

International Commission of Jurists

Annual Report 2010

Protecting Human Rights and Advancing the Rule of Law



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The ICJ would like to thank Mrs. Mary Robinson for her guidance throughout her mandate as ICJ President from 2008 to 2010. The ICJ would also like to thank Dr. Gustavo Gallón Giraldo from Colombia and Mr. Stellan Gärde from Sweden who have finished their terms as Executive Committee Members but remain active as Commissioners.

The ICJ would also like to honour the memory of Mr. Desmond Fernando, ICJ Honorary Member who passed away on 5 July 2010. Mr. Fernando was the first Secretary of the Bar Association of Sri Lanka (BASL) in 1974, twice President of the BASL, and the only Sri Lankan and second Asian to hold the prestigious post of the President of the International Bar Association (IBA).

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Foreword

I am humbled and honoured to take over the Presidency of the ICJ this year from Mary Robinson, my illustrious predecessor. We are thankful for her guidance through a challenging period, and look back at a year that started sadly, with the premature passing of Nick Howen, former ICJ Secretary-General. However, these last twelve months have also been intense and prolific. In 2010 the ICJ, now under the leadership of Wilder Tayler, delivered a strong series of missions, publications, seminars and legal interventions, responding to various challenges to human rights protection around the world. The ICJ is also growing steadily: its regional offices are expanding their work, its themes are intensifying their engagement, and the Commissioners are now more numerous, more diverse, and more engaged. This growing strength is a necessary response to the increased pressure on the judiciary, lawyers and civil society that act in defence of human rights around the world; it also reflects the quality of the ICJ's work.

Symptomatic of the on-going attacks on judges and lawyers, some ICJ Commissioners came under hard pressure: Imrana Jalal, who faced a politically motivated trial aimed at intimidating her, finally saw the permanent stay of all charges against her; Muhannad Al-Hasani, given the Martin Ennals Award for human rights defenders in 2010, was convicted in June and is still imprisoned in Syria where he has suffered a serious physical assault. Many other human rights defenders came under attack in 2010: Haytham Al-Maleh, convicted in Syria, Floribert Chebeya Bahizire, murdered in the Democratic Republic of Congo, and Sapiyat Magomedova, charged with "insult of a representative of state power" in the Russian Federation.

The issue of this Report coincides with unexpected events in Northern Africa and in several countries in the Arab world, whose people are struggling for liberation from different forms of oppression. These events mark the beginning of the second decade of the twenty-first century with a new hope for the strengthening of human rights, fundamental freedoms and the rule of law in that part of the world. True, maybe it is too early to assess the extent of that democratic revolution, but there is no question that it arises from the claim of legitimate rights, which deserves the highest attention from the international community and human rights organisations. The ICJ will monitor closely these events in order to have our own assessment of the issue and, moreover, we hope make our contribution to strengthening the rule of law, the independence of judiciary and full respect for human rights and fundamental freedoms.

The ICJ's mission to defend the independence of judges and lawyers and to promote the respect for human rights through the rule of law is as valid today as it was almost sixty years ago. As ICJ Commissioners, we feel proud to share this responsibility and we are also finding new ways to engage and to act, contributing our time and experience to the work of the Secretariat, taking part in missions, workshops and seminars, and standing our ground to defend judicial independence and human rights. With a renewed sense of urgency, but also of hope, we look back on a transformative year, and we look forward to a new strategic engagement in support of human rights through the rule of law.

Pedro Nikken
ICJ President



Introduction

2010 has not been an easy year. Looking back I am particularly grateful to the committed Commissioners and Staff of the ICJ, many of whom have done their share and more to provide support in what has been a transitional period, ensuring that the organisation retained momentum in its work for human rights and rule of law. Thankfully there have also been some rewards from 2010.

After over twenty years of advocacy we welcomed the entry into force of the Convention for the Protection of All Persons from Enforced Disappearances in 2010. And after the adoption of the Optional Protocol (OP) to the International Covenant on Economic, Social and Cultural Rights in 2008, we are now working for its ratification. Although the first three ratifications occurred relatively quickly after opening, and several States in different regions are in the process of ratifying, much more work is needed to ensure that these pledges will translate into actual ratification and eventually the entry into force of the OP. International law and standards are clearly being strengthened. The ICJ has also been engaged in the elaboration of the third Optional Protocol to the Convention on the Rights of the Child. Still in the advocacy phase, progress has been made in the development and clarification of international standards in cases of corporate complicity in human rights violations, an area of significant engagement for the ICJ in recent years.

The ICJ is also active, more than ever in its history, in seeking greater compliance with international human rights standards in practice at the country and regional levels; for example in Nepal and Guatemala, in Thailand and Zimbabwe, the struggle against enforced disappearances brings the ICJ to the root of its engagement for human rights, demanding accountability for abuses and remedies for victims and their families. In the battle for non-discrimination for reasons of gender orientation and sexual identity, the ICJ is examining closely and seeking to enable access to justice for victims, helping them to realise their rights to remedy and reparation. In 2010 the ICJ continued to consolidate and expand its presence in the regions. Along with its own advocacy, the ICJ regional programmes are engaged in building the capacity and technical awareness of national lawyers, judges, and human rights defenders to engage more effectively in protecting these rights using international law. Among other highlights this year: in Central America the ICJ successfully intervened to block the appointment of the Attorney General through a flawed selection process, and in the Middle East and North Africa it organised a successful regional seminar in Egypt on the engagement of Military and Exceptional Courts in cases of human rights violations.

Defending the independence of the judiciary is central to the rule of law, and is at the core of ICJ's work throughout its history. Judges and lawyers have an essential role to play in making human rights meaningful to all people. I am particularly pleased that in 2010 we were able to re-launch the Centre for the Independence of Judges and Lawyers with the Geneva Forum, the first of what will remain an annual event designed to gather senior judges and lawyers from different jurisdictions around the world. This year the CIJL's Geneva Forum focused on accountability of national security policies and the role of judges and legal practitioners. The CIJL intervened in defending the independence of the judiciary in Honduras, Guatemala, Venezuela, Fiji and Spain. These successful interventions were made possible by the support of ICJ Commissioners and work of the regional programmes.

Working toward setting landmarks, during 2011 the ICJ will develop a strategic plan for 2012-2015. This plan will define the ICJ's broad strategic directions for the coming years, focusing on the need to generate national and international impact on the crucial areas where human rights, development, the rule of law and governance coincide. I look back at a year in which the ICJ made important steps to consolidate organisationally and I am looking forward in 2011 to charting the new strategic directions to achieve better protection for human rights.

Wilder Tayler
ICJ Secretary-General

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The ICJ Vision and Mission

The ICJ has a vision of the world in which everyone in society is equal before the law and protected from human rights violations by the law and in practice; in which those in power are held accountable and brought to justice if they violate human rights; where victims have access to remedies and justice, and where those who come before the courts receive a fair trial and never face the death penalty.

The ICJ Network of judges and lawyers is united by a belief that international law and the rule of law are powerful instruments to further the enjoyment of human rights by everyone. The “rule of law” broadly reflects the idea that law must be just (i.e. in accordance with human rights norms) and able to protect people from the arbitrary exercise of power. The “rule of law” also implies that the State must develop effective executive, judicial and legislative institutions as checks and balances, to respect, protect and fulfill the human rights of all people, and to hold the State accountable when it violates rights.

The ICJ’s vision is based on the rule of law, not as a static set of rules, but as a dynamic concept that protects against arbitrary power, expands freedoms and embraces justice. A rule of law under which everyone is entitled, without discrimination, to their civil, cultural, economic, political and social rights.

The ICJ’s vision requires judges, lawyers and prosecutors to be truly independent, enlightened and courageous, and free to carry out their professional duties. It demands that international law, especially human rights and humanitarian law, should be a powerful tool for protection and advocacy and should be implemented through effective national and international procedures.

International Law and Protection Programme

Law is both a tool and an expression of broader societal change. Its development and its application influence and shape perceptions, giving rise to shifts in the attitudes and relations between communities, societies, and cultures. The ICJ throughout its history, and as part of its mandate, has pioneered in shaping the development of the law, ensuring that it adheres to human rights standards, and that agreed human rights standards are implemented and accessible to all, at both the national and international levels.

Obstacles to the enjoyment of human rights by all, without discrimination, are manifold: positive developments in the law require specialised legal knowledge and political commitment to change; the implementation of human rights requires an awareness of the issues creating or maintaining obstacles to the realisation of human rights by all and a determination to address gaps in protection, as well as good understanding of the reach and applicability of international law.

There is a need to complement, clarify, and strengthen existing human rights standards; to reinforce the oversight procedures designed to uphold agreed standards; to develop new human rights standards where gaps exist in the international law; and to ensure that international standards are implemented and translated into effective protection on the ground.

In spite of the advancements made in recent decades, current UN human rights mechanisms are not sufficiently robust, in particular due to the fact that their decisions, though authoritative, are not binding on States. This reality presents a major challenge to the international legal framework that is so necessary to supporting and guiding national efforts at upholding the rule of law. Strengthening implementation and protecting the already secured advancements requires on-going technical support and continuous vigilance.

The main goals of the ICJ *International Law and Protection Programmes* (ILP) are to: promote the application of international law to abuses of a political, social, economic or legal nature; to focus on the international obligations of all states to respect, protect, and fulfil human rights through the rule of law; to protect victims of violations; to help victims realise their right to a remedy and to reparation; and to hold States and non-State actors accountable for those violations.

Economic, Social and Cultural Rights

The debate over the justiciability of economic, social and cultural rights (ESC rights) continues despite significant progress in the acceptance of the legal nature of these rights. Recently created constitutions explicitly guarantee a broad range of ESC rights on the same footing as civil and political rights (such as in Bolivia, Ecuador and Kenya). Other signs indicating the acceptance of the justiciability of ESC rights include the development of jurisprudence on ESC rights at the national, regional and international levels; as well as the adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) by the United Nations (UN) General Assembly in December 2008. Despite the fact that 160 States are parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR), and should therefore have incorporated its provisions into domestic law and provide judicial remedies to individuals alleging a violation of their rights, victims continue to face tremendous difficulties in accessing justice. There is still a real need to share knowledge and experience on how ESC rights can be legally enforced. At the international level, significant work remains to be done to foster the political will necessary to place ESC rights on an equal footing with other human rights. In particular, the OP-ICESCR needs to be ratified by seven States to enter into force and by many more to make it a relevant instrument for a better enforcement of ESC rights.

2010 has been an important year for the Economic, Social and Cultural Rights Project. A Senior Legal Advisor was recruited in July giving the Project renewed momentum. The ICJ's work in this area focuses on the legal system and laws, to increase the justiciability of these rights.

United Nations

A possible General Comment of the Committee on ESC rights (CESCR) should clarify how States parties to the International Covenant on ESC rights can use indicators, define benchmarks and monitor their progress in their reports before the Committee. In parallel to this process the Office of the High Commissioner for Human Rights (OHCHR) is leading an initiative to develop indicators on several civil, cultural, economic, political and social rights. To contribute to these developments, the ICJ participated in a workshop organised by the Geneva Academy of international humanitarian law and human rights and HURIDOCs on the use of Indicators, Benchmarks, Scoping and Assessment (IBSA process, integrated to the OHCHR initiative). This workshop aimed to bridge the gap between human rights advocates and scientists in favour of improved mechanisms for measuring the realisation of ESC rights.

The ICJ has also participated in collaboration with a group of NGOs giving input into the elaboration, by the CESCR, of a future General Comment on sexual and reproductive health. In particular, the ICJ's Legal Advisor on Women's Human Rights contributed as a panellist to the general discussion on 15 November.

ICJ Focus

"In pursuing the realization of economic, social and cultural rights (ESC rights) within the sub-region of Southern Africa, we reaffirm that "[a]ll human rights are universal, indivisible, interdependent and interrelated". (...) We further take note of the disparity between the legal conferment and actual realization of economic, social and cultural rights as hindering the attainment of the Millennium Development Goals. In particular, we take cognizance of new challenges and the historical inequalities that persist, posing a threat to the economic, social and cultural development of the region."

Declaration on Economic, Social and Cultural Rights Advocacy and Litigation In Southern Africa, adopted on 2 September 2010 by 35 lawyers and human rights activists from the SADC region.

The ESCR Project has collaborated with the Dutch section of the ICJ on the presentation of a collective parallel report on the Netherlands to the CESCR prepared by 17 national organisations, coordinated by the ICJ's Dutch section. The success of this advocacy work is reflected in the recommendations of the CESCR to the Netherlands. Core to the parallel report

were the concerns related to the ESC rights of asylum seekers and undocumented migrants as well as women.

OP-ICESCR

The ICJ has been participating in the Steering Committee of the International NGO Coalition for the OP-ICESCR, contributing to strategic advocacy discussions and the ratification campaign. The ICJ also contributed to the development of an advocacy guide for members of the Coalition to support their work in the ratification campaign. Advocacy work has been coordinated between the ICJ Secretariat in Geneva, the ICJ regional offices, and ICJ National Sections and Affiliates to target the Belgian European Union (EU) Presidency and the EU High Representative for Foreign Affairs and Security Policy but also the national level.

Justiciability, enforcement of ESC rights and strategic litigation

The ICJ Africa regional office in South Africa, jointly with the ESCR Project, organised an ESC rights Camp from 30 August to 2 September with legal practitioners and social activists addressing the topic of “*Economic, Social and Cultural rights advocacy and litigation in Southern Africa*”. The outputs of the Camp are reflected in a Joint Declaration with action points for future ESCR work in the region. Initiatives for national workshops (such as in Malawi) and increased networking between the different actors in the region are concrete outcomes of the Camp.

The ICJ participated in an international workshop held in New York on 12 and 13 October on the topic of strategic litigation. The Strategic Litigation Initiative originated from discussions at the 2008 International Strategy Meeting on ESC rights in Nairobi and

contributed toward building and strengthening a global network of litigators and social justice activists seeking to ensure the effective use of the OP-ICESCR once it comes into force. In particular, the initiative aims at supporting emblematic cases at the domestic level that could reach the CESCR within the framework of the new procedures created by the OP-ICESCR, thus obtaining positive precedents under this OP. The workshop was organised jointly by ESCR-Net, the Social and Economic Rights Programme of the Norwegian Centre for Human Rights at the University of Oslo, and the Social Rights Advocacy Centre in Canada, in collaboration with the NGO Coalition for the OP-ICESCR.

The ICJ participated in a workshop on ESC rights adjudication and the OP-ICESCR in Penang, Malaysia. This workshop was jointly organised by ESCR-Net (the women’s ESCR working group) and IWRAP Asia-Pacific and was aimed at training women’s rights activists and litigators from Asia, Africa and Latin America to strategically use the OP-CEDAW and the OP-ICESCR to best defend women’s ESC rights.

Publications

The ICJ Publication, *Courts and the Legal Enforcement of Economic, Social and Cultural Rights: Comparative Experiences of Justiciability* was made available in French and Spanish. The ICJ Commentary on the OP-ICESCR was published in French and English. Both publications are now available in the three languages, electronically on the ICJ website and in hard copy. These publications have already proven useful for legal practitioners and policy makers in their English and Spanish versions, and will now be used as a basis for future trainings with a broader constituency.

