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54th UN Commission on Human Rights (1998): Statements and press releases issued by Amnesty International

May 1998

SUMMARY

AI INDEX: IOR 41/06/98

DISTR: SC/PG

Amnesty International delivered five oral statements to the 54th session of the UN Commission on Human Rights and issued two press releases. In addition, the organization submitted a joint written statement; it delivered two joint oral statements and issued two joint press releases with other NGOs.

- ▶ Agenda item 4 oral statement on Israel-Occupied Territories;
- ▶ Agenda item 8 oral statement on emergency law practices in Northern Ireland;
- ▶ Agenda item 9 oral statement on human rights, mass exodus and displaced persons;
- ▶ Agenda item 10 oral statement on the human rights situation in Algeria;
- ▶ Agenda item 13 oral statement on Jamaica's withdrawal from the Optional Protocol to the International Covenant on Civil and Political Rights, the Democratic People's Republic of Korea's announced intention to withdraw from the ICCPR itself and on the abolition of the death penalty;
- ▶ Press release at the start of the Commission (AI Index: IOR 41/04/98);
- ▶ Press release at the end of the Commission (AI Index: IOR 41/07/98);

- ▶ Agenda item 10 joint written statement on the human rights situation in Algeria;
- ▶ Agenda item 19 joint statement on the declaration on human rights defenders;
- ▶ Agenda item 20 joint oral statement on children in armed conflict;
- ▶ Joint press release on the human rights situation in Algeria (7 April 1998);
- ▶ Joint press release on the human rights situation in Algeria (15 April 1998).

KEYWORDS: UN COMMISSION ON HUMAN RIGHTS1 / EMERGENCY
LEGISLATION / DISPLACED PEOPLE / ICCPR / NON-GOVERNMENTAL
ORGANIZATIONS / CHILD SOLDIERS / NORTH KOREA / ALGERIA / UK /
ISRAEL/OCCUPIED TERRITORIES / JAMAICA

This report summarizes a -page document (words), : 54th UN Commission on Human Rights (1998): Statements and press releases issued by Amnesty International (AI Index: IOR 41/06/98) issued by Amnesty International in May 1998. Anyone wishing further details or to take action on this issue should consult the full document.

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ISRAEL AND THE OCCUPIED TERRITORIES

Oral Statement to the United Nations Commission on Human Rights on the Israeli Occupied Territories

Delivered: March 1998

Item 4

Chairperson,

Israel is effectively legalizing or attempting to legalize practices which violate even the most fundamental human rights.

Firstly torture, which is already effectively legalized in Israel, is likely to be further endorsed by the General Security Service Law which is currently before the Knesset. If adopted this new legislation will offer impunity to General Security Service officers who resort to physical pressure when interrogating detainees. Such developments are a flagrant violation of international standards freely ratified by Israel including Article 7 of the International Covenant on Civil and Political Rights (ICCPR) and Article 2 of the Convention against Torture.

Secondly, the so-called "Compensation Bill", will deny redress to victims of human rights violations. The Bill, which has already passed its first reading and is currently being considered by a Knesset committee, defines "combatant activity" so broadly that it will actually invalidate nearly all compensation claims from those who have suffered injury or the relatives of those killed by the Israeli security forces in the Occupied Territories. If adopted the law will apply retroactively, depriving victims of their rights of redress for past and future human rights violations.

Thirdly, the use of political assassination. Israel has not only carried out extrajudicial executions for more than 30 years, it has also officially sanctioned them. The attempted execution of Khaled Mesh'al in Amman in September 1997, is a flagrant violation of the right to life in Article 6 of the ICCPR. But the commission of inquiry set up by the Israeli Government to investigate this event concentrated on the failure of the attack rather than its illegality. The commission's report is shocking in its contempt for a rule of law in which justice and human rights are respected:

"The decision to carry out the attack in Jordan was based on the principle that no place in the world should be allowed to serve as a safe harbour for those who plan to carry out murders and acts of terror in Israel...The commission does not question this policy, but nevertheless proposes that the government discuss it, define its scope and establish ground rules for its implementation."

Whatever their activities or beliefs, the extrajudicial execution of government opponents, contravenes international human rights standards which Israel is committed to respecting.

Finally, the holding of hostages. At least 21 Lebanese are held as hostages for the return of or information about Israelis missing in action. These individuals have been held for up to 12 years without trial or after expiry of their sentences under administrative detention orders which are automatically renewed. Two of the detainees are even denied access to the International Committee of the Red Cross (ICRC). Now the Supreme Court of Israel has endorsed this practice. In a ruling made in November last year but only made public on 4 March 1998 the Supreme Court stated that it was legitimate to hold these detainees as "bargaining chips" which could be exchanged in pursuit of a "vital interest of state". In addition, there are more than 150 other Lebanese nationals detained without legal status for up to 12 years in Khiam Detention Centre, in the area of Lebanon occupied by Israel, who may also be held as "bargaining chips". Since September 1997 they too have been denied access to the ICRC and family members.

When an armed group holds hostages it is universally condemned. The Israeli Government has acknowledged that the detainees mentioned in the Supreme Court ruling pose no threat to state security. Their continued detention therefore has no basis in international law.

Amnesty International condemns unequivocally the killing of more than 100 civilians by armed groups since 1994. Nevertheless, human rights abuses by others do not entitle any state to violate the rule of law by legalizing what should never be legalized.

Amnesty International calls on the Government of Israel to act in accordance with the human rights treaties it has ratified.



United Nations Commission on Human Rights

54th session (16 March - 24 April 1998)

Question of the human rights of all persons subjected to any form of detention or imprisonment

Item 8

Delivered: 1 April 1998

Oral statement

Mr Chairman,

Amnesty International welcomes the report by Mr Param Cumaraswamy, the Special Rapporteur on the Independence of Judges and Lawyers, on his fact-finding mission to the United Kingdom of Great Britain and Northern Ireland in October 1997. The report highlights the lack of safeguards for suspects arrested under emergency legislation in Northern Ireland, and makes a number of recommendations to ensure respect for the rule of law and human rights.

Suspects arrested under emergency legislation in Northern Ireland are detained in special police interrogation centres, the most notable being Castlereagh Holding Centre in Belfast. Suspects can be held for up to seven days without judicial scrutiny of their detention. They can be denied access to lawyers for 48 hours and then for consecutive 48-hour periods up to seven days. Interrogations are not audio-recorded and lawyers are not allowed to attend interrogations with their clients.

Amnesty International has been concerned about these practices since the early 1980s. The lack of full safeguards has meant that suspects held in the special interrogation centres have been ill-treated and forced into making false confessions. Police officers have reportedly made comments about suspects' lawyers during interrogations which amount to harassment and intimidation, including deaths threats.

