



# INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

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

United Nations Human Rights Council  
10<sup>th</sup> Session, 2 - 27 March 2009

## ICJ Intervention on the Annual Report of the UN High Commissioner for Human Rights and the Reports of the Office of the High Commissioner and the Secretary-General

5 March 2009

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Madam High Commissioner,

Your Annual Report highlights several improvements in OHCHR's efforts to assist Governments in enhancing national human rights' protection systems. The ICJ in particular supports the rule of law strategies embraced by your Office to ensure justice to victims in all circumstances and to counter impunity.

The Council should remedy its failure to take effective action to help prevent human rights violations and enhance protection of civilians in emergencies, including in armed conflicts and reconsider its action on Somalia, Gaza, the Democratic Republic of the Congo and a lack thereof on Zimbabwe, Sri Lanka and Tibet. The Council is requested to create a dedicated mandate to help indicate any emergence of violence against civilians in conflict situations and bolster accountability of its perpetrators.

Access by the Council's Special Procedures to the UN Security Council is vital for effective early warning, prevention and investigation of gross violations of human rights of civilians. Such an interaction should help the Security Council to deal with neglected crises, including the war waged in Sri Lanka. The flow of information from the peace-keeping missions' human rights components to the Council is equally important.

A creative use of other Council mechanisms, including the special briefings or President's statements as pointed out by the High Commissioner, may also boost prevention of gross human rights violations.

A new commitment to protection of human rights in counter terrorism is essential. The recent decisions by the US administration, including on the future of Guantánamo Bay, treatment of detainees and ending the practice of secret detention have been a first positive step. Referring to the Report of the Eminent Jurists' Panel on Terrorism, Counter-Terrorism and Human Rights, the ICJ urges a thorough stocktaking process at all levels and calls on the Council, in cooperation with the OHCHR, to elaborate a comprehensive action plan to help integrate rule of law principles and human rights standards into the national response to terrorism.

High Commissioner,

Several country situations require immediate response. The ICJ urges the Council to re-establish a comprehensive mandate – a group of experts on the **Democratic Republic of the Congo**, to assist the Government in preventing violence against civilians, including rape, and in securing a full implementation of human rights standards and their integration in the peace-process, as recommended in the latest experts' report on the situation in the DRC.

A series of measures are necessary to protect about 200.000 civilians in **Sri Lanka** from fighting in the Vanni region. The Council must call for an immediate cease-fire; safe humanitarian corridors; the UN Security Council's international monitoring presence to facilitate resettlement and unhindered humanitarian assistance to the internally displaced persons and for investigation of prevalent human rights violations.

In **Nepal**, the OHCHR's country presence needs to be extended beyond June 2009 to address a variety of continuing human rights concerns, including the situation of enforced disappearance.

A strengthened OHCHR's presence in **Zimbabwe**, and the assistance of the relevant Special Procedures, would help the Government to address previous and ongoing violations as well as a dire humanitarian situation.

The situation in **Colombia** requires an enhanced attention by the Council and its Special Procedures, as it has further deteriorated, such as through threats to the members of the judiciary and human rights defenders, including members of the ICJ' national section, the Colombian Commission of Jurists.

Madam High Commissioner,

I thank you and wish you success in your endeavours.

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