Five years since the 2002 communal violence in the Western Indian state of Gujarat in which more than 2,000 people were killed, Amnesty International remains concerned about the ongoing impact of that violence on the Muslim minority in Gujarat.

**Amnesty International is particularly concerned that:**

1. The direct victims of that violence and their relatives continue to face serious challenges and obstacles in securing justice;
2. An overwhelming number of the criminal cases relating to the Gujarat violence remain un-investigated and unresolved, or closed with the result that the majority of the perpetrators of the violence have gone unpunished and remain at large in the state - this is despite the reopening of 1,594 cases for reinvestigation after the Supreme Court of India (Supreme Court) order in August 2004;
3. The plight of those internally displaced from their homes as a result of the violence is a continuing one. As many as 5,000 families are living in "relief colonies" without basic amenities or official recognition from the Government of Gujarat. The Government of Gujarat however continues to assert that all those displaced as a result of the violence have been rehabilitated;
4. Human rights defenders, tenaciously engaged in pursuing justice for the victims of the violence, face frequent harassment;
5. There is an ongoing practice of social and economic boycotting of Muslim communities in the state.

Amnesty International believes that, five years on, the Government of Gujarat remains unrepentant for its failings to protect the Muslim minority and to ensure that victims obtain justice, truth and reparations. The organization strongly disagrees with the claim by the Government of Gujarat (under the leadership of the Bharatiya Janata Party (BJP) who were also in power during the 2002 communal violence) that normalcy has returned to the state.

Human rights activists report that a climate of alienation and fear has been deliberately fostered among the Muslim minority in Gujarat since the violence in 2002. Reports of this alienation have recently been corroborated by the findings of a Central government-appointed high level Committee led by a former Supreme Court judge, Rajinder Sacchar (the Sacchar Committee), and mandated to look into the
Human Rights Assembly
April 1-2, 2007
India International Centre, New Delhi

The 14th SAARC Summit is being held in Delhi on 3-4 April 2007, at a time when issues of democracy and human rights appear crucial and central for effective democratic functioning in all of South Asia.

It is recognised that for democracies to thrive, and for better institutional and other cooperation, the subject of human rights has an unquestionable centrality, leading in turn to the necessity for questioning security legislations, death penalties, violence against women and the marginalisation of vulnerable groups - all of which issues pose problems in several countries of South Asia. True integration requires inclusive development and corporate accountability.

At this critical juncture, to provide wider meanings to the spirit of SAARC and to integrate its goals directly to human rights issues, Amnesty International India is planning a Human Rights Assembly on 1-2 April 2007, back-to-back with SAARC, at the India International Centre, Delhi. This Assembly will have four focal themes:

- Security Legislation
- Death Penalty
- Corporate Accountability
- Violence against Women

Security Legislation:
In the wake of the ‘war on terror’, various countries of South Asia have seen escalating violence and a surfeit of draconian laws. Security legislation is often perceived as vital for a country’s sovereignty but often it has actually led to the reverse, as it has alienated a large number of people, and hindered multilateral friendships between countries of South Asia.

Death Penalty:
Death Penalty is the ultimate form of violence. Death penalty is a punitive device that is difficult to justify at any level in a civilised society either philosophically, morally or even for any practical reasons related to law and justice. What makes the use of this punishment even more indefensible and the case for its abolition even more compelling is that it has not proved to have achieved any of the results that are proclaimed as its raison d’etre.

Corporate Accountability:
South Asia is increasingly being perceived as an engine of growth, a place of emerging markets, foreign investments, industrial developments and corporatisation. Bhopal has shown that redress and justice are difficult to attain in the context of the growing complicity between states and corporations, and the imbalance of power between corporations and people.

Violence against Women:
Every kind of violence against women, public or private, overt or subtle, consensual or coercive, impacts the very soul of the democracy that all modern societies so ardently profess to follow. Nationalisms and fundamentalisms have made women’s bodies and women’s roles a battlefield in their struggle for institutional power; violence (both sexual and social) is a weapon that is freely used in that battlefield. Gender based violence and discrimination is not often addressed by governments of South Asia as a violation of fundamental human rights.

To discuss these issues in a wider perspective, give a voice to human rights and put forward certain concrete demands on these four issues, Amnesty International India requests you to reserve these two days for participation in this Human Rights Assembly, and for your cooperation and suggestions.

Usha Ramanathan
Charu Gupta
Ujjwal Kumar Singh
Mukul Sharma
Vijay Shankardass
years after Saddam Hussein was captured by US forces, ended last July. The Appeals Court confirmed their sentences on 26 December 2006, when Judge Arif Shaheen confirmed that it must be carried out within 30 days after ratification by Iraqi President Jalal Talabani or his delegate.

Saddam Hussein's trial should have been a major contribution towards establishing justice and ensuring truth and accountability for the massive human rights violations perpetrated when he was in power, but his trial was a deeply flawed affair. It will be seen by many as nothing more than 'victor's justice' and, sadly, will do nothing to stem the unrelenting tide of political killings.

