

**Intervention of the World Organisation Against Torture (OMCT)
61st session of the Commission on Human Rights – March 2005
Item 9**

Mr Chairperson,

The World Organisation Against Torture (OMCT) remains gravely concerned by the human rights situation in the region of Darfur, where the Government of **Sudan** and its sponsored Janjaweed militias continue to be the primary authors of international human rights and humanitarian law violations so widespread and systematic that they amount, according to the United Nations International Commission of Inquiry on Darfur, to war crimes and crimes against humanity. Torture, enforced disappearances, extra-judicial executions, rape and other forms of sexual violence, destruction of villages and forced displacement of civilians have taken place in a widespread and systematic manner and continue on a daily basis, in total impunity.

In its report, the International Commission of Inquiry noted the inability or unwillingness of the Sudanese justice system to investigate and prosecute the alleged perpetrators of the war crimes and crimes against humanity committed in Darfur. OMCT endorses its conclusion that the Security Council should refer the situation of Darfur to the International Criminal Court (ICC). As recently stated by 15 United Nations human rights experts, the ICC "*is the single best mechanism to allow justice to be made for the crimes committed (...)*." In that respect, OMCT expresses its concern over the proposal made by President Olusegun Obasanjo, Chairman of the African Union, to have an "African panel for Criminal Justice and Reconciliation" for Darfur, instead of the ICC.

In view of the ongoing violations of human rights and humanitarian law and the absolute need for monitoring of the situation, OMCT recommends that the Commission on Human Rights strongly condemns the current widespread human rights violations taking place in the country, notably in Darfur, and appoints a Special Rapporteur on Sudan, whose mandate was discontinued in 2003 and has been sorely missed since that time.

Mr Chairperson,

On 1 February 2005, King Gyanendra of **Nepal** dismissed the Government, assumed direct power, and declared a nation-wide State of Emergency (SoE). This decision has led to a dramatic increase in the scale of human rights abuses since the breakdown of the ceasefire in August 2003 and the further collapse of democracy and the rule of law. Besides the suspension of civil liberties and fundamental rights - including freedoms of assembly, expression and information - the royal dismissal of the government has been accompanied by the arrest of hundreds of people, including lawyers, human rights defenders, political and student leaders, as well as journalists and trade unionists. While some people have been released, many others remain in detention, and arrests continue. Some leading human rights activists, journalists and trade union leaders are currently in hiding or have fled the country. Although in his statement to this Commission, the Nepalese Minister for Foreign Affairs, Honourable Ramesh Nath Pandey states that "*the State of Emergency has been imposed with due respect for the non-derogable rights*", OMCT has documented cases of torture. Human rights violations perpetrated by the Communist Party of Nepal (CPN) (Maoist) must also be firmly condemned.

On 26 March 2004, during the 60th session of the Commission, the government of Nepal announced its commitment to abide by international human rights and humanitarian law, and published a comprehensive twenty-five-article statement on the matter, in which promises were made to facilitate the National Human Rights Commission (NHRC) in carrying out its mandate. As of March 2005, and as expressed by the United Nations High Commissioner for Human Rights, the viability of the national human rights commission is seriously put into question.¹

¹ UN Document, E/CN.4/2005/12, § 7.

The serious deterioration of the human rights situation in Nepal requires a strong response from this Commission that goes beyond advisory services and technical cooperation in the field of human rights.

Mr Chairperson,

OMCT is seriously preoccupied with the situation in **Colombia** this year as well. After the session of the United Nations Committee Against Torture (CAT) in November 2003, and that of the United Nations Committee on Human Rights in March 2004, it is clear that not only have Colombian authorities omitted acting on most of the recommendations issued by these two organs, but an increased number of measures have been taken that significantly disagree with such recommendations. Contradicting the advice of the CAT, the Colombian government has thus continued to include young people in the special military programme known as "peasant soldiers". Between August 2002 and March 2003, this programme proposed to recruit 15,000 peasants. By the end of 2004, 23,000 had already been recruited.

Besides the fact that the military training of such young "peasant soldiers" lasts merely three months before they have to partake in combat, most of the recruits – unlike regular or professional soldiers – are not transferred to other regions of the country. They undertake their military service in their commune, something which constitutes an additional danger to them and their families. Indeed, as has been proved on several occasions, the guerrilla does not only attack the "peasant soldier", but also his house and family. In addition, inverting responsibilities, high State officials tend to rely on friends and relatives of the "peasant soldier" to inform the police forces.

Furthermore, it can be noted that the lack of preparation and training of these "peasant soldiers" has serious consequences since they are equipped in the same way as the regular forces, but without having received adequate training for such weaponry.

A second topic on which the government clearly challenges the recommendations of the international community is that of the Parliamentary approbation of the anti-terrorist statute and the law applicable to it. In the name of the fight against terrorism, this reform does indeed provide military forces with wide powers to intercept and record correspondence and private communications, detain suspects and search their homes without legal authorisation. Moreover, military personnel have been able to act as criminal investigators, and have in particular been seen competent to examine crimes, search for evidence and interrogate alleged suspects.

As shown by a report by the Colombian Coalition of NGOs Against Torture, the use of torture continues to be widespread. Between January and June 2004, at least 96 people were victims of such practices. Among these people, 36 survived and 60 were tortured to death or assassinated. Moreover, nine of the victims were women. More than 70% of these cases can be attributed to State officials, either by direct implication or by their complicity with paramilitary groups. In addition, the guerrilla represents about 10% of the abovementioned cases.

Torture is used as a means to obtain information, as a method of political persecution and, in particular with respect to sexual violence, as a way to terrorise the population. Special mention should be made of the deplorable detention conditions, faced by political prisoners in particular, on the one hand, and the ill-treatment occasioned kidnap victims by guerrilla forces and paramilitary groups on the other.

Mr. Chairperson,

Since several years, the situation in Colombia is at the origin of alarming reports by the High Commissioner Office in the country and although numerous and specific, resolutions and recommendations adopted by various UN organs remain without effect more often than not. With the Coalition of Colombian NGOs Against Torture, OMCT request that new measures be adopted, in particular to ensure implementation of resolutions and recommendations. OMCT asks for a specific mechanism to ensure such follow-up and proposes that more coercive measures be taken, if necessary, in order to ensure the implementation of resolutions and recommendations.

Mr Chairperson,

OMCT calls upon this Commission to adopt a strong resolution on the situation in Chechnya, condemning ongoing violations of human rights and international humanitarian law by both parties to the conflict. The **Russian Federation** should be called upon to put an end to acts of torture, including rape, abductions and forced disappearances, summary executions perpetrated by federal security forces. This resolution should deplore the continued impunity enjoyed by perpetrators and urge the Russian authorities to ensure impartial and exhaustive investigations into all reported human rights violations; identification and sanction of those responsible. Finally, the Russian Federation should be called upon to extend invitations to the United Nations Special Rapporteur on torture, the Special Rapporteur on summary executions and the Working group on Enforced Disappearances.

Thank you Mr Chairperson.

Geneva, 23 March 2005