

野 人 權



AP Photo/Ben Curtis

Kula, aged 47, was gang-raped by members of an armed opposition group. She was photographed at a camp for internally displaced people in Monrovia, Liberia, in August 2003. © AP Photo/Ben Curtis

47歲的Kula被敵對的武裝組織輪姦。這是2003年8月她在利比里亞Monrovia一個國內流離者營地所拍的照片。

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- * A democratic, membership-based organisation that has been promoting human rights, as enshrined in the Universal Declaration of Human Rights and other international standards, for the past 40 years.
- * A campaigning organisation which works to fight discrimination; free prisoners of conscience; ensure fair and prompt trials for political prisoners; abolish the death penalty, torture and other cruel treatment of prisoners; end political killings and "disappearances"; and oppose human rights abuses by opposition groups.

國際特赦組織

- * 全球最大的人權組織，現時共有超過一百萬名會員及支持者，分會遍佈一百四十個國家和地區。
- * 一個民主及以會員為基礎的人權組織，過去四十年來，一直致力推廣《世界人權宣言》中的所有條款及其他人權標準。
- * 一個運動組織，目標是對抗歧視；爭取釋放良心犯；確保政治犯迅速得到公平的審判；廢除死刑、酷刑和不人道的懲罰；終止司法外處決和「失蹤」，以及反對任何剝削人權的行為。

Amnesty International Hong Kong Section was founded in 1976. The Human Rights Education Charitable Trust was established with the Hong Kong Section and registered as a charity in Hong Kong in 1993. Our activities include:
Human Rights Education
Lobbying Governments
Campaigning
Fundraising

國際特赦組織香港分會於一九七六年成立，而分會屬下的人權教育慈善基金於一九九三年成立並在香港註冊為慈善團體。活動包括：
人權教育、遊說政府、人權運動、籌款

HR stands for human rights, the protection of which is the core ideal that Amnesty International fights for. We have therefore decided to use it as the name of this bi-monthly newsletter of the Hong Kong Section. We hope the newsletter will be an effective means to communicate with our members and the public. You are most welcome to send any comments to us on its content or the work of Amnesty International at any time. Please email admin-hk@amnesty.org or write to us at the above address.

人權是國際特赦組織爭取的核心理想，我們現在以此作為香港分會的雙月通訊的名稱。我們同時期望它能夠成為一個與會員及公眾溝通的有效方法。您對此刊物的內容甚至國際特赦組織的工作提出意見是無任歡迎的，請寄電子郵件致 admin-hk@amnesty.org 或致函上面的地址。



"Amnesty International welcomes the government's reasons for introducing a bill, i.e. to prevent and combat racial discrimination and to fulfill Hong Kong's obligations under ICERD. However, AI does not believe the consultation paper is specific enough to accurately reflect the actual legislation, and considers the consultation incomplete."

「國際特赦組織歡迎政府決定向立法會提交條例草案的原因，即防止和對付種族歧視，以及履行適用於香港的《消除一切形式種族歧視國際公約》所訂明的義務。不過，國際特赦組織認為諮詢文件並不足以準確反映實際法例的情況，故不會視這次為完整的諮詢。」



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From the Chair

主席話

It was with great sadness that we heard the news of the death of Mr. Peter Benenson, founder of Amnesty International. On behalf of AIHK, I would like to express our deepest sympathy to the family of Mr. Benenson and pay tribute to the wonderful legacy he gave to the world - Amnesty International, this inspiring human rights movement. We are all very proud to belong to the big Amnesty International family and feel a great responsibility to prevail against those who deprive others of their rights. In this issue, you can find more on Mr Benenson's legacy and his commitment to bring justice to the world.

Earlier in March, I was part of AI's delegation to Beijing+10, the review of the implementation of the Beijing Platform for Action adopted during the Fourth World Women's Forum in 1995. Apart from describing the work of AIHK on the Stop Violence Against Women Campaign and the situation of women in Hong Kong and the Mainland, I also met people from all over the world, and heard about their experiences and, sometimes, sadly, stories of women's human rights abuses. In one workshop on the mental health of women, the woman worker described the situation of internally displaced women living in a refugee camp on the Kenyan border. The majority of the women living there have been raped, some at a very young age, and many became pregnant as a result. I had to be mentally strong just to listen to the presentation, not to mention the accounts of the women who have gone through all those traumatic experiences. Beijing+10 may have been a platform for governments to show off what they have done during the past 10 years to promote women's human rights, but to me it was a reminder that more needs to be done to make human rights a reality.

In the Hong Kong Section, there have been some changes in personnel. I have the pleasure to introduce the new Fundraising Manager, Manfred Chan. Manfred has extensive local fundraising experience. The Fundraising Manager is a new position and we are glad to have Manfred on board to take the program, working hand in hand with our campaigns, to another level.

Sadly, Jason Chan, our Human Rights Education Officer left us at the end of February. I would like to take this opportunity to thank him for his service over the past three years and wish him all the best for the future. His position will be changed to Campaign Officer by adding elements of campaigning into human rights education. We will soon kick off the recruitment of the Campaign Team, including new positions like the Campaign Manager, and the recruitment advertisement will be sent to all members. If you know anyone who you think would be good for these positions, please pass the message on.

Si-si Liu

國際特赦組織創始人彼得本南森逝世的消息令人感到無比哀傷，我謹代表國際特赦組織香港分會向彼得本南森的親屬致以我們最深切的慰問，並向彼得本南森留給世界、留給國際特赦組織，以至留給激勵人心的人權運動的遺教致敬。我們均以屬於國際特赦組織這個大家庭感到無比驕傲，也有感肩負重大責任使之傳揚下去。大家也可藉今次這令人哀傷的消息多發現彼得本南森的遺教以及他為世界帶來公義的種種承擔。

我在三月稍早時與國際特赦組織代表團參加「北京加十」會議（聯合國婦女地位委員會第49屆大會），該會議是要審查和評估聯合國1995年在北京舉行的第四屆世界婦女大會所通過的行動綱領之實施情況。我除了分享香港分會推行停止暴力對待婦女運動方面的工作及女性在香港和大陸的情況，也有機會與來自世界各地的人聚首，分享他們的經驗甚至是婦女人權被侵犯的傷感故事。在其中一個工作坊中，我關注到有關婦女精神健康的問題，一位同工告訴我們這些參加者，肯亞國內移徙婦女在難民營生活的情況——大部分婦女在流徙期間都曾被強暴，有些更在年幼時遇到這種不幸，並且因此懷孕。對我來說，我單單是聆聽這些經歷的敘述也要相當堅強才能撐住，承受所有這些創痛磨難的婦女要何等堅強才能熬過去也可想而知。北京加十也許是一個可讓各國政府去炫耀的平台，去炫耀各國十年來做了甚麼去推廣婦女的人權，但對我而言，它是一種提醒，告訴我們還需要做更多才能使人權變成現實。

香港分會有一些人事變動，我很榮幸向大家介紹新的籌募經理陳景文先生。陳先生在本地有相當豐富的募款經驗。籌募經理是新職位，我們很高興陳先生已到職接手募捐計劃，與我們的運動一起攜手合作更上層樓。另一邊廂，我們的人權教育主任陳樂庭先生卻在二月底離開了香港分會。我希望藉此機會感謝他過去三年在這裡服務，謹祝願他前程錦繡。他原來的職位將改作人權運動主任，我們將把推展人權運動的元素加到人權教育中。連同這個空缺在內，我們很快便會開始為成立人權運動部招聘職員，包括其他新的職位如人權運動經理，招聘廣告很快便會廣發給所有會員。假如你認識一些你認為能擔此重任的人士，請幫忙把訊息傳揚開去。





Hong Kong's Proposed Anti-Discrimination Law

香港對禁止種族歧視的立法建議

It has long been claimed that people from ethnic minorities in Hong Kong encounter discrimination arising from cultural, linguistic and racial differences. In 2004, Oxfam Hong Kong commissioned a survey on the "Perceptions and Attitudes of Hong Kong People Towards Ethnic Minorities". More than 60% of respondents admitted the public had a negative view of ethnic minorities. Around 20% believed Hong Kong Chinese people should be given priority in education, social welfare and housing, areas that minority groups claim they are often denied access to.

長久以來，香港一些少數族裔人士均表示受到因文化、語言及種族差異而起的歧視。2004年，樂施會進行了一項有關「香港市民對少數族裔觀感及態度」的調查。超過60%受訪者承認公眾對少數族裔有負面印象。約20%人士認為香港華人在教育、社會福利及房屋等服務範疇應享有優先權，這些也是少數族群聲稱未能獲得服務的範疇。

The Hong Kong Bill of Rights Ordinance condemns racial discrimination by the Government and public sector, but there is no legislation covering individuals or the private sector.

In 2003, urged by non-government organisations and ethnic minority community groups, the Hong Kong SAR Government agreed to enact legislation against racial discrimination, and the Home Affairs Bureau (HAB) released a consultation paper on the issue on September 15, 2004.

The Government plans to introduce the bill to the Legislative Council during the current legislative year and intends the new law to be broadly similar to the existing anti-discrimination ordinances: the Sex Discrimination Ordinance, the Disability Discrimination Ordinance and the Family Status Discrimination Ordinance.

AI's Position

The AIHK Lawyers' Group has been involved in ongoing dialogue with the Hong Kong Government about race discrimination. In February, the group submitted formal feedback on the proposed anti-race discrimination

《香港人權法案條例》禁止政府及公營單位作出歧視，但並無法例覆蓋個別人士或私人範疇。

2003年，在非政府組織及少數族裔社團的促請下，香港特別行政區政府同意立法禁止種族歧視，民政事務局並於2004年9月15日就此發表了一份諮詢文件。

政府計劃在今個立法年度向立法會提交條例草案，並期望新法例大致上接近現行的禁止歧視法例，即《性別歧視條例》、《殘疾歧視條例》和《家庭崗位歧視條例》。

國際特赦組織的立場

在種族歧視的問題上，國際特赦組織香港分會律師組一直與香港政府保持對話。律師組就回應立法禁止種族歧視諮詢文件，已於二月代表國際特赦組織香港分會向民政局提交了正式的意見書。

