

fidh

Fédération internationale des ligues des droits de l'Homme

International Federation for Human Rights

Federación internacional de los derechos humanos

الفدرالية الدولية لحقوق الانسان

POSITION PAPER

60th Session of the Commission on Human Rights

March 15th – April 23th 2004

FIDH 17, passage de la Main d'Or
F-75011 Paris – France
tel. +33 (0)1 43 55 25 18
fax. +33 (0)1 43 55 18 80
fidh@fidh.org
<http://www.fidh.org>

Délégation Permanente auprès de l'ONU
15, Rue des Savoises,
CH-1205 Genève - Suisse
Tel : +4122 700 12 88
Fax : +4122 321 54 88
fidh.ge@worldcom.ch
amadelin@fidh.org et bquadranti@fidh.org

The following recommendations made by the FIDH and its members to the Commission on Human Rights for the preparatory work of the 60^o Session, are not exclusive of other regional or topical recommendations or concerns.

FIDH 17, passage de la Main d'Or

Délégation Permanente auprès de l'ONU

15, rue des Savoises,

CH-1205 Genève - Suisse

A. REGIONAL PRIORITIES.....	4
A.1. AFRICA.....	4
ALGERIA.....	4
CAMEROON.....	5
CENTRAL AFRICAN REPUBLIC.....	6
CHAD.....	7
EGYPT.....	9
LIBYA.....	10
MAURITANIA.....	10
REPUBLIC OF CONGO (CONGO Brazzaville).....	11
TOGO.....	12
TUNISIA.....	13
ZIMBABWE.....	14
A.2. ASIA and the MIDDLE EAST.....	15
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.....	15
IRAQ.....	15
IRAN.....	16
OCCUPIED PALESTINIAN TERRITORY	17
PEOPLE'S REPUBLIC OF CHINA.....	17
VIETNAM.....	18
A.3. LATIN AMERICA.....	19
COLOMBIA.....	19
To apply the commitments undertaken in the above-mentioned Declaration, particularly to urge the Colombian Government to promptly implement the recommendations made by the UN High Commissioner for Human Rights and to take effective action against impunity and collusion especially with paramilitary groups.....	19
CUBA.....	20
HAITI.....	20
A.4. EUROPE and WESTERN COUNTRIES.....	21
AZERBAIJAN.....	21
BELARUS.....	21

CHECHEN REPUBLIC OF THE RUSSIAN FEDERATION.....	22
TURKEY.....	23
UNITED STATES OF AMERICA.....	24
B. THEMATIC PRIORITIES.....	25
HUMAN RIGHTS AND COUNTER-TERRORISM.....	25
HUMAN RIGHTS DEFENDERS	26
CONSCIENTIOUS OBJECTION TO MILITARY SERVICE.....	26
DEATH PENALTY.....	27
DISCRIMINATION BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY.....	27
ENFORCED DISAPPEARANCES	28
IMPUNITY.....	28
REPARATION FOR VICTIMS OF VIOLATIONS OF HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW.....	28
JUSTICIABILITY OF ECONOMIC SOCIAL AND CULTURAL RIGHTS.....	29
PROJECT OF NORMS ON TNC's AND HUMAN RIGHTS.....	29
EXTREME POVERTY.....	30
MINORITY AND CONFLICT PREVENTION.....	30
WORK OF THE COMMISSION ON HUMAN RIGHTS.....	30

A. REGIONAL PRIORITIES

A.1. AFRICA

ALGERIA

Background

FIDH Report: *Algeria: Formal Pluralism and obstruction to union rights* (French)– Dec 2002¹

Observation Reports (FIDH/OMCT): *Instrumentalization of justice: the victims and their defenders on the bench of the accused*– July 2002²

The FIDH calls upon the Commission on Human Rights to adopt a **Resolution on Algeria**, which will *inter alia*:

Urge the Algerian Government:

- To take the necessary measures in order to guarantee the respect of human rights in conformity with the international conventions and to carry out, with the briefest delay possible, the recommendations issued by the monitoring bodies of these conventions. In particular; the resolution should urge the Government to revise the 1984 family code in order to make it compatible with the International Covenant on Civil and Political Rights (ICCPR);
- To respond positively to all the mechanisms of the Commission on Human Rights which have requested authorisation to visit Algeria and, moreover, to invite the Special Rapporteur of the Human Rights Commission on the right to education and the Special Rapporteur on adequate housing to visit Algeria with the briefest delay possible;
- To start a dialogue regarding human rights, particularly with international NGOs. On this sense, the FIDH renews its request, made on several occasions since 2001; to be authorised again to visit the country;
- To end the impunity for human rights violations. On this sense, the Government should be urged to carry out investigations in order to put to trial those persons responsible for the said violations, in conformity with international law. In particular, the Government should investigate and prosecute the perpetrators of extrajudicial executions, instances of inhuman and degrading treatment, which were carried out during the repression of the events in Kabilya, the so-called “*Printemps noir*”. Furthermore, the Government should confer to the *ad hoc mechanism* on enforced disappearances, which was established in September 2003, the power to investigate the estimated 7200 cases of enforced disappearance.
- To adopt a moratorium on executions, with the objective to abolish the capital punishment;
- To ratify the second optional protocol to the ICCPR, which provides for abolishment of the death penalty;
- To issue a declaration of acceptance of Article 34(6) of the the Additional Protocol to the African Charter of Human and Peoples’ Rights;
- To ratify the Rome Statute on the International Criminal Court and adopt a law to harmonize domestic law with the Statute, including the definition of the crimes, the general principles of international criminal law and the cooperation between the Algerian State and the organs of the ICC.

The resolution should furthermore:

Condemn all attacks against civilian populations, urge competent authorities, in conformity with the prescriptions of international human rights law to prosecute, try and sentence the

¹ <http://www.fidh.org/magmoyen/rapport/2002/dz349f1.pdf>

² <http://www.fidh.org/magmoyen/rapport/2002/alge336obs.pdf>

perpetrators of the said attacks, whether they be State actors, individuals or non-State actors, and; to this end, enable the most efficient judicial cooperation.

CAMEROON

Background

FIDH Report: (French)– [Torture: a banal reality, systematic impunity, Oct. 2003](#)³

FIDH Report: (French) – [an October first with all the danger in english speaking Cameroon: as usual? Sept. 2003](#)

The FIDH calls upon the Commission on Human Rights to express its deepest concern regarding the Human Rights situation in Cameroon,

Urging the Cameroonian authorities:

- To invite all thematic mechanisms of the Commission;
- To ratify the Additional Protocol to the African Charter of Human and Peoples' Rights, which provides for the creation of an African Court of Human and Peoples' Rights and declare its acceptance of Article 34(6);
- To ratify the Rome Statute on the International Criminal Court and adopt a law to harmonize domestic law with the Statute, including the definition of the crimes, the general principles of international criminal law and the cooperation between the State of Cameroon and the organs of the ICC;
- To proceed with the dismantlement of the special forces created within the framework of the fight against organized crime, which have carried out numerous human rights violations;
- To adopt a moratorium on executions, with the objective to abolish the capital punishment;
- To ratify the second optional protocol to the ICCPR, which provides for abolishment of the death penalty;
- To immediately free all person arbitrarily arrested or detained and, as per articles 9 and 14 of the ICCPR, to provide the victims of such arrests with adequate reparation; to guarantee the presence of a lawyer as from the stage of preliminary investigations; to legally frame the rules regarding the duration of pre-trial detention and reduce its field of application.
- To activate effective surveillance mechanisms regarding the rules, instructions, methods and practices of interrogation and on the provisions regarding the detention and treatment of persons arrested, detained or imprisoned, particularly systematizing the visit of the Republic's Prosecutors to the detention places;
- To delimit the jurisdiction of military tribunals, in order for it to be strictly conferred for infractions of an exclusively military nature, in application of the United Nations Sub-Commission's study on military tribunals;
- To remove any judicial competence of traditional leaders;
- To immediately conduct impartial investigations in all cases of suspicious deaths of detained persons and of allegations of acts of torture;
- To conform itself to the provisions of the Declaration on Human Rights Defenders, adopted by the United Nations General Assembly on December 9, 1998;
- To permit the real exercise of the rights to freedom of expression and opinion, removing any practice of censorship, except for the restrictions provided by the International Covenant on Civil and Political Rights regarding the safeguard of national security, public order, public health or morality;
- To immediately abrogate the circular of the Prosecutor of the Republic of Maroua dated January 10, 2003, which criminalizes the activities of Human rights defenders.

