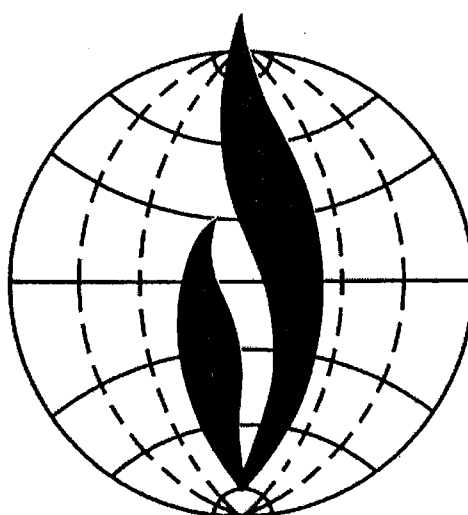


INTERNATIONAL COMMISSION OF JURISTS



Narrative Report 2000

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INTERNATIONAL COMMISSION OF JURISTS

Executive Summary

The year 2000 was a year of change and transition for the Secretariat of the International Commission of Jurists (ICJ).

Adama Dieng, the Secretary General of the ICJ, resigned in May 2000 after 10 years in office and an 18 year association with the organisation. The Executive Secretary, Adrian Arena, who had arrived at the Secretariat in March was appointed Acting Secretary-General. He will serve in that capacity until the new Secretary-General, Ms Louise Doswald-Beck takes up her appointment on 1 March 2001.

Ms Doswald-Beck is the first woman to be appointed to the Secretary-General position in the near 50-year history of the organisation. She has extensive experience in both human rights and humanitarian law. Prior to her appointment to the ICJ, she served as Head of the Legal Division of the International Committee of the Red Cross. Aside from her legal capacity, she has strong management skills with demonstrated experience of working with teams of diverse cultural backgrounds and a proven track record in negotiation and representation, including with governments and the media.

The departure of the Secretary-General coincided with a significant turn-over of longstanding Secretariat staff (Legal Officers for Africa, Asia/Pacific, Officer for Press and Publications, and the Director for the Centre for the Independence for Judges and Lawyers all vacated their posts). Despite these staff separations, the Secretariat maintained a full program of activities, including through the hiring of temporary staff and the recruitment of a Legal Officer for Latin America. Permanent recruitment for a further key vacancy should be concluded within the first semester of 2001.

Strategic Plan

The changes at the Secretariat prompted a critical evaluation and rethink of the strategic direction of the ICJ. To this end, the Secretariat produced a Strategic Plan for the period 2000-2002. Approved by the Executive Committee in July, the plan was drafted through an inclusive process, involving Secretariat staff, the Executive Committee and facilitation by a Geneva-based consultant. It articulates a mission statement and establishes six program themes, each containing specific goals/objectives. These program themes are:

- Implementation of human rights norms at the universal, regional and national level including through participation in human rights mechanisms;
- The promotion and protection of the independence of judges and lawyers;
- Fighting impunity;
- The legal protection and promotion of all human rights including economic, social and cultural rights;
- Abolition of the death penalty;
- The observance of the Rule of Law in the context of globalisation.

The Plan may be subject to further refinement by the incoming Secretary-General, taking into account current resourcing of the Secretariat. It, however, provides a useful map for institutional development and the Secretariat's division of labour. Program activities and staff responsibilities have traditionally focussed on geographic regions e.g. Africa, Asia/Pacific, etc. While regional programs for the implementation of human rights norms will be retained, program activities will largely follow the general thematic approach of the Strategic Plan. This will ensure the operational implementation of that document. The Plan also envisages a

greater role for national sections and affiliates in program delivery.

The Secretariat has also added legal briefs and *amicus curiae* as essential features of our program activity. This builds on the legal expertise of Secretariat staff and should make a substantive contribution to the development of human rights jurisprudence in national and regional jurisdictions.

Through critical improvements to our press strategy, the ICJ managed to secure very significant coverage of its media releases. Visibility is an important strategic priority. This press profile will be maintained in 2001.

The ICJ web page has been completely redesigned to integrate the Strategic Plan and provide an up-to-date overview of our activities. It has also incorporated links with national sections, affiliates and other NGOs and constitutes an important networking tool. In addition, our publications can now be purchased on-line with a credit card and our press releases received free-of-charge through an e-mail subscription.

We have also substantially revised our reporting to donors. This year's narrative report builds on a re-shaped narrative forwarded in March last year. That report differed from those of preceding years in that it addressed separately the objectives, outputs and impact/conclusions of our activities. That same format has been duplicated this year but with greater emphasis on the impact/conclusions. We will seek to further improve the evaluation of our activities in 2001.

Program Activities

Some of the major accomplishments of the ICJ in the year 2000 included:

Participation in human rights mechanisms at the universal and regional level

- Through its lobbying and interventions, the ICJ contributed to the establishment of a Special Rapporteurs to the United Nations Commission on Human Rights Defenders.
- At the United Nations Sub-Commission for the Promotion and protection of Human Rights, the ICJ successfully lobbied for resolutions to encourage further progress on the Draft Convention on Enforced Disappearances and the Draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. But progress in the Commission of Human Rights was slow (see section below).
- The ICJ was instrumental in drafting the Recommendations of the NGO forum for the Strasbourg Preparatory conference to the World Conference Against Racism (scheduled for September 2001 in Durban, South Africa). The document recommended, *inter alia*, that European governments address the problem of governments that include members from xenophobic or racist political parties; and take measures to eradicate discrimination and intolerance against specific target groups, such as Roma, Sinti, Travellers and members of other minorities.

Program on the Independence of Judges and Lawyers

- The ICJ released its tenth annual report, *Attacks on Justice: the harassment and persecution of judges and lawyers* which catalogued the cases of 412 jurists in 49 countries who suffered reprisals for carrying out their professional duties. The preliminary findings of the report were released at the Commission on Human Rights in April and received wide press coverage.
- The ICJ released a report of a fact-finding mission to Turkey which revealed persistent impunity for acts of torture and brutality committed by State officials and the police. The report concluded that although the Turkish government had recently taken measures to strengthen human rights and the independence of the judiciary, Turkey remains far from meeting its international human rights obligations. The report will form the basis of an ongoing dialogue for judicial reform with that government.

- The ICJ formulated a policy framework designed to prevent and combat judicial corruption addressed to governments, international financial institutions, the judiciary and legal professionals. That framework was released to the Commission of Human Rights and will provide a basis for the ICJ's development of an international best-practise model of a Code of Judicial Ethics.

Program to Combat Impunity

- The ICJ filed a number of legal briefs and *amicus curiae* to national tribunals and regional human rights mechanisms on State obligations to ensure an end to impunity. The ICJ defended the right to truth on behalf of the families of victims of enforced disappearances and argued that perpetrators of such crimes be tried in civilian, not military, courts. It also submitted that amnesties for such acts, especially in Peru, were incompatible with international law. The ICJ submissions were later reflected in several judicial decisions.

Program on the legal protection and promotion of all human rights, including social, economic and cultural rights

- The ICJ held a seminar in the Russian Federation attended by 50 state officials and civil society representatives on the domestic implementation of the Revised European Social Charter. The seminar produced a plan of action addressed to NGOs, government and international financial institutions. The ICJ will monitor the implementation of that Plan of Action.
- The ICJ held a workshop for representatives of the Economic Community of West African States (ECOWAS) prior to the 27th session of the African Commission on Human and Peoples' Rights (ACHPR). The workshop produced a series of recommendations forwarded to the ACHPR on the justiciability of economic, social and cultural rights.

Program on the abolition of the Death Penalty

- At the United Nations Sub-Commission on Human Rights, the ICJ lobbied Sub Commission members and delivered an intervention stating that the execution of offenders, who were minors at the time of the alleged commission of their offence, was contrary to international law. The ICJ welcomed the resolution adopted by the Sub Commission affirming the same. This is an important legal step in the global abolition of the death penalty for juvenile offenders.

Challenges

The two principal standard-setting exercises currently being pursued by the ICJ in the United Nations met with disappointing progress. The Commission on Human Rights failed to establish Working Groups to examine both the drafts of the Convention on Enforced Disappearances and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The ICJ regards these two instruments as essential to combat impunity and ensure the justiciability of economic, social and cultural rights respectively. Intensive lobbying by the ICJ throughout 2000, however, looks set to deliver dividends at the 2001 session of the Commission of Human Rights.

A Convention on Enforced Disappearances is essential given its encompassing of multiple violations of human rights law. It is also essential to curb the spread of this practise which is now found in Africa, Asia, the Middle East and is perpetrated by a range of governments (including civilian), the army and paramilitary groups. The Convention should define the elements of the crime, prohibit its practise at both national and international levels, provide for reparations, address the problem of the "adoption" of children of disappeared parents and establish an innovative supervisory mechanism.

Adoption of the draft Optional Protocol to the ICESCR would establish an individual and group complaints mechanism to ensure that

victims of violations of economic, social and cultural rights have access to an effective remedy at the international level, including reparations. A complaint would only be admissible after exhaustion of domestic remedies and its *prima facie* substantiation. An optional protocol would permit the development of greater jurisprudence on the scope of economic social and cultural rights and clarify issues of state responsibility for their implementation.

- **Program on Globalisation**

Given staff departures and resource constraints, the ICJ was unable to mount an effective program on Globalisation. The ICJ is especially keen to address the impact of deregulation, structural adjustment policies, WTO and international financial institutions on economic, social and cultural rights. The role of business and human rights, especially in light of the UN Secretary-General's Global Compact, is also of great interest. Resources permitting, this can be pursued in 2001.

- **Gender**

A consultant evaluated the ICJ's performance on gender, both in terms of program delivery and its integration into the management culture and operations of the Secretariat. That evaluation identified the need for a coherent and effective gender policy. The incoming Secretary-General has now been briefed on the imperative of mainstreaming gender concerns in aspects of Secretariat operations. A gender policy will be produced in 2001 to address this concern.

- **Fundraising**

Although all lapsed donors have now been recovered and additional grants obtained from existing donors, the Secretariat's donor base must be expanded. While two new funding sources were secured in the course of the year 2000, ensuring a sustainable financial future for the Secretariat will be a key management priority of the new Secretary-General.

The ICJ is grateful for your generous support in the year 2000. We hope that we can rely on your continued support in 2001 to address the growing human rights agenda.



Adrian Arena
Acting Secretary General
28 February 2001

Priority Objective One:
Participation in human rights mechanisms at the universal and regional level.

At the universal level: United Nations

Project n°2000.05: UN Commission on Human Rights

Objectives

- To draw the attention of the international community to country-specific and thematic human rights concerns through interventions and lobbying on specific resolutions or Chair statements;
- To lobby for the establishment of a Special Rapporteur on Human Rights Defenders;
- To support the work of the Special Rapporteur on the Independence of Judges and Lawyers;
- To support the establishment of an open-ended working group on the draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
- To support the strengthening of the mechanisms of the Commission on Human Rights;
- To support the establishment of an open intersessional Working Group on the Draft of an International Convention on the Protection of All Persons from Enforced Disappearance;
- To support the continuation of the process to establish a body of principles concerning impunity for violations of civil and political rights;
- To support the adoption of a body of principles and rules concerning the right to reparation.