2011 and beyond

In 2011, the ESC rights Project will work at the regional level to promote the justiciability of ESC rights and increase access to justice for victims of ESC rights’ violations. In doing so it will strengthen its cooperation with the regional offices and other thematic programmes. In 2011 the Maastricht Principles on extraterritorial obligations of states pertaining to ESC rights will be adopted. The ICJ will initiate advocacy work in favour of mainstreaming and using these principles. Finally, the next years should see the entry into force of the OP-ICESCR. Working towards obtaining the necessary ratifications for the entry into force, and subsequently the effective and strategic use of the new instrument will remain at the core of the ESC rights work of the ICJ.

Global Security and Rule of Law

In 2010 the UN Security Council and its subsidiary structures showed tentative signs of opening up to considering human rights and rule of law principles in countering terrorism. Evidence has been seen in Security Council resolutions acknowledging a more holistic and comprehensive approach to terrorism, including human rights, a more open attitude of the Security Council Counter-Terrorism Committee towards human rights, the beginning cooperation between the UN Executive Directorate on Counter-terrorism (CTED) and the OHCHR in relation to technical assistance, and a formal engagement of CTED with civil society organisations and human rights advocacy groups. These developments, while still limited in scope, appeared unrealistic only two years ago. At the same time attempts to strengthen follow-up by the UN Human Rights Council, including in response to the global study on secret detention, have largely failed, illustrating the lack of political will to address questions of impunity in counter-terrorism by a number of countries. 2010 saw positive developments, such as the setting up of judicial investigations in allegations of complicity in torture by the United Kingdom (UK) and the start of a comprehensive review of the counter-terrorism legislation in the UK following the change in government. However, overall the challenge remains the entrenchment of special and extraordinary powers and the continuous impunity and non-action of establishing remedies for victims of human rights violations committed in the name or under the pretence of countering terrorism.

UN Advocacy

Throughout 2010 the Global Security and Rule of Law (GSRL) Programme built on the extensive work of the Eminent Jurists Panel developing advocacy around the Report. The Report enhanced the debate on human rights and rule of law principles in countering terrorism. Concrete signs of openness to confronting this problem by the UN Security Council have begun to emerge from this.

In the Human Rights Council's March session the ICJ advocated for stronger references to the role of the OHCHR in ensuring that human rights are integrated into the broader UN counter-terrorism response. This was reflected in the resolution of the Council in April. On 10 March, the ICJ hosted a parallel event at the Human Rights Council on the role of the legal profession in preventing torture in the counter-terrorism context. The event sought to provide support to the discussion of a Council resolution on the prevention of torture and the role of the legal community. The ICJ also commented informally on draft resolutions resulting in stronger references to protection mechanisms for lawyers, and at the same time recognising that lawyers too should be held accountable when engaged in policies that violate human rights law.

The ICJ initiated and presented a joint oral statement at the 14th Human Rights Council session on behalf of Amnesty International,

Human Rights Watch and the International Federation for Human Rights calling for nine steps to implement the recommendations of the Global Study on Secret Detention presented by the UN Special Rapporteur on Human Rights while Countering Terrorism, the UN Special Rapporteur on Torture, and the Working Groups on Arbitrary Detention and Enforced Disappearances. While this helped to build pressure for a robust response of the Council, an alliance of States refused to endorse the report and rejected its request to ensure accountability.

In October, the ICJ was one of a selected number of experts participating in the first formal consultation of CTED with human rights groups. The meeting addressed questions of the future mandate of CTED and a more coherent integration of human rights into all aspects of its work. The meeting indicated a new openness towards civil society but also the need for more detailed follow-up discussions on specific legal policies which raise concerns under human rights law.

Legal policy on drones and targeted killings

In September, the ICJ convened an informal expert consultation on the issue of unmanned drones and targeted killings. Legal, policy and advocacy issues were discussed with the aim of strengthening the international human rights response to the increasing use of drone

attacks in different parts of the world, including in situations outside genuine armed conflicts. The meeting brought together senior lawyers from leading international human rights organisations, and experts of international humanitarian law and general international law, as well as the newly appointed UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. The meeting allowed for a unique debate on some of the complex legal issues such killings can raise, contributing a greater consensus in the legal response by human rights organisations.

E-bulletin on Terrorism, Counter-Terrorism and Human Rights

The ICJ continued to provide information on terrorism and human rights developments to the legal community, government officials, the diplomatic community, its network and other interested parties through the publication of the ICJ *E-Bulletin on Counter-Terrorism and Human Rights* (the *E-Bulletin*). In 2010, the *E-Bulletin* covered around 400 stories across the globe. It increased its geographical scope by 30%, improving its coverage of situations in Africa, the Middle East and Member Countries of the Commonwealth of Independent States. A novelty of 2010 has also been the creation of an html page for the *E-Bulletin* on the ICJ website, in addition to the older pdf version, making it more accessible and reader-friendly. The ICJ also pursued its publication of a European version of the *E-Bulletin* in the *European Human Rights Law Review*.

Legal interventions

In 2010 a number of decisions were rendered in relation to cases in which the ICJ had intervened previously. In *Mohamed et al. v. Jeppesen Dataplan*, the United States Court of Appeals reversed a previous ruling and held that the State secrecy privilege prevents the court from hearing the case. The case involves the plaintiff's claim for compensation for torture and other serious human rights violations from a Boeing subsidiary who acted

as, in effect, a 'travel agency' for the US secret detention and extraordinary rendition programme. This is a major setback in ensuring accountability and bringing a claim of torture and enforced disappearances to the courts in the US. The ICJ had submitted an *amicus curiae* brief on the scope of the right to remedy and reparation and State secrecy jointly with the organisation Redress that had been largely reflected in the ruling now overturned. The ICJ will consider a follow-up brief should the case move to the US Supreme Court. In *Kiyemba v. Obama*, the US Supreme Court declared the case moot following the resettlement of the plaintiffs of Uighur origin from Guantanamo to other countries. The ICJ had intervened jointly with Amnesty International and Human Rights Watch on the right to *habeas corpus* and effective remedy requiring release, including into US territory, of cleared persons. The intervention may have contributed to the resettlement and liberation of the plaintiffs in order to avoid a final ruling on the matter. Furthermore the Court vacated the previous ruling of the Court of Appeals, which - if confirmed - would have set a precedent limiting the jurisdiction of the courts in ordering resettlement from Guantanamo Bay.

Intelligence Accountability

In 2010 the ICJ focused on the human rights aspects entailed in monitoring intelligence gathering and cooperation by supporting new standards on intelligence accountability. To this end, the ICJ sought to impact the content of the guidelines being developed by the UN Special Rapporteur on Human Rights and Counter-Terrorism on 'best practices on institutional and legal oversight for intelligence services'. In March, the ICJ participated as a panelist in a parallel event hosted by the Delegation of Mexico to the United Nations Office at Geneva on the need for international standards on intelligence accountability. The meeting generated greater support at the UN Human Rights Council for the development of good practice guidelines in this area.

2011 and beyond

The ICJ will continue to seek to ensure human rights protection in existing and new counter-terrorism laws and policies. It will help clarify circumstances where States can legitimately limit the enjoyment of some human rights via national security measures and states of emergency. It will reach out to audiences beyond the expert circle providing relevant information. It will focus on the protection of fundamental rights; the right to life, freedom from torture, enforced disappearances and deprivation of liberty in the context of counter-terrorism and other national security measures.

International Economic Relations

2010 has been a momentous year in the area of business and human rights. The United Nations Human Rights Council continued to keep the issue in its agenda and took clear steps towards an international legal regime. A number of initiatives and processes produced tangible results demonstrating that the issue of businesses' human rights responsibilities has become a mainstream concern.

In June, the UN Special Representative of the Secretary General on Business and Human Rights (SRSG) presented his report to the UN Human Rights Council outlining the elements of a set of Guiding Principles, which he later released in draft form for consultations. The draft document elaborates recommendations for businesses to exercise due diligence: avoiding directly impairing human rights or being complicit in other actors' human rights abuses. The ICJ together with other global human rights organisations has sought for the document to be aligned to existing international standards. The ICJ also called for a greater emphasis on legal remedies that are generally weak or unavailable for people who claim to have suffered abuse by companies.

In June, the Organisation for Economic Cooperation and Development (OECD) officially began a one-year process of "Updating" its Guidelines for Multinational Enterprises initially adopted in 1977. One of the innovations is an entirely new chapter on human rights. This comes as a result of NGOs and trade unions having demanded stronger implementation mechanisms for the Guidelines.

The UN Human Rights Council also took the decision to establish an open-ended inter-governmental working group to consider the possibility of elaborating an "international regulatory framework" including the option of a legally binding instrument. By the end of the year, enterprises in the field of security and military services took a positive first step, fostered by the Government of Switzerland, by adopting a Code of Conduct for private military and security companies.

Access to justice: Human Rights abuses involving corporations

The ICJ continued to work towards its objective to achieve clear, and if possible, legally binding human rights standards for businesses. Emphasis has been placed on the need to strengthen legal remedies to protect the rights of alleged victims of corporate human rights abuse. To this end, the ICJ continued to implement its research, analysis, dissemination and advocacy strategies.

Six country reports *Access to justice: Human Rights abuses involving corporations* for South Africa, Colombia, China, Philippines, the Netherlands and Poland were published during the year. These studies were based on in-country research conducted by local or region-based legal experts. The series provides a consolidated comparative overview of various countries' national legal and judicial systems. The reports also examine the legal and institutional factors that allow or impede access to justice by victims of corporate abuse of human rights in those countries. As a part of this process, national and regional workshops

were held in Hong Kong, Abuja, Sao Paulo and San José. In September, the ICJ then held an international conference on the topic in Geneva gathering recognised experts participating in the project and working in the area of legal remedies. At the UN Human Rights Council, the ICJ advocated for legal remedies to be core in the work of the SRSG.

The workshops and conference in the access to justice project have provided a unique space for learning, exchange, and network building. The ICJ work on legal remedies is helping to focus the debate on a larger set of remedies that includes constitutional, criminal, administrative, and civil remedies, as well as unveiling the potential that exists in various legal systems. These activities have also had the effect of disseminating concepts and frameworks to the national and local levels in Hong Kong, Sao Paulo and Abuja. Other stakeholders have used the information and analysis generated by the ICJ for research and advocacy purposes enabling the legal community and local groups to better define protection strategies.

Corporate complicity in international crimes

The ICJ report on corporate complicity (Corporate Complicity report) in international crimes released in 2008 and now translated to French and Spanish, had significant impact in the litigation of cases in the USA. Several *amicus curiae* briefs, a crucial ruling by the Appeals Court of the 2nd Circuit of New York in *Kiobel v. Royal Dutch Petroleum* (2010), and a partial dissent referred to the contents of the report and its status in international law. Several NGOs have used the legal framework proposed in the report for their own investigative or monitoring reports. For instance, the European Coalition on Oil in Sudan prepared a report on oil companies allegedly complicit in international crimes in Southern Sudan, and this report plus supporting documentation became the initial step in criminal investigations carried out in Sweden. The Corporate Complicity report has also been widely referenced as authoritative in academic and legal circles. For instance, the interim report of the International Law Association's Committee on International Civil Litigation and the Interest of the Public draws significantly from the Corporate Complicity report in several sections.

The concept of corporate complicity elaborated in the ICJ report has also influenced the inclusion of concrete recommendations in the new draft of the updated OECD Guidelines

to the effect that multinational enterprises should avoid contributing to human rights abuse committed by others.

Enhancing the role of UN Treaty Bodies

The ICJ has devoted resources and special attention to the work of the UN treaty bodies in charge of monitoring implementation by States of their obligations under human rights treaties. Two seminars were organised for members of treaty bodies (in Geneva and in Sao Paulo) to discuss the ways in which corporate activities may impact States' adherence to their treaty obligations. The seminars strengthened on-going initiatives and generated new ones: the Committee on Economic, Social and Cultural Rights is currently drafting a statement on the subject and the Committee on the Rights of the Child decided by end of 2011 to prepare a general comment.

Lending advice and expertise to governments and civil society

The ICJ was commissioned by an NGO coalition in Switzerland to study and advise on a national agenda to promote corporate human rights accountability in the country. The ICJ also continued advising and facilitating contacts and resources to groups and lawyers working in preparing case files for submission to commence criminal investigations, potentially leading to prosecutions against certain companies.

2011 and beyond

In 2011 the ICJ will continue working to ensure that steps are taken by the UN Human Rights Council towards the development of an international regulatory and binding framework to ensure respect of human rights by businesses. The completion of the mandate of SRSB will offer an opportunity for the Council to take crucial steps in this direction. The ICJ will also continue assisting UN human rights treaty bodies in their interpretative and guiding work. It will organise expert meetings and provide relevant legal research. In 2011 the access to justice project will release further country reports and culminate with the publication of a global report on the subject. With these tools the ICJ will enter into the next phase of its strategy to promote increased access to legal remedies for victims.

Sexual Orientation and Gender Identity

The biggest challenge for the Sexual Orientation and Gender Identity (SOGI) Project is the entrenched persistence of state-sponsored homophobia in many parts of the world. This is reflected in laws that criminalise same-sex sexual conduct. Such laws not only impact a whole range of rights unrelated to sexual intimacy per se, they also encourage non-State actors to target Lesbian Gay Bisexual Transgender (LGBT) individuals and organisations.

In 2010 there were some significant victories at the international, regional and local levels, yet progress is uneven and sporadic. A clear example of this is the discourse around sexual orientation and gender identity at the United Nations. The Special Procedures of the UN Human Rights Council increasingly address sexual orientation and gender identity issues. Both UN High Commissioner Pillay and Secretary-General Ban Ki-moon have called for the decriminalisation of same-sex sexual conduct. Yet when the Special Rapporteur on the Right to the Highest Attainable Standard of Physical and Mental Health raised the topic of decriminalisation in his annual report, he was vigorously condemned by many States and the Holy See at the Human Rights Council.

At the regional level, the African Commission on Human and Peoples' Rights (ACHPR) dealt a severe blow to the hopes of LGBT activists when it denied, without explanation, the application for observer status of the Coalition of African Lesbians. No LGBT-specific organisation currently has observer status at the Commission. In a striking show of solidarity, at the 48th Session of the ACHPR in November, 18 civil society organisations with observer status stood up to denounce the Commission's decision, joined by two national human rights institutions and South Africa.

At the domestic level, the scene is equally varied. In Malawi, Steven Monjeza and Tionge Chimbalanga (who identified themselves as trans women) were convicted of gross indecency and unnatural practices between males and sentenced to fourteen years of hard labour in May. A personal appeal by UN Secretary-General Ban Ki-moon resulted in a presidential pardon for the pair, but soon after the Parliament of Malawi adopted legislation criminalising sexual activity between women. Iceland, Argentina, and Portugal saw the enactment of marriage equality legislation, while in the United States a law prohibiting openly gay men and women from serving in the military was finally repealed. In Hong Kong, a court rejected a petition from a transgender woman to be permitted to marry in her acquired gender, placing Hong Kong at odds with legislative and judicial trends regarding recognition of gender identity in Asia.

