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I PRESS RELEASES

1. UN Commission on Human Rights: Time for concrete action (13 March 2003)

The time has come for the UN's highest body on human rights to move from rhetoric to concrete action, Amnesty International said in advance of the 59th session of the UN Commission on Human Rights which is due to begin on 17 March.

"Since its creation the Commission has played an important role in the promotion and protection of human rights. Yet it has a less honourable record of political and economic interests triumphing over action against human rights violations," said Claudio Cordone, Senior Director for International Law and Organizations

One of the key issues for this year's session will be the review of the Commission's working methods. Amnesty International has made submission focusing on the Commission's special procedures and its membership. Although Libya chairing the Commission has dominated media headlines, Amnesty International believes that the key issue is how the Commission can best promote and protect human rights.

"The protection of human rights begins at home. Membership of the Commission is a privilege that carries responsibilities -- especially of those states which comprise its Bureau," Claudio Cordone said.

Amnesty International has written to the Libyan authorities and the other members of the Commission's Bureau (Australia, Croatia, Peru and Sri Lanka), urging them to use their term to ratify key human rights treaties, and to co-operate with the thematic special rapporteurs, including by issuing them with an open, standing invitation to visit their country.

The clampdown on human rights after 11 September 2001 remains one of the most pressing human rights concerns. Measures taken by states in response to real or perceived terrorist threats, both before and after 11 September, have long had serious human rights implications, including a negative long-term effect on the peaceful and non-violent exercise of human rights.

"Last year's withdrawal of the resolution on human rights and counter-terrorism sent a devastating signal that the UN's main human rights body felt

unable to address the most pressing human rights issue," Claudio Cordone declared.

Since last year's session of the Commission, the UN General Assembly has adopted a resolution on human rights and counter terrorism.

"The General Assembly's resolution sends a strong message to the Commission to further strengthen international protection of human rights in the context of counter-terrorism measures by states," Claudio Cordone said.

"The Commission must seize the initiative and establish a Special Representative of the UN Secretary-General to monitor the impact of security legislation and counter-terrorism measures on human rights."

Another pressing issue that the Commission will address is Iraq. Amnesty International has been calling on the UN Security Council to seriously consider the likely effects of military action on the overall human rights and humanitarian situation of the Iraqi population.

"The protection of the human rights of the people of Iraq must be the primary consideration of anyone planning military action. It is worrying that too little serious attention has been given to the human rights and humanitarian situation in Iraq. The deployment of human rights monitors -- which the Commission has called for since 1993 -- is essential," Claudio Cordone said.

Amnesty International is also urging the Commission to take action to remedy the human rights situation in Colombia, Democratic Republic of Congo, Israel and the Occupied Territories, Nepal and the Russian Federation/Chechnya.

"In the face of possible conflict in Iraq, it is essential that other countries where serious human rights violations are committed are not forgotten," Claudio Cordone stated.

In addition, Amnesty International is calling for action on a number of thematic concerns, including abolition of the death penalty; support for an Optional Protocol on economic, social and cultural rights; and increased protection for the human rights of refugees and asylum-seekers.

"This Commission must demonstrate that its mandate to promote and protect human rights is more important than the political and economic self interests of individual member states," Claudio Cordone concluded.

2. Nepal: Code of Conduct and the Protection of the Human Rights (21 March 2003)

Amnesty International wrote today to senior Ministers in the Government of Nepal and to leaders of the Communist Party of Nepal (CPN - Maoist) -- welcoming recent moves towards peace and expressing its hope that the budding peace process will help to ensure lasting improvements in the human rights situation throughout the country. However, the organization expressed its concern about several human rights related aspects of the Code of Conduct (CoC) which was made public on 13 March 2003. The CoC is aimed at regulating the cease-fire declared between the Government and the CPN (Maoist) on 29 January 2003.

Lack of clarity regarding the relationship between the CoC and Nepal's obligations under international human rights treaties

The organization is concerned that the CoC may fall short of the country's obligations under the international human rights treaties to which Nepal is a state party. The organization urges both parties to make a further joint declaration to supplement the human rights guarantees contained in the CoC which it considers vital to the success of the peace process. The declaration should pledge unequivocal adherence to all human rights guaranteed in the international human rights treaties to which Nepal is a party.

Omissions regarding specific human rights abuses which have been reported regularly in the context of the "people's war"

Amnesty International welcomed the inclusion in the CoC of provisions to ensure that human rights are protected during the cease-fire, including the statement that "both sides will respect the fundamental rights of the people". Amnesty International said it hoped this to mean all rights as set out in all the international human rights treaties that Nepal has ratified and urged both parties to make this explicit in the above-mentioned joint declaration. It also welcomed provisions for the gradual release of prisoners; the prohibition on "searches, arrests and kidnappings" and guarantees for the free movement of people, food, medicine and other essential supplies, and the return of all internally displaced people to their homes.

However, the CoC is silent on other long-standing human rights concerns reported in the context of the "people's war" over the last seven years. Amnesty International believes additional clauses must be incorporated into the CoC calling for: an immediate halt to the use of landmines; an end to the recruitment of children and the return of those children recruited to date to their families and communities; the investigations of the whereabouts of the more than 200 people reported to have "disappeared" after they were arrested by the security forces;

and the establishment of an initial truth process to account for the killings of civilians and other unlawful killings by both sides.

The nature of the monitoring mechanism provided for in the CoC

Both parties should give high priority to the establishment of an independent and effective monitoring body to monitor compliance with the provisions of the CoC at the earliest opportunity. The relevant provision in the CoC is ambiguous. It merely says that "a monitoring team will be formed with the consent of both parties." Amnesty International urged both parties to clarify the exact composition, mandate and powers of the monitoring mechanism -- both at the national and district level. Apparently, the government has proposed that monitoring should be carried out by representatives of both parties with the assistance of local human rights organizations and representatives of civil society. Amnesty International is concerned by the limited capacity of local organizations to take on a role as monitors and the possible threats to any such local monitors' security. The organization therefore urged both parties to invite international monitors. It believes their presence would strengthen the cease-fire and would increase the effectiveness of the monitoring mechanism provided for under the CoC.

Background

Amnesty International has been campaigning in the context of the current session of the United Nations Commission on Human Rights, which started in Geneva, Switzerland, this week for the deployment in Nepal of international human rights monitors (with a mandate to monitor and report on respect for human rights in an open and transparent manner and to undertake advocacy and capacity building with key institutions such as the judiciary).

The organization has also been urging for several years for the strengthening of the National Human Rights Commission (NHRC) which has a mandate to monitor the human rights situation in Nepal. Since the appointment of the NHRC members in mid-2000, Amnesty International has been concerned about the lack of cooperation extended to them by the government, civil service and security forces and the lack of response by the Maoists to the NHRC's repeated calls to end human rights abuses. Amnesty International urges the Government and the CPN (Maoist) to make a public commitment for full cooperation with the NHRC - as an unequivocal indication of their commitment to uphold the human rights provisions in the CoC. In addition, the Government must increase the financial contributions to the NHRC to enable it to carry out its mandate. The organization also urges that offices of the NHRC be established at the district, or at least at the regional level, with priority given to those areas where human rights abuses have most often been reported.

3. Open Statement on Iraq by Amnesty International to the 59th Session of the UN Commission on Human Rights (26 March 2003)

Amnesty International welcomes the request to the 59th session of the UN Commission on Human Rights by a group of member states to hold a Special Sitting on Iraq.

Amnesty International looks to the Commission, as the UN's principal body responsible for the promotion and protection of human rights, to seize the opportunity of a Special Sitting to urgently address the impact of war on the human rights and humanitarian situation in Iraq. In particular, the organization urges the Commission to:

Call on all parties to the conflict to fully adhere to international humanitarian law, particularly as it relates to the protection of civilians and prisoners of war;

Urge all parties to seek the services of the International Humanitarian Fact-Finding Commission, as established under Article 90 of Protocol I to the Geneva Conventions, to investigate alleged violations of international humanitarian law;

Call on all parties to the conflict and all other relevant countries to ensure the effective protection of refugees and the internally displaced;

Ensure that preparations begin immediately for the deployment of an effective UN human rights monitoring presence throughout Iraq as soon as the security situation permits; and to

Ensure that any post-conflict reconstruction program is informed by a human rights agenda which addresses comprehensively human rights concerns in the country, including the need to ensure justice.

4. UN Commission on Human Rights: Thorough discussion on Iraq essential (27 March 2003)

The human rights situation in Iraq urgently requires a thorough, in-depth discussion, Amnesty International said in response to the UN Commission on Human Rights' decision not to hold a special sitting on that country.

Amnesty International has documented for years the on-going human rights problems in Iraq.

"The Commission must discuss the situation in Iraq, not just limited to abuses committed by the current government, but also looking at the impact of war on the human rights and humanitarian conditions," Amnesty International said.

"After all the Commission is the UN's principal body responsible for the promotion and protection of human rights."

The Commission has appointed a Special Rapporteur on Iraq. However, his mandate is limited to investigating human rights violations committed by the Government of Iraq. Amnesty International is calling for this mandate to be expanded to cover human rights violations committed by any party in Iraqi territory.

"Whether or not this thorough debate takes place, will be a test of the Commission's credibility," Amnesty International concluded.