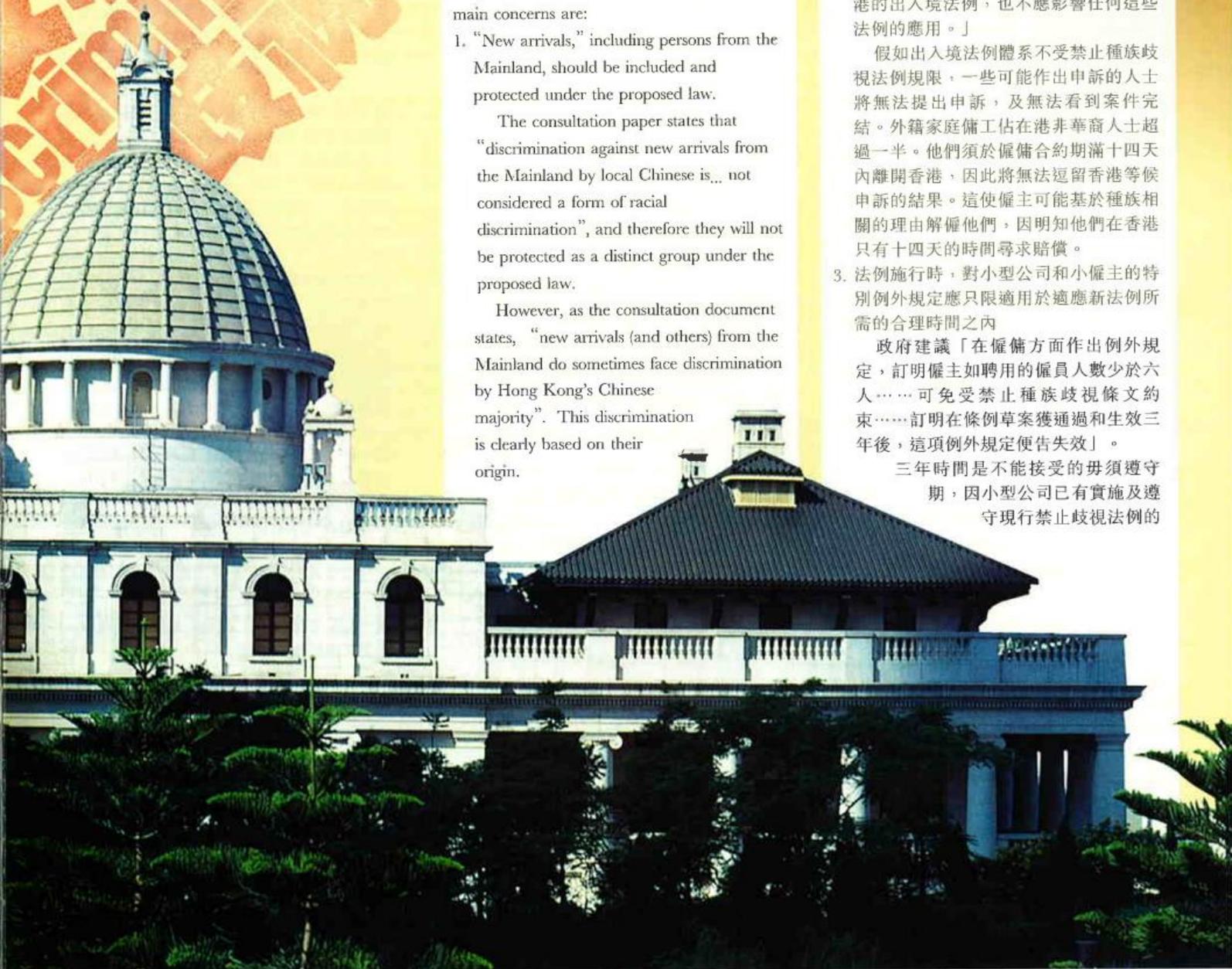
國際特赦組織歡迎政府決定向立法會提交條例草案的原因，即防止和對付種族歧視，以及履行適用於香港的《消除一切形式種族歧視國際公約》所訂明的義務。

不過，國際特赦組織認為諮詢文件並不足以準確反映實際法例的情況，故不會視這次為完整的諮詢。國際特赦組織建議，待條例草案實際文本公布之後，有需要進行更進一步的對話。

Photo retouch: Ricky Chan

-racial

Discrimination



legislation to the Home Affairs Bureau on behalf of AIHK.

Amnesty International welcomes the government's reasons for introducing a bill, i. e. to prevent and combat racial discrimination and to fulfill Hong Kong's obligations under the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD).

However, AI does not believe the consultation paper is specific enough to accurately reflect the actual legislation, and considers the consultation incomplete. AI suggests further dialogue when the proposed legislation is released.

AI's Main Concerns

The AIHK Lawyer's Group spoke at a February press conference with nearly 20 other Hong Kong NGOs about the flaws in the government's proposed legislation. Their main concerns are:

1. "New arrivals," including persons from the Mainland, should be included and protected under the proposed law.

The consultation paper states that "discrimination against new arrivals from the Mainland by local Chinese is... not considered a form of racial discrimination", and therefore they will not be protected as a distinct group under the proposed law.

However, as the consultation document states, "new arrivals (and others) from the Mainland do sometimes face discrimination by Hong Kong's Chinese majority". This discrimination is clearly based on their origin.

國際特赦組織關注的要點

在二月的記者會上，國際特赦組織香港分會律師組與近20個香港非政府組織講述政府的條例草案的缺點，關注的要點是：

1. 條例草案應該保障及把「新移民」（包括來自內地的人士）也包括在內

諮詢文件中指出，「本港華裔人士如歧視內地新來港定居人士，不屬種族歧視行為」，因此，內地新來港定居人士不會被條例草案視為自成一個種族而受到保障。

不過，諮詢文件也指出，「內地新來港定居人士（或其他內地人士）間中受到本港華裔人士（佔本港大多數人口）歧視」，而這種歧視明顯是基於這些人士的來源地。

國際特赦組織建議，禁止歧視的範圍必須包括「來自香港特別行政區以外的任何中國土地。」

2. 出入境法例必須受條例草案的原則規限

政府建議「條例草案不應影響任何管限……進入香港、在香港逗留和離開香港的出入境法例，也不應影響任何這些法例的應用。」

假如出入境法例體系不受禁止種族歧視法例規限，一些可能作出申訴的人士將無法提出申訴，及無法看到案件完結。外籍家庭傭工佔在港非華裔人士超過一半。他們須於僱傭合約期滿十四天內離開香港，因此將無法逗留香港等候申訴的結果。這使僱主可能基於種族相關的理由解僱他們，因明知他們在香港只有十四天的時間尋求賠償。

3. 法例施行時，對小型公司和小僱主的特別例外規定應只限適用於適應新法例所需的合理時間之內

政府建議「在僱傭方面作出例外規定，訂明僱主如聘用的僱員人數少於六人……可免受禁止種族歧視條文約束……訂明在條例草案獲通過和生效三年後，這項例外規定便告失效」。

三年時間是不能接受的毋須遵守期，因小型公司已有實施及遵守現行禁止歧視法例的

AI proposes that prohibited grounds for discrimination should include “origin from any Chinese territory outside the Hong Kong Special Administrative Region”.

2. Immigration legislation must be subject to the principles of the proposed law.

The government proposes “that the Bill should not affect any immigration legislation governing ... entry into, stay in and departure from Hong Kong, or the application of any such legislation”.

If immigration schemes are not subject to the anti-racial discrimination law, some potential claimants would be unable to file a complaint and see their case to completion. Foreign domestic helpers comprise more than 50% of the non-Chinese population in Hong Kong. They must leave Hong Kong within 14 days of their employment contract being terminated and therefore cannot stay in Hong Kong long enough to see through a claim. Employers could dismiss them on race-related grounds, knowing they would have only 14 days to seek redress.

3. The special exception regarding application of the law to small companies and small-scale employers should be limited to a time reasonable to adapt to the new law.

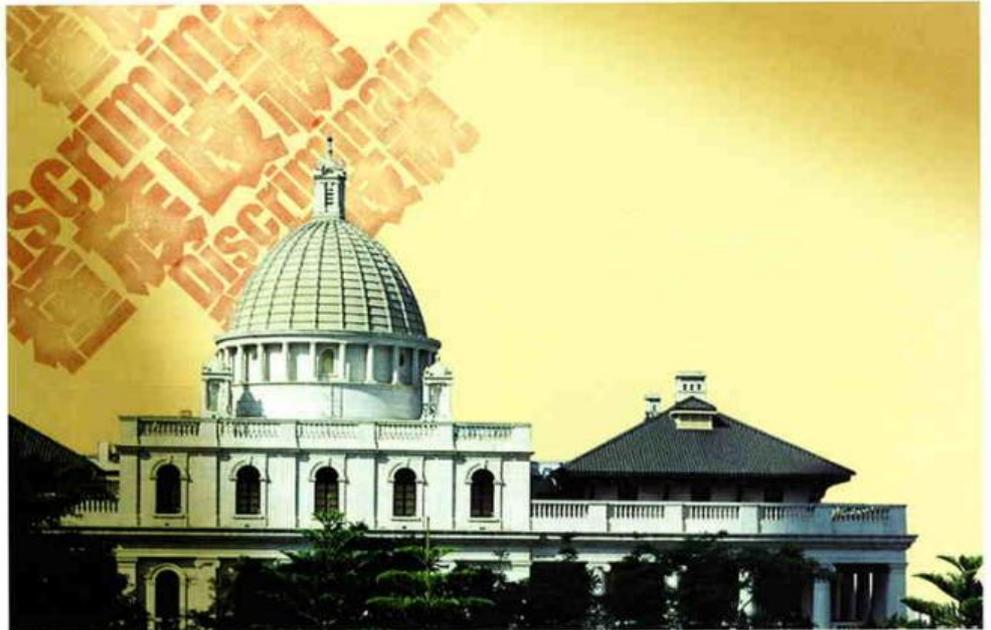
The government proposes “an exception from the anti-discriminatory provision in the field of employment should be made in the case of an employer who has less than six employees ... [T]his exception would expire three years after the Bill is enacted into law and becomes operative”.

Three years is an unacceptable period of non-compliance-small companies already have experience in implementing and complying with the existing discrimination ordinances.

AI believes the three year exception should be scaled back and any adjustment period not characterised as an exemption. Instead, small businesses should within a reasonable period adapt their policies to ensure discrimination is eradicated. They should be offered - and accept if they need it - support from the government.

4. The definition of “indirect discrimination” offered by the government would benefit from a review of legislation developed in other States.

The government proposes that indirect discrimination has occurred when one person applies “a requirement or condition” to persons of a different racial or ethnic group that is essentially a substitute for race. The Hong Kong government should consider



legislation from other jurisdictions that offers more complete protection.

The government’s definition is likely to be narrowly interpreted, and may deny protection to some who have been discriminated against. Some jurisdictions have abandoned the “requirement or condition” language because the burden on complainants to prove their case is too great.

The Race Directive of the Council of the European Union in 2000 recognised the drawbacks of a narrow definition and put forward a broader definition of indirect discrimination including the phrase “provision, criterion or practice”.

The government should consider the relevant legislation of other states before finalising Hong Kong’s legislation.

Race Discrimination Education

AI feels the government has a continuing responsibility to educate the public about race discrimination. Under Article Seven of ICERD, the government must undertake measures, specifically education, “with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups”.

Public education should cover all companies and employers, regardless of the number of people they employ, as well as parties in other protected areas.