The killing of a prominent criminal defence and civil rights lawyer, Patrick Finucane, in 1989 highlighted the dangers of these practices. The killing was claimed by a Loyalist armed group, the Ulster Defence Association, which said that he had been an "IRA member". This claim was refuted by police statements. No one to date has been prosecuted for the murder.

The killing of Patrick Finucane took place in the context of frequent allegations that police officers made threats against, or derogatory comments about, defence lawyers to detainees held in special interrogation centres.

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There was evidence that Patrick Finucane was one of several lawyers being particularly targeted by the security forces. After his murder, strong evidence emerged which suggested official collusion by the security forces with Loyalist paramilitaries in his killing but no one has been brought to justice. An independent and thorough judicial inquiry should be conducted into the killing of Patrick Finucane.

An essential safeguard for the protection of the rights of suspects interrogated under emergency legislation is the right of suspects to be interrogated in the presence of their lawyers. This safeguard should be introduced immediately. Not only would this measure protect suspects' rights, it would also stop the police abuse of lawyers. The need for full legal assistance is additionally necessary because of legislation which curbs a suspect's right to silence during interrogation and lowers the standard for the admissibility of confession evidence in court.

Inadequate measures have been taken to prevent human rights violations in the special interrogation centres, despite the documentation of such abuses over many years by Amnesty International and other human rights organizations. Video-recording facilities are currently being installed. But without audio-recording as well, this will not detect such abuses. The government should also end its derogation of relevant provisions of the International Covenant on Civil and Political Rights and provide prompt judicial scrutiny of detentions.

Amnesty International urges the United Kingdom Government to comply with the recommendations of the Special Rapporteur on the Independence of Judges and Lawyers.



United Nations Commission on Human Rights

54th session (16 March -24 April 1998)

Human rights, mass exodus and displaced persons

Delivered: 9 April 1998

Item 9 d

Oral statement

Mr Chairman,

Human rights violations often force individuals to flee their homes and communities and seek asylum abroad. Instead of seeking ways to resolve the human rights violations which cause people to seek international protection, an increasing number of governments pursue policies which undermine both refugee and human rights standards. The decline in the willingness of states to protect refugees and asylum-seekers is evidenced by measures which violate the fundamental principle of customary international law of *non-refoulement* - including:

- rejection at the frontier,
- restrictive interpretation of the definition of who is a refugee in the 1951 Refugee Convention, including the failure to recognize gender-based persecution and persecution by non-state actors,
- the sending of asylum seekers to unsafe third countries,
- the use of detention as a deterrent to asylum-seekers, and
- under the guise of voluntary repatriation programmes, the forcible return of refugees to countries where they risk serious human rights violations.

The Executive Committee of the United Nations High Commissioner for Refugees (UNHCR) has called on the High Commissioner for Refugees to cooperate with UN human rights bodies. For their part governments should take action through UN human rights mechanisms to address the repressive policies of other governments which lead people to flee. The Commission on Human Rights has information which if coupled with an appropriate country or thematic mechanism can make it easier for the Commission to address deteriorating human rights situations and take appropriate action to ensure that people are not forced to flee. Nevertheless, situations will arise when individuals are forced to seek international protection. Recent evidence shows that there is a failure of political will and inaction on the part of many states which have brought into question firmly established protection principles. These principles articulated in international standards, drafted and agreed to by states, are now under threat.

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In the absence of an independent treaty monitoring mechanism which can assess the human rights situation in countries of origin and the legal protection of refugees in countries of asylum, the Commission on Human Rights must assume a greater role in ensuring respect for the human rights of refugees. The Commission can supplement the work of UNHCR by paying increased attention through its country and thematic mechanisms to the human rights situation in host states and in states to which refugees may be returned.

Decisions to repatriate refugees must be firmly based on refugee and human rights standards. Since the last session of the Commission on Human Rights, refugees were forced to return to their country of origin even though it was very likely that their human rights would be violated. For some refugee-generating countries such as Afghanistan, the Great Lakes (Burundi, Democratic Republic of Congo and Rwanda) and Myanmar, 'voluntary' repatriation is now seen 'least worst option' by the international community even though returning refugees risk gross and systematic violations of their human rights in their home country. Faced with such a situation the Commission needs to affirm that respect for human rights in the country of origin is a prerequisite for any repatriation programme. To this end there must be an impartial and independent assessment of the country of origin's respect for human rights. Human rights organizations and UN human rights bodies and mechanisms have a significant contribution to make to such assessments. Following a decision to commence a voluntary repatriation programme, human rights mechanisms and the UN High Commissioner for Human Rights could assist UNHCR and others in the monitoring the return of refugees.

The right not to be subject to arbitrary arrest or detention is a fundamental norm in human rights law. Yet all over the world refugees are detained in host countries, sometimes for long periods, simply because they sought asylum from persecution. For example in the United Kingdom, United States of America and Australia the detention of asylum-seekers has increased as states seek new ways to deter refugees from seeking asylum. The legal basis for detaining asylum-seekers, contained in international and regional human rights instruments is extremely limited. Nevertheless, in many cases, the decision to detain asylum-seekers is arbitrary. It may rest on factors such as availability of detention-places and the attitude of the official involved, rather than an objective assessment of whether detention is necessary and justified. In some situations the decision to detain is discriminatory as in cases when only asylum-seekers from certain countries are placed in detention. Even more alarming is the practice, noticed sometimes, of detaining unaccompanied children in prisons with adults convicted of criminal offences. In this respect, special steps which comply with the provisions of the UN Conventions on the Rights of the Child and on the Elimination of All Forms of Discrimination against Women should be taken to address the specific needs of children and women in detention.

Amnesty International believes that it is necessary for the Working Group on Arbitrary Detention to make a series of on-site visits and make specific recommendations to remedy the unjustified use of detention.

Mr Chairman,

Amnesty International calls on the Commission to:

- request the Working Group on Arbitrary Detention, as a matter of urgency, to undertake a series of on-site visits to investigate the arbitrary detention of asylum-seekers and make recommendations;

- request its thematic mechanisms and country rapporteurs to report and make recommendations on human rights violations suffered by refugees and returnees.



United Nations Commission on Human Rights

54th session (16 March - 24 April 1998)

**Question of the violation of human rights and fundamental freedoms
in any part of the world**

Item 10

Delivered: 14 April 1998

Mr Chairman,

At this Commission, Amnesty International is focussing on human rights violations in a number of countries, in particular Cambodia, Colombia, Kenya, Saudi Arabia and Turkey. Information on the human rights situation in these five countries and Amnesty International's recommendations can be found in our document for this year's Commission on Human Rights.¹

Amnesty International's statement today will focus on a human rights situation repeatedly ignored by the Commission - a country in the midst of a human rights crisis.

