

AMNESTY INTERNATIONAL
57th UN COMMISSION ON HUMAN RIGHTS (2001)
BACKGROUND BRIEFING

This document briefly describes the concerns which Amnesty International will raise at the 57th session of the United Nations (UN) Commission on Human Rights (the Commission).

STANDING INVITATIONS TO THEMATIC PROCEDURES

Since the 1980s, the UN Commission on Human Rights has established a number of thematic human rights mechanisms, known as “special procedures”. These consist of Special Rapporteurs, Working Groups and Independent Experts whose mandates cover thematic human rights issues in all countries of the world. As part of their work, special procedures visit countries to examine at first hand the human rights situation within their mandate, and report to the Commission on these visits.

In order to undertake a country visit, the thematic mechanisms have to be invited by the state concerned. Special procedures have to approach the state expressing the wish to visit and asking for the necessary invitation. Some States respond promptly to such requests, some respond eventually and some fail to respond at all. This also means that special rapporteurs’ scarce resources have to be used in securing an invitation rather than in implementing their mandates.

Since all special procedures are established by resolution of the Commission in which all the Member States of the UN can participate and since country missions are part of the established methods, states should do their utmost to facilitate such visits.

Amnesty International urges all states to:

- issue standing invitations to all thematic procedures to visit their country.

WORLD CONFERENCE ON RACISM

The 57th session of UN Commission on Human Rights takes place between the end of the Millennium summit and the start of the World Conference on Racism, placing the Commission in a good position to recommend specific measures to be adopted by the World Conference. Amnesty International acknowledges that institutionalized racism still persists in many countries, and found racial discrimination notably in administration of justice systems, as manifested by patterns of racially motivated torture and ill-treatment by State officials. At the World Conference, governments should not only reaffirm or strengthen their commitment to combat racism, but should also take practical measures to put their legal obligations into practice.

Amnesty International calls on the Commission to:

- urge all states that have not done so to ratify, without limiting reservations, the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Prevention and Punishment of the Crime of Genocide
- urge States to make a declaration under Article 14 of the first Convention that they recognize the competence of the Committee on the Elimination of Racial Discrimination to hear complaints

from individuals or groups claiming to be victims of violations of the rights set out in the Convention.

COUNTRY SITUATIONS

Colombia

Colombia's human rights crisis continues to deepen against a background of an increasingly brutal armed conflict and has been the focus of increasing international attention. Amnesty International is concerned that a US-backed military aid program, which includes arms, security equipment and training for the Colombian armed forces, could further exacerbate the human rights crisis. Colombia continues to be one of the most dangerous countries in which to work for the defence and promotion of human rights. The Colombian government's human rights policy has been seriously deficient both in terms of providing adequate humanitarian aid to victims of political violence and in fulfilling its commitments to implement UN recommendations including the need to tackle impunity.

The Commission has adopted consensus statements from the Chairperson on the situation of human rights in Colombia during its last five sessions. The Statement of the Chair of the 56th Session in April 2000 welcomes the renewal of the agreement between the Government of Colombia and the High Commissioner for Human Rights extending the mandate of the permanent office in Bogotá until April 2002 but regretted that many of the recommendations formulated by the Office had not been implemented.

Amnesty International calls on the Commission to:

- adopt a resolution reiterating its concern at the deepening human rights and humanitarian crisis in Colombia;
- urge the Colombian government to implement UN recommendations in full, in particular the need to dismantle paramilitary groups and to end impunity;
- reaffirm the importance of the presence of the Office of the High Commissioner for Human Rights, strengthen the office and take the necessary measures to enable the office to effectively fulfill its mandate throughout the country by establishing regional offices.