Activities

The ICJ delivered oral interventions:

- Calling on the Commission on Human Rights (CHR) to strengthen the regime of international accountability for genocide, crimes against humanity and war crimes, particularly through enhanced fact-finding efforts. The intervention denounced, in particular, violations of human rights in Chechnya, East Timor and Sierra Leone and urged the prosecution of the perpetrators of those violations. The ICJ further called for a joint visit to Chechnya by the Special Rapporteur on Summary Executions, the Special Rapporteur on Torture, the Special Rapporteur on Violence against Women and the Working Group on Arbitrary Detentions. To address the problem of impunity in respect of East Timor, the ICJ asked the CHR to press for international supervision of Indonesian efforts to prosecute perpetrators of crimes against humanity and war crimes. As to Sierra Leone, the ICJ called for the nomination of a Special Rapporteur on the situation of human rights in that country.
- Arguing that respect for human rights is a condition for enduring peace and denouncing continuing human rights violations by Israel in the Occupied Palestinian Territories, notably restrictions on the movement of Palestinians, the expansion of settlements and the situation of refugees. The ICJ also called on the Palestinian Authority to prohibit torture and criticised the administration of justice in the Palestinian Autonomous Areas, particularly the expansion of the jurisdiction of the State Security Courts and the trial of civilians before military courts. The results of the 15-25 January 2000, ICJ/CIJL Mission to the Territories were presented.
- Expressing support for the proposal of the High Commissioner for Human Rights that an open-ended working group further study the question of the draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights which would allow for a system of individual and group complaints regarding violations of economic, social and cultural rights. By granting the Committee on Economic, Social and Cultural Rights competency to consider individual and group complaints, the Draft Optional Protocol, if adopted, would allow victims lacking a domestic remedy to seek one at the international level. The ICJ also urged States not party to the ICESCR to ratify that instrument.

- Condemning attacks on the independence of judges and lawyers. The ICJ also expressed support for the work of the UN Special Rapporteur on the Independence of Judges and Lawyers, Param Cumaraswamy, who faces legal penalty in his own country, Malaysia, in relation to activities taken under his UN mandate. The ICJ presented to the CHR the preliminary results of investigations contained in the CIJL annual report, *Attacks on Justice: the harassment and persecution of judges and lawyers*.

The ICJ also participated in joint NGO statements with the aim of:

- Calling for a Special Rapporteur on Human Rights Defenders. This intervention was signed by the ICJ along with Baha'i International Community; Colombian Commission of Jurists; Franciscans International; Fédération internationale de l'ACAT (FIACAT); Friends World Committee for Consultation (Quakers); Human Rights Internet; Inter-African Committee; International Confederation of Free Trade Unions; International League for Human Rights; International Movement for Fraternal Union Among Races and Peoples; International Service for Human Rights; Lutheran World Federation; and World Young Women's Christian Association.
- Denouncing the human rights situation in Colombia and calling upon the CHR to take a more robust position. The signatory organisations, which also included the International Federation of Human Rights, International Service for Human Rights, the World Organisation against Torture, Franciscan International, SERPAJ-America Latina and the Robert F. Kennedy Memorial Center, called for the appointment of a Special Rapporteur on the situation of human rights in Colombia.

Parallel Events

- A press conference was organised on 5 April 2000, simultaneously at the United Nations Office in Geneva and in London, to present the report entitled *Justice in Jeopardy: Malaysia in 2000*. The speakers included Nicholas Cowdery QC, International Bar Association; Mona Rishmawi, CIJL Director, and Adama Dieng, ICJ Secretary-General. The report is the product of a mission to Malaysia in April 1999, undertaken by the CIJL in conjunction with the International Bar Association; the Commonwealth Lawyer's Association and the Union Internationale des Avocats. The report examines the relationship between the executive, judiciary and legal professions in Malaysia. It expresses a number of concerns regarding the independence of the judiciary especially in those cases with political and economic sensitivities. The report contains recommendations for change.
- On 3 April 2000, a joint meeting was organised with the Federation Internationale de Droits de l'homme (FIDH) to discuss the need for a Special Rapporteur on Human Rights Defenders.
- The ICJ, together with Franciscans International and the Asamblea Permanente de Derechos Humanos (Argentina), organised a Meeting on Universal Jurisdiction, Crimes against Humanity and Impunity, at the UN Office at Geneva on 4 April 2000. The speakers were Alejandro Artucio, Horacio Ravena, Louis Joinet and Stefan Herbst. Themes discussed included crimes against humanity; the Pinochet case; trials in Germany concerning disappearances in Argentina and the fight against impunity and the current status of the debate on the issue within the UN organs.
- The ICJ, along with several international and Colombian NGOs, co-sponsored and participated in a meeting on the human rights situation in Colombia. The meeting focused particularly on the problem of lack of full implementation by Colombia of past recommendations of the CHR, thematic mechanisms and treaty bodies.

- The ICJ participated in parallel meetings on the human rights situation in Indonesia, Peru, and Mexico.

Conclusion

The assessment of the 56th Session of the United Nations Commission on Human Rights is detailed in a press statement dated 4 May 2000. The results were, overall, mixed. On the positive side, the decision to create a Special Rapporteur on Human Rights Defenders was a highly encouraging development which should lead to heightened focus on the difficulties faced by human rights defenders.

The establishment of two UN Special Rapporteurs in the field of economic, social and cultural rights was also welcomed. The Special Rapporteur on Adequate Housing and the Special Rapporteur on the Right to Food will provide an impetus for the international promotion and protection of these vital rights.

The Chair issued a statement on the situation of human rights in Colombia requesting the authorities of that country, *inter alia*, to implement the recommendations of various international human rights mechanisms, to take action against impunity and paramilitary organisations, to cooperate with the HCR and the Office of the High Commissioner in Colombia and to enhance protection of human rights defenders. Due to the strong lobbying efforts of Colombian and international NGOs, including the ICJ, an originally weak draft was amended to produce a bolder and more coherent text.

Also of significance is the resolution adopted concerning the situation in Chechnya. However, that resolution was not entirely satisfactory, as it failed to reflect adequately the scope of the gross violations of human rights and breaches of humanitarian law committed by Russian forces. It also called for a national rather than international commission of inquiry into the situation and for separate, instead of joint, visits by the Special Rapporteurs.

The resolution on Sierra Leone requested the UN High Commissioner for Human Rights to deliver a report at its next session. This outcome fell far short of the request made by the ICJ for a country specific special rapporteur to address, among other concerns, ongoing attacks on civilians despite the July 1999 peace agreement.

Intensive lobbying by the ICJ, together with Fedefam, Amnesty International, FIDH, and Human Rights Watch, to establish an open intersessional Working Group on the Draft of an International Convention on the Protection of All Persons from Enforced Disappearances, failed to bring about the desired result. However, these efforts did help in obtaining an additional paragraph in the resolution inviting States to comment on the Draft Convention and on the possibility of establishing an intersessional Working Group.

An already weak draft resolution on the situation in East Timor was replaced by a still weaker Chairman's Statement. The ICJ had urged the CHR to keep East Timor on its agenda and had called for the initiation of internationally supervised legal proceedings against perpetrators of gross violations of human rights in the territory. Unfortunately, the opposition of the Indonesian Government carried the day.

Another matter of some disappointment is that, despite intense ICJ lobbying, the CHR failed to decide to establish a working group on the draft Optional Protocol to the ICESCR. However, ICJ lobbying led to the decision by the Commission on Human Rights to encourage the High Commissioner to strengthen the research and analytical capacities of her Office in the field of economic, social and cultural rights and to share her expertise, *inter alia*, through the holding of expert meetings. The objective of the ICJ was to ensure such an expert meeting to provide an open forum, facilitated by experts, in which States may engage in a critical exchange directed to working

through remaining issues and obstacles to the adoption to the draft. This goal was achieved when the ICJ succeeded in identifying a sponsor (the Government of Finland) for such a meeting. The meeting will be held by the Office of the High Commissioner for Human Rights (OHCHR) in co-operation with the ICJ on 5 and 6 February 2001 in Geneva. The workshop will feature a number of expert presentations, followed by interactive plenary discussions. A full report of the workshop, summarising the proceedings and conclusions, suggestions and recommendations emerging from the workshop, will be submitted to the next session of the CHR in Spring 2001.

The efforts to establish a body of principles concerning impunity were unsuccessful. However, a resolution calling on states to submit their views regarding the possibility of appointing an expert on the question of impunity was adopted.

A number of states continued to express opposition to the development of a body of principles on the right to reparation. The Commission therefore postponed the consideration of the matter to its next session.

Fifth Special Session of the UN Commission on Human Rights

The Commission on Human Rights convened a Special Session from 17 to 19 October in response to the upsurge in violence in Israel, Gaza, and the West Bank that had commenced on 18 September. At the session, the ICJ delivered an oral intervention informed in significant part by a mission undertaken by its ICJ affiliate in Sweden, led by former Ombudsman Per Erik Nilsson, to Israel and the Occupied Palestinian Territories from 4 to 7 October. The ICJ expressed deep concern, *inter alia*, at the large number of deaths, mostly of Palestinians and Israeli Arabs; the torture and murder of Israeli personnel in Ramallah on 12 October; and the incidence of indiscriminate and excessive use of force by Israeli Armed Forces and other violations of the 1949 Geneva Conventions. The ICJ called for the establishment of an independent international Commission of Inquiry to determine the substance and responsibility for breaches in international human rights and humanitarian law with a view to bringing their perpetrators to justice.

At a highly politicised Special Session, a deeply divided Commission passed a resolution entitled "Grave and massive violations of the human rights of the Palestinian people by Israel" (Resolution S-5/1). The Resolution carried by a vote 19-16, with 17 abstentions. The Commission did decide to establish a human rights inquiry commission, although the problematic political nature of the Resolution text was not entirely in accordance with the recommendation of the ICJ. The Commission of Inquiry visited the region from 10-18 February 2001.

Project n°2000.06: UN Sub-Commission for the Promotion of Human Rights

Objectives

- To lobby for a resolution on the global abolition of the death penalty, with particular emphasis on the application of the death penalty against minors;
- To lobby for a Sub-Commission resolution on the draft Optional Protocol to the ICESCR, *inter alia*, calling upon the Commission on Human Rights to establish an open-ended working group to discuss the further elaboration and adoption of the draft Optional Protocol to the ICESCR and allowing individual and group complaints on violations of economic, social and cultural rights;
- To support and contribute to the Sub-Commission's work on the Administration of Justice, in particular in the area of impunity and military tribunals;
- To lobby for a Sub-Commission resolution calling upon the Commission on Human Rights to establish an open intersessional Working Group on the Draft of an International Convention on the Protection of All Persons from Enforced Disappearance;
- To support the Sub-Commission's work in the area of globalisation and human rights.

Activities

The ICJ delivered interventions that:

- called for the abolition of the death penalty and insisted on the illegality under international human rights law of applying the death penalty against persons who were minors at the time of the commission of their offence. The ICJ's submissions were reflected in the Sub-Commission's resolution that stated that execution of minors constitutes a violation of *jus cogens*. The ICJ stance was widely reported in the media and adopted by other human rights organisations.
- focused on economic globalisation and its impact on human rights. This was delivered jointly with Lutheran World Federation and Habitat International Coalition. The intervention reiterated that human rights principles must be integrated firmly into the rules of international trade, investment and finance. The ICJ backed the call by the Special Rapporteurs for the Sub-Commission to draft guidelines covering the various regimes and institutions related to trade, investment and finance and suggested adding issues of structural adjustment and debt. With respect to the ongoing review of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), the intervention noted that property rights, including intellectual property rights, by their nature allow rights holders to exclude others from the use of this prime resource and so are likely to produce instances of rights conflicts. The intervention further called for the Sub-Commission to press for progress on the draft Optional Protocol to the ICESCR and the formation of an open-ended working group the mandate of which would be to consider further the draft optional protocol.
- voiced concern over the incidence of impunity of State officials, particularly members of the military in many countries of all regions. The ICJ worked successfully to obtain a recommendation tendered by the Sub-Commission's Working Group on the Administration of Justice to prepare a study on the administration of justice by military tribunals.