A country where security forces, armed groups and militias armed by the state kill with impunity. A country where civilians are massacred in their homes, where children are hacked to death, where women are abducted and raped, where youngsters are arrested at home and "disappear" into the night, where men are summarily executed in front of relatives or in the backyards of police stations.

A country where the security forces fail to protect men, women and children from having their throats slit, where the screams of tortured men and women are muffled by rags stuffed into their mouths, where families of the "disappeared" are still searching for their loved ones, months and years after they were arrested.

A country where six years of violence have left up to 80,000 dead - many of them civilians - where villagers have been forced to flee their homes to seek refuge in overcrowded suburbs, and where terrorized civilians seeking protection are offered weapons and told to protect themselves without training and supervision - thus opening the door to the spread of personal justice and vengeance.

¹ "1998 UN Commission on Human Rights - Building on past achievements, January 1998, AI Index: IOR 41/01/98".

This country - everybody will have recognized by now - is Algeria. Although the international community is fully aware of the gravity of the human rights situation in this country, the Commission's silence has been deafening. For six years, the Commission has been a spectator to the appalling human rights tragedy in Algeria, and for six years, it has failed to act on behalf of the Algerian victims. At the 1993 World Conference on Human Rights, states solemnly pledged that "the promotion and protection of all human rights is a legitimate concern of the international community". How many governments are ready, here and now, to honour their pledge, to give these words real meaning and take concrete action ?

How much death and violence does it take for the Commission to face up to its responsibility? There is no other country where human rights abuses are so extreme but where there is no political will by states to scrutinize the situation, let alone take action. Year after year, the Commission has ignored the human rights crisis in Algeria, and each year the situation has deteriorated further. In 1997, the violence in Algeria reached unprecedented levels of unspeakable brutality. While large-scale massacres grab international attention other gross human rights abuses occur daily out of sight of the cameras and the international media. The vast majority of victims have no name, no face and no hope for justice in a country where impunity prevails over the rule of law.

Mr Chairman,

Every year the Commission is called upon to deal with complex and politically sensitive human rights situations in many countries around the world including situations where armed groups commit appalling human rights abuses. Why should Algeria be an exception? Are the Algerian victims less deserving of action by the Commission than victims elsewhere? If the Commission on Human Rights, the United Nation's main human rights body, turns its back once again on the Algerian victims, it will make a mockery of their endless sufferings, of the international obligation to implement the rule of law and fight against impunity, and of the expressions of concern voiced by the international community, including Kofi Annan, the UN Secretary General and Mary Robinson, UN High Commissioner for Human Rights.

Mr Chairman,

The Commission has not only a mandate to act on situations such as the one prevailing in Algeria, but also a moral duty to react concretely and express its strongest solidarity with the victims of the violence. The Commission should recommend a programme of action to ensure that the human rights situation in Algeria is addressed in a serious way. As an immediate first step, the Commission should appoint a Special Rapporteur, supported by the thematic mechanisms and technical experts, to carry out on-site visits, in order to ensure long-term and transparent scrutiny and report urgently to the Commission with recommendations for further action.



Delivered March 1998

Item 13:
Status of the International Covenants on Human Rights

Chairperson,

The last 12 months have seen two appalling assaults on the system of human rights protection. Jamaica withdrew from the Optional Protocol to the International Covenant on Civil and Political Rights and the Democratic People's Republic of Korea announced its intention to withdraw from the ICCPR itself.

These decisions, taken on the eve of the 50th anniversary year of the Universal Declaration of Human Rights, flout the international community's commitment to strengthen the human rights treaty system. The 1993 Vienna Declaration and Programme of Action explicitly recommended concerted efforts to "encourage and facilitate the ratification of and accession or succession to international human rights treaties and protocols". These aspirations were reiterated by the Commission itself in 1996 (resolution 1996/16).

The purported withdrawal by the Democratic People's Republic of Korea from the ICCPR is unlawful under international law. The Democratic People's Republic of Korea is still bound by all the obligations in the ICCPR. As the Human Rights Committee made clear in a General Comment in October 1997, [General Comment No. 26 (61)] "international law does not permit a State which has ratified or acceded to the covenant to denounce or withdraw from it". The UN Secretary-General also stated that a withdrawal from the Covenant "would not appear possible unless all States Parties to the Covenant agree with such a withdrawal".

The Government of Jamaica announced its withdrawal from the Optional Protocol to the ICCPR in October 1997, effective as of 22 January 1998. Coming from one of the original States Parties to the Optional Protocol, and from a country which has played a prominent role in the UN on human rights issues among others, this action was particularly disappointing.

Amnesty International is dismayed that Jamaica has made it clear publicly that it took this step to make it easier to execute prisoners on death row, though the withdrawal deprives all people in Jamaica of the right to petition the Human Rights Committee.

The Governments of Trinidad and Tobago and Barbados have since announced that they too are considering following Jamaica's lead in withdrawing from the Optional Protocol.

Amnesty International is greatly concerned at the weakening of human rights protection for the people of Jamaica, and is alarmed at the risk that other states might take similar action.

Amnesty International calls on the Commission on Human Rights to:

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- 1 reiterate the authoritative statement by the Human Rights Committee that the purported denunciation by the Democratic People's Republic of Korea of the ICCPR is null and void and it remains bound by the ICCPR.
- 2 urge Jamaica to re-ratify the Optional Protocol to the ICCPR without delay and without reservations.¹
- 3 urge the Governments of Trinidad and Tobago and Barbados not to follow the retrograde example of Jamaica.

Chairperson,

Last year the Commission on Human Rights expressed itself in favour of a worldwide suspension of executions and eventual abolition of the death penalty. Since that resolution was adopted at least four states have abolished the death penalty for all crimes bringing the number of countries abolitionist in law or practice to 103. Furthermore, executions remained suspended in a number of countries including Lithuania and the Russian Federation; there were mass commutations of death sentences in Mali, Malawi and Turkmenistan; and during 1997 two more states, Colombia and Greece, ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

Despite these positive developments executions have continued in over 30 countries in the past year. A few states continue to flout international human rights law and sentence persons to death who were under 18 years of age at the time of the crime. During 1997 Iran and the USA sentenced such juvenile offenders to death and Nigeria and Pakistan executed people who were juveniles at the time of the crime.

While the trend towards abolition continues, as noted in the Secretary-General's report,² executions continue on a large scale in a small number of countries. In the USA the annual number of executions continues to rise, and over 3,000 prisoners are now on death row. China continues to use the death penalty extensively and Amnesty International believes many executions last year in China were after unfair trials, and that the death penalty was used for non-violent offences such as fraud, embezzlement and corruption. Other countries with large numbers of executions included Iran, Iraq and Saudi Arabia.