Litigation

On the litigation front, through submissions to courts as a third party, the ICJ contributed to positive outcomes in cases in the Philippines and Turkey and before the European Court of Human Rights. In the Philippines and Turkey, courts upheld the freedom of association rights of LGBT organisations. In *Schalk and Kopf v. Austria*, the European Court recognised for the first time that the family life of a same-sex couple, without children, was entitled to protection under Article 8 of the European Convention on Human Rights.

A decision from the European Court is pending in the case of *GenderDoc-M v. Moldova*, which concerns the authorities' denial of a parade permit to an LGBT organisation. The ICJ, jointly

with ILGA Europe, made a submission to the Court on the use of public morality as a permissible limitation on the right to freedom of peaceful assembly.

A decision from the UN Human Rights Committee is also pending in the case of *Irina Fedotova v. Russian Federation*, which concerns an activist's arrest and conviction for the crime of "propaganda of homosexuality". The ICJ made a submission to the UN Human Rights Committee analysing limitations on freedom of expression in light of the requirement of non-discrimination under the International Covenant on Civil and Political Rights.

Capacity building

In order to build the capacity of local actors to use human rights law, the SOGI Project has participated in or organised a series of training seminars and workshops. The ICJ was invited by RFSU/RFSL to give the international law lectures in their LGBT and Human Rights Training Programmes in Thailand and Namibia. The ICJ was also invited by ILGA Europe to give a presentation on LGBT family law at its European Litigation Strategy Seminar in London.

The SOGI Project has responded to new or proposed laws by producing timely legislative commentary. When a Lithuanian member of parliament introduced a bill to impose a fine for the offense of “public promotion of homosexual relations”, the SOGI Project analysed the bill under the requirements of the international human rights treaties to which Lithuania is a party. Similarly, when a law to criminalise homosexuality was introduced in the Democratic Republic of Congo (DRC), the SOGI Project, working closely with the ICJ Africa Regional Programme, wrote a bilingual analysis that was widely distributed to activists, academics, and civil society organisations in the DRC. These commentaries are useful advocacy tools for local stakeholders: they provide arguments for claims based on international standards.

An important component of the ICJ work is developing legal resources. In 2010, the SOGI Project issued the first ICJ briefing paper:

ICJ Focus

In November, together with INTERIGHTS, the ICJ organised a workshop entitled “Defending LGBTI Individuals in Court” in Mombasa, Kenya. Lawyers trained by the ICJ have been actively litigating SOGI-related issues. In Kenya, lawyers brought a case challenging the conditions of detention for an intersex individual. In Uganda, a lawyer from the Mombasa Workshop represented three individuals in a lawsuit against the tabloid Rolling Stone, which had published the names and identifying details of alleged “homos” and urged the public to hang them. In that case, the High Court of Uganda found that Rolling Stone had violated the applicants’ rights and ordered compensation.

International Human Rights Law and the Criminalisation of Same-Sex Sexual Conduct. More than one thousand copies have now been distributed. The Compilation of references to sexual orientation and gender identity in the doctrine and jurisprudence of the UN human rights system was also updated. French and Spanish translations of the ICJ Practitioner’s Guide No. 4: *Sexual Orientation, Gender Identity and International Human Rights Law* are now available and were distributed extensively to organisations in francophone Africa and Latin America. Feedback on these publications has been extremely positive: as an example, an NGO in Burundi will use the Practitioner’s Guide for its new advocacy project on LGBT rights.

2011 and beyond

Decriminalisation of same-sex sexual activities remains imperative. Criminal laws on conduct serve to stigmatise people based on their status as homosexuals and they affect a range of human rights in addition to the rights to privacy and non-discrimination. The SOGI Project will capitalise on momentum generated by the Global Commission on HIV and the Law, whose final report is due at the end of 2011, as well as the potential created by the drafting of a General Comment on sexual and reproductive health by the UN Committee on Economic, Social and Cultural Rights. With a variety of other partners, the SOGI Project will continue analysing State regulation of sexuality and the use and misuse of public morality arguments. Also in 2011, the SOGI Project hopes to build on the success of the Mombasa Workshop by organising another regional training. In addition, the SOGI Project intends to publish a casebook on comparative legal developments.

The United Nations Human Rights System

Human rights treaties are at the core of the international system for the promotion and protection of human rights. Because human rights violations are rampant in many countries, human rights treaties must be made more effective in the lives of everyday people. The problems lie with their implementation at the national level and their enforcement at both the national and international level. When national protection of human rights is not available or accessible, regional and international mechanisms are the only avenues for victims to seek and obtain redress. It is often only in response to mounting international pressure that governments acknowledge and act on their obligations to ensure and improve the enjoyment of human rights. The UN enables victims of human rights violations to expose human rights violations in individual countries, seek remedies for the violations suffered by their victims and invoke accountability of governments responsible for breaches of international law.

Of importance to the accountability of the UN's human rights mechanisms is the development of flexible means of systematically dealing with all urgent human rights violations, including increasing early-warning and preventive roles. NGOs play an important role in cooperation with governments to achieve universal observance of human rights and fundamental freedoms and to enhance the efficiency of the UN human rights system. They engage with the UN human rights mechanisms, organs and bodies to assist victims of human rights violations in seeking justice.

UN Human Rights Council

The ICJ along with many other NGOs advocated successfully against the candidacy of the Islamic Republic of Iran for a seat on the United Nations Human Rights Council.

During the 13th session of the Human Rights Council (1-26 March), the ICJ:

- demanded that the Council reinforce its calls for an end to counter-terrorism measures in violation of human rights;
- welcomed the UN High Commissioner for Human Rights emphasis on countering discrimination, including on the grounds of sexual orientation;
- organised a delegation of Nepali human rights defenders and victims to attend the 13th session and a meeting of the Working Group on Enforced or Involuntary Disappearance (WGEID) to raise the issue of impunity for serious violations of human rights in Nepal;
- made an intervention on the Somchai Neelapaijit case during the interactive dialogue with the WGEID;
- released a report surveying historical failures of commissions of inquiry and the criminal justice system in Sri Lanka at a side event;
- assisted a human rights delegation from Fiji to intervene in the UPR of their country, including organising a side event;
- hosted a parallel event on the role of the legal profession in preventing torture in the

counter-terrorism context;

- participated in a parallel event hosted by the delegation of Mexico on good practices of intelligence accountability in counter-terrorism.

During the 14th session of the Human Rights Council (31 May-18 June), the ICJ:

- together with Amnesty International made oral and written interventions on the situation in Thailand;
- initiated a joint statement with Amnesty International, Human Rights Watch, and the International Federation for Human Rights calling for steps to implement the recommendations of the Global Study on Secret Detention presented by the UN Special Rapporteur on Human Rights while Countering Terrorism, the UN Special Rapporteur on Torture, and the Working Groups on Arbitrary Detention and Enforced Disappearances;
- carried out a number of joint advocacy initiatives with other human rights organisations in relation to the Council's debate on Maternal Mortality and Human Rights and its consideration of the OHCHR's Report on the topic.

During the 15th session of the Human Rights Council (13 September-1 October), the ICJ:

- released at a side event a research report on the unlawful detention under emergency regulations of 8,000

“surrendeers” allegedly associated with the LTTE in Sri Lanka;

- was one of the speakers at the OHCHR/Food and Agriculture Organisation joint panel on the right to food;
- carried out advocacy work to support the creation of a new Special Procedure of the Human Rights Council on Women’s Equality before the Law/Discrimination Against Women in Law;
- moderated a panel discussion on the realities of the Security Council Resolution 1325 implementation in a range of domestic contexts, including Nepal, Bosnia and Liberia.

UN Human Rights Treaty Bodies

The ICJ contributed to the debate on the UN human rights machinery, including on the treaty body reform. An update on its 2008 *Study on the Reform of the United Nations Human Rights Treaty Body System*, released in August 2010, focused on recent, incremental steps in the treaty body reform process. Stakeholders – members of the treaty bodies, the diplomatic community, and NGOs – showed strong interest in the ICJ’s engagement in the treaty body reform process, and some treaty body members have used the ICJ studies to reinforce the follow-up procedures and enhance their cooperation with civil society, while several governments of states parties have followed ICJ recommendations in their cooperation with the treaty body system.

The ICJ worked on specific country situations being considered by treaty bodies, advocated for the incorporation of important legal concerns into the treaty bodies’ list of issues to be addressed in those countries, and submitted and presented 18 legal briefing papers to six of the treaty bodies. Review of the concluding recommendations of the treaty bodies shows that suggestions in the ICJ submissions have received significant consideration and increased the pressure on the concerned states to address problems at

the national level.

Optional Protocol to the Convention on the Rights of the Child (CRC)

The ICJ continued work towards the elaboration of an optional protocol to the CRC, aiming to establish a communication procedure which would allow for children who are victims of violations of the Convention to complain and seek a remedy before the Committee on the Rights of the Child. As the intergovernmental process of drafting the protocol began, the objective of the ICJ was to ensure that the Protocol would be adapted to particular needs of child victims in pursuit of remedies for violations. Toward that end, the ICJ worked at the expert and advocacy level for the provision of a collective communication procedure, which would allow organisations to complain on behalf of unnamed child victims suffering grave or systematic violations; to impose an obligation to provide special protective measures for certain child complainants; and to ensure child-friendly procedures for communications. The ICJ participated in the December session of the Inter-Governmental Working Group negotiating the protocol, making interventions, engaging in advocacy and providing expert opinion. In preparation for this session, in June the ICJ convened an Expert Consultation in conjunction with the Office of the High Commissioner for Human Rights to discuss the most essential elements of the Optional Protocol. The Consultation was co-chaired by the Chairperson and vice-Chairperson of the Committee on the Rights of the Child. As an outcome, the Committee produced its own position paper for the Working Group negotiations. The first draft of the Optional Protocol discussed in December contained many key proposals presented and discussed at the consultations. At the Working Group session in February 2011, a Draft Protocol containing many elements and formulations advocated by the ICJ was adopted for consideration by the Human Rights Council at its June session.

2011 and beyond

The ICJ at the UN will address existing human rights standards that are contested, unclear or are inconsistently applied by member States; help develop new standards and procedures, including legal obligations of corporations that prevent their human rights abuses; and increase the international contribution to the fight against impunity. A special focus will be the enhanced application and improved effectiveness of the UN mechanisms (treaty bodies, Special Procedures and the Human Rights Council).

Women's Human Rights

Despite progress and great effort to create change, and as a result of culture, morality and religion, law and legal processes continue to systemically sustain discrimination and inequality faced by women, to perpetuate human rights abuses and violations against women, and to deny women effective legal protection, remedy and reparation.

Sometimes the terms of the law are the problem, as discriminatory laws and legal frameworks remain in force throughout the world. Often the silence of the law, inadequate and inappropriate regulatory, protective and remedial legal frameworks and impairments in the ways in which human rights and laws are applied and interpreted, are the problem. Meanwhile even where appropriate law exists problems continue as a result of widespread stereotypes, tolerance and ignorance in relation to the human rights issues facing women within the administration of justice and law enforcement; practical issues including legal costs and lack of information; cultural and societal restraints, repression or fear of stigma.

Legal Advice and Support

In 2010 the Women's Human Rights Project, initiated in 2009, continued its work to support women's human rights lawyers and advocates who are seeking to change, make and apply law in a way which responds to the human rights violations and abuses women are facing.

For example the Project made legal submissions to the Committee on the Elimination of Discrimination against Women concerning the grave situation of women human rights defenders in Russia and Fiji. Both submissions highlighted the situation of women human rights defenders in the concerned countries and emphasised the climate of impunity and lack of due diligence by State authorities to prevent violence against human rights defenders, and to investigate and prosecute acts of violence.

Another example was the provision of an expert legal opinion on the international prohibition of corporal punishment and violence against women to BLAST & Ain o Salish Kendra in Bangladesh. This was used by the plaintiffs in their successful Supreme Court claim against the Government of Bangladesh for its failure to protect individuals from corporal punishment imposed by village tribunals.

International Protection Mechanisms

In 2010 the Project continued its work at the UN Human Rights Council to support the establishment of a new UN Working Group on Discrimination against Women, including through the circulation of an ICJ Non-Paper on

the proposed mechanism. Following the Council's decision to create the Working Group in September 2010, the ICJ worked jointly with partners to prepare and publish a briefing paper on criteria for the appointment of candidates to the Working Group.

Women's Access to Medicines and Sexual and Reproductive Health

In 2010 the Women's Human Rights Project sought to ensure that the consequences of States' international legal obligations to guarantee women's human rights were taken into account in a number of international processes concerning enjoyment of the right to the highest attainable standard of health.

At the OHCHR Expert Consultation on Access to Medicines in October, the Project made an expert presentation on Access to Medicines and Women's Human Rights, with a focus on the international legal requirements of equality and non-discrimination. At the Committee on Economic Social and Cultural Rights Day of General Discussion on a Draft General Comment on Sexual and Reproductive Health, the Project made an expert presentation on Violations of Human Rights and National Implementation in the sphere of sexual reproductive health. It also presented the Committee with a written submission on the subject.

Roundtable Discussions

The Project participated in a number of expert roundtable discussions and workshops in 2010. These included: New York University Consultation on the Gender Impact of Counter-Terrorism Measures (Bangkok); INTERIGHTS

Litigation Surgery, Women's Rights in Africa (Kenya); Congo General Assembly, Women's Human Rights: Accountability Gaps (Geneva); United Nations Population Fund & Centre for

Reproductive Rights Roundtable on Maternal Mortality and the Role of International and Regional Human Rights Mechanisms.

2011 and beyond

The Women's Human Rights Project will continue to develop partnerships with, and support the work of lawyers and human rights defenders seeking to use law to advance women's rights protection and increase women's access to justice. In 2011 the project will initiate a targeted, multi-year, multi-regional initiative on women's access to justice, which will involve in-country holistic and inclusive processes with local partners to explore and address obstacles in women's access to justice. In 2011 the ICJ will begin this project in Thailand.

Centre for the Independence of Judges and Lawyers

In all regions the judiciary and the legal community come under considerable pressure especially where there are political and/or constitutional crises, armed conflicts or post-conflict instability. Attacks on the legal community often lead to or exacerbate such crises. Where democracy is weak, and especially when it faces executive interference and where resources, skills and knowledge are scarce, there have been many set backs in recent years. Judges and lawyers are physically attacked, harassed, arrested and detained, or face institutional changes that undermine their professional work.

In many countries, counter-terrorism measures and security laws have exacerbated the pressure on the judiciary and imposed new challenges to their independence. The security-dominated discourse has led to a climate and environment of heightened risks for lawyers, judges and human rights defenders. It has also re-shifted attention from judicial independence and reforms towards support to security and intelligence actors who operate with limited or no legal control nor accountability.