³ <http://www.fidh.org/afriq/rapport/2003/cm370f.pdf>

⁴ <http://www.fidh.org/afriq/rapport/2003/cm2509f.pdf>

CENTRAL AFRICAN REPUBLIC

Background

*Reports and Press Releases by FIDH on the Central African Republic*⁵

FIDH Report (French): *War crimes in the Central African Republic* – February 2003⁶

FIDH Report (French): *Discourse and reality : a serious gap* – February 2002⁷

The FIDH and the *Ligue centrafricaine des droits de l'Homme* (LCDH) call upon the Commission on Human Rights to express its deepest concern regarding the Human Rights situation in the Central African Republic,

Urging the Central African Authorities:

- To ratify the Additional Protocol to the African Charter of Human and Peoples' Rights, which provides for the creation of an African Court of Human and Peoples' Rights and declare its acceptance of Article 34(6);
- To report to the United Nations treaty bodies;
- To strictly conform itself to the established political calendar by ending the transition by the beginning of 2005 and to allow free and democratic elections, in conformity with the ICCPR, which has been ratified by the Central African Republic;
- To establish a policy of census, disarmament and reinsertion of ex-combatants, particularly of "liberators";
- To enforce the State authority on the whole of the territory in order to put an end to insecurity, particularly derived from actions of road-blocking;
- To create all necessary conditions, particularly regarding security, for the return to the Central African Republic of persons who have currently sought refuge in border countries;
- To take all necessary measures against impunity of crimes committed by certain agents or officers of public forces by systematically opening a judicial investigation upon knowledge of facts within the judge's competence, thus enabling victims to have access to an independent and impartial trial;
- To ensure strict compliance with the maximum period of pre-trial detention, in conformity with the Central African criminal code and with regional and international human rights instruments;
- To permit human rights NGOs access to places of detention in order to evaluate the conformity of the conditions of detention with international and regional provisions on human rights protection;
- To establish, with the support of international institutions, an indemnity fund for the victims of the gravest crimes committed between October 25, 2002 and March 15, 2003, by the rebels of General Bozizé and by loyalist troops;
- To ensure that the allocation of funds to the judiciary be raised in order to avoid corruption that hampers the correct administration of justice;
- To enhance coordination between the national human rights protection institutions- High Commissioner at the Primature, national commission of human rights, and the human rights section of the Ministry of Justice.

Urging the National Council for Transition (NCT):

- To promptly activate the NCT commissions, in particular the human rights one;
- To propose a law of harmonization of the Rome Statute of the International Criminal Court (Rome Statute) with national legislation, including the definition of the crimes within the competence of the Court, the general principles of international criminal law and the provisions regarding cooperation between the different organs of the Court and the Central African Republic;

⁵ <http://www.fidh.org/afriq/centreaf.htm>

⁶ <http://www.fidh.org/afriq/rapport/2003/cf355f.pdf>

⁷ <http://www.fidh.org/afriq/rapport/2001/rca324.pdf>

- To enact a law authorizing the State to ratify the second optional protocol to the ICCPR, which provides for abolishment of the death penalty;

Urging the donors of the Central African Republic:

- To condition any aid to the protection of human rights in the Central African Republic. In particular, donors should demand that the authorities activate investigation mechanisms with plural composition- independent national NGOs, national authorities, international organizations- with the mandate to make periodical reports on the human rights situation.

CHAD

Background

[Reports and Press Releases by FIDH on Chad](#)

FIDH Report (French) :[Chad:deadlock justice = July 2002](#)⁸

The FIDH calls upon the Commission on Human Rights to express its deepest concern at the Human Rights situation in Chad,

Urging the Chadian authorities:

- To invite all thematic mechanisms of the Commission;
- To ratify the Additional Protocol to the African Charter of Human and Peoples' Rights, which provides for the creation of an African Court of Human and Peoples' Rights and declare its acceptance of Article 34(6);
- To ratify the Rome Statute on the International Criminal Court and adopt a law to harmonize domestic law with the Statute, including the definition of the crimes, the general principles of international criminal law and the cooperation between the Chadian State and the organs of the ICC;
- To adopt a moratorium on executions, with the objective to abolish the capital punishment;
- To ratify the second optional protocol to the ICCPR, which provides for abolishment of the death penalty;
- To guarantee the security of persons, in conformity with article 9 of the ICCPR;
- To abrogate the order of the Ministry of public security and immigration;
- To act in conformity with the provisions of the Declaration on Human Rights Defenders, adopted by the United Nations General Assembly on December 9, 1998, particularly to article 1, which provides that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and to article 6 (b);
- To comply with the provisions of the international human rights instruments binding on Chad, particularly those provisions of the ICCPR regarding freedom of expression and the right to an equitable process.

Conditioning the furthering of the technical cooperation to the implementation of these recommendations.

⁸ <http://www.fidh.org/afriq/rapport/2002/ch340f.pdf>

DEMOCRATIC REPUBLIC OF CONGO

Background

[Reports and Press Releases by the FIDH on the DRC⁹](#)

The FIDH and its member organisations in DRC call upon the Commission on Human Rights to adopt a **Resolution on the Human Rights situation in the Democratic Republic of Congo**, which will *inter alia*:

Renew the mandate of the Human Rights Commission Special Rapporteur on the Human Rights situation in the Democratic Republic of Congo.

Call upon the international community:

- To urge the Security Council to transmit to the ICC, as per article 13.b of the Rome Statute, the information collected by the UN representatives in the DRC regarding grave violations of human rights and of international humanitarian law in Ituri;
- To urge the Security Council to create an *ad hoc* international court with the mandate to prosecute the authors of crimes against humanity, war crimes and the crime of genocide, committed between 1997 and July 1, 2002 not only in Ituri but in the whole territory of the DRC;
- To support the transition for the establishment of the rule of law and a true and lasting peace;
- To reinforce financial and material support to MONUC in order to allow it to fully carry out its mission;
- To request the Security Council to adopt the measures advocated by the UN Expert Group Regarding the Despoilment of Natural Resources in the DRC, particularly regarding an embargo on certain minerals coming from Burundi, Rwanda and Uganda (para.221) and the instauration of an international mechanism to investigate and prosecute the individuals and companies engaged in criminal economical activities (para.239);
- To call upon Rwanda and Uganda to cease all support to rebel groups (cf. para.3 of resolution 1355 of the Security Council dated June 15, 2001).

Urge the Congolese authorities:

- To ensure the effective application of the transition institutions respecting the balances derived from the global Accord, including the involvement of civil society. To accelerate the process of reunification of the army;
- To reactivate the moratorium regarding the application of the death penalty;
- To ratify the second optional protocol to the ICCPR, which provides for abolishment of the death penalty;
- To respect the international instruments for the protection of human rights ratified by the DRC, mainly the freedoms of expression and association, as well as International Humanitarian Law;
- To adopt a law to harmonize domestic law with the Rome Statute, including the definition of the crimes, the general principles of international criminal law and the cooperation between the Congolese State and the organs of the ICC;
- To comply with its reporting obligations and submit its periodical reports to the United Nations Treaty Bodies. In particular, the Government should promptly present its initial reports to the Committee Against Torture (CAT) (due since 1997), the Committee against Racial Discrimination (CERD) (due since 1999), and the Committee on Civil and Political Rights (HRC) (due since 1993);
- To respect the resolutions of the Security Council, particularly resolution 1355 of June 15, 2001. The demilitarisation of the zone of Kisangani (para.5), and the effective demobilizing of child soldiers (paras.14 and 18) must be carried out unconditionally;

⁹ <http://www.fidh.org/afriq/rdc.htm>

- To ratify the Additional Protocol to the African Charter of Human and Peoples' Rights, which provides for the creation of an African Court of Human and Peoples' Rights and declare its acceptance of Article 34(6);

EGYPT

Background

[Reports and Press Releases by the FIDH on Egypt](#)¹⁰

[Reports of the Egyptian Organization for Human Rights](#)¹¹ and of the [Human Rights Center for the Assistance of Prisoners](#)¹² on *Torture and Human Rights in Egypt - 2002*

The FIDH calls upon the Commission on Human Rights to express its deepest concern on the Human Rights situation in Egypt,

Urging the Egyptian authorities:

- To repeal the declaration of the state of emergency and the legislation adopted pursuant to this declaration;
- To act in conformity with the Universal Declaration of Human Rights, the international human rights instruments ratified by Egypt and, in particular; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. and to implement the recommendations of the UN Treaty Monitoring Bodies;
- To invite the Special Rapporteur on Torture;
- To stop any kind of harassment of human rights defenders in Egypt and to reconsider the legislation on associations in order to comply with the provisions of the Declaration on Human Rights Defenders adopted by the United Nations General Assembly on December 9, 1998;
- To stop any kind of discrimination and harassment on the basis of sexual orientation or gender identity;
- To duly investigate the cases of disappearances, to try and sentence their perpetrators and to introduce specific legislation in order to make the participation to or incitement of enforced disappearance a criminal act, in line with the United Nations General Assembly Declaration of 1992;
- To adopt a moratorium on executions, with the objective to abolish the capital punishment;
- To ratify the second optional protocol to the ICCPR, which provides for abolishment of the death penalty;
- To ratify the Additional Protocol to the African Charter of Human and Peoples' Rights, which provides for the creation of an African Court of Human and Peoples' Rights and declare its acceptance of Article 34(6);
- To ratify the Rome Statute on the International Criminal Court and adopt a law to harmonize domestic law with the Statute, including the definition of the crimes, the general principles of international criminal law and the cooperation between the Egyptian State and the organs of the ICC.