Amnesty International, convinced that the death penalty is incompatible with the right to life and the right not to be subjected to cruel, inhuman or degrading punishment, urges the Commission on Human Rights to reaffirm the need to abolish the use of this barbaric punishment and to call for an immediate moratorium on executions in all countries.

¹The Human Rights Committee has made clear in its General Comment 24 that it considers reservations which prevent the Committee scrutinizing States Parties' respect of obligations under the Covenant and those which affect the procedure or working methods of the Human Rights Committee would be incompatible with the object and purpose of the treaty.

²"Question of the death penalty", E/CN.4/1998/82, para. 20.

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منظمة العفو الدولية

國際特赦組織



AI INDEX: IOR 41/04/98

News Service 38/98

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1998 UNITED NATIONS COMMISSION ON HUMAN RIGHTS

STANDING UP FOR THE VICTIMS?

GENEVA -- In the 50th anniversary year of the Universal Declaration of Human Rights, the United Nations Commission on Human Rights must put the victims of violations at the centre of its decision-making, Amnesty International said at a press conference today.

“The needs of victims of human rights abuses must guide the Commission’s deliberations,” said Nicholas Howen, Director of Amnesty International’s Legal and International Organizations Program. “But governments look set to ignore some acute human rights situations. For the victims the anniversary will be little cause for celebration.”

The European Union’s decision not to support any resolution on China’s human rights record has already cast a shadow over the Commission, by sidelining it in favour of behind the scenes dialogue with China. This dialogue should not displace scrutiny by the Commission of China’s human rights record. Discussions between states must not displace the Commission’s role of confronting governments which violate human rights, according to Amnesty International.

“The decision not to scrutinize China’s human rights record in the Commission has more to do with policy splits between EU member states and lucrative markets than any real improvement in the human rights situation,” Mr Howen said.

“Governments also look set, yet again, to ignore six years of human rights atrocities in Algeria. There is no other country where human rights abuses are so extreme but where there is no international scrutiny, let alone action, by the international community.”

An estimated 80,000 men, women and children have been killed since the start of the conflict in 1992. Thousands have been hacked to death, tortured or “disappeared”. Security forces, state-armed militias and armed Islamic groups have all been responsible for these human rights abuses.

The UN Secretary-General, the UN High Commissioner for Human Rights as well as other senior UN officials have expressed their concerns about this human rights tragedy but it has not led to any concrete action.

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The gravity of the human rights situation in Algeria requires an international investigation into the responsibility for the killings and other gross human rights abuses. Amnesty International is calling on the Commission to play its role and appoint a Special Rapporteur on Algeria supported by the Commission's thematic mechanisms and other technical experts. The immediate priority for the Special Rapporteur is to carry out an on-site investigation into the massacres and other abuses and to report urgently to the Commission with recommendations for further action.

"When faced with such horrors why is the Commission silent? How much death and mutilation does it take for the Commission to act?" Mr Howen said. "How the Commission, the UN's main human rights watch dog, can turn its back year after year on Algeria is beyond belief."

"Silence is not an option for the Commission. In this 50th anniversary year it must take decisive action to protect the human rights of the Algerian people or risk becoming irrelevant to the problems of the real world."

At the Commission, which runs from 16 March to 24 April, the organization will raise the cases of countries where there is a pattern of systematic, persistent and severe human rights violations. Although it will focus in particular on Algeria, Cambodia, Colombia, Kenya, Saudi Arabia and Turkey, Amnesty International will also raise other countries where there are gross violations of human rights.

COUNTRY BACKGROUNDS:

Algeria

An estimated 80,000 people have been killed since the start of the conflict in 1992. In recent months alone, around 2,000 men, women and children were killed or injured. The civilian population has been increasingly trapped in a spiral of violence. Armed groups who define themselves as "Islamic groups" have killed thousands of civilians often with unspeakable brutality. The Algerian security forces have increasingly violated human rights, including extrajudicially executing individuals and groups. Other victims of the security forces have been killed in detention, tortured and many have simply "disappeared" after arrest.

Cambodia

Despite massive investment in rebuilding Cambodia's institutions after years of civil war, the gains made have been undermined by the Royal Cambodian Government's failure to protect human rights. The UN's Special Representative has said that a climate of impunity in the country casts serious doubts on the fairness of upcoming elections. There has been no serious investigation into alleged official complicity in a grenade attack on a peaceful opposition march which killed 16 people and injured another hundred on 30 March 1997. No proper investigation has taken place into at least 43 political killings of people linked to the opposition following the July 1997 coup.

Colombia

The human rights crisis in Colombia continues to deteriorate with widespread extrajudicial executions, "disappearances" and torture. Although the number of violations directly attributable to the armed forces has fallen, there has been a corresponding increase in abuses committed by paramilitary groups acting with their tacit or active support. Armed opposition groups continue to commit numerous violations of international humanitarian law. Human rights defenders are harassed, intimidated and violently assaulted, with at least 10 killed in 1997. Little progress has been made in identifying their killers and bringing them to justice.

Kenya

The government's violent crackdown in mid-1997 on pro-democracy campaigners led to at least 13 deaths, and brutal attacks by the security forces on peaceful demonstrators. In recent years, the police and security forces have tortured or killed hundreds of Kenyans. Arbitrary arrests are widespread and there are more than 700 prisoners under sentence of death. Human rights defenders have been detained for their non-violent activities, and some tortured while in custody. This year, more than 100 people have been killed and thousands fled their homes in the Rift valley in what appears to be politically instigated violence.

Saudi Arabia

In Saudi Arabia hundreds of people are detained on political grounds. Torture and ill-treatment are widespread. Public executions are commonplace and carried out with a total disregard for even the most basic human rights safeguards. Flogging and amputation are imposed for certain offences. Women are subjected to human rights violations based on their gender, either because of discriminatory laws or by virtue of discriminatory attitudes and practices. The Commission examines Saudi Arabia under the so called confidential '1503 procedure' but this has not resulted in any significant improvement in the overall human rights situation.

Turkey

Torture of men, women and children continues to be widespread throughout Turkey, and people have "disappeared" or died in police custody. There are frequent reports of electro-shock torture and sexual torture. The security forces have also unlawfully killed alleged members or supporters of armed opposition groups, particularly in the south-east of the country. Throughout 1997, the government arrested trade unionists, journalists, students and other peaceful demonstrators, and many political prisoners remain in jail after grossly unfair trials. Members of one religious minority are serving long jail sentences apparently because they had appeared in public wearing turbans and cloaks.

.../ENDS

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News Service 71/98

AI INDEX: IOR 41/07/98
24 APRIL 1998

UN Commission on Human Rights: Political Horsetrading Triumphs over Rights Protection

Geneva -- As the the 54th session of the UN Commission on Human Rights (the Commission) draws to a close today, Amnesty International criticized the Commission for choosing political compromise over decisive action for victims in countries like Algeria, Indonesia and East Timor, Saudi Arabia and China.