The ICJ lobbied actively for the Sub-Commission to adopt a resolution on Universal Jurisdiction and Impunity.

Conclusion

On 22 August 2000, the ICJ issued a public assessment of the work of the 52nd session of the Sub-Commission, held from 31 July-18 August 2000. The ICJ recognised that its efforts in pursuance of a number of important human rights issues had been supported by the Sub-Commission. The following developments were considered particularly positive:

- The adoption of a resolution on the death penalty affirming the prohibition on executing offenders who were minors at the time of the alleged commission of their offence. The ICJ considers the resolution to constitute an important step towards the universal abolition of the death penalty for juvenile offenders.
- Following intense ICJ lobbying, a resolution on the draft Optional Protocol to the ICESCR was unanimously adopted. The resolution, *inter alia*, called upon the CHR to establish an open-ended working group to elaborate further and ultimately adopt the draft Optional Protocol to provide for individual and group complaints on violations of economic, social and cultural rights.
- The decision of the Sub-Commission's Working Group on the Administration of Justice decision to prepare a study on the administration of justice by military tribunals. The ICJ had called on the Sub-Commission to take action on impunity, recourse to military tribunals and attacks committed by the military against human rights defenders, especially in Colombia.
- The adoption of a resolution on the role of universal or extraterritorial jurisdiction for crimes against humanity and war crimes. The resolution calls on the governments to co-operate in the

prosecution of any perpetrator of such crimes, including any former head of State or government.

- The adoption of a resolution on intellectual property rights and human rights. The position of the ICJ is reflected in the resolution highlighting a potential conflict of interests between the intellectual property rights regime embodied in the TRIPS Agreement and provisions of international human rights law, especially those relating to the right to development and the fulfilment of economic, social and cultural rights. The resolution requests that governments and international institutions act to protect the social function of intellectual property.
- The adoption of a resolution calling on the Commission on Human Rights to establish an open intersessional Working Group on the Draft of an International Convention on the Protection of All Persons from Enforced Disappearance. The support by the Sub-Commission of this project was particularly welcome, as it enhances prospects for CHR support in 2001.

The ICJ again questioned the independence of some experts of the Sub-Commission. On the whole, however, the ICJ stated that the Sub-Commission, through its expertise and studies, had yielded a substantive and constructive contribution to the advancement of human rights.

Miscellaneous Project: Sessional Working Group of the Sub-Commission

Objectives

- To support the work of the Working Group on the Administration of Justice in preparing a working paper on the administration of justice by military tribunals.

Activity

The Legal Officer for Latin American attended the sessions of the Working Group of the Sub-Commission on the Administration of Justice. He assisted an Expert of the Working Group in preparing a proposal for a working paper on the administration of justice by military tribunals. The document identifies treatment of the issue by regional and international organs, relevant international norms and a typology of military tribunals and their jurisdictional competencies and functions.

Conclusion

The Working Group decided to commission the proposed working paper.

Project n°2000.08: Human Rights Standard-Setting Activities

Objectives

- 1: To support and encourage progress towards the Draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
- 2: To achieve the nomination of a UN Special Representative on Human Rights Defenders to promote the Declaration on the Rights of Human Rights Defenders.
- 3: To support and enhance the progress of work towards a new International Convention on the Protection of All Persons from Forced Disappearances.

Activity

The ICJ lobbied intensively and intervened in international fora, including the UN Commission on Human Rights and its Sub-Commission, in support of the adoption of the above mentioned instruments and the establishment of the new Special Rapporteur on Human Rights Defenders. With regard to the draft International Convention on the Protection of All Persons from Forced Disappearances, the ICJ convened a meeting on 4 and 5 October, attended by 30 persons, including representatives from 19 diplomatic missions. The purpose of the meeting was to discuss a number of conceptual and practical issues relating to the draft.

Conclusion

Objective 1

- Work on the Draft Optional Protocol to the International Covenant on Economic, Social and Cultural Rights was, as in previous years, stalled by States during the session of the Commission on Human Rights. The Commission decided in a resolution that meetings of experts should be organised to discuss the draft. The Sub-Commission decided, in its resolution on the subject, to recommend that the Commission resolve to create an open-ended working group to discuss and finalise the draft. These developments signal the achievement of forward, if slow, momentum in realisation of the adoption of this important instrument.

Objective 2

- Two years after the adoption of the Declaration on Human Rights Defenders, the decision to establish a Special Representative of the UN Secretary-General on Human Rights Defenders was among the most positive of the results of this session Commission on Human Rights. The breadth of support for the resolution is particularly encouraging, as 50 States votes in favour, 3 abstained and not a single state was opposed. The effect of the establishment of the mandate will be to place the situation of human rights defenders, in its full substantive dimension, high on the agenda of the Commission. At the Commission, the ICJ called on all States to cooperate fully with the future Special Representative.

Objective 3

- During the Commission and Sub-Commission meetings, the ICJ lobbied for the establishment of an open ended, inter-sessional working group to study and advance the prospects for the draft Convention against Forced Disappearances. Adoption of this Convention continues to be of high priority for the ICJ. (See Project 2000.96 below.)

Project n°2000.11: United Nations Treaty Bodies
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Objectives

- To influence the treaty bodies established under international covenants and conventions, in particular by briefing members and by supplementing the periodic reports submitted by various governments.

Activity

The ICJ took part in the work of the Committee implementing the Convention on the Elimination of all Forms of Racial Discrimination (CERD) in its consideration of the periodic report of Australia. In March, the Legal Officer for Asia and Pacific, the Executive Secretary and two ICJ interns followed the work of the CERD Committee that was reviewing the report submitted by the Government of Australia.

The ICJ also submitted its annual report, *Attacks on Justice; the harassment and persecution of judges and lawyers* to the Human Rights Committee and the Committee Against Torture.

Conclusion

The CERD report confirmed that there was a need to monitor the question of the rights of indigenous Australians. The Committee expressed a number of concerns regarding, *inter alia*, socio-economic marginalisation, discrimination in enjoyment of economic, social and cultural rights and discriminatory approach to law enforcement, particularly in respect to sentencing of juveniles.

The Australian Government responded strongly to these criticisms and indicated that it would review its current cooperation with the various committees. It also indicated that it would not sign an optional protocol to the Convention on the Elimination of Discrimination Against Women which provides for a complaint mechanism. The ICJ issued a statement sharply criticising the Australian response which received wide press coverage.

The ICJ will continue to monitor proposed reforms of the treaty bodies to ensure that they do not undermine the very processes they are seeking to improve.

The Human Rights Committee and Committee Against Torture both quoted extensively from *Attacks on Justice* in their comments to various periodic reports.

At the regional level:

A: Europe

Project n°2000.59: Human Rights Developments and New Standard-Setting
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Objectives

- 1: To lobby for the adoption of and support the elaboration of a Protocol to Article 14 of the European Convention on Human Rights, providing for an autonomous equality and non-discrimination provision.
- 2: To contribute to the European Conference on Racism, Strasbourg, 11-13 October 2000 and the preparatory conference at the European level to the 2001 UN Conference on Racism in Johannesburg, South Africa.
- 3: To contribute to the various resolutions and recommendations to be adopted by the member States of the Council of Europe at the Rome Ministerial Conference on the occasion of the 50th Anniversary of the European Convention on Human Rights.
- 4: To further human rights protection at the European Union level through the provision of comments on the new draft EU Charter on Fundamental Freedoms (CFR): submission of an ICJ Opinion to the House of Lords, United Kingdom; and participation in a Conference held in Leiden (the Netherlands) on Social Rights in the draft EU Charter.

Activities

Objective 1

- The Legal Officer for Europe participated in the 27th Meeting of the Steering Committee on Human Rights (CDDH) of the Council of Europe, held in Strasbourg on 9-10 March 2000. The discussion at the meeting focused upon the draft Additional 12th Protocol to the European Convention on Human Rights (ECHR), which aims to broaden the field of application of Article 14 on equality and non-discrimination.

- The ICJ is the only NGO to have participated in all meetings of the Steering Committee on Human Rights of the Council of Europe (CDDH) and of its sub-Committee (DH-DEV) since 1996 and it has actively contributed to the elaboration of the draft additional protocol and lobbied for its improvement and adoption. During the March meeting, the CDDH examined the opinion submitted by the Parliamentary Assembly of the Council of Europe and the European Court of Human Rights on the draft protocol.

Objective 2

- The Legal Officer for Europe attended several meetings of the NGO Resource Group for the Preparation of the Conference "All Different All Equal: From Principle to Practice, European Contribution to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance", in advance of the UN World Conference against Racism. The Legal Officer for Europe was designated by the NGO Resource Group as its representative in the Meeting of the Governmental Technical Working Group held on 23-25 May 2000.
- The Legal Officer for Europe attended the Conference on Racism in Strasbourg from 11-13 October and the NGO Forum which preceded it. During the Forum, as member of the NGO resource group, she took an active part in the working group on legal protection against racism and intolerance, which she co-chaired with a member of Justice, the ICJ British section. She also served as editorial chair for the NGO recommendations that were transmitted by the 250 NGOs present at the Forum to the Conference, held on 10-11 October.

Objective 3

- The Legal Officer for Europe attended the NGO Forum Meeting on "The European Convention on Human Rights at 50: What future for the Protection of human rights in Europe?" held in Rome on 21-22 February 2000. The Legal Officer served as co-rapporteur in the working group of the Forum considering economic and social rights. She also took an active part in additional working groups, in particular the working group on gross and massive human rights violations in Europe, during which the situation in Chechnya was central to the discussions.

Objective 4

- The ICJ submitted written evidence to the House of Lords (UK) concerning the proposed EU Charter of Fundamental Rights (CFR). The ICJ proposed that the initiative to adopt the CFR deserved support, provided that certain minimum conditions as to status, scope and contents could be obtained. Most critical among these conditions are that the CFR be binding in law, that citizens be able to invoke its provisions before the European Court of Justice (ECJ) and that the CFR be incorporated into the EU Treaty. The ICJ also reiterated its call for the accession of the EU to the European Convention on Human Rights and also to the European Social Charter.

Conclusion

Objective 1

- The CDDH agreed to transmit for adoption the draft additional protocol (with 8 abstentions) to the Committee of Ministers. The Protocol was finally adopted by the Committee of Ministers in June 2000 and was opened for signature in November 2000 during the Rome Ministerial Conference on the occasion of the 50th Anniversary of the European Convention on Human Rights. It was signed by 25 out of the 41 member States of the Council of Europe.

Objective 2

- The ICJ was highly instrumental in drafting the Recommendations of the NGO forum, which contained a list of concerns and recommendation for the Strasbourg Preparatory conference. The document recommended, *inter alia*, that European governments condemn and avoid collaboration with any governments that include members from xenophobic or racist political parties; that they take measures to eradicate discrimination and intolerance against specific

target groups, such as Roma, Sinti, Travellers and members of other minorities; and that States address their international obligations in relation to the activities of non-State actors, such as transnational corporations that violate human rights law. One major aspect of the NGO recommendations related to the question of migrants, refugees and asylum seekers. Government representatives were generally reluctant to discuss these issues in the context of the Conference, but NGOs considered them to be of crucial importance if racism and intolerance were to be tackled effectively.

