



INTERNATIONAL COMMISSION OF JURISTS

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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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Madam High Commissioner,

The International Commission of Jurists (ICJ) welcomes your **annual report** on the OHCHR's activities and commends your leadership, exercised in accordance with the mandate established by the General Assembly and the Strategic Framework it approved.

The ICJ particularly values your initiatives for the protection of human rights through defence and strengthening of the **rule of law**, as Governments' exercise of their responsibility to promote and protect human rights requires fully effective national protection systems. The ICJ calls on the Council to assess individual Governments' and the Council's contribution to the rule of law, including the latter's effectiveness in holding Governments accountable for human rights violations.

National protection systems require full incorporation and implementation of comprehensive human rights standards, a clear separation of powers between the three branches of the States, and strong institutions, particularly an independent and impartial judiciary. Victims must be able to seek remedies for human rights violations. Equal treatment and protection of the law, and accountability for human rights violations, are also essential.

The new institutions, in particular **the Universal Periodic Review**, should demonstrate a heightened level of scrutiny and accountability of all states. The UPR is also expected to promote adherence to universal standards and their universal application, and serve as an early warning mechanism interacting with principal UN organs. Meeting the UPR objectives will require leadership by the troika of rapporteurs, to be supported by the OHCHR.

Human rights and **democracy** can be mutually supportive if democratic and effective judicial, parliamentary and executive institutions and vibrant civil society support their implementation. The Council has a corresponding task in addressing democratic deficits and systematic gaps in national protection systems. However, the Council has addressed few country situations, has lacked vision and leadership on thematic issues. It has addressed just some of the most critical situations through the Special Sessions, but in ways that have sometimes perpetuated an unacceptable political bias. The ICJ urges all the Council members **to address impartially and consistently democratic deficits.**

Madam High Commissioner,

The Council has yet to contribute to dealing with the consequences of violence in **Kenya**. Despite the recent political agreement on power-sharing, the political settlement still needs to provide for inquiry into recent serious human rights violations, address ethnic tensions, prevent displacement, and ensure constitutional reform, reinforcing the protection of human rights. We await to see whether the serious rule of law crisis in **Pakistan** that has not

disappeared with the election, will be addressed by the Council – especially the attack on the judiciary. In **Zimbabwe**, the Council must express its expectation that the upcoming March parliamentary election will be free and fair.

As armed conflicts perpetuate violations of human rights, which in turn fuel conflicts, the Council, OHCHR and other UN bodies must hold the parties to account, be they in the **OPTs**, **Sudan** or **Sri Lanka**. Many emergency and counter-terrorism measures also remain of concern, including arbitrary detention and excessive interrogation techniques in the **US**, **Israel** and **Russia**.

The ICJ welcomes your Office's **rapid response and fact-finding initiatives**, including the recent mission to Kenya. We commend your support to UN peace missions, which should regularly report to the Council on human rights issues. We welcome the expansion of your country and regional offices, and support the prompt establishment of a regional presence in North Africa.

The ICJ commends your field activities in **Uganda** that support combat impunity and reach a sustainable peace. The recent agreement between the Government and the rebel LRA that would establish a special division of the High Court of Uganda to try individuals alleged to have committed serious crimes during the conflict and provide for reparations for war victims as part of national reconciliation must ensure effective accountability.

In **Nepal**, the Government will need the sustained assistance of the OHCHR to address past injustices effectively. The ICJ calls on the Nepali Government to adopt legislation that will ensure there is no justice vacuum, by transferring cases of human rights violations from *ad hoc* "tribunals" set up by the Maoists during the conflict, to regular courts of justice.

In **Colombia**, the OHCHR's assistance to the Government is key, as the issues of political assassinations, hostage-taking, and impunity remain unaddressed.

Madam High Commissioner, the ICJ hopes that the Council and its new institutions will actively demonstrate its support for the geographical breadth and substantive depth of your Office's activities.

I thank you.