¹⁰ <http://www.fidh.org/magmoyen/egypte.htm>

¹¹ <http://www.eohr.org/report/index.htm>

¹² <http://www.hrcap.org/REPORTS2.HTM>

LIBYA

Background

[Reports and Press Releases by FIDH on Libya¹³](#)

The FIDH and the Libyan League for Human Rights request the Commission on Human Rights to express its deepest concern on the Human Rights situation in Libya, urging the Libyan Authorities:

- To release all prisoners of conscience and opinion
- To take immediate steps in view of the adoption of a “Constitution” or “Basic law” that guarantees the implementation of the Universal declaration for Human rights, and notably implements an independent judiciary that makes all Libyan subject to the rule of law.
- To adopt a moratorium on executions, with the objective to abolish the capital punishment;
- To ratify the second optional protocol to the ICCPR, which provides for abolishment of the death penalty;
- To comply with the international instruments to which Libya is a party, and the recommendations set forth by the UN Human Rights Committee in 1998 and the Committee against torture in 1999;
- To issue a permanent standing invitation to all mechanisms of the Commission on Human Rights;
- To issue a declaration of acceptance of Article 34(6) of the Additional Protocol to the African Charter of Human and Peoples’ Rights;
- To ratify the Rome Statute on the International Criminal Court and adopt a law to harmonize domestic law with the Statute, including the definition of the crimes, the general principles of international criminal law and the cooperation between the State of Cameroon and the organs of the ICC.

MAURITANIA

Background

[Reports and Press Releases by FIDH on Mauritania](#)

The FIDH and the *Association Mauritanienne des droits de l'Homme* (AMDH) request the Commission on Human rights to express its deepest concern on the Human Rights situation in Mauritania,

Urging the Mauritanian authorities:

- To invite all thematic mechanisms of the United Nations Commission on Human Rights to the country;
- Immediately release any person arbitrarily arrested or detained and, in conformity with article 9.5 of the ICCPR, to grant reparation to the victims of such acts;
- To guarantee the presence of a freely chosen lawyer as from the stage of the preliminary investigations;
- To conform itself to the provisions of the international instruments binding on Mauritania, particularly the right to an fair process and the right to participate in the direction of public affairs;
- To annul the decision which suspended barrister Mahfoudh Ould Bettah;
- To act in conformity with the provisions of the Declaration on Human Rights Defenders, adopted by the United Nations General Assembly on December 9, 1998, particularly to article 1 as per which “everyone has the right, individually and in association with others, to promote and to strive for the realization of human rights and fundamental freedoms at the national and international levels”, and to article 5 that sets forth that “everyone has the right, individually and in association with others, at the national and international levels: [...] to join and participate in non-governmental organizations, associations or groups”;

¹³ <http://www.fidh.org/magmoyen/libye.htm>

- To adopt a moratorium on executions, with the objective to abolish the capital punishment;
- To ratify the second optional protocol to the ICCPR, which provides for abolishment of the death penalty;
- To act in conformity with the provisions of the Universal Declaration of Human Rights and the main regional and international human rights instruments signed and/or ratified by Mauritania;
- To ratify the Additional Protocol to the African Charter of Human and Peoples' Rights, which provides for the creation of an African Court of Human and Peoples' Rights and declare its acceptance of Article 34(6);
- To ratify the Rome Statute on the International Criminal Court and adopt a law to harmonize domestic law with the Statute, including the definition of the crimes, the general principles of international criminal law and the cooperation between the State of Mauritania and the organs of the ICC.

REPUBLIC OF CONGO (CONGO Brazzaville)

Background

[Report and Press Releases by FIDH on Congo](#)¹⁴

FIDH Report (French): [Elections in trompe-l'oeil style in Congo-Brazzaville - mars 2002](#)¹⁵

The FIDH recommends to the Commission on Human Rights to express its deepest concern on the Human Rights situation in Congo Brazzaville,

Urging the belligerents in the region of Pool:

- To respect International Humanitarian Law;
- To establish a true ceasefire, in conformity with the peace accord of March 17, 2003.

Urging the Congolese government:

- To exclude war crimes, crimes against humanity and genocide from all amnesty laws;
- To carry out investigations and to put to trial, in conformity with international Human rights provisions, all authors of war crimes, crimes against humanity and genocide;
- To implement the programmes of reinsertion of ex-combatants and the secured repatriation of displaced persons in the region of Pool;
- To deposit the instrument of ratification of the Rome Statute, adopt an internal law of harmonization of the Rome Statute, including the definition of crimes, the general principles of international criminal law and the cooperation between the Congolese State and the organs of the ICC;
- To ratify the Additional Protocol to the African Charter of Human and Peoples' Rights, which provides for the creation of an African Court of Human and Peoples' Rights and declare its acceptance of Article 34(6);
- To ratify the second optional protocol to the ICCPR, which provides for abolishment of the death penalty;
- To provide material and financial means to the transitional institutions, so as to enable them to carry out effective and independent activities;
- To carry out promptly the necessary reforms in order to improve the living conditions of detained persons;
- To immediately release all persons arbitrarily arrested or detained and, as per articles 9 and 14 of the ICCPR, to provide the victims of such acts with adequate reparation; to guarantee the presence of a lawyer as from the stage of the preliminary investigations; to legally frame the rules regarding the duration of pre-trial detention and reduce its field of application;

¹⁴ <http://www.fidh.org/afriq/congoind.htm>

¹⁵ <http://www.fidh.org/afriq/rapport/2002/cg326f.pdf>

- To comply with the provisions of the Declaration on Human Rights Defenders, adopted by the United Nations General Assembly on December 9, 1998;
- To permit the real exercise of the rights to the freedom of expression and opinion, removing any practice of censorship, except for those restrictions provided for by the ICCPR regarding the safeguard of national security, public order, health or public morality.

Calling the United Nations organizations in Congo:

- To activate their food aid programs and logistical support to aid the civilian population of the Pool and to support the return of displaced persons to the region.

Asking the Security Council:

- To activate an independent international investigation commission, in charge of highlighting the grave violations of human rights committed against the civilian population in the region of Pool and to establish the responsibilities for such acts.

TOGO

Background

[*Report and Press Releases by FIDH on Togo*](#)¹⁶

The FIDH calls upon the Commission on Human Rights to adopt a **Resolution on the Human Rights situation in Togo**, which will *inter alia*:

Urge the Government of Togo:

- To ratify the universal and regional instruments on Human Rights and on the fight against impunity, particularly the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Second Optional Protocol to the ICCPR aimed at the abolition of the death penalty;
- To issue a declaration of acceptance of Article 34(6) of the Additional Protocol to the African Charter of Human and Peoples' Rights;
- To ratify the Rome Statute on the International Criminal Court and adopt a law to harmonize domestic law with the Statute, including the definition of the crimes, the general principles of international criminal law and the cooperation between the State of Togo and the organs of the ICC;
- To comply with the provisions of the Declaration on Human Rights Defenders, adopted by the United Nations General Assembly on December 9, 1998 and to grant the right to physical integrity to all Togolese human rights defenders;
- To harmonize its national legislation with the ratified international human right instruments;
- To promptly invite the Special Rapporteur on Torture, the Special Representative of the Secretary General on the situation of human rights defenders', as well as the Working Group on Arbitrary Detention, to visit Togo. To agree on the terms of reference of these Special Procedures;
- To promptly comply with the Recommendations formulated by the United Nations Human Rights Treaty Bodies, and particularly with the Recommendations formulated in November 2002 by the HRC;
- To comply with its reporting obligations and to engage a positive collaboration with the Human Rights Treaty Bodies, particularly with the CAT;
- To fight against impunity for the crimes committed by public officers or by persons assimilated to public authority. To this end, to systematically open judicial investigations, whenever facts establishing the judge's jurisdiction are known.

