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COMMISSION ON HUMAN RIGHTS
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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO
PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

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

Written statement submitted by Amnesty International, a non-governmental
organization in consultative status (category II)

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

[31 January 1995]

"Less politics and more human rights"

1. Governments in the United Nations Commission on Human Rights should deal less with politics and more with human rights. Amnesty International (AI) maintains that politics, and not human rights, dictates what happens at the Commission. Time and again members of the Commission put their own perceived economic and strategic interests first and accept without question the excuses of Governments with abysmal human rights records.

2. Amnesty International calls on the Commission to take action on India (Jammu and Kashmir), Turkey, Indonesia/East Timor, Colombia and Algeria. Once again this year Amnesty International and other NGOs will put before the Commission overwhelming evidence of severe and systematic violations of human rights in these countries - torture, "disappearances", extrajudicial executions and prolonged detention of prisoners of conscience. The

United Nations human rights system will have little credibility left if the Commission continues to ignore reality. Amnesty International's first question in assessing this year's Commission will be whether it has clearly held these five Governments to account for blatantly suppressing the rights they are legally bound to uphold and protect. Governments scrutinizing their peers at the Commission, being open to scrutiny themselves, and acting swiftly in the face of violations, can make a difference. But a resounding silence sends an even stronger message to Governments that they can trample on their people's human rights and the world will only stand by and watch.

3. Last year the Commission was paralysed by the acute politicization of the debate on Jammu and Kashmir. But the Commission, as the principal human rights forum of the United Nations, must find a way to cut through the politics and deal with a grave situation in which security forces have routinely tortured and killed hundreds of young men detained as suspected militants. In a report published on 31 January 1995 Amnesty International details the cases of more than 700 detainees allegedly tortured to death or shot outright in Jammu and Kashmir. The high incidence of torture accounts for the alarming number of deaths in custody. The Indian Government has repeatedly stated that it works in a spirit of openness and transparency. If so, the Commission should itself investigate the situation: it should ensure that India grants the requests by the Commission's thematic experts on torture and extrajudicial execution to visit the region.

4. It is clear that Turkey has escaped scrutiny by the Commission because of the support of powerful allies for whom the country's strategic significance is far more important than its appalling human rights record. Even after the United Nations Committee against Torture concluded in an unprecedented public statement issued as a last resort in November 1993 that "... the existence of systematic torture in Turkey cannot be denied", the Commission refused to act. Turkey has still not agreed to the request made by the Commission's Special Rapporteur on extrajudicial, summary or arbitrary executions in 1992 to visit the country. Yet by 1994 the death count for political killings had reached 1,200, in many of which the security forces were implicated.

5. Only after the Santa Cruz massacre in East Timor in 1991 did the Commission confront the severity of human rights violations by Indonesia's security forces - a reality confirmed by the visit to East Timor in 1994 of the Special Rapporteur on extrajudicial execution. Whether because of trade, political or other considerations, the Commission's concern was already muted by the time of the 1994 session. However, serious human rights violations throughout the Indonesian archipelago, including Aceh, Irian Jaya and Java, have been a persistent part of Indonesia's official response to political opposition and also a means of removing perceived obstacles to economic development. The Commission has a duty to address the long-standing pattern of grave human rights violations throughout Indonesia and East Timor.

6. The Commission has also persistently failed to act on the continuing human rights crisis in Colombia, where more than 1,000 people were extrajudicially executed during the past year by the army and their paramilitary allies. At least 100 others "disappeared" after detention and hundreds of prisoners were the victims of torture. The Special Rapporteurs on torture and extrajudicial executions and the Representative of the

Secretary-General on the internally displaced, as well as the High Commissioner for Human Rights, visited the country during 1994 and will present their recommendations to this session of the Commission. Amnesty International is urging the Commission to appoint a special rapporteur to monitor the implementation of their recommendations and help the new Government summon the political will to carry out reforms that are essential to break the cycle of impunity.

7. Members of the Commission appear simply to have accepted assertions by the Government of Algeria that its forces have committed no human rights violations and that only the armed opposition is guilty of human rights abuses. The stark reality is that since the cancellation of elections and imposition of a state of emergency in 1992 the human rights situation has dramatically deteriorated, with reports of extrajudicial executions and "disappearances" at the hands of security forces now commonplace. Torture, which had been virtually eradicated in Algeria between 1989 and 1991, is now widespread in police and gendarmerie stations and military security centres. The Commission can no longer be silent.

8. In India, Turkey, Colombia and Algeria Amnesty International has continued to document gross human rights abuses by armed opposition groups. The Commission, however, cannot take such abuses as an excuse for violations of international law by governments. Who else can victims, their families and non-governmental organizations look to if not the chief political human rights body of the United Nations? For thousands of victims it is already too late, but the Commission still has a chance to act decisively in the coming weeks.