Indonesia

Democratic reforms have so far failed to prevent systematic human rights violations continuing on a wide scale in Indonesia. Extrajudicial executions, "disappearances", arbitrary detention, torture and ill-treatment continue to be regularly reported. Important recommendations by UN bodies have not been implemented and are hampered by the slow pace of human rights reform in general. Weaknesses in the legal and judicial framework and a lack of political will continue to obstruct successful investigations and trials of alleged perpetrators of human rights violations. Although there have been investigations, no one has yet been charged or brought to trial in Indonesia for massive and widespread human rights violations, some of them amounting to crimes against humanity, committed by Indonesian security forces and pro-Indonesian militia.

Since November 1998 two thematic mechanisms of the Commission on Human Rights visited Indonesia: the Working Group on Arbitrary Detention (WGAD) and the Special Rapporteur on violence against women, and recommended the establishment of an international criminal tribunal. Most of their recommendations have not been implemented. Two delegations of the UN Security Council, three UN Special Rapporteurs, and an International Commission of Inquiry (CoI) have visited Indonesia and East Timor since November 1999 in relation to the widespread human rights violations committed in the wake of the 30 August 1999 popular consultation in East Timor. But many of their recommendations have not

been implemented, notably the recommendation by two UN Special Rapporteurs and the CoI to create an international criminal tribunal to try the alleged perpetrators. Meanwhile, gross human rights violations continue in Indonesia, especially in Aceh and Papua, where armed groups have also been responsible for abuses.

Amnesty International calls on the Commission to:

- adopt a resolution condemning gross human rights violations in Indonesia;
- urge the Indonesian government to take immediate measures to stop extrajudicial executions, “disappearances”, arbitrary detentions and torture and ill-treatment in Aceh, Papua and elsewhere in Indonesia;
- express concern that the perpetrators of serious human rights violations, including crimes against humanity, committed in East Timor in 1999, have not been brought to justice and take steps to create an international criminal tribunal on East Timor.

Russian Federation/ Chechnya

The human rights crisis in Chechnya failed to improve after Russian forces started reducing large-scale military activities in the first quarter of 2000. Russian authorities claimed that the situation has normalized. However, Amnesty International continued to receive reports that Russian forces frequently resorted to indiscriminate bombing and shelling of civilian areas in breach of international humanitarian law, and that they extrajudicially executed dozens of Chechen civilians and prisoners of war every month. Russian forces continued to detain arbitrarily large numbers of civilians. Many were held in incommunicado detention in “filtration camps”, where torture, ill-treatment, extrajudicial executions and “disappearances” were reported to be routine.

Amnesty International calls on the Commission to:

- adopt a resolution expressing serious concern about the continuing grave abuses of international human rights and humanitarian law committed in the Chechen Republic and calling on all parties, in particular the Russian government, to take effective steps to halt them;
- establish an international commission of inquiry into allegations of grave abuses of human rights and humanitarian law;
- urge the government of the Russian Federation to fully implement last year’s Commission resolution, by promptly inviting the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Representative of the Secretary-General on internally displaced persons, and by inviting, as the High Commissioner requested, the Special Rapporteur on torture and the Special Rapporteur on violence against women to conduct a joint visit, and by facilitating the visit of the Special Representative of the Secretary-General for children and armed conflict.

Saudi Arabia

At last year’s Commission Amnesty International raised grave concerns about Saudi Arabia’s record of gross and systematic violations of human rights. Specifically, Amnesty International highlighted the deficiencies in the criminal justice system from arrest to the final stages of trial process as a fundamental cause of human rights violations. The criminal justice system is premised by secrecy and gives excessive powers to the arresting authorities. Those caught up in the system are denied their human dignity and fundamental rights. It generates and perpetuates torture and ill-treatment and offers no opportunity for redress. Amputations, a form of torture, and floggings amounting to torture or cruel, inhuman and degrading treatments remain common practice in Saudi Arabia as judicial punishments.

The system discriminates against religious minorities, women and migrant workers. Women continued to be subject to human rights abuses by the state, including arbitrary arrest and detention, torture and the death penalty, which is imposed for a wide variety of offences. At least 145 people were executed between January 2000 and February 2001, most of them foreign nationals.