More positively, judges are increasingly using international human rights law domestically. This should be encouraged on issues such as the justiciability of economic, social and cultural rights; strengthening national anti-discrimination laws and practices; establishing legal accountability frameworks for intelligence services, increasing access for victims to remedy and reparation, and addressing impunity.

Geneva Forum

The first Geneva Forum of Judges and Lawyers convened by the ICJ was held in Geneva on 25-26 October 2010. The Forum brought together senior judges, lawyers and prosecutors from jurisdictions around the world to steer competent and forward-looking thinking on the independence and accountability of the legal profession and its ability to protect human rights. The participants examined the impact of national security laws and policies on judicial independence, and on the ability of the judicial system to ensure accountability for human rights violations committed in the name of national security and the fight against terrorism. The Forum addressed the obstacles that prevent independent investigations and prosecutions to be carried out when national security concerns are invoked, and discussed the effects of State secrecy claims and far-reaching national interest doctrines on the right to effective remedy and reparation for the victims of human rights abuses. A summary report will be published, presenting the issues debated and the ways forward formulated by the participants. The report will also encompass some recommendations to be used as guidance and inspiration for the future work and activities of the Centre for the Independence of Judges and Lawyers (CIJL).

Interventions in defence of judges and lawyers

Jointly with the Asia-Pacific Programme, the CIJL observed the pre-trial hearings of the trial of Imrana Jalal, ICJ Commissioner, against whom a number of criminal charges had been formulated before the High Court of Fiji for conduct normally sanctioned as civil misdemeanors. The CIJL also made written submissions to the UN Special Rapporteur on Judges and Lawyers and the Committee on the Elimination of Discrimination against Women. On 10 August, Presiding Justice Priyantha Fernando finally dismissed the charges - which concerned alleged irregularities related to the licensing of a restaurant owned by a company directed by Ms Jalal – declaring them improperly formulated and legally unfounded.

In June, the ICJ issued a statement in support of Justice Richard Goldstone, denouncing the public smear campaigns launched against the judge following the release of the Report of the UN Fact Finding Mission on the Gaza Conflict. Serious concern was expressed at the disturbing attacks on the professional and personal integrity of Justice Goldstone. The ICJ urged the addressees of the Report's recommendations to ensure their effective implementation, with a view to checking impunity for violations of human rights and international humanitarian law committed in Israel and in the Occupied Palestinian Territory.

The CIJL continued to monitor the case of Examining Judge Baltasar Garzón of the National High Court of Spain who was indicted in April for the crime of “*prevaricación*” for assuming competence to investigate serious human rights violations committed during the Spanish Civil War. The CIJL gave comments on the case and its far-reaching impact on judicial independence and right to effective remedy and reparation for human rights violations to international press and media. Upon the request of several NGOs, the CIJL briefed the UN Special Rapporteur on the Independence of Judges and Lawyers, the UN Special Rapporteur on Arbitrary and Summary Execution, the UN Special Rapporteur on Torture and the Chair of the Working Group on Enforced Disappearances on Judge Garzón’s case.

The CIJL followed the case of Venezuelan Criminal Judge Maria Lourdes Afiuni, arrested in 2009 following the issuance of a judicial order to release on bail a criminal suspect in accordance to an opinion of the UN Working Group on Arbitrary Detention. In June, the CIJL brought the case to the attention of the Human Rights Council. The CIJL also co-sponsored a side event which addressed the need for developing effective protective measures for judges and legal practitioners, with the participation of the UN Special Rapporteur on Judges and Lawyers.

In October, the CIJL co-signed with other human rights NGOs a joint public statement condemning the arrests and criminal prosecutions initiated against a number of lawyers and human rights defenders in Iran.

The joint statement denounced the continuing detention, without charge, of Nasrin Sotoudeh, prominent human rights lawyer who was acting as defence counsel for several high profile human rights campaigners and political activists, as well as Nobel Peace Laureate and Iranian lawyer Shirin Ebadi. Emphasis was also put on the measures adopted by the Iranian executive to impair the free exercise of the legal profession, such as tax investigations which could potentially lead to disbarment and forcing lawyers into exile, as happened in the cases of Shirin Ebadi herself and lawyers Shadi Sadr and Mohammed Mostafei.

The CIJL continues to follow the case of prominent human rights lawyer and active member of the Darfur Bar Association Abdelrahman Mohammed Al-Gasim, arrested in October by the Sudanese National Intelligence and Security Service. Several other Sudanese lawyers and human rights defenders were arrested and detained *incommunicado*, as a result of a coordinated operation by Sudanese intelligence services.

Publication

During 2010 the drafting of the Legal Commentary to the ICJ Geneva Declaration on Upholding the Rule of Law and the Role of Judges & Lawyers in Times of Crisis was largely completed. Its publication is expected in 2011. This publication will elaborate the legal basis underpinning the 13 core principles set out at the 2008 ICJ Congress on the essential role of an independent judiciary and legal profession during crises.

2011 and beyond

The CIJL aims to considerably increase its activities in the next few years. It will strengthen its protection work. More fact-finding and advocacy missions will take place as a matter of course, as will trial observations. The CIJL will submit information to, and seek action from the UN and regional mechanisms, and submit *amicus curiae* briefs in domestic proceedings. Challenges to judicial independence in numerous countries will constantly be monitored and analysed. The CIJL will also focus on the role of military tribunals’ in the administration of justice.

Africa Regional Programme

The development of African democracy is hindered by a failure to resolve political competition and, usually incumbent leaders, to accept power change without resorting to violence. Unfortunately, elections have paradoxically become a threat to the rule of law and stability on the continent. Most elections are characterised by violence, intimidation, and widespread vote rigging among other stratagems. Often, the dominant sections of the ruling elites forcibly retain power after been voted out. Impunity remains one of the biggest threats to the rule of law in Africa. It creates a climate of fear and hopelessness for African people and results in their inability to effectively participate in civic affairs. It continues to democratic institutions, justice and the rule of law. African countries have overwhelmingly subscribed to most international and regional human rights standards. The challenge is now to narrow the gap between formal recognition of norms and the practice on the ground. African people have been unable to strongly assert their rights to the enjoyment of economic, social and cultural rights. This set of rights remains generally un-justiciable although recognised in many constitutions in the region. Massive violations of human rights, civil strife, impunity and the lack of democratic space provide a context for government actions that threaten the lives of human rights defenders and their work. In the wake of terrorist attacks in the region, the trend has been to suspend human rights leading to arbitrary arrests, detention, denial of bail and renditions. In other cases, anti-terrorism legislation has been used to persecute and muzzle the political opposition and human rights defenders. Inequalities and injustices against women, children, gays and lesbians have remained widespread, as are racism and ethnic discrimination. Cultural attitudes steeped in patriarchy continue to undermine the equal participation of women in the social, economic and political spheres. The most serious problem facing both the sub-regional and continental justice institutions is the poor enforcement record of their decisions. Nevertheless, they have played a significant role in standard setting, which could be used as a tool in adding favourable human rights jurisprudence and rule of law reform at the national level.

Judicial development and reform

The Judicial Development and Reform project, at the heart of the Africa Regional Programme, recorded four major successes during the year. Through the organisation of fora for continuing judicial education, the ICJ exposed judges in the region to a wide range of topical rule of law subjects such as judicial independence, economic, social and cultural rights and corporate complicity in international crimes, aimed at enhancing their skills to improve the judicial protection of human rights. Such fora have been organised in Lesotho, the Democratic Republic of Congo (DRC) and South Africa. Appreciation and interest in this work has been expressed by both individual judges and chief justices through requests for more such professional development opportunities for their respective benches. For example, the ICJ has agreed with the Southern Africa Chief Justices Forum (SACJF) to hold an annual Judges Summer school.

Working with judges in Lesotho, the ICJ generated a strategic framework for judicial reform in the country. The Africa Regional Programme identified gaps in judicial performance and proposed recommendations

for improvements. Together with a lawyers' conference held earlier this created an opportunity for improved relations between the bar and the bench.

In 2010, monitoring the trial of Roy Bennett in Zimbabwe, the ICJ made a significant contribution toward respect for fair trial standards, which finally resulted in the acquittal of the defendant. This demonstrated the impact of international scrutiny over judicial processes in times of crisis, thereby helping to entrench rule of law principles.

Through a peer support system and in providing arrangements for relocation in cases of expulsion from countries where they worked, the ICJ strengthened and aided individual judges and magistrates who were confronted with threats associated with the discharge of their professional duties.

Human Rights Defenders

The ICJ worked together with interested institutions to build the capacity of human rights defenders to better promote and defend human rights and the rule of law including in countries in which the ICJ did not have a

previous presence such as the DRC. Here the ICJ participated in a human rights training for religious leaders. The trickle-down effect of the training cannot be under-estimated as religious leaders command extensive networks of influence in Congolese society. The ICJ focused the attention of lawyers in the DRC to the vexed question of business complicity in human rights violations in the country through sensitisation and training. These actions contributed to building the competence of lawyers in litigating cases on the subject, and led to the establishment of a lawyers' working group on business and human rights.

The ICJ played a role in creating synergy and networking among human rights defenders on a wide range of human rights and rule of law issues by organising activities with local and international participants and partners. To this end, the Africa Regional Programme, jointly with the ESCR Project, invited around 35 experts from the Southern-African Development Community (SADC) region to a 4-day Camp *Southern Africa Socio-Economic Rights Camp: Economic, social and cultural rights advocacy and litigation in Southern Africa*. Together with international experts on ESC rights, the participants exchanged experiences, identified risks, difficulties and opportunities for protection and enjoyment of these human rights. Following this camp, judges from Malawi asked the ICJ to hold a similar event in their country adapted to local needs and challenges.

Both at the African Commission and the UN, the ICJ filed submissions on critical human rights issues and amplified the voice of local human rights defenders by creating platforms for them to be heard at the regional and international level. As a result, the Law Society of Zimbabwe, Zimbabwe Lawyers for Human Rights, and ICJ-Kenya were represented at a Side Event organised parallel to the 15th Session of the Human Rights Council. The ICJ made submissions at the African Commission on Human and Peoples' Rights calling for the establishment of a Working Group on Elections

and the Rule of Law in Africa. The ICJ also represented Sudanese lawyers who had instituted a Communication before the African Commission against their government alleging persecution for defending human rights and the rule of law, for which they were subsequently forced to flee the country.

African human rights system

Working with concerned stakeholders, the ICJ created platforms for civil society organisations to make effective submissions to the technical and political bodies of the African Union (AU) and the SADC on a variety of issues that affect the rule of law. The ICJ worked with civil society organisations in Ethiopia ahead of the Heads of State Summit, in Botswana and in South Africa to agree on positions on the AU and its response to the International Criminal Court (ICC), concerns in Zimbabwe, and other issues.

Through capacity development fora, the ICJ helped to increase competence among lawyers and judges in dealing with regional and sub-regional justice systems in Africa. It continually engaged civil society actors and government representatives in reflecting on opportunities for strengthening the African human rights system. The ICJ contributed significantly to the development of a human rights strategy for Africa and in defining the strategic framework through which the SADC Tribunal will discharge its mandate. The ICJ also engaged with regional and international human rights mechanisms on country-specific and thematic human rights concerns.

Breaking the culture of impunity

In partnership with local stakeholders, the ICJ helped civil society actors to influence the review of the Rome Statute of the ICC held in Kampala; collaborated with civil society actors to intensify the isolation of Omar al-Bashir, the ICC-indicted President of Sudan; and escalated the advocacy campaign for the prosecution of the ring-leaders behind the 2007-8 post election violence in Kenya.

2011 and beyond

In 2011 and the following year, the ICJ Africa Programme will continue to work on enhancing understanding of international human rights law; networking capacity in the legal profession to promote human rights, and democratic reform on the African continent. It will also continue to contribute to the strengthening of the African human rights mechanisms.

Asia Pacific Regional Programme

Thailand

The ethno-nationalist conflict in Thailand's Southern border provinces entered its sixth year in 2010 with increased levels of violence in the South. The continued operation of the Emergency Decree and Martial Law Act resulted in further incursions on the rights and dignity of persons living in the South. In May, Bangkok erupted in protests and civil unrest, as pro-Thaksin "Red Shirts" demanded the dissolution of Parliament. The "Red Shirts" uprising was quelled by the brutal force of the Thai military. More than 88 civilians were killed and over 1,800 others were injured. A state of emergency was declared in Bangkok as well as other provinces in the Central, North and Northeast of Thailand. Towards the end of 2010, the Government lifted the state of emergency in various parts of Thailand – first in the North and North East – with Bangkok and Central provinces restored to normal on 14 December. The state of emergency was replaced by the Internal Security Act (ISA), which continues to be in force at the time of writing. The ISA delegates powers to the military dominated Internal Security Operations Command (ISOC). The ISA contains far-reaching provisions that substantially restrict the rights of citizens in Thailand.

Civil and political rights

The ICJ continues to play a key role in exposing ongoing violations of civil and political rights occurring in the Deep South. Conducting field research in the three southern border provinces, the ICJ compiled reports on a number of key human rights issues including: the use of training camps in the south; application of the ISA; procedures followed by military courts; emergency laws in the South as well as issues of arbitrary arrest and detention and the issue of bail in human rights cases. The ICJ also undertook a KAP (Knowledge, Attitudes and Practices) survey on civilians' perceptions of the Thai justice system. The survey of 1300 inhabitants conducted in the four southern border provinces sought to better understand civilians' attitudes towards law enforcement and justice officials. The survey is seen as the most reliable and extensive study undertaken to date.

Prohibition against torture

The ICJ continues to press Thailand to uphold its obligations under the Convention against Torture (CAT), specifically in the legislating of a definition of torture in domestic law. Working with the Human Rights Lawyers Association, the ICJ assisted in the drafting of a bill to criminalise torture. The ICJ also provided support to the Ministry of Justice Rights and Liberties Department to assist Thailand in complying with its reporting obligations under the CAT. In collaboration with the Association for the Prevention of Torture

(APT) and Cross Cultural Foundation, the ICJ organised a training on the "Role of Lawyers in the Prevention of Torture in Thailand." The ICJ further coordinated a workshop with the APT and the Department of Rights and Liberties. The workshop was well attended, by government and civil society representatives, parliamentarians, representatives of international organisations and academics. The workshop focused on raising awareness on the Optional Protocol to the CAT and law reform: it advocated for an effective anti-torture enabling legislation. In providing technical knowledge and support at a crucial time in the ratification process, the ICJ has been able to make a significant impact in Thailand's drafting of the anti-torture bill.

Administration of justice in military courts

The ICJ remains concerned by the ongoing use of military courts in the Deep South. The ICJ organised a symposium with the Judge Advocate General's (JAG) Department of the Ministry of Defence on the rule of law and law enforcement by the Thai military. The event was attended by 250 military lawyers as well as operational officers and a range of high-profile speakers from the military, internal security, civil society, foreign embassies and media. The Chief Guest was the Deputy Permanent Secretary of Defence. The ICJ also conducted trial observations of two cases filed by the Military Public Prosecutor against military officials for the murder of military

personnel and civilians at the Military Court in Pattani province. This was the first time an international organisation was permitted to observe trials in a military court in Thailand. Drawing on its observations and the successes of the JAG training, the ICJ produced an extensive report on the military justice system in Thailand, setting out best practices for military justice systems. The report will be released to the Judge Advocate General's office as part of a dialogue on reforms to the military justice system.

