



INTERNATIONAL COMMISSION OF JURISTS

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IMMEDIATE RELEASE

15 September 2009

United Nations: ICJ urges that the Human Rights Council establish new expert mandate to protect individuals against abuses in times of crises

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The International Commission of Jurists (ICJ) urged the UN Human Rights Council as it opened its 12th session in Geneva on 14 September 2009 to establish a new expert mandate to improve protection of human rights of individuals in armed conflicts and generally in any crisis situations. The ICJ requested the Council to harness protection of judges and lawyers from violence and intimidation inflicted on them for their professional functions. It also sought accountability for human rights violations and international crimes committed by the Israeli Army, Hamas and other Palestinian armed groups during the recent war in Gaza.

“This Council should establish a dedicated **expert mandate** - such as the Early-warning Commission, to identify the emergence of human rights violations in any **crisis situations**, such as in public emergency, armed conflicts, internal instability or generalized situation of violence,” stated Lukas Machon, ICJ Representative to the UN. “Such a mandate would carry out an early-warning role and make recommendations to the UN in order to prevent and help stop human rights violations and crimes, and ensure accountability of their perpetrators,” added Machon.

It is important that the Council halt systematic **impunity**, which has become emblematic of the latest armed conflicts in the Occupied Palestinian Territory, Sri Lanka, the Democratic Republic of the Congo or Colombia, and also of the crises such as the suffering of large numbers of individuals in Myanmar or the clampdown on peaceful opposition in Iran.

Growing challenges to the **independence of judges and lawyers** are another source of concern. It is the obligation of all Governments to enhance the capacity of judges and lawyers as protectors and guarantors of human rights and of the rule of law in all circumstances. Judges and lawyers must be protected against any violence, threats or retaliation for the exercise of their professional functions. “The UN mechanisms need to be particularly sensitive to the attacks against judges and lawyers that indicate emergence of the rule of law crises,” continued Machon.

The Governments that have violated their international obligations when **countering terrorism**, including the US administration, are yet to strive for accountability of perpetrators of gross human rights violations, including torture and other international crimes. The UN technical assistance on human rights aspects in countering terrorism and compliance of the UN listing and de-listing procedures with the due process guarantees would help reinforce the accountability and the rule of law.

The ICJ supports the establishment at this session of the Council of a mandate of the Special Rapporteur against the discrimination of women. Such a new mandate would be instrumental for devising the strategies to achieve both *de jure* and *de facto* **equality of women** and non-discrimination in their enjoyment and exercise of human rights. It should also help enhance the human rights perspective within the UN gender strategies.

The time for accountability for grave violations of human rights and alleged international crimes committed during the **Gaza conflict** has come. The alleged perpetrators of such atrocities from among the Israel Defence Forces and Hamas and other Palestinian armed

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groups must not continue benefiting from the absence of independent national investigation, but be investigated and punished with the penalties, which are commensurate with the gravity of their crimes. The ICJ calls on individual States and on the international community to stop condoning the systematic impunity as it instigates further violence and undermines justice and the rule of law. The 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.

It is essential that the Council address, by way of follow-up to its special session, the ongoing crises in **Sri Lanka**, where the humanitarian aid remains paralyzed. It is essential that the Government of Sri Lanka end limitations on access to the internally displaced persons (IDPs), refrain from maintaining the internment camps, lift restrictions on freedom of movement and ensure unhindered access to the registration lists of IDPs. The Council should also seek release of the Sri Lankan journalist J. S. Tissainayagam, who was sentenced 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 Council is expected to seek release of those arbitrarily detained, along with investigation of acts of torture and other ill treatment against them. The Iranian Government must 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.

The Council will also consider a sensitive context of the four fragile country situations – Burundi, Somalia, Liberia and Cambodia. "Given the status of transformation, eruptions of major violence and killings or prevalence of impunity for the past injustices, any of these situations require a sustained assistance by the Council backed by extension of the expert mandates," concluded Machon.

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