"During its six week session, thousands of people were killed or injured in Algeria, yet the Commission did nothing. If a blind eye is turned to such blatant and often publicized abuses, what hope can victims not in the international spotlight have," Amnesty International said.

Algeria: disgraceful inaction

Shamefully, despite the appalling human rights tragedy in Algeria, the Commission has once again decided not to act. In the face of the Algerian Government's outright refusal to cooperate with the Commission the European Union, the US and Canada buckled under and eventually admitted to lacking the determination to take the action that was needed.

Even though the deadline for a resolution on Algeria was extended at the last minute, nothing was put on the floor for debate. There was no serious discussion about the desperate need to send an international team to investigate the situation and the plight of the Algerian victims and Member States hid behind a barrage of contemptible excuses to justify their inaction. As posturing went on at the Commission, thousands of people were killed or injured in Algeria.

Saudi Arabia: off the hook

The Commission has deplorably decided to let Saudi Arabia off the hook. Despite the virtual absence of the rule of law in the country, the Commission decided to drop scrutiny of Saudi Arabia's human rights record from its confidential procedure.

Indonesia and East Timor: lessons are not learned

Backing down from a resolution condemning continuing human rights violations in East Timor, governments, including the Australian Government, openly worked with the European Union for a weak statement by the Chairman of the Commission.

According to the statement, Indonesia agrees to invite the Working Group on Arbitrary Detention to the country before the next session of the Commission. This development took place despite the fact that previous commitments and recommendations contained in both Chairman's statements and resolutions at the Commission- including commitments to invite UN human rights theme experts within a particular timeframe - have been ignored by the Indonesian Government.

China: a deplorable silence

Scrutiny of China's human rights record was conspicuously absent during the Commission's session. Prior to the session the European Union made public its decision not to table a resolution on China at the Commission. Amnesty International deplores the lack of scrutiny of China's human rights record which has more to do with policy splits between EU member states and trade deals than any significant improvement in the human rights situation in the country.

Abolition of the death penalty: a step in the right direction

For the second time in a row the Commission has adopted a resolution calling for a moratorium on the death penalty "with a view to completely abolishing" this practice. Encouragingly, the resolution was sponsored by 65 states, 15 more than the resolution adopted last year. Another positive factor was the decision of the United Kingdom Government to cosponsor the resolution. Last year the UK authorities abstained. The US represented a conspicuously discredited minority by being the only Member State within the Western group to vote against the resolution. Amnesty International welcomes the adoption of this resolution and hopes that the Commission will build on this achievement at its 55th session.

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For further information, or to arrange an interview please contact the Amnesty International UN Office in Geneva on: + 41 22 798 2500.



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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Joint written statement submitted by Amnesty International, the
International Federation of Human Rights, Human Rights Watch
and Reporters sans Frontières, non-governmental organizations
in special consultative status

The Secretary-General has received the following written statement,
which is circulated in accordance with Economic and Social Council
resolution 1296 (XLIV).

[25 March 1998]

THE HUMAN RIGHTS SITUATION IN ALGERIA:
TIME FOR THE COMMISSION TO ACT

Joint statement by Amnesty International, the International Federation
of Human Rights, Human Rights Watch and Reporters sans Frontières

1. On 15 October 1997, our four organizations issued a joint appeal to the international community and members of the United Nations Commission on Human Rights in particular, to act without delay in the face of the alarming human rights crisis in Algeria to set up an international investigation to ascertain the facts, examine allegations of responsibility and formulate recommendations with respect to the massacres and other abuses by all parties to the conflict.
2. Regrettably, this call went unheeded. More than four months later, violations of human rights in Algeria, far from receding, have reached unprecedented levels: the Government of Algeria, in this period, has continued to obstruct and denounce all efforts to establish a credible and impartial international mechanism to carry out such a mission.
3. Amnesty International, Human Rights Watch, the International Federation of Human Rights and Reporters sans Frontières therefore call upon the United Nations Commission on Human Rights, at its fifty-fourth session, to appoint a special rapporteur on the human rights situation in Algeria, who should carry out visits with thematic mechanisms and be supported by forensic and other technical experts. Given the scale and scope of human rights violations there, such a step is crucial to ensure a measure of ongoing international scrutiny of the situation, to express to the people of Algeria the concern of the international community, and to provide information and recommendations that will enable the Algerian Government and the international community to address effectively the continuing violence and human rights abuses.
4. The need for this initiative is clear. Although precise numbers are not known, there are some estimates that as many as 80,000 people have been killed since the beginning of the conflict in 1992, including some 2,000 in the past four months alone. At the end of December 1997 and beginning of January 1998, hundreds of men, women and children were shot, decapitated, hacked to death and burned alive by groups of assailants who fled the area after the killings. On 30 December 1997, some 300 people were killed in villages in the western province of Relizane, and on 11 January, more than 100 people were massacred in Sidi Hamed, south of Algiers. In addition to these large-scale slaughters, scores, often hundreds, of civilians are killed every week. Some of these attacks have been claimed by armed groups that are opposed to the Government and call themselves Islamic. There has yet to be any serious or transparent investigation into the facts regarding these killings, as well as numerous cases of torture, enforced disappearances, and other serious abuses.
5. The general failure of the Algerian authorities to bring to justice those responsible for gross human rights violations, the absence of a credible independent investigation into the killings and massacres, the restrictions imposed on Algerian and foreign journalists and international organizations,

all contribute to perpetrating a situation of complete impunity where violence thrives on fear and silence.

6. For the past six years, armed groups have deliberately and arbitrarily targeted unarmed civilians, carried out indiscriminate attacks which have killed civilians, and abducted and raped women. Vulnerable people such as the elderly and children have been frequent victims of the armed groups, whose methods are unspeakably brutal. We have strongly and unequivocally condemned these atrocities, and have repeatedly called on the Algerian authorities to bring to justice those responsible for such crimes and to take the necessary measures to ensure the protection of the civilian population. We have also urged the Algerian authorities to ensure that the fight against violence must take place within the rule of law and in compliance with international human rights treaties to which Algeria is a party.

7. The Algerian authorities have blamed all the massacres and other killings on "terrorist" groups. They have not explained convincingly, however, why many of the massacres in the most heavily militarized regions of the country, some in close proximity to army and security forces barracks and outposts, took place without the army and security forces having intervened to stop the mass killings or to capture the attackers, who apparently fled undisturbed.

8. The large-scale massacres of the past year have been perpetrated against a backdrop of increasingly widespread violence and human rights abuses. Security forces have continued to be responsible for extrajudicial executions, "disappearances", abductions and torture. Thousands of cases of such violations have been brought to the attention of the Algerian Government, but no investigations are known to have been carried out. Moreover, the authorities have armed large sectors of the civilian population and encouraged the creation of paramilitary militias, in the process further drawing the civilian population into the conflict.