Unfair Trial

The trial before the SICT failed to satisfy international fair trial standards. Political interference undermined the independence

Globalizing the fight against the death penalty

The Third World Congress against the Death Penalty took place in Paris from 1 to 3 February. "Paris 2007" brought together over 600 abolitionists and decision-makers from all over the world, who discussed current strategies and debated ways forward to achieve the ultimate goal of worldwide abolition of the death penalty. The Congress followed on from the first World Congress in Strasbourg in 2001 and the Second World Congress in Montreal in 2004.

Major debates included "Islam and the death penalty" and "China, the death penalty and the Olympic Games". Roundtables were held on regional players in the abolitionist movement from Central Asia (towards the establishment of a death penalty-free zone) to the Great Lakes region in Africa (Anti-Death Penalty network) and on strategies towards abolition.

The Congress heard from those profoundly affected by the death penalty, including exonerated former death row inmates, the families of condemned prisoners and relatives of murder victims who campaign against the death penalty on behalf of their murdered relatives.

The event ended on Saturday with a march of hundreds of people through the streets of Paris, entitled "Say No the death penalty".

The Third World Congress against the Death Penalty took place in Paris, France, from 1-3 February. "Paris 2007" brought together over 600 abolitionists and decision-makers from all over the world. Members of the Murder Victim's Families Association

The event ended on Saturday with a march of hundreds of people through the streets of Paris, entitled "Say No the death penalty".

Perspectives

Execution of Saddam Hussein: An opportunity thrown away

Fair trials were routinely denied by Saddam Hussein when he was in power, Iraq had here a golden opportunity to restore this basic right and ensure accountability for the crimes of the past. His execution was an opportunity thrown away.

Many international human rights organizations had long campaigned for Saddam Hussein to be held to account for the massive human rights violations committed under his rule. However, his execution is deplorable. Not only is the death penalty a violation of the right to life but this most extreme penalty was imposed after a clearly unfair trial. It is even more worrying that the execution appeared a foregone conclusion, once the original verdict was pronounced, with the Appeals Court providing little more than a veneer of legitimacy for what was, in fact, a fundamentally flawed process.

Saddam Hussein was sentenced to death on 5 November 2006 after being convicted in connection with the killing of 148 people from al-Dujail village after an attempt to assassinate him there in 1982. The trial, which began in October 2005 almost two

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and impartiality of the court, causing the first presiding judge to resign and blocking the appointment of another, and the court failed to take adequate measures to ensure the protection of witnesses and defence lawyers, three of whom were assassinated during the course of the trial. Saddam Hussein was also denied access to legal counsel for the first year after his arrest, and complaints by his lawyers throughout the trial relating to the proceedings do not appear to have been adequately answered by the tribunal. The appeal process was obviously conducted in haste and failed to rectify any of the flaws of the first trial.

Every accused has a right to a fair trial, whatever the magnitude of the charge against them. This plain fact was routinely ignored through the decades of Saddam Hussein’s tyranny. His overthrow opened the opportunity to restore this basic right and, at the same time, to ensure, fairly, accountability for the crimes of the past. It is an opportunity missed and made worse by the imposition of the death penalty.

At the time of his execution, Saddam Hussein was also standing trial before the Supreme Iraqi Criminal Tribunal (SICT), together with six others, on separate charges arising from the so-called Anfal campaign, when thousands of people belonging to Iraq’s Kurdish minority were subject to mass killings, torture and other gross abuses in 1988. It is expected that this trial will now continue against the other accused. The execution of Saddam Hussein is a major blow to the process of establishing the truth of what happened under his rule and as such another squandered opportunity for Iraqis to find out about and come to terms with the crimes of the past.

Failure to provide effective security measures

The security and safety of all parties involved in the Tribunal were frequently at risk and the problem remains unresolved. Defence lawyer Sa’dun al-Janabi was killed in October 2005, during the first week of the trial, while two other defence lawyers, ‘Adil al-Zubeidi and Khamis al-Ubeidi were killed in November 2005 and June 2006 respectively. A number of lawyers reportedly received anonymous threats.

The tribunal also failed to ensure that there were adequate guarantees to protect others involved in the case, including witnesses. It is essential that measures are taken to facilitate the participation of witnesses and their representatives by ensuring their safety and that of their families from intimidation or retaliation, inconvenience to them or unlawful interference with their privacy, before, during and after judicial, administrative, or other proceedings that affect the interests of the witnesses.

Independence and impartiality of the judges

A fair trial requires independent and impartial judges. In the al-Dujail trial, however, the first presiding judge, Rizgar Muhammad Amin, resigned four months after it began complaining that he had come under pressure by government authorities to adopt a more forceful approach to handling the defendants on trial. Judge Sayeed al-Hamashi, who was initially designated to replace him, was then ruled ineligible through the intervention of the De-Ba’athification Commission established to exclude former members of the Ba’ath Party from public office. The impartiality of Judge Ra’uf Rashid ‘Abdul Rahman, who presided over the subsequent stages of the trial, was questioned by the defendants on the grounds that he had opposed Saddam Hussein’s government and comes from Halabja, where thousands of Iraqi Kurds were killed in a gas attack by Saddam Hussein’s forces in 1988.

