



Economic and Social  
Council

Distr.  
LIMITED

E/CN.4/Sub.2/1998/L.13  
17 August 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of  
Discrimination and Protection  
of Minorities  
Fiftieth session  
Agenda item 2

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS  
INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF  
APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL  
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE  
SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Bengoa, Mr. Boutkevitch, Mr. Eide, Mr. Fix Zamudio, Mr. Diaz Uribe,  
Mr. Goonasekere, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Mr. Khalil,  
Mr. Maxim, Mr. Mehedi, Mr. Oloka-Onyango, Mr. Sang Yong Park,  
Mr. Pinheiro, Mr. Sik Yuen, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer:  
draft resolution

1998/... Violations of the rights of human rights defenders  
in all countries

The Sub-Commission on Prevention of Discrimination and Protection of  
Minorities,

Guided by the principles enshrined in the Charter of the United Nations,  
the Universal Declaration of Human Rights and the International Covenants on  
Human Rights,

Recalling its task to report to the Commission on Human Rights on  
situations of grave violations of human rights,

Aware of the importance to be given to the fiftieth anniversary of the Universal Declaration of Human Rights and considering that effective measures should be taken in order to ensure respect for the Declaration,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights and endorsed by the General Assembly in its resolution 48/121 of 20 December 1993,

Recalling also Commission on Human Rights resolution 1998/66 of 21 April 1998 regarding cooperation with representatives of United Nations human rights bodies,

Recalling further its resolution 1995/25 of 24 August 1995 regarding the protection by competent authorities of everyone against threats, retaliation, pressure or any other arbitrary action in the context of the legitimate, peaceful and non-violent exercise of the right to strive for the protection of human rights,

Noting with deep concern that in many countries, in contradiction to the commitments and obligations of Governments, persons and organizations engaged in promoting and defending human rights are facing threat, harassment and insecurity,

Deeply concerned at the increasing number of cases of which it has been informed concerning human rights defenders who, because of their activities in favour of the recognition, promotion and defence of human rights, have been persecuted, either by being arrested, convicted or imprisoned, or by being the victims of unresolved killings, or by being suspended or prohibited from exercising their professional activities, or by threat of suppression or actual suppression of the legal personality of the organization to which they belong,

Noting with satisfaction the adoption of Economic and Social Council resolution 1998/33 by which the Council approved the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, as contained in the annex to Commission on Human Rights resolution 1998/7 of 3 April 1998, and recommended it to the General Assembly for adoption at its fifty-third session,

Recalling that, in the context of the legitimate exercise of the rights to which it relates, the draft declaration states that each State shall take all necessary measures to ensure the protection by the competent authorities

of everyone, individually or in association with others, against any violence, threats, retaliation, de facto or de jure discrimination, pressure or any other arbitrary action, and that individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes,

Noting Commission resolution 1998/28 of 17 April 1998 in which the Commission called upon the Sub-Commission and on its members to focus on its primary role as an advisory body of the Commission on Human Rights,

1. Urges States to adopt the necessary measures to ensure the effective respect of their obligations in the field of human rights, in accordance with the provisions of the various international instruments, and to guarantee to individuals, groups, organizations, associations and organs of society the necessary conditions to exercise freely their activities in favour of the recognition, promotion and defence of human rights;

2. Firmly condemns the murders of Mr. José Eduardo Umaña Mendoza, lawyer, professor of criminal law and former member of the Lawyers Collective "José Alvear Restrepo" and member of the executive council of the World Organization against Torture, on 18 April 1998 in Bogotá; Msr. Juan Geradi, President of the Commission of Peace and Justice in Guatemala, in April 1998; Mr. Rexhep Bislimi, member of the Council for the Defence of Human Rights and Freedoms, on 22 July 1998 in Pristina, Kosovo; Mr. Ernesto Sandoval Bustillo, President of a local branch of the Human Rights Committee of Honduras; Mr. Youssef Fethellah, lawyer, human rights activist and President of the Algerian League of Human Rights, on 18 June 1994 in Algeria; Ms. Luiz Amparo Jiménez Pallares, journalist, Director of the regional office of the Reintegration Programme and Coordinator of the Redepaz peace network, on 11 August 1998 in Valledupar, Colombia; and Mr. Patrick Finucane, lawyer and human rights defender in Belfast, Northern Ireland, in 1989, mentioned in the report of the Special Rapporteur on the independence of judges and lawyers on his visit to the United Kingdom of Great Britain and Northern Ireland (E/CN.4/1998/Add.4);

3. Calls upon the Governments concerned not to leave crimes committed against human rights defenders unpunished, to allow and facilitate all necessary inquiry, and to ensure judgement by a civil tribunal and punishment of the perpetrators as well as compensation of the families of the victims, including for killings which occurred a long time ago, as recommended by the Special Rapporteur on the independence of judges and lawyers;

4. Urges States to take measures to ensure the security of all human rights defenders who are being repressed, harassed or threatened throughout the world, in particular Mr. Akin Birdal, President of the Turkish Human Rights Association and Vice-President of the International Federal of Human Rights Leagues; Mr. Khemaïs Ksila, Vice-President of the Tunisian League of Human Rights and of the International Federation of Human Rights Leagues; Mr. Ramón Custodio, President of the Human Rights Committee of Honduras; Fr. Javier Giraldo, Executive Director of the Intercongregational Commission of Justice and Peace of Colombia; Mr. Clement Nwankwo, Director of the Constitutional Rights Project of Nigeria; Mr. Destan Rukichi, lawyer, member of the Council for the Defence of Human Rights and Freedoms in Pristina, Kosovo; Cheikh Saad Bouh Kamara and Ms. Fatima M'Baye, President and Vice-President respectively of the Mauritanian Association of Human Rights; Mr. Viktor Kaisiepo, human rights activist and spokesperson of the West Papua Peoples' Front of Indonesia; the lawyers who are members of the Judicial Center of Public Interest of the Philippines; and Mr. Pierre Samba, President of the human rights non-governmental organization Grande Vision in the Democratic Republic of the Congo, and condemns the dissolution by the Government of the Democratic Republic of the Congo of the Association for the Defence of Human Rights;

5. Requests the Government of Myanmar, in view of recent events, to ensure the security of Aung San Suu Kyi and of the members of the National League for Democracy, in particular to guarantee their freedom of movement and expression, and urges the Government to extend to the Special Rapporteur on the situation of human rights in Myanmar of the Commission on Human Rights an invitation to visit the country;

6. Recommends that the Commission on Human Rights ensure follow-up of the cases mentioned in the present resolution in the context of its examination of the human rights situation in the countries in question;

7. Requests the United Nations High Commissioner for Human Rights to transmit the present resolution to all States;

8. Invites the General Assembly to adopt the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, as contained in the annex to Commission on Human Rights resolution 1998/7, at its fifty-third session;

9. Decides to remain seized of the question of violations of the rights of human rights defenders at its fifty-first session under the same agenda item.

-----