5. Democratic Republic of Congo: End the use of child soldiers (31 March 2003)

Children continue to be the casualties of the conflict in the Democratic Republic of Congo (DRC), Amnesty International said today speaking at a side event at the UN Commission on Human Rights.

"Despite the signature of peace accords and of an agreement for a political transition, the conflict continues to ravage many parts of the DRC," Amnesty International said.

"Unarmed civilians continue to be killed or tortured, women continue to be raped and children continue to be recruited in regions where fighting by armed groups and militias is on-going."

Amnesty International remains deeply concerned that these systematic and widespread human rights abuses remain unpunished.

The Coalition to Stop the Use of Child Soldiers, of which Amnesty International is a member, has estimated that tens of thousands of children are used as soldiers in DRC. A recent Amnesty International mission to that country found that children as young as seven are recruited into some of the armed groups involved in the conflict.

"Under the Rome Statute of the International Criminal Court the recruitment of children under the age of 15 as soldiers is considered a war crime," Amnesty International stated.

The governments of DRC, Rwanda and Uganda have all ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. All three governments deposited binding declarations setting the minimum voluntary recruitment age as 18.

The organization called on the Commission to remind the governments involved in the conflict in DRC that they have already made an international commitment not to recruit under-18s.

"Not only must the governments involved in the DRC conflict abide by their promise not to recruit children, they must also put in place effective and sustainable demobilization and rehabilitation programs," Amnesty International urged.

"Demobilization is not simply about taking children out of the armed forces -- it is about providing them with the necessary emotional and material support to promote their successful reintegration into civilian society," Amnesty International added.

"Alternatives to military recruitment must be provided, including increasing employment and education opportunities, and prevent re-recruitment."

Amnesty International called on the Commission to support the establishment of an international commission of inquiry into allegations of grave abuses of human rights and international humanitarian law in the context of the conflict, and for it to report back to the 60th session of the Commission.

"Avoiding the truth about a country's past and ignoring accountability will not achieve peace," Amnesty International concluded.

**6. Sudan: Urgent need for continued human rights monitoring (joint press release)
(1 April 2003)**

Amnesty International and Human Rights Watch today called on the UN Commission on Human Rights to continue to strengthen its human rights monitoring presence in Sudan, as the UN Commission on Human Rights in Geneva debates the human rights situation in "any part of the world".

"The positive changes in Sudan have taken place largely as a result of international pressure to make meaningful moves to end human rights abuses," the two international human rights organizations said.

"The UN must not end human rights monitoring now in the midst of the transition period, especially when the peace protocol signed at Machakos over eight months ago has not yet materialized in a peace agreement."

There have been many positive changes since the Commission on Human Rights first appointed a Special Rapporteur to report on the human rights situation in Sudan 10 years ago, in March 1993. But yet again most of the recommendations in last year's resolution have not been implemented.

The Special Rapporteur on Sudan's 2003 report states: "in spite of the commitments made, the overall human rights situation has not improved". The Special Rapporteur describes how in the area under the control of the Government of Sudan "the role of the security apparatus as the main entity responsible for the human rights abuses as well as the impunity enjoyed by security remains an issue of serious concern".

In the areas controlled by the Sudan People's Liberation Movement/Army (SPLM/A) the Special Rapporteur said that "virtually no guarantees are set for the respect of basic rights and fundamental freedoms".

In the government-controlled area arbitrary and prolonged detention of opponents; torture; unfair summary trials followed by cruel, inhuman or degrading punishment; and lack of freedom of expression, association and assembly continue. In the areas under the SPLM/A, the report says, there are "severe restrictions on freedom of opinion and expression, speech, assembly and association".

"Over the past 10 years the Special Rapporteur has been an important agent for change; his regular monitoring visits and public reporting have been a lifeline for Sudanese human rights activists and victims. We are calling for his mandate to be renewed," the organizations said.

The human rights violations related to the armed conflict have continued despite a cease-fire signed in October 2002. One of the positive acts, as a result of outside pressure, over the past year has been the agreement, in March 2002, between the Government of Sudan and the SPLM/A not to target civilians or attack civilian facilities. This has been monitored by the Civilian Protection Monitoring Team (CPMT), at first composed of US military, later strengthened by

some civilian country experts and others, based in Khartoum and Rumbek and with the right to unrestricted access to all parts of the country to investigate reports of killings. The recent report by the CPMT, found that the government and allied militia had committed a number of attacks targeting and killing civilians in the oil rich areas south of Bentiu in January and February 2003.

"Monitoring and public reporting is the one way to end abuses and impunity," the organizations said. "Now is the time to increase UN human rights monitoring, not to end it".

Amnesty International and Human Rights Watch called on the UN Commission on Human Rights to pass a resolution on the Sudan which should make clear recommendations and lay down benchmarks for the respect of human rights and international humanitarian law. In particular they urged the Commission on Human Rights to ensure that:

the mandate of the UN Special Rapporteur on the situation of human rights in the Sudan is renewed;
the Office of the High Commissioner for Human Rights in the Sudan receives adequate funding so that it can effectively monitor human rights in the Sudan and extend these activities to areas controlled by the SPLM/A, including by ensuring adequate representation in the south of the country

A resolution should, among other things, call on the Government of Sudan to:

issue a standing invitation to the thematic mechanisms of the Commission on Human Rights to visit the Sudan, in particular the Special Rapporteurs on torture, violence against women, and freedom of expression; the Representative of the Secretary-General on internally displaced persons; and the Working Group on Arbitrary Detention;
guarantee freedom of expression, association and assembly, in particular the right of civil society to comment on questions relating to the peace process;
set up an independent commission of inquiry into the human rights situation in Darfur, whose findings and recommendations should be made public and implemented;
address the urgent humanitarian situation of the estimated 4.5 million internally displaced persons and begin a program of voluntary return with guarantees for their security;
end the practice of incommunicado detention of government critics.

7. North Korea: Human Rights Concerns (11 April 2003)

As the UN Commission on Human Rights discusses the human rights situation in the Democratic People's Republic of Korea (North Korea), Amnesty International today expressed its concerns about continuing serious human rights violations in the country and the lack of effective action to reduce widespread malnutrition among the population.

Amnesty International's long-standing concerns about human rights violations in North Korea include the use of torture and the death penalty, arbitrary detention and imprisonment, inhumane prison conditions and the near-total suppression of fundamental freedoms, including freedom of expression and movement.

While these concerns are long-standing, in recent years many human rights abuses in North Korea have been linked directly or indirectly to the famine and acute food shortages which have affected the country since the mid-1990s. These have led to widespread malnutrition among the population and to the movement of hundreds of thousands of people in search of food - some across the border with China - many of whom have become the victims of human rights violations as a result of their search for food and survival.

In this context, Amnesty International believes that guaranteeing equitable distribution of food to all without discrimination is a key priority which the North Korean government must address urgently, in line with its international obligations, with appropriate assistance from the international community. The government must also introduce other measures to immediately put an end to other serious human rights abuses, such as torture and summary and arbitrary executions.

Freedom from hunger and malnutrition

North Korea continues to rely on international aid to feed its population, but many people in the country are suffering from hunger and malnutrition. According to a study published last year by the Food and Agricultural Organization, 13 million people in North Korea -- over half of the population -- suffered from malnutrition. Aid agencies have estimated that up to two million people have died since the mid-1990s as a result of acute food shortages caused by natural disasters and economic mismanagement. Several million children suffer from chronic malnutrition, impairing their physical and mental development. Many people in the country also lack adequate medical care due to lack of medical personnel and supplies.

Freedom from hunger and malnutrition is one of the most fundamental rights enshrined in the International Bill of Human Rights. The right to food is guaranteed under the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which North Korea is a State Party. The provision of food where humanitarian assistance is needed is both a joint and individual responsibility. The expert Committee set up to monitor the Covenant has concluded that all State Parties, individually and through international cooperation, are under an obligation to ensure "an equitable distribution of world food supplies in relation to need".

North Korea must ensure that international food aid and other food supplies are distributed equitably to all among its population, without discrimination. If its population is in need of food supplies it cannot provide, the government must seek outside assistance, and must refrain from using food as a negotiating issue. Foreign states able to help must also provide the necessary food aid, without tying this to particular political goals. Food should never be used as an instrument of political and economic pressure. There must be no embargoes on food.

Restrictions on access

There is little detailed information on the extent of human rights violations in North Korea due to the restrictions on access to the country for independent human rights monitors. Information and access to the country remain tightly controlled, hampering the investigation of the human rights situation on the ground. However, reports from a variety of sources suggest a pattern of serious human rights violations, such as those described below.

Executions

Amnesty International has received reports of public executions carried out at places where large crowds gather, with advance notice given to schools, enterprises and farms. Some prisoners have reportedly been executed in front of their families. Executions are carried out by hanging or firing-squad.

Freedom of expression

Opposition of any kind is not tolerated. According to reports, any person who expresses an opinion contrary to the position of the ruling party faces severe punishment, and so do their family in many cases. The domestic news media is strictly censored and access to international media broadcasts is restricted.

Any unauthorized assembly or association is regarded as a "collective disturbance", liable to punishment. Religious freedom, although guaranteed by the constitution, is in practice sharply curtailed. There are reports of severe

repression of people involved in public and private religious activities, through imprisonment, torture and executions. Many Christians are reportedly being held in labour camps.