Human rights training

The ICJ is currently developing a curriculum on "The Rule of Law and Human Rights in a Cross-Cultural Setting" for the Ministry of Justice. The curriculum focuses on how to uphold Thailand's international human rights obligations at the domestic level, examining the cultural barriers to effective national implementation. The ICJ also delivered a series of national training workshops on human rights principles and the application of the Internal Security Act. The workshops were designed for detainees and families of detainees who are currently living under the security laws in the South.

Trial observations

The ICJ observed the private criminal prosecution initiated by the family of Imam Yapa Kaseng against the military and police in connection to the victim's death in military custody. Currently the court is determining jurisdiction and whether the burden of presenting a *prima facie* case has been met. The ICJ also continued its observation of the Somchai Neelapaijit trial, of which the final judgment in the Appeal Courts is pending.

Advocacy

In February, the ICJ launched a report on the new Internal Security Act. The launch event drew high-level government officials,

academics, civil society groups and media. A panel of high-level government officials, including the Deputy Secretary-General to the Prime Minister and the Deputy Secretary-General to the National Security Council, launched the report. The event was coordinated with the National Human Rights Commission and the Institute for Strategic and International Studies at Chulalongkorn University.

In March, the ICJ coordinated a public gathering to commemorate the sixth anniversary of the enforced disappearance of human rights lawyer Somchai Neelapaijit. The event helped to continue to press the government to resolve this long-standing case of enforced disappearance.

At the 13th session of the Human Rights Council, the ICJ made an oral intervention on Mr. Neelapaijit's case during the interactive dialogue with the Working Group on Enforced and Involuntary Disappearances. The ICJ also briefed special procedures and diplomatic delegations on the human rights situation in Thailand. It also gave briefings on the human rights situation in Thailand before the European Commission, members of the European Parliament, and the EU Consilium.

May 2010 crackdown in Bangkok

In May, the Government initiated a crackdown on the Red Shirt protests in Bangkok. The Royal Thai Government issued a state of emergency and declared Martial Law in Bangkok. The ICJ monitored closely the protests and the state of emergency, providing briefings on the human rights situation to various embassies and international governmental organisations. The ICJ also worked with human rights organisations to document ongoing human rights violations.

2011 and beyond

In 2011 and beyond the ICJ will implement a comprehensive programme in the South of Thailand which will include research on key human rights issues, trial observations of emblematic cases, development of training curriculum and conducting training programmes for Ministry of Justice officials, lawyers at the Judge Advocate Generals' department, and judges, lawyers and civil society actors in the South of Thailand as well as in Bangkok. The ICJ Asia Pacific office will also carry out advocacy interventions with key government officials and in international forums.

Nepal

During 2010, progress in the peace process and governance reform in Nepal has been obstructed by an overarching political stalemate among the parties over leadership of the country. This deadlock worked its way into the proceedings of the Constituent Assembly of Nepal (CA) and its various committees, making it unlikely that a Constitution will be passed by the 28 May 2011 deadline. All three major political parties face both internal divisions and a widening gulf between their respective positions. The Maoist Army remains in cantonment but there is no agreed alternative to the tripartite mechanism that has maintained the ceasefire and at least the symbolic demobilisation of both armies. Meanwhile, regional identity-based movements have developed high expectations for self-governance either through federalism or other means. As the risk of confrontation has increased, there has been no corresponding improvement in the capacity of the State to ensure law and order.

While the judiciary has at times shown courage in defending fundamental rights in key cases, the State, including the Nepal Army, has demonstrated a brazen disregard for its decisions. Though there have been some small steps forward, the government has shown great reluctance to address cases of human rights violations, in particular those occurring during the conflict. While great improvements were made to draft legislation establishing transitional justice institutions, those institutions have yet to be established - held hostage, along with other initiatives, by the ongoing political deadlock.

It is in this context of an increased risk of rights violations, that the ICJ has sought to play a counteracting role through support to national institutions such as the leadership of the Supreme Court, the Constituent Assembly, Nepal Bar Association, as well as through its ongoing advocacy on issues of impunity and accountability. The ICJ has positioned itself as one of the key organisations in the national and international civil society community focused on preventing this environment from deteriorating further - through both its public advocacy and technical assistance activities. Despite a difficult political environment, the ICJ has had a real impact in a number of areas, including maintaining human rights as a central part of public debate, increasing public awareness and providing crucial technical expertise to advocates of judicial independence, playing an important collaborative leadership role in the run-up to Nepal's UPR process in 2011, and providing international and national technical expertise in cutting edge Supreme Court litigation. With the withdrawal of the United Nations Mission in Nepal and the possible withdrawal of the Office of the High Commissioner for Human Rights, when the OHCHR mandate expires in June 2011, its influence is likely to be even more important in 2011.

Fundamental rights

The ICJ contributed substantially to ensuring that a positive public debate took place around the fundamental rights provisions of the Constitution through a series of publications, trainings and interaction programmes - with a particular focus on Constituent Assembly members themselves. As a result, the Fundamental Rights Committee of the CA's proposed text of the Fundamental Rights Chapter reflected ICJ interventions and showed significant improvement from earlier drafts in its compliance with international human rights standards, particularly in the area of economic and social rights. A related ICJ initiative to inform rural communities about the fundamental rights provisions of the proposed constitution resulted in better advocacy on the part of community-based organisations and a

more effective voice for disadvantaged and marginalised groups in the constitutional-writing process. No other group, CA member or international NGO had had any contact with these communities regarding the constitution-writing process.

Judicial independence

The ICJ maintained a focus on judicial independence and accountability, developing relationships with judges and bench assistants through the provision of technical assistance and trainings. Particularly effective programmes included those connecting Nepali jurists with their colleagues in the region and internationally - for instance, the ICJ sponsored a visit by South African Constitutional Court Justice Yacoob. These initiatives by ICJ have played a crucial role in countering attempts by

Maoist party leaders to subordinate the judiciary to parliamentary control. The party has since shifted its position in opposition to the establishment of a Constitutional Court, though a number of serious issues relating to the judiciary remain unresolved - in particular, the appointment process.

The ICJ has developed extensive relationships with all of the major judicial institutions through trainings and technical assistance to the Supreme Court, the National Judicial Academy, the Nepal Bar Association, the Supreme Court Bar Association and others. Public interactions sponsored by ICJ have brought the question of judicial independence to the top of the policy agenda and placed it on list of issues deserving special scrutiny during the constitution-writing process. These interactions included programmes on the justiciability of economic, social and cultural rights, the use and application of international human rights law in domestic litigation, and solutions to judicial reform in post-conflict societies.

Collaborative leadership of civil society initiatives on impunity

ICJ lawyers have played a central role in bringing together networks of legal professionals, human rights activists and other civil society organisations to develop and implement a shared strategy on ending impunity, including playing a key role organising civil society to prepare for the Universal Periodic Review process at the Human Rights Council in early 2011. In addition, the ICJ made

its own submission to the UPR. The ICJ has produced regular press statements and public documents responding to developments on impunity.

Technical legal assistance in impunity-related cases

The ICJ played a key role in a range of cases before the Supreme Court, and provided assistance to victims of the conflict and claimants in lower courts through partnerships with national organisations and advocates. This has included support to public interest litigation, trial observation and direct interventions in emblematic cases. For instance, the ICJ submitted an influential *amicus curiae* brief to the Supreme Court in a controversial case on the jurisdiction of military tribunals (final decision on the case is pending). The ICJ lawyers have also provided advice and assistance in relation to the filing of cases with international human rights bodies.

Transitional justice advocacy and assistance

The ICJ continues to play a crucial role in ensuring that future transitional justice institutions are compatible with international norms. The work of ICJ lawyers, in partnership with other civil society organisations, the diplomatic community and the United Nations, has had a direct impact on the quality of draft transitional justice legislation (yet to be passed), and on educating stakeholders about the relationship of such institutions with long-term rule of law institutions.

2011 and beyond

The ICJ will continue to focus in the two main areas of judicial independence and accountability and impunity-related advocacy, but with some substantial changes in approach. The ICJ intends to further integrate its high-level policy and legal assistance programmes with more grassroots and community-based activities. This may include the establishment of a number of field projects linking the concerns of local communities (particularly those marginalised by virtue of caste and ethnicity) with larger questions of institutional and policy development in the justice sector. At the same time the ICJ will complement this by connecting these two key issues through regional exchanges and policy development.

South Asia

Throughout South Asia human rights continue to be disregarded, specifically in the areas of arbitrary and preventive detention, torture and denial of fair trial, suppression of dissent and narrowing of democratic space, and discrimination against and persecution of minorities. In Sri Lanka, despite the ending of a civil war that spanned two decades in May 2010, the country continues to be mired in violence, systemic impunity and gross human rights violations. Emergency laws are still in force. Human rights violations continue unabated with civilians facing arbitrary arrests and detention, enforced disappearances and extra judicial executions. State and military officials continue to operate with impunity, rarely if ever held accountable for human rights violations.

The ICJ has built a network of eminent jurists in the region to work on two key rule of law issues: statutory immunities that result in impunity in India and Sri Lanka; and judicial independence and accountability in Bangladesh, Pakistan and the Maldives. In Nepal, the ICJ has succeeded in integrating its work on both issues by pursuing a multiple track approach: linking support to Supreme Court litigation seeking an end to *de facto* and *de jure* immunity for human rights violations, with capacity-building and training activities developed in partnership with the courts and bar associations, and technical assistance to the drafters of a new constitution to strengthen provisions relating to judicial independence. As the South Asian legal systems share similar structures and procedures, often looking to each other for precedents and common law jurisprudence, there is tremendous scope for cross-jurisdictional sharing and joint advocacy in the region.

Judicial independence in the Maldives

In September, the ICJ visited the Maldives to advise the Government on judicial independence. A high level mission was conducted with former UN Special Rapporteur on the Independence of Judges and Lawyers, Dr. Leandro Despouy and ICJ Asia-Pacific Regional Director. Based on the mission, the ICJ produced an extensive report and established a long-term judicial mentorship programme. The ICJ is currently seeking to enable experience-sharing between the Pakistan Supreme Court justices and staff members and members of the Maldives' Supreme Court, Judicial Service Commission and Government on issues related to upholding judicial independence and accountability.

Advocacy on Sri Lanka

In 2010, the ICJ released a report on "*Post-War Justice in Sri Lanka: Rule of Law, the Criminal Justice System, and Commissions of Inquiry*". The report addressed the systematic absence of remedies for gross human rights violations in Sri Lanka between 1977 and 2001 (a period of widespread disappearances and unlawful killings). The report set out lessons learned and advocated for significant institutional and legal reform in a post-war Sri Lanka. The ICJ report offered the first detailed examination on the lack of effective remedies for victims of gross human rights violations.

In September, the ICJ released a report on the Government's use of administrative detention. Currently thousands of individuals are being held without charge or trial. In its report, the ICJ expressed its concern that the Government's "surrender" and "rehabilitation" regime violated international standards, specifically the right to *habeas corpus*, the right to liberty, and the right to due process and fair trial. In releasing these reports, the ICJ not only brought these issues to the forefront, they initiated public debate and dialogue on key unresolved issues which need to be addressed for a lasting reconciliatory peace to be genuine.

2011 and beyond

The ICJ will conduct in-depth research projects and national consultations in the region throughout 2011. In 2012, ICJ will conduct regional workshops and release comprehensive reports which will serve as a basis for advocacy interventions in the region. A high level mission on judicial independence and accountability will be conducted in Pakistan. A judicial mentoring programme will be implemented in the Maldives in collaboration with former members of the Pakistan Supreme Court.

Europe Regional Programme

Europe faces multiple threats to human rights protection, including excessive counter-terrorism measures; violations of human rights in the context of intelligence co-operation; and violations of rights in the treatment or expulsion of immigrants and asylum-seekers. In some countries, in particular in Russia and other countries in the Commonwealth of Independent States (CIS), the rule of law is threatened by poor judicial independence, attacks on lawyers and human rights defenders and impunity for serious violations of human rights. The European Court of Human Rights faces serious and long-term challenges in re-organising to cope with an overwhelming caseload, which can ultimately be traced to inadequacies in national human rights protection systems. All of these problems of human rights protection need to be addressed at the national, regional and international levels, and many raise complex issues of human rights law.

Judicial independence, attacks on lawyers and rule of law

In Europe, and in particular in the CIS region, the ICJ used trial observations, training, assessment missions and legal analysis to influence debate on judicial independence and the rule of law, and to provide protection and ensure redress for lawyers and other human rights defenders facing harassment. An ICJ mission to the Russian Federation in June assessed the state of judicial independence and progress in judicial reform. The report of the mission, *"The State of the Judiciary in Russia"*, drew on the views of Russian experts and stakeholders. The report analysed the systemic problems weakening the judiciary and made a series of recommendations for reform. This has been followed by work in co-operation with ICJ Russian affiliates and other Russian NGOs, to support fair trial in Russia. The ICJ *Manual on Trial Observation in Criminal Trials* was translated into Russian and distributed widely. The Manual has been used at training seminars on trial observation and fair trial, and at an ICJ trial observation in the criminal trial of a lawyer in Dagestan, where conditions for defence lawyers are particularly difficult.

The ICJ has also intervened to highlight attacks on lawyers in Kyrgyzstan; and in Kazakhstan, a report on the observation of the appeal hearing in the trial of the prominent human rights defender and lawyer, Evgeniy Zhovtis has been widely cited and will influence further legal applications in the case.

Future of the European Court of Human Rights

The ICJ has been actively engaged in developing proposals for reform of the

European Court of Human Rights, working as part of a coalition of NGOs to ensure that the Court remains a strong, independent and accessible mechanism for human rights protection in Europe. ICJ advocacy positively influenced the final declaration of an important Inter-Governmental conference on the future of the European Court, held in Interlaken, Switzerland in February, as well as follow up discussions in several Committees in the Council of Europe. The ICJ has in particular intervened in the debate on proposals for a Statute for the Court, seeking to ensure that the exercise does not weaken the powers of the Court to protect Convention rights.

Council of Europe standard setting

ICJ advocacy significantly influenced the drafting process of the Council of Europe Draft Guidelines on Eradicating Impunity for Serious Violations of Human Rights, agreed by the Steering Committee on Human Rights in November. The ICJ prepared comprehensive written proposals for amendments to drafts of the Guidelines, and participated in meetings of the drafting committee. Working in co-operation with other NGOs, the ICJ succeeded in widening the scope of application of the guidelines, and strengthening provisions on duties to investigate, prosecute, provide information to victims and provide reparations.