¹⁶<http://www.fidh.org/afriq/togo.htm>

TUNISIA

Background

[Reports and Press Releases by FIDH on Tunisia](#)¹⁷

FIDH Report (French): [Trial against the bar association](#), April 2003¹⁸

The FIDH calls upon the Commission on Human Rights to express its deepest concern on the Human Rights situation in Tunisia,

Urging the Tunisian authorities:

- To act in conformity with the international human rights instruments binding on Tunisia, and particularly to respect the right to freedom of opinion and expression, the right to freedom of association, the right not to be arbitrarily detained, the right to a fair trial, and the right not to be tortured;
- To implement the recommendations and the jurisprudence on Tunisia of the UN Treaty Bodies, in particular from the CAT and the HRC;
- To act in conformity with the provisions of the Declaration on Human Rights Defenders, adopted by the United Nations General Assembly on December 9, 1998, in particular article 1, which declares that “everyone has the right, individually and in association with others, to promote and to strive for the realization of human rights and fundamental freedoms at the national and international levels”, and article 5 affirming that “everyone has the right, individually and in association with others, at the national and international levels: [...] to join and participate in non-governmental organizations, associations or groups”;
- To immediately and unconditionally release the estimated 600 political prisoners detained in the country;
- To guarantee that the November 2004 elections respect the right of every citizen to take part in the conduct of public affairs, and the right to vote and be voted at free, fair and democratic elections;
- To invite the Special Representative of the Secretary General on the situation of human rights defenders’ and the Members of the Working Group on Arbitrary Detention, to visit Tunisia, and to cooperate with them.
- To adopt a moratorium on executions, with the objective to abolish the capital punishment;
- To ratify the second optional protocol to the ICCPR, which provides for abolishment of the death penalty;
- To ratify the Additional Protocol to the African Charter of Human and Peoples’ Rights, which provides for the creation of an African Court of Human and Peoples’ Rights and declare its acceptance of Article 34(6);
- To ratify the Rome Statute on the International Criminal Court and adopt a law to harmonize domestic law with the Statute, including the definition of the crimes, the general principles of international criminal law and the cooperation between the State of Tunisia and the organs of the ICC.

¹⁷ <http://www.fidh.org/afriq/congoind.htm>

¹⁸ <http://www.fidh.org/magmoyen/rapport/2003/tn1505f.pdf>

ZIMBABWE

Background

[Reports and Press Releases by FIDH on Zimbabwe](#)¹⁹

FIDH Report (English): [Onslaught against Human rights defenders in Zimbabwe in 2002, Feb. 2003](#)²⁰

The FIDH calls upon the Commission on Human Rights to adopt a **Resolution on the Human Rights situation in Zimbabwe**, which will *inter alia*:

Urge the Zimbabwean authorities

- To promptly extend an invitation to the Working Group on Arbitrary Detentions, to the Special Representative of the Secretary General on Human Rights Defenders and to the Special Rapporteur on the Rights to Food and Water;
- To ratify the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, and issue a declaration of acceptance of article 34(6);
- To ratify the Rome Statute on the International Criminal Court and adopt a law to harmonize domestic law with the Statute, including the definition of the crimes, the general principles of international criminal law and the cooperation between the State of Zimbabwe and the organs of the ICC.
- To fight against the impunity of crimes committed by certain agents or persons acting on behalf of the public force by systematically opening judicial investigations upon knowledge of facts falling within the competence of the judiciary ;
- To respect, in all circumstances, the right to a fair and equitable process, in accordance with Article 14 of the ICCPR;
- To immediately free any person who has been arbitrarily arrested or detained and, in conformity with Article 9 para.5 of the ICCPR, to grant to the victims of such acts the right to obtain compensation;
- To guarantee the exercise of the freedoms of opinion and expression, and the right to seek, receive and impart information, in accordance with the ICCPR, the African Charter on Human and Peoples' Rights and as strongly reaffirmed in the Declaration of Principles on Freedom of Expression in Africa of October, 23, 2002. Particularly, the authorities must stop any act of harassment toward the media;
- To comply with the provisions of the Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998. the Government must furthermore stop all harassment against Human Rights Defenders;
- To adopt a moratorium on executions, with the objective to abolish the capital punishment;
- To ratify the second optional protocol to the ICCPR, which provides for abolishment of the death penalty;
- To recognize the fundamental right to food, as well as the right to the enjoyment of the highest and attainable standard of physical health, as declared in the ICESCR, to which Zimbabwe is a party Government. Consequently, the Government must take all measures in its power to guarantee the above-mentioned rights to every inhabitant of Zimbabwe.

¹⁹ <http://www.fidh.org/afriq/zimbabwe.htm>

²⁰ <http://www.fidh.org/afriq/rapport/2003/zw1802a.pdf>

A.2. ASIA and the MIDDLE EAST

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Background

Press release: [North Korea: speaking to a wall](#), Nov. 2003²¹

The FIDH calls on the Commission on Human Rights to adopt a **Resolution on the Human Rights situation in North Korea**, which, will *inter alia*:

Urge the Government of the Democratic People's Republic of Korea:

- To fully implement the recommendations issued by the Human Rights Committee and the Committee on Economic, social and cultural rights;
- To accept the terms of reference of the Special Procedures who asked to visit the Country, including the Committee on Economic, Social and Cultural rights;
- To immediately and unconditionally release all prisoners that are arbitrarily detained;
- To adopt a moratorium on executions, with the objective to abolish the capital punishment;
- To ratify the second optional protocol to the ICCPR, which provides for abolishment of the death penalty;
- To ratify the Rome Statute on the International Criminal Court and adopt a law to harmonize domestic law with the Statute, including the definition of the crimes, the general principles of international criminal law and the cooperation between the Democratic People's Republic of Korea and the organs of the ICC;
- To allow international human rights NGOs to visit the country.

IRAQ

Background

Reports FIDH/AIJ (English): [Iraq: Continuous and silent ethnic cleansing](#), Dec. 2002²² [Displaced persons in Iraqi Kurdistan and Iraqi refugees in Iran](#) – Dec. 2002²³

Press Release: [Justice for Iraqi victims](#), Dec. 2003²⁴

Press Release: [Open letter to the Head of the Iraqi National Congress and to Paul Bremer](#), Jan. 2004²⁵

The FIDH calls upon the Commission on Human Rights to adopt a **resolution on the Human Rights situation in Iraq**, which will, *inter alia*,

Call for the renewal of the mandate of the Special Rapporteur on the Human Rights situation in Iraq, and the expansion of his mandate to monitor the Human Right violations committed under the authority of the Interim Governing Council and the Coalition Provisional Authority.,

Urge the Interim Governing Council, the Coalition Provisional Authority,

- To develop a systematic and transparent collection of information on past Human rights abuses;
- To adopt a moratorium on executions, with the objective to abolish the capital punishment;
- To try authors of previous Human rights violations within the Iraqi special trial, and in this respect, ensure the systematic participation of non-Iraqi judges to the different components of the tribunal; ensure an independent and transparent nomination process of the judges; exclude

²¹<http://www.fidh.org/communiq/2003/kp2011a.htm>

²²<http://www.fidh.org/magmoyen/rapport/2002/iq350a.pdf>

²³<http://www.fidh.org/magmoyen/rapport/2002/iq350a.pdf>

²⁴<http://www.fidh.org/communiq/2003/iq1612f.htm><http://www.fidh.org/communiq/2003/kp2011a.htm>

²⁵http://www.fidh.org/article.php?id_article=501

- death penalty from the possible sentences; ensure the right for the victims to participate to the proceedings, and benefit from reparations;
- To immediately withdraw the resolution N° 137 imposing Shari'a issued on 29 December 2003 and to adopt a new civil personal status legislation that ensures the rights and the equal treatment of all the Iraqi people;
 - To ratify the Rome Statute on the International Criminal Court and adopt a law to harmonize domestic law with the Statute, including the definition of the crimes, the general principles of international criminal law and the cooperation between Iraq and the organs of the ICC.

IRAN

Background

[Reports and press releases on Iran](#)

FIDH and the League for the Defence of Human Rights in Iran (English): [Discrimination against religious minorities in Iran, August 2003](#)²⁶

The FIDH and the League for the Defence of Human Rights in Iran (LDDHI) call upon the Commission on Human Rights to adopt a **Resolution on the Human Rights situation in Iran**, which will *inter alia*:

Urge the Iranian Government:

- To fully implement the recommendations formulated by the UN Thematic Procedures and Treaty Bodies, notably the WGAD, the CERD and the CRC;
- To immediately release all prisoners of opinion;
- To ensure that the death penalty is only carried out for the most serious crimes, and adopt a moratorium on the executions as a first step towards its complete abolition;
- To ratify the second optional protocol to the ICCPR, which provides for abolishment of the death penalty;
- To ratify the Rome Statute on the International Criminal Court and adopt a law to harmonize domestic law with the Statute, including the definition of the crimes, the general principles of international criminal law and the cooperation between Iran and the organs of the ICC;
- To abolish corporal punishments that amount to torture or cruel, inhuman and degrading treatment;
- To abolish all domestic provisions which are discriminatory against women;
- To put an end to discrimination against ethnic and religious minorities;
- To reform its judicial system so as to fully ensure the right to a fair trial, and suspend Mr Mortazavi from his functions;
- To ratify without reservations the CEDAW, including the Optional protocol recognising the competence of CEDAW to receive and consider individual communications and the CAT;
- To submit its periodic reports under the ICCPR and the ICESCR;
- To agree on the terms of reference of the Working Group on Enforced Disappearances and the Special Rapporteur on the human rights of Migrants;
- To guarantee that the general elections respect the right of every citizen to take part in the conduct of public affairs, and the right to vote and be voted at free, fair and democratic elections.