- Some of the NGO recommendations were taken into account for the drafting of the general conclusions of the Conference. They are also part of the various documents to be transmitted by Europe to the World Conference against Racism. The results of the Preparatory Conference itself were however mixed. On the positive side, the general conclusions of the Conference acknowledged to some extent, though tackled insufficiently, the discrimination faced by migrants, asylum seekers and refugees and called for respect for the 1951 Refugee Convention and access by migrants to basic economic and social rights. The Conference also called on States to adopt measures to eradicate discrimination against Roma, Sinti and Travellers. On the other hand, no binding commitment was made by State to sign and ratify instruments relevant to combating racism. The political declaration adopted by governments at the end of the Conference made no reference to refugees, migrants, Roma, Sinti or travellers in that part of the political declaration containing commitments.

Objectives 3

- Upon discussion and deliberation, the Forum as a whole made a number of substantive recommendations aimed at, *inter alia*: Reinforcing the Convention system at the Council of Europe and national levels; enhancing the ability of human rights and monitoring mechanisms to respond rapidly and effectively to serious or large scale human rights violations; improving the protection of social and economic rights; and heightening democratic stability and cohesion in Europe by addressing threats to the principles of equality and non-discrimination and promoting good governance and civil society.

Objectives 4

- The EU Charter of Fundamental Rights was adopted in December 2000 by the EU ministers at the Nice Summit. While encouraged by the emergence of an instrument that addresses a wide range of substantive rights, the ICJ was disappointed that no decision was taken to make the Charter carry the force of a legally binding treaty and to allow individuals to invoke its provisions directly before the European Court of Justice. The ICJ will continue to press for the achievement of these goals.

B. Africa

Project No2000.32 27th African Commission on Human and Peoples' Rights

Objectives

- To work towards boosting the efficacy of the African Charter on Human and Peoples' Rights and its mechanisms;
- To promote efforts towards the establishment of an Africa Court of Human Rights;
- To assess the human rights situation in Africa, both from a thematic and country-specific perspective, and to contribute to the development of strategies by the African Commission to address areas of pressing concern.

Activity

The Legal Officer for Africa participated in the 27th Session of the African Commission on Human and Peoples' Rights (ACHPR), held in Algiers from 27 April to 1 May 2000. Some 24 Member States of the OAU participated in the Session. The Commission considered reports submitted by Rwanda, Uganda, Libya and Burundi. It also discussed reports submitted by the Special Rapporteurs on prisons, women and arbitrary detentions and executions and held substantive debates on the issue of establishment of an Early Warning Mechanism and the relationship between the Commission and National Human Rights Institutions. The Commission also considered its first Interstate complaint, lodged by the Democratic Republic of Congo against Uganda and Rwanda.

The Legal Officer for Africa delivered a general statement on the human rights situations in Africa and an intervention on the early warning mechanism. She gave two media interviews and lobbied various delegations on the ratification of the Protocol on the African Court.

Conclusion

The substantial increase in participation by OAU Governments, as well as the first-time attendance by a number of NGOs constituted a welcome development at the Commission. However, owing in part to a failure to efficiently manage time allocation, the Commission was unable to substantially consider some critical issues, such as strategies for ratification of the Protocol on the African Court or the Protocol on Women. These issues will continue to receive high priority by many NGOs, including the ICJ.

Project n°2000.31: OAU Council of Ministers Meeting

Objectives

- To lobby for the purpose of ensuring that human rights are integrated in the elaboration of OAU policy and mechanisms at ministerial and all other official levels.

Activity

On 8-9 May 2000, the Legal Officer for Africa participated in the OAU Ministerial Conference on Security, Stability, Development and Cooperation in Africa, held in Abuja, Nigeria. The meeting prepared a draft declaration of principles and a Plan of Action and made suggestions for an implementation mechanism.

Conclusion

The Conference documents were to be submitted to the OAU Policy organs during their meeting in Lomé in July 2000. (See Project 2000.33 below.)

Project n°2000.33: OAU Council & Summit

Objectives

- To continue efforts towards the development of a framework for the systematic integration of principles of human rights and the rule of law in OAU policies and activities.

Activity

The Legal Officer for Africa participated in the 72nd session of the Council of Ministers and the 36th Summit of Heads of State and Government from 5 - 12 July 2000 in Lomé, Togo. The issues on meeting agenda of priority interest to the ICJ were: 1) discussions regarding the draft consultative agreement for the African Union; 2) the Conference on Security, Stability, Development and Co-operation in Africa; and 3) the speedy ratification of the Protocol on the African Court. The ICJ lobbied successfully for the inclusion of the observance of principles of the rule of law and respect for human rights as guiding principles for the treaty establishing the African Union and the CSSDCA process. Through participation in the meetings, the ICJ gained an opportunity to discuss with governments questions concerning the ratification of the Protocol on the African Court.

In a separate meeting with staff of the OAU, a decision was taken according to which the OAU and the ICJ would extend efforts to undertake joint missions to certain countries in the region in order to facilitate ratification of the protocol, as well as to organise the OAU / Civil Society Consultation before the end of the year 2000. It was also agreed that the Ambassadors' seminar be organised in late September or early October 2000 to facilitate the inclusion of its report on the agenda of the Council of Ministers meeting in March 2001.

Conclusion

There appears to be an increasingly favourable disposition towards the integration of human rights concerns within the general discourse at the OAU meetings. Still, a continued effort will be required to ensure that sympathetic States remain informed and sensitised as to new and outstanding areas issues of concern and about the need to be proactive and vocal in the promotion and protection of human rights in Africa.

C: The Americas

Project n°2000.43: General Assembly of the Organisation of American States, Windsor, Canada
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Objectives

- To contribute to reinforcing the Inter-American human rights system and compliance by American States with regional and universal human rights norms and standards;
- To lobby for action on Peru given the deteriorating rule of law and erosion of respect for human rights in that country;
- To obtain a resolution on protecting human rights defender;.
- To ensure inclusion in the resolution on the promotion and respect of international humanitarian law, a paragraph calling on States to Ratify the Rome Treaty for an International Criminal Court.

Activity

The Legal Officer for Latin America attended the General Assembly of the Organisation of American States, held in Windsor, Canada on 5-6 June. He participated in two parallel meetings organised with Canadian NGOs that work with the OAS General Assembly and contributed to a presentation on the situation of human rights defenders in the region.

The ICJ, along with a number of other organisations, co-drafted a public statement urging that the Inter-American human rights protection system be reinforced, so as to address more effectively the human rights situation in the region. The document was signed by 220 regional NGOs. The ICJ delivered an oral intervention, on behalf of the 220 NGOS, to a formal consultative meeting

between members of civil society and the OAS. The meeting, organised by the Secretary General of the OAS and the President of the OAS General Assembly, was the first of its kind.

The NGOS petitioned the General Assembly to call on States publicly to ratify the Treaty of Rome establishing the International Criminal Court (ICC) and to adopt a resolution on human rights defenders. The ICJ sent a joint letter with other NGOs addressed to the Inter American Commission on Human Rights, urging that body to undertake a study on the situation of human rights defenders in the region and to consider the establishment of mechanisms and procedures to protect defenders at the regional and national levels. The ICJ also lobbied for a resolution to be adopted on the situation in Peru concerning human rights and the rule of law.

Conclusion

In concordance with the recommendation of the ICJ and other NGOs, the General Assembly called for the ratification of the ICC and adopted a resolution on human rights defenders. It also adopted a resolution on Peru calling for the dispatch of a high-level OAU mission to the country, represented by both the President and the Secretary-General of the General Assembly.

The consultative meeting between the official of the OAS and members of Civil Society constitutes a significant and positive development in increasing NGO effectiveness in its interaction with this important regional institution.

D. Asia and the Pacific

Project n°1999.94: Follow-up to the Colombo, Sri Lanka, Seminar on State Reporting to the UN Treaty Bodies (UN Committee on Economic, Social and Cultural Rights, UN Committee on the Rights of the Child): Video

Objectives

- To familiarise government representatives, NGOs and civil society with the functioning of the Committee on the Rights of the Child through video recording of the proceedings of the Committee and using the film as a training tool. This objective had been among the principle recommendations that emerged from the Colombo 1999 Seminar on State reporting.

Activity

The ICJ Legal Officer for Asia and the Pacific video-recorded the proceedings of the Committee on the Rights of the Child during its January 2000 session. She also interviewed the members of the Committee so provide contextual enrichment to the exposition. The video was subsequently edited and produced for presentation.

Conclusion

The video will serve as a highly effective tool for used in prospective ICJ workshops on State reporting. By observing the Committee at work, trainees will be able gain insights not readily derivable from abstract explanation.

Miscellaneous Project: Eighth Asia-Pacific Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in Asia and the Pacific

Objectives

- To lobby states in the region for more effective means of regional protection of human rights including through the adoption of a regional human rights mechanism;
- To discuss areas of human rights concerns with officials from the Government of the People's Republic of China.

Activity

The Legal Officer for Asia and the Pacific attended the Eighth Asia-Pacific Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia and Pacific region, in cooperation with the Government of the People's Republic of China in Beijing, from 1 - 3 March 2000. The meeting examined the conclusions reached in prior inter-sessional meetings. The Legal Officer for Asia and the Pacific met with the Head of the Human Rights Division of the government of the People's Republic of China to discuss areas of serious concern. These areas included freedom of religion, expression and association and allegations of persecution of the Falun Gong movement, the ongoing European Dialogue and the matter of the exiled Tibetan Karmapa Lama.

Conclusion

The conclusions of the Workshop produced a weak document, disappointing to most NGOs, asking for an evaluation of programs initiated for cooperation and omitting any call for the establishment of a regional mechanism.

Project n°2000.98: Fifth Asia-Pacific Forum of National Human Rights Institutions

Objectives

- To promote the effective establishment and functioning of national human rights institutions in the Asia Pacific region through discussions with governments, institutional representatives and NGOs.

Activity

At the request of the ICJ Secretariat, the Secretary-General of the Australian Section of the ICJ participated in the Fifth Asia-Pacific Forum of National Human Rights Institutions held in Rotorua, New Zealand from 7-9 August 2000. The Forum was attended by more than 100 representative from regional governments, NGOs and the business community. The Secretary-General also participated in an NGO meeting which preceded the Forum; a parallel Working Group on the United Nations Global Compact and National Human Rights Institutions, discussing the need for monitoring of business activities against standards developed by the institutions; and a Working Group on National Institutions and Public Inquiries.

Conclusions

A statement issued by the NGOs welcomed the positive efforts by the Forum and noted its increasing effectiveness. However, the NGOs raised a number of concerns and made recommendations, *inter alia*, relating to economic, social and cultural rights, racism, rights of women, democracy and human rights, the death penalty and child pornography on the Internet.

Among the more positive developments was the first meeting of the Advisory Council of Jurists, established at the previous session. This body of distinguished jurists is charged with providing advisory opinions to the institutions.

Given the absence of a regional human treaty mechanism and the relatively low rate of ratification of international human rights treaties in the region, the Forum remains a critically important meeting point for regional human rights promotion, particular with respect to those countries that have established international human rights institutions. The ICJ, along with other NGOs, may play a substantial role in supporting the creation of such institutions in countries where they do not as yet exist.

Priority Objective Two:

Promotion and Protection of the Independence of Judges and Lawyers

Project n°2000.17: CIJL Cases - Alerts & Interventions

Objectives

- To intervene with governments to ensure that the independence of the judiciary is respected and that the individual rights of judges and lawyers are not violated;
- To mobilise public support for judges and lawyers who are harassed and persecuted in the discharge of their professional duties through alerts and press releases.