Counter-terrorism

The ICJ continued to advocate for measures to address the legacy of European countries' involvement in violations of human rights in the war on terror, in particular renditions and secret detentions. In 2010, the ICJ was commissioned by the European Parliament's sub-committee on human rights to prepare and

present a paper on “*Current Challenges Regarding Respect of Human Rights in the Fight Against Terrorism*”, which assessed recent legal developments in national and international counter-terrorism laws, analysed the human rights issues raised by counter-terrorism co-operation with the US and other third States, and made recommendations for action by EU institutions.

Migration

In 2010, the Europe programme stepped up its work on migration. On this issue it successfully influenced concluding observations of UN treaty bodies on several European States. A Practitioner’s Guide on human rights and migration, which is now in the final stages of preparation, will be published in the first half of 2011, and will lay the foundations for increased ICJ training, legal interventions and advocacy on migration in Europe, from 2011.

Third Party interventions

ICJ third party interventions before the European Court of Human Rights have informed the Court’s consideration of significant cases of principle, drawing on comparative law and jurisprudence of other international human rights mechanisms.

In 2010 the ICJ, with Human Rights Watch and INTERIGHTS, intervened before the Grand Chamber of the European Court in *Lautsi v. Italy*, concerning the compulsory display of crucifixes in classrooms in Italian state schools. Judgment is awaited in the case, which is

ICJ Focus

A third party intervention by a coalition of NGOs led by the ICJ before the European Court of Human Rights have informed the Court’s consideration of the significant case of principle *Al-Saadoon v. United Kingdom*. In March, the final judgment of the European Court of Human Rights in the case found violations of the Convention, resulting from the transfer of the applicants from the custody of United Kingdom forces in Iraq to the Iraqi authorities, in violation of the principle of *non-refoulement*, and in defiance of interim measures by the Court. The case establishes an important precedent for the extra-territorial application of the right of *non-refoulement*, the duty to take all possible steps to comply with interim measures, and the obligation to comply with Convention obligations despite competing international legal obligations.

highly significant in establishing the role of the Court in vindicating Convention rights on sensitive matters of morality and religion. In its intervention, the ICJ emphasises the principles of State neutrality and respect for pluralism in education, as elements of the rights to education and freedom of religion or belief. The ICJ also intervened before the European Court of Human Rights, along with several other NGOs in the case of *Bayatyan v. Armenia*, concerning compulsory military service, without the possibility of alternative service for conscientious objectors. Judgment is also awaited in that case.

2011 and beyond

In 2011, the Europe Regional Programme will intensify its work on migration issues, building on the publication of the Practitioners’ Guide on Migration and Human Rights. It will increase its engagement in Russia and other CIS countries, with training for lawyers, trial observations and new Russian-language publications, notably the Uzbekistan fair trial manual (expected spring 2011). Engagement at the Council of Europe will focus on preserving the role and effectiveness of the European Court in the face of practical and political challenges.

Central America Regional Programme

The rule of law remains under serious threat in Central America. Despite fair elections the threat of military coups or attempts to interrupt the construction of peace and democracy remains. Factors that have led to internal conflict or unrest throughout the region have not significantly changed. Social conflict has grown, mainly in Guatemala, El Salvador, Honduras and Nicaragua, and many of which have their origin in economic, social and cultural rights violations. Communities are exposed to human rights violations by private sector entities, in particular those affecting the environment and therefore seriously affecting the rights to life, health, land, water and development of the people.

Despite the establishment of new State organs and the ratification of several important international treaties, serious difficulties persist in generating a new legal culture in most countries in the region. Deficiencies in the functioning of justice systems have generated high levels of impunity and seriously limited effective access to the courts for the vast majority of the population. Organised crime, narco-trafficking and other parallel illegal structures have grown and in some countries have effectively taken control of enclaves outside the authority of the State. Most countries are still dealing with the legacy of past gross human rights violations, authoritarian State policies and judiciaries that are subservient to governments and other sources of power. Most perpetrators of war crimes, crimes against humanity and gross human rights violations have not been prosecuted (Guatemala, El Salvador and Honduras). On the contrary, many have retained their official posts, effectively legitimising impunity and ensuring that investigations against them do not move forward.

Independence of the judiciary

An ICJ mission was undertaken in March to observe the election process of the Attorney General in Guatemala. The Mission met with various actors from the judicial sector, NGOs, civil society, the diplomatic community, and international organisations. During the process, the ICJ recommended that the evaluation indicators and table used in the selection process be revised as it was disproportionately weighted towards academic experience over professional skills and legal experience. Several procedural mistakes by the Nominations Commission were found and on this basis the ICJ recommended that the process be repeated. The ICJ also called for the President of the Supreme Court to step down from the presidency of the Commission, which he did after concerted pressure from civil society groups. In June the Constitutional Court suspended the election process of the Attorney General, ordering that it be annulled and started over. The second election process was much more transparent and resulted in the election of Dr. Claudia Paz y Paz, a young lawyer respected for her honesty and knowledge of penal law. The efforts made had a positive effect as it is expected that Dr. Paz y Paz will work closely with the International Commission against Impunity in Guatemala (CICIG).

ICJ Practitioner's Guides

The Spanish edition of the ICJ *Practitioners Guide No. 5 - Trial Observation Manual for Criminal Proceedings*, was launched in March. The Guide was presented and distributed at an event well attended by legal practitioners and human rights defenders. Roberto Garretón, who observed the trial of the former Peruvian President, Alberto Fujimori on behalf of the ICJ, and Avelino Guillén, the prosecutor in the Fujimori Case, presented their comments on trial observation as an effective strategy supporting the rule of law and the fight against impunity.

In April, the ICJ presented and distributed the Spanish edition of the ICJ *Practitioners Guide No. 2 - The Right to a Remedy and to Reparation for Gross Human Rights Violations* at an international forum well-attended by NGOs dealing with reparations processes, the Fundación de Antropología Forense, and judges and prosecutors. The Guide was presented with the aid of two experts: Alberto Gomez Zuluaga, who acted as lawyer in a case of reparation measures in the construction of a hydroelectric plant in Colombia, and Carlos Beristain from Spain, scholar on a variety of issues related to reparation measures. Throughout 2010, the ICJ *Practitioners Guide No. 2 - The Right to a Remedy and to Reparation for Gross Human*

Rights Violations was provided to over 400 persons. The Guide was also useful in drafting the Reparations Plan approved by the governmental delegation and the communities affected by the construction of the Chixoy Hydroelectric Plant in Guatemala.

Abolition of the death penalty

High levels of violence and impunity are the main obstacles in the campaign for the abolition of the death penalty in Guatemala. Nevertheless, the ICJ has continued in 2010 to promote the abolition through a variety of actions. A positive result of this work was success by the ICJ, in cooperation with other NGOs, in keeping a *de facto* moratorium on the death penalty in place, as the Congress was unable to approve a proposed law to allow for presidential pardon, which would have effectively ended the moratorium.

Capacity-building of judges, lawyers and prosecutors

The ICJ also aimed at increasing the understanding of international human rights law by judges, lawyers and prosecutors in Guatemala. The ICJ met with lawyers in July to analyse the situation of lawyers who work as human rights defenders. All concluded that many lawyers lack training in international human rights law. Nevertheless, lawyers do increasingly refer to international standards and techniques. In the case of the mine “Marlin” some lawyers have pursued the implementation of protection measures issued through the decision of the Inter-American Commission of Human Rights, which ordered the State of Guatemala to close the mine temporarily. Judicial independence in Guatemala remains

elusive as pressure exerted on judges and magistrates from different interest groups is a greater obstacle than the lack of knowledge of international standards and human rights law.

Legal advice to communities

The ICJ continued its work in a case that involves the renewal of oil exploitation in the northern department of Petén in Guatemala, a region where narco-trafficking and other illegal activities take place. An action against the renewal of such a contract was presented to the Constitutional Court of Guatemala but was rejected *in limine* (without considering the substance of the case). The ICJ will continue to give legal advice to these communities, in order to bring the case to the Inter-American Human Rights System.

Honduras

The ICJ has been closely monitoring the situation of the independence of the judiciary in Honduras since the coup d'état in 2009. Invited by Rights in Action, the ICJ visited Honduras in May, and assisted the Plataforma de Derechos Humanos in developing a proposal for the establishment of a second, independent Truth Commission. Meetings were also held with the Association of Judges for Democracy. Only days later, contracts for four judges from the association were ended arbitrarily by the Supreme Court. In December, the ICJ undertook a mission to evaluate the situation of the independence of the judiciary, the evolution of the case of the dismissed judges, and the work of both Truth Commissions. A statement was issued at the end of the mission, whose recommendations are being followed up by the Association of Judges for Democracy.

2011 and beyond

In 2011 the ICJ will continue its focus on promotion of rule of law and administration of justice in Central America. In Guatemala the ICJ will continue to monitor the election process of the Constitutional Court; it will endeavour in its efforts to further judicial independence and strengthen protection of human rights in Honduras and El Salvador. It will continue work towards the abolition of the death penalty and provide legal assistance to communities in cases involving violations by non-State actors. The ICJ will continue cooperation with other initiatives to combat impunity for violations of gross human rights violations in the region.

Middle-East and North Africa Regional Programme

During 2010 a number of governments in the Middle-East and North Africa (MENA) region maintained the emergency laws, in place for decades, notably so in Syria and Egypt. The use of emergency powers in these countries had, frequently led to serious human rights violations, such as torture and ill-treatment, enforced disappearances, and extra-judicial executions. Emergency laws have also enabled these governments to subject human rights lawyers and defenders to arbitrary arrests and unfair trials before exceptional and military courts. In Morocco, five years after the Truth Commission, established to investigate the gross human rights violations, recommended several legislative reforms to end impunity and to strengthen the independence and impartiality of the Moroccan judiciary, none have been implemented. In Israel and the Occupied Palestinian Territory (OPT), impunity has prevailed for both serious human rights violations and breaches of international law committed during the war in Gaza (December 2008-January 2009).

ICJ Focus

Mr. Muhannad Al-Hasani, an ICJ Commissioner and a prominent Syrian human rights defender, was arbitrarily arrested, convicted and sentenced to three years imprisonment for “weakening the national sentiments”. In 2010 the ICJ continued monitoring his trial and concluded that his trial before the Second Criminal Court of Damascus failed to meet international standards of fair trial, including the right to be presumed innocent, the right to a defence, and the right to equality of arms. The President of the Court denied all defence witnesses from giving evidence and did not require the prosecution to present any kind of credible evidence to support the accusations made against him. Mr. Al-Hasani was awarded the prestigious Martin Ennals Award for Human Rights Defenders 2010.. Mr. Al-Hasani was the second laureate in the 18-year history of the Award not to be able to receive his prize in person. The Award was handed over by UN High Commissioner for Human Rights, Navanethem Pillay to an ICJ lawyer representing Mr. Al-Hasani.

Protection of human rights lawyers and defenders under attack

The ICJ contributed substantially to raising awareness of cases in which human rights lawyers and defenders have been prosecuted under the framework of the emergency laws in Syria. The MENA Programme observed and monitored the case of Mr. Muhannad Al-Hasani. The ICJ continues to advocate for his release. The ICJ also observed the trial of Mr. Haytham Al-Maleh, a veteran retired Syrian lawyer and human rights defender who was prosecuted before the second military court in Damascus and sentenced to three years imprisonment for the same charge as Mr. Al-Hasani. The charge resulted from his public criticism of the

emergency laws and the ongoing control by the Syrian authorities of the judicial system.¹ In addition to monitoring these two trials, the ICJ raised awareness of these two cases at the international level, including at the UN, through mobilising different special procedures.

States of emergency in Syria and Egypt

In advocating for an end to decades long states of emergency the ICJ contributed to ensuring that a national debate took place around the abusive use of emergency laws. The ICJ was successful in undertaking a mission in each country to assess the extent to which the continuing use of the emergency laws undermines the rule of law. During the missions the ICJ gathered first hand information about serious human rights violations committed under the framework of emergency laws in both countries, including arbitrary detentions and torture. The ICJ also gathered specific and more detailed information about relevant cases before the Emergency State Security Courts and the Military Courts. Through interviews with practicing judges and lawyers, victims of human rights violations, their lawyers, and NGOs acting in their defence, the ICJ developed a better understanding of the mechanisms of control over the judiciary and of the legal systems under which the victims’ rights to a remedy and to reparation are denied; and through which those responsible for such human rights violations are able to evade justice and enjoy impunity.

¹ Mr. Haytham Al-Maleh was released on 8 March 2011, following an amnesty issued by President Bashar al-Assad for prisoners who are more than 70 years old and who suffer from incurable diseases.

The ICJ used the findings of the missions to Syria in meetings with the authorities in advocating for: the end of the emergency law in force for the last 48 years; justice for the victims of human rights violations; accountability for the perpetrators; and for the release of human rights defenders and political opponents arrested under the emergency laws. In its mission to Syria, the team held the ICJ's first significant meetings with government officials. In Egypt the authorities declined to meet and in May 2010 renewed the emergency law for an additional two years.

Exceptional and military courts

The ICJ plays a unique role as rule of law organisation in the MENA region advocating for the abolition of exceptional courts and the end of military courts to try civilians. The ICJ organised a well-attended seminar on the use of military and exceptional courts in the MENA region. It analysed in particular Egypt, Tunisia and Syria; lawyers and legal practitioners from the three countries participated. The seminar assessed, in light of international standards, participants' experiences in using military and exceptional courts, and the extent to which this use has undermined basic rule of law and human rights principles. Participants exchanged views on the guarantees of fair trial before these courts, the legal systems under which these courts operate, and the best strategies for challenging these systems.

The ICJ used the outcomes of this seminar to elaborate an advocacy strategy on ending the use of military courts to try civilians and the abolition of exceptional courts. The seminar also enabled the ICJ to identify human rights lawyers and practitioners in the three countries to help implement this strategy, and to observe trials on behalf of the ICJ. A tangible example of this positive outcome was that the ICJ was able to deploy two participants to observe the trials of Mr. Haytham Al-Maleh and Mr. Muhannad Al-Hasani in Syria.

2011 and beyond

Recent events in the region have only highlighted the urgent need for legal and policy reforms that strengthen the independence of the judiciary, that protect human rights, and adhere to the rule of law. In 2011 the ICJ will continue advocating for these reforms in countries throughout the MENA region. ICJ will work with partners to fight impunity in cases of human rights violations. It will help victims of such violations in accessing justice and help them assert their rights to a remedy and to reparation.

Independence of the judiciary

Judicial independence remained a priority for the ICJ work in the MENA region: through interventions in cases where judges came under attack; through trainings and seminars for judges, lawyers and prosecutors; and through advocating for policy and legislative reforms to strengthen the independence and accountability of the judiciary.