9. Since our appeal four months ago, a number of European Governments and the United States have publicly called on Algeria to cooperate with the United Nations special mechanisms and to facilitate investigations by international human rights organizations. There have been hearings on the situation before committees of the United States Congress, the European Parliament, and the parliaments of several European States. The European Union dispatched foreign ministry officials of the troika countries in mid-January. Within the United Nations, UNICEF supported the call for an international investigation. Secretary-General Kofi Annan had earlier deplored the continued killings in Algeria and offered to discuss with the Algerian Government ways of bringing an end to the spate of killings; Sadako Ogata, the High Commissioner for Refugees, appealed to European countries not to turn back Algerians to their country; Mary Robinson, the High Commissioner for Human Rights, requested information on the human rights situation in Algeria from across the whole United Nations system, while engaging in a high-level dialogue with the authorities. But these initiatives have not resulted in concrete steps that would shed light on the human rights situation or reduce the scale of abuses in Algeria.

10. The Algerian authorities have adamantly and consistently rebuffed these approaches and denounced any kind of international undertaking aimed at

clarifying the human rights situation in the country. In spite of repeated entreaties by the High Commissioner for Human Rights and the European Union, in public and in private, the Special Rapporteurs on torture and on extrajudicial, summary and arbitrary executions have not been allowed to carry out a joint visit to the country, even though the Algerian authorities had agreed in principle to these visits.

11. Algeria's rejection of any form of international scrutiny cannot be allowed to be the final word. The United Nations must take immediate, decisive and serious steps towards the establishment of a mechanism for an international investigation. In particular the Governments that currently make up the Commission on Human Rights must live up to their responsibilities and take steps to address the human rights crisis in Algeria in an effective manner. Ultimately, a thorough and credible investigation of Algeria's human rights situation can only happen on-site, with the cooperation of the Algerian Government. The step that we are urging, however, will help ensure an important degree of ongoing international scrutiny of that situation, and will provide a measure of solidarity with the people of Algeria.

12. We believe that an international investigatory mechanism is required by the gravity of abuses and by the policy of the Algerian Government to impede any independent international investigation. The Commission on Human Rights should appoint a special rapporteur on Algeria at its present session. This is a step that the Commission can and should take with or without the cooperation of the Algerian Government. The special rapporteur should be instructed to seek a joint mission to Algeria, along with relevant thematic mechanisms, and with other experts, including from outside the United Nations system, and representing a wide range of expertise in the fields relevant to the human rights situation in the country, namely: forensic anthropology, torture, summary, arbitrary or extrajudicial executions and killings, "disappearances", violence against women and children, and internal displacement.

13. Whether or not such a request is granted, he or she should be provided with sufficient resources and authority to investigate, with the assistance and collaboration of the special mechanisms and working groups of the Commission on Human Rights, the gross and systematic abuses of human rights committed by armed groups and by security forces in Algeria, and should be instructed to submit an interim report of his or her findings and recommendations to the General Assembly no later than 30 June 1998, and a final report to the fifty-fifth session of the Commission in March 1999. The special rapporteur should propose a long-term human rights plan to be coordinated by the High Commissioner for Human Rights. This plan should include gender-specific recommendations to address the occurrence of rape and sexual abuse, and should integrate activities of the relevant United Nations agencies and departments concerning Algeria.

NGO JOINT STATEMENT ON ITEM 19
(concerning the draft declaration on human rights defenders)
3 April 1998

Thank you Mr. Chairperson.

The International Service for Human Rights appreciates the opportunity to make this joint statement which is signed by over 23 NGOs in consultative status or who participated in the Working Group on the draft declaration for human rights defenders.

This statement is also supported by over 80 NGOs represented in Geneva for the 54th session of the Commission on Human Rights, the list of which is given in the Appendix.

This text has been translated by the delegation of the International Service for Human Rights into Arabic, Chinese, French and Spanish.

As we sit here in the relative comfort and security of Geneva, national human rights defenders in the field are risking their lives to monitor and promote implementation of basic standards of human rights and fundamental freedoms. Their work is vital to the realization of principles contained in the Bill of Human Rights. And, as many have stated in this forum, the work of human rights defenders, including the information they provide, is indispensable to the functioning of numerous UN mechanisms. In short, if the minimum standards of human rights are to be respected in any given society, the work of human rights defenders must be safeguarded by States and the Commission.

Grim reality shows that human rights defenders are often the first target of State policies of surveillance, arbitrary detention, and extra-judicial killing. Their families frequently become secondary targets of State repression. To make matters worse, human rights defenders are often subject to heightened harassment by the State and its agents, as a result of contacting or communicating with UN human rights mechanisms. For instance, individuals have been ill-treated or even killed after giving information to visiting Special Rapporteurs and UN Working Groups. Individuals are also often subject to increased governmental surveillance and harassment during and after they return from UN meetings, such as the present Commission on Human Rights.

For several years, the Secretary-General's reports on cooperation with representatives of UN human rights bodies have attested to the problem of systematic attacks against human rights defenders. And, these cases represent a tiny fraction of those dealt with every day by NGOs. When the work and lives of human rights defenders are subject to such dangers, the human rights of all people are seriously threatened.

Mr. Chairperson, it has been a trying thirteen years since the Commission on Human Rights first mandated the Working Group to draft a Declaration to promote and protect the rights of human rights defenders. In the intervening years, the situation for human rights defenders has deteriorated. It is for this reason that human rights defenders around the world welcome the completion of the Draft Declaration.

We commend the Chairperson of the Working Group, Mr. Jan Helgesen of Norway, for his patience and commitment. During these negotiations, NGOs played a crucial role by monitoring the drafting process to ensure that, at the very least, the text did not fall below

the standards of protection contained in international human rights instruments. In this context, it is significant to note that the observations and recommendations of regional and national NGOs, without consultative status, helped to relate the drafting process to the hard realities on the ground.

Mr. Chairperson, the Draft Declaration that we have before us represents the bare minimum. It is not the text that human rights defenders would have written. Nonetheless, we urge States to approve the draft without further delay and to submit it to the Economic and Social Council for final adoption by the General Assembly by the end of the year.

The Declaration, on its own, will be an insufficient means of protection if not implemented at the national level. To achieve concrete protection of human rights defenders, the Commission must monitor progress in the implementation of the Declaration.