²⁶<http://www.fidh.org/asia/rapport/2003/ir0108a.pdf>

OCCUPIED PALESTINIAN TERRITORY

Background

Reports and Press Releases FIDH/MDM: [Opération "Mur de protection", Naplouse mission d'enquête conjointe May 2002](#)²⁷
Report of the « Campagne Civile Internationale pour la Protection du Peuple Palestinien »: [Naplouse, Jénin, avril 2002: témoignages](#)²⁸

The FIDH, the Palestinian Centre for Human Rights (PCHR) and Al Haq call upon the Commission on Human Rights to adopt a **Resolution** which will, *inter alia*:

- Recommend the immediate provision of an independent international protection for Palestinian civilians and to prevent further grave breaches and other violations of the IV Geneva Convention, as well as of other international human rights standards in the OPT;
- Reaffirm the illegality of the occupation of the Gaza Strip and the West Bank, including East Jerusalem, as well as the illegality of Israeli settlements in the OPT. The Commission should further urge States concerned to restrict bilateral trade relations with Israel regarding the import of products made in Israeli settlements in the OPT;
- Call for the prosecution and condemnation of the perpetrators of grave breaches of the IV Geneva Convention and other war crimes qualified as such in the Rome Statute in the OPT;
- Condemn all violations of international humanitarian law, in particular when committed against civilian populations and urge the competent authorities, in conformity with the prescriptions of international human rights law to prosecute, enable the most efficient judicial cooperation, try and condemn their perpetrators whether they be State actors, individuals or other non-State actors;
- Recognise that the so-called security fence in the OPT entails a violation of several provisions of the IV Geneva Convention and cannot be justified on the basis of the military necessity clause, especially not to purposely protect illegal settlements.
- Urge the Government of Israel to recognise the *de jure* application of the Fourth Geneva Convention to the OPT; implement and respect provisions of the Fourth Geneva Convention regarding the protection of Palestinian civilians in the OPT; implement the recommendations of the HRC, the CAT and the CESCR; facilitate visits and to cooperate with the UN Commission Special Procedures, in particular the UN Special Representative of the Secretary General for Children in situations of Armed Conflict and the UN Special Rapporteur for Human Rights in the OPT; dismantle and stop the further construction of the so-called security fence in the OPT.

PEOPLE'S REPUBLIC OF CHINA

Background

Human Rights in China Report : [Institutionalised exclusion: The tenuous legal status of internal migrants in China's major cities](#)²⁹ - Nov 2002
Human Rights in China Report: [Shutting out the poorest: Discrimination against the most disadvantaged migrant children in city schools](#)³⁰ – May 2002

The FIDH and Human Rights in China (HRIC) call the Commission on Human Rights to adopt a **Resolution on the Human Rights situation in the People's Republic of China (PRC)**, which will, *inter alia*:

Urge the PRC Government

²⁷ <http://www.fidh.org/magmoyen/rapport/2002/pal337f.pdf>

²⁸ <http://www.fidh.org/magmoyen/rapport/2002/pal0406f.pdf>

²⁹ http://iso.hrichina.org/iso/article.adp?article_id=3441&category_id=30

³⁰ http://iso.hrichina.org/iso/article.adp?article_id=2432&category_id=30

- To promptly implement the Recommendations made by UN Treaty Bodies and thematic mechanisms;
- To proceed to the immediate and unconditional release of all prisoners of opinion and conscience;
- To fully respect the right to freedom of thought, conscience and religion;
- To promptly ratify the ICCPR without any reservation, and withdraw its reservation to art. 8.1 (a) of the ICESCR;
- To adopt a moratorium on executions, with the objective to abolish the capital punishment;
- To ratify the second optional protocol to the ICCPR, which provides for abolishment of the death penalty;
- To ratify the Rome Statute on the International Criminal Court and adopt a law to harmonize domestic law with the Statute, including the definition of the crimes, the general principles of international criminal law and the cooperation between the People's Democratic Republic of China and the organs of the ICC;
- To fully cooperate with the UN Human Rights Special Procedures and, in particular, agree without any further delay to the Terms of Reference of the Special Rapporteur on Torture, and issue an invitation to the Special Rapporteur on Religious Intolerance.

VIETNAM

Background

[Reports and Press Releases FIDH on Vietnam](#)³¹

The FIDH and the Vietnam Committee on Human Rights call on the Commission on Human Rights to adopt a **Resolution on the Human Rights situation in Vietnam**, which will, *inter alia*:

Urge the Vietnamese authorities:

- To implement the Recommendations of the UN Treaty Bodies and Special Procedures, in particular the Human Rights Committee;
- To accept the Terms of Reference of the Special Rapporteur on freedom of expression and the Special Rapporteur on freedom of religion (follow-up visit for the latter);
- To ratify and implement the Rome Statute and the UN Convention against Torture;
- To adopt a moratorium on executions, with the objective to abolish the capital punishment;
- To ratify the second optional protocol to the ICCPR, which provides for abolishment of the death penalty;
- To ratify the Rome Statute on the International Criminal Court and adopt a law to harmonize domestic law with the Statute, including the definition of the crimes, the general principles of international criminal law and the cooperation between Vietnam and the organs of the ICC;
- To provide the overdue periodic reports to the Treaty Bodies concerned (the CESCR report was due in 1995 and the CRC in September 2002);
- To immediately and unconditionally release all persons detained for the legitimate and pacific exercise of their rights to freedom of expression and freedom of conscience or religion, in particular Patriarch Thich Huyen Quang and the Venerable Thich Quang Do.

³¹ <http://www.fidh.org/asia/vietnam.htm>

A.3. LATIN AMERICA

COLOMBIA

Background

[FIDH Reports and Press Releases on Colombia](#)³²

The FIDH and its member organisations in Colombia call upon the Commission on Human Rights to adopt a **Resolution on the Human Rights situation in Colombia** which will, *inter alia*:

- Express its grave concern regarding the situation of Human Rights in the country.
- Condemn all violations of international humanitarian law, in particular when committed against civilian populations and urge the competent authorities, in conformity with the prescriptions of international human rights law to prosecute, enable the most efficient judicial cooperation, try and condemn their perpetrators whether they be State actors, individuals or other non-State actors;
- Ask for the reinforcement of the mandate of the Office of the High Commissioner for Human Rights in Colombia and support of its activities. Request that adequate financing be assured;
- Recommend the broadening of the mandate of the Office of the High Commissioner for Refugees in Colombia in order to include protection activities;
- Request the High Commissioner to produce a report on the situation of human rights in Colombia before the General Assembly and the Human Rights Commission.

Urge the Colombian Government:

- To issue a permanent invitation to the Special Procedures of the Commission on Human Rights;
- To repeal legislative acts and reforms that contribute to increase the arbitrariness of the system of administration of justice;
- To remove from the public forces any person who has had or has links with paramilitary groups;
- To remove any legislation promoting the impunity of perpetrators of crimes against humanity.

Ask the Constitutional Court:

- Not to recognise Legislative Act 223 (*Proyecto de Estatuto Antiterrorista*), which was approved by the Senate on December 10, 2003. This Act, which grants judicial powers to Military Officers, disregards Recommendation No. 15 of the OHCHR (2003) (), which were accepted by the Government as an Agenda for work.

Call upon the parties to the conflict to resume dialogue in order to conclude, as soon as possible, a Humanitarian Accord and to conform to international Humanitarian law.

Ask the governments, which supported the “Final Declaration of the London Meeting on International Support for Colombia” (July 10, 2003):

To apply the commitments undertaken in the above-mentioned Declaration, particularly to urge the Colombian Government to promptly implement the recommendations made by the UN High Commissioner for Human Rights and to take effective action against impunity and collusion especially with paramilitary groups.