Torture and ill-treatment

Reports from a variety of sources suggest that torture and ill-treatment are widespread in prisons and labour camps, as well as in detention centres where North Koreans who have been forcibly returned from China are held for interrogation pending transfer to other places. Conditions in prisons and labour camps are reported to be extremely harsh. Inmates are made to work from early morning till late at night in farms or factories, and minor infractions of rules can be met with severe beatings. According to some reports, however, more deaths are caused by lack of food, harsh conditions and lack of medical care than by torture or ill-treatment.

Returned asylum seekers

Many North Koreans continue to cross the border into China. Some sought asylum in diplomatic compounds and foreign schools in China and were allowed to leave, travelling to South Korea via third countries. Hundreds of others were reportedly apprehended in north east China and forcibly returned to North Korea.

Those forcibly returned are held for interrogation in detention centres or police stations operated by North Korean security agencies. Depending on who they are and the result of interrogation, they may be sent back to their home province, or to labour camps for up to six months. A few, particularly former officials or returnees found with religious literature, are assigned long terms of imprisonment with hard labour or in some cases face execution. Those sent back to their home province are ostracized within their community and subjected to surveillance. Many flee the country again. Some have fled and been returned several times, reportedly facing increasingly severe punishments with each failed escape attempt.

Recommendations

Amnesty International has repeatedly called on the North Korean government to take measures to increase respect for human rights in the country, including to:

- ensure the right to freedom from hunger and malnutrition to every North Korean citizen without discrimination
- abide by the principles laid out in the international human rights treaties it has ratified (such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights) and incorporate these principles into domestic law;
- abolish the death penalty;
- release all people detained or imprisoned for the peaceful exercise of fundamental human rights;

guarantee freedom of expression and freedom of movement for all North Koreans;
review existing legislation to ensure it conforms with international human rights standards and introduce safeguards to provide citizens with protections and remedies against human rights violations;
invite the UN human rights mechanisms to visit North Korea;
grant free access to independent human rights monitors.

8. 1,526 executed in 2002 (11 April 2003)

During 2002 over 1,526 people were executed in 31 countries, Amnesty International said today.

Releasing its statistics for the number of worldwide executions carried out during 2002, Amnesty International called on the UN Commission on Human Rights to take strong action against the death penalty at its annual session, currently sitting in Geneva, and to establish a universal moratorium on executions.

"The Commission on Human Rights will hopefully soon pass another strong resolution reiterating its call for an immediate worldwide moratorium on executions and urging states to respect international standards, including the ban on executing child offenders."

"The UN should take the lead and take firm and positive measures to protect those facing the death penalty."

Amnesty International stressed that the figures released today only include cases known to the organization. "It is impossible to give a complete total because many countries deliberately keep the true numbers of those executed secret, belying the supposed deterrent value of the death penalty," the human rights organization said.

Amnesty International also recorded over 3,248 people who were sentenced to death in 67 countries during 2002.

"Many cases were in blatant violation of international standards on the application of the death penalty," Amnesty International said.

"Prisoners were sentenced to death following unfair trials. There were executions of child offenders -- people convicted of crimes committed when they

were under the age of 18." Three such executions were recorded in 2002 - all in the USA.

Amnesty International recorded 1,060 executions in China and 113 executions in Iran, but the true number was believed to be much higher in both countries. Seventy-one people were executed in the USA, up from 66 in 2001.

"The figures for China, Iran and the USA accounted for 81 per cent of all known executions in 2002," Amnesty International said.

"Yet there has also been progress towards abolition. By the end of the year, 111 countries had abolished the death penalty in law or practice."

During 2002, Cyprus and the Federal Republic of Yugoslavia (now Serbia and Montenegro) abolished the death penalty for all offences. Turkey abolished the death penalty in practice.

Amnesty International welcomed the decision by the President of Tanzania in April 2002 to commute the death sentences of 100 people convicted of murder, and the commutation of 17 death sentences in Saudi Arabia in December.

More recently, Governor George Ryan of the US state of Illinois decided, when leaving office in January 2003, to commute the sentences of all 167 prisoners on the state's death row. Suspension of executions was announced in Guatemala, the Philippines and the US state of Maryland. In Kyrgyzstan, the President announced in January 2003 that the country's moratorium in executions would be extended for another year.

Additionally, during 2002 Djibouti, Lithuania and South Africa ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) -- a treaty providing for the total abolition of the death penalty -- bringing the number of state parties to the Second Optional Protocol to 49.

In Europe, a new treaty providing for the total abolition of the death penalty with no exceptions was adopted and opened for signature. By the end of the year five countries had ratified Protocol No. 13 to the European Convention on Human Rights, and 34 other countries had signed it.

Another positive development in 2002 was the formation of the World Coalition against the Death Penalty, comprising trade unions, bar associations, local and regional governments and human rights organizations. This new coalition is working for the universal abolition of capital punishment. Amnesty

International has been joined by the other members of the Coalition in appealing for action by the UN Commission on Human Rights.

"The death penalty is the ultimate cruel, inhuman and degrading punishment and a violation of the right to life," Amnesty International said.

"It is time to get rid of this barbaric punishment forever."

9. Somalia: Amnesty International calls on the United Nations Commission on Human Rights to support human rights reconstruction (15 April 2003)

As the Somalia Peace and Reconciliation Conference being held in Mbagathi, Kenya, moves towards the formation of a new and inclusive interim government for Somalia, human rights in Somalia are the subject of renewed attention at this annual session of the UN Commission on Human Rights in Geneva.

Strong international support for human rights reconstruction is now needed more than ever. Within a few months, if the various Somali political-military faction leaders can overcome obstacles to agreement, Somalia could have a viable caretaker government with the possibility of stopping the fighting and violence. This would open the way to the holding of the first multi-party elections since the 1960s, when democracy was cut short by two decades of dictatorship, and end 12 years of state collapse which continues to threaten international and regional security.

Somali citizens desperately want the peace talks leaders (heads of armed factions, many of them responsible for starting conflict and perpetuating human rights abuses) to allow them to live in peace and security with meaningful protection of their basic human rights. Many doubts remain as to whether these leaders are committed and able to deliver responsible and accountable government.

Nineteen faction leaders and the current Transitional National Government (TNG) signed a Ceasefire Declaration on 27 October 2002. Yet there have been scores of ceasefire violations, and the UN Security Council's Panel of Experts recently documented the continuing flow of arms to these armed groups in violation of the international arms embargo. International ceasefire monitoring is about to commence. But in the absence of a system of justice and policing, crimes by militias and freelance ex-militias go unpunished despite faction leaders' claims to control particular areas. Talk of "smart sanctions" on leaders' dubiously acquired foreign assets, business contracts and foreign travel, has yet to be made real.

After its latest observer visit to the peace talks in Kenya, and meetings with the organisers, international partner governments and certain faction leaders, Amnesty International calls for human rights to be put at the forefront of the reconciliation discussions and interim government formation. Six 'reconciliation committee' reports are being finalised on an interim constitution, return of illegally-acquired land and property, disarmament and replacement of militias by disciplined military and police forces, economic reconstruction,

improved international and regional relations, and conflict resolution and reconciliation (including human rights). At present the influence of civil society activists appears to be minimal.

Amnesty International is on record for opposing a general amnesty for war crimes, crimes against humanity and gross human rights abuses of the past three decades, whether by the Siad Barre government (some of whose former members are currently seeking office again) or during the faction wars and anarchy since 1991. Any new government must ratify the statutes of the International Criminal Court so that new war crimes and crimes against humanity could be reported to it, if local jurisdictions are unwilling or unable to take action. The option of a Truth and Reconciliation Commission is also being explored. Amnesty International recalls the huge scale of some crimes such as the bombing of Hargeisa in 1988, when at least 15,000 people were killed, and other atrocities which would require prosecution. Full legal safeguards should be provided for fair trial without recourse to the death penalty. An interim government committed to the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights, and the human rights treaties signed earlier by Somalia and binding the future government, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, all ratified in 1990, could hardly attract international acceptability if it contained perpetrators of gross human rights abuses.

Human rights monitoring

Considerable international support will be required for the ceasefire monitoring. However, due to the broad and ill-defined nature of armed conflict in Somalia in the disintegrated-state situation and the consequent prevailing culture of violence among political faction, it is vital not to confine cease-fire monitoring to a narrow frame of inter-faction combat. The faction fighting in Somalia involves persistent breaches of Common Article 3 of the Geneva Conventions. It results directly in extreme harm to civilians, and indirectly affects the wider population far beyond any actual single incident. The elements of intimidation, repression of fundamental freedoms, and violence by non-state actors, underlie the long-term pattern of conflict and human rights abuses, notably the kidnappings, rape, killings, plunder and financial extortion rampant in several areas.

Amnesty International therefore recommends that human rights monitoring is added to the task of the cease-fire monitors, so as to begin to address the wider questions of impunity and accountability which will be central to ensuring that there is lasting peace and the beginnings of the rule of law during the period of the next stage of interim government and beyond. The

international community should provide assistance and support for the provision of human rights advisers and monitors, which would be most effective if it starts without delay and at the same time as the cease-fire monitoring.

