for the appointment of a Special Rapporteur.

Amnesty International calls on the Government of Colombia to take action to end impunity and to ensure that crimes such as extrajudicial executions, "disappearances", or torture are specifically excluded from military jurisdiction, to take all necessary measures to protect the security of relatives, witnesses, lawyers and others collaborating with investigations of human rights violations, to fulfil its commitment to eradicate illegal paramilitary forces and to take all necessary steps to ensure respect for the fundamental human rights of persons who have been internally displaced by conflict.

The Colombian Government has tried to convey an image of cooperation with the Commission. However, the government has repeatedly demonstrated a lack of political will to live up to its promises to the Commission. Faced with serious and prolonged challenge to its legitimacy and credibility, the government has chosen to give absolute priority to its own survival at the cost of many of its own original priority programs, including its commitment to end human rights abuses.

Amnesty International is convinced that the Commission has no effective option but to implement the recommendation of its own thematic mechanisms and immediately appoint a special rapporteur.

The special rapporteur should monitor and report on the human rights situation in Colombia including the implementation of the recommendations made by thematic mechanisms of the Commission. In addition Amnesty International calls on the High Commissioner for Human Rights to make public his report and recommendations of the mission he sent to Colombia in 1995.

INDONESIA AND EAST TIMOR

For more than 30 years the Government of Indonesia has imprisoned its peaceful critics. Dozens have been imprisoned after unfair trials during 1995 both in Indonesia and in East Timor. These add to at least 200 political prisoners, many of them prisoners of conscience. Torture and ill-treatment of political detainees is widespread in Indonesia and East Timor. "Disappearances" continue to be reported and there are numerous accounts of extrajudicial executions of political and criminal suspects. The majority of these killings are not investigated.

Amnesty International considers that the main factors contributing to human rights violations are a lack of political will to ease restrictions on civil and political rights, the arbitrary use of power by the security forces and virtual impunity for those members of the security forces who commit human rights violations.

Amnesty International hopes that the High Commissioner for Human Rights' report on his recent visit to the country will make concrete recommendations aimed at reducing the high level of human rights violations in Indonesia and East Timor. Furthermore, it is necessary to ensure that appropriate follow-up procedures are in place in order to monitor the governments compliance with his recommendations.

The Indonesian Government continues to ignore recommendations made by the Commission. Faced with such non-compliance Amnesty International believes that the Commission must assume its responsibility and adopt a resolution criticizing the government's human rights record and its failure to implement Commission recommendations. The Commission should urge the Indonesian Government to:

- C provide a detailed report of action it has taken to implement the 1993 resolution and 1994 and 1995 statements by the Chairman of the Commission and the recommendations made by thematic mechanisms,
- C ratify the Convention against Torture and
- C invite the thematic mechanisms of the Commission to visit Indonesia and East Timor.

NIGERIA

Violations of basic human rights are widespread and systematic in Nigeria and yet for many years states have chosen to ignore them. It was not until there was a public outcry over the grossly unfair trials of Ken Saro-Wiwa and 14 other Ogoni detainees and the subsequent executions of nine of them that the international community was moved to act. These executions took place despite pleas from the United Nations, the Organization of African Unity (OAU) and others for their lives to be spared. The Nigerian Government is now particularly targeting human rights defenders.

In December 1995 the UN General Assembly adopted a resolution on Nigeria and invited the Commission on Human Rights to give urgent attention to the situation of human rights in that country. The African Commission on Human and Peoples Rights agreed in December 1995 that a delegation from the African Commission would undertake a mission to Nigeria prior to its next meeting in March 1996. The Nigerian government has so far refused to cooperate with the African Commission, the Commonwealth Foreign Ministers

Action Group and UN human rights mechanisms, thus not enabled missions to take place.

Against a background of grave human rights violations and a refusal by the Nigerian government to cooperate with the international community, Amnesty International calls for the appointment of a special rapporteur to monitor the situation in Nigeria and to report to this year's UN General Assembly and the Commission on Human Rights in 1997.

TURKEY

Violations of fundamental human rights have been a serious problem for decades. Torture is described by the Committee against Torture in its 1993 report as "systematic". In 1994 the Working Group on Enforced or Involuntary Disappearances made the startling observation that it had received more allegations of "disappearances" from Turkey than from any other country. Likewise European institutions such as the European Parliament and the European Committee for the Prevention of Torture have strongly criticised Turkey's lack of respect for basic human rights. However, European Union governments, when confronted with well-documented evidence refuse to act. Political, security and other interests are given precedence over respect for human rights.

The Turkish government has given publicity to a series of cosmetic legal and constitutional changes which have almost no improvement to basic human rights. There are still no legislative safeguards against incommunicado detention, torture and cruel, inhuman or degrading treatment or punishment, "disappearances" or extrajudicial executions, and there are serious legal obstacles which curtail freedom of expression.

The Commission should as a minimum urge Turkey to take immediate steps to address systematic violations of human rights. In particular Turkey should be asked to agree the dates for a visit by the Special Rapporteur on extrajudicial, summary, or arbitrary executions, and respond positively to a request from the Special Rapporteur on torture as well as the Working Group on Enforced or Involuntary Disappearances to visit the country in 1996.