Failures to respect the basic rights of the accused before and during the proceedings

Although Saddam Hussein was arrested in December 2003, he did not have access to his

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The new surge in executions in Iraq, despite calls by the international community for Iraq to abolish the death penalty, is a matter of grave concern. On 19 December, the Iraqi Prime Minister’s office announced that a further 13 prisoners had been executed, making 2006 the year with the highest number of executions since Iraq reinstated the death penalty in 2004. At least 60 people have been executed in Iraq since the authorities resumed executions in September 2005, with some 53 reported to have been executed since the beginning of this year.

According to the government, the 13 men executed on 19 December had been convicted of murder, rape and torture. One was reported to have confessed to the killing of 10 people. However, the identities of those hanged have not been made public and the government gave no details of their trials, raising concern that at least some of them may have been sentenced after unfair trials.

According to media reports, after the executions had been carried out the Iraqi authorities released a short film showing a group of men hooded and with their hands tied behind their backs - believed to be the 13 men prior to their execution.

In upholding the rule of law and ensure that those who commit murders and other crimes are brought to justice, the Iraqi authorities must abide by their obligations under international law, including to ensure fair trials, and should not make recourse to the death penalty. The death penalty is a violation of the right to life and the ultimate form of cruel, inhuman and degrading punishment. Use of this most extreme penalty will provide no remedy for the grave human rights situation in Iraq and serves only to devalue further the right to life.

Iraq: More executions no remedy

Amnesty International condemned the executions of Saddam Hussein’s half-brother and the former head of Iraq’s revolutionary court as a brutal violation of the right to life and a further lost opportunity for Iraqis to properly hold to account those responsible for the crimes committed under Saddam Hussein’s rule.

Barzan Ibrahim al-Tikriti, Saddam Hussein’s half-brother and former head of the Iraqi Mukhabarat (Intelligence Service), and ‘Awad Hamad al-Bandar al-Sa’dun, former head of the Revolutionary Court, were hanged earlier today. Along with former president Saddam Hussein, they had been sentenced to death on 5 November 2006 after an unfair trial before the Supreme Iraqi Criminal Tribunal (SICT). This verdict was confirmed by the Iraqi Appeals court on 26 December.

“Saddam Hussein and his aides should certainly have been held to account for the horrific human rights crimes committed by his government but this should have been through a fair trial process and without recourse to the death penalty. Reports that Barzan Ibrahim al-Tikriti had his head severed during the hanging only emphasis the brutality of this already cruel, inhuman and degrading punishment,” said Malcolm Smart, Director of Amnesty International’s Middle East and North Africa Programme.

Amnesty International is also concerned that another former government official is at risk of execution. Taha Yassin Ramadh, the former vice-president, was sentenced to life imprisonment on 5 November 2006. However, on 26 December the Appeals Chamber of the Supreme Iraqi Criminal Tribunal referred his case back to the same tribunal requesting a higher sentence, suggesting that he is at risk of being sentenced to death and executed.

The trial before the SICT failed to satisfy international fair trial standards. Political interference undermined the independence and impartiality of the court, causing the first presiding judge to resign and blocking the appointment of another, and the court failed to take adequate measures to ensure the protection of witnesses and defence lawyers, three of whom were assassinated during the course of the trial. Saddam Hussain was also denied access to legal counsel for the first year after his arrest, and complaints by his lawyers throughout the trial relating to the proceedings do not appear to have been adequately answered by the tribunal. The appeal process was obviously conducted in haste and failed to rectify any of the flaws of the first trial.

Amnesty International opposes the death penalty in all cases on the grounds that it is a violation of the right to life and the ultimate form of cruel, inhuman and degrading punishment. There has been a sharp rise in the use of the death penalty since its reintroduction in August 2004 in Iraq. In 2006 at least 65 people were executed, many of them after unfair trials.
“social, economic and education status of the Muslim community in the country.” Commenting on the committee’s findings, which had been tabled before the Indian parliament in November 2006, one of the committee members, Prof. T. K. Oommen, stated that Gujarat continues to reel under a state of “economic apartheid and ghettoization” of Hindus and Muslims and that “ever since the 2002 riots, the polarization of communities in Gujarat has acquired a physical dimension.”

Amnesty International strongly believes that justice continues to elude many of those who were victims of the violence in Gujarat in 2002. The complete failure of the Government of Gujarat - itself accused of direct complicity in the violence which left over 2,000 people dead - is further evident in its persistent unrepentant attitude, as shown in their non-recognition of those still internally displaced by the 2002 violence and by its failure to provide basic amenities to “relief colonies.”

The Government of India’s response is furthermore disconcerting. The delay in acting on the findings of the National Commission of Minorities on the conditions prevalent in the relief colonies, the delay in enacting witness protection schemes, despite the Law Commission’s submission of its recommendations in 2006, the failure to encompass the broad range of experiences of the victims of Gujarat within its framing of the Communal Violence Bill, all heighten Amnesty International’s concerns that justice for the victims remains a bitter and uphill struggle. This is particularly the case when many of the victims continue to live in relief colonies, under the imposition of social and economic boycotts and face intimidation for their role in ensuring conviction of perpetrators.

