

# AMNESTY INTERNATIONAL

## Public Statement

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### **General Assembly wraps up human rights agenda: Adopts important Convention on disappearances, resolutions on human rights in Belarus, North Korea and Iran, receives call for moratorium on executions**

#### Convention on Disappearances

Amnesty International warmly welcomes the General Assembly's adoption today of a major new human rights treaty: the International Convention for the Protection of All Persons from Enforced Disappearance. As the resolution was adopted by consensus, all UN member states showed a unanimous determination to end and prevent future enforced disappearances, wherever they may occur.

"This is an historic move by the General Assembly in the struggle to put an end to one of the most pernicious forms of human rights violations. Sadly, enforced disappearances still exist in too many countries in all regions of the world" Amnesty International said. "Now all States must ratify the Convention as soon as possible and make a declaration recognizing the competence of the Committee established under the Convention to hear complaints that another State Party fails to meet its Convention obligations".

Amnesty International is concerned about all enforced disappearances, including those occurring in the form of renditions and holding people in secret places of detention.

The new Convention fills a major gap and is a strong document with innovative features. For over twenty five years relatives of the disappeared, governments and Non Governmental Organizations have worked hard to bring this landmark human rights treaty into existence.

#### Country resolutions

The General Assembly also adopted three resolutions highlighting serious human rights situations in **Belarus, the Democratic People's Republic of Korea and Iran**. Amnesty International is deeply disappointed that Russia and Iran requested, once more, that "No Action" be taken on, respectively, draft resolutions on Belarus and Iran, especially after the country specific resolutions had been adopted by the Third Committee. Amnesty International welcomes the decision by the majority of members of the General Assembly, once more, to reject these political manoeuvres to prevent the General Assembly from carrying out its duty to consider all country situations on their merits. Amnesty International opposes all "No Action Motions" in principle.

#### Abolition of the death penalty

Amnesty International welcomes that 85 countries from all regions of the world expressed deep concern about the use of the death penalty. In a statement to the General Assembly, they called on all States that

still maintain the death penalty "to abolish it completely and, in the meantime, to establish a moratorium on executions".

### **Background**

The practice of enforced disappearances, once manifest on a widespread scale in a number of states in the 1970s and 80s, especially in the Latin American region, has recently emerged as an unlawful means in pursuing the "war on terror".

The Convention will enter into force thirty days after twenty states have ratified it. A signing ceremony will be held in Paris on 6 February 2007. The Committee on Enforced Disappearances may only deal with cases that started after the Convention has entered into force and after the State concerned has become a party to the Convention.

The new Convention defines "enforced disappearance", identifies it as a crime under international law and obliges states to arrest persons on its territory responsible for such practices and surrender, extradite or prosecute them. All State Parties to the new Convention must take preventive measures that include an absolute prohibition of secret detentions and providing relatives or a lawyer for the disappeared person the right to *habeas corpus*. Moreover, the victims' right to know the truth is reaffirmed and all States Parties to the new Convention must provide the victims the right to obtain reparation and prompt, fair and adequate compensation. The new Convention covers not only disappeared persons themselves, but also those who have suffered harm as result of the disappearance, such as family members. It requires special measures to be taken to protect disappeared children or those whose parents have disappeared.

A "Committee on Enforced Disappearances" will be set up with a crucial role in prevention of disappearances. The Committee will have powers to urgently hear specific requests that a disappeared person be sought and found, and to request a visit to a State Party suspected of seriously violating the Convention's procedures. If the Committee receives information that enforced disappearances are "practised on a widespread or systematic basis" in the territory under the jurisdiction of a State Party, it can bring such situations urgently to the attention of the General Assembly.

The latest report (E/CN.4/2006/56) of the UN's Working Group on Enforced or Involuntary Disappearances, established by the former Commission on Human Rights, expressed great concern about the large numbers of new disappearances transmitted over the last year (2005): 535 new cases in 22 states. The Working Group expressed particular concern about enforced disappearances occurring in the so called "war on terror".

The Third Committee of the General Assembly adopted four resolutions dealing with country situations: Belarus (after a No Action Motion –NAM - was rejected) the Democratic People's Republic of North Korea, Myanmar (after a NAM was rejected), and the Islamic Republic of Iran (after a NAM was rejected). The General Assembly adopted resolutions on Belarus (72-32-69) NAM rejected 67-79-31, the Democratic People's Republic of North Korea (99-21-56), and the Islamic Republic of Iran ((72-50-55) NAM rejected 75-81-24. The General Assembly will act later this week on the draft resolution on Myanmar.