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**UN HUMAN RIGHTS COUNCIL  
13<sup>th</sup> session (1<sup>st</sup> – 26<sup>th</sup> March 2010)**

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**Item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

**Interactive dialogue – Special Rapporteur on the question of Torture**

**Informe del Relator Especial sobre la Tortura, Misión a Uruguay ([A/HRC/13/39/Add.2](#))**

**8 de Marzo de 2010**

**Declaración Oral Conjunta de la Organización Mundial Contra la Tortura (OMCT) (con estatus consultivo especial ECOSOC) y el COMITÉ de los DERECHOS del NIÑO - URUGUAY<sup>1</sup> (sin estatus ECOSOC)**

Señor Presidente,

Hemos tomado nota del informe de la misión del Señor Relator Especial sobre la Tortura Manfred Novak a Uruguay, realizada en marzo 2009. Por su parte, la **OMCT** realizó en noviembre de 2009 una misión sobre justicia de menores y anteriormente, en 2003 y 2008, visitó centros de detención de adolescentes. Asimismo, el **Comité de los Derechos del Niño-Uruguay**, coalición de ongs uruguayas que monitorea la aplicación de la Convención CRC, visitó varios centros de detención en junio de 2009.

Sobre esta base, confirmamos la información presentada en el informe del Señor Relator sobre la situación de los adolescentes privados de libertad. En particular, quisiéramos expresar nuestra profunda inquietud por las **alarmantes condiciones de vida en los centros de detención de adolescentes que, a menudo, presentan casos de malos tratos e incluso de tortura**. Por ejemplo las condiciones mínimas higiénicas y sanitarias de los Centros Las Piedras y SER son deplorables e inadecuadas para alojar a los adolescentes. Estos y los demás centros son lugares inhóspitos, sin espacios suficientes para la convivencia, con escaso equipamiento para actividades educativas y sin espacios privados para recibir a los familiares.

Nos gustaría llamar su atención sobre los siguientes temas:

- **La privación de libertad es utilizada de manera abusiva en comparación** con las medidas alternativas a la detención. Además, el tiempo de encierro obligatorio diario es en promedio de unas 22 horas y no deja lugar para la educación, ni la recreación. .
- Pese a los avances en algunos aspectos, la administración de **psicofármacos** continúa siendo un problema grave porque se realiza más como una medida de contención que como respuesta a problemas que verdaderamente requieran este tipo de intervención médica.
- El **régimen de convivencia** programado no se aplica en la mayoría de los centros y en particular en SER, Desafíos y Las Piedras ya que en ellos subsisten altos niveles de discrecionalidad de los funcionarios que realizan la gestión de la vida cotidiana.

Más allá de las condiciones de detención, nuestras preocupaciones son las siguientes:

- Las autoridades están diseñando un proyecto de **Cartilla del visitante** que podría limitar las posibilidades de contacto de los adolescentes con sus familias, y que a su vez podrían afectar las actividades de monitoreo de las ONG.
- Además, nos preocupa que todos los años durante las **vacaciones del poder judicial**, muchos adolescentes permanezcan detenidos preventivamente por un periodo mayor al estipulado por la ley (60 días).
- Respecto a las dificultades económicas del Instituto del Niño y Adolescente (INAU) mencionadas por el Señor Relator, nuestro estudio encontró que el **presupuesto** ha aumentado un 40% entre 2005 y 2009 y que una importante parte del mismo está destinado al sistema de detención de adolescentes. Es lamentable que esta asignación no haya permitido una mejoría de las condiciones de detención de los adolescentes.

**La OMCT y el Comité desean recomendar a las autoridades de Uruguay:**

- Garantizar que la privación de libertad se utilice únicamente como último recurso y utilizar mejor las medidas alternativas a la detención.