Amnesty International urges the Committee overseeing the 1,594 cases which were reopened under the directions of the Supreme Court in August 2004 to closely monitor the process of re-investigation and ensure that investigators take all necessary steps to uncover the facts, including taking fresh witness statements, where necessary. Amnesty International calls on the National Human Rights Commission (NHRC) to play an active role in monitoring all ongoing investigations, prosecutions and trials of cases relating to the communal violence of 2002. Amnesty International urges the Government of India to review all provisions protecting public servants from arrest and prosecution. To this end, it should amend sections 45 and 197 of the Code of Criminal Procedure, 1973, to remove the requirement of the sanction of the central or state government for the prosecution of members of the police or armed forces.

Amnesty International calls on the Government of India to incorporate into the Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005; sexual and gender based crimes, including mass crimes against women perpetrated during communal violence; a comprehensive system of reparations for victims of such crimes; and gender-sensitive victim centred procedural and evidentiary rules. Amnesty International urges the Government of India to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Amnesty International urges the Government of India to ratify the Rome Statute of the International Criminal Court and implement it in national law.

Amnesty International strongly believes that the Government of India should respect its obligations under international law to provide the victims of the 2002 communal violence in Gujarat appropriate and adequate reparation commensurate with the harm suffered and sufficient to enable victims and their families to rebuild their lives. Amnesty International urges the Government of India to ensure that it fulfils its promise which was announced in November 2006 to award further compensation to the victims of the 2002 communal violence in Gujarat.

Amnesty International urges the Government of India to draft a specific policy dealing with internally displaced persons (IDPs) in the context of communal violence - which is in line with the UN Guiding Principles on Internal Displacement. This policy should be set up and implemented properly, efficiently, systematically, through consultation with IDPs and without discrimination. It should incorporate:

- a mandatory agreed sum of immediate compensation which is promptly provided to victims;
- funds for rehabilitation;
- provisions to facilitate the voluntary return and to restore the displaced families to their original conditions of living;
- respect for all IDPs’ rights of reparation, especially fulfilment of their right to adequate housing.

(For full text of the Report, visit http://web.amnesty.org/library/Index/ENGASA200072007?open&of=ENG-IND or write to us)
"The real issue is no longer only of resettlement, but also that of lopsided development and erosion of people’s rights. The State has to realize that the protection of human rights of citizens is a non-negotiable pre-requisite for development and without this, development itself will be meaningless. When the State decides to displace people in the name of development, the language of rehabilitation cannot be limited to land, cash and compensation," Medha Patkar said while addressing the conference.

The Conference was attended by more than 1500 people, including representatives of civil society organizations, media persons, academic researchers, social activists, and was participated in large numbers by Adivasis themselves from tribal majority areas of states like Jharkhand, Chhattisgarh, Orissa, Madhya Pradesh, Uttarakanchal, Maharashtra, etc.

The conference also dwelled on the issue of Land Acquisition Act of India, which is draconian and obsolete and gives over-riding powers to the

"The question that we need to address is whether we want a development model without the local community participation and without the community benefiting from it. Should development mean displacement and suffering for majority and profits for a few?" Ram Dayal Munda, a tribal leader and former Vice Chancellor, Ranchi University wondered. He was delivering the keynote address at a conference at the India Social Forum (November 11). The conference "Adivasi Adhikar Aaj: Arthik, Samajik, Sanskritik Hak-Hakukon Ki Aur" (Adivasi Rights Now: Towards Asserting Economic, Social and Cultural Rights) was organized by Amnesty International India, along with other grassroots movements.

The conference was addressed by many senior other social activists, intellectuals and academicians. They include Medha Patkar, Indu Netam, Ghanshyam, Walter Fernandes, Nandini Sundar, Amita Bavaskar, Mahesh Rangarajan and Bela Bhatia; Surekha Dalvi, Prafulla Samantara, Gayatri Sharma, Gautam Bandopadhyay, Ashok Chaudhary and Bhanwar Singh Chadana, and Sidheshwar.

A section of the audience attending the conference.
AI India Stall

Other than these events, AI India had also put up a stall at the ISF venue to display and promote Amnesty International’s work towards protecting human rights worldwide. The stall had on display AI literatures, reports, publications. AI India also held a photo exhibition at the stall on various campaigns of Amnesty International over the years. Many AI documentaries on burning human rights issues were shown through an audio-video display at the stall. AI India T-Shirts, caps and publications were also put up to raise contributions for AI India.