The AIHK Lawyers’ Group will continue to campaign for protection from race discrimination. Lawyers interested in joining are encouraged to contact the group at admin-hk@amnesty.org ■

經驗。

國際特赦組織相信應縮減三年例外規定期，而任何調整期也不應被描述成一項豁免。相反，小企業應在合理時間內使企業政策作出配合，以確保杜絕歧視。小企業應可獲得或如有需要時接受由政府提供支援。

4. 政府對「間接歧視」的定義將可透過檢視其他國家已發展的相關法例而獲益。

政府建議，某人如向不同種族或族裔（對種族的主要代用詞）的人施加的「某項要求或條件」，這則被視為間接歧視。香港政府應參考提供更全面保障的其他司法區的法例。

政府的定義可能會被狹義地詮釋，也可能導致出現一些被歧視者未能受到保障的情況。有些司法區已棄用「要求或條件」的語言，因為受害人需要就投訴提供很多證據才能證實他們被歧視，這對他們造成過於沉重的壓力。

2000年訂立的歐盟種族平等指令明白到，狹窄的定義將會是不利的條件，因此提出更廣義的間接歧視定義，當中用語包含「措施、準則或做法」。

政府在完成香港的立法前，應審慎考慮其他國家的相關立法經驗。

種族歧視教育

國際特赦組織認為，政府有責任繼續教育公眾認識種族歧視。根據《消除一切形式種族歧視國際公約》第七條，政府必須採取一些措施，尤其是教育，「以打擊導致種族歧視之偏見，並增進國家間及種族或民族團體間的諒解、容恕與睦誼」。

公眾教育的範圍應覆蓋所有公司及僱主，不論他們聘請的僱員數目有多少，同時也要覆蓋其他受保障範疇的各方人士。

國際特赦組織香港分會律師組將繼續推動爭取免受種族歧視的保障。有興趣加入的律師，歡迎透過電郵 admin-hk@amnesty.org 聯絡律師組。 ■

Beijing +10 北京加十

This year marks the 10th anniversary of the Beijing Platform of Action (BPfA), adopted during the Fourth World Women's Conference held in Beijing in 1995.

聯合國 1995 年在北京舉行第四屆世界婦女大會，今年是大會擬定並通過《北京行動綱領》的十周年。

By adopting BPfA, 189 governments have committed to promoting the rights and well-being of women and girls. Ten years after this far-reaching document on women was adopted, reviews at national and regional levels were conducted to examine the implementation of BPfA and to identify emerging issues and obstacles. This 10th anniversary review - better known as Beijing+10 - was conducted at the 49th session of the United Nations Commission on the Status of Women (CSW) from February 28 to March 11 in New York.

Amnesty International's delegation to Beijing+10 comprised IS colleagues from the Stop Violence Against Women (SVAW) Campaign Team and Legal Team. It also included the Campaign Manager from AI Spain, a human rights defender in Nigeria, and the Chairperson of AIHK.

More than 5,000 activists registered to participate in the event, where hundreds of meetings and events took place, including official, parallel and NGO side events. Themes ranged from different age groups of women, situations in different countries and regions, different forms of violence against women, poverty and education, to women's roles in peacekeeping, sexual and reproductive rights.

Unlike the previous review which produced a lengthy Outcome Document, the main result of Beijing+10 was a Political Declaration. The negotiations around this declaration started a few weeks before the CSW session, and AI colleagues briefed

governments in capitals with AI's main objectives — namely that the declaration reaffirms the Beijing Declaration and Platform for Action; that governments devise and implement national action plans, and establish a clear link between the Beijing Declaration, Platform for Action, and 2000 Outcome Document, and the Millennium Declaration and Millennium Development Goals, by ensuring implementation of these commitments within a human rights framework.

One incident which drew much attention during Beijing+10 was the proposed amendment prepared by the United States delegation. The amendment stated that, “the Beijing Declaration and Platform did not create new rights and that abortion is a matter of national sovereignty”. This proposal goes totally against the spirit of BPfA, and challenges the battle which women's rights advocates won 10 years ago. NGOs and friendly governments focused on rejecting this horrendous US amendment, and finally succeeded in forcing the US to drop it.

The global NGO community was well-organised, meeting each morning to discuss the status of the Political Declaration, resolutions and government positions on both, and collaborating on a common approach. NGOs also organised into regional and issue-based caucuses, some of which AI was a part of, including the diverse sexualities caucus, trafficking resolution caucus and different regional caucuses.

During the session, AI organised several events including co-convening a panel on Women Human Rights Defenders, co-organising a workshop with the Centre for Women's Global Leadership on due diligence, and the launch of the report “Impact of guns on women's lives” in New York.

透過擬定並通過《北京行動綱領》，189個政府承諾保障婦女及女童的權利與身心健康。這份影響婦女深遠的文件通過已十年，為了審視《北京行動綱領》實施的情況以及認明當中出現的問題及障礙，因此在國家以至區域層面作審查和評估。這次十周年的審查和評估（又稱「北京加十」會議），是在2005年2月28日至3月11日紐約舉行的聯合國婦女地位委員會第49屆大會當中進行的。

參加「北京加十」會議的國際特赦組織代表團包括推動停止暴力對待婦女運動及法律部門的秘書處同事、西班牙分會的人權運動經理、尼日利亞一名人權捍衛者及香港分會的主席。

超過5,000名人權活躍人士報名參與「北京加十」會議。每天全天舉行數以百計會議及活動，無論官方的、同時進行的活動，以及非政府組織的較次要的活動都有。主題涵蓋不同年齡組別的婦女及不同國家及區域的情況，所涉議題包括婦女受暴力對待的各種形式、貧窮、教育、婦女在維持和平上的角色、性與生育權等。

與上一次審查與評估後通過的冗長《成果文件》不同，「北京加十」會議的主要成果是一份《政治宣言》。早於世界婦女大會今次會議舉行前數周，針對該份宣言的協商便已開始，國際特赦組織的同事在各國首都對政府作了簡介，並緊記國際特赦組織的各項主要目標，即宣言是重申《北京宣言》和《行動綱領》；而

各個政府需擬定及實施各項國家行動計劃，並透過確保在人權架構中實踐這些承諾時，在《北京宣言》及《行動綱領》與2000年的《成果文件》、與《聯合國千禧年宣言》及《聯合國千禧年發展目標》之間互建清晰聯繫。

「北京加十」會議舉行期間，其中頗受觸目的是美國代表團建議的修訂，該修訂建議表示「《北京宣言》及《行動綱領》並沒有創造新的權利，而墮胎屬國家主權事宜」。這項建議完全違反《北京行動綱領》的精神，且挑戰著婦女權利倡議者十年前已贏了的爭鬥。結果，非政府組織及友好政府一同致力否決如此可怕的美國修訂建議，並最終成功迫使美國放棄其修訂建議。

非政府組織群體很有組織，每天早上，全球非政府組織會集合一起討論《政治宣言》的最新狀況、各項決議，各個政府在這兩方面的立場，並協調共同方向。多個非政府組織也按區域及事務議題組成不同的核心小組會議。國際特赦組織是部份核心小組的成員，當中包括多元性別核心小組會議、販賣人口決議核心小組會議，同時也參與不同區域的核心小組會議。

會議舉行期間，國際特赦組織舉辦多項活動，包括共同召開有關婦女人權捍衛者的小組會，與婦女全球領袖中心共同舉辦有關「盡職調查」的工作坊，以及發表《槍械對婦女生活影響》(Impact of guns on women's lives)的報告。

If you would like to know more about Beijing+10, please visit the UN Division for the Advancement of Women website (<http://www.un.org/womenwatch/daw/Review/>)

如欲知更多有關「北京加十」會議的詳情，請瀏覽聯合國提高婦女地位司的網站 (<http://www.un.org/womenwatch/daw/Review/>)。



NEPAL IN CRISIS 尼泊爾陷入危機

An Amnesty International ("AI") delegation visited Nepal in February 2005 to gauge the impact of the current state of emergency and the nationwide strike by Maoist rebels.

Secretary General Irene Khan, leading the delegation, said, "We are here to express our solidarity and support to them (the people of Nepal), and to explore practical means of ensuring their protection and that of other groups at risk."

國際特赦組織的代表團於2005年2月訪問尼泊爾，以判定目前的全國緊急狀態以及由毛派叛軍發動的全國罷工帶來的影響。

國際特赦組織秘書長 Irene Khan 率領代表團赴尼泊爾，她表示：「我們是為了要向他們（尼泊爾人民）表達我們與他們團結一致的心，表達對他們的支持，同時希望探索確定能夠保護到他們以及現在身處危機的其他人士的實際方法。」

BACKGROUND

In 1996, the Communist Party of Nepal (Maoist) ("CPN(M)", declared the "people's war", with the intention of overthrowing the monarchy. The ensuing conflict with the Royal National Army (RNA) has resulted in massive human rights abuses.

STATE OF EMERGENCY

On 1 February 2005, King Gyanendra took direct control of government and declared a state of emergency. This has heightened militarization, uncertainty and fear.

The long-running conflict has already eroded the security and human rights of the rural population. The state of emergency is now undermining the rights of the urban population, which had been largely untouched by the abuses in the countryside.

The King's new ministers are mostly hard-liners from the Panchayat (the autocratic state overthrown in 1990), leading to concerns of a return to oppression.

- During the first few days of the state of emergency, hundreds of political leaders, trade unionists, journalists, students and human rights workers were detained under the Public Security Act, apparently to prevent protests.
- Protestors against the state of emergency have been immediately arrested and detained, although some have since been released.

背景

1996年，尼泊爾共產黨（毛澤東主義者）（簡稱尼泊爾共黨）宣布發動「人民之戰」，希望能推翻君主制度。該黨與皇家軍隊此後的衝突導致出現廣泛侵犯人權的事件。

國家緊急狀態

2005年2月1日，國王賈南德拉控制了政府，並宣布全國進入緊急狀態。這使軍事統治、不穩定及恐懼都加劇。

長期的衝突早已使農村人民的安全及人權受損。當農村人民的人權受損時，大多數城市人民的人權並無因此受影響，但現在的全國緊急狀態正損害城市人民的人權。

國王的新內閣部長大部分是來自無黨派評議會制度（1990年被推翻的一種獨裁統治制度）的強硬派，這令人關注到尼泊爾正走向壓制的路線。

- 進入全國緊急狀態後最初數天，數以百計政治領袖、貿易工會成員、記者、學生及人權工作者，被當局根據公共安全法拘禁，此舉明顯是要防止他們發動抗議。
- 凡抗議全國緊急狀態的示威者立即被拘捕及拘禁，儘管部分人後來已獲釋。
- 新聞受到審查。最初，所有通訊被中斷七天，顯然是要防止尼泊爾共黨獲得訊息。多名記者被拘捕，一名地位舉足輕重的編輯更被皇宮的職員恐嚇可以使其「失蹤」。

尼泊爾共黨報復

尼泊爾共黨領導層譴責國王奪權，並宣布他



Amnesty International delegation meets the mid western commander of the Royal Nepalese Army © AI
國際特赦組織代表團與尼泊爾皇家軍隊中西部指揮官會面