At last year's Commission Saudi Arabia made undertakings to promote and protect human rights, but, a year on, the human rights situation remains of serious concern to Amnesty International.

Amnesty International calls on the Commission to:

- adopt a resolution expressing concern about gross and systematic human rights violations in Saudi Arabia urging the government to take urgent steps to end the secrecy of the criminal justice system and discriminatory laws and practices and calling on the government to put into immediate effect the undertakings given to the commission last year;
- urge the Saudi Arabian government to immediately suspend executions, pending complete abolition of the death penalty, and to comply with its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by abolishing floggings and amputations immediately;
- request the government to invite the Special Rapporteur on torture to visit Saudi Arabia in 2001 and report to the 2002 session of the Commission.

Sierra Leone

Serious threats to the protection of human rights remain in an uncertain political and security situation where rebel forces continue to control large parts of the north and east of the country. If the fragile cease-fire ends and hostilities resume, civilians risk further killings, mutilation, rape, abduction and forced recruitment, particularly of children, by rebel forces. Government-allied forces, including the Sierra Leone Army and the Civil Defence Forces, have also been responsible for extrajudicial executions, torture and ill-treatment, and recruitment of children as combatants. Rape and other forms of sexual violence against girls and women have been used systematically as a weapon of war during the conflict.

The international community, in particular the UN, has taken important initiatives to respond to continuing threats to peace and stability in Sierra Leone. The UN Security Council has decided to strengthen the UN Mission in Sierra Leone (UNAMSIL), to act to end the trade in diamonds from rebel-held areas, and to establish a Special Court for Sierra Leone to prosecute those most responsible for crimes against humanity, war crimes and other serious violations of international humanitarian law. This is an important step towards ending impunity. Amnesty International has made a number of recommendations, however, for steps be taken to ensure that the Special Court will be fair, effective and viable. It is also vitally important that the national judicial system is rebuilt and strengthened so that it can eventually assume responsibility for bringing alleged perpetrators of human rights abuses to justice.

Amnesty International calls on the Commission to:

- urge the government of Sierra Leone to ensure that all government-allied forces end human rights violations, and that all reports of human rights violations are investigated so that those responsible can be brought to justice;
- urge leaders of rebel forces to instruct their combatants to end all human rights abuses and to adhere to international human rights and humanitarian law;
- fully support the early establishment of an effective Special Court, including by ensuring that the court receives adequate and sustained funding to initiate and complete trials of those most responsible for the gravest human rights abuses committed since 1991;

- request the government to invite the Special Rapporteur on violence against women to visit the country.

Togo

Amnesty International has been concerned for many years about a widespread pattern of gross human rights violations in Togo and the persistence of impunity for such violations in the country. During the last decade, Amnesty International has recorded hundreds of extrajudicial executions, Disappearances”, large numbers of arbitrary arrests, often followed by torture or ill-treatment sometimes resulting in deaths in detention, as well as inhuman and degrading detention conditions. Witnesses wishing to give evidence about these violations have frequently been subjected to harassment, threats and intimidation. Human rights defenders have been a particular target of attacks by the Togolese authorities in an attempt to silence those who speak out for human rights.

For the last fifteen years, Amnesty International has urged that independent and impartial investigations be conducted and that the perpetrators of these human rights violations be brought to justice. However, the Togolese authorities have persistently failed to end such violations and have refused to bring those responsible to justice, even when calls for action have been made by Togo’s own National Commission for Human Rights, as in 1991 when it concluded that security forces were involved in the killings of people whose bodies were found in the Be lagoon. Noting that an escalation of violations took place in the context of the presidential elections of 1998, Amnesty International fears that such an escalation may recur again in the context of the forthcoming parliamentary elections due in October 2001.