In Morocco the ICJ co-organised, with its Affiliate OMDH, a seminar on the reform of the judicial system. Judges, prosecutors, lawyers and representatives of the ministry of justice examined the legislative framework under which the judicial system operates in light of international standards of judicial independence and accountability. The seminar focused on the judiciary's independence in decision-making, security and conditions of tenure, functional independence (especially in regards to the Minister of Justice), and the independence of the Office of the Public Prosecutor. The seminar's outcomes have been used to finalise an ICJ legal memorandum on the reforms needed to bring the judiciary in-line with international standards. The memorandum will be submitted to the Moroccan authorities. The ICJ also co-organised with OMDH a seminar on trial observation techniques and the right to a fair trial, which was well-attended by lawyers and legal practitioners. Following the seminar, some participants have already being engaged to observe trials on behalf of the ICJ in Morocco and other MENA countries.

In Tunisia, the ICJ advocated for the end of the constant harassment and arbitrary measures to which the democratically elected members of the Executive Bureau of the Association of Tunisian Judges have been subjected. These include abusive transfer, non-payment of salaries, promotions being blocked, and effective travel bans.

ICJ 2010 Legal and Advocacy Outputs

Most of the ICJ outputs are available on the ICJ website (www.icj.org).

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Media/Press Releases

- The complaint procedure for violations of economic and social rights: More states must sign and ratify, says the ICJ, September
- Joint press release, 10 for Access to Justice for All Human Rights on December 10, 2010, December

GLOBAL SECURITY AND RULE OF LAW

Submissions/Strategic legal interventions

- Amicus Brief to the Constitutional Court of Colombia on the human rights obligations in relation to intelligence legislation, June
- Submission to the Universal Periodic Review of the USA, 9th UPR session , November

Conferences

- Workshop “Drones and targeted killing – bringing human rights back in”, September

Press releases

- US – Torture is a crime not poor judgment, February
- UN - ICJ deplores deferral of discussion of secret detention study, March

Other

- Monthly publication: E-bulletin on terrorism, counter-terrorism and human rights
- Joint written statement on Secret Detention, Nine steps to implement the recommendations of the global study on secret detention, June
- Oral statement on secret detention on behalf of the ICJ, Amnesty International, Human Rights Watch and FIDH, Human Rights Council 14th session, June

INTERNATIONAL ECONOMIC RELATIONS

Conferences and Workshops

- Workshop on Business, Human Rights and Access to Justice in China, co-organised by the ICJ and the School of Law of the City University of Hong Kong, Hong Kong, 5-6 March
- Inter-Committee Workshop Activities of transnational corporations: Impact on the implementation of human rights treaty obligations, Geneva, Switzerland, 18 June
- Sub-regional workshop on Access to justice by victims of human rights abuses by corporations In Nigeria, Abuja, Nigeria, 19-20 August
- Lawyers’ Dialogue on Business involvement in Human Rights violations and Victims’ Access to Justice in the DR of Congo, organised by the ICJ, OSISA, SADC Lawyers’ Association and ASADHO, Lubumbashi, Congo, 22 August
- Inter-Committee Workshop Activities of transnational corporations: Impact on the implementation of human rights treaty obligations, Sao Paulo, Brazil, 30 August
- International conference on Legal Remedies for Human Rights abuses involving corporations, Geneva, 27-28 September
- Regional Conference on the protection of Economic, Social and Cultural Rights in the Constitutions and in international law, co-organised by the ICJ and the Constitutional Chamber of the Supreme Court of Costa Rica, San José, Costa Rica, 16-17 December

Strategic Legal Interventions/Submissions

- Oral intervention during the interactive dialogue with the UN Rapporteur on Business and Human Rights Prof. John Ruggie, UN Human Rights Council 14th session, June

- Amicus brief before the US Supreme Court in *Presbyterian Church of Sudan et al v Talisman Inc.*, prepared jointly by the ICJ and the American Association for the International Commission of Jurists
- Amicus brief to support a petition to the Constitutional Tribunal of Colombia by the Colombian Commission of Jurists requesting the law 1382 of 2010 (amending law 685 /2001 Mining Code) be declared incompatible with the Constitution

Other

- The Right to a Remedy for Victims of Private-Sector Rights Abuse, Human Rights Treaty Bodies – Consolidated Review of practice 2007-2010, prepared for the Inter-Committee Workshop “Activities of transnational corporations: Impact on the implementation of human rights treaty obligations”, Geneva, Switzerland, June – unpublished
- Switzerland: State duty to protect against corporate human rights abuses, commissioned by the Coalition of Swiss NGOs, available at www.fastenopfer.ch/csr

SEXUAL ORIENTATION AND GENDER IDENTITY

Strategic Legal Interventions/Submissions

- Submission to the UN Special Procedures concerning the arrest of Steven Monjeza and Tionge Chimbalanga in Malawi, January
- Submission to the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health concerning the mob violence directed at gay men and staff of a health clinic in Mtwapa, Kenya, March
- Submission to the Special Rapporteur on the situation of human rights defenders on the raid of GALZ office and the arrest of two GALZ employees in Zimbabwe, May
- Joint intervention before the European Court of Human Rights in *GenderDoc-M v. Moldova*, June
- Expert legal opinion to the UN Human Rights Committee in *Irina Fedotova v. Russian Federation*, June
- Third-party intervention before the High Court of the Hong Kong Special Administrative Region in *W v. The Registrar*, August
- Submission to the Working Group on Arbitrary Detention, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health concerning the arrest of two men in Cameroon on suspicion of homosexuality, October

Country/Thematic Reports

- Legal Analysis of DRC Bill on “Sexual Practices Against Nature”, jointly with the Africa Regional Programme, December
- Legal Analysis of Lithuania Bill on “Public Promotion of Homosexual Relations”, November
- Briefing Paper: International Human Rights Law and the Criminalization of Same-Sex Sexual Conduct, May

Other

- Speaker, “Legal Concepts of Hate Crimes,” Seminar on Tackling LGBT Hate Crimes, London, United Kingdom, April
- Moderator, “Decriminalization Strategies” Panel, LGBT Rights are Human Rights Workshop, Banjul, the Gambia, May
- Trainer, “Privacy and Non-Discrimination Rights Under International Law,” LGBT and Human Rights Regional Training Programme, Windhoek, Namibia, May
- Trainer, “Privacy and Freedom of Association Rights Under International Law,” LGBT and Human Rights Regional Training Programme, Pattaya, Thailand, June
- Trainer, “Same-Sex Family Law,” European Litigation Seminar, London, United Kingdom, September
- Organiser and Trainer, “Defending LGBTI Individuals in Court,” Mombasa, Kenya, November

UN HUMAN RIGHTS MECHANISMS

Human Rights Council

During the 13th session of the Human Rights Council (1-26 March), the ICJ:

- demanded that the Council reinforce its calls for an end to counter-terrorism measures in violation of human rights
- welcomed the UN High Commissioner for Human Rights emphasis on countering discrimination, including on the grounds of sexual orientation
- organised a delegation of Nepali human rights defenders and victims to attend the 13th session and a meeting of the Working Group on Enforced or Involuntary Disappearance (WGEID) to raise the issue of impunity for serious violations of human rights in Nepal
- made an intervention on the Somchai Neelapaijit case during the interactive dialogue with the WGEID
- released a report surveying historical failures of commissions of inquiry and the criminal justice system in Sri Lanka at a side event
- assisted a human rights delegation from Fiji to intervene in the UPR of their country, including organising a side event
- hosted a parallel event on the role of the legal profession in preventing torture in the counter-terrorism context
- participated in a parallel event hosted by the delegation of Mexico on good practices of intelligence accountability in counter-terrorism
- made a statement urging the implementation of findings by the Fact-Finding Mission on Gaza Conflict with a view to ensuring accountability and justice.

During the 14th session of the Human Rights Council (31 May-18 June), the ICJ:

- together with Amnesty International made oral and written interventions on the situation in Thailand
- initiated a joint statement with Amnesty International, Human Rights Watch, and the International Federation for Human Rights calling for steps to implement the recommendations of the Global Study on Secret Detention presented by the UN Special Rapporteur on Human Rights while Countering Terrorism, the UN Special Rapporteur on Torture, and the Working Groups on Arbitrary Detention and Enforced Disappearances
- carried out a number of joint advocacy initiatives with other human rights organisations in relation to the Council's debate on Maternal Mortality and Human Rights and its consideration of the OHCHR's Report on the topic.

During the 15th session of the Human Rights Council (13 September-1 October), the ICJ:

- released at a side event a research report on the unlawful detention under emergency regulations of 8,000 "surrendees" allegedly associated with the LTTE, Sri Lanka
- was one of the speakers at the OHCHR/FAO joint panel on the right to food
- carried out advocacy work to support the creation of a new Special Procedure of the Human Rights Council on Women's Equality before the Law/Discrimination Against Women in Law
- moderated a panel discussion on the realities of the Security Council Resolution 1325 implementation in a range of domestic contexts, including Nepal, Bosnia and Liberia
- made oral and written interventions with Amnesty International on the May crackdown on Red Shirt protestors by the military in Thailand.

Other

- Non-Paper, United Nations Human Rights Council, Discrimination against Women: A New Special Procedure

United Nations Treaty Bodies

Country Submissions

- Submission to the Committee Against Torture on France

- Submission to the Committee Against Torture on Sweden
- Submission to the Committee Against Torture on Switzerland
- Submission to the Human Rights Committee on Kazakhstan
- Joint Submission with the Polish Helsinki Foundation to the Human Rights Committee on Poland
- Submission to the Human Rights Committee on Iran
- Joint Submission with Frontline to the Committee on the Elimination of Discrimination Against Women on Russia
- Submission to the Committee on the Elimination of Discrimination Against Women on Fiji

Individual Communications

- Expert Legal Opinion on Maternal Mortality and International Human Rights Law in the case of *Alyne da Silva Pimentel v. Federative Republic of Brazil* before the Committee on the Elimination of Discrimination Against Women
- ICJ Legal Opinion on Section 3.10 of the Ryazan Oblast Law in the case of *Irina Fedotova v. Russian Federation* before the Human Rights Committee

Reform of the UN treaty bodies

- Update to the 2009 ICJ Study on the Reform of the United Nations Human Rights Treaty Body System

Press Releases

- The complaint procedure for violations of economic and social rights: More states must sign and ratify, says the ICJ, September

WOMEN'S HUMAN RIGHTS

Strategic Legal Interventions/Submissions

- Expert Legal Opinion, International Prohibition of Corporal Punishment & Violence against Women, *BLAST & Ain o Salish Kendra v. Bangladesh*, Bangladesh Supreme Court
- Expert Submission, Violence and Impunity: Women Human Rights Defenders in Russia, Committee on the Elimination of Discrimination against Women
- Expert Submission, Harassment: Women Human Rights Defenders in Fiji, Committee on the Elimination of Discrimination against Women

Other

- Non-Paper, United Nations Human Rights Council, Discrimination Against Women: A New Special Procedure
- Speech, Violations of Human Rights and National Implementation in the Sphere of Sexual and Reproductive Health, CESC Day of General Discussion on Sexual and Reproductive Health
- Speech, Access to Medicines and Women's Human Rights: International Legal Requirements of Equality & Non-Discrimination, OHCHR Expert Consultation on Access to Medicines.
- Joint NGO Letter, UN Human Rights Council and Maternal Mortality, Permanent Missions to the UN in Geneva
- Joint NGO Briefing Paper, Criteria for Appointment of Members of the UN Working Group on Discrimination against Women, Consultative Group & President of the UN Human Rights Council
- Standards Compilation, International Human Rights Law and Standards on Sexual and Reproductive Rights, INTERIGHTS Litigation Surgery: Women's Rights in Africa.

CENTRE FOR THE INDEPENDENCE OF JUDGES AND LAWYERS

Media/Press releases

- Statement on the harassment of Justice Goldstone, June
- Fiji: Jurists welcome dismissal of charges against leading human rights lawyer, joint statement with Avocats sans Frontières, August

Conferences

- 1st ICJ Geneva Forum of Judges and Lawyers, December

Other

- Joint letter to the UN Special Rapporteur on the Independence of Judges and Lawyers, August
- Joint Statement on Nasrin Sotoudeh and other Iranian defence lawyers, October
- Open letter to Sudan on Abdelrahman Mohammed Al-Gasim, November

AFRICA REGIONAL PROGRAMME

Country/Thematic Reports/Briefing Papers

- Legal Analysis of DRC Bill on “Sexual Practices Against Nature”, jointly with the Africa Regional Programme, December
- “Rule of Law and Elections in Africa – Recent Experiences”, paper presented by the ICJ at the half annual general meeting of the Tanganyika Law Society held at Dodoma, Tanzania, August

Strategic Legal Interventions/Submissions

- Open Letter to the UNESCO Executive Board adoption of the establishment of the to postpone the Obiang Nguema Mbasogo International Prize for Research in the Life Sciences, Joint Advocacy effort with other concerned regional and international human rights organisations, April
- “Election-related Human Rights Violations in Africa: Calling for the Establishment of a Working Group on Elections, Human Rights and the Rule of Law”, Submission to the African Commission on Human and Peoples Rights 47th Session, Banjul, The Gambia, May
- “Appel au gouvernement du Sénégal et à l'Union africaine pour le jugement équitable de Hissène Habré”, jointly issued with other African and international Human Rights Organisations and submitted to African Heads of States during the 15th Summit of the Assembly of the African Union held in Kampala, Uganda, July
- Open Letter to His Excellency President Joseph Kabila, Chairman of the Southern African Development Community and President of the Democratic Republic of the Congo: Call for an Independent Commission of Inquiry into the death of Floribert Chebeya Bahizire, jointly issued and submitted to the Summit of SADC Heads of States, held in Windhoek, Namibia, August
- A Legal Opinion on Implications of the decision to Review the Role, Functions and Terms of Reference of the SADC Tribunal, jointly issued with SALC and other SADC-based human rights organisations, November

Conferences/Training/Technical Assistance

- Joint Zimbabwe Judicial-Legal Practitioners Colloquium 09 - 11, Victoria Falls, Zimbabwe, and Colloquium Concluding Statement, September
- L'Observation d'un Procès: Principes Juridiques de base et Conseils Pratique : Paper presented at the trial observation training for Burundian lawyers and human rights activists, October
- An Overview of Litigation in the African human rights system, paper presented at a workshop on regional human rights mechanisms in Malawi, November

Media/Press Releases

- “Criminalisation of Same Sex Relationships Constitutes a Violation of Malawi's International Human Rights Obligations”, issued in collaboration with the Sexual Orientation and Gender Identity Project, May
- R.D. Congo: Floribert Chebeya Bahizire, défenseur des droits humains, retrouvé mort, initiated and drafted in collaboration with Protection International and ACAT-France, June
- David Cote to observe the trial in the Case of *The State v. Farai Maguwu in Zimbabwe*, June

Other

- Civil Society Communiqué to State Delegates at the Review Conference of the Rome Statute of the International Criminal Court held in Kampala, May
- Southern Africa Economic, Social and Cultural Rights Camp: Declaration on Economic, Social and Cultural Rights Litigation and Advocacy in Southern Africa, September

- Petition opposing President Al Bashir's participation in a meeting of the Intergovernmental Authority on Development to discuss the January 2011 referendum on Southern Sudan secession, jointly issued with other African concerned human rights organisations, Kenya, October