<sup>1</sup> Grupo de trabajo sobre niños privados de libertad integrado por: Instituto de Educación Popular “El Abrojo”, Foro Juvenil, Vida y Educación, Defensa de los Niños Internacional sección Uruguay, Servicio Paz y Justicia (SERPAJ) y Instituto [de](#) Estudios Legales [y](#) Sociales [del](#) Uruguay (IELSUR)

- Establecer un sistema de informes y comunicación de casos sobre adolescentes privados de libertad, que sean víctimas de violencia, y garantizar que los procedimientos de quejas sean utilizados de manera efectiva y apropiada para la protección de los mismos.
- En ese sentido, consolidar un sistema independiente, con recursos para monitorear, investigar las quejas y apoyar los adolescentes.
- Asegurar que el mandato y la composición del nuevo Instituto Nacional de Derechos Humanos y del Comisionado Parlamentario permita sus visitas a todos los lugares de detención de adolescentes.
- Garantizar que el personal penitenciario sea debidamente formado y entrenado sobre los derechos y las necesidades especiales de los adolescentes.

**Finalmente, la OMCT y el Comité desean plantear las siguientes preguntas a Uruguay:**

- Sería muy importante que nos informen sobre el cierre, previamente anunciado, del Centro SER y sobre la relocalización de Colonia Berro en las diferentes regiones.
- Podrían decirnos qué pasos se han dado para implementar las recomendaciones hechas por el Relator Especial sobre la Tortura, respecto a la situación que viven los adolescentes privados de libertad.

Muchas gracias Señor Presidente.

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**Item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

**Interactive dialogue – Special Rapporteur on the question of Torture ([A/HRC/13/39](#) –**

**[A/HRC/13/39/Add.5](#))**

**8<sup>th</sup> March 2010**

**Joint oral statement delivered by the International Federation of Action by Christians for the Abolition of Torture (FIACAT) a non governmental organization in special consultative status, the World Organization against Torture (OMCT) and the International Rehabilitation Council for Torture Victims (IRCT)**

Merci, Monsieur le Président,

M. Nowak,

La FIACAT, l'OMCT et l'IRCT souhaitent vous remercier pour votre dernier rapport<sup>2</sup> devant ce Conseil ainsi que pour l'étude<sup>3</sup> sur le phénomène de la torture et autres mauvais traitements qui lui est annexée et dont nous partageons les préoccupations.

Nos organisations saluent les conclusions et recommandations de votre rapport et appelons le Conseil des droits de l'Homme à encourager les Etats à les mettre en œuvre promptement et efficacement.

Comme vous le soulignez, la réalité est alarmante. Alors que la torture est l'un des plus sérieux crimes contre la dignité de l'homme et qu'elle est interdite de façon absolue même dans les circonstances les plus exceptionnelles, nous constatons aujourd'hui encore qu'elle est une pratique répandue dans de nombreux pays. Il n'y a pas de pays où le risque de torture et de mauvais traitements n'existe pas et pas de pays où les conditions de détention ne pourraient être améliorées.

<sup>2</sup> A/HRC/13/39

<sup>3</sup> A/HRC/13/39/Add.5

Comme vous l'indiquez, l'impunité constitue l'un des principaux facteurs contribuant à la pratique de la torture et des mauvais traitements. Bien que l'impunité soit fréquemment liée à une administration défailante de la justice, trop souvent, elle persiste aussi du fait de l'absence d'une volonté politique d'enquêter de manière exhaustive sur les allégations de torture et autres mauvais traitements et d'en traduire les auteurs présumés en justice. A cet égard, il est particulièrement préoccupant de lire que, à la suite des communications que vous avez émises sur des allégations de torture et mauvais traitements, peu d'enquête sérieuse, et réellement suivie de sanctions contre leurs auteurs présumés, semble avoir été conduites.

Nos trois organisations rappellent qu'en droit international, les Etats ont pour responsabilité de criminaliser effectivement la torture et autres formes de mauvais traitements, de prévenir leur occurrence, de traduire en justice et de sanctionner les auteurs présumés de ces actes et de garantir une réparation adéquate aux victimes.

Votre rapport montre également que la majorité des victimes de torture et autre mauvais traitement ne le sont pas pour des raisons politiques. La plupart sont des personnes ordinaires suspectées de crimes et pour cela détenues. La plupart appartiennent à des groupes défavorisés, discriminés et vulnérables, en particulier ceux souffrant de la pauvreté. En effet, nous avons présenté plusieurs rapports illustrant que les facteurs sociaux-économiques sont fréquemment une cause profonde de la torture.