Activity

The CIJL issued a number of alerts and intervened with the governments on a number of individual cases:

Sri Lanka: The CIJL sent a letter on 13 January 2000 to the Government expressing grave concern over the assassination of Kumar Ponnambalam, a prominent defence and human rights lawyer. In 1998, the CIJL had also intervened on behalf of Mr. Ponnambalam when he had been the target of death threats. The CIJL called for an inquiry with the aim of prosecuting those responsible for the murder.

Pakistan: On 27 January, the ICJ/CIJL issued a joint press release expressing serious concern with respect to directives issued by the military government requiring judges assume an oath of allegiance to the military administration. Six Supreme Court judges, including Chief Justice Said-uz Yaman Siddiqi, and some 15 other judges were reportedly dismissed after failing to take the oath. The ICJ/CIL requested that the government respect the independence of the judiciary.

Pakistan: The CIJL sent a letter on 16 March to the government in which it denounced the murder of Iqbal Raad, a lawyer for deposed Prime Minister Nawaz Sharif. The CIJL recalled that at least 34 judges and lawyers had been murdered in the preceding three years and that many others had been targets of physical abuse and other harassment.

Palestine: On 15 May the CIJL issued a statement in conjunction with Human Rights Watch, Lawyers Committee for Human Rights, International Federation for Human Rights, the Observatory for the Protection of Human Rights Defenders and the International Bar Association, regarding the removal by the Acting Council of the Palestinian Bar Association of at least nine human rights lawyers, including Raji Sourani, Iyad Alami, Hanan Matar, Ashraf Nasralla, Ibrahim Sourani and Fouad Tarazi of ICJ affiliate Palestinian Centre for Human Rights and Hanan al Bakri of the Women's League and Social Counselling Centre. On 19 May, the CIJL, joined by the same groups and the World Organisation against Torture, issued a further statement expressing concern with respect to the removal of another lawyer, Khader Shkirat, of ICJ affiliate LAW Society. The groups called on the Acting Council to rescind the measures against the lawyers.

Panama: By letter dated 21 June 2000, the CIJL informed the Government that it had received information according to which Supreme Court Judges Elitza Cedeno, Oscar Ceville, and Mariblanca Staff, and alternative Judges José de la Cruz, Roberto Will Guerrero and Ricardo José Aleman Alfaro had been removed unconstitutionally from their posts, pursuant to newly enacted legislation. The removal was said to be inconsistent with international principles on the independence of the judiciary.

Conclusion

Alerts and interventions on behalf of persecuted judges and lawyers may provide a certain degree of protection and remedy. That the CIJL is asked to undertake such protection work is testimony to its perceived utility. Alerts and interventions may serve to build political momentum for the protection of human rights and notify governments that such attacks on the judiciary or upon people working in the legal professions are being monitored.

Project n°2000.97: CIJL Fact-Finding Missions

1. Mission to Turkey

Objectives :

- To assess the extent and effective of the independence of the judiciary and the role of lawyers;
- To evaluate the effectiveness of judges and lawyers in eliminating the prevailing culture of impunity;
- To examine the role of the international financial institutions and development agencies in promoting and protecting the independence of judges and lawyers in Turkey.

Activity:

On 25 July the CIJL released a report entitled "The Independence of Judges and Lawyers in the Republic of Turkey", containing 79 recommendations directed toward reform of the legal system in Turkey. The report is the product of a CIJL mission to Turkey that took place from 14-25 November 1999 aimed at examining various limitations and impediments posed to the independence of the judiciary and the role and effectiveness of lawyers. The mission was further tasked with examining the operation of the legal system, the legal protection of human rights, specific legislation and the prosecution of suspected perpetrators of human rights violations.

The mission to Turkey in November 1999 was conducted by Frank Orton, a former judge and Ombudsman from Sweden, Rodney Madgwick, a judge of the Federal Court of Australia and Paul Richmond, a London-based barrister. The delegation met with the Minister of Justice, Prof. Dr. Hikmet Sami Turk, as well as with other officials and judges, prosecutors, bar associations, human rights organisations and physicians.

Conclusion

The report is especially critical of the persistence impunity for acts of torture and brutality committed by State officials and the police. Although the Turkish government has recently taken measures to strengthen human rights, the report concludes that Turkey is still far from meeting its international human rights obligations.

Before releasing the report, the CIJL presented the Turkish government with a copy so as to afford it the opportunity to comment. The CIJL received the governments views on 26 June and included them *verbatim* in an annex to the report. In general, the Turkish government rejected as "unfair" much of the criticism directed toward the Turkish justice system and the Turkish State.

The ICJ will continue to pursue a dialogue with Turkish authorities with a view to ensuring implementation of the recommendations.

2. Fact-Finding Mission to Malaysia

Objectives

- To examine the legal guarantees for the independence of the judiciary and to evaluate the respect afforded to such guarantees, with particular reference to the 1985 UN Basic Principles on the Independence of the Judiciary;
- To assess the extent of the capacity of lawyers to render freely their services, with particular reference to the 1990 UN Basic Principles on the Role of Lawyers;
- To examine any impediment in the law or in practice which could jeopardise the proper administration of justice.
- To release a report and publicise its findings.

Activity

The ICJ/CIJL, the International Bar Association, the Commonwealth Lawyers' Association and the Union Internationale des Avocats, released their joint report of a mission to Malaysia during the meeting of the Commission on Human Rights, on 5 April 2000. The fact-finding mission was composed of Lord Abernethy, Judge of the Court of Session (Supreme Court), Scotland, immediate past President of the IBA Judges' Forum; Justice MacNally, Appellate Judge of the Supreme Court, Zimbabwe, and Dr. Rajeev Dhavan, Senior Advocate and ICJ Member, India. The team visited Kuala Lumpur from 17-27 April 1999 and met a wide variety of persons concerned with the administration of justice in Malaysia, including the Chief Justice, President of the Court of Appeal, officers of the Bar Council of Malaysia, UN Special Rapporteur on the Independence of Judges and Lawyers, senior lawyers and NGO representatives.

Conclusion

Entitled *Justice in Jeopardy: Malaysia in 2000*, the report examines the relationship between the executive, the Bar Council and the judiciary and finds that in politically and economically sensitive cases, the judiciary had not been entirely independent. The report determined that the autonomy of the Bar was threatened by the government and that the relationship between the Bar and judiciary was strained. It noted that in politically sensitive defamation cases, awards of damages were so great that they tended to stifle free speech and expression. The report expressed deep concern regarding the fairness of the trial of Deputy Prime Minister Anwar Ibrahim and the independence and impartiality of the trial judge. It also noted that the use of contempt proceedings against practising lawyers constituted a serious threat to the ability of those lawyers to render services freely.

The four organisations urged Malaysia, *inter alia*, to recognise the independence of the judiciary; not to threaten or diminish the autonomy of the Bar Council; to ensure that the choice of judges in sensitive cases be carefully considered; and to establish a Judicial Services Commission that would recommend appointments to the judiciary. They also called on Malaysia to accede to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and urged that the Government repeal domestic law inconsistent with international human rights law. The four organisations requested that NGOs be enabled to operate freely and without harassment.

Project n°2000.78: Follow-up Mission on the Judicial System in Israeli Occupied Territories and Palestinian Autonomous Territories

Objectives

- To review the independence of the judiciary and the legal profession and the role of the Palestinian Authorities;
- To assess the role of international financial institutions in respect of questions related to the functioning of the judiciary;
- To examine Israeli infringements of the administration of justice in the Occupied Territories.

Activity

An ICJ/CIJL mission visited the Palestinian Autonomous Territories from 14-26 January 2000. The visit was a follow-up to a previous mission undertaken in 1993. The Mission was composed of the ICJ Secretary-General; the CIJL Director; Justice Johann Kriegler, Member of the Constitutional Court of South Africa; Sir Stephen Tumin, former Circuit Judge and former Inspector of Prisons, UK; Mr. Per Stadig, Member of the Swedish Section of the ICJ; and Mr. Peter Wilborn, Attorney at Law; USA. Upon completion of the mission, the ICJ convened workshops, on 24 and 25 January respectively, in Ramallah and Gaza on "The Role of the Judiciary in Civil Society ". The mission and workshops were organised in cooperation with the three ICJ Palestinian affiliates: The Palestinian Centre for Human Rights; LAW, and Al-Haq.

Conclusion

The Mission team formulated some 38 recommendations, including, *inter alia*, that the Palestinian State Security Courts be abolished; that the jurisdiction of military courts be restricted to offences committed by military personnel while on duty; that the Civil Courts be strengthened; that constitutional or basic law be adopted to guarantee human rights and separation of powers; that judges be subject to removal only for reasons of incapacity or behaviour that renders them unfit to perform their duty; that judges be free and encouraged to form associations with other judges; that the Bar Association be unburdened by outside interference; that judges and lawyers receive continuing legal education; that persons detained without charge or trial be charged and/or tried or released; that torture be outlawed and prevented and that confession not made freely and voluntarily be barred; and that the Rule of Law and of an independent Palestinian judiciary be accorded enhanced priority among donors. The recommendations were also contained in a press release which received wide coverage.

Project n°2000.25: Experts Meeting on Judicial Corruption
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Objectives

- To work toward formulating a policy framework with the aim of preventing and combating corruption in the judiciary and judicial systems.

Activity

The CIJL convened an expert workshop in Geneva from 23-25 February 2000 the primary aim of which was to formulate a policy framework to prevent and combat corruption and to ensure the impartiality of the judicial system. The 16 expert participants represented Australia, Bangladesh, Canada, Egypt, France, India, Indonesia, Malaysia, Nigeria, Palestine, Senegal, Sri Lanka, Uganda and the USA. They included the UN Special Rapporteur on the Independence of Judges and Lawyers, Dato' Param Cumaraswamy; current and former high judicial officials; lawyers renowned for their competencies in related fields; and representatives of international financial institutions.

Conclusion

The experts developed a 10-page policy framework for preventing and eliminating corruption and ensuring the impartiality of the judicial system. The policy framework was released during the meeting of the UN Commission on Human Rights on 15 March. This effort was directed towards increasing the accountability of the judicial system as the basis of its independence. Other objectives included: to encourage consideration of corruption in judicial systems as an impediment to the protection of human rights; to provide the judiciary, policymakers and others with tools to combat corruption in judicial systems and to ensure the institution's integrity and impartiality; to encourage international, national and local organisations, including bar associations, to assist in preventing and eliminating corruption of the judicial system; and to increase public awareness and provide encouragement to members of the public to participate in the process of exposing, preventing and eliminating judicial corruption with a view to increase public confidence in the judiciary. The document targets governments, international financial institutions, members of the judiciary, lawyers and other policymakers. The overarching intent is to encourage such vital actors to take active steps to prevent and eliminate corruption in the judiciary.

In early 2001, the CIJL will publish its Yearbook: Strengthening Judicial Independence- Eliminating Judicial Corruption.

“Attacks on Justice”

Objectives

- To document the harassment and persecution of judges and lawyers around the world and to survey and to assess the impact of such attacks on the independence of judges and lawyers globally;
- To analyse legal structures and their effect on the independence of Judges and Lawyers;
- To train young jurists in legal research and human rights protection work.

