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AI Index: POL 10/005/2005 (Public)  
News Service No: 115  
25 May 2005

**Embargo Date: 25 May 2005 10:00 GMT**

## **Report 2005 - Foreword By Irene Khan, Secretary General**

Last September in a makeshift camp outside El Jeniena in Darfur, Sudan, I listened to a woman describe the attack on her village by government-supported militia. So many men were killed that there were none left to bury the dead, and women had to carry out that sad task. I listened to young girls who had been raped by the militia and then abandoned by their own communities. I listened to men who had lost everything except their sense of dignity. These were ordinary, rural people. They may not have understood the niceties of "human rights", but they knew the meaning of "justice". They could not comprehend why the world was not moved to action by their plight.

It was yet another example of the lethal combination of indifference, erosion and impunity that marks the human rights landscape today. Human rights are not only a promise unfulfilled, they are a promise betrayed.

Take, for instance, the failure to move from rhetoric to reality on economic and social rights. Despite the promises in the Universal Declaration of Human Rights and international human rights treaties that every person shall have the right to an adequate standard of living and access to food, water, shelter, education, work and health care, more than a billion people lack clean water, 121 million children do not go to school, most of the 25 million people suffering from HIV/AIDS in Africa have no access to health care, and half a million women die every year during pregnancy or childbirth. The poor are also more likely to be victims of crime and police brutality.

In September 2000, world leaders adopted the Millennium Declaration, with human rights as a central thread, and a set of Millennium Development Goals, which established some concrete and achievable targets by 2015. They cover issues such as HIV/AIDS, illiteracy, poverty, child and maternal mortality, and development aid. But progress on the Goals has been agonizingly slow and woefully inadequate. They cannot be achieved without a firm commitment to equal respect for all human rights -- economic, social and cultural as well as civil and political.

The indifference, apathy and impunity that allow violence against millions of women to persist is shocking. In countries around the world women suffer many forms of violence including genital mutilation, rape, beatings by partners, and killings in the name of honour. Thanks to the efforts of women's groups, there are now international treaties and mechanisms, laws and policies designed to protect women, but they fall still far short of what is required. In addition, there is a real danger of a backlash against women's human rights from conservative and fundamentalist elements.

Women's human rights are not the only casualty of the assault on fundamental values that is shaking the human rights world. Nowhere has this been more damaging than in the efforts by the US administration to weaken the absolute ban on torture.

In 1973 AI published its first report on torture. It found that: "torture thrives on secrecy and impunity. Torture rears its head when the legal barriers against it are barred. Torture feeds on discrimination and fear. Torture gains ground when official condemnation of it is less than absolute." The pictures of detainees in US custody in Abu Ghraib, Iraq, show that what was true 30 years ago remains true today.

Despite the near-universal outrage generated by the photographs coming out of Abu Ghraib, and the evidence suggesting that such practices are being applied to other prisoners held by the USA in Afghanistan, Guantánamo and elsewhere, neither the US administration nor the US Congress has called for a full and independent investigation.

Instead, the US government has gone to great lengths to restrict the application of the Geneva Conventions and to "re-define" torture. It has sought to justify the use of coercive interrogation techniques, the practice of holding "ghost detainees" (people in unacknowledged incommunicado detention) and the "rendering" or handing over of prisoners to third countries known to practise torture. The detention facility at Guantánamo Bay has become the gulag of our times, entrenching the practice of arbitrary and indefinite detention in violation of international law. Trials by military commissions have made a mockery of justice and due process.

The USA, as the unrivalled political, military and economic hyper-power, sets the tone for governmental behaviour worldwide. When the most powerful country in the world thumbs its nose at the rule of law and human rights, it grants a licence to others to commit abuse with impunity and audacity. From Israel to Uzbekistan, Egypt to Nepal, governments have openly defied human rights and international humanitarian law in the name of national security and "counter-terrorism".

Sixty years ago, out of the ashes of the Second World War, a new world order came into being, putting respect for human rights alongside peace, security and development as the primary objectives of the UN. Today, the UN appears unable and unwilling to hold its member states to account.

In the latest incident of paralysis, the UN Security Council has failed to muster the will to take effective action on Darfur. In this case it was held hostage to China's oil interests and Russia's trade in arms. The outcome is that poorly equipped African Union monitors stand by helplessly and bear witness to war crimes and crimes against humanity. It remains to be seen whether the UN Security Council will act on the recommendation of the International Commission of Inquiry to refer Darfur to the International Criminal Court.