Enfin, comme vous, il nous semble primordial de rappeler que le mandat du Rapporteur spécial en tant qu'expert indépendant est d'assister les gouvernements dans leurs efforts pour améliorer la situation et mettre un terme à la torture et aux mauvais traitements. Ce but ne peut être atteint sans une évaluation objective et fiable par un expert indépendant, dans le cadre d'un dialogue ouvert et confiant.

La FIACAT, l'OMCT et l'IRCT vous remercie pour l'engagement et la détermination dont vous avez fait preuve tout au long de votre mandat de Rapporteur spécial. La Coalition des ONG internationales contre la torture (CINAT), soucieuse de voir se poursuivre les efforts que vous avez déployés, a élaboré des critères pour le choix de votre successeur. Nous espérons qu'ils seront pris en compte.

Nous appelons le Conseil des droits de l'Homme à:

- Demander aux Etats de coopérer pleinement avec le mandat du Rapporteur spécial sur la torture, y compris en répondant rapidement et de manière exhaustive aux appels urgents, communications et demandes de visite ; ainsi qu'en facilitant les missions;
- Prendre des mesures contre les Etats qui, systématiquement, ne coopèrent pas avec le détenteur du mandat.

Merci, Monsieur le Président.

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**ANNUAL FULL-DAY MEETING ON THE RIGHTS OF THE CHILD**

**Wednesday 10<sup>th</sup> March 2010**

**RIGHTS OF THE CHILD: THE FIGHT AGAINST SEXUAL VIOLENCE AGAINST CHILDREN  
MORNING PANEL: Manifestations of sexual violence against boys and girls**

**Joint statement on behalf of the World Organisation Against Torture (OMCT), Defence for Children International, ECPAT International, International Catholic Child Bureau (BICE), Terre des Hommes International Federation, , Plan International, SOS Kinderdorf (having ECOSOC status) and Child Rights Information Network (CRIN), the African Child Policy Forum and the NGO Group for the Convention on the Rights of the Child (not having ECOSOC status).**

Thank you Mr. Chairman,

We thank all the panellists for their statements, and most notably Mr. Manfred Nowak for his contribution on sexual violence against children in institutions, including in detention facilities. Please allow us now to call your attention to this issue.

In police custody, detention centres and prisons, children may be sexually abused by adult detainees, peers, police and prison staff. Overcrowding, inadequate staffing, lack of separation from adults<sup>4</sup> and other appalling yet common conditions of juvenile detention are the **factors** that increase the chances of children being psychologically, physically and/or sexually abused while in detention.

Mr Chairman,

We believe that any forms of sexual violence against a child detainee are ill-treatment. In this regard, international human rights jurisprudence clearly establishes that rape in detention constitutes **torture**<sup>5</sup>.

Echoing the concerns raised in the UN Study on Violence Against Children regarding **impunity** for such acts, we recall that perpetrators are rarely prosecuted and sentenced<sup>6</sup>.

Finally, convinced that this practice is likely to be **more widespread** than what is commonly reported<sup>7</sup> and that prevention measures are less expensive than the **high costs** incurred from long-term effects caused by sexual assault<sup>8</sup>, we wish to present the following **recommendations** to Member States and observers of the HRC:

1. Collect and share disaggregated data and information concerning instances of all forms of sexual violence in all places where children are deprived of their liberty.
2. Implement the recommendations of the UN Study on Violence against Children relating to violence in “justice institutions”, and in particular take special measures on :
  - alternatives to detention;
  - quality and trained staffing;
  - access to effective complaints and investigation mechanisms;
  - prosecuting perpetrators; and
  - effective and independent access and monitoring of places where children are detained.

<sup>4</sup> According to some studies, children placed in detention with adults are 5 times more likely to be sexually assaulted than children housed in juvenile facilities. Defence for Children International, “Kids Behind Bars”, 2003.

<sup>5</sup> This outcome is built on the findings of the Special Rapporteur on Torture (summary record of the twenty-first meeting, United Nations document E/CN.4/1992/SR.21, para.35). Also refer to decisions from regional HR mechanisms like the Inter-American Commission on Human Rights in *Mejia v. Peru* and the European Court of Human Rights in *Aydin v. Turkey*.

<sup>6</sup> UN Report on Violence against Children, p. 182.

