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"Dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights"

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ICJ Intervention Following the Update by the UN High Commissioner for Human Rights

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Madam High Commissioner,

We welcome your analysis of some of the gravest root causes of chronic and emergency human rights situations, involving the crisis situations and armed conflicts, discrimination, suppression of dissenting opinions or a lack of accountability, such as in counter-terrorism. It is essential that your Office continue to share more details on its strategies in addressing those challenges.

Tackling the plight of civilians both in armed conflicts and generally in any crisis situations is essential. The unconditional protection of civilians provided for by the international human rights and international humanitarian law must be observed in all international and internal armed conflicts. However, individuals should have their human rights protected in any time of crises. The latest armed conflicts in the Occupied Palestinian Territory, Sri Lanka or the Democratic Republic of the Congo, and crises such as the suffering of civilians in Myanmar, point to the systematic departures from the civilians' protection and prove a pattern of impunity instead of accountability.

This Council should help reverse this trend and establish a dedicated mandate to exercise early-warning of the emergence of human rights violations in any crisis situations, such as in public emergency, armed conflicts, internal instability or generalized situation of violence. This mandate would carry out a fact-finding and make recommendations to the UN in order to prevent and to help stop human rights violations and crimes, and to ensure accountability of their perpetrators. Regular access by the Council's Special Procedures to the UN Security Council is vital for ensuring an effective early warning, prevention and investigation of gross violations of human rights of civilians.

All States are due to honour the commitment to observe human rights in counter-terrorism. The US administration in particular should follow on its initial resolve to terminate past abuses, including by broadening the mandate of the Attorney General to achieve accountability for torture of detainees secretly held and other "war on terror" crimes. The UN organs and bodies are expected to reinforce accountability and the rule of law in counter-terrorism, such as through provision of relevant technical assistance on human rights aspects and ensuring compliance of listing and de-listing procedures with the due process guarantees. This Council should move beyond its call for victims' access to remedies and urge accountability of perpetrators of human rights violations in counter-terrorism.

The independence of judges and lawyers remains delicate in many parts of the world. All Governments should aim at enhancing the capacity of judges and lawyers as protectors and guarantors of human rights and of the rule of law in all circumstances, especially in times of crises. Judges and lawyers must be protected against any violence, threats or retaliation for the exercise of their professional functions. It is also important to refrain from placing the administration of justice from the ordinary courts under the military jurisdiction, as it may undermine a critical role of the ordinary judiciary in protecting human rights, the rule of law and combating impunity for violations of human rights and international humanitarian law.

High Commissioner,

The ICJ invites this Council to address several country situations:

The recent war in Gaza has been replete with violations of international human rights law and international humanitarian law committed by the Israel Defence Forces and Hamas and other Palestinian armed groups. The time has come for accountability for these grave violations of human rights and the international crimes committed during the conflict. Due to absence of the independent national investigation, the ICJ calls on individual States and on the international community to end prevailing impunity. Accountability should be exercised by instituting the proceedings by the International Criminal Court, action by the UN Security Council under Chapter VII of the Charter and by invoking universal jurisdiction, as victims' access to justice cannot be delayed by yet another expert investigation.

In Sri Lanka, humanitarian aid - including that by the ICRC, has been paralyzed by the limited access to the internally displaced persons (IDPs), maintenance of internment camps and prevalence of restrictions on freedom of movement. Lack of access to the list of IDPs hampers their need of resettlement and reunification. The ICJ denounces sentencing of the Sri Lankan journalist J. S. Tissainayagam to a 20-year imprisonment, under the overly vague and far-reaching anti-terrorism laws, for the simple expression of criticism of treatment of Tamil civilians by the Sri Lankan army. His trial became emblematic of the systematic violations of the freedom of expression and weakening of the democratic and rule of law institutions by the Government of Sri Lanka.

Given the fresh human rights violations in Iran following the disputed presidential election, the ICJ urges the Government of Iran to release those arbitrarily detained and investigate acts of torture and other ill treatment against them. We urge the Iranian Government to end all violations of freedoms of expression and assembly, abolish the death penalty and co-operate with international human rights mechanisms, including the Special Procedures of the Human Rights Council and the treaty bodies.

Madam High Commissioner,

I thank you and wish you success in your endeavours.

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