The UN Commission on Human Rights has become a forum for horse-trading on human rights. Last year, the Commission dropped Iraq from scrutiny, could not agree on action on Chechnya, Nepal or Zimbabwe, and was silent on Guantánamo Bay.

At the national level, the ability of the state to protect human rights is in crisis. In some places, armed groups -- warlords, criminal gangs or clan chiefs -- hold sway over people's lives. In many countries, governance has been undermined by corruption, mismanagement, abuse of power and political violence. In a globalized economy, it is increasingly international trade agreements, international financial institutions and big business which are setting the terms. And yet there are few mechanisms for addressing their impact on human rights, and even fewer appropriate systems for accountability.

The time has come for a sober reappraisal of what needs to be done to revive the human rights system and our faith in its abiding values. That is the import of the judgments of the US Supreme Court on

Guantánamo detainees and the UK Law Lords on indefinite detention without charge or trial of "terrorist suspects". That is the message of the spontaneous and massive turnout of millions of people in Spain protesting against the Madrid bombings, the popular uprisings in Georgia and Ukraine, and the growing debate on change in the Middle East.

Within the UN too, the appointment of a new High Commissioner for Human Rights in 2004, and the report commissioned by the UN Secretary-General from a High-level Panel on Threats, Challenges and Change, created an environment conducive to reform and renewal of the human rights system. This must be based on shared values and goals, on the rule of law rather than arbitrary power, on global cooperation rather than unilateral adventurism.

The credibility of the international human rights system rests on its ability to reassert the primacy of human rights, and their centrality in tackling the full range of threats to international peace and security. The leadership challenge for the UN and its member states is clear:

Reaffirm and reassert human rights as embodying the common values and universal standards of human decency and dignity, equality and justice. Acknowledge them as the basis for our common security, not a barrier to it.

Resist all efforts to water down the absolute ban on torture and cruel, inhuman or degrading treatment. Torture is unlawful, and morally reprehensible. It dehumanizes the victim and the perpetrator. It is the ultimate corruption of humanity. If the international community allows this fundamental pillar to be eroded, it cannot hope to salvage the rest.

Condemn unequivocally human rights abuses by those who have taken humanity to new depths of bestiality and brutality by blowing up commuter trains in Madrid, taking school children hostage in Beslan, and beheading humanitarian workers in Iraq, but stand firm on the governments' responsibility to bring them to justice within the rule of law and the framework of human rights. Respect for human rights is the best antidote for "terrorism".

Close the impunity and accountability deficit in human rights. At the national level, a full and independent investigation of the use of torture and other human rights abuses by US officials will go a long way to restoring confidence that true justice has no double standards. At the international level, the International Criminal Court must be supported to become an efficient deterrent for atrocious crimes and an effective lever to advance human rights.

Listen to the voices of the victims, and respond to their cry for justice. UN Security Council members should commit themselves not to use the veto in dealing with genocide, crimes against humanity and war crimes or other large-scale human rights abuses. They should promote an international treaty and other means to control the trade in small arms which kill half a million people every year.

Reform the UN's human rights machinery urgently and radically in order to improve its legitimacy, efficiency and effectiveness. In particular, strengthen the capacity of the UN and regional organizations to protect people at risk of human rights abuse.

Link the achievement of the quantitatively formulated Millennium Development Goals to the qualitative achievement of human rights, particularly economic and social rights, and equality for women. Bring corporate and financial actors into the framework of accountability for human rights.

Protect human rights activists who are increasingly threatened and labelled as subversives. The space for liberal thought is shrinking, and intolerance is on the rise. Be vigilant in protecting civil society, because the pursuit of freedom depends on it as much as on the rule of law, an independent judiciary, free media and elected governments.

Will governments and the UN take up this agenda? Now more than ever human rights activists must play their part, mobilizing public opinion to put pressure on governments and international organizations. In very different ways in the course of 2004, popular mobilization for the victims of the Madrid bombings and the Indian Ocean tsunami showed the power of ordinary people to promote hope over fear, action over inaction and solidarity over indifference. Amnesty International believes in the power of ordinary people to bring about extraordinary change, and with our members and supporters we will continue in 2005 to campaign for justice and freedom for all. We remain the eternal hope-mongers.

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