There were more than 15,000 visitors to the stall, and many signed up to become AI India members, while others showed keen interest in AI India’s activities. An attempt was made to make the AI India stall participative by holding a signature campaign against Death Penalty, and by asking the visitors to the stall to pen down their thoughts on human rights issues and the work done by Amnesty International towards it. AI India staff and volunteers attended to the visitors’ queries and suggestions personally.
state to encroach onto people's lands for any 'public purpose'. The government talks about rehabilitation and compensation in return for taking over the land. The question is why not offer the adivasis a direct stake in the development project instead; why not engage in a dialogue that will take their interests and opinion into account. Talking about rehabilitation, if one uses past experience as a yardstick there are counter examples to prove the State's lacuna in this area. If one takes the example of the Pong dam in Orissa and the Bhakra Nangal Dam in Himachal Pradesh that have been constructed in the last 50 years in post-independence India, official figures acknowledge that 500 families and 700 families respectively are yet to be rehabilitated by the Government. The situation in numerous other projects across the country is very similar to this, the speakers asserted.

The thematic areas for the conference included topics like Adivasis' critique of the development paradigm; displacement and its discontents, Adivasi governance and livelihood rights; circle of violence and terror in tribal areas; gender justice and Adivasi women; and most importantly, the legacy of Adivasi struggles from pre-independence era to the present.

The conference was live and vibrant, with many tribal groups gave cultural performances of their folk songs and dances at the conference. Adivasis hailing from different parts of the country raised slogans in their native tongues.

The India Social Forum (ISF) 2006 was held in New Delhi from 9-13 November at the Jawaharlal Nehru Stadium, Exhibition Ground. The ISF’06 was the third event being organized by the World Social Forum in India after the Asia Social Forum 2003 and the World Social Forum 2004 in Mumbai.

Workshop: Indian Footprints on ESCR at the International Level

AI India conducted a workshop on November 12 at the ISF, titled 'Indian Footprints on ESCR at the International Level'. The objective of the workshop was to measure India's commitments to the international standards of ESCR with reference to key international instruments like the International Covenant on Economic, Social and Cultural Rights (ICESCR) and various other conventions, guidelines and principles. The workshop was addressed by Miloon Kothari, Rajeev Dhawan, S. Parasarunam and Ramesh Gopalakrishnan; and attended by many academicians, researchers and social activists.

Nandigram: The Way Ahead is Dialogue, Not Violence

Amnesty International India is concerned at reports that at least fifteen people were killed in police firing on March 14 in Nandigram which has been the scene of protests for the last few months against possible displacement due to a new chemical project in a proposed Special Economic Zone (SEZ). Amnesty International India is concerned about excessive, disproportionate use of force by the police forces, which have sought to enter the areas of ongoing protests in Nandigram.

It may be recalled that, in the first week of January, Nandigram was the scene of violent clashes reportedly involving members of the local Krishijami Raksha Committee (Save Farmland Committee) and persons linked to the Communist Party of India-Marxist (CPI-M), which leads West Bengal's Left Front government and is seeking to accelerate the development of industrial projects in the state.

The protests were against the West Bengal government’s move to set up a Special Economic Zone (SEZ) to be jointly developed as a chemical hub by the state-owned Industrial Development Corporation and the Indonesia-based Salem group of companies. Another SEZ promoted by the same group is also reportedly planned in the Haldia area.

In this context, Amnesty International India reiterates its demands that the Government of West Bengal:

- order an impartial and independent inquiry into the excessive use of force at Nandigram now and the violence in Nandigram in January, promptly make the findings public and prosecute those accused of violence;
- ensure that all state officials, including police personnel, who are suspected of being responsible for human rights violations, including excessive use of force, are prosecuted;
- ensure that activists and other individuals engaged in peaceful protests in West Bengal are able to do so without fear of violence, harassment or false accusation of involvement in criminal activities.

Amnesty International India believes that full consultations about the human rights impact of economic decisions with those to be affected are vital means through which human rights are safeguarded in the context of development. In this respect, the organisation calls on the Government of West Bengal to:

- announce and implement a consistent policy of full consultation with local populations before any development which could affect their livelihood can take place and
- ensure that, where populations are resettled, there is just, adequate and culturally-sensitive rehabilitation, resettlement and reparation for those affected.
Moving a step towards protecting and promoting the economic, social and cultural rights of the people, former Chief Justice of India, Justice J. S. Verma and former Chief Justice of Delhi High Court, Justice Rajender Sacchar released Amnesty International’s report “Human Rights for Human Dignity: A Primer on Economic, Social and Cultural Rights” at a function on the World Dignity Day (December 5) in New Delhi.

“Special Economic Zone (SEZ) is frightening in all its manifestations. Even tough the tillers have the right to land, they are being thrown away from their land in the state of West Bengal. Right to dignity is the right to land, livelihood and also to live without fear and want”, said Justice Sacchar in the panel discussion which followed the book release. Justice Sacchar also demanded that Armed Forces Special Powers Act needs to be repealed immediately, while speaking on Group Rights and Human Dignity.

In the context of atrocities on the Dalits, Chief Guest and keynote speaker J. S. Verma, former Chief Justice of India, while releasing the book, asserted "the need for an inclusive democracy, where discrimination should be ended in all its forms. Governance should not be only people-centric but also should be owned by the people. There cannot be any human rights without human dignity”. Mr. Verma was speaking on Common Minimum Postulates (CMP) of Human Dignity.

Other panelists included Prof. Amit Bhaduri, Professor Emeritus, Jawaharlal Nehru University, Delhi, Dr. Purna Sen, Program Director (Asia-Pacific), Amnesty International and Mukul Sharma, Director, Amnesty International India.

