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PROMOTION AND PROTECTION OF HUMAN RIGHTS:
STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS;
HUMAN RIGHTS DEFENDERS

Written statement* submitted by the International Rehabilitation Council for Torture Victims (IRCT), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 January 2003]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Last year, 2002, marked the fifteenth anniversary of the entry into force of the UN Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (hereafter the 'Convention against Torture'). Throughout the year, the International Rehabilitation Council for Torture Victims (IRCT), together with the other members of the Coalition of International NGOs against Torture (CINAT), continued their ongoing campaign for the universal ratification of the Convention against Torture. The Coalition's goal for 2002 was to achieve at least 130 States Parties by year's end.

The IRCT is pleased to be able to report to the Commission that this target was reached and in fact exceeded. Since the 58th session of the Commission, a further four States have ratified the Convention: Ireland, the Holy See, Djibouti and Equatorial Guinea, bringing the total number of States Parties to 132. In addition, there are two new signatories to the Convention since the 58th session, Andorra and San Marino.

Furthermore, three further States, Ireland, Paraguay and Peru, have made the requisite declarations under article 22 of the Torture Convention, recognising the competence of the Committee to receive and consider individual communications. This brings to 51 the number of States Parties to the Convention that recognise this procedure. On behalf of CINAT, the IRCT calls on the many States Parties that have not yet made a declaration under article 22 to consider doing so this year. Persons who have been subjected to torture deserve an independent second opinion.

With the UN General Assembly's adoption of the Optional Protocol to the UN Convention against Torture (the Optional Protocol) on 18 December 2002, more than ten years of lobbying and negotiations reached a successful conclusion. The IRCT warmly welcomes the adoption of this important new human rights instrument, and urges States Parties to the Convention to carefully consider ratification, with a view to the Protocol's early entry into force.

The Protocol establishes a unique system of complementary international and national visiting mechanisms to places of detention. In this regard, the IRCT would like to emphasise the role that national rehabilitation centres for torture victims will be able to play in the implementation of the Protocol, through assisting the national preventative mechanisms with capacity-building and in offering candidates for the staff of the newly established mechanisms.

While the IRCT applauds this positive international development in the work against torture, it remains concerned that health professionals and human rights defenders continue to be at risk for their work in documenting acts of torture or in providing treatment and support to victims of torture.

Human rights defenders are a critical element in the promotion and reinforcement of democratic societies, because it is they who work to shed light on the darkness that surrounds the commission of gross human rights violations. They are also amongst the most vulnerable members of a society, and it is for this reason that the United Nations, in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights

and Fundamental Freedoms, has recognised the particular role that they play and the need to create an international framework of protection for them.

In this regard, the IRCT wishes to express its alarm over the ongoing and intensifying number of threats and allegations being made against human rights defenders by the Zimbabwean Government and State-owned media outlets. The IRCT is particularly concerned about persisting, unfounded, allegations being made against its partner organisation in Zimbabwe, the AMANI Trust, an independent, peaceful and non-partisan organisation which works to document cases of torture and other forms of organised violence and to provide treatment and support to victims and their families.

The IRCT considers there are good reasons to believe that the Zimbabwean Government is making these allegations with a view to legitimising the forced closure of the AMANI Trust. Civil society organisations such as the AMANI Trust, with their experience in monitoring, documenting and publicising torture and other human rights violations, are a thorn in the side of a Government that continues to use violence to repress the voice of dissent.

In Turkey, the ongoing trials against Dr Alp Ayan and other human rights defenders demonstrate that in spite of the laudable package of human rights reforms passed by the Turkish Parliament during late-2001 and 2002, there is still considerable work to be done to transform new laws into practice.

Dr Alp Ayan, a psychiatrist and human rights defender who is working for the Human Rights Foundation of Turkey (HRFT) at the organisation's rehabilitation centre for torture victims in Izmir, has been charged with numerous accounts of insulting the Turkish State and its officers under Article 159 of the Turkish penal code. For suggesting that acts of torture were still taking place in Turkish prisons, he was charged with the crimes of 'excessive criticism of State institutions and of 'bringing the Turkish Department of Justice into disrepute.' The IRCT will be closely following the progress of this case in the coming months, which can be seen as a litmus test for the effective implementation of Turkey's impressive new laws on freedom of opinion and expression.

In Mexico, harassment of and threats against activists working for the promotion of human rights and against torture have intensified over the last year. The IRCT is concerned that conditions for human rights defenders in the country are deteriorating, and urges the Mexican Government to secure better protection of human rights defenders and social leaders.

In Sudan, Dr Nagib Nagmeldin and Mr Faisal el Bagir Mohammed, two representatives of the Amal Centre for the Rehabilitation of Torture Victims, continued to be subjected to periodic harassment by national security forces during 2002.

Dr Nagib Nagmeldin, the Medical Director of the Amal Centre, was prevented from attending meetings of the Middle East and North Africa network of rehabilitation centres in July and October 2002, while Mr Faisal el Bagir Mohammed, a journalist at the Amal Centre, was arrested in October 2002 shortly after returning from attending an international meeting on the freedom of the media. While he was subsequently

released, his passport has been confiscated and he is required to report regularly to the Political Security Unit.

The IRCT is concerned that the continuing discrimination and harassment being faced by human rights defenders in Khartoum is preventing them from effectively carrying out their work in support of victims of torture and other human rights abuses.

These cases underline in the view of the IRCT a need for the international community to re-emphasise those provisions in human rights treaties, among them article 2 of the Covenant on Civil and Political Rights and Article 14 of the Convention against Torture, which guarantee the right of victims of torture and other serious human rights violations to an effective remedy. While there is a public consensus within the international community that torture is absolutely prohibited, the corresponding rights of victims of torture to obtain reparation and redress, including appropriate rehabilitation or psychosocial care, are often overlooked by Governments.

In the IRCT's experience this is particularly so in cases where allegations of torture are being investigated or documented, a process that is a necessary precondition for the effective pursuit of justice. In a number of countries in which the IRCT network is represented, health professionals engaged in examining persons who allege torture or ill-treatment or who undertake forensic examinations find themselves the targets of harassment, or attack by the authorities. The difference, it seems, is that while the prohibition of torture is a concept of international law, the investigation, documentation and prosecution of acts of torture involve real victims and real violators, whose interests stand to be affected by the independent investigation and documentation of the violation.

The IRCT is an independent, international health professional organisation, which promotes and supports the rehabilitation of torture victims and works for the prevention of torture worldwide. The IRCT collaborates with, or supports, more than 200 rehabilitation centres or programmes in every region of the world. The vision of the IRCT is a world that values and accepts shared responsibility for the eradication of torture.