Activities

The CIJL research and published the tenth edition of *Attacks on Justice*, its annual report that analyses legal conditions and structures and their effect on the independence of judges and lawyers

Conclusion

The report catalogued the cases of at least 412 jurists in 49 countries who have suffered reprisals for carrying out their professional duties from January 1999 until February 2000. Of these persons, 16 were killed, 12 disappeared, 79 were prosecuted, arrested detained or tortured, 8 were physically attacked, 35 verbally threatened and 262 were professionally obstructed and/or sanctioned. Judges and lawyers who were meant to be guardians of the Rule of Law, justice and the fundamental right to defence were themselves often subjected to intimidation and persecution for carrying out their professional duties. State agents, paramilitary groups, militia and armed opposition groups were among the actors carrying out the attacks.

The results of the research are announced at the Commission of Human Rights and are widely distributed, including to the UN Special Rapporteur on the Independence of Judges and Lawyers, the Human Rights Committee, State representatives and over 100 local bar associations. There has been very significant press interest in the report.

Priority Objective Three:

Fighting Impunity

Project n°2000.96: Experts' Seminar for State Representatives Concerning the Draft Convention on the Protection of All Persons against Forced Disappearances

Objectives

- To contribute substantially to the progress and adoption of an International Convention against Forced Disappearances.

Activity

The ICJ organised a meeting in Geneva on 4-5 October 2000 on the Draft International Convention on the Protection of All Persons from Forced Disappearance. The current draft was adopted by the Sub Commission in August 1998, but progress since then has been minimal. The governments of Switzerland and France provided funding support to the meeting. Participants included Federico Andreu, Legal Officer for Latin America; Alejandro Artucio, Consultant; Wilder Tyler, General Advisor, Human Rights Watch; Louis Joinet, Member of the UN Sub-Commission; and Mark Thomson, Deputy Director, International Service for Human Rights.

In November 2000, the ICJ, along with FEDEFAM and Human Rights Watch, coordinated and undertook lobbying activities in furtherance of the draft Convention, targeting a number of diplomatic Missions in Geneva, especially those in the Asian, Latin American and Eastern European regional groupings.

Conclusion

The October meeting examined and reaffirmed the need for the Convention. Papers presented covered such areas as the historical background of the draft text, the substantive provisions, procedures and monitoring mechanisms in the current text, reservations and entry into force, and procedures for examining the draft Convention by the Human Rights Commission. The experts also considered strategies for promoting the draft, among which was a campaign for the establishment of an open ended, intersessional working group or, alternatively, a single expert. Further strategies toward this end were formulated by participants, including a lobbying campaign and the creation of a regular contact group.

The Convention is compelling, given that the crime of disappearances is one of an ongoing nature and encompasses multiple violations of human rights law.

The results of the workshop formed the basis of many States' written submissions to the Office of the High Commissioner regarding the proposed Convention.

Objectives

- To promote the establishment of an effective, impartial and independent international court to prosecute gross violations of human rights namely, war crimes, crimes against humanity and genocide.
- To seek the adoption of new standards for the eradication of impunity, including a Convention on Forced Disappearances.

Activity

A parallel meeting, entitled "Universal Jurisdiction: Crimes against Humanity and Impunity", was convened on 5 April by the ICJ, Franciscans International, Asamblea Permanente de Derechos Humanos (Argentina) and Amnesty International. The speakers were Dr. Alejandro Artucio, former ICJ Legal Officer for Latin America and Sr. Horacio Ravena. The meeting focused on the Pinochet case, the trials in Germany on disappearances in Argentina and the current status in the UN of the debate on impunity.

The Legal Officer for the Americas participated in a parallel meeting on Peru, at which he denounced the country's withdrawal from the jurisdiction of the Inter-American Court of Human Rights. The Legal Officer additionally presided over a parallel meeting concerning the human situations in Mexico.

A parallel roundtable briefing on Indonesia, entitled "Combating Impunity in the Transition to Democracy", was convened on 30 March by the ICJ, World Council of Churches, Pax Romana, Australian Council for Overseas Aid, Third World Movement Against Exploitation of Women, Robert F. Kennedy Memorial Center for Human Rights and Netherlands Organisation for International Development Cooperation. The meeting was moderated by the ICJ Legal Officer for Asia and the Pacific.

Conclusion

The Commission on Human Rights adopted a resolution on impunity that focused specifically on the International Criminal Court (ICC). The resolution called on States to finalise the ICC rules of procedures and to consider signing and ratifying the treaty establishing the ICC. Slow progress was otherwise achieved on several draft standards related to impunity. These include the draft Convention on Forced Disappearances; the draft Basic Principles and Guidelines on the Rights to Restitution, Compensation and Rehabilitation for Victims of Grave Violations of Human Rights and Fundamental Freedoms, and the Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity.

In an encouraging development, the Commission moved closer to adopting an Optional Protocol to the Convention against Torture, which would allow on-site visits to places of detention. A resolution requested the Working Group considering the draft to meet for two weeks "with a view to completing expeditiously a final and substantive text."

Project n°2000.95: Mission to Peru

Objectives

- To contribute to the promotion of human rights and the rule of law in Peru, and particularly the curtailment of impunity, by assisting governmental and non-governmental institutions in their efforts at legal and institutional reform, administration of justice and prosecution of human rights offenders.

Activities

The Legal Officer for Latin America visited Peru from 12 to 18 November 2000 as part of a joint mission with Amnesty International (AI). The mission team held discussions with a number of governmental officials, including the Attorney General, the official in charge of humanitarian affairs and human rights from the Ministry of Foreign Affairs, the Human Rights Ombudsman, the President of the Special Court on Terrorism, and the ad hoc Public Prosecutor in charge of the case against Vladimiro Montesinos. The ICJ and AI presented the officials with a petition urging, *inter alia*, the repeal of amnesty laws, the prosecution of accused human rights offenders before civilian as opposed to military courts, reparations for human rights victims, and the establishment of a truth commission. The team also met with representatives from leading NGOs, trade unions and the clergy. The mission team held a press conference to publicise the objectives of the mission. The ICJ also convened a workshop on the question of universal jurisdiction and the Pinochet case, attended by some 50 persons, including judges, prosecutors and NGOs.

Conclusion

The visit to Peru was a highly constructive mission, conducted with cooperation by many government authorities. The ICJ and AI were able to follow up their mission by preparing an *amicus curiae* brief for the Public Prosecutor in charge of the human rights related case against Vladimiro Montesino. The brief sets out the case for the obligation of the State to prosecution and punish perpetrators of serious human rights violations and for the incompatibility of certain amnesty provisions with that obligation.

Miscellaneous Project: Fighting Impunity Through Case Law

Objectives

- To provide legal advice to national tribunals, governmental authorities and regional intergovernmental organisations on matters concerning state obligations relating to the protection of human rights and impunity. Depending on the nature of the case and forum to which it is addressed, a presentation may take the form of an *amicus curiae*, a legal brief on behalf of a party to a case, an affidavit, or another submission;
- To advance and develop national and intervention jurisprudence concerning state obligations with respect to matters of impunity;
- To contribute to the process of incorporating international law into national juridical practice and promoting its application by national tribunals;
- To contribute to the development of new international and national jurisprudence toward the realisation of state obligations in the fight against impunity and the implications for victims of human rights violations;
- To disseminate and promote international legal doctrine and jurisprudence on standards on impunity within the national judicial systems.

Activities

- Guatemala: In May, at the request of the NGO CEJIL, the ICJ presented an *amicus curiae* concerning the right to truth on behalf of the families of victims of enforced disappearances in the case of *Bamaca v. Guatemala*.
- Colombia: In July, at the request of the Colombian Commission of Jurists, the ICJ prepared an *amicus curiae* to the Superior Counsel of the Colombian magistracy concerning the use of military tribunals to judge cases against military personnel accused of enforced disappearances and the incompatibility of such procedures with the international obligations of Colombia. The case involved accusations against a number of military personnel in the disappearance and murder of Nydia E. Bautista.
- Argentina: In August, the ICJ presented a legal brief to the President of the Republic of Argentina, concerning the incompatibility with Argentina's international obligations of the use of military tribunals to try cases of persons accused of complicity in enforced disappearances.
- Peru: In December, at the request of the Peruvian NGO coalition Coordinadora Nacional de derechos humanos, the ICJ prepared an *amicus curiae* on behalf of the Prosecutor in charge of the case against Wladimiro Montesinos for acts of torture, summary executions and enforced disappearances. The brief argued that the amnesty authorised by the government of former President Fujimori was incompatible with Peru's international obligations.
- Chile: In December, the ICJ prepared a legal brief concerning the incompatibility of the amnesty law enacted by the Pinochet military government with Chile's international obligations. The brief had been commissioned by a number of lawyers and NGOs involved in cases against Augusto Pinochet and other officials accused of human rights violations committed during the military dictatorship. It was submitted to the investing judge, Juan Guzman Tapias, on 25 January 2001.

Priority Objective Four

The legal protection and promotion of all legal rights, including social, economic and cultural rights

A. Economic, Social and Cultural Rights

Project n°2000.62: Domestic Implementation of the European Social Charter, Moscow, Russian Federation
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Objectives

- To work towards the promotion of fundamental social rights in the Russian Federation by providing expert training on the Revised European Social Charter (RESC) and on the International Covenant on Economic, Social, and Cultural Rights (ICESCR).
- To establish and facilitate a dialogue between relevant State authorities, non-governmental organisations and trade unionists on the development and the implementation of strategies for the protection of fundamental social rights.

Activities

The ICJ, in cooperation with its Russian NGO partners, the Centre for the Development of Democracy and Human Rights and the Civil Society Foundation, organised a Seminar, held in Moscow from 18-20 July 2000 entitled "Promoting Fundamental Social Rights in the Russian Federation through International Instruments: The Revised European Social Charter and the International Covenant on Economic, Social and Cultural Rights." Representatives of the Secretariat of the European Social Charter Division of the Council of Europe and of the UN Committee on Economic, Social and Cultural Rights acted as resource persons.

The Seminar was attended by some 50 NGO representatives and trade unionists from 19 regions of the Russian Federation and by representatives of the State Duma and Ministries of Labour and Foreign Affairs. The ICJ Legal officer for Europe was one of the co-organisers of the Seminar and participated as a resource person on the European Social Charter.

In addition to training on the RESC and the ICESCR, the seminar included an unprecedented panel discussion between governmental and non-governmental experts on the policy of the Russian Federation in the sphere of fundamental social rights. NGO and trade union representatives assessed activities that had been carried out to promote the European Social Charter during the preceding year and discussed a plan of action to be implemented in the following year. A panel of governmental and non-governmental participants, including the ICJ legal officer for Europe, also facilitated a discussion on NGO activities relating to the report to be submitted by the Russian Federation to the UN Committee on Economic, Social and Cultural Rights.

Conclusion

The Seminar was a follow-up to the seminar held in Saratov, Russian Federation, in July 1999, during which the ICJ had identified local partners and promoted the launch of a network of Russian NGOs committed to promoting fundamental social rights in the Russian Federation. The network was consolidated through the adoption of the Golitsino Conclusions and Recommendations and of an NGO Plan of Action for the promotion of fundamental social rights in the Russian Federation. The Conclusions addressed, *inter alia*, inadequacies of state policy in the area of social and economic rights and obstacles to the promotion of fundamental social rights within civil society.

The Recommendations were made to international organisations, including international financial institutions, the government of the Russian Federation, members of the State Duma, judges and lawyers, NGOs and trade unions. Among the most urgent goals in the Plan of Action is the speedy ratification by the Russian Federation of the Revised European Social Charter.

Project No. 2000.62 Domestic Implementation of European Social Charter, Chisinau, Moldova

Objectives

- To provide a forum for a dialogue between State authorities, civil society representatives, the ICJ and the Council of Europe on fundamental social rights; To provide training on the European Social Charter and to promote the ratification of the European Social Charter by Moldova.