³² <http://www.fidh.org/ameriq/colombie.htm>

CUBA

Background

FIDH Reports and Press Releases on Cuba

The FIDH and its member organisations in Cuba call upon the Commission on Human Rights to adopt a **Resolution on the Human Rights situation in Cuba**, which will, *inter alia*:

- Express its grave preoccupation regarding the Human Rights situation in the country and urge the Government of Cuba to receive the Personal Representative of the UN High Commissioner for Human Rights, and provide him with all necessary facilities in order for him to fully comply with the mandate conferred by Resolution 2002/18;
- Request the immediate and unconditional release of the 75 persons arbitrarily detained in March and April 2003;
- Modify its legislation so as to guarantee the rights to the freedom of opinion and expression, as well as the rights to freedom of association and reunion, in particular through the derogation of Law 88;
- Urge the Cuban Government to eliminate the death penalty from its Penal Code and to commute the death penalties that have been handed down ;
- Urge the Cuban Government to ratify the two International Human Rights Covenants;
- Urge the Cuban Government to ratify the Rome Statute on the International Criminal Court and adopt a law to harmonize domestic law with the Statute, including the definition of the crimes, the general principles of international criminal law and the cooperation between Cuba and the organs of the ICC;

HAITI

The FIDH and the League of Haitian Exiles request to the Commission on Human Rights to adopt a **Resolution on the Human Rights situation in Haiti**, which will, *inter alia*:

- Express concern at the deterioration of the Human Rights situation in Haiti and urge the Government to fully comply with its international human rights obligations. In particular, the Government should respect the right to freedom of opinion and expression, the right to peaceful assembly, to demonstrate peacefully, the right not to be arbitrarily arrested or detained, the right not to be subjected to torture or to cruel, inhuman or degrading treatment, and the right not to be arbitrarily deprived of his life;
- Urge the Government to apply the recommendations formulated by the Independent Expert in his last Report, in order to continue the Technical Cooperation Programme;
- Urge the Government of Haiti to ratify the Rome Statute on the International Criminal Court and adopt a law to harmonize domestic law with the Statute, including the definition of the crimes, the general principles of international criminal law and the cooperation between Haiti and the organs of the ICC;
- Request the OHCHR to further its technical cooperation Programme upon implementation of the previous and the Independent experts' recommendations, and to set up an office in Haiti, with a mandate that includes both the monitoring of human rights and technical cooperation;
- Ask the Independent Expert to submit a further report to the next session Commission.

A.4. EUROPE and WESTERN COUNTRIES

AZERBAIJAN

Background

[FIDH reports and press releases on Azerbaijan³³](#)

The FIDH calls upon the Commission on Human Rights to express its deepest concern on the Human Rights situation of in Azerbaijan, which, *inter alia*:

Urging the Authorities of Azerbaijan:

- To immediately and unconditionally release all persons who were arbitrarily arrested in the context of the elections;
- To carry out an impartial investigation into the acts of repression against civil society during the demonstrations related to the elections;
- To grant a general amnesty to all political prisoners who have been detained since the 80's, or to grant new trials to these prisoners in conformity with international human rights law standards;
- To release the persons arbitrary arrested and sentenced during the demonstration in the village of Nardaran in 2002;
- To guarantee the independence and impartiality of judges and judicial staff;
- To guarantee freedom of opinion, expression, association and peaceful assembly;
- To put an end to all forms of harassment and retaliation against political representatives, journalists, NGOs and representatives of protest movements;
- To respect Article 25 of the ICCPR, (to which Azerbaijan is a party), and particularly, the rights of every citizen to take part in the conduct of public affairs, the right to vote and to be elected at genuine periodic free elections. Consequently, the Government must guarantee political pluralism;
- To ratify the Rome Statute on the International Criminal Court and adopt a law to harmonize domestic law with the Statute, including the definition of the crimes, the general principles of international criminal law and the cooperation between the Azerbaijan and the organs of the ICC;

BELARUS

Background

FIDH Report– [La Caricature de l'autocratie – la société civile prise dans l'état³⁴](#) - sept 2001

The FIDH calls upon the Commission on Human Rights to adopt a **Resolution on the situation of Human Rights in Belarus** which will, *inter alia*:

Urge the Belarus Authorities:

- To comply with its international Human Rights law obligations;
- To resume the investigations on the disappearances of Yuri Zakharenko and Dimitri Zavadski, and to take the necessary steps to ensure that the perpetrators of those crimes are brought to justice before an independent and impartial tribunal and punished;
- To ensure that the investigations on the disappearances of Viktor Gonchar and Anatoly Krasovsky are carried out promptly, efficiently, and impartially;
- To cease harassment and intimidation of persons whose views differ from the authorities'
- To reopen liquidated NGOs and recognise the role of the human rights defenders in the field of democracy and the necessity to protect them;

³³http://www.fidh.org/rubrique.php3?id_rubrique=123

³⁴<http://www.fidh.org/europ/belarus.htm>

- To cease harassment and intimidation of independent journalists, and to guarantee freedom of expression and freedom of the press;
- To refrain from imposing new restrictions on the activities of religious organisation, in order to respect freedom of religion or belief;
- To cooperate fully with the Special procedures established by the Commission and invite the Special Representative of the UN Secretary General on Human Rights Defenders.
- To adopt a moratorium on executions, with the objective to abolish the capital punishment;
- To ratify the second optional protocol to the ICCPR, which provides for abolishment of the death penalty;
- To ratify the Rome Statute on the International Criminal Court and adopt a law to harmonize domestic law with the Statute, including the definition of the crimes, the general principles of international criminal law and the cooperation between the Belarus and the organs of the ICC.

CHECHEN REPUBLIC OF THE RUSSIAN FEDERATION

Background

*Reports and Press Releases by the FIDH on Chechnya*³⁵

FIDH Report: *Terreur et impunité: Un système organisé* – March 2002³⁶

The FIDH calls upon the Commission on Human Rights to adopt a **Resolution on the Human Rights situation in the Chechen Republic of Russian Federation**, which will, *inter alia*:

- Firmly condemn the ongoing massive and repeated violations of international humanitarian law committed by the Russian forces against the Chechen civilian population, which constitute war crimes and crimes against humanity. Condemn the systemic impunity that the authors of those crimes benefit from.
- Urge the Russian authorities to cease all acts of violence against the civilian population, including attacks, ill treatments, enforced disappearances and executions.
- Urge the Russian authorities to enable free access to the Chechen territory to all independent NGOs and media
- Firmly condemn the increasing number of terrorist acts committed in Chechen Republic and throughout the Russian Federation which participate and testify of the vicious circle of violence of which the civilian population is a victim.
- Recall that in any circumstance, the fight against terrorism, legitimate and necessary, must respect the principles and norms for the protection of Human rights, and may in no circumstance justify the perpetration of grave crimes against civilian population.
- Condemn all acts of violence committed by Chechen combatants against civilian populations.
- Urge Chechen combatants and authorities to protect civilian population in all circumstances, to prevent from any form of reprisal and guarantee the physical and psychological integrity of war prisoners, and to firmly condemn all terrorist acts.
- Urge the two parties to the conflict to strictly conform to the Convention of the prohibition of the use, the storage, the production and the transfer of land mines and on their destruction.
- Urge the Russian authorities to engage into real political negotiations with the representatives of President Maskhadov, so as to find a political and peaceful settlement of the conflict in Chechnya.
- Recall that all institutional reform in Chechnya must respect the principles of democracy, of the rule of law, and of the representation of all organs of society.

³⁵ <http://www.fidh.org/europ/tchetech.htm>

³⁶ <http://www.fidh.org/europ/rapport/2002/che328f.pdf>

- Request the prosecution of the authors of war crimes and crimes against humanity before independent and impartial tribunals, in conformity with the relevant international norms, ensuring the non-application of corporal punishment or death penalty.
- Condemn the fact that Russia has not fulfilled any of the requirements in terms of Human rights formulated by the International Community, in particular within the resolutions of the Human rights commission adopted in 2000 and 2001.
- Request the immediate establishment of and that full cooperation and support be given to an international investigative mission, composed of the relevant special rapporteurs and working groups of the Commission on Human rights, and that the mission report to the next General Assembly;
- To ratify the Rome Statute on the International Criminal Court and adopt a law to harmonize domestic law with the Statute, including the definition of the crimes, the general principles of international criminal law and the cooperation between Russia and the organs of the ICC.

TURKEY

Background

[FIDH press releases on Turkey](#)³⁷

FIDH report [Human Rights in the Kurdish Southeast : Alarming situation despite extensive legal reforms](#) (July 2003)³⁸

FIDH report [Turkey : Torture, still a routine practice](#) (May 2003)³⁹

Observatoire Report [Judicial Harassment Against Human Rights Defenders](#) (December 2002)⁴⁰

The FIDH, the Human Rights Association (IHD) and the Human Rights Foundation (TIHV) call upon the Commission on Human Rights to express its deepest concern on the human rights situation in Turkey,

Urging the Turkish Authorities:

- To ensure the urgent and effective implementation of the recent legal reforms adopted since October 2001;
- To investigate into all allegations of human rights violations in order to put an end to impunity;
- To guarantee freedoms of expression, peaceful assembly and association, in particular in the South-eastern part of the country;
- To put an end to the harassment and judicial prosecution of human rights defenders. In particular, the Turkish Government must repeal those articles of the Turkish Criminal Code, including Article 312, 159 and 169 used to silence and punish human rights activists who advocate for a democratic, political and peaceful resolution to the Kurdish question; and thus conform to the provisions of the Declaration on Human Rights Defenders adopted by the UN General Assembly in December 1998, as well as regional and international human rights instruments ratified by Turkey;
- To conduct a thorough reform of the Turkish judicial system and to abolish the State Security Courts (DGM);
- To urgently comply with the European Union accession criteria, by ensuring the adoption of remaining legislative reforms, including the laws on foundations and associations, and the effective implementation of all reforms.
- To ratify the Rome Statute on the International Criminal Court and adopt a law to harmonize domestic law with the Statute, including the definition of the crimes, the general principles of international criminal law and the cooperation between Turkey and the organs of the ICC.