們在如此情況下不會參加和平談判。該黨並呼籲全國由 2005 年 2 月 12 日起無限期罷工。

- 這次罷工使農村人民更加恐懼，進一步損害人權狀況。
- 罷工期間，可能已有平民遭到尼泊爾共黨殺害。

雙方侵犯人權的情況

- 政府與尼泊爾共黨均採取「非友即敵」的方法，使平民更易受到傷害，也使公民社會難有建立的空間。
- 沒有任何一方會對人權被侵犯的事件進行調查，又或懲罰那些該為侵犯人權負責的人。
- 對傳媒報導的內容施加限制，包括有關對國王或全國緊急狀態的批評；對保安部隊的人命損失；以及對可能挫敗保安部隊士氣而增進尼泊爾共黨士氣的任何資訊。
- 國家人權委員會是舉報人權問題的法定組織。目前，傳媒不能報導國家人權委員會對政府或保安部隊的任何批評，只能報導國家人權委員會對尼泊爾共黨的批評。
- 法外處決、非法拘禁及「失蹤」的事件增加。
- 有多項舉報指保安部隊向當地婦女施以性暴力，包括對那些住在為國內流離失所者而設的難民營內的婦女。
- 有關於尼泊爾共黨侵犯人權的廣泛舉報。國際特赦組織的代表團曾與被尼泊爾共黨殺害的罹難者家屬見面，也見過那些逃過尼泊爾共黨暴力襲擊而後來居住在供國內流離失所者棲身的難民營的人士。
- 國際特赦組織的代表團也見過曾被尼泊爾共黨強迫參與其活動的兒童。

沒有人會贏的局面

一般尼泊爾人處於保安部隊與尼泊爾共黨之間的兩難位置。

- 在 Nepalgunj，當地的人權工作者告訴國際特赦組織，當宣布進入全國緊急狀態後，皇家軍隊的指揮官對他們說，他們必須與保安部隊合作。尼泊爾共黨當地多名指揮官也召喚同一群人，對他們表示，他們必須與尼泊爾共黨合作。
 - 工會領袖告訴國際特赦組織，多名工會成員受到恐嚇。例如尼泊爾共黨對巴士司機表示，如他們在罷工期間開車，便會斬下他們的頭。保安部隊也告訴同一群巴士司機，如他們不開車，便會斬他們的手。
- 國際特赦組織有多項建議，包括：
- 需要採取緊急措施保護人民，並結束雙方對人權的侵犯，否則尼泊爾的人權危機可能惡化成災難，使更多人受害。
 - 基於尼泊爾著重國際形象，並對國際援助相當倚賴，國際社會的立場對改變尼泊爾政府政策可謂相當重要。國際社會在強調重建民主的重要性之時，也應強調民主是必須要有的人權，而且保障多元化的公民社會。

(NHRC), is a statutory body reporting on human rights. Currently the press cannot report any NHRC criticism of the government or security forces, only NHRC criticism of the CPN(M).

- Extrajudicial killings, illegal detentions and "disappearances" have increased.
- There have been reports of sexual violence by security forces against local women, including those in camps for internally displaced people (IDPs).
- There have been widespread reports of abuses by the CPN(M). The AI delegation met families of those killed by the CPN(M), and those who had fled CPN(M) violence and were living in IDP camps.
- The delegation also met children who had been forced to participate in CPN(M) activities.

NO WIN SITUATION

Ordinary Nepalis are caught between the armed forces and the CPN(M).

- In Nepalgunj, local human rights workers told AI that, after the declaration of the state of emergency, the RNA commander told them they must cooperate with security forces. The local CPN(M) commanders then summoned the same group and told them they must cooperate with the CPN(M).
- Trade union leaders told AI about threats to their members. For example the CPN(M) told bus drivers they would cut the drivers' hands off if they drove during the strike. The security forces then told the same drivers that they would do the same if they did not drive.

AI has several recommendations

including:

- Urgent measures are needed to protect the population and end the gross human rights abuses by both sides, or the human rights crisis in Nepal may deteriorate into a catastrophe in which many more people will suffer.
- Given the importance to Nepal of its international image and its dependence on international assistance, the international community's stance is critical in shaping the Nepal government's policy. The international community, when sending a strong message about the importance of restoring democracy, should also stress that this must be a democracy with human rights and protection for a pluralist civil society.

- The press has been censored. Initially all communications were cut for seven days, apparently to prevent the CPN(M) accessing information. Some journalists have been arrested, and a leading editor threatened with "disappearance" by palace staff.

CPN(M) RETALIATION

The CPN(M) leadership denounced the King's seizure of power, announcing they would not participate in peace negotiations in the circumstances. They called an indefinite strike beginning 12 February 2005.

- The strike is adding to the terror of the rural population and further eroding human rights.
- Civilians may have been killed by the CPN(M) during the strike.

ABUSES BY BOTH SIDES

- The government and the CPN(M) adopt a 'with us or against us' approach that increases the vulnerability of civilians and makes independent civil society impossible.
- Neither side investigates human rights abuses or punishes those responsible.
- Reporting restrictions have been imposed on: criticisms of the King or the state of emergency; the loss of life among the security forces; and any information that may reduce the morale of the security forces or bolster that of the CPN(M).
- The National Human Rights Commission

The multi-billion dollar trade that 數以十億計美元的貿易把婦女推

On the eve of International Women's Day, Amnesty International, Oxfam and International Action Network on Small Arms issued a new report: that women are paying an increasingly heavy price for the dangerously unregulated multi-billion-dollar trade in small arms.

There are now an estimated 650 million small arms in the world, most of which are in the hands of men, and nearly 60% are in the hands of private individuals. Women and girls suffer directly and indirectly from armed violence:

- An attack with a gun is 12 times more likely to end in death than an attack with any other weapon;
- In South Africa, a woman is shot dead by a current or former partner every 18 hours;
- In the United States, a gun in the home increases the risk that someone in the household will be murdered by 41%; but increases the risk for women by 272%;
- In France and South Africa, one in three women killed by their husbands are shot; in the United States, this rises to two in three;
- Family killings are one category of homicide where women outnumber men as victims with a partner or male relative being the most likely murderer.

"Women are particularly at risk of certain crimes because of their gender - crimes such as family violence and rape. Given that women are almost never the buyers, owners or users of small arms, they also suffer completely disproportionately from armed violence. It is often claimed that guns are needed to protect women and their families but the reality is totally opposite. 'Women want guns out of their lives', said Denise Searle, Amnesty International's Senior Director of Communications and Campaigning.

The report examines a wide range of gun control measures adopted by countries around the world, usually as a result of the campaigns women are spearheading against gun violence.

- Between 1995 and 2003 when Canada tightened its gun laws, the gun murder rate for women dropped by 40%;
- Five years after the gun laws in Australia were overhauled in 1996, the gun murder rate for female victims had dropped by half;

國際婦女節前夕，國際特赦組織、樂施會及「小型武器國際行動網絡」(IANSA)發表了新報告。《槍械對婦女生活之影響》報告指出，當小型武器的貿易額達到數以十億計美元卻仍處於不受規管的危機之時，婦女正付出愈來愈沉重的代價。

全球的小型武器數量估計現今達到接近六億五千萬，大部分由男人掌控，近60%在個別人士手上。婦女及女童成為武装暴力的直接或間接受害者：

- 槍械攻擊致命率較其他武器攻擊致命率高12倍；
- 在南非，平均每18小時就有一名婦女被現任或前任配偶槍殺；
- 在美國，家中有槍械會使家庭成員被謀殺的危機增加41%，但家庭女性成員被謀殺的危機卻激增272%；
- 在法國及南非，被丈夫殺死的婦女之中，三份之一是槍殺的；在美國，同類數字增加至三份之二；
- 不同類別的殺人案之中，家庭命案的受害人以女性較男性為多，而行兇者多數是其配偶或男性親戚。

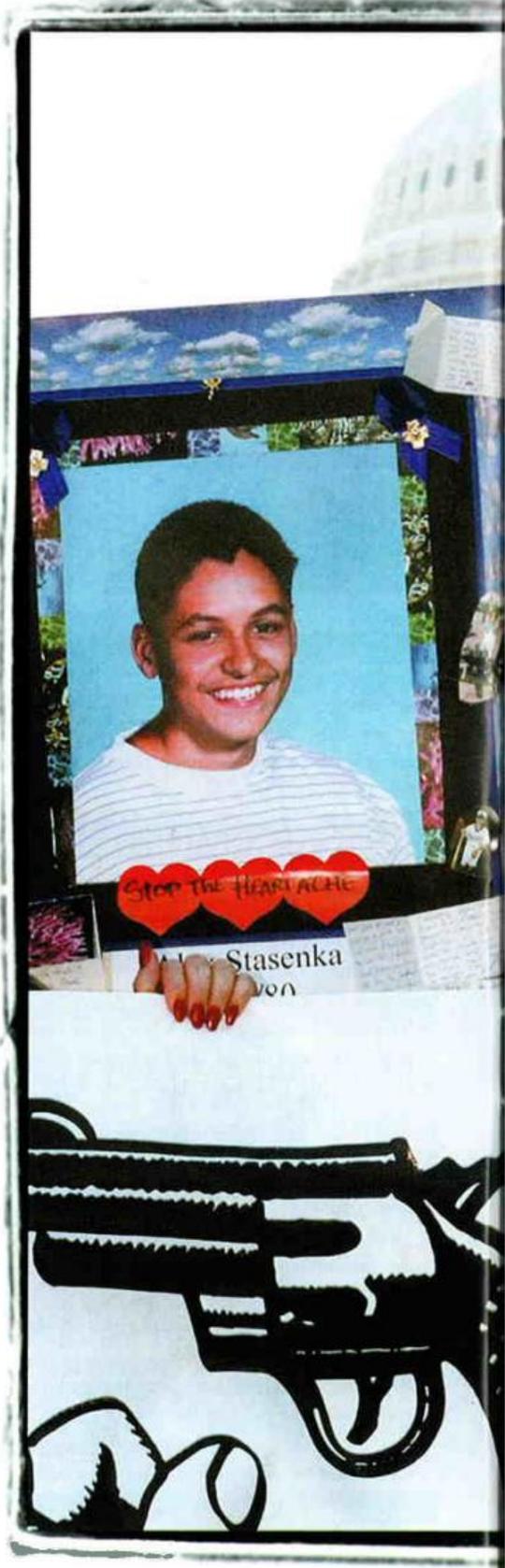
國際特赦組織聯絡及運動項目高級主管 Denise Searle 表示：「婦女因為她們的性別而特別容易處於某些罪行的危機之中——當中的罪行就如家庭暴力及強暴。女性幾乎從來不購買、擁有或使用小型武器，但她們承受武装暴力傷害的比率卻與此完全不成正比。常常有人辯稱，槍械是需要的，可用來保護女性及他們的家庭，但現實卻完全相反。婦女只想槍械在她們的生活中消失。」

報告檢視了全球各國管制槍械時實施的各種各樣措施，這些措施多數是女性帶頭推動反對槍械暴力的成果。

- 由加拿大1995年開始嚴厲收緊管制槍械的法律，及至2003年，女性被槍殺的比率下跌了40%；
- 澳洲1996年徹底改革管制槍械的法律，5年後，女性被槍殺的比率下跌了一半；
- 巴西最近禁止25歲以下人士擁有武器，因為年青男性及男童多數會犯重大槍械暴力罪行。

現在需要做甚麼？

- 規定任何人凡想擁有槍械須先申領國家槍械許可證，許可證設嚴格條件，有家庭暴力前科人士不得發給許可證；
- 在國家法律中訂明禁止暴力對待婦女，使之



puts women in the firing line

到戰火前線



- Brazil has recently banned access to ownership of weapons before the age of 25 because young men and boys are most likely to commit crimes with guns.