According to Mr. Verma, right to food involves the right to freedom from hunger and also the adequate means of livelihood. The starvation deaths in Orissa and other parts of the country testify that we are far from living with dignity.

Speaking on “Development with Dignity”, Prof Bhaduri emphasized on a new trend called "Development Terrorism" to further the interest of the market. It is the "Corporate Capitalism" that is driving development at the cost of Human Rights. He was speaking on Development with Dignity.

Dr Purna Sen, Program Director (Asia-Pacific), Amnesty International, while speaking on Dignity, Human Rights and Gender, emphasized the indivisibility of civil, political and economic, social and cultural rights. She narrated the women’s experiences in violent and conflict situations generated by displacement, wars and natural disasters in various countries of South Asia and South-East Asia.

"Dignity is the new possibilities of politics of the subalterns. If dignity is worth having, it is worth fighting for. It must be pursued till it is obtained,” said Mukul Sharma, Director, Amnesty International India, while giving his introductory speech.

The book published by Amnesty International presents an overview of economic, social and cultural rights, outlines their scope and content, gives an understanding of the indivisible and interdependent nature of human rights and cites examples of violations and what needs be done for redemption. This primer highlights not only the obligations of governments within their own countries but also their international obligations, and the human rights responsibilities of a wider orbit of actors including international organizations and corporations.
Armed groups target civilians once again

Amnesty International deplores the targeting and killing of at least 69 non-Assamese people living in Upper Assam in North East India over the last six days.

The United Liberation Front of Assam (ULFA), a secessionist armed group, is widely believed to have been responsible for the recent attacks and to have also been behind similar targeting of non-Assamese people in the past.

Amnesty International seeks to remind ULFA that international humanitarian law, which applies to all parties to internal armed conflict, clearly prohibits the killing of civilians. The organisation calls on ULFA to immediately cease such activities.

The majority of those deliberately targeted in attacks since Friday 5 January 2007 by the armed group included mostly migrant Bihari labourers or permanent settlers of Bihari origin, as well a minority of victims from West Bengal.

Amnesty International is increasingly concerned by reports that such violence may intensify in the run up to Republic Day (26 January) and the 33rd National Games due to be held in the state capital, Guwahati, in February 2007. The organisation is further concerned that those from North East India travelling on trains through Bihar may be subjected to reprisal attacks.

Since the attacks at least 10,000 paramilitary forces have been dispatched to the affected region to provide protection and security to residents, and that the army, police and paramilitary are preparing an imminent joint offensive against suspected ULFA units. Amnesty International recognizes the responsibility of the government to ensure law and order, but urges security personnel to adhere strictly to international human rights standards, including the use of force only when proportionate and necessary.

All parties to a conflict, including armed opposition groups, are bound by the provisions of Article 3, common to the four Geneva Conventions of 1949 which prohibit among other things the torture and ill-treatment, hostage-taking and deliberate and arbitrary killing of all persons taking no active part in hostilities.

Kalinga Nagar: Orissa must ensure speedy justice

A year after the Kalinga Nagar police firing in which 12 of the adivasis protesting against their displacement were killed, justice continues to elude the victims and that the Orissa Government has failed to fully address their concerns over displacement and threat to their livelihood.

On 2 January 2006, 12 adivasis - including three women and a 12-year-old boy - were killed in police firing, as hundreds of adivasis protested against commencement of the construction of a proposed six million tonne steel plant (Tata Steel) at Kalinga Nagar in Jajpur district. One policeman was also killed in the violence during the protest.

The Orissa Government has the responsibility to ensure speedy justice and adequate compensation to the victims of the Kalinga Nagar police firing. The state government must prosecute those suspected of being responsible for human rights violations, including excessive use of force, torture or other cruel, inhuman or degrading treatment. The government should withdraw cases levelled against those peacefully expressing their right to freedom of expression over issues relating to development plans at Kalinga Nagar and announce a consistent policy of full consultation with the communities at Kalinga Nagar before any development project affecting their livelihood can take place. It should ensure full scale consultation about the human rights impact of economic decisions with those to be affected - including with adivasi activists and with non-governmental organizations. These are vital means through which human rights are safeguarded in the context of development and ensure that, where populations are resettled, there are just, adequate and culturally-sensitive rehabilitation, resettlement and reparation schemes in force for those affected.
The human rights situation in Sri Lanka has deteriorated dramatically in recent months. Increased fighting between the government security forces and the Liberation Tigers of Tamil Eelam (LTTE) since April 2006 has resulted in the death and injury of scores of civilians, the internal displacement of more than 215,000 people, and the destruction of homes, schools, and places of worship. Neither the government security forces nor the LTTE appear to be taking adequate precautions to protect civilian lives. The 2002 ceasefire agreement is effectively in tatters, with analysts referring to the situation on the ground as an undeclared war. Over two decades of conflict in Sri Lanka have claimed the lives of more than 65,000 people, most of them civilians, leaving the majority of the world unmoved by the renewed violence.

