



# 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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## **ICJ Intervention under Item 4 on Human Rights Situations that require the Human Rights Council's Attention**

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Mr. President,

Several serious country situations require this Council's immediate attention and response.

In **Sri Lanka**, humanitarian aid - including that by the ICRC, has been continuously obstructed by Government limitations on access to internally displaced persons and the *de facto* maintenance of internment camps through unjustifiable restrictions on freedom of movement. Lack of access to the list of IDPs hampers their need of resettlement and reunification. The Government's criminal prosecution and conviction of Sri Lankan journalist, J. S. Tissainayagam - who had criticized treatment of Tamil civilians by the Sri Lankan Government, is the first carried out in Sri Lankan history on the basis of written expression.

The due process guarantees have not been observed in Mr. Tissainayagam's case as the application of procedural formalities did not address overly vague and far-reaching restrictions on, and criminalization of free speech in the emergency and anti-terrorism laws. The Government's use of vague and over-reaching anti-terrorism laws to restrict written expression critical of the Government signals a serious threat to rule of law and undermines democracy.

An environment of intimidation and threats against lawyers and human rights defenders prevails even after the end of the armed conflict. Emblematic of this are the threats against Dr. Saravanamuttu, executive director of the Centre for Policy Alternatives, based on a deliberate misinterpretation of his views on trade and human rights in the context of the debate over renewal of Sri Lanka's preferential trade status under the EU's Global System of Preferences Plus mechanism.

Human rights in **Zimbabwe** are consistently threatened by lack of respect for the rule of law, endemic corruption and systematic abuse of power by some government officials, and by police, army and intelligence officers. Despite the signing of the Global Political Agreement and a power-sharing deal meant to bring about an end to the political, social and economic instability in Zimbabwe, the Government of Zimbabwe has achieved very little to protect and promote human rights and the rule of law.

The general human rights situation remains volatile due to consistent intimidation, harassment, attacks against lawyers, journalists, human rights defenders, MDC members and all persons perceived to be critical of the ruling ZANU-PF. Arbitrary arrest of two lawyers with the Zimbabwe Lawyers for Human Rights (ZLHR), Roselyn Hanzi and Tawanda Zhuwarara, and a prominent human rights lawyer, Alec Muchadehama, as well as other members of civil society strongly illustrate the frequent practice of intimidation, harassment and repression for freedom of expression and legitimate exercise of professional duties.

Despite the efforts by the transitional government to address cholera outbreaks, very little has been accomplished to alleviate severe poverty or to rehabilitate the country's ruined infrastructure. Forced evictions and farm invasions have been rampant in Zimbabwe. Hundreds of people from an informal settlement in the Harare suburb of Gunhill and thousand of vendors across Harare have been forcibly evicted without prior notice or due process. The majority of those affected are poor women whose principal source of livelihood comes from selling fruits, vegetables and other goods at market stalls.

The Zimbabwean judiciary also has faced multiple challenges, including intrusions into its independence and impartiality. ZANU-PF has several times used its partisan control of the judicial system to repress and harass human rights defenders, journalists, lawyers and opposition members. Impunity for human rights violations persists in the vast majority of cases, particularly regarding the bulk of unaddressed gross human rights violations committed before, during and after the 2008 elections.

It is imperative for this Council to urge Zimbabwe to ensure protection of human rights and respect for the rule of law. It is also vital for competent Zimbabwean authorities to unconditionally release political opponents and prisoners of conscience and to immediately put an end to political repression.

The ICJ urges the Council to establish a comprehensive mandate – a separate group of independent experts on Zimbabwe - to help the Government of Zimbabwe investigate past and on-going human rights violations, prevent violence and boost full observance of human rights and their integration throughout the implementation of justice reforms.

Given the fresh human rights violations in **Iran** following the disputed presidential election, this Council must urge the Government of Iran to release those arbitrarily detained and investigate acts of torture and other ill treatment against them. The Iranian Government should also 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.

Given the past failure of the Government of **Nepal** to implement court-ordered arrests of military officials in the emblematic case of Maina Sunuwar, a 15-year-old girl murdered by the military in 2004, it is incumbent on the Council to hold the Nepali Government accountable if it fails to implement recent district court orders to suspend one of four accused from active duty and to hand over relevant Nepal Army documents for the ongoing investigation.

I thank you.