What needs to be done?

- Compulsory national gun licences for anyone wanting to own a gun in accordance with strict criteria that exclude all those with a history of family violence;
- The prohibition of violence against women in national law as a criminal offence, with the laws fully implemented, effective penalties for perpetrators, and remedies for survivors;
- The specific training of law enforcement organisations to ensure they respect women's rights and that those who do not are brought to justice;
- The equal participation of women in all peace processes as well as in demobilisation, reintegration and disarmament programmes to ensure the effective collection and destruction of surplus and illegal weapons;
- The establishment of an Arms Trade Treaty to prohibit arms exports to those likely to use them for violence against women and other human rights violations;
- The banning of private individuals from owning military specification assault weapons, other than in the most exceptional circumstances consistent with respect for human rights.

列為刑事罪行，並全面實施這項法例，向犯罪者施以有效懲罰，並向倖存的受害者作出補償；

- 為執法機構進行特定培訓，確保這些機構尊重女性的人權，並把那些不尊重女性人權的機構繩之以法；
- 讓女性平等參與和平進程、遣散計劃、復員計劃及解除武裝計劃，以確保能有效收集和銷毀過剩及非法的武器；
- 訂立軍火貿易條約，禁止出口武器予那些可能用武器來暴力對待女性及侵犯人權的人士；
- 禁止個別人士擁有特定軍事攻擊武器，除了符合尊重人權的極之例外的情況。 ■

“ There was one point that he took out a gun, he had a little pistol, and scared me half to death. I was shaking all over and he was looking for it and I had hidden it. He was looking through all my drawers and threw out everything... and he was looking for his gun. And so, after that episode, I just didn't dare, you know. I would just go through with it [sex], there was no way I was going to say no." Ellen, a 53-year-old woman, describing life with her former husband

「他曾經有一次取出過一柄手槍，他有一柄小手槍的，他當時把我嚇得半死。我嚇得全身顫抖，他卻在找那柄手槍，我之前已把它收起來。他翻遍我所有抽屜，把所有東西都翻出來……而他就在找他那柄手槍。所以，經過那一次之後，我實在不敢，你也知道，我一定會就範[行房]，我根本不可能說不。」五十三歲婦女愛倫描述與前夫的生活。 ”

Sandra Stasenka holds a photo of her son Alex, a victim of gun violence, during a rally for additional gun control regulations in Washington DC, USA. ©AP Photo/ J. Scott Applewhite

Sandra Stasenka 手持兒子 Alex 的遺照參加在美國華盛頓的遊行，要求增加槍械的管制。Alex 是槍械暴力的受害者。



(SVAW Group) The signature collection action on 13 March 2005

SVAW Group

Amnesty International Hong Kong's campaign to Stop Violence Against Women (SVAW) continued in full force in March with a signature campaign addressing injustices faced by a Gujarati Muslim woman who had been raped when her village was attacked.

On March 13, AIHK's SVAW group collected signatures and passed out leaflets in Causeway Bay to urge the Gujarat government to take proper action in the case. Signatures were also collected at the REM rock concert on March 20.

In 2002 in the west Indian state of Gujarat more than 2,000 people were killed in anti-Muslim riots. Three years after the frenzy, virtually none of those responsible for the rape and murder of these citizens have been brought to justice.

Bilqis Yakoob Rasool was five months pregnant when a Hindu mob captured her family as they fled the violence in their home village on March 3, 2002. Bilqis was gang raped, and witnessed at least three other relatives being raped. She also witnessed her three-year-old daughter being killed in front of her.

Fourteen members of her family were killed during this attack. Bilqis reported the incidents to police, but the case was closed in January 2003. In December 2003 the Supreme Court directed the Central Bureau of Investigation (CBI) to reinvestigate the case. It found evidence of police failure and attempts to cover up the crime. The CBI has since arrested several of the accused and six police officers. In August 2004, the Supreme Court ordered the case to be tried in Mumbai.

If you would like to join AIHK's SVAW group, or for details on our progress and on future actions, please e-mail:
AIHK_SVAW@yahoo.com

停止暴力對待婦女組

國際特赦組織香港分會之停止暴力對待婦女組於3月中繼續充分發揮其力量，集合市民簽名聯署，要求正視一名古吉拉特回教婦女於她村莊受到侵襲時慘遭強暴的不公義事件。

組別於3月13日在銅鑼灣向市民派發有關是次事件的傳單並收集他們的簽名，促請古吉拉特政府對該事件採取恰當的行動。組別亦在3月20日的REM搖滾音樂會中收集了市民的簽名支持。

於2002年的反回教暴亂中，超過2,000人在印度西部的古吉拉特邦被殺害。但即使暴亂過後三年，仍沒有人需對暴亂中被殺及慘遭強暴的受害者負起任何的法律責任。

2002年3月3日，懷有五個月身孕的Bilqis Yakoob Rasool(受害婦女)正連同其家屬逃離他們已受到侵襲的村莊，但不幸地被一群印度暴民抓個正著，Bilqis因此慘遭輪姦。她目擊到最少其他三位親屬同時遭強姦，更親眼目睹年僅三歲大的女兒於她面前被暴民殺害。

在這次襲擊中，她有十四名家庭成員被殺害了。Bilqis曾向警察報告是次慘劇，但案件於2003年1月被停止了查辦。2003年12月，最高法院指揮中央調查局再調查此案件，並發現有證據警察疏忽和企圖掩蓋罪行。中央調查局後來拘捕了幾位被起訴的和六名警察。2004年8月，最高法院下令案件在孟買審訊。

如果您會想參加國際特赦組織香港分會之停止暴力對待婦女組，或查詢關於我們的進度和在未來行動的細節，請電子郵件至：
AIHK_SVAW@yahoo.com

The Human Rights Press Awards - ten years promoting human rights in the media

人權新聞獎 — 在傳媒間推動人權達十年之久

LGBT Group

Since the adoption of the UDHR, the concept of human rights has entered international law and popular consciousness in much of the world. At the same time, lesbian, gay, bisexual, and transgender (LGBT) people are subject to human rights abuses in countries in every region of the world. The violations LGBT people face include killing, imprisonment, harassment, torture, and abuses such as practices aimed at forcibly "changing" their sexual orientation. In Hong Kong things are a lot better than in most places but the LGBT community still doesn't have many of the rights taken for granted by the rest of the population.

The LGBT group are currently campaigning to gain an anti-discrimination ordinance on sexual orientation for Hong Kong and to this end the group coordinator attends the Home Affairs Bureau forums to give our input on their plans to conduct a public opinion survey. We also plan to lobby approachable Legislative Councillors. Getting this ordinance will be a first step in obtaining equal rights for violations LGBT people. The ordinance will make it illegal to discriminate in areas of employment, education and services.

An important aspect of our campaign is correcting the misinformation that is being given to the general public.

The ordinance doesn't limit free speech, which means that people will still be able to disapprove of homosexuality, but it will, hopefully, stop people being fired or passed over for promotion purely because they are gay.

Amnesty International aims to bring light into the darkness of prisons, torture chambers and death camps around the world, and journalists play an indispensable role in helping Amnesty to shine that light by reporting on human rights. Indeed, AI was founded in 1961 after the publication of a newspaper articles, "The Forgotten Prisoners". Exposing human rights abuses carries risks and Amnesty has often found itself campaigning on behalf of journalists who have been persecuted or imprisoned for reporting on injustice or abuse.

Every year, the Human Rights Press Awards recognises outstanding contributions made by Hong Kong journalists reporting on human rights in the Asian region. The event is organised by Amnesty International, Hong Kong Section; the Foreign Correspondents' Club of Hong Kong and Hong Kong Journalists Association. Judges for the awards include



prominent figures from human rights organisations, the media, academia and the legal profession.

This year marks the 10th anniversary of the Human Rights Press Awards and we hope to make the 10th anniversary an even bigger and better celebration of the important contribution that journalists continue to make to the defence and promotion of human rights in Asia.

國際特赦組織致力為世界各地黑暗的監獄、刑訊室及死亡集中營帶來光明，而新聞工作者透過他們的報導則於協助國際特赦組織在這方面的工作上擔當著不可或缺的角色。事實上，國際特赦組織也是因1961年的一份報章文章-『被遺忘的囚犯』而誕生。揭露人權侵犯事件帶有風險，國際特赦組織就常為因報導不公義及濫權事件而被迫害或被囚的新聞工作者發起抗爭運動。

每年人權新聞獎都會表揚香港的新聞工作者在報導亞洲區的人權事務上傑出的作品。活動由國際特赦組織香港分會、香港外國記者會及香港記者協會主辦，評判則由人權組織、傳媒界、學術界及法律界的知名人士擔任。

今年是人權新聞獎的十週年，我們期望將它發揚光大，慶祝新聞工作者在亞洲繼續為捍衛及推廣人權作出重大貢獻。

同志組

《世界人權宣言》獲得採納後，有關人權的概念被引入在國際法內，亦受到全球大部份國家的認識。與此同時，世界各地的男女同性戀者、雙性戀者及變性人均有受到人權的侵犯。這類人士通常都受到如被殺、監禁、騷擾、酷刑及強迫「扭轉」他們的性取向的違返人權的對待。在香港，情況雖然較其它地方理想，但他們仍然得不到一般市民理所當然的權利。

因此，同志組現正致力向政府爭取在香港訂立反性取向歧視法例。為達至此目標，組別統籌出席民政事務局的公開論壇，就當局計劃的公眾意見調查提供我們的見解。我們還計劃向較容易接觸的立法會議員進行遊說工作。制訂法例是為同志社群爭取平等權利的第一步。是項法例將對有關招聘、提供教育及服務時的歧視行為視為違法。

更重要的是，我們可藉著此運動糾正一般市民對這類人士的誤解。

是項法例並沒有禁止言論自由，換言之，市民仍可以對同性戀表示不讚同。但是我們希望同性戀者不會因為他們的性取向而被辭去工作或被剝奪晉升的機會。



Direct Dialogue Program 直接募捐計劃

(DDP) A fundraising ambassador is recruiting an AI member on the street.
籌募大使正在街上招募會員

The Direct Dialogue Program (DDP) has become the major source of income for the Hong Kong section. A large portion of the section resources have been devoted to establishing a fundraising program

AIHK has contracted the recruitment of members to an agency. The agency puts trained recruiters on the street to talk to people and to invite them to support the work of AI by signing up for a monthly donation program. So far the agency has recruited an average of 200 monthly donors for the section.