**Background**

The human rights situation in Sri Lanka has deteriorated dramatically throughout 2006 and there are a number of issues that are of great concern to Amnesty International. Unlawful killings, recruitment of child soldiers, abductions, enforced disappearances and other human rights violations have increased. Civilians are being attacked by both sides as fighting escalates between government and Liberation Tigers of Tamil Eelam (LTTE) fighters. Hundreds of civilians have been killed and injured, and more than 215,000 people displaced. Homes, schools and places of worship have been destroyed. Although both sides maintain they are adhering to the ceasefire agreement, by mid-2006 it had in effect been abandoned. An estimated 3,000 civilians have been killed since the resumption of armed hostilities in 2006, according to the UN.

In March 2006 the UN Special Rapporteur, on extrajudicial, summary or arbitrary executions, Professor Philip Alston, reporting on a 2005 visit to Sri Lanka, said that freedoms of expression, movement, association and participation were threatened, particularly for Tamil and Muslim civilians. He made the following recommendations to the UN Assembly in October 2006:

- To acknowledge the need for significantly more sustained and high-level international involvement
- To accept the fact that there is no national institution capable of monitoring human rights throughout Sri Lanka,
- To establish an effective international human rights monitoring presence.

A pattern of enforced disappearances in the north and east, and the capital Colombo, has re-emerged since early 2006. Despite presidential directives being re-issued in July 2006 requiring the security forces to issue receipts for arrested persons and inform the Human Rights Commission within 48 hours. The Karuna group is also reported to be responsible for abductions.

Reports of torture in police custody have also raised concerns and emergency regulations, introduced in August 2005 which allow for people to be detained for 3 months at a time and up to a period of 18 months if they are suspected of being connected to any unlawful activity, remain in force.

**Human rights concerns are:**

- All parties failing to respect International Humanitarian Law (IHL) as violence escalates
- A pattern of ‘disappearances’ re-emerging in the north and east, and the capital Colombo, since early 2006
- Large numbers of political killings by the LTTE and breakaway Karuna faction (supported by the army), targeting each others’ cadres and civilians, as well as local humanitarian aid workers and Members of Parliament
- High level of violence against civilians and rival Tamil groups by the LTTE in the east in order to regain control of the area (abduction, torture,
'disappearance' etc.)
- High level of violence against civilians and the LTTE by the Karuna faction in the East (abduction, torture, 'disappearance' etc.)
- Continued recruitment of children by the LTTE and Karuna faction.
- Increasing number of Internally Displaced People (IDPs) forced to move due to the conflict.
- Government of Sri Lanka is not providing adequate protection or justice to civilians affected by the conflict.
- Widespread impunity for abuses committed by all parties

Cricket balls for signing

The soft foam ‘cricket balls’ will have our message to the Sri Lankan government and LTTE on one side, and a place for individuals to sign on the other. The key message printed on the balls is 'Sri Lanka; Play by the Rules'. This not only links the action to a key international event (the Cricket World Cup), but also themes the action through a cricket metaphor. The idea is that just as in cricket an independent referee ('Umpire') is needed to make objective decisions and interpret the rules, so we want the Sri Lankan government and LTTE to commit to allowing an independent 'Umpire' (international monitoring mechanism) into their country to make sure they 'play by the rules'. Although simplistic, the campaign should prompt people to ask questions about why such a mechanism is needed. This should help to communicate a dry complex issue - international monitoring mechanism - through a sport metaphor without trivialising the seriousness of the issue.

How will these balls be used?

The balls, signed by current and veteran cricketers, state and university players, celebrities and others would be used to lobby the Sri Lankan government, through their Embassy in India. The signed balls would be used only for the campaign purpose of Amnesty International and not for any commercial purpose.

Those members who are interested in doing this campaign in their areas, may please get in touch with AI India Program office for more details and campaign materials.

Every year thousands of people die while trying to reach other countries. Many of those who arrive in a new country face further abuse and exploitation at the hands of traffickers, unscrupulous employers and state officials. Those who lack official status and the protection of the law are often denied the right to education, health and housing and are condemned to live and work in appalling and degrading conditions. Migrants' rights are human rights, and governments, communities, employers and individuals should do more to uphold and protect them.

This human rights primer presents an overview of the rights of migrants. It outlines how government policies and practices should protect the human rights of migrants at all stages in the cycle of migration. It highlights some of the human rights violations that many migrants face, and sets out an agenda for campaigning for migrants’ rights.

There is a substantial body of international human rights law and standards which guarantees the human rights of migrants. The problem, however, is that governments and others lack the will to turn these guarantees into practical and meaningful measures. Action is needed to make the rights set out in international standards into a reality for individual migrants.

At the heart of Amnesty International’s proposed agenda for campaigning for migrants’ rights is a call to treat all migrants with full respect for their human rights and human dignity.