Somali human rights defenders are already involved in peace and they should be involved in the monitoring and be guaranteed protection from reprisal.

Human rights in transition

It is time to look ahead to the promotion and protection of human rights during the interim. Human rights strategies and projects need to be prepared with special attention to the most vulnerable Somali groups such as women, the minorities and internally displaced persons (IDPs).

Women need protection from gender-targeted violence, including female genital mutilation, and greater representation in public life and decision-making. The minorities continually face social exclusion, discrimination and violence committed with impunity. There are over one-third million IDPs, mostly women and children, facing the most extreme deprivation.

Human rights achievements also need to be recognised and supported as appropriate. In Somaliland in the northwest, which unilaterally declared independence in 1991 on the overthrow of the Siad Barre government, there is generally peace and personal security, freedom of the media, and an active local NGO community. A smooth transfer of power was effected on President Egal's death in May 2002, and there have been multi-party elections for local councils and the presidency. In all other areas of the former Somali state, particularly Mogadishu, Baidoa and Puntland, there are continuing human rights abuses and outbreaks of faction fighting. Human rights defenders are constantly at risk.

Amnesty International calls on the international community to press for a major turn-around on human rights by Somali faction leaders. To the extent that it is possible, an interim government should comprise only members with a clean human rights record and non-involvement with abuses. The current political leaders and potential interim government members must pledge commitment to peace and justice and to prevent and punish new abuses by faction militias.

Amnesty International recommends that investigations and documentation should start during the interim period and at the international level to document past abuses. As the situation hopefully moves to post-conflict reconstruction and development, issues of impunity will need to be dealt with for the sake of transitional and restorative justice. A change of record and proven activity to rescue Somalia from its 12-year crisis of disintegration would be recognized.

10. UN Commission on Human Rights: Defeat of Chechnya resolution extremely disappointing (17 April 2003)

For the second year in a row a draft resolution on the Chechen Republic has been defeated in a major blow to the protection of human rights in the Russian Federation, Amnesty International said.

"Human rights abuses continue to take place on a daily basis in Chechnya. The Commission's lack of action on this situation is a blatant disregard of the suffering of the victims of such abuses and their relatives, and the risks to which civilians continue to be exposed."

Chechen civilians continue to "disappear" during raids by Russian troops on villages, many have later been found in mass graves. Camps for internally displaced persons have been closed by the Russian authorities, leaving thousands in neighbouring republics to their own resources to find alternative shelter, while others have reportedly been forced to return against their will to conditions which are not safe. Chechen fighters also commit serious human rights abuses, including against members of the pro-Moscow administration.

"The Commission on human rights is the main United Nations' body responsible for the promotion and protection of human rights wherever they occur, including in the Chechen Republic. We are profoundly disappointed that in choosing to remain silent for the second year in a row the Commission has failed to address the well documented violations of human rights and humanitarian law in Chechnya," the organization concluded.

11. UN Commission on Human Rights: Universality under threat over sexual orientation resolution (22 April 2003)

The imminent vote on a ground-breaking resolution on human rights and sexual orientation at the UN Commission on Human Rights will be a crucial test of the commitment of UN member states to the universality of human rights, Amnesty International said today.

"This is the first time that a resolution specifically focusing on sexual orientation has been brought to the Commission. Its adoption is the only way to end the intolerable exclusion of lesbian, gay, bisexual and transgender people from the full protection of the UN system."

"A vote in favour of the resolution is not a leap into uncharted territory, but a necessary reaffirmation of rights firmly established in international standards. Governments who vote against will be signalling that they no longer believe in the fundamental premise of the Universal Declaration of Human Rights: that all human beings are equal in dignity and rights, without distinction of any kind," Amnesty International stated

The draft resolution, presented by Brazil and co-sponsored by at least 20 countries, expresses "deep concern at the occurrence of violations of human rights all over the world against persons on grounds of their sexual orientation" and calls on relevant UN human rights bodies to "give due attention" to these violations. It calls on States to promote and protect the human rights of all people, stressing that the enjoyment of universal rights and freedoms "should not be hindered in any way" on grounds of sexual orientation.

"Greater attention by the UN to this issue could make a real difference to real lives," Amnesty International said.

"Millions of people across the globe face imprisonment, torture, violence and discrimination because of their sexual orientation or gender identity," the organization added, reminding of the sentencing of 21 men to three years in prison in Egypt just weeks ago, following a series of arrests and prosecutions of people thought to be gay.

Individuals in all continents and cultures are at risk of these violations:
Robin Lucas, an African-American lesbian woman taunted and raped in prison custody in the United States of America;
Vanessa Piedrabuena, an Argentinian transgender activist threatened and harassed after denouncing police brutality against transgender people;
five gay and lesbian friends in Uganda who were arrested, tortured and forced to flee their country, where homosexuality is outlawed;
Irina, a Russian lesbian woman threatened with forced psychiatric treatment to "cure" her if she did not give up custody of her son;
Malaysian opposition figure Anwar Ibrahim, still imprisoned on politically-motivated "sodomy" charges after his appeal was rejected.

"Frustrated by the impunity, indifference and institutionalised prejudice they encounter in their own countries, survivors and their advocates have increasingly turned to international human rights bodies. Brazil's resolution suggests that their voices are at last starting to be heard within the UN arena," Amnesty International stated

Due to the persistent advocacy of human rights defenders working on issues of sexuality and gender, some of the UN's human rights bodies have made real progress in recognizing these patterns of abuse. Brazil's resolution also reflects a worldwide trend towards greater protection of the rights of lesbian, gay, bisexual and transgender people. Many governments have introduced protections against sexual orientation discrimination in domestic law. In the case of South

Africa, Ecuador and several Brazilian states, this protection is enshrined in the Constitution.

"Unfortunately many governments at the UN have vigorously contested any attempt to address the human rights of lesbian, gay, bisexual and transgender people," Amnesty International said.

"At UN forums from Beijing to Durban, governments have systematically written out references to "sexual orientation" and "gender identity" from proposed human rights texts."

Human rights defenders working on issues of sexuality have even faced vilification and exclusion within the UN system - a disturbing echo of the violence and physical elimination many of them face back home.

Some governments, however, continue to invoke cultural and religious justifications, as well as ill-informed misinterpretations of international law, to deny lesbian, gay, bisexual and transgender citizens their basic rights. Such arguments have reportedly been used in the last few days by some Commission member states seeking to thwart the sexual orientation resolution presented by Brazil.

"Sexuality can no longer be treated as a marginal and taboo issue at the UN. Sexual orientation and gender identity are fundamental elements of what makes us human. The right to freely determine and express these without fear or coercion are therefore human rights in the fullest sense," Amnesty International declared.

Amnesty International called on governments to vote in favour of the Brazil resolution.

Background

Amnesty International called on governments deliberating which way to vote on the resolution to heed the decisions and recommendations of UN human rights bodies in this area. Both the Human Rights Committee and the Committee on Economic Social and Cultural Rights have long recognized "sexual orientation" as a prohibited ground of discrimination under the two International Covenants. Both treaty-monitoring bodies have for years called on governments to end violations based on sexual orientation, from criminalization of homosexuality to discrimination in employment.

Violations based on sexual orientation and gender identity have also been increasingly documented by independent experts appointed by the Commission

on Human Rights, including the Special Rapporteurs on Violence against Women, Extrajudicial Executions, Torture, the Right to Education and the Right to Health, as well as the Special Representative on Human Rights Defenders. The Working Group on Arbitrary Detention has also addressed the case of the recent arrests in Egypt.

The United Nations High Commissioner for Refugees has affirmed that homosexuals may be defined as a 'particular social group' in the meaning of the 1951 Refugee Convention. At least a dozen countries around the world have provisions in their legislation making it possible for persons facing persecution in their home countries due to their perceived sexual orientation or gender identity to be recognized as refugees.

12. Standing Invitations to Thematic Human Rights Mechanisms (joint press release) (24 April 2003)

Amnesty International, the Association for the Prevention of Torture, Friends World Committee for Consultation (Quakers), Human Rights Watch, the International Catholic Migration Commission, the International Commission of Jurists, FIAN, the International Federation of Human Rights Leagues and the International Rehabilitation Council for Torture Victims welcome the recent decisions of Colombia, Croatia, Ecuador, Liechtenstein, Paraguay, San Marino and Sierra Leone to extend standing invitations to all the thematic mechanisms of the UN Commission on Human Rights to visit their countries.

As of 24 April 2003, 47 States have in this way demonstrated their willingness to cooperate with these universal extra-conventional mechanisms and their commitment to the promotion and protection of human rights through the United Nations system.¹

In the framework of recent developments, we welcome the fact that the recently adopted Robben Island Guidelines (endorsed by the African Union on October 2003) stress the importance of States co-operating with the UN Commission on Human Rights and encourages them to issue standing invitations to its mechanisms.

We therefore urge the members of this year's Commission who have not yet done so

to issue standing invitations: Algeria, Armenia, Australia, Bahrain, Burkina Faso, Cameroon, Chile, China, Cuba, Democratic Republic of Congo, Gabon, India, Japan, Kenya, Libya, Malaysia, Pakistan, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Uganda, Ukraine, United States of America, Uruguay, Venezuela, Viet Nam and Zimbabwe.