By the end of March 2005, we had nearly 3,000 donors on our books with average monthly donation amount being HK\$160.

香港分會仍會專注於直接募捐計劃，此計劃已成為香港分會收入的主要來源，香港分會大部份的資源都致力於拓展這項籌款計劃。

本會已將籌募會員的工作外判給一間代理機構，他們派遣受過訓練的籌募人員上街向人們解說，邀請他們支持國際特赦組織的工作並加入這項月捐計劃。

這間代理機構每月平均替本會籌募得約二百位月捐人士，到今年的三月底為止，我們已招募得約3000位月捐會員，平均月捐額達港幣\$160。



(REM) The AIHK members for the REM concert
REM 音樂會之國際特赦組織香港分會會員

Amnesty International and REM

The well known United States rock band REM performed in Hong Kong on March 20 to an enthusiastic crowd at the HKCEC. Amnesty International was invited by the band to attend the concert to publicise our work and to collect signatures for our petitions.

Signatures were gathered in support of an end to child executions, the release of prisoners of conscience in Burma, and an end to violence against women in India.

Many concert-goers were interested to hear more about our campaigns, our work and our participation, and the event was successful in giving AIHK greater exposure to the wider public.

AIHK members who have ideas about other events where AIHK might also be welcome should please get in touch.

國際特赦組織與 REM

美國著名搖滾樂隊REM今年三月二十日在香港會議展覽中心為熱情的香港市民進行表演。國際特赦組織應邀出席是次演唱會，目的在向市民宣傳我們的工作，並為請願行動收集簽名。

是次簽名運動的目的是希望市民支持全球廢除對兒童執行死刑；促請緬甸釋放良心犯及呼籲印度停止暴力對待婦女。

是次活動效果理想，在場很多市民對我們在國際間的運動、工作及參與表示興趣及熱心。這使國際特赦組織香港分會成功地更廣泛的與普羅大眾廣接觸。

香港分會會員如認為有任何活動適合我們參與的話，歡迎與我們聯絡。

Malaysia Group

On Sunday 6 March 2005, Amnesty International joined migrant workers' groups and local women's groups at an event to celebrate International Women's Day. AI collected petition signatures calling for the Malaysian authorities to respect basic human rights in the mass deportation of undocumented migrants now taking place in Malaysia. The petition campaign continued until 30 March. AI will present the petition to the Malaysian Consulate in Hong Kong.

In July 2004, Malaysian Home Minister Azmi Khalid announced plans to forcibly expel more than one million 'illegal immigrants' from the country by the end of 2005. Up to 400,000 migrants are believed to have returned home voluntarily. Amnesty International is concerned that the government's current mass deportation plans may result in serious human rights violations.

Asylum seekers and refugees are in danger of being caught up in the expulsions and deported to Myanmar or Aceh, where they are at risk of serious human rights abuses. There have already been many reports of asylum seekers being prevented from entering the United Nations High Commission for Refugees (UNHCR) in Kuala Lumpur.

Some groups of deportees face special dangers. Following the tsunami, AI is extremely concerned about the welfare of all returning Acehnese. Also, the unstable political situation in Nepal, where a nationwide state of emergency was declared on 1 February 2005, places deported Nepalese at greater risk of serious human rights violations, including extrajudicial executions, torture and arbitrary arrest.

(Malaysia Group) The event on 6 March 2005 2005年3月6日之活動



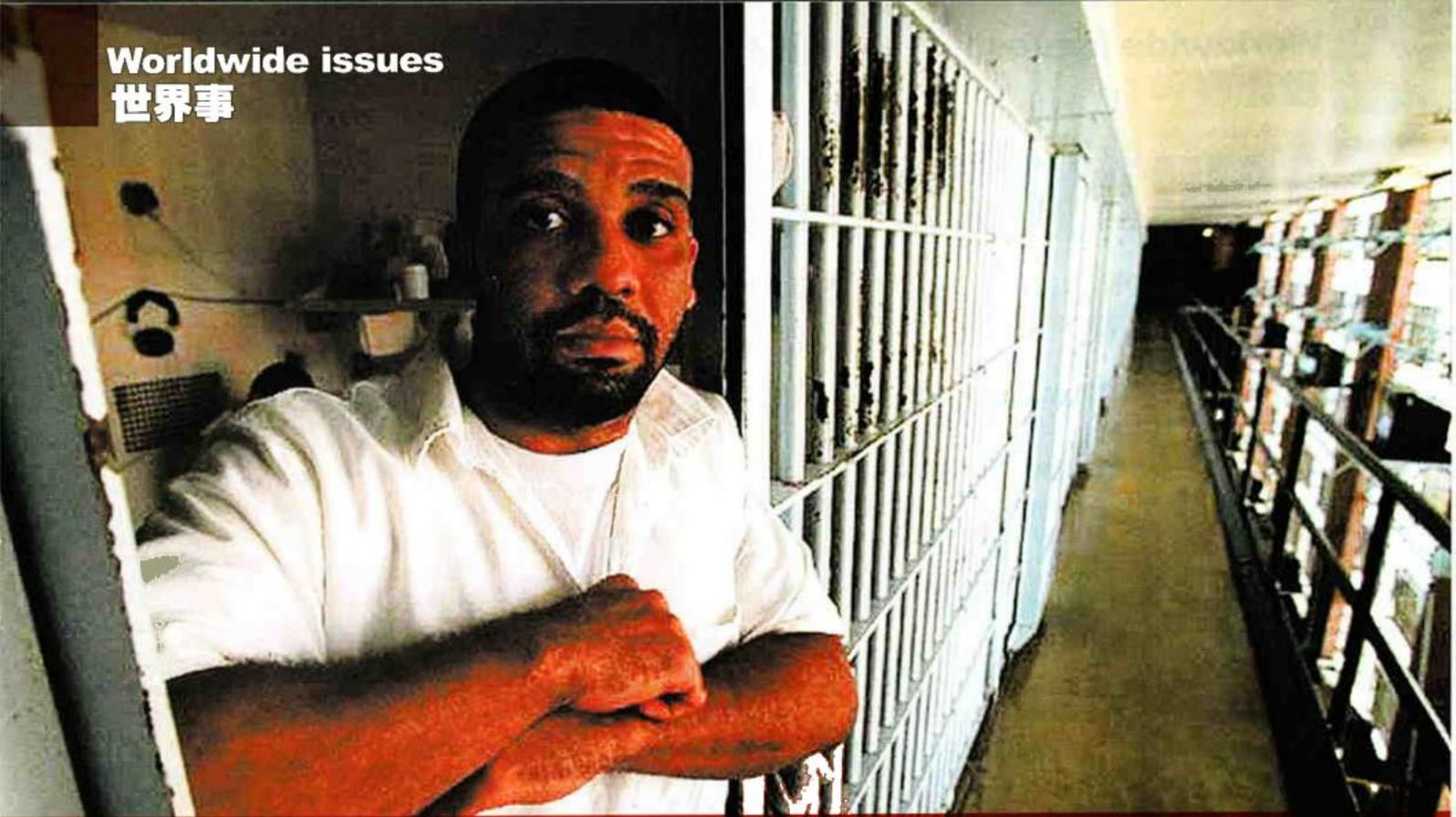
馬來西亞組

3月6日星期日，國際特赦組織聯同一些外勞團體及本地婦女組織舉行了一個活動慶祝國際婦女節。本會收集簽名呼籲馬來西亞當局在現正進行的大規模遣返無證外勞行動中尊重人權。簽名行動會繼續至3月30日止，我們會將簽名交到香港的馬來西亞領事館。

在2004年7月，馬來西亞民政事務主任 Azmi Khalid 宣佈會在2005年底前強迫驅逐超過一百萬名「非法移民」出境，多達40萬名移民將會自願返回家鄉。國際特赦組織擔心馬來西亞政府的計劃會嚴重地違反人權。

難民和尋求庇護者處於危險的情況，隨時會被驅逐到嚴重違反人權的地方，例如緬甸和亞齊省。有報告指出尋求庇護的人被拒進入吉隆坡的聯合國難民事務高級專員公署辦公室。

一些被驅逐出境的人正面臨嚴峻的困難。海嘯過後，國際特赦組織非常關注亞齊省人的安全。尼泊爾於2月1日宣佈全國進入緊急狀態，政局動盪，被遣返的尼泊爾移民權利便更受威脅，包括法外處決、虐待和任意拘捕。



The death penalty 死刑

Napoleon Beazley was executed in Texas in 2002 for a murder committed eight years earlier when he was 17 years old. © Mike Moore/Daily Mirror
Napoleon Beazley 於 2002 年在德克薩斯州被處決，因他在八年前 17 歲的時候犯了謀殺罪。

Good news came from the United States Supreme Court in March when they ruled that executing offenders under the age of 18 at the time of the crime was unconstitutional. This decision finally brings this practice to an end in the United States as the court now considers such punishment "cruel and unusual".

美國最高法院於今年三月裁定，處死犯罪時未滿 18 歲的罪犯違反憲法，這個裁決實在令人震奮。法院的裁決認為處死這些罪犯『殘忍、不合乎常理』，判決促使美國停止對這樣的處決。

The ruling acknowledges similar trends globally as well as in individual American states. Worldwide the countries which continue to execute minors include Iran, Pakistan and the Democratic Republic of Congo.

In China the law has been changed to prevent the execution of offenders who were under the age of 18 when they committed a crime. But such executions apparently continue to take place because insufficient care has been taken to establish the exact age of the offenders. Hopefully the power to review all death penalty cases will return to the People's Supreme Court, and with this move, greater attention will be paid to the age of the offenders.

The United States Supreme Court's decision is undoubtedly a response to the intense and sustained campaign by Amnesty International and other human rights groups to end the

execution of juveniles.

Much attention has been paid to the issue of responsibility, and it seems widely accepted now that juvenile offenders should not be held fully accountable for their crimes because of their immaturity.

An equally compelling argument is that juveniles have a greater capacity for reform and rehabilitation.

It is now up to the governments who support the death penalty to explain why adults (aged for instance 19 or 21) are considered incapable of such rehabilitation. While age specifications may be useful in making distinctions, they are nevertheless simplistic.

Advocates of state killing need to justify the criteria which determine why a person is incapable of reform and unfit to live.

The AIHK death penalty group is launching a new website this year to provide information on this issue in Asia. While we have a number of ideas about what to include in the website, we would like AIHK members to share their views.

If you have questions about the death penalty issue or any suggestions for the website please contact Hugh by e-mail: elhugh@cityu.edu.hk or tel: 9836-4163.