³⁷<http://www.fidh.org/europ/turquie.htm>

³⁸<http://www.fidh.org/europ/rapport/2003/tr367a.pdf>

³⁹<http://www.fidh.org/europ/rapport/2003/tr361a.pdf>

⁴⁰<http://www.fidh.org/europ/rapport/2002/tr346a.pdf>

Condemning all attacks against civilian populations, urging competent authorities, in conformity with the provisions of international human rights law to prosecute, enable the most efficient judicial cooperation, try and sentence the perpetrators of the said attacks, whether they be State actors, individuals or non-State actors.

Regretting the cancellation of the visit of the Special Representative of the Secretary-General on the situation of human rights defenders, due to "security reasons" following the attacks against civilians in Istanbul in November 2003; calling upon the Special Representative of the Secretary-General on the situation of human rights defenders to undertake her mission to Turkey as early as possible.

UNITED STATES OF AMERICA

Background

[Reports and Press Release on the United States of America⁴¹](#)

The FIDH and the Centre for Constitutional rights call upon the Commission on Human Rights to express its deepest concern over the Human Rights situation in the United States, urging the authorities:

- To ensure the non-derogable right to a fair and independent trial, and to right to detention in conformity with international standards, including of all persons suspected of affiliation to a terrorist group, within the United States as well as within the activities where the United States are involved abroad. In this respect, invite the UN Working group on Arbitrary Detention and the UN Special Rapporteur on the independence of Judges and lawyers.
- To adopt a moratorium on executions, with the objective to abolish the capital punishment;
- To ratify the second optional protocol to the ICCPR, which provides for abolishment of the death penalty;
- To ratify the Rome Statute on the International Criminal Court and adopt a law to harmonize domestic law with the Statute, including the definition of the crimes, the general principles of international criminal law and the cooperation between the USA and the organs of the ICC;
- To refrain from any summary executions carried out on its territory or abroad, even within the legitimate fight against terrorism. Comply with the International Court of Justice's decision in the case Mexico vs. USA. Withdraw from any declarations calling for such executions.
- To withdraw from bilateral agreements on the jurisdiction of the International Criminal court; sign, ratify and implement to Rome Statute on the International Criminal Court.

⁴¹ <http://www.fidh.org/ameriq/usa.htm>

B. THEMATIC PRIORITIES

HUMAN RIGHTS AND COUNTER-TERRORISM

Background

FIDH Reports and Press Releases FIDH: [Terrorisme et justice](#)⁴²

The FIDH seizes the Working Group on Arbitrary Detention⁴³

The FIDH recommends the Commission on Human Rights to adopt a **Resolution on Counter terrorism measures and Human Rights**, which will *inter alia*:

- Acknowledge the decision of the General Assembly and the Chairman's text of the Sub-Commission on Human rights and Counter-terrorism measures;
- Condemn violations of human rights and humanitarian law committed in the fight against terrorism, condemn in particular the violations of non-derogable Human rights recognized by International Customary Law, within article 4 of ICCPR as interpreted by General Recommendation 29 of the UN Human Rights Committee;
- Express concern over the repeated violations of the 1998 Declaration for the protection of Human Rights Defenders, within the framework of the fight against terrorism or the abuse of security measures;
- Condemn flagrant inconsistency between regional Conventions and arrangements against terrorism and international Human Rights standards, and calls upon concerned states to revise the Arab Convention, African Union's Convention for the suppression of or against Terrorism, as well as other regional arrangements to combat terrorism, in order to refer them to international human rights and humanitarian law;
- Decide to establish as a complement to the Secretary General's report on the impact of Counter terrorism measures on Human rights requested by the General Assembly, a special mechanism on the question of human rights and counter-terrorism measures;
- Request that the Commission mandate such a mechanism to monitor the compliance of States with their international human rights obligations in their efforts toward countering terrorism, with a view to ensuring that any measures taken are in compliance with international human rights law;
- Request that so as to ensure a comprehensive human rights approach, the mechanism should *inter alia*:
 - have the capacity to undertake *in situ* visits;
 - establish a dialogue and enhanced cooperation with the Counter Terrorism Committee of the UN Security Council (CTC) with a view to better evaluating the conduct of states in implementing UN Security Council resolution 1373;
 - engage with and take into account the observations and recommendations of all relevant treaty bodies;
 - take into account the analyses, observations and recommendations of all Relevant Charter-based organs, including Special Procedures mechanisms and the Sub-Commission for the Promotion and Protection of Human Rights;
 - take into account also the analyses, observations and recommendations of regional institutions and mechanisms, including the European Union Network of Independent Experts in Fundamental Human Rights, the Council of Europe, the European Committee for the Prevention of Torture, the European Court of Human Rights, the Office for Democratic Institutions and Human Rights of the

⁴² <http://www.fidh.org/ameriq/dossiers/2001/us2810.htm>

⁴³ <http://www.fidh.org/communiq/2002/us2301f.htm>

- Organization for Security and Cooperation in Europe, the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, and the African Commission on Human and Peoples Rights;
- Co-ordinate activities with the Office of the High Commissioner for Human Rights.

HUMAN RIGHTS DEFENDERS

Background

[Annual Report of the Observatory for the Protection of Human Rights Defenders \(FIDH/OMCT\)](#)⁴⁴

The Observatory for the Protection of Human Rights Defenders, a joint FIDH-OMCT Program, urges the Commission on Human Rights to adopt a **Resolution on Human Rights Defenders** which will, *inter alia* :

- Express concern over the serious deterioration of the situation of Human Rights Defenders in Belarus, Colombia, Indonesia, Israel and Occupied Palestinian Territory , Russia, Vietnam and Zimbabwe as well as over the continuously preoccupying situation in a number of other states.
- Strengthen its resolution on Human Rights Defenders by reminding States that the measures adopted to fight terrorism do not justify disproportionate limitations on freedoms impairing the legitimate work of Human Rights Defenders (freedom of association, freedom of expression, freedom of movement);
- Encourage all national initiatives undertaken by States to give full implementation of the Declaration, through propagation and awareness raising, though adoption of the Declaration by national parliaments, through solidarity campaigns with defenders and mechanisms that would provide safe heavens for those under threat;
- Disseminate the Declaration and promote its respect and application through the inclusion in United Nations' plans and information or training programmes for State and Government officials;
- Consider the existence of situations of extreme emergency faced by human rights defenders, encourage the creation of a United Nations Special Fund for Human Rights Defenders similar to the one which exists for the victims of torture, which would function as an emergency fund to provide protection for defenders.

CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

Background

[FIDH press releases on Conscientious Objection to military service](#)⁴⁵

[Report of the Observatory : Israel – Conscientious objection tackled by military justice](#)⁴⁶

The FIDH urges the Commission on Human Rights to adopt a **Resolution on the issue of conscientious objection to military service**, which will, *inter alia*.

- Urge all States to take early action to review their laws and practices in the light of Commission Resolutions 1998/77 as called for by Commission Resolutions 2000/34 and 2002/45. In particular, the Commission should call on all States to:

⁴⁴ <http://www.fidh.org/lobs/index.htm>

⁴⁵ http://www.fidh.net/article.php3?id_article=364

⁴⁶ http://www.fidh.org/article.php3?id_article=485

- (a) Immediately recognize the right of conscientious objection to military service as a legitimate expression of the freedom of thought, conscience and religion, if they have not yet done so;
 - (b) Release immediately and unconditionally all conscientious objectors from imprisonment for failure to perform military service.
- Condemn the practice consisting in subjecting the conscientious objectors to repeated punishment, which is contrary to Article 14 para.7 of the ICCPR affirming: “no one shall be liable or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country;
 - Welcome the compilation and analysis of best practices in relation to the recognition of everyone to have conscientious objections to military service, prepared by the UNOHCHR;
 - Ask the OHCHR and the relevant Special Procedures of the Commission, to continue to work on the issue.