The thematic mechanisms are undoubtedly an effective means to promote and protect human rights. States should do their best to facilitate visits by the Special Procedures, since they have been established by resolutions of the Commission on Human Rights, with mandates of worldwide applicability. Access to all States

¹ Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Georgia, Greece, Guatemala, Hungary, Iceland, Ireland, Islamic Republic of Iran, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Netherlands, Norway, Paraguay, Peru, Poland, Portugal, Romania, San Marino, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland

should therefore follow, as missions to assess problems and solutions first hand are part of their established methods of work. However, traditionally such visits can only be carried out at the invitation of the State concerned. As Governments do not always respond promptly to requests for invitations, extending a standing invitation greatly facilitates the implementation of the mandates of the Special Procedures.

The above named non-governmental organisations therefore:

Urge all States which have not yet extended a standing invitation for country visits to all thematic human rights mechanisms of the UN Commission on Human Rights to do so;

Request those States which have issued standing invitations to encourage others to do so;

Encourage States which have issued a standing invitation to facilitate the work of the Office of the UN High Commissioner for Human Rights by sending the invitations to the Office in writing.

13. UN Commission on Human Rights fails once again to protect victims of human rights violations (25 April 2003)

As the main human rights body of the UN, the Commission on Human Rights (the Commission) is charged with promoting and protecting human rights wherever these occur. Yet only a handful of countries are on the Commission's agenda despite ample evidence of gross and systematic human rights violation in many more countries in all regions of the world.

"Victims of human rights violations around the world expect this most important body to be outspoken on human rights situations wherever they occur and its 53 members to pay attention to strengthening their own national protection system," Amnesty International said.

This year's session coincided with dramatic events in Iraq and Amnesty International has urged the Commission to support the deployment of human rights monitors as soon as the security situation permits. The draft resolution on Iraq has been continuously postponed in efforts to reach a compromise, yet still it fails to include monitors. The latest draft text is reduced to a few elements compared to previous years. The latest draft condemns past violations by the Iraq Government, calls on all parties to the current conflict to respect international law, and extends the mandate of the Special Rapporteur on Iraq for a further year. Despite enormous pressure that the mandate of the Special Rapporteur only

focuses on past human rights violations, the latest draft text requests the Special Rapporteur to focus "on newly available material information about violations of human rights and international law by the government of Iraq over many years." Amnesty International has argued that the Special Rapporteur's mandate should not be time limited...

As in previous years, the Commission turned its attention to the situation in Israel and the Occupied Territories. Amnesty International welcomes the stronger language in the EU resolution on Israeli settlements however the organisation's call for the urgent deployment of human rights monitors was not reflected in any of the adopted resolutions.

Action has been taken on the human rights situations in Cuba, Democratic Republic of the Congo, Myanmar, Timor-Leste and Sierra Leone including new initiatives on Belarus, North Korea and Turkmenistan, however no new country mechanisms were created with respect to these countries.

The Chairperson statements on Colombia and Timor-Leste are particularly disappointing. The statement on Colombia fails to express concern at Decree 128 (of January 2003) which authorizes the Minister of the Interior to give amnesties to members of illegal armed groups who have not previously been formally investigated or convicted. This represents a serious risk of impunity for grave human rights violations, crimes against humanity and war crimes. A weakly worded Chairperson statement on Timor-Leste may hail the end of the Commission's consideration of Indonesia's legacy in Timor-Leste. As the flawed trials in Jakarta near an end, this was precisely the moment for the Commission to condemn Indonesia for its failure to fulfil its commitment to bring perpetrators to justice and demand that alternative measures should be initiated, including the possibility of an international tribunal. The Chairperson statement expresses "disappointment" about the conduct of the trials in Jakarta" but entirely fails to recognize that Indonesia has either the capacity or will to carry out the substantial legal and institutional reform that is needed for fair and credible trials for crimes committed in Timor-Leste.

The Commission adopted by consensus a resolution on the Democratic Republic of the Congo yet it failed once again to ensure serious investigations into reports of grave violations of human rights to establish a comprehensive commission of inquiry as recommended by the High Commissioner for Human Rights. Despite negotiations in the Security Council and political settlements, the human rights crises remain unchanged -- this must be addressed before any peace settlements can succeed.

A resolution on Afghanistan was tabled by Italy under the agenda item that deals with technical assistance that countries should ordinarily 'graduate' to once they have shown real progress and advancement in improving their domestic human rights situation. Yet human rights abuses continue to be committed with impunity throughout the country. The resolution that will be voted on today does not address past human rights abuses nor the need for human rights monitoring. Furthermore, it replaces the mandate of the Special Rapporteur for independent expert.

"Particularly disappointing is the Commission's failure at this year's session to adopt resolutions on the human rights situation in Chechnya, Sudan and Zimbabwe," Amnesty International stated.

Human rights abuses, by Russian security forces as well as Chechen fighters, continue to take place on a daily basis in Chechnya: Chechen civilians continue to "disappear" during raids by Russian troops and many are later found in mass graves. Internally displaced persons are forced to leave camps in Ingushetia following their closure by the Russian authorities. Chechen fighters continue to commit serious human rights abuses including against members of the pro-Moscow administration.

Despite some positive changes in Sudan, there is still an urgent need for human rights monitoring by the UN in that country, especially as the peace protocol signed over eight months ago has not yet materialized into a peace agreement. Nevertheless, the Commission voted to terminate the mandate of the Special Rapporteur on Sudan.

For the second year running the African Group presented a "No-Action" motion to block discussion at the Commission of the human rights situation in Zimbabwe.

A previous Commission resolution on the human situation in parts of south-eastern Europe was discontinued despite continuing and well-documented human rights abuses in those countries (Bosnia-Herzegovina, Kosovo, Serbia and Montenegro, Croatia, and the Former Yugoslav Republic of Macedonia). The serious human rights situation in Nepal was not acted upon by the Commission.

"The Commission has failed the victims of these countries, effectively condoned impunity and seriously undermined its own credibility as a defender of human rights," Amnesty International said.

Resolution or Chairperson statement will be considered today on Afghanistan, Cambodia, Haiti and Somalia.

The 59th session took place amid a review to enhance its working methods. Amnesty International welcomes modest but important procedural changes which allowed the Special Procedures of the Commission (the independent human rights experts of the Commission) more time to present their findings and recommendations to the Commission and to engage in an inter-active dialogue with governments. These measures represent a positive development, but need to be taken much further to truly enhance the role and functioning of the Commission. Amnesty International however, notes with concern the increasing attack on the Special Procedures by some states as evidenced in some of the interactive debates. Particularly worrying is an initiative sponsored by Pakistan and Saudi Arabia to be voted on today that aims to impede the work of the special procedures under the guise of strengthening the system (L.96).

Amnesty International welcomes the Commission's decision to call again for a world-wide moratorium on all executions and for the death penalty not to be imposed on anyone who committed the crime when younger than eighteen years or who is suffering from any form of mental disorder or new mothers. This year the text condemns cases of women subjected to capital punishment on the basis of gender-discriminatory legislation and called on states that maintain the death penalty to ensure that capital punishment be carried out so as to inflict the minimum possible suffering, that it not be carried out in public or in any other degrading manner, and to ensure that any application or particularly cruel or inhuman means of execution, such as stoning, be stopped immediately. This year the Commission also called on states that maintain the death penalty not to extend its application to crimes to which it does not presently apply and that fair trial guarantees must apply to legal proceedings "before special tribunals or jurisdictions in response to situations of internal conflict or other exceptional circumstances." Co-sponsorship for this resolution increased to 75 this year.

Amnesty International welcomes the Commission's decision for the Working Group on the Optional Protocol to the International Covenant on Economic Social and Cultural rights to make specific recommendations concerning the question of an Optional Protocol. However, Amnesty International would have preferred the Commission to have mandated the Working Group to begin drafting an optional protocol.

The organization welcomes the Commission's resolution on Mass Exodus and Displaced Persons that has requested this year, for the Office of the High Commissioner for Human Rights to prepare an analytical report on the protection of refugees and asylum seekers. Amnesty International also welcomes that the Commission urged states to uphold the civilian and humanitarian nature of asylum, that it expressed grave concerns of sexual exploitation of refugees and

internally displaced persons and underscored the importance of addressing protracted refugee situations and forgotten emergencies. Amnesty International will continue to promote refugees, asylum seekers and internally displaced persons in the Commission as well as within other human rights forums and UNHCR's Executive Committee.

Amnesty International urges that a human rights and counter-terrorism resolution will be adopted by consensus today. It is expected to closely resemble the General Assembly resolution of last year. While this is a welcome development, the organisation had hoped that the Commission would significantly strengthen the General Assembly resolution, by establishing a new human rights mechanism and by strengthening the mandate given the High Commissioner of Human Rights so that he would be able to make specific recommendations and give unsolicited advice to states.

In advance of the Commission, Amnesty International wrote to the five members of the Commission's Bureau (Australia, Croatia, Libya, Peru and Sri Lanka) calling on them to lead by example by taking concrete steps to demonstrate their commitment to the promotion and protection of human rights in their own countries. Such steps could include ratification of human rights treaties, improved cooperation with the treaty monitoring bodies, full implementation of the recommendations of treaty bodies and special procedures and the issuing of a standing invitation to the human rights mechanisms of the Commission.