For Copies: Contact AI India program office.
On 2 January 2007, the New Jersey Death Penalty Study Commission - set up by the state legislature in 2006 to study all aspects of capital punishment in New Jersey - released its final report. The 13-member Commission had held five public hearings between July and October 2006 at which it heard evidence from a variety of witnesses. Its report recommends abolition of the death penalty and its replacement with life imprisonment without the possibility of parole. It further recommends that any cost savings resulting from abolition be used to assist the families of murder victims. The County Prosecutors’ Association of New Jersey has concurred with the recommendations. The Commission’s findings include the following:

There is no compelling evidence that the New Jersey death penalty rationally serves a legitimate penological intent. There is increasing evidence that the death penalty is inconsistent with evolving standards of decency.

The Commission noted evidence of a trend against the death penalty in the USA, including the moratorium on executions in force in Illinois since 2000; the striking down of New York’s death penalty statute by its Court of Appeals in 2004 and the state legislature’s failure to reinstate it; abolition bills introduced in the legislatures of 10 states over the past two years; and the recent decline in death sentencing both in New Jersey and nationally.

Abolition of the death penalty will eliminate the risk of disproportionality in capital sentencing.

The Commission found that “there may not be a significant difference in the crimes of those selected for the punishment of death as opposed to those who receive life in prison”. It noted that the effectiveness of the state Supreme Court’s system of proportionality review had been questioned, including from within its own ranks. After considering such evidence, the Commission concluded that “despite the best efforts of the State, the risk remains that similar murder cases are being treated differently in the death penalty context thereby elevating the probability that the death penalty is being administered ‘freakishly’ and arbitrarily. Given the finality of the punishment of death, this risk is unacceptable”.

The penological interest in executing a small number of persons guilty of murder is not sufficiently compelling to justify the risk of making an irreversible mistake.

The Commission considered the numerous cases of wrongful convictions in capital cases around the USA and in non-capital cases in New Jersey. It heard testimony from a number of witnesses, including a man who had spent 18 years in New Jersey prison for rape and murder before being exonerated on the basis of DNA testing. The Commission also noted the unreliability of witness identification, and heard testimony from a rape survivor whose mistaken identification of her attacker had led to a wrongful conviction in North Carolina.

The alternative of life imprisonment in a maximum security institution without the possibility of parole would sufficiently ensure public safety and address other legitimate social and penological interests, including the interests of the families of murder victims.

The Commission heard testimony from family members of murder victims and other witnesses; the “overwhelming majority” testified that, in their opinion, life imprisonment without the possibility of parole “is the appropriate alternative to the death penalty”. In concluding, the Commission stated that it agreed with the words of one of the witnesses - the father of a murder victim - “who stated that the non-finality of death penalty appeals hurts victims, drains resources and creates a false sense of justice”.

USA: New Jersey Death Penalty Study Commission recommends abolition
Valuing Amnesty Values and Methods

- Identifying with a global community of human rights defenders
- Believing in the universality and indivisibility of human rights - human rights for all and synthesizing/equalising economic, social, cultural rights with civil-political rights.
- Defending Dignity by valuing Physical and Mental Integrity
- Defending Dignity by fighting against Poverty and Knowledge/Resource control
- Disclosing Human Right Abuses with Impartiality and Independence in Research, Monitoring, Publicising and Public Action
- Effective Action for the Individual Victim and Communities under threat of life and security
- Effective Action in the hazards of Human Rights Defence
- Running an Urgent Action Network to Save Lives Across Borders
- Democracy and Mutual Respect as public, political principle while working in the country and issues outside
- Working through the ethics of alliance and international solidarity
- Encourages all organs of society - the State, Law-making and enforcing bodies like Judiciary and Police, Companies and Corporations, youth and civil society, to support and respect all human rights
- A wide range of human rights educational activities with women, youth, activist groups, cultural groups and other professionals.

You Can make a Difference

When you join Amnesty International, you become part of a worldwide movement. A much larger emotional universe and sustained commitment to human rights and values. As an individual member, or as a local group or a specialist network, your individual voice and concern will join with countless others’ to build pressure for change.
On the 98th annual celebration of International Women's Day, we call on the Government of Iran to abolish urgently laws that discriminate against women.

The Universal Declaration of Human Rights, which recognizes human rights as being fundamental to the dignity and development of every human being, denounces discrimination on grounds of sex.

Yet in Iran, women face serious and widespread discrimination under the law, which excludes women from critical areas of political participation, treating women as if they were second-class citizens. The women of Iran are entitled to equal status with men under the Iranian legal system. The time is long overdue to make this a reality.

Iranian women's rights activists have launched the "Million signatures campaign" which aims to gather widespread support for their demand for equality before the law. The time has come for the Government of Iran to pay heed to these voices and put an end to legal discrimination against women in Iran.

As Nobel Peace Prize Laureates, we know there is a direct relationship between peace, justice and respect for human rights. As long as women are denied human rights, anywhere in the world, there can be no justice and no peace. Recognizing women's equal rights, therefore, is an essential requirement for the creation of strong, sustainable and stable societies and ensuring that women enjoy equality with men in all areas of life is a key step to making human rights a universal reality.

Shirin Ebadi, 2003 Nobel Peace Prize Laureate
Irene Khan, Secretary General of Amnesty International, which was awarded the 1977 Nobel Peace Prize