<sup>7</sup> There are only some rare and limited national surveys such as the following recently released in the United States: Special Report on Sexual Victimization in Juvenile Facilities Reported by Youth, 2008-09, US Department of Justice, Office of Justice Program, Bureau of Justice Statistics, January 2010, NCJ 228416.

<sup>8</sup> Special Report on Sexual Victimization in Juvenile Facilities Reported by Youth, op. cit.

3. Invite relevant UN agencies to carry out a study on the scope, causes and consequences of sexual abuse of detained children and develop recommendations.

Thank you, Mr. Chairman.

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**Annual full-day meeting on the rights of the child**

**Wednesday 10<sup>th</sup> March 2010**

**Joint statement on behalf of International Save the Children Alliance [other NGOs]**

**Sexual Violence Against Children Affected by Armed Conflict**

Thank you Mr President.

This statement is delivered on behalf of the International Save the Children Alliance, [other NGO names]

Mr President,

Sexual violence and abuse of children, particularly girls, within the context of armed conflict is well documented with thousands being subjected to rape (as a weapon of war), other sexual violence and exploitation. The legacy of such violence remains and incidents of sexual violence and abuse continue and are worryingly high. Indeed, within the continuing MRM process, girls and boys rated rape and sexual violence still to be one of the most prevalent forms of violations of UNSC Res. 1612.

A 2008 cross-border GBV assessment carried out by Save the Children in Liberia and Cote d'Ivoire shows the most prevalent issues to be child transactional sex, exploitation, domestic violence and a high level of rape and gang rape of children. The primary perpetrators include military forces, UN peacekeepers and government workers, such as teachers who give school girls money or grades for sex. Sexual violence against women and children, combined with a culture of sexual promiscuity, unsafe sexual practices and high teenage pregnancy rates is creating a cycle of violence and abuse which increases their vulnerability. Of particular concern is the very young age of some rape survivors (most at risk age is between 8 and 12 years), and the number of girls with mental disabilities being targeted.

The health consequences of such violence and abuse are grave and the psychological damage is untold. However, medical (physical and psychological) support is extremely limited and costly for survivors. Furthermore, community attitudes and response to GBV are alarming. Children and women are seen as a "resource" that should contribute to the household income, leading to an acceptance of engaging in transactional sex. Most adults and even children perceived most violence to be justified. Participants identified poverty as the main reason for parents to push their children into exploitative sex.

This demonstrates that the international community must continue to address sexual violence within armed conflict into post-conflict and recovery periods. In addition to the provision of immediate care to child survivors of GBV, preventive actions are also critical. Such activities include the establishment of community-based GBV resource centres and improved links to education and livelihood opportunities. Evidence shows the benefit of such action, which not only strengthens weakened health systems and addresses key protection and livelihood issues but also encourages reconciliation and recovery within and between communities.

We welcome the introduction of UNSC Resolution 1882 in strengthening the call for perpetrators of grave violations against children affected by armed conflict, notably rape and sexual violence, to be held to account. In this regard we would like to ask the SRSG /CAAC to provide an update on the implementation of Resolution 1882.

We call upon the SRSG to continue to press for all parties to end violations against children, including rape and sexual assault, and we also urge donors to fund specialist programmes in SGBV and reintegration of girls associated with armed forces. Thank you.

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**Item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

**Report WG – OP CRC**

**11<sup>th</sup> March 2010**

**Joint oral statement on behalf of Defence for Children International (DCI)\*, ECPAT International\*, Human Rights Watch\*, Kindernothilfe\*, International Federation Terre des Hommes\*, International Save the Children Alliance\*, Plan International\*, SOS Kinderdorf International\*, World Organisation Against Torture (OMCT)\*, World Vision International\*, the Child Rights Information Network (CRIN), the CRADLE – the Children's Foundation, Kenya, the Global Initiative to End Corporal Punishment, the NGO Group for the CRC<sup>9</sup> and Youth Empowerment Alliance, Inc.**

Thank you Mr President.

The following statement is made on behalf of 15 NGOs representing over 80 international and national NGOs.

Mr President,

We welcome the outcome report of the Open-ended Working Group and the presentation made by its Chairperson, and fully support his conclusions.

The issue of whether we should start drafting such a new Protocol to the CRC really comes down to one question: are children rights holders or not?

