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PROMOTION AND PROTECTION OF HUMAN RIGHTS

**Written statement* submitted by the International Rehabilitation Council for Torture
Victims, 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.

[11 February 2005]

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

The International Rehabilitation Council for Torture Victims (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 nearly two hundred medical rehabilitation centres spread throughout the world committed to eradicate the practice of torture and to assist the victims and their families.

The IRCT wishes to bring your attention to the following issues:

Attacks and harassment of human rights defenders

The IRCT remains deeply concerned about the situation of human rights defenders in several countries, including health professionals who deliver rehabilitation services to victims of torture worldwide.

The IRCT has gathered information about attacks, arbitrary detentions and murders of human rights defenders in several countries. These attacks were carried out by security forces or by groups linked to the States.

The IRCT has noted that these crimes have rarely been impartially investigated, granting a shameful impunity to the perpetrators.

The IRCT wishes to stress that the commitment to end impunity depends on the will and ability to expose human rights violations and to seek redress for it. To show such commitment includes that States must guarantee human rights defenders' security. States shall show their commitment to end impunity by protecting human rights defenders and by prosecuting perpetrators of all human rights violations, including those committed against human rights defenders.

Unfounded legal actions against human rights defenders

The IRCT has also gathered information, which shows that criminal prosecution and judicial repression are being used to harass human rights defenders and to prevent them from carrying out their work. Legal proceedings have been used as a retaliating measure for criticising governments and exposing human rights violations. These legal proceedings have, more often than not, turned into an extraordinary long process with very low standards of fair trial. Often the cases are aimed at defaming and discrediting the human rights defenders and their work.

The IRCT wishes to remind States that the main obligation of protecting and promoting human rights remains with the States, which are bound by their obligation to enforce the principle of rule of law. Legal and judiciary mechanisms should support this principle to protect and promote human rights. States are not above the law, neither are their judges and prosecutors. As the Special Rapporteur said in her report on human rights defenders of 15 of January 2004 (E/CN.4/2004/94) "cases against human rights defenders violate their human rights and the human rights that they were defending".

The IRCT notes that justification for oppressing human rights defenders has been found in national security matters and in the cause of fighting terrorism. We would like to remind

States that national and international security aspects are interdependent and aim to respect civil rights and fundamental freedoms. We would like to remind States that the 1998 declaration of the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders) recognise inter alia the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance with States' obligation regarding promotion of and respect for human rights.

The IRCT is committed to support rehabilitation centres for torture victims. Rehabilitation of victims is instrumental in allowing them to continue with their daily lives and in allowing societies to continue with their normal activities. A society needs to be free from fear in order to be able to function normally. This is why the torture victims' rehabilitation centres and projects are crucial. However, we have learned with dismay that some of our colleagues in different countries have been harassed, threatened, murdered or have suffered attacks on their prestige and reputation by different States.

Recent developments

The IRCT remains deeply concerned about the IRCT accredited rehabilitation centre in Honduras, where the staff has received death threats. This centre carries out very valuable work not only providing assistance and rehabilitation to torture victims but also in the defence of human rights in general. In addition to this, the staff members of the Human Rights Foundation in Turkey has often been charged with unfounded legal charges in a clear harassment attempt to stop them from working with torture victims. Furthermore, a relative of staff at one of the rehabilitation centres in Guatemala has been murdered. We have learned with dismay how seriously the human rights defender's security situation is deteriorating in this country.

Sadly, this list of countries cannot be exhaustive, however we cannot forget the difficult conditions that our colleagues are undergoing in Zimbabwe, DRC, Sudan, and so many other countries. We cannot forget either our international humanitarian colleagues working in the context of ongoing and post-conflict situation in what has become an alarming increase in kidnappings, murders and violent attacks against them.

Furthermore, IRCT is very concerned about the declaration of a state of emergency in Nepal. In this country, the human rights situation has deteriorated, especially for human rights defenders. We would like to convey our concern to the State of Nepal and remind the country of its obligations in the field of human rights.

The IRCT stresses that human rights defenders represent the hope of a population to be free from torture and human rights abuses. They are taking enormous risks on their lives and their families to denounce tyrannies that oppress people and societies. They are the only valid interlocutors in post-conflict and transitional situation countries. They are important agents of change, helping their countries in the development towards democracy.

The IRCT urges States to establish necessary mechanisms to protect human rights defenders and their families and to take necessary steps to implement the 1998 Declaration of the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders).

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