Activity

The League for the Defence of Human Rights in Moldova (LADOM) and the Office of the Council of Europe in Moldova invited the ICJ Legal Officer for Europe and a member of the Social Charter Section of the Council for Europe Directorate for Human Rights to participate in a roundtable on "Modalities of promotion and implementation of the European Social Charter in Moldova," on 16 March 2000 and in a complementary national Conference on "Respecting Economic and Social Rights in the Republic of Moldova: Achievements, Experiences and Trends", on 17 March 2000.

Conclusion

The roundtable and the national conference constituted a positive follow-up, at the national level, to the sub-regional seminars organised by the ICJ in co-operation with the Council of Europe on the European Social Charter since 1998. The Moldovan NGOs committed themselves to build upon the results of the roundtable and seminar to adopt a further national program for the promotion of economic and social rights through the Revised European Social Charter. The ICJ committed itself to provide them with support to pursue future activities in this regard. Regrettably, no follow-up has yet been decided upon by Moldovan NGOs. This inactivity, unfortunately, is a reflection of the very difficult conditions in which they operate and of the tragic economic and social situation throughout Moldova.

Project n°2000.29: 14th Workshop Prior to the 27th Session of ACHPR Focusing on Economic, Social and Cultural Rights for ECOWAS representatives

Objectives

- To renew and enhance activities aimed toward achieving increased participation of civil society in the work of the African Commission on Peoples' Rights (ACHPR).

Activities

The ICJ held its 14th Workshop on Participation in the African Commission on Human Rights in Cotonou, Benin from 20-22 October 2000. The Workshop concentrated particularly on the promotion and protection of economic, social and cultural rights and strategies for the World Conference on Racism. With regard to the former, discussions focused upon the need to make economic, social and cultural rights justiciable and to assist the African Commission in developing its analyses in this area. As to the World Conference on Racism, participants considered relevant thematic issues and undertook to disseminate more widely information on the Conference.

The Legal Officer for Africa also represented the ICJ at the 28th Ordinary Session of the ACHPR held in Cotonou, Benin from 23 October to 6 November 2000.

Conclusion

The ICJ presented a summary of the Report of the 14th Workshop to the ACHPR at its 28th session. In its report, the Workshop recommended that the ACPHR appoint a special rapporteur on human rights defenders; become involved in OAU mechanisms such as the Conference on Security; more effectively address economic, social and cultural rights; cooperate with UNDP and NGOs on development; denounce coup d'états; send a mission to the Democratic Republic of the Congo; participate in the drafting of the OAU Convention on Corruption; establish a working group on the Right to Development composed of ACHPR members and government and NGO representatives; request African groups in Geneva to facilitate the participation of African NGOs in the World Conference on Racism; and monitor constitutional review in Africa. While failing to take on board many of these suggestions, the Commission did pay special consideration to the recommendations regarding its role in the World Conference on Racism.

<p>Project n°2000.46: Andean Commission of Jurists Training Course-Andean region, Santa Cruz de la Sierra, Bolivia</p>
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Objectives

- To improve the functioning of the administration of justice in the Andean region in the context of globalisation through the training and education of lawyers, judges and public officials.

Activity

The Legal Officer for Latin America participated in the International Training Course in the Andean region, held in Santa Cruz de la Sierra from 26 to 30 June. Convened by Andean Commission of Jurists, an ICJ affiliate, the course was attended by some 63 persons from Venezuela, Colombia, Ecuador, Peru, Bolivia, and Chile. Participants included government ministers, ombudsmen, public administrators, members of the judiciary, academics and NGO members. The topics considered were problems relating to globalisation, institutional development and reforms in the Andean region, the effects of corruption, public services, and economic, social and cultural rights and their protection at the domestic and international levels. The Legal Officer for Latin America delivered a presentation concerning the economic, social and cultural rights, examining the questions of justiciability, the status of such rights within the universal system of rights protection and the Inter-American system, and their relationship to practices of private actors, such as trans-national corporations. A written paper accompanying his presentation was included in a publication of the Course entitled *Democracia y Derechos Humanos en el Contexto Economico Latinoamericano*. The Legal Officer also participated in the working groups of the course, served as a moderator for a part of the proceedings, and delivered a number of interventions.

Conclusion

The participation by the ICJ in the Training Course effectively served the aim of assisting various actors in the Andean region in their efforts to fortify the administration of justice through enhanced focus on good governance and implementation of human rights, especially economic, social and cultural rights. The ICJ also benefited from the mutual exchange of expertise and the strengthening of contacts with important players in the sub-region.

B. Civil and Political Rights

Miscellaneous Project: Presentation at Regional Workshop on Constitutional Development in East Africa

Objectives

- To participate in discussions to formulate and support strategies in response to contemporary developments in the East African region generally and Uganda specifically.

Activity

The Legal Officer for Africa delivered the main address concerning the Rule of Law and Constitutional Development at a regional workshop attended by some 100 representatives of the bar associations of Uganda, Kenya and Tanzania. The Workshop was held in Kampala, Uganda on 17 November 2000, under the auspices of the East African Centre for Constitutional Development, whose chairperson is ICJ Member Justice Solomy Bossa. General discussions were held regarding a number of constitutional problems in the region, including the recent enactment of an amendment to the Constitution of Uganda, which would confer parliamentary immunity from judicial inquiry.

Conclusion

Conference participants expressed the desire that the ICJ continue to support the efforts of East African Lawyers in promoting the Rule of Law in the region and in addressing such problems as those relating to the institutionalisation of one-party rule and the independence of the judiciary.

Project n°2000.91: Legal Services in Rural Areas Seminar

Objectives

- To gain a view in broad terms and with regard to individual countries as to the status of legal services in rural Africa;
- To develop skills based on field experiences and to design a future networking system and set strategic goals for regional action.

Activity

The ICJ held the Meeting of Trainers and Training Institutions (LSRA) in Cotonou, Benin, from 24 to 26 October 2000. Some 25 participants from NGOs providing legal services in Africa attended, presenting reports on their activities with analyses as to the challenges and prospects for the future. Representatives from South Africa and Benin delivered case studies. Participants took a field trip to Zanvie to observe the activities of paralegals in that rural area.

Conclusion

The seminar noted that significant challenges to their activities remained, including limitations of accessibility to certain areas, the resistance by some communities to change, the disregard of paralegals by lawyers, the question of remuneration of paralegals, the need for a standardised training curriculum and the imperative to broaden the role of paralegals, so as to include community mobilisation skills and to raise awareness in respect of HIV/AIDS. In taking steps towards establishing a networking strategy, the seminar established regional focal points for East Africa, West Africa, Southern Africa and Central Africa.

Miscellaneous Project : International Conference for Peace and Human Rights, San Jose Costa Rica

Objectives

- To support Colombian NGOs in their initiatives on human rights and international humanitarian law, especially vis-à-vis the "Plan Colombia";
- To contribute to the establishment of dialogue between members of civil society, the government of Colombia and the guerrilla movements, in order to achieve an agreement on matters of humanitarian concern between the parties to the conflict and to move toward a political resolution of the internal armed conflict

Activities

The Legal Officer for Latin America attended the International Conference for Peace and Human Rights, held from 16 to 18 October 2000 in Costa Rica. The Conference was organised by the Colombian government and Paz Colombia, a coalition of non-governmental organisations, in cooperation with the UN. Participating in the Conference were some 37 diplomatic delegations and 30 international NGOs. In addition, the ELN, one of two major armed opposition groups attended. The ICJ participated actively in the preparation and editing of a declaration of international NGOs, to be circulated in Colombia.

Conclusion

The International NGO Declaration recognised the need for a political solution, supported by all sectors of society, that respected human rights and international humanitarian law by all armed actors, the dismantling of paramilitary groups, an end to impunity and the removal of human rights violators from the military. The declaration expressed concern regarding a joint Colombian/United States military plan that could undermine human rights. The declaration called on armed actors to fully respect human rights and humanitarian law.

Project No. 2000.88 Seminar on Upholding the Rule of Law in Nigeria

Objectives

- To advance and strengthen the rule of law in Nigeria in the emergent regime of the 1999 constitution.

Activity

The ICJ organised a seminar in Abuja entitled "Upholding the Rule of Law: Jurists and the 1999 Constitution of Nigeria," in collaboration with its Nigerian affiliate, the Legal Research and Resource Development Centre (LRRDC). Held on 14-16 February, the Seminar considered the following topics: Constitutionalism in Nigeria - Trends and Perspectives; Establishing the Rule of Law; The Fundamental Human Rights Provisions; Strengthening the Independence of the Judiciary and the Legal Profession in Nigeria; Judicial Corruption; The Role and Functioning of the Legal Profession; Establishing Independent Constitutional Institutions; The Role of Judges and Lawyers in Constitutional Review Process; and Embarking on a Process-Led Constitution-Making Approach: The Way Forward. The seminar as a whole and smaller working groups held substantive discussions.

Conclusion

Participants recommended a review of the 1999 Constitution through an inclusive consultative process. The seminar adopted resolutions, *inter alia*, calling on: the Federal State to adequately resource the judiciary and the justice system; Chief Judges to eradicate corruption in the judiciary of their states; the National Human Rights Commission to be adequately funded and staffed so as to enable it to expand its activities; the State to introduce free and compulsory education up to secondary school level for all; the government at all levels and civil society groups to initiate programmes to educate Nigerians on constitutionalism; and the government to involve more women in decision-making and policy processes.

Miscellaneous Project: Workshop and Launch of UNDP Human Development Report 20000

Objectives

- To advance an integrated approach to human rights and human development.

Activities

The Legal Officer for Africa participated in a workshop in Bamako, Mali on 12 July, ahead of the launch of the UNDP Human Development Report 2000. The workshop was attended by representative from governments, NGOs, media and UNDP staff. The Legal Officer served as a resource person and made a presentation analysing the human rights approach to development as applicable to Africa and its sub-regions.

Conclusion

The President of Mali, He Alpha Konare, launched the UNDP Human Development report on 13 July. In attendance were a number of dignitaries, including the UN High Commissioner for Human Rights and the President of Botswana. The workshop presented to participants of the launch the Declaration that had been adopted, regarding an integrated approach to development through human rights principles.

Priority Objective Five:

Abolition of the Death Penalty

Project No. 1999.88 Publication of The Death Penalty: Condemned
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Objectives

- To contribute to the campaign and to develop strategies for securing the global abolition of the death penalty

Activity

In 2000, the ICJ published *The Death Penalty Condemned*, a compilation of extended versions of some of the papers presented at the Roundtable on the Death Penalty that the ICJ had convened during the 1999 session of the Commission on Human Rights. The Roundtable had been intended, *inter alia*, to garner support at the Commission for an EU-sponsored resolution against the death penalty. The event was sponsored by the European Union, funded by the Governments of Germany and the United Kingdom, and attended by 110 participants from national delegations, IGOs and NGOs. Included in the resulting publication are the Opening Remarks by Dr. Jeroen Schokkenbroek representative of the Council of Europe who acted as Chairperson during the seminar; Beyond Capital Punishment: Respecting the Needs of Victims and Establishing Effective Alternatives to the Death Penalty; Capital Punishment in the United States of America (Bryan Stevenson); Death as a Penalty in the Shari'a (M. Cherif Bassiouni); A Site of Mass Execution; The Death Penalty in the Russian Federation (Anatoly Pristavkin); The Death Penalty in Trinidad and Tobago (Frank D, Solomon); and the Closing Remarks made at the seminar by H.E. Ambassador Lewalterk, Permanent Representative of Germany at the United Nations in Geneva.