With 193 ratifications of the CRC, the international community has affirmed its commitment to each of the provisions of this unique instrument. However, as recalled by numerous States and experts during the December session, “for rights to have meaning, effective remedies must be available to redress violations”.

Elaborating a communications procedure for the CRC is the only way to fill the obvious gap in international communications procedures and show that children, just like all other human beings, have the right to seek a remedy for violations of their rights before a Committee expert in their rights.

It is also an important way to ensure that children have a remedy for violations of any of their rights when domestic justice systems fail them.

And finally, it is a vital way to demonstrate that States take their obligations under the CRC seriously and truly recognise children as full rights-holders.

As noted by the Chairperson of the Working Group, no State voiced opposition to the proposal for such a communications procedure during the Working Group's session, which means, to our understanding, that States agree that children are genuine rights holders and should have their own communications procedure.

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<sup>9</sup> The NGO Group for the CRC is a network of over 70 child rights organisations around the world.

\*NGOs with ECOSOC status

Mr President,

Moving to the drafting stage of this new Optional Protocol now will allow to address substantive issues and avoid spending additional resources in prolonged general discussions.

As the UN High Commissioner for Human Rights stressed: “We need to translate our commitment, engagement and work on children's rights into a tangible reality for each and every one of them”.

We hope that the Human Rights Council will give the Open-ended Working Group the mandate to start creating the necessary third Optional Protocol at the end of the present session – a tangible and real demonstration of its commitment to children.

Thank you.

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*Further related information: A press release has been issued on the recent adoption of a resolution by the UN Human Rights Council that agreed to start drafting a new international human rights instrument enabling the Committee on the Rights of the Child to receive and examine communications from children and their representatives alleging violation of their rights. The press release (English, French and Spanish versions) will be circulated soon to SOS-Torture network and posted on OMCT website.*

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| <p><b>Item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development</b><br/><b>Interactive Dialogue with the Special Rapporteur on Human Rights Defenders</b><br/><b>11<sup>th</sup> March 2010</b></p> |
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**Joint NGO Statement to the Human Rights Council by Human Rights First and the Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH)**

Mr. President, Ms. Special Rapporteur,

Human Rights First and the Observatory for the Protection of Human Rights Defenders, a joint programme of OMCT and FIDH, welcome the second report to the Human Rights Council by the Special Rapporteur on Human Rights Defenders Ms. Margaret Sekaggya and its timely focus on protection and security mechanisms.

Ms. Sekaggya, since the beginning of your mandate, you have identified specific situations impeding the work of human rights defenders and leading to a dangerous environment for them. As you rightly pointed out in your report, we also believe that the growing trend to de-legitimise the work carried out by defenders is particularly worrying, and we are also concerned that States increasingly resort to legal actions to violate the human rights of human rights defenders.

In your report, you mention that several national protection mechanisms were put in place, such as in Guatemala, Brazil or Colombia, while also underlining the shortcomings of such mechanisms. Ms. Sekaggya, what measures should be taken by the States to ensure the full functioning of these mechanisms and how can your mandate could help in this process?

Given that much of your report is derived from answers received by States, NGOs and intergovernmental and regional organisations, could you please mention some of the worst country situations in terms of the safety situation of human rights defenders.



In your report, you also describe how ambiguous security laws are used to arbitrarily detain defenders. Could you elaborate on other ways that national laws are used to persecute defenders?

We also welcome the Special Rapporteur's mission report on Colombia. As members of the [international campaign](#) for the right to defend human rights in Colombia we highlight the Rapporteur's following conclusions:

- Death threats against Colombian defenders have worsened in the last year;
- The systematic stigmatization of defenders by government officials is a prime reason for their insecurity;
- Arbitrary detention and unfounded criminal prosecutions of defenders constitute a pattern of persecution.

We also endorse the Rapporteur's recommendations on Colombia and call upon the Colombian government to implement them as soon as possible, including:

- Promulgating a new Presidential decree recognizing the legitimacy of human rights advocacy and outlawing stigmatization of defenders by government officials;
- Ensuring the Attorney General reviews all criminal investigations against defenders and closes those found to be baseless;
- Decriminalizing slander and libel;
- Establishing a mechanism to purge all intelligence archives on defenders.

Our organisations also welcome your mission report to the DRC and strongly support your conclusions and recommendations. We call upon the Congolese Government to implement them as soon as possible.