DEATH PENALTY

Background

FIDH Report: [La peine de mort aux Etats-Unis – Oct 2001](#)⁴⁷

FIDH Report: [La peine de mort au Japon – Nov 2002](#)⁴⁸

The FIDH urges the Commission on Human Rights to adopt a **Resolution on the issue of death penalty**, which will, *inter alia*:

- Reiterate the provisions of the Commission on Human Rights’ previous resolutions on this issue;
- Affirm that the imposition of death penalty, must be condemned in all circumstances;
- Recognise that the imposition of the death penalty on those under the age of 18 at the time of the commission of the offence is contrary to customary international law, as stated by the Sub-Commission on the Promotion and Protection of Human Rights;
- Engage States in the progressive restriction of the number of offences for which the death penalty may be imposed, notably through a moratorium, with a view to its prompt abolition, and firmly condemn all those countries which extend its application to crimes to which it does not presently apply, as provided in Article 4(2) of the American Convention on Human Rights;
- Decide to discuss the issue again at its 61ST session in 2005.

DISCRIMINATION BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY

The FIDH urges the Commission on Human rights to adopt a resolution on Discrimination based on sexual orientation and gender identity, which will, *inter alia*:

- Reaffirm the non-derogability of the principle of non-discrimination;
- Condemn the various forms of discrimination in the enjoyment of all rights around the world on grounds of sexual orientation and gender identity,
- Engage the OHCHR, as well as thematic mechanisms established by the Commission, to pay due attention to the manifestations of discrimination of this kind within their respective mandates.

⁴⁷ <http://www.fidh.org/ameriq/rapport/2001pdf/us0510a.pdf>

⁴⁸ <http://www.fidh.org/communiq/2002/jp0511f.htm>

ENFORCED DISAPPEARANCES

Background

[FIDH press releases and reports on enforced disappearances](#)⁴⁹

The FIDH recommends the Commission on Human Rights to adopt a **Resolution on Enforced Disappearances**, which will, *inter alia*:

- Acknowledge the universality and reality of the phenomenon of enforced disappearances and thence to fight it by all judicial means;
- Recognise the work of the first and second sessions of the Working Group on the elaboration of an international normative instrument to combat enforced disappearances, and calls for the prompt accomplishment of its work;
- Ask States to comply with the commitment made during the World Conference on Human Rights (Vienna, 1993) where it was called on States to abrogate legislation leading to impunity for those responsible for grave violations of human rights⁵⁰. In this sense, the Commission should reaffirm that the perpetrators of enforced disappearances cannot benefit from amnesties or similar measures which would have the effect of exempting them from criminal prosecution or punishment;
- Reaffirm that enforced disappearances committed as part of a widespread or systematic practice constitute a crime against humanity⁵¹;
- Support the work and strengthen the capacities of the UN Working Group on Enforced Disappearances, call for greater financial support to its activities, as well as for the issuance of invitations to the Group, according to its terms of reference, whenever cases of disappearances do not conclude in the prosecution and punishment of their perpetrators.

IMPUNITY

Background

[FIDH press releases and reports on international justice](#)⁵²

The FIDH recommends the Commission on Human Rights to adopt a **Resolution on Impunity**, which will, *inter alia*:

- Acknowledge the value of the 1997 draft “*Set of principles for the protection and promotion of (civil and political) Human rights through Action to Combat Impunity*” aimed at the fight against impunity;
- Appoint an Independent expert with a mandate to submit a revised version of this draft, considering recent developments in international law, in consultation with States, intergovernmental and non-governmental organizations, with a view to its adoption by the Commission on Human Rights

REPARATION FOR VICTIMS OF VIOLATIONS OF HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW

The FIDH recommends the Commission on Human Rights to adopt a Resolution on the right to a remedy and reparation, which will, *inter alia*:

⁴⁹http://www.fidh.net/article.php3?id_article=457

⁵⁰World Conference on Human Rights, Vienna, June 14-25, 1993, section II, para.60, A/CONF.157/24 (Part I), October 13, 1993.

⁵¹Rome Statute of the International Criminal Court, Article 7, para.1 (i).

⁵²http://www.fidh.net/rubrique.php3?id_rubrique=13

- Acknowledge the value of the “Draft principles and Guidelines on the right to a remedy and reparation for Victims of violations of international Human Rights and Humanitarian Law”, initially prepared by Professor Van Boven and subsequently by Professor Cherif Bassiouni, and that the said Draft Principles significantly add to the codification of a *corpus juris* on the right to a remedy and reparation.;
- Recognise the value of the two Consultative Meetings convened by the OHCHR in September 2002 and 2003, as well as the value of the 24 October 2003 Revised version of the “Draft principles”;
- Call for the prompt adoption of an international instrument on the right to remedy and reparation, based on the “Draft principles”. In this respect, the Commission should invite the OHCHR to convene another consultative meeting between experts, States and NGOs, with a mandate to study the Revised version of the “Draft principles”.

JUSTICIABILITY OF ECONOMIC SOCIAL AND CULTURAL RIGHTS

Background

*FIDH reports and press releases on Economic, social and cultural rights*⁵³

*FIDH Report : les politiques sociales de la Banque mondiale à l'épreuve des droits humains – janvier 2003*⁵⁴

*FIDH Report: Algérie: Pluralisme formel et entraves à l'exercice du droit syndical – déc. 2002*⁵⁵

*FIDH Report/ Droits et démocratie: Argentine, un peuple sinistré, une politique criminelle, des responsabilités plurielles – juill 2002*⁵⁶

*FIDH Report: Niger: Droit à l'eau potable – Octobre 2002*⁵⁷

The FIDH recommends the Commission on Human rights to adopt a resolution on the Justiciability of Economic, Social and Cultural Rights, which will, *inter alia*:

- Recognise the work of the first session of the Open-ended Working Group on a draft Optional protocol to the ICESCR, and calls for the prompt accomplishment of its work and for the adoption of the Optional Protocol;
- The Commission on Human Rights should further adopt a resolution on the right to health, to adequate housing, to education, to food and water, and call for the strengthening of the means at the disposal of the mandate holders to enable them to undertake further missions *in situ*, as well as follow-up activities.

PROJECT OF NORMS ON TNC's AND HUMAN RIGHTS

Background

*FIDH reports and releases on Transnational corporations and Human rights*⁵⁸

The FIDH urges the Commission on Human Rights to adopt a **Resolution on the issue of Project of Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises**, which will:

- Acknowledge the adoption by the Sub-Commission on Human Rights of the “Project of Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights” (E/CN.4/Sub.2/2003/12/Rev.1);
- Call for their prompt adoption.

⁵³http://www.fidh.net/rubrique.php3?id_rubrique=322

⁵⁴<http://www.fidh.org/ecosoc/rapport/2003/ecosoc354f.pdf>

⁵⁵<http://www.fidh.org/magmoyen/rapport/2002/dz349f1.pdf>

⁵⁶<http://www.fidh.org/ameriq/rapport/2002/ar338f.pdf>

⁵⁷<http://www.fidh.org/afriq/rapport/2002/niger341.pdf>

⁵⁸http://www.fidh.net/rubrique.php3?id_rubrique=191

EXTREME POVERTY

The FIDH recommends the Commission on Human Rights to adopt a **Resolution on Extreme Poverty**, which will, *inter alia*:

- Reiterate that every strategy to fight extreme poverty must be based on the respect for the entire spectrum of human rights law;
- Invite the Working Group of the Sub-Commission to broaden its preparatory study on the elaboration of a project of an international declaration of human rights and extreme poverty, which is currently limited to only some rights, those “directly linked to the biological dimension of life”- or, in other words, the right to food and water, to clothing and to housing, and to basic needs- eluding the works carried out to date by the independent expert, the High Commissioner for Human Rights, or the UN Committee for the Economic, Social and Cultural Rights;
- Reiterate the need to enable those who live in extreme poverty to “contribute to the elaboration, the application and the evaluation of the policies concerning them, enabling them to become real partners of development”. To this extent and to the same goal, the Commission should invite the Sub-Commission to study the means to organise this consultation in the framework of the above-mentioned working group.

MINORITY AND CONFLICT PREVENTION

The FIDH recommends the Commission on Human Rights to adopt a **Resolution on Minority in the Prevention of Conflict**, which will:

- Recognise the importance of preventive diplomacy in situations of potential conflict involving minorities;
- Affirm the need for an appropriate mechanism able to react at the earliest possible stage in those situations;
- Request the appointment of a **Special Representative of the Secretary General on Minorities and Conflict Prevention**.

WORK OF THE COMMISSION ON HUMAN RIGHTS

Background

[FIDH Press Releases on the Human Rights Commission](http://www.fidh.org/intgouv/onu/commission.htm)⁵⁹

- The Commission on Human Rights should initiate a Resolution on the organization of the CHR membership, which **submits CHR membership to criteria of cooperation with the UN mechanisms**, such as the extension of a permanent invitation to UN Human rights monitoring mechanisms.

⁵⁹ <http://www.fidh.org/intgouv/onu/commission.htm>