The International Commission of Inquiry for Togo, instituted jointly by the Secretaries-General of the UN and the Organization of African Unity (OAU) in June 2000, to investigate the allegations of extrajudicial executions in Togo during 1998 which were first made in an Amnesty International report of May 1999, has published its report. Despite the assurances given by the government of Togo to the Commission of its full cooperation, the Commission found that there had been persistent attempts to intimidate witnesses in efforts to dissuade them from speaking to the Commission. It concluded that there was "a situation of systematic violations of human rights in Togo" and that allegations of extrajudicial executions, "disappearances", torture, arbitrary arrest and rape should be further investigated and those responsible brought to justice. The Commission of Inquiry recommended to the Commission on Human Rights (the Commission) that it appoint a Special Rapporteur on Togo and that three of the Commission’s thematic Special Rapporteurs be asked to visit Togo.

Amnesty International calls on the Commission to:

- appoint a Special Rapporteur on Togo;
- urge the Government of Togo to invite the Special Rapporteurs on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and the Special Rapporteur on violence against women to visit the country
- request that a team of forensic experts is appointed as soon as possible to proceed with the exhumation of bodies in Togo and Benin.

THEMATIC ISSUES

The Death Penalty

Amnesty International opposes the death penalty in all cases without exception and continues to demand unconditionally the worldwide abolition of the death penalty. Amnesty International will be focussing

governments' attention on the question of death penalty especially in relation to those under 18 at the time of the commission of the offence and the fact that the imposition of the death penalty on those young offenders contravenes customary international law.

In April 2000 the Commission adopted a resolution which, as in 1999, urged states to "comply fully with their obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, notably not to impose the death penalty...for crimes committed by persons below 18 years of age..." All states are now party to international treaties which prohibit the imposition of the death penalty for crimes committed by persons below 18 years. However, since 1990, Amnesty International has documented executions of persons who were younger than 18 years at the time of the offence in seven countries: the Democratic Republic of Congo, Iran, Nigeria, Pakistan, Saudi Arabia, the United States of America (USA) and Yemen.

Amnesty calls on the Commission to adopt a resolution on the question of the death penalty, which builds upon the language of last year's resolution, urging all states that have not yet abolished the death penalty, among others:

- to suspend all executions and to establish a moratorium on executions, with a view to completely abolishing the death penalty, while ensuring full respect for the application of the Safeguards guaranteeing protection of the rights of those facing the death penalty and other relevant international standards;
- confirm that the imposition of the death penalty on persons below the age of 18 years at the time of the offence contravenes customary international law and urging all states to immediately implement the prohibition thereof in law and practice.

"Disappearances"

"Disappearances" constitute one of the most appalling forms of human rights violations. The draft International Convention on the Protection of all Persons from Enforced Disappearances, now before the Commission, advances the international protection of victims of "disappearances" in a substantive and novel way and provides a comprehensive and integral approach to the problem. The draft Convention describes enforced disappearances as an international crime subject to universal jurisdiction and provides for a Committee against Disappearances with powers to conduct on the spot investigations. It makes specific provisions for the protection of children of persons who subsequently "disappeared".

Amnesty International urges the Commission to:

- establish at its 57th Session an International Working Group with the mandate to study and approve, with the full and active participation of NGOs in the process and within the tightest possible time frame, the text of a strong Convention on "enforced disappearances" which strengthens the current draft.

Torture

Since 1992 a Working Group of the Commission has been drafting an optional protocol to the Convention against Torture which would establish a global mechanism to visit places of detention in order to prevent torture and ill-treatment.

Amnesty International has actively participated in the Working Group and noted that, while many states appeared willing to negotiate a strong and effective protocol, a few states maintain objections on key issues which could substantially weaken the text.

Amnesty International calls on the Commission to:

- give full support to the Working Group by adopting a resolution calling for the drafting to be continued to ensure the adoption of a strong optional protocol, which, among other issues, provides for an effective inspection system by an expert international body and in which ratification of the protocol serves as consent of the state concerned.