這個反死刑的趨勢不只限於美國各個洲份，世界各地的政府都有相同的取向。世界上仍處決兒童犯的國家包括伊朗、巴基斯坦、剛果民主共和國。

在中國，一般於犯案時未滿 18 歲的罪犯都不會被判處死刑。但由於有關方面未有嚴謹調查有關罪犯的確實年齡，處決少年罪犯的情況仍然未有改善。我們衷心希望有關覆檢死刑案件的權力將會重交最高人民法院，這樣罪犯的年齡問題將得到更大的關注。

美國最高法院的裁決無疑問地是回應國際特赦組織及其他人權組織持續及堅決反對處決兒童犯之運動。

應否處決青少年這個議題一直備受關注，而大部份人都認為由於青少年罪犯的心智並不成熟，他們不應與成年罪犯負上同樣的法律責任。

另一備受關注的問題，就是青少年罪犯是否較成年罪犯有更大的機會重新做人。

如果青少年罪犯都能改過自身，重新投入社會，我們不禁要問那些沿用死刑的國家，成年罪犯例如 19 或 21 歲的，難道就不能改過自身？

雖然可以根據罪犯的年齡將其分類，但是我們絕不能單以年齡來決定應否判處一個人死刑。支持死刑的人，有必要提供確實的理據，證明被處死的罪犯沒有可能重新做人，甚或不適宜繼續生存。

國際特赦組織香港分會將於今年開設一個關於亞洲地區死刑情況的網站，我們希望國際特赦組織香港分會會員可就網站的內容發表意見。

如果你對死刑這個議題有任何問題或查詢，或對網站內容有建議，歡迎以電郵 elhugh@cityu.edu.hk 或電話 9836-4163 聯絡 Hugh。



Security Council must act against child soldier recruiters

聯合國安理會必須採取行動 打擊童兵招募者

The Coalition to Stop the Use of Child Soldiers unites national, regional and international organisations and Coalitions in Africa, Asia, Europe, Latin America and the Middle East. Amnesty International is one of the founding organisations.

The Security Council should impose concrete sanctions against governments and armed groups that use child soldiers in armed conflict, said the Coalition to Stop the Use of Child Soldiers, in advance of UN Security Council debate on children and armed conflict in February.

The Secretary-General's recent report to the Security Council on children and armed conflict identifies 42 parties in 11 countries for violating international laws which ban the recruitment and use of child soldiers. Of these, 30 have been listed at least once previously, and 21 have been listed in each of his last three reports.

Among the three-time repeat offenders named by the Secretary-General are the governments of the Democratic Republic of the Congo (DRC) and Myanmar and armed political groups or government-allied militias in Burundi, Nepal, Philippines, Somalia, Sri Lanka, Sudan and Uganda.

The Coalition is calling on the Security Council to impose arms embargoes and other targeted sanctions specifically for the recruitment and use of child soldiers. Of the five countries on the Security Council's agenda that were listed in the Secretary-General's latest report, four (Cote d'Ivoire, DRC, Somalia, and Sudan) already have sanctions in place. Only Burundi does not. Of the five, three have committees to monitor and report on implementation. The DRC and Somalia also have special expert or monitoring groups to carry out further investigations, including in the field.

The Coalition further called on the Security Council to ensure more effective implementation of dialogue with listed parties to develop concrete plans of action for ending the use of children as soldiers. In April 2004, the Security Council called for such dialogue with violators in

停止使用童兵聯盟聯合了在非洲、亞洲、歐洲、拉丁美洲及中東的國家、地區及國際組織，國際特赦組織是其中一個創會組織。

在二月聯合國安理會辯論兒童與武裝衝突的前夕，停止使用童兵聯盟指出，安理會應對在武裝衝突中使用童兵之政府及武裝組織施加實質的制裁。

聯盟秘書長給安理會就兒童與武裝衝突之新近報告中，認定十一國家中共42個組織或政府違反了國際法，招募並且使用童兵。當中30個在之前的報告已最少一次被列出，21個更在前三個的報告中均被列出。

秘書長在連續三份報告中均有點名的包括剛

countries on the Security Council's agenda. However, the Secretary-General has admitted that little dialogue has actually occurred, due to security problems, non-cooperation of parties and the lack of systematic monitoring and reporting at country level.

In November 2004, the Coalition released a comprehensive global report on children recruitment policies and practices, covering 196 countries around the world, including two dozen situations of armed conflict where children are currently fighting. The full report can be found at www.child-soldiers.org.



果民主共和國及緬甸的政府，以及在汶萊、尼泊爾、菲律賓、索馬里、斯里蘭卡、蘇丹及烏干達的武裝政治組織或與政府結盟的民兵。

停止使用童兵聯盟促請安理會實施武器禁運以及其他特別針對招募及使用童兵的制裁。安理會議程上的五個國家，聯合國秘書長在新近的報告中也有列出，而其中四個（科特迪雅、剛果民主共和國、索馬里及蘇丹）現正被制裁中，只有汶萊並無受到制裁。該五個國家之中，三個已有委員會對其進行監察，並匯報實施制裁的情況。剛果民主共和國及索馬里也有特別專家或組織對其進行更深入調查，包括實地調查。

聯盟並呼籲安理會確保與被列出的各方政府或組織落實進行更有效的對話，以制訂實質的行動計劃，遏止使用童兵的情況。安理會在2004年4月的議程中已要求與各國違反國際法招募童兵的各方進行對話，但秘書長也承認，基於安全問題、各方不合作以及在國家層面缺乏有系統的監督與舉報機制，實際上這種對話甚少出現。

聯盟在2004年11月就童兵的招募政策及做法發表了全球綜合報告，報告範圍覆蓋全球196個國家，內容包括20多種童兵有份參與戰鬥的武裝衝突情況。如欲閱覽報告全文可瀏覽以下網址：www.child-soldiers.org。

CPN-Maoist combatants in Rukum District, Nepal, April 2004. Some of them are child soldiers.

© Ami Vitale/ Getty Images

2004年4月尼泊爾共黨於尼泊爾盧孔地區的戰士。他們其中一些是童兵。



Myanmar's longest serving POC 緬甸服刑最長的良心犯

Myanmar's longest serving prisoner of conscience, U Win Tin, turns 75 on 12 March 2005. Since his arrest in July 1989, he has spent more than one fifth of his life in prison, and is serving a 20-year sentence.

2005年3月12日是緬甸服刑最長的良心犯U Win Tin的七十五歲生日。自1989年7月被捕起，他已在獄中渡過了他五份一的人生，而他須服刑20年。

On the occasion of U Win Tin's birthday, Amnesty International renews long-standing calls on the State Peace and Development Council (SPDC, Myanmar's military government) to put an end to the ongoing imprisonment and harassment of peaceful dissenters, and immediately and unconditionally release U Win Tin and all other prisoners of conscience.

U Win Tin was imprisoned because of his senior position in the National League for Democracy (NLD), and was sentenced to further years in prison for his attempts to inform the United Nations of ongoing human rights violations in prisons in Myanmar. He has been in a poor state of health, exacerbated by his treatment in prison, which has included torture, inadequate access to medical treatment, being held in a cell designed for military dogs, without bedding, and being deprived of food and water for long periods of time.

Among the more than 1,300 political prisoners in Myanmar, there are many prisoners of conscience who are elderly or infirm, or who have been given such lengthy prison sentences that they are not scheduled to be released until they are in their 70s or 80s. The authorities continue to arrest and hold political activists incommunicado, deny them access to lawyers and due process of law, and to harass former political prisoners and activists.

在U Win Tin生辰之際，國際特赦組織重申長久以來對緬甸軍政府的呼籲，即終止一直以來對和平異見者的監禁，並立即無條件釋放U Win Tin及其他良心犯。

U Win Tin 被囚皆因他是全國民主聯盟(NLD)的資深成員，此外，由於他嘗試通知聯合國，緬甸獄中的持續人權侵犯情況，他更被加長刑期。他的身體狀況一向不太好，而獄中惡劣的對待使他的情況更為惡劣。他在獄中正面對的問題包括酷刑、不足夠的醫療、沒有床舖；被囚於軍犬住的地方，以至長時間被剝奪食物及食水。

在緬甸超過1,300位政治犯中，有很多良心犯是年老或體虛，或刑期長至70至80歲才有機會獲釋的。然而，當局仍繼續拘捕政治活躍份子，隔絕他們與外界接觸地扣留，拒絕他們接觸律師及適當的法律程序；甚至騷擾以往的政治犯及活躍份子。

MEXICO : Indigenous rights activist threatened

墨西哥：原住民權利活躍份子 遭到威脅

Obtilia Eugenio Manuel, an indigenous rights activist, has received numerous death threats and fears that her family is also in danger.

Obtilia Eugenio Manuel 是一名原住民權利活躍份子，她受到許多死亡的威脅，而且恐怕她的家人也身處危險當中。



A leading member of the indigenous organization Organizacion del Pueblo Indigena Tlapaneco, AC (OPIT), she has documented human rights violations committed by the military against indigenous communities in the southern state of Guerrero. She criticized the government's failure to properly investigate the cases of Valentina Rosendo Cantu and Ines Fernandez Ortega, from the Tlapaneca indigenous group, who were reportedly raped by soldiers in 2002.

Obtilia Eugenio Manuel reportedly received a letter in December 2004, threatening her family and warning "…soon you will rest in peace". It accused her of lying about the rape of the two women saying: "We've had enough of the stupidities you accuse us of. We were already going to get you but now you are really in trouble". She has received threats before but has not reported them for fear of reprisals against her family.

Since receiving the letter, men have been seen watching her house and the OPIT offices, making notes and taking pictures.

In 2002, the Mexican army investigated the two rape cases but the allegations were dismissed. As with other investigations into human rights violations carried out by the military, they lacked impartiality.

Indigenous communities report frequently being intimidated by soldiers investigating drug trafficking in Guerrero state. The authorities rarely investigate such incidents leaving the communities afraid to report them. The impunity for the rape of the two women has left women in the indigenous communities of Guerrero living in fear.

Please write, calling on the authorities to ensure the safety of Obtilia Eugenio Manuel and her family. Call for an impartial investigation, in the civil justice system, into the death threats and alleged rape by soldiers of Valentina Rosendo Cantu and Ines Fernandez Ortega. ■

她是一個原住民組織 Organizacion del Pueblo Indigena Tlapaneco, AC (OPIT) 的領導成員，她公布軍方對Guerrero州南部原住民部落進行人權迫害的事實。她批評政府未能妥切地調查Valentina Rosendo Cantu與 Ines Fernandez Ortega 的案件，她們是來自Tlapaneca的原住民族，據報導她們在2002年遭到士兵強暴。

據報導Obtilia Eugenio Manuel在2004年12月收到一封信，威脅她的家人並警告說：「不久妳將安詳地長眠。」這封信也指控她說這兩名女性遭強暴是在說謊：「我們真是笨到可以還讓妳指控。我們已經要準備對付你了，但你現在已經惹上麻煩了。」她過去也收到過這樣的威脅，但因為擔心家人遭到報復，而沒有公開。

自從收到這封信後，就有男子在她的住家以及OPIT辦公室監視，並寫筆記和拍照。

在2002年，墨西哥軍方調查這兩宗強暴案件，但這些指稱都遭到駁回。跟其他軍方所進行人權迫害調查一樣，它們並不公正。

Guerrero州的原住民部落經常舉報，士兵調查毒品非法交易時，他們會遭到恐嚇。當局很少調查這樣的案件，原住民部落亦因此害怕舉報。對這兩名婦女進行強暴者得以逃責，已經讓Guerrero原住民婦女生活在恐懼當中。

請寫申訴信，呼籲當局確保Obtilia Eugenio Manuel及其家人的安全。呼籲以正常的司法系統，對遭受死亡威脅的事件，以及Valentina Rosendo Cantu與 Ines Fernandez Ortega遭強暴的指稱，進行公正的調查。 ■

申訴書請寄 Send appeals to:

President of the Republic
Lic. Vicente Fox Quesada
Presidente de los Estados Unidos Mexicanos
Residencia Oficial de "Los Pinos"
Col. San Miguel Chapultepec
Mexico D.F.
C.P. 11850
Mexico
Fax: + 52 5 2 77 23 76



Rebiya Kadeer, Chinese prisoner of conscience released

中國良心犯熱比婭獲釋

Rebiya Kadeer, a prominent Uighur businesswoman from the northwest region of Xinjiang, should never have been in prison in the first place. She was detained, tried and imprisoned for eight years in 2000 on charges of "leaking state secrets", having sent newspaper clippings to her husband in the USA.