Amnesty International is pleased that since January a further seven countries have issued standing invitations to the human rights mechanisms of the Commission:

Ecuador (9 January 2003)
Liechtenstein (21 January 2003)
Croatia (13 March 2003)
Paraguay (17 March 2003)
Colombia (17 March 2003)
San Marino (3 April 2003)
Sierra Leone (7 April 2003)

14. UN Commission on Human Rights must commit to protect human rights

Yesterday the parent body of the UN Commission on Human Rights, ECOSOC (the Economic and Social Council), elected 24 countries to serve for a three year period each on the Commission.

"The Commission is the UN's principal human rights body responsible for the promotion and protection of human rights and its 53 members carry a particular responsibility to show leadership on human rights protection, at the international as well as the national level," Amnesty International said. "It must take a proactive approach in order to realize a wider agenda for human rights."

"We call particularly upon new members to use their term on the Commission to demonstrate their commitment to human rights," Amnesty International said. "Such steps should include ratification of human rights treaties, prompt implementation of recommendations made by the treaty bodies and the Commission's human rights experts and the issuing of a standing invitation to these experts to visit their country."

"We are pleased to note that since January this year seven countries -- Colombia, Croatia, Ecuador, Liechtenstein, Paraguay, San Marino and Sierra Leone -- have issued a standing invitation to the special procedures bringing the total number to 47," the organization said.

However, this means that the remaining 144 member states of the UN have yet to issue an invitation. Membership of the Commission is an obvious opportunity for countries that have not done so already to indicate their willingness to cooperate with the human rights mechanisms of the Commission by promptly issuing a standing invitation.

Background

The countries elected to serve three year terms on the Commission are from the African Group: Congo, Egypt, Eritrea, Ethiopia, Nigeria, Mauritania and South Africa; from the East European Group: Hungary and the Russian Federation; from the Latin American and Caribbean States: Costa Rica, Cuba, Dominican Republic, Guatemala, Honduras and Peru; for the Group of Western and Other Countries: Italy, Netherlands and the United Kingdom; and finally for the Asian Group: Bhutan, India, Nepal, Qatar, Saudi Arabia and Indonesia.

These countries join the 29 countries which are already members of the Commission: Argentina, Armenia, Australia, Austria, Bahrain, Brazil, Burkina Faso, Chile, China, Croatia, France, Gabon, Germany, Ireland, Japan, Mexico, Pakistan, Paraguay, Republic of Korea, Sierra Leone, Sri Lanka, Sudan, Swaziland, Sweden, Togo, Uganda, Ukraine, USA and Zimbabwe.

II ORAL STATEMENTS²

1. **Oral statement on the human rights situation in Colombia, delivered under agenda item “Organization of the work of the session (Colombia)”**

Chairperson,

Since the collapse in February 2002 of peace talks between the government and the armed opposition group, *Fuerzas Armadas Revolucionarias de Colombia* (FARC), the internal conflict has further intensified. This is having a devastating effect on the civilian population. The security forces and their paramilitary allies continue to be responsible for widespread and systematic violations of human rights whilst armed opposition groups continue to be responsible for numerous and repeated violations of international humanitarian law.

Amnesty International has not only observed little or no progress with regard to implementing the recommendations of the UN but the government of President Alvaro Uribe is pursuing policies which run counter to many of these recommendations. Rather than shielding civilians from hostilities, government measures risk dragging them further into the conflict. The creation of a network of civilian informants and “peasant soldiers” required to collaborate with the security forces puts civilians in danger of attacks by the other side in the conflict. Together with proposed legislation to enable civilians to bear assault weaponry and measures to grant pardons to members of illegal armed groups, these policies could lead to a reinvention and strengthening of paramilitarism. The proposal to grant judicial police powers to the armed forces may also strengthen impunity and expose human rights defenders and other civil sectors of society to arbitrary criminal investigations which will tarnish them as subversive and expose them to heightened risk of violent attack, regardless of whether or not these uncover evidence of criminal wrong-doing.

Chairperson,

On assuming office the government of President Uribe began to implement measures which run contrary to UN recommendations or which violate their spirit. Amnesty International therefore calls on the Commission on Human Rights to:

² All oral statements were subsequently issued as press releases following their delivery to the Commission under the relevant agenda item.

Express profound disappointment that the recommendations adopted by the 58th session of the Commission have not been implemented and urge the government to draw up a national plan of action for full and prompt implementation of the UN recommendations;

Call on the government and armed opposition groups to sign a humanitarian agreement that would protect the civilian population and ensure full respect for human rights and international humanitarian law, as called for by the UN Secretary-General;

Urge the government to take urgent steps to end impunity for human rights violations by undertaking prompt and impartial investigations into all allegations of human rights violations, ensuring that those responsible stand trial in civilian courts in accordance with international standards for fair trial and refraining from introducing legislation which would grant judicial police powers to the security forces;

Urge the government to withdraw legislation which may guarantee impunity for paramilitaries and guerrillas through the granting of pardons which do not acknowledge the rights of victims of human rights abuses and their families to justice, truth and integral reparation;

Urge the government to take effective and decisive action to combat and dismantle paramilitary groups and to sever the links between the security forces and the paramilitaries; and to cease the implementation of policies which threaten to involve the civilian population in the conflict and which could result in the strengthening and re-legitimization of paramilitarism.

Urge the government to take all necessary measures to guarantee the protection of human rights defenders and to implement in full the recommendations of the Special Representative of the UN Secretary-General on human rights defenders;

Ensure that implementation of these recommendations are monitored by appropriate UN mechanisms in advance of the 60th session of the Commission, including through the establishment of an implementation timeline and submission to the UN General Assembly of the Report of the Office of the High Commissioner for Human Rights in Colombia.

Thank you Chairperson

2. Oral statement on the “Question of the violation of human rights in the occupied Arab territories, including Palestine”, delivered under agenda item 8 on 31 March 2003

Madame Chair,

The situation in Israel and the Occupied Territories continues to be one of the most discussed but least acted on. The resolutions passed by the last year's Commission were disregarded, as were the scores of other UN resolutions passed on the situation over the past three decades.

In the past year killings and destruction have escalated, with frequent bombardments, shelling and shooting by the Israeli army into densely populated Palestinian refugee camps and residential areas, and recurring suicide bombings and shooting attacks by Palestinian armed groups against Israeli civilians. Amnesty International has repeatedly condemned these grave abuses by both sides.

In the past two and a half years the killing of some 2,000 Palestinians, including some 350 children, and the destruction of thousands of Palestinian homes and large areas of agricultural land has not brought security to Israel. On the contrary, these violations have contributed to fuel the spiral of violence.

Curfews and closures, imposed in the name of security, have confined millions of Palestinian children and adults to virtual house or town arrest however, these measures have not prevented Palestinian armed groups from carrying out suicide bombings and other attacks which have killed some 700 Israelis, most of them civilians and including some 90 children.

By these sweeping measures of collective punishment children and youth have been denied their right to education, the sick have been denied their right to medical care and workers have been denied their right to work. As a result more than half of the Palestinians population is now living below the poverty line and malnutrition and other health problems have sharply increased.

The impunity afforded to those responsible for human rights violations encourages further violations. Israeli soldiers who commit gross violations and war crimes enjoy impunity while Israelis who refuse to serve in army in the Occupied Territories - because they are unwilling to contribute to such violations - are imprisoned.

Madame Chair,

Amnesty International welcomes the report of the Special Rapporteur of the Commission on Human Rights, Mr John Dugard (E/CN.4/2003/30). The upholding of international human rights and humanitarian law cannot be subordinate to political considerations. Durable peace and security can only be achieved if human rights are made an integral part of negotiations and peace initiatives.

This Commission collectively and its members individually, must take steps to ensure that the concerned parties implement their human rights commitments. To this end concrete mechanisms must be put in place.

International monitors with a strong human rights mandate must be deployed without further delay. Their presence could contribute to saving Israeli and Palestinian lives.

The supply of weapons and equipment used in the course of actions which violate international human rights and humanitarian law must be stopped.

Thank you Madame Chairperson.

3. Oral statement on Iraq, Democratic Republic of the Congo, Nepal and the Chechen Republic, delivered on 3 April 2003 under agenda item 9, "Question of the violation of human rights and fundamental freedoms in any part of the world"

Madame Chair,

In this intervention Amnesty International wishes to draw the Commission's attention to the serious human rights situations in Iraq, the Democratic Republic of the Congo, Nepal and the Chechen Republic.

Much international focus is currently on the war in **Iraq**, which is taking place against a backdrop of years of well-documented massive human rights violations. We are concerned now about reports of serious breaches of international humanitarian law.

We call on the Commission to remind all parties to the war of their obligations under international humanitarian law. The parties should be also encouraged to seek the services of the International Humanitarian Fact-Finding Commission to investigate alleged violations of the laws of war.

Amnesty International also strongly backs the Commission's past recommendations, most recently endorsed by the Special Rapporteur on Iraq, for the deployment of UN human rights presence in the country. Regardless of the outcome of the war, human rights monitors should be deployed as soon as feasible, with a mandate covering any serious abuse of human rights committed by any party present in Iraqi territory. The monitors would also provide advice for institutional reform and authoritative information to the Commission and other UN bodies. Preparations for such deployment must begin immediately.