Finally, we are alarmed by the number of States that have persistently denied country visits to the Special Rapporteur, including the following that have refused visits three or more times: Belarus, Chad, India, Nepal, Pakistan, Tunisia, Uzbekistan and Zimbabwe.

We are also concerned that states only responded to 90 of the 266 communications that your mandate sent last year. We urge all member States to accept all outstanding country visit requests by the Special Rapporteur, as well as to cooperate fully with the Special Rapporteur on Human Rights Defenders and implement her recommendations.

Thank you.

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**Item 4: General debate**

**Human rights situations that require the Council's attention**

**15<sup>th</sup> March 2010**

**Oral statement delivered by The World Organisation Against Torture (OMCT), a non-governmental organisation in general consultative status**

Mr. President,

The World Organisation Against Torture (OMCT) wishes to avail itself of this general debate to address the human rights situation in Sri Lanka, Iran and Honduras.

In **Sri Lanka**, journalists, members of political opposition parties and human rights defenders critical of the Government have continued to face attacks, threats and restrictions. The situation has worsened since January this year, particularly after the Presidential elections on 26 January 2010. OMCT is seriously preoccupied that

the whereabouts of Lanka Enews journalist, **Prageeth Eknaligoda**, who disappeared 50 days ago, after he wrote articles supporting the presidential opposition candidate, remain unknown.

Furthermore, there have been no denial or formal assurances of security from the Government after a media reported that the names of a number of leaders of the Free Media Movement, including its Secretary Sunil Jayasekera, have been allegedly included in a hit/ surveillance list. A number of exiled activists names are also alleged to be included in this list, including of leading human rights defenders and journalists Sunila Abeysekera and Sunanda Deshapriya and several other human rights defenders in the country including **J. C. Weliamuna**, a human rights lawyer and the Executive Director of Transparency International – Sri Lanka (TISL who is also facing a defamation campaign by the authorities.)

OMCT welcomes the assurances given by the Attorney General to the Committee to Protect Journalists that exiled journalists who return “won’t come to any harm”. However, OMCT calls on the Government to provide a formal assurance that, the safety and the right to dissent of any exiled journalists, who may return, and of human rights defenders and journalists, who remain in the country, will be guaranteed.

Finally, OMCT urges the Sri Lanka Government to take all necessary measures to:

- start working towards a peaceful political solution to address the genuine grievances and aspirations of minority communities;
- revoke the Prevention of Terrorism Act and Emergency Regulations and to;
- fully cooperate with the Office of the UN Secretary General, in particular with the panel of experts to advise the Secretary general on human rights issues, the Office of the High Commissioner for Human Rights and the UN Special Procedures, including by responding favourably to the outstanding requests for country visits and ultimately by issuing standing invitations to visit the country.

OMCT remains gravely concerned about the human rights situation in **Iran**, in particular since the June 2009 presidential election that has witnessed widespread human rights abuses, including arbitrary detentions, torture and ill treatment, as well as by the general crackdown on the Iranian civil society. Many peaceful demonstrators have been killed during protests or in prison. According to information received, four political prisoners have been executed so far and others face death penalties. More than 1’000 individuals remain detained arbitrarily in appalling conditions of detention. The lack of cooperation by the Iranian Government with the Human Rights Council and its mechanisms is another worrying sign. In light of this, OMCT calls on the Council to urge Iran to end the current human rights abuses, fully and promptly investigate the reported human rights violations since the elections of June 2009, bring perpetrators to justice, put a hold on executions, immediately release all individuals detained for peacefully exercising their rights to free expression, association and assembly and, if legal charges, that are consistent with international law and standards, exist, to ensure that they are given a prompt and fair trial, in which their procedural rights are guaranteed at all times.

Finally, OMCT welcomes the report of the United Nations High Commissioner on the violations of human rights in Honduras since the coup d’état on 28 June 2009 and urges the newly elected Government of **Honduras** to promptly and effectively implement the recommendations formulated therein.

Thank you, Mr. President.