Accordingly, on behalf of the NGOs who support this statement, we urge the Commission to adopt the following measures:

- The protection of human rights defenders should be retained as a separate and specific agenda item so that the Commission can consider the implementation of the principles as set down in the Draft Declaration. Under such an agenda item the Commission would receive information, through a report by the Secretary-General, on the situation of human rights defenders and on measures taken by States to conform to the standards in the Draft Declaration.
- Additionally, as stated by NGOs over the last three years, the most effective mechanism for the Commission to monitor, act and report on the difficulties faced by human rights defenders throughout the world would be the appointment of a new thematic Special Rapporteur on Human Rights Defenders. We would like to reiterate our request to the Commission to consider this proposal.

Mr. Chairperson, the Secretary-General and many members of the Commission, in their presentations to this forum, have referred to the 50th Anniversary of the Universal Declaration of Human Rights and reminded us that the time has come for the implementation of human rights instruments. It must be emphasized that States have the primary responsibility in the implementation process. Additionally, the UN, in particular the Office of the High Commissioner for Human Rights, should ensure the Draft Declaration's realization is addressed across the whole UN system. NGOs remain ready to support effective measures by States and the UN to fully implement this new Declaration.

**54th session of the UN Commission on Human Rights:
Item 20: Rights of the Child**

**JOINT ORAL STATEMENT BY AMNESTY INTERNATIONAL, FRIENDS
WORLD COMMITTEE FOR CONSULTATION (QUAKERS) AND HUMAN
RIGHTS WATCH**

Delivered by Rachel Brett, Quaker UN Office, Geneva, on 16 April 1998

Children in armed conflict

Mr Chairman

Since the International Year of the Child in 1979, NGOs and others have drawn attention to the use of children as soldiers and have worked to stop this. Amnesty International, Friends World Committee for Consultation (Quakers) and Human Rights Watch are encouraged at the increasing recognition that exploitation of children in this way is totally unacceptable.

It is, therefore, regrettable that the Working Group charged with drafting an optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflict has reached an impasse. The primary problem is the refusal of one country (the USA, which is not even a party to the Convention on the Rights of the Child) to allow the establishment of 18 as the minimum age for participation in hostilities: considered as essential for the protocol by the vast majority of states participating in the Working Group.

Article 38 of the Convention on the Rights of the Child, prescribing 15 as the minimum age for recruitment into armed forces and participation in hostilities, was a weak compromise, leaving thousands of those defined by the Convention itself as children, exposed to gross violations of human rights. The objective of drafting an optional protocol is to set an unequivocal international standard protecting children from involvement in armed conflict.

To achieve this purpose requires not merely a prohibition on participation as such but also a prohibition on any form of recruitment of children by anyone. If under-18s are recruited, they are likely to be used in times of armed conflict. To prohibit participation only is to leave children exposed to involvement and the international community with the problem of seeking demobilisation and reintegration of child soldiers - recognising that soldiers are rarely demobilised *during* an armed conflict. Thus children would continue to be exposed to the violations from which the draft protocol is intended to protect them, while omitting the most effective means of protection - preventing their recruitment.

We therefore urge all states to strive for the adoption of clear, workable standards which would have a significant impact on the involvement of children in armed conflict and not to invoke their current laws and practices as an impediment to this objective. The idea that international human rights standards should be designed to enable practically all countries in the world to sign on without having to in any way modify their behaviour would have produced a very different Universal Declaration of Human Rights to the one whose 50th anniversary is being celebrated this year. As the UN High Commissioner for Human Rights, Mary Robinson, said to the Working Group drafting the optional protocol, "national legislation should not be presented as an obstacle to the elaboration of such new and more advanced international standards".

Mr Chairman, the Machel Study on the Impact of Armed Conflict on Children not only recommended the adoption of an optional protocol setting 18 as the minimum age for recruitment and participation, but also the appointment of a Special Representative of the Secretary General on the impact of armed conflict on children. This was approved by the UN General Assembly in 1996. The Special Representative, Olara Otunnu, was appointed in September 1997 for three years to follow-up the recommendations of the UN Study. We regret the delay in his appointment, but welcome his review of the standards, training, guidelines and procedures for the conduct of UN peacekeepers. His first report to the Commission (E/CN.4/1998/119) points out that "In announcing this appointment, the Secretary-General underscored the urgent need for a public advocate and moral voice on behalf of children whose rights, protection and welfare have been and are being violated in the context of armed conflict." In November 1997 the International Save the Children Alliance issued a press release listing 32 armed conflicts in which they had evidence of children under 18 active as child soldiers. We urge the Special Representative to respond more actively to the Secretary-General's call for "a public advocate and moral voice" by taking up specific situations of recruitment and use of child soldiers in all parts of the world.

The fact that hundreds of thousands of children are daily participants in the brutal realities of armed conflict demonstrates the inadequacies of international responses so far. The adoption of a strong protocol to the Convention of the Rights of the Child and the active intervention of the Special Representative of the Secretary-General could have a significant impact. As Bishop Desmond Tutu reminds us, "It is immoral that adults should want children to fight their wars for them... the main responsibility lies with us, the adults".¹

Thank you, Mr Chairman.

¹ Preface to *Children: The Invisible Soldiers* (Rädda Barnen, Stockholm, 1996) by Rachel Brett and Margaret McCallin

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Algeria

The Commission on Human Rights Must Act Now

A joint statement by Amnesty International, the International Federation of Human Rights,
Human Rights Watch and Reporters Sans Frontières

7 April 1998

The annual meeting of the Commission on Human Rights is now more than half over, yet astoundingly there has been no movement whatsoever to address the human rights situation in Algeria, one of the gravest human rights crisis facing the international community today. It is imperative that member states of the Commission take an immediate initiative to table a resolution that establishes a mechanism to investigate the situation in Algeria. It is completely unacceptable that the Commission would allow Algeria's rejection of any human rights inquiry as the last word. This would not only reward Algeria's intransigence, but would signal other states that such declarations of impunity carry no price at all from the paramount international human rights body.

Many of the 53 member states have expressed the view that it would not be credible if this session of the Commission were to end without a strong expression of concern about the human rights situation in Algeria and a public Algerian government commitment to allow fact-finding missions by the U.N. Special Rapporteur on extrajudicial, summary or arbitrary executions and by the Special Rapporteur on torture. In fact, Algeria has slammed these doors shut rather than opened them in the slightest. Many governments have indicated that they would feel compelled to vote for a resolution on Algeria on these issues should one be tabled. But no government has been willing to put one forward. Our four organizations call on member governments of the Commission, and especially the E.U. meeting today in Brussels, to instruct their delegations to table, as a matter of greatest urgency, such a resolution.