Amnesty International welcomes Rebiya Kadeer's release from prison on medical parole, but notes with skepticism the timing. On the same day, the US announced it will not seek to sponsor a resolution on China at the ongoing UN Human Rights Commission. US Secretary of State Condoleezza Rice is also due to visit China shortly, creating the impression that once again the Chinese government is using political prisoners to play "hostage politics".

"Amnesty International members around

the world of course welcome the release of Rebiya Kadeer," said Catherine Baber, Deputy Asia Director of Amnesty International. "Her release will encourage their efforts to secure the release of other prisoners of conscience in the region, as well as secure reforms to the laws that put them behind bars in the first place."

Rebiya Kadeer's release comes around a year and a half before she was due to complete her sentence. According to reports, she is flying to the United States where she will receive medical treatment and be reunited with her family.

"We are beyond happy. We have waited for this moment for five and half a years and want to thank everyone who worked toward this joyful day." On the day of Rebiya Kadeer's release, 17 March 2005, her daughter issued the above statement.



Rebiya Kadeer greeted by family and friends © AI

來自新疆西北維吾爾族的著名女商人熱比婭由一開始便不應入獄。她在2000年被拘留、審訊及判處八年監禁，控罪是『洩露國家機密』，因她將剪報送往在美國的丈夫。

國際特赦組織歡迎熱比婭獲得保外就醫，但時間上有可疑。在同一日，美國宣佈不會支持正在舉行的人權委員會的中國決議案。美國國務卿賴斯亦將於短期內訪問中國。這些都再次予人印象中國政府將政治犯當作『政治人質』。

國際特赦組織亞洲區副總監貝凱玲說：「國際特赦組織全球的會員當然歡迎熱比婭之獲釋，她的釋放鼓勵了會員努力爭取區域內其他良心犯得到釋放，及必須改革使他們被囚的法律。」

熱比婭較她之刑滿期早半年獲釋。據報她正飛往美國接受治療及與家人團聚。

「我們覺得無比的快樂，我們已等候這一刻五年半之久。在此謝過每位為今天努力過的朋友。」3月17日熱比婭獲釋當天她女兒發表的講話。

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Death of Amnesty International Founder

國際特赦組織創辦人逝世

Peter Benenson was born into a world without the United Nations. The Universal Declaration of Human Rights had yet to be written and not a single international human rights treaty or major human rights organization was in existence.

He left behind a world radically changed. Nearly a hundred human rights treaties and other legal instruments are now in force. Over 90 percent of countries are now party to the most comprehensive - the twin international covenants on civil political and economic/social rights.

Women's rights, children's rights, minority rights, workers' rights, the rights of disabled persons - all have been strengthened. Torturers have become international outlaws and more than half the world's countries have rejected the death penalty.

However, the most extraordinary change has been the birth of "civil society". Today, over a thousand organizations work to protect human rights. Of these, Peter Benenson's brainchild Amnesty International, is one of the best known, with almost two million supporters in more than 64 countries and territories.

Historians may locate the origins of "civil society" in any combination of social changes after the Second World War. But there is one event that will incontestably be included.

It is the story of a man in a bowler hat reading his newspaper on the London underground in late 1960. He reads a small item about two Portuguese students being sentenced to seven years' imprisonment for raising their glasses in a toast to freedom. Outraged, he decides to go to the Portuguese embassy to protest - but changes his mind. Instead he goes to the church of St Martin's-in-the-Fields in Trafalgar Square, where he sits and thinks.

As he said after, "I went in to see what could really be done effectively, to mobilize world opinion. It was necessary to think of a larger group which would harness the enthusiasm of people all over the world who were anxious to see a wider respect for human rights."

When he came out of the church, Peter Benenson had his idea. Within months, he launched his Appeal for Amnesty with a

front page article in The Observer newspaper.

The idea was simple: a network of letter writers was set up to bombard governments with appeals on behalf of prisoners jailed and ill-treated in violation of the Universal Declaration of Human Rights.

The response was overwhelming, as if people worldwide were waiting for exactly such a signal. Newspapers in over a dozen

countries picked up the appeal. Over a thousand letters poured in within the first six months. And the post-bags of the world's heads of state changed forever.

Today we take the power of charities, voluntary groups and people's campaigns for granted. But before that day in 1960 - the day on which a single newspaper reader decided it was time for a change - that power had yet to shake the world.

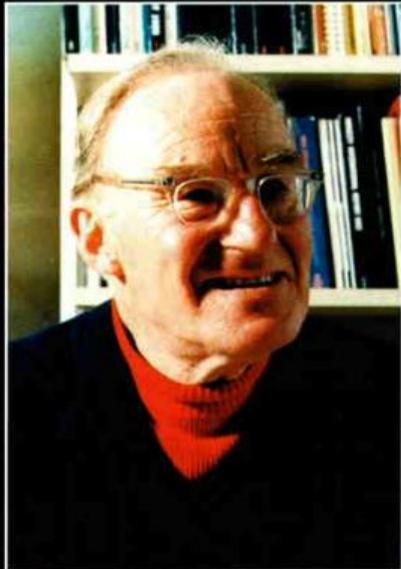
As Peter Benenson said in 1961, lighting the first AI candle, "I'm reminded of the words of a 16th century man sentenced to death by burning: We have today lit such a candle as shall never be put out."

Secretary General of Amnesty International Irene Khan said Peter Benenson's life was "a courageous testament to his visionary commitment to fight injustice around the world. He brought light into the darkness of prisons, the horror of torture chambers and tragedy of death camps around the world. This was a man [...] who believed in the power of ordinary people to bring about extraordinary change and, by creating Amnesty International, he gave each of us the opportunity to make a difference."

Famously modest, he refused all honours. His mind was always fixed on what had not been accomplished and the countless victims still to be rescued.

At a ceremony to mark AI's 25th anniversary, he lit the organisation's symbol - the candle entwined in barbed wire - with the words:

"The candle burns not for us, but for all those whom we failed to rescue from prison, who were shot on the way to prison, who were tortured, who were kidnapped, who 'disappeared'. That is what the candle is for."



Peter Benenson, the man who lit the fuse of the human rights revolution, died on 25 February 2005, aged 83. © AI
點燃人權運動之火的國際特赦組織創辦人彼得本南森於2005年2月25日逝世，享年83歲

彼得本南森出生於一個沒有聯合國運作的世界裡。世界人權宣言仍尚未被草擬。也沒有任何一條國際認定的人權條約或主要人權運動團體存在。

而當他離開的時候，這個世界卻有了重大的改變。接近一百條的人權協議和其他相關法律正在運作。同時超過百分之九十的國家，已成為了兩條重要的人權公約——「公民權利和政治權利國際公約」及「經濟社會權利國際公約」的締約國。

婦女、兒童、少數民族、工人和殘障人士的權利被大幅度地加強了。酷刑已經被國際法所禁止，而且超過一半以上的國家已經廢除了死刑。

而最重要的改變是我們「公民社會」誕生。今天，有超過一千個以上的組織在努力地捍衛人權。其中最為著名有彼得本南森所創設的國際特赦組織，現在有接近兩百萬的支持者，遍佈於世界64個國家和地區裡。

當歷史學家試著在二次大戰後的社會改變組合裡尋找「公民社會」發展根源的時候，有一事件是絕對會被包含的。

那是1960年後段的某一天，一個戴著圓頂禮帽，在倫敦地下鐵裡讀著報紙的一位中年紳士的故事。他注意到一小篇有關兩位葡萄牙的學生，為了自由乾杯因而被判七年監禁的報導。義憤填膺的他決定到葡萄牙的大使館進行抗議。但是在途中，他改變了想法。他走到了位於特拉法加廣場的聖馬丁教堂，然後開始坐下思考。

他後來回憶說：「我試著思考如何能夠有效地集結世界輿論的力量來注意這件事。我們必需要思考，如何利用來自全球所有希望看到人權受到廣泛尊重的人們的熱忱與力量，組織成一個大的團體。」

當他離開教堂的時候，彼得本南森有了一個想法。在數月內，於倫敦的觀察家日報頭版的一篇文章中，他開始了特赦申訴的活動。

他的想法很簡單：建立一個寫信的網絡，以一封封的信向違反世界人權宣言的政府施予壓力，為被監禁及遭虐待的良心犯申訴。

他的申訴獲得了壓倒性的反應，全球的人們好像就正在等待他的號召一樣。十幾個國家的報紙轉載了他的申訴。超過一千封信在六個月之內湧入。而世界各國領袖的郵箱也因此而永遠發生了改變。

今天我們似乎把慈善機關、志願工作團體和公民運動的力量覺得是理所當然。但時在1960年的那一天（當一位報紙的讀者決定要改變現狀的時候）以前，這個力量並尚未震撼世界。

正如彼得本南森在1961年點燃了第一支國際特赦的蠟燭時所說的：「這使我想起了16世紀一位被判死刑囚犯的一句話：我們今天所點燃的這個蠟燭，是永遠不會被吹熄的。」

國際特赦組織秘書長Irene Khan在悼念聲明中表示，「本南森畢生投入對抗不公義的事務，驗證他勇於奉獻，致力於反抗全世界的不公不義。他為世界各處監獄的黑暗、刑訊室的恐怖及死亡集中營帶來光明。他在冷酷恐怖的世界中彰顯良知，他相信普通人的力量能夠帶動巨變，透過創建國際特赦組織，他賦予我們改變現實的機會。」

出了名謙虛的他，拒絕了所有名譽。他的內心只仍掛念著尚未完成的任務和數不盡未被釋放的受害人。

在國際特赦組織的25週年紀念的一個活動裡，他再次點燃了象徵國際特赦組織纏繞著鐵絲的蠟燭並說：「這蠟燭不是為我們而點燃的，而是為那些我們未能從監獄中解救出來；在往監獄途中被槍決、被虐待、被綁架、「失蹤」的人們點燃的。」