Amnesty International also notes with concern that since the military action began in Iraq, a backlash against certain human rights has been witnessed around the world. These include the excessive use of force by police against anti-war demonstrators, attacks on the rights to freedom of expression, assembly and association, and restrictions of asylum rights. Amnesty International urges all governments to respect the right of people to express peacefully their opinions, and to refrain from using the war in Iraq as a pretext for curtailing or abusing fundamental human rights.

Madam Chair,

While the war in Iraq is attracting the headlines, another war is devastating the **Democratic Republic of the Congo** (DRC) with much less international attention. Amnesty International is deeply concerned by systematic and widespread human rights abuses in the DRC committed by members of the armed forces under the control of the DRC, Rwanda and Uganda and by armed political groups. Millions of unarmed civilians continue to be killed, displaced, and tortured; women continue to be raped, and children to be recruited to serve in the armed forces and groups, seemingly with complete impunity. In areas of eastern DRC, controlled by armed political groups supported Burundi, Rwanda and Uganda, human rights abuses are widespread and include unlawful killings of unarmed civilians, arbitrary arrests, unlawful detention and torture, including rape, and recruitment of child soldiers.

Amnesty International calls on the Commission to support the establishment of an international commission of inquiry into allegations of grave abuses of human rights and international humanitarian law in the context of the conflict in the DRC. The Commission's report should be made available to the 60th session of the Commission.

At the same time, the Commission should call on all parties to the conflict to respect fully their obligations under international human rights and humanitarian law. The governments involved in the conflict must ensure prompt

and impartial investigations into all allegations of human rights violations and bring to justice those responsible in accordance with international standards for fair trial.

Madam Chair,

Amnesty International welcomes the adoption last month of a Code of Conduct aimed at regulating the ceasefire between the Government of **Nepal** and the Communist Party of Nepal (CPN) (Maoist). We have appealed to both sides to ensure that human rights are made an integral part of the negotiations and to adopt measures to prevent further killings, "disappearances", torture and abductions. By the end of 2002 the number of people killed in the conflict had reached 4,366. Amnesty International believes that at least half of these killings may have been unlawful.] Since 1998 Amnesty International has recorded close to 200 "disappearances". In 2002, the Working Group on Enforced or Involuntary Disappearances recorded the highest number of cases of disappearances in Nepal, namely 28 cases.

Amnesty International calls on the Commission to call on both the government and the CPN to place human rights at the heart of the upcoming peace talks. The government must investigate allegations of abuses and bring to justice those responsible in fair trials.

We call on the Commission also to support the establishment of a presence in Nepal of the OHCHR, to monitor respect for international human rights and humanitarian law and to build the capacity of the judiciary, National Human Rights Commission and other human rights institutions.

Finally, Madam Chair,

Amnesty International was disappointed that the 58th session failed to hold the **Russian Federation** to account for its human rights record relating to Chechnya. We continue to be seriously concerned at reports that Russian security forces continue to commit serious violations of human rights in Chechnya, but are rarely prosecuted. In other parts of the Russian Federation, Chechens have been subjected to discrimination, harassment and arbitrary detention, including in the wake of the Moscow theatre hostage crisis.

Chechen forces are also reported to have committed abuses of international humanitarian law, including targeting civilian members of the pro-Moscow administration killing dozens. Chechen forces also claim to have executed captured members of the Russian armed forces. We are also extremely concerned at reports of involuntary repatriation of thousands of internally

displaced persons, in some cases because the camps they were staying at were closed down.

Amnesty International calls on the Commission to support an international commission of inquiry into allegations of grave abuses of international human rights and humanitarian law in the context of the armed conflict in Chechnya. The Commission's report should be made available to the 60th session of the Commission.

The Commission should also urge the government of the Russian Federation to take urgent steps to end extrajudicial executions, "disappearances", torture and ill-treatment, including rape, and discrimination affecting the Chechens. It should also stop attempts to forcibly return internally displaced people from Chechnya.

Thank you Madam Chairperson.

4. Oral statement on an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, delivered jointly with the International Commission of Jurists on 7 April 2003 under agenda Item 10, "Economic, Social and Cultural Rights"

Ms. Chairperson,

Amnesty International and the International Commission of Jurists support the global effort of over 100 non-governmental organisations and human rights institutes that are signatories to a joint statement addressed to the 59th session of the Commission on Human Rights.

The submission urges that the mandate of the inter-sessional open-ended ICESCR/Optional Protocol working group should take into account the following considerations:

Focused Agenda

Conceptual issues, related to an Optional Protocol have received a thorough analysis from a wide variety of sources that include:

The abundant experience and jurisprudence of national, regional and international bodies that employ adjudicative procedures related to violations of economic, social and cultural rights;

A plethora of national and international conferences and instruments that have clarified the nature and scope of economic, social and cultural rights under the *ICESCR*;

General Comments, discussions, summary records, studies and reports from the CESCR that have clarified various aspects of the *ICESCR*;

The draft optional protocol to the *ICESCR* prepared by the CESCR for consideration by the United Nations Commission on Human Rights;

The experience of numerous United Nations Special Rapporteurs engaged in various aspects of economic, social and cultural rights;

The experience of the United Nations working group under which the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women was created;

Two reports from the independent expert appointed by the Commission on Human Rights to examine ICESCR and Optional Protocol issues; and

A vast amount of doctrine concerning Optional Protocol and economic, social and cultural rights issues.

Given that conceptual issues related to an Optional Protocol to the ICESCR have received a thorough analysis from a wide variety of sources, the joint non-governmental organisation, human rights institute submission strongly urges that the ICESCR/Optional Protocol working group should be empowered with a focused mandate that utilises the above mentioned wealth of resources as a primary basis point from which the text of an Optional Protocol to the ICESCR may be drafted.

Time Frame

Learning from the experience of other instruments that established optional protocols, the ICESCR/Optional Protocol working group should adopt a pragmatic yet determined approach towards the completion of its mandate. In empowering the working group, the 59th session of the Commission should bear in mind its decision of 26 April 2000, (E/CN.4/2000/112), which endorsed that,

(working group), (m)andates should always offer a clear prospect of an increased level of human rights protection and promotion, (and that), (i)n creating any standard-setting working group, the Commission should consider a specific time-frame within which the group would be called upon to complete its task. ... (I)n most instances, the established time-frame should not in principle exceed five years.

Conclusion

Guided by the wealth of information available to the working group that will be established at the fifty-ninth session of the Commission to consider options regarding the elaboration of an optional protocol to the ICESCR, Amnesty International, the International Commission of Jurists fully support that the working group should be empowered to negotiate the substantive text of an Optional Protocol to the ICESCR.

Thank you, Ms. Chairperson

5. Oral statement on the Optional Protocol to the Convention against Torture, the study by the Special Rapporteur on torture, and the open-ended Working Group on “disappearances”, delivered on 9 April under agenda item 11, “Civil and political rights”

Madame Chair,

Amnesty International welcomes the adoption on 18 December 2002 by the UN General Assembly of the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, after 10 years of difficult negotiations. The Protocol, which allows for independent international and national experts to conduct regular visits to places of detention within States Parties, represents an innovative approach within the UN human rights system by focusing upon prevention of torture rather than retroactive measures. It also establishes, for the first time in an international human rights instrument, a complementary inter-relationship between preventive efforts at the international and national level.

Amnesty International calls on all states to ratify the Optional Protocol which opened for signature on 1 January this year.

Madam Chair,

Amnesty International also welcomes the preliminary study by the Special Rapporteur on torture on the situation of trade in and production of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment, with a view to finding the best way to prohibit such trade and production and to combat its proliferation. International human rights law has up to now mainly addressed the question of the circumstances in which such equipment can be used; however, legal or other measures are needed to stop its production and trade, as are national or international monitoring mechanisms to control respect for trade and production regulations. Amnesty International calls on the Commission to continue this important study and on governments to extend their full cooperation to the Special Rapporteur.

Finally, Madam Chair,

Amnesty International is following with interest the progress of the Open-ended Working Group on a draft legally binding normative instrument for the protection of all persons from enforced disappearances. We support the adoption of such an instrument containing strong measures for preventing "disappearances" and combating impunity, with a monitoring body capable of receiving individual cases and intervening with the authorities to trace the "disappeared".

Thank you, Madam Chair

6. Oral Statement on Human Rights and Refugees, delivered jointly with Friends World Committee for Consultation (Quakers) and Jesuit Refugee Service on 17 April 2003 under agenda item 14, "Specific groups and individuals: Mass exoduses and displaced persons"

As non-governmental organizations working to promote respect for the effective protection of the human rights of refugees and asylum seekers, we identify the need for a more coherent method of engaging human rights bodies and mechanisms in this area.

In doing so, we recall that everyone is entitled to human rights and fundamental freedoms without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth *or other status*. We also recall that, because of their particular need for international protection, refugees and asylum seekers have certain additional rights.