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**Point 10: [Deuxième rapport conjoint de sept experts des Nations Unies sur la situation en République Démocratique du Congo \(RDC\)](#)**  
**24 mars 2010**

**Intervention orale conjointe par l'Organisation Mondiale Contre la Torture (OMCT), la Fédération Internationale de l'Action des Chrétiens pour l'Abolition de la Torture (FIACAT) et Agir Ensemble pour les Droits de l'Homme (AEDH), trois organisations dotées du statut consultatif**  
*(liste des cosignataires sans statut consultatif ici-bas)*

Monsieur le Président,

Cette intervention est lue par l'OMCT, au nom de la FIACAT, d'Agir Ensemble pour les Droits de l'Homme et des ONG cosignataires listées ci-dessous.

Comme le souligne le deuxième rapport conjoint des sept experts des Nations Unies sur la situation en République Démocratique du Congo (RDC), la situation des droits de l'Homme en RDC ne s'est pas améliorée et reste grave, y compris dans les régions qui ne sont pas touchées par le conflit. Des violations systématiques des droits de l'Homme, y compris des actes de torture, dont des viols, et autres mauvais traitements commis par des membres des forces armées, de la police, des services de renseignement et de groupes armés, sont quotidiennement rapportées. Les défenseurs des droits de l'Homme font l'objet de menaces constantes.

Comme le relèvent les 7 experts, les recommandations du rapport conjoint initial n'ont pas - ou peu - été suivies d'effets, notamment dans les secteurs de la justice, de la sécurité et de la protection des défenseurs des droits de l'Homme.

Ces violations perdurent, entre autres, du fait d'une impunité entretenue par les autorités de RDC. L'absence apparente de volonté politique d'arrêter ou de poursuivre certains suspects connus en est un exemple. A cela s'ajoute, le manque d'indépendance et de moyens du système judiciaire et le fléau de la corruption. Nos organisations sont également particulièrement préoccupées par l'absence d'une criminalisation de la torture en droit pénal, privant ainsi les victimes de tout recours.

Par ailleurs, nos organisations ont accueilli négativement la récente fusion du Ministère des Droits Humains avec celui de la Justice suite à un remaniement ministériel en février 2010 qui laisse en effet craindre des répercussions, notamment sur le travail des défenseurs des droits de l'Homme.

Pour mettre un terme à la crise humanitaire et aux multiples violations des droits de l'Homme, l'OMCT, la FIACAT, Agir Ensemble pour les Droits de l'Homme, et les ONG cosignataires listées ci-dessous recommandent :

- *Au gouvernement congolais* **d'assumer sa responsabilité de protéger les populations civiles ; de lutter contre l'impunité des auteurs de violations qui, bien que connus, occupent toujours des postes de commandement dans l'armée et la police; de coopérer avec les mécanismes de droits de l'Homme des Nations Unies visant à faire la lumière sur les violations, et de prendre toutes les mesures nécessaires pour mettre en œuvre leurs recommandations;**
- *Au Conseil des droits de l'homme* **d'accéder à la recommandation des sept procédures thématiques visant à créer, (en collaboration avec le gouvernement congolais) un mandat sur la situation des droits de l'Homme en RDC. Ce mandat serait entre autres responsable du suivi de la mise en œuvre des recommandations formulées par les sept experts;**
- *A la communauté internationale* **de prolonger la présence de la MONUC en RDC en orientant spécifiquement son mandat sur la protection effective des populations civiles et la création de conditions favorables à la stabilisation et la restauration de l'autorité de l'Etat de droit sur l'ensemble du territoire.**

Merci, Monsieur le Président.

**ONG cosignataires non dotées du statut consultatif**

**Membre du Réseau SOS-Torture de l'OMCT en RDC**

- Association Africaine des Droits de l'Homme/ ASADHO

- Comité des Observateurs des Droits de l'Homme/ CODHO
- Solidarité pour la promotion et la paix/ SOPROP
- Ligue Zone Afrique/ Défense des Enfants, Elèves et Etudiants/ LIZADEEL
- Groupe Lotus RDC
- La Voix des sans voix pour les droits de l'Homme/ VSV

#### **Partenaires d'Agir Ensemble pour les Droits de l'Homme en RDC**

- Association pour la Promotion et l'Appui aux Initiatives Féminines/ PAIF
- Union Chrétienne pour le Progrès et la Défense des Droits de l'Homme/ UCPDHO
- ASADHO Béni
- Arche d'Alliance

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