Conclusion

Some of the principal points made in the various papers mentioned above are that: demands for retribution in the form of the death penalty may result from political expediency; abolitionist arguments should address the interests and rights of victims and their families; racial and economic bias are inherent in the application of the death penalty in particular in the United States; moves to sanitise the execution process to ensure more "humane" modes of killing threaten to obscure and degrade abolitionist efforts and must be addressed; the attitude of Shari'a to the administration of the death penalty differs from those of civil and common law jurisdictions and must be approached distinctively.

At its 1999 session, the Commission on Human Rights adopted a strong resolution on the death penalty, calling on retentionist countries to observe a moratorium on the death penalty and urging States not to extradite persons in situations where they might face the death penalty. During its 52nd session in August 2000, the Sub-Commission adopted a resolution endorsing the ICJ position that the execution of juvenile offenders is in breach of customary international law. The ICJ hopes for a similar pronouncement from the Commission in 2001.

Objectives for 2000

- To lobby for a resolution on the global abolition of the death penalty, with particular emphasis on the application of the death penalty against minors.

Activities

- The ICJ delivered an oral intervention calling for the abolition of the death penalty and insisting on the illegality under international human rights law of applying the death penalty against persons who were minors at the time of the commission of their offence. The ICJ's submissions were reflected in the Sub-Commission's resolution that stated that execution of minors constitutes a violation of *jus cogens*. The ICJ stance was widely reported in the media and adopted by other human rights organisations.

Conclusion

The ICJ considers the resolution to constitute an important legal step in the abolition of the death penalty for juvenile offenders.

Miscellaneous Program Activity

Project n° 2000.99 and 2000.82: ICJ Strategic Plan

Objectives

To draft a Strategic Plan for the period 2000-2002 which;

- Articulates a mission and vision statement
- Sets program and management priorities including fundraising objectives
- Establishes guidelines for operational decisions
- Provides a clear map for institutional development
- Develops an organisational capacity to identify challenges and respond to change

Activity

A Geneva based consultant, Mr Frederick de Cock was engaged to facilitate the drafting process. A two-day residential workshop was arranged for all staff in May and an initial draft presented to the Executive Committee in June. That draft was subject to subsequent amendments and revisions. A final was approved in September.

Conclusion

The ICJ 's Strategic Plan incorporates a strong vision statement, establishes priority themes and quantifiable goals as program Objectives. It provides a map for future activities, a framework for the development of funding proposals and the focus of our redesigned web site. The plan places emphasis on effective human resource management, planning and performance evaluation and integration of information technology in all operations to ensure economies in overheads and increased efficiency. The plan also emphasises the need for a diverse donor base with a goal of a 1:4 ratio for core: program funds. A copy of the Plan is attached to this report.

INTERNATIONAL COMMISSION OF JURISTS

FY 2000

CORE & PROGRAMME

ACTUALS

All figures are expressed in Swiss Francs

STAFF POSITIONS

1. The Secretary General	FT
2. Executive Secretary	FT
3. Financial Controller	FT
4. Legal Officer - CIJL	FT
5. Legal Officer - Fighting Impunity	FT
6. Legal Officer - Promotion and Protection of ESCR	FT
7. Legal Officer - Implementation of HR Norms in Civil Law (To be recruited 2nd semester)	FT
7. Legal Officer - Implementation of HR Norms in Common Law (To be recruited 2nd semester)	FT
9. Personal Assistant to the SG	FT
10. Publications Officer	FT
11. General Services / Assistant Publications Officer	FT
12. IT Officer & Web Designer	FT
13. Administrative Assistant	80%
14. Administrative Assistant	80%

Financing	
	SFR 2000
Actual Core/Program Budget Revenues	3,107,735
Actual Core / Program Budget Expenses	(3,090,321)
Actual Excess / (Deficit)	17,414

CORE BUDGET - INCOME RECEIVED

	2000 Actuals SFR	%
1. Governments (list attached)	256,413	13.52
2. SIDA (1st contribution)	258,257	13.62
3. SIDA*** (2nd contribution)	689,655	36.37
4. Other Foundations	0	0.00
5. ICJ National Sections (Estimate)	10,490	0.55
6. ICJ Memberships	7,756	0.41
7. Project Overheads (20%)	164,637	8.68
8. Project Staff Time	251,342	13.25
9. ICJ Preparation	53,000	2.79
10. ICJ Background Documents	4,000	0.21
11. Publications Sales	22,924	1.21
12. Interest income & Misc.	114,002	6.01
13. Exchange Gains	63,772	3.36
Total Actual Income	1,896,248	100

*** COMMITTED

DETAILS OF GOVERNMENTAL INCOME

Name	Currency	2000 Actuals	2000 Actuals
		Foreign Curr'y	SFR
Austria	ATS	60,000.00	5,626.33
Cyprus (Once every 3 years)	CYP	12,000.00	11,922.75
Finland	FIM	150,000.00	38,147.55
France	FFR	85,000.00	19,722.33
Geneva (state)	CHF	22,500.00	22,500.00
Germany	DEM	30,000.00	23,750.54
Greece	US\$	2,700.00	4,792.50
Holland	DGL	40,000.00	29,198.00
Spain	CHF	11,000.00	11,100.94
Switzerland	CHF		50,000.00
United Kingdom	GBP	33,000.00	39,652.50
Total Governments			256,413.44

ICJ PROGRAMME & SPECIAL PROJECTS CONTRIBUTIONS

- INCOME RECEIVED

	2000 Actuals SFR	%
SIDA (1st contribution)	292,202	24.12
NOVIB	224,725	18.55
Dutch Foreign Ministry	172,187	14.21
DANIDA	102,044	8.42
Danchurchaid	20,427	1.69
ICCO	55,264	4.56
Ford Foundation (SP)	33,645	2.78
State Reporting - 1999 Balance (SP)	27,925	2.31
Foundation for HR at Work (SP)	13,900	1.15
Swiss Dept of Foreign Affairs (SP)	7,000	0.58
French Dept of Foreign Affairs (SP)	7,000	0.58
Dealth Penalty (UK Mission) - 1999 Balance***	15,747.25	1.30
Dealth Penalty (German Mission) - 1999 Balance***	16,216.00	1.34
German Govt (LSRA) - 1999 Balance	4,204	0.35
German Govt (LSRA) - 2000 Contribution	123,300	10.18
Ford Foundation (Nigeria & the Rule of Law)	95,700	7.90
Total Program & Special Proj. Contributions	1,211,487	100.00

*** Includes Sfr14,166 payable to the British & German Governments.

ICJ GENERAL EXPENSES
2000

Budget Item	2000 Actuals SFR
1. Staff Costs	
Staff Members ICJ/CIJL	14
1.1 Salaries	1,164,566
1.2 Social Costs + Allowances	252,981
Sub-Total Staff Costs	1,417,547
2. Publications	
ICJ Review	15,333
ICJ Quarterly Digest	8,840
CIJL Attacks on Justice	30,678
CIJL Yearbook	22,246
Other Reports	1914
Sub-Total Staff Costs	79,011

Budget Item	2000 Actuals SFR
3 . General Overheads	
Rent of Offices	125,965
Services & Maintenance	23,441
Postage (normal)	11,089
Electricity Expense	8,110
Telecommunications	78,809
Office supplies	13,063
Lease Agreements - Office Equipment	18,276
Subscriptions/Library & Advertising	3,217
Auditors	28,875
Contingency & Miscellaneous	6,687
Repairs & Maintenance	10,217
Mail Services (DHL/Fedex/Mailfast)	6,952
Bank Charges & Commission	10,227
Sub-Total General Overheads	344,928

Budget Item	2000 Actuals SFR
4 . Fundraising, EXCO & Misc.	
Travel	9,146
Entertainment	3,842
Meetings & Expenses	15,378
Staff Development	3,800
Recruitment Expenses	32,553
Sub-Total Fundraising, EXCO & Misc.	64,719
5. Other Costs	
SIDA Interest Expense	
Bad Debt Provision Reversal - Fiji (EURO 108,142)	(169,177)
Prior Year Expenses	309
Exchange Losses	141,497
Sub-Total Other Costs	(27,371)
Grand Total of Items 1 to 5	1,878,834
ICJ Programme & Special Projects Expenses	1,197,322

NUMBER PROJECTS	ICJ PROGRAMME 2000	PROGRAM EXPENSES SFR
<u>ICJ PROJECTS</u>		
2000.05	UN Commission on Human Rights	31,868
2000.06	UN Sub-Commission on Human Rights	23,664
2000.08	Standard-Setting Activities	28,644
2000.11	United Nations Treaty Bodies	24,870
2000.96	Convention on Enforced Disappearances	29,423
2000.17	CIJL Cases-Alerts & Interventions	29,146
2000.25	Experts Meeting on Judicial Corruption	88,546
2000.78	Judicial System-Israeli Occupied/Palstinian Territories	101,105
2000.97	Publication on Fact Finding Mission to Turkey	39,314
2000.29	14th Workshop - ACHPR - Theme ESCR	140,755
2000.31	Workshop-OAU Council Meetings & Summit	13,596
2000.32	27th Session on Human and Peoples Rights	17,810
2000.33	Workshop-OAU Council Meetings & Summit	15,866
2000.43	Conference on Human Rights - Regional Bodies - AOS	13,687
2000.46	Training Course-Andean Region	74,906
2000.95	Fact Finding Mission to Peru	11,716
1999.94	State Rep. - Special Focus on ESCR and CRC, Sri Lanka	27,925
2000.98	Asia Pacific Forum	3,600
1999.92	Publication-Promotion/Protection of ESCR, Russia Fed.	16,718
2000.59	Human Rights Developments and New Standard-Settings	23,026
2000.62	Seminar - European Social Charter, Russia	83,228
2000.82	Strengthening the Networks National Sections and Affiliates	7,279
2000.99	ICJ Strategic Plan	50,000
Sub-Total		896,692
<u>ICJ SPECIAL PROJECTS</u>		
1999.88	Seminar on the Death Penalty	17,797.30
2000.91	Legal Services in Rural Areas	129,619.62
2000.88	Seminar on Nigeria & the Rule of Law	153,212.96
Sub-Total		300,629.88
GRAND TOTAL		1,197,322

The ICJ

The International Commission of Jurists (ICJ) is an international, non-governmental organisation whose mission is to promote and protect human rights through the Rule of Law. The Rule of Law is not a mere application of legal rules. It is a dynamic concept for the expansion and fulfilment of which jurists are primarily responsible. Its goal is to promote and protect civil, political, social, economic and cultural rights in a democratic society.

What distinguishes the ICJ in the growing civil society sector is its specifically legal approach to human rights.

Commission membership is composed of 45 eminent jurists who are representative of the different legal systems of the world. To assist in carrying out its work, the International Secretariat benefits from a network of independent national sections and affiliated legal organisations in Africa, Asia/Pacific, Europe, the Middle East, Latin and North America, and the Caribbean. Based in Geneva, the ICJ has consultative status with the United Nations Economic and Social Council, UNESCO, the Organisation of African Unity and the Council of Europe.

The Commission was founded in 1952 in Berlin. It created the Centre for the Independence of Judges and Lawyers (CIJL) in 1978 to promote and protect the independence of the judiciary and the legal profession.

The ICJ was awarded the first European Human Rights Prize by the Council of Europe in 1980, the Wateler Peace Prize in 1984, the Erasmus Prize in 1989 and the United Nations Award for Human Rights in 1993.