In a range of ways, this Commission and the Sub-Commission on the Promotion and Protection of Human Rights have raised issues concerning the human rights of 'people on the move', including the rights of refugees and asylum-seekers, internally displaced persons (IDPs), and migrants; forced population transfer, mass exodus, and detention; as well as Palestinian refugee issues which are specifically excluded from the mandate of UNHCR. So, while UNHCR's mandate remains central, the human rights of individual refugees, asylum seekers and rejected asylum-seekers also come, in a complementary way, within the remit of the UN's human rights bodies.

There are, however, some areas of violations of refugee rights that have not been dealt with in much detail. Take the right to food, for example. Over the last few years it has been increasingly difficult for organisations such as UNHCR and WFP to obtain adequate levels of funding, especially for protracted refugee situations in Africa. Refugees in Zambia were kept on half food rations for 8 months when WFP had problems with their food "pipe-line" during famine in the region. For the new arrivals from Angola, who had not been allocated any land, this led to unassisted repatriation to Angola, where humanitarian organisations were not yet in place to receive them. Since the Iraq war began, the lack of funding for the food "pipe-lines" in Africa has increased.

The first expert consultation on the right to food³ clarified that the obligation to fulfil the right directly exists when individuals or groups are unable, for reasons beyond their control, to enjoy the right to adequate food through the

³ held in Geneva on 1 and 2 December 1997

means at their disposal.⁴ The obligation to fulfil (facilitate) means that States must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security.⁵ These obligations apply to many other human rights.⁶

Because of the complexity of the problems, there is a need for a thorough exploration of key rights issues, in particular access to education, to health care, and to food, the rights to nationality, freedom of movement and from arbitrary detention, and the prohibition on return to places where an individual's life or freedom is under threat.⁷

Too many governments do not, in practice, recognize that asylum seekers and refugees have rights under international human rights law as well as under the refugee standards. In the post-Cold War and post-11 September world, respect for the human rights of refugees and asylum-seekers, including rejected asylum-seekers, is at a low ebb. There is a pressing need to develop and strengthen understanding of how human rights - economic, social, cultural as well as civil and political - apply to such persons.

We welcome the increased cooperation between the UN High Commissioner for Refugees and the UN High Commissioner for Human Rights, and in light of this urge the Commission specifically to:

affirm that refugees and asylum seekers have civil, political, economic, social, and cultural rights;

request the High Commissioner for Human Rights to produce a thematic report on the protection of the human rights of refugees and asylum-seekers (including rejected asylum-seekers) based on the reports submitted to this Commission;

⁴ World Food Summit: Five Years later, Rome, Italy, 10-13 June 2002: Report by the United Nations High Commissioner for Human Rights, <http://www.unhchr.ch/html/menu2/i2ecortf.htm>

⁵ General Comment 12 of the Committee on Economic, Social and Cultural Rights, E/C.12/1999/5, CESCR, 12 May 1999

⁶ In 2002 44% of refugee children had access to primary education. However, only 3% of the children of concern to UNHCR in the 12-17 year age group have access to education - whether secondary education or vocation training - whereas the equivalent figure for the least developed countries is 17%.

⁷ Other human rights issues directly relevant in the context of protection of 'people on the move' include: torture and "disappearance"; racial, religious, and nationality-based discrimination; cruel, inhuman and degrading treatment, in particular in the context of detention. 'People on the move' are also vulnerable to and suffer from physical abuse (including sexual violence and exploitation); exploitative labour practices (including child labour); and trafficking in refugee women and girls.

call on the Special Procedures, as appropriate, to give specific attention to the human rights of refugees, asylum-seekers and rejected asylum-seekers; and

remind States of their obligation to promote and protect the human rights of all individuals regardless of status.

7. Oral statement on counter-terrorism and human rights and the question of the death penalty delivered on 22 April 2003 under agenda item 17, "Promotion and protection of human rights"

Madam Chair,

Amnesty International takes the floor under this cluster to address the issue of counter-terrorism and human rights and the question of the death penalty.

Both before and after 11 September 2001 governments all over the world have enacted and applied security legislation and measures to counter acts or threats of "terrorism".⁸ Amnesty International condemns in the strongest possible terms terrorist attacks and recognizes the duty of states to protect the right to life of all people within their jurisdiction. However, measures taken by states to counter terrorism may have serious human rights implications, including curtailing the peaceful and non-violent exercise of human rights.

International human rights treaties permit states parties to derogate from certain rights in times of "emergency". For example, Article 4 of the International Covenant on Civil and Political Rights permits derogation when there is a "public emergency which threatens the life of the nation" but requires that any measures taken are consistent with the states' other obligations under international law and does not involve "discrimination solely on the ground of race, colour, sex, language, religion or social origin." Article 4 also specifies that some rights can never be suspended, including freedom from arbitrary deprivation of life⁹; freedom from torture and cruel, inhuman or degrading treatment or punishment,¹⁰ and the right to freedom of thought, conscience and religion.¹¹

⁸ AI uses the term "terrorism" in quotation marks because to date there is still no agreed legal definition of the phenomenon. The term is used and understood by governments and others in very diverse ways generally to describe and condemn acts considered to be the illegitimate use of violence for political purposes usually by non-state actors.

⁹ Article 6 of the ICCPR

¹⁰ Article 7 of the ICCPR

¹¹ Article 18 of the ICCPR

Evidence collected by Amnesty International over 40 years of monitoring of laws and practices in response to real or alleged threats to national security reveals a pattern of serious violation of human rights. These include violations of:

the right to life, liberty and security of person;
the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;
the right not to be subjected to arbitrary arrest or detention; and
the right to seek asylum, and not be forcibly returned to a country where the individual is at risk of serious human rights violations.

Madam Chair,

Amnesty International welcomes the unanimous adoption by General Assembly of Resolution 57/219 which reaffirmed the importance of respecting human rights, fundamental freedoms and the rule of law in combating terrorism. Amnesty International calls on the Commission to build on this important resolution by establishing a new mechanism to monitor and analyze the impact on human rights of measures taken by states to combat terrorism and to make recommendations to states on safeguarding human rights in this context.

Madam Chair,

112 countries have now abolished the death penalty in law or no longer use it, and of these, 76 have abolished capital punishment for all crimes. Yet executions continue. In 2002, Amnesty International recorded 1,526 executions in 31 countries. The true total was certainly higher. Many executions were carried out after unfair trials. 81 per cent of recorded executions were in just three countries, namely China, Iran and the USA.

The Commission's annual resolutions on the question of the death penalty are important reminders to states of their international obligations regarding safeguards on the use of the death penalty and of the measures which they should take in moving towards the agreed United Nations goal of abolishing this ultimate cruel, inhuman and degrading punishment.¹² As a member of the World Coalition against the Death Penalty,¹³ Amnesty International urges the Commission to adopt a strong resolution calling on member states to establish a moratorium on executions pending the total abolition of the death penalty. The

¹² General Assembly resolution 32/61 of 8 December 1977.

¹³ The World Coalition against the Death Penalty was formed in Rome in May 2002 and is a coalition of human rights organizations, bar associations, trade unions and local and regional authorities joined together in an effort to rid the world of the death penalty.

World Coalition against the Death Penalty urges all members of the Commission to vote in favour of this resolution and appeals to all states to co-sponsor it.

Thank you, Madam Chair

8. Oral statement on child soldiers by the Coalition to Stop the Use of Child Soldiers (of which AI is a member), delivered on 14 April 2003 under item 13, "Rights of the child"

In all situations where child soldiers are involved, the majority of them are boys. However, girls participate in armed conflicts to a far greater degree than is generally recognised. The proportions vary but reports indicate that in some situations up to one-third of the child soldiers are girls.¹⁴

The experiences and needs of girl soldiers have been little considered and understood, often leading to their exclusion from essential policies and programmes. On the one hand, the common assumption that the main characteristic of girl soldiers' experience is sexual exploitation and abuse, can stigmatise those who have *not* in fact been sexually abused by limiting their future prospects and status in society. On the other hand, most girl soldiers engage in combat whether or not they are also sexual partners. They therefore need their role and experience as combatants to be taken into account during demobilisation, rehabilitation and reintegration.¹⁵

Although in some situations, there is widespread abduction of girls, many girls in fact choose to join armed forces or armed groups. While their reasons for doing so are often the same as those of boys, there are also specific reasons. According to our recent research:

There is a significant correlation between girls' decision to join and domestic exploitation and abuse - physical, sexual or in the form of domestic labour;

Some girls join to protect themselves against the high level of physical and sexual abuse of girls in armed conflicts;

Other girls join in search of equality, skills-training, and recognition of their leadership and other abilities.

¹⁴ In the ILO Rapid Assessment of Child Soldiers in the Philippines, 20% of the respondents were girls.

¹⁵ See Yvonne E. Keairns: *Voices of Girl Soldiers Summary Report* (New York, 2002), and Rachel Brett, "Girl Soldiers: Challenging the Assumptions" (December 2002)

All of these reasons highlight issues about the status and treatment of girls in society. That girls are forced to seek such an alternative is shocking. It is, therefore, doubly shocking to learn that in a recent major demobilisation, benefits were only given to male soldiers.¹⁶ Such behaviour is unforgivable and must never be allowed to happen again.

¹⁶ Refugees International: Angola: Women's Access to Demobilization and Reintegration Program Funding Essential (03/07/2003)