Algerian Foreign Minister Ahmad Attaf, in his March 18 address to the Commission and in subsequent statements, actually reneged on Algeria's earlier agreement in principle, expressed to the E.U. troika delegation, officials of other governments, the U.N. High Commissioner for Human Rights and the Special Rapporteurs themselves, to finalize at the Commission dates and details for visits of the Special Rapporteurs. By all accounts, Foreign Minister Attaf issued the same refusal in his meetings with the High Commissioner for Human Rights Mary Robinson, Foreign Minister Klaus Kinkel of Germany, and other officials. U.S. Assistant Secretary of State Martin Indyk, meeting in Algiers on March 14 with Attaf and other high officials in an attempt to persuade the government to cooperate with the Commission's mechanisms and with international human rights organizations, also came away empty-handed.

The U.S. then began consultations with other governments regarding Algeria. U.S. Ambassador Bill Richardson, addressing the Commission on March 25, spoke of "the paramount need for a credible, independent verification of the facts,". The U.S. and its European allies have hoped that such remarks and the beginning of consultations would persuade Algeria to comply with the request to allow a visit by the Special Rapporteurs and international NGOs. In our view, this is not at all adequate to address Algeria's appalling human rights situation. Even this, however, the Algerian government has adamantly rebuffed. As for the other regional groups, they have remained conspicuously silent, and appear content to leave any initiative to the Western group.

In Algeria, meanwhile, the massacres and other killings of civilians, the torture in security forces centers, the forced disappearances and other serious crimes continue without respite and without any serious or credible Algerian government investigation into the facts or indictment of those responsible. As we argued in our joint submission to the Commission, it is within the power of the Commission to address the continuing violence and human rights abuses in Algeria, with or without the cooperation of the Algerian government. The Commission should, as a first step, appoint a Special Rapporteur on the human rights situation in Algeria. Given the scale and duration of the crisis, this is crucial to ensure a measure of on-going international scrutiny of the situation, to express to the people of Algeria the concern of the international community, and to provide information and recommendations that will enable the government and the international community to address the crisis effectively.

There is still time for the Commission to act, but this process must begin immediately. Algeria today is flaunting its impunity before the Commission. In the face of this intransigent posture, member states of the European Union must no longer hide behind the facade of the E.U. unity - and the opposition mainly of France to any Commission initiative on Algeria - to justify silence in Geneva this week, even while high-level corporate and banking delegations travel to Algiers to discuss new opportunities for business profit. Nor can the E.U., the United States and Canada pretend any longer that the remaining shreds of "political dialogue" with the Algerian authorities will cover their inaction at the Commission. To avoid taking a decision to put forward a resolution on Algeria at the Commission on Human Rights is to reveal the complete subordination of human rights policy to every other possible consideration.

To all the governments that are presently members of the Commission, and to other governments attending as observers and participating in regional policy groupings, including today's E.U. meeting in Brussels, we therefore ask you to meet your responsibility to act on the human rights crisis in Algeria. Any other course risks the credibility of the Commission and the human rights mechanisms of the United Nations.

On Wednesday, April 15, in Geneva, Pierre Sané, Secretary General of Amnesty International, Patrick Baudouin, President of the International Federation of Human Rights, Robert Ménard, Executive Director of Reporters sans Frontières and Joanna Weschler, United Nations representative of Human Rights Watch, will hold a joint briefing for delegates and journalists in Room XXIII of the Palais des Nations.

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EMBARGOED FOR RELEASE 1300 HRS GENEVA TIME 15 APRIL 1998

FOUR INTERNATIONAL HUMAN RIGHTS GROUPS CALL ON THE UN COMMISSION TO FACE UP TO ITS RESPONSIBILITY ON ALGERIA

**Joint press release by Amnesty International, the International Federation of
Human Rights, Human Rights Watch and Reporters Sans Frontières**

GENEVA -- There are only seven working days left before the end of the UN Commission on Human Rights and to date no action on Algeria has even been proposed, let alone taken. Meanwhile, in Algeria children continue to be hacked to death, women are abducted and raped, men are arrested at home and "disappear" in the night. Today, Amnesty International, the International Federation of Human Rights, Human Rights Watch and Reporters Sans Frontières are holding a joint briefing to call on the UN Human Rights Commission to take action on Algeria.

Six years of violence have left tens of thousands of people dead. Six years is a long time for the Commission to remain a silent spectator to a human rights crisis whose magnitude has only sporadically grabbed international attention.

"How many more dead will it take for the Commission to stop turning a blind eye to the plight of the Algerian victims? It is time for members of the Commission to stop posturing. Too many excuses have been invoked to justify inaction by the Commission; and such inaction is tantamount to discriminating against victims of the Algerian tragedy," said Pierre Sané, Secretary General of Amnesty International.

It should not be a forlorn hope to expect the UN body with primary responsibility for the protection and promotion of human rights to face up to its responsibility and to take effective action to address the human rights situation in Algeria.

"We do not pretend that the appointment of a Special Rapporteur and the setting up of an international investigation will be enough to resolve the crisis, but we insist that it is a crucial and necessary step to break the cycle of violence and impunity which reigns in Algeria today. What we are calling for is both practical and necessary," stated Joanna Weschler, Representative at the UN of Human Rights Watch. "It is not something abstract. It is about saving lives. Each member state of the Commission bears a heavy responsibility if this session ends and nothing has been done", added Joanna Weschler.

Since the beginning of the Commission four weeks ago, hundreds of people have been killed in Algeria, torture continues and the relatives of the "disappeared" are still wondering if their loved ones are dead or alive. At the same time the Algerian Government continues to refuse access to the country to the UN Special Rapporteurs as well as to international human rights organizations.

"The widespread use of extrajudicial practices has led to the institutionalized destruction of the rule of law. To date no concrete action has been taken by the Algerian authorities to redress the situation and the perpetrators of crimes and abuses continue to benefit from impunity. In the light of this, action by the Commission is necessary, and the Algerian Government is obliged, under international law, to cooperate with the Commission in this regard", said Patrick Baudouin, President of the International Federation of Human Rights.

Robert Menard, Secretary General of Reporters Sans Frontières stated that "The systematic control on information by the authorities provides a cover of impunity for armed groups and security forces, who are responsible for massive human rights abuses. To date no one has been brought to justice for the assassination of some 60 journalists; if most of the journalists are believed to have been killed by armed groups, some of them were not killed by armed groups, but probably by groups close to certain circles within the authorities". Robert Menard added that "Journalists continue to be prosecuted on charges of 'attacking state security' or 'insulting state authorities', and access to Algeria for foreign journalists is restricted or refused and those who are allowed into the country are forced to work under security forces surveillance".

Amnesty International, the International Federation of Human Rights, Human Rights Watch and Reporters Sans Frontières are calling on the Commission on Human Rights to appoint a Special Rapporteur on Algeria who -- supported by relevant thematic mechanisms of the Commission as well as other technical experts -- should carry out urgent on-site visits and report to the Commission with recommendations for further action. This would be an initial step to address the situation and to ensure long-term transparency and scrutiny.

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