ASIA PACIFIC REGIONAL PROGRAMME

Country/Thematic Reports/Briefing Papers

Thailand

- Report: Internal Security Act, February
- Briefing Paper: Internal Security Act in Thai, February
- Briefing Note: Imam Yapa Kaseng – Private Criminal Prosecution, August
- Report: The Use of Training Camps in the Deep South of Thailand: A Rights-Based Analysis, September
- Briefing Paper on Military Courts Procedure, December
- Briefing Paper on the Functioning of Emergency Laws in the Deep South, December
- Briefing Note: Enforced Disappearance of Somchai Neelapaijit. Criminal Prosecution: The Appeal Process, December

Nepal

- The Right to a Remedy and to Reparation for Gross Human Rights Violations: A Practitioners' Guide (Nepali Translation), March
- Nepal's Fundamental Rights Committee's Draft Provisions Regarding Equality Rights and Economic, Social and Cultural Rights: An Assessment and Some Recommended Changes, April
- ICJ Submission to the Universal Periodic Review of Nepal, July
- Discussion Paper on Economic, Social and Cultural rights in Nepal's new Constitution: Voices from the Margins, December

Sri Lanka

- Report: Post War Justice in Sri Lanka: Rule of Law, the Criminal Justice System and Commissions of Inquiry, January
- Briefing Note: Beyond Lawful Constraints: Sri Lanka's Mass Detention of LTTE Suspects, September

Maldives

- Report: Assessment of Independence of the Judiciary in the Maldives: Preliminary Observations and Suggestions, September

Strategic Legal Interventions/Submissions

Thailand

- Oral intervention on the Enforced Disappearance of Somchai Neelapaijit to the Working Group on Enforced and Involuntary Disappearances at the UN Human Rights Council 13th session, March
- Trial observations in the Military Courts of Thailand, April-June
- Legal and political briefings on the May crackdown on protestors to EU, Canada, US and other Western diplomats, June-July
- Expert legal opinions on human rights implications of the Emergency Decree and the Internal Security Act to local and international human rights groups, June-July
- Trial observation of the Imam Yapa case: Private Criminal Prosecution, June-August
- Oral and written interventions with Amnesty International on the May crackdown on Red Shirt protestors by the military in Thailand at the Human Rights Council 13th session, September
- Trial observations of the Somchai Neelapaijit case: The Appeal, November

Nepal

- ICJ-NIMJ Amicus Brief on Military Court Jurisdiction to the Nepal Supreme Court, November

Conferences/Training/Technical Assistance

- Technical Assistance in cases before the Nepal Supreme Court and lower courts including:
 - *Keshav Rai v. Okhaldhunga District Court*
 - *Asharam Chaudhary and others v. District Police Office, Dang*
 - *Bhim Prasad and Others v. District Police Office, Dang*
 - *Junga Bahadur G.C v. District Police Office, Dang*
 - *Advocacy Forum v. Home Ministry, Government of Nepal*
- Training on the Role of Lawyers in the Prevention of Torture in Thailand in collaboration with the Association for the Prevention of Torture, May
- National training workshops on the human rights principles and the Internal Security Act, May-June
- Technical assistance to lawyers representing detainees held under the Emergency Decree to make submissions to the UN Working Group on Arbitrary Detention, May
- Technical assistance to the Human Rights Lawyers Association on a draft bill criminalizing torture, June
- Technical assistance to the National Human Rights Commission of Thailand on applying human rights standards and monitoring, July
- Technical assistance to the Department of Rights and Liberties, Ministry of Justice on the Thailand Country Report on the UN Convention Against Torture, August
- Workshops on the UN Convention Against Torture and the Optional Protocol on the Convention Against Torture, November
- Three day workshop with the Judge Advocate's Department, Ministry of Defence on the Rule of Law and Law Enforcement by the Thai Military, November

Media/Press Releases

Asia Pacific

- ICJ Releases Report Documenting the History of Impunity for Human Rights Violations in Sri Lanka, January
- Thailand: New ICJ Report Raises Concerns with Internal Security Act, February
- "Stop Enforced Disappearances in Thailand", say Human Rights Groups on the Sixth Anniversary of the Disappearance of Lawyer Somchai Neelapaijit, March
- ICJ expresses deep concern regarding recent political violence in Thailand and stresses the need for an impartial and independent investigation, April
- Emergency Decree in Bangkok and 18 Thai Provinces must be Revoked Immediately, July
- FIJI: Jurists welcome dismissal of charges against leading human rights lawyer, August
- ICJ urges support for an independent and accountable judiciary in the Maldives, September

Nepal

- ICJ urges the Government of Nepal to respect Civilian Jurisdiction in the case of Maina Sunwar, February
- Authorities Must Provide Justice for Torture and Murder of 15 year old Maina Sunwar, February
- Nepal: International Commission of Jurists urges Strengthening of Human Rights Provisions, March
- Maoists Intimidation of Human Rights Defenders Must Stop – Threats Against Human rights Lawyers Undermine the Justice System, July
- Nepal: Government Fails to Meet its Commitment to Combat Impunity, October
- ICJ Urges the Government of Nepal to Cease Obstruction of Justice, October
- Interview with Eugene Fidell on Military Court Martial, November
- Nepal Descending Towards Full-Spectrum Impunity for Human Rights Abuses Committed During The Conflict, December

CENTRAL AMERICA PROGRAMME

Country/Thematic Reports and Interventions

- Mission monitoring the election process of the Attorney General in Guatemala, March
- High-Level Mission on judicial independence, Honduras, May
- Campaign to abolish the death penalty, Guatemala, August-October
- Visit to communities near the Ecological Reserve Laguna El Tigre, Petén, in the context of legal advice in cases related to violations of ESC rights and rights of indigenous peoples, Guatemala, November
- High Level Mission, Honduras, December

Strategic Legal Interventions

- Constitutionality challenge in the Fonpetrol case (Case Laguna El Tigre), Guatemala, September

Conferences/Training/Technical Assistance

- Participation in an International Humanitarian Law Course sponsored by the Organization of American States, USA, January
- Participation in the Forum on Economic, Social and Cultural Rights "Specialization Course in the Internationalization of Labor Rights", El Salvador, February
- Launch of the ICJ Trial Observation Manual for Criminal Proceedings, Guatemala, March
- Launch of the ICJ Practitioners' Guide "The Right to a Remedy and to Reparation for Gross Human Rights Violations", Guatemala, April
- Participation in an Seminar evaluating the role of the Commission against Impunity in Guatemala, May
- Meeting with lawyers to analyse the situation of human rights lawyers, Guatemala, July
- Presentation at the Forum "Nuremberg and the fight against impunity", Guatemala, October-November
- Participation in a Seminar on the abolition of the death penalty, Guatemala, November
- Participation in a Seminar on migrations, Guatemala, November
- Presentation at a Seminar for lawyers on the fight against impunity and the implementation of international humanitarian law, Guatemala, November
- Presentation at Seminar on Women's Human Rights, Guatemala, December
- Seminar on Economic, Social and Cultural Rights, Costa Rica, December

Media/Press Releases

- CIJ llevó una misión en Guatemala para observar la elección de Fiscal General, March
- Comunicado de Prensa: Honduras, May
- Comunicado de Prensa: Guatemala, May
- Guatemala: CIJ solicita la inhibitoria del Presidente de la Corte Suprema de Justicia y Presidente del Colegio de Abogados en el proceso de eleccion de Fiscal General, June
- Pronunciamiento de la Comisión Internacional de Juristas en ocasión de finalizar su visita a Honduras, December

EUROPE REGIONAL PROGRAMME

Country/Thematic Reports and Interventions

- ICJ and Polish Helsinki Foundation Joint Submission to the Human Rights Committee on Poland, January
- Trial Observation Report on the Appeal Hearing in the Case of Evgeniy Zhovtis, March
- Briefing Paper: Current Challenges Regarding Respect for Human Rights in the Fight against Terrorism, April

- Submission to the Committee Against Torture on the Periodic Report of France, April
- Submission to the Committee Against Torture on the Periodic Report of Switzerland, April
- Submission to the Human Rights Committee on the Periodic Report of Kazakhstan, May
- The State of the Judiciary in Russia: Report of the ICJ Research Mission on Judicial Reform to the Russian Federation on 20-24 June 2010, November

Strategic Legal Interventions

- ICJ and AI Joint Comments on First Draft of the Guidelines of the Committee of Ministers of the Council of Europe on Impunity, March
- ICJ and AI Comments to the Committee for the Development of Human Rights (DH-DEV) on the Draft Guidelines of the Committee of Ministers of the Council of Europe on Impunity, April
- ICJ and AI Response to the Second Draft of the Guidelines of the Committee of Ministers of the Council of Europe on Impunity, May
- Joint NGO comments on the Draft of the First Report of the Steering Committee for Human Rights (CDDH) on the implementation of the Interlaken Declaration, May
- Third Party intervention in Lautsi v Italy, June
- ICJ and AI Comments to the Steering Committee on Human Rights on the Draft Council of Europe Guidelines on Eradicating Impunity for Serious Human Rights Violations, June
- ICJ and AI comments on the CDDH First Report on Implementation of the Interlaken Declaration, June
- Third Party intervention in Baytayan v Armenia, July
- Joint Comments to the Steering Committee on Human Rights on the Draft Council of Europe Guidelines on Eradicating Impunity for Serious Human Rights Violations, September
- Joint Comments on the Draft Guidelines of the Committee of Ministers of the Council of Europe on Eradicating Impunity for Serious Human Rights Violations, September
- Council of Europe: Committee of Experts on a Simplified Procedure for Amendment of Certain Provisions of the European Convention on Human Rights (DH-PS): Initial Comments of AI and the ICJ, October
- Europe: NGO's perspective on the EU Accession to the ECHR, Joint Statement, December
- Council of Europe: Joint Comments on Follow-up of the Interlaken Declaration, December
- Council of Europe: Joint Comments to Steering Committee on Human Rights on Draft Guidelines on Eradicating Impunity for Serious Human Rights Violations, November

Media/Press Releases

- Russian Federation: Reforms needed to protect judicial independence, June
- Kazakhstan: ICJ questions fairness of appeal hearing in case of human rights defender Evgeniy Zhovtis, October
- Kazakhstan: Zhovtis Appeal Hearing Failed to meet international fair trial standards, March
- Russian Federation: ICJ calls for Systemic Reforms to Strengthen the Judiciary, November
- Russian Federation: ICJ Observes Hearing in Prosecution of Dagestan Lawyer, November
- Kyrgyzstan: Measures to end Attacks on Lawyers and Defendants Needed Urgently, October
- Switzerland: Referendum on Expulsions risks serious human rights violations, November

Other

- Bi-monthly publication: Counter-terrorism bulletin in European Human Rights Law Review

MIDDLE EAST AND NORTH AFRICA REGIONAL PROGRAMME

Country/Thematic Reports and Interventions

- Summary report on the compliance of the trial of Muhannad Al-Hasani before the Second Criminal Court in Damascus with international standards of fair trial, Syria, June

Media/Press Releases

- Israel Must End Detention of Human Rights Defender Ameer Makhoul and Cease Harassment of Organizations, May
- Syria: ICJ Commissioner Muhannad Al-Hasani sentenced to three years imprisonment: The ICJ calls for his immediate and unconditional release, June
- Syria: Conviction of Haytham Al-Maleh signals continuing persecution of Lawyers & Human Rights Defenders, July
- Israel: Domestic investigations have failed to meet international standards; UN Security Council must ensure accountability, September
- Syria: Eight human rights organizations call on Syrian authorities to ensure of imprisoned ICJ Commissioner Muhannad Al-Hasani following assault, November
- Syria: Muhannad Al-Hasani, ICJ Commissioner and Martin Ennals Laureate physically assaulted in jail, November

Other

- Statement at the Human Rights Council 13th session, ICJ urges the implementation of findings by the Fact-Finding Mission on Gaza Conflict with a view to ensuring accountability and justice, March
- Letter from Mary Robinson, ICJ President, to the Syria President Bashar Al-Assad on the situation of ICJ Commissioner Muhannad Al-Hasani, April & November
- Syria: Letters to the French President and Prime Minister on the situation of human rights lawyers and defenders

ICJ Publications in 2010

Access to Justice: Human Rights Abuses Involving Corporations *Country Studies*

Access to justice and effective legal remedies are crucial elements in the protection of human rights in the context of business activities. It is also relevant to the work of judges and lawyers who promote the rule of law and human rights. Despite its importance, access to justice is hindered by a number of obstacles unique to corporate human rights abuses. The study of state practices in providing access to justice reveals the potential of existing instruments to ensure this right. Scrutiny of state practices in this area will help the international community in its quest for new answers to the challenge of transnational corporate human rights abuse.



Practitioners Guide No. 5 - Trial Observation Manual for Criminal Proceedings *(Russian edition)*



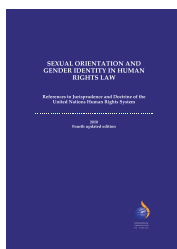
This Practitioners Guide provides the prospective trial observer with practical advice on how to carry out a trial observation. It outlines the various criteria and operational aspects that need to be borne in mind when preparing for, and conducting, a trial observation. It also provides a systematic overview of the international norms and standards relating to fair trial and due process in criminal proceedings.

Practitioners Guide No. 4 – International Law and Sexual Orientation and Gender Identity *(French edition)*



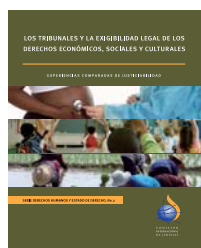
The Guide explains how international law and standards can and should be used to provide victims of human rights violations, on the grounds of sexual orientation or gender identity, the protection they are entitled to. The Guide explains how to apply the Yogyakarta Principles and contains primary excerpts from regional courts and tribunals.

Sexual Orientation and Gender Identity in Human Rights Law: References to the Jurisprudence and Doctrine of the United Nations System *(4th updated edition)*



This fourth edition of references is a comprehensive collection of jurisprudence, general comments, concluding observations, and reports from human rights treaty bodies and independent experts (also known as Special Procedures) of the UN Charter-based system relating to sexual orientation and gender identity. This UN compilation covers the time period January 2007 through March 2010

Human Rights and Rule of Law Series: No. 2 – Courts and the Legal Enforcement of Economic, Social and Cultural Rights (French and Spanish editions)



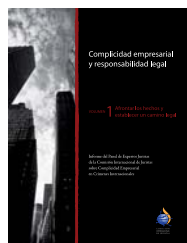
Drawing upon a full range of case law, the report shows that adjudication of economic, social and cultural rights is possible, desirable and already being carried out by courts in all continents. The report addresses the legal and political objections to the justiciability of economic, social and cultural rights and confirms their justiciability.

Commentary to the Optional Protocol on Economic, Social and Cultural Rights (English and French editions)



By establishing mechanisms for the international protection of economic, social and cultural rights, the Optional Protocol will contribute to a better enforcement of the rights. Understanding its provisions and the legal and procedural implications of the Optional Protocol is of utmost importance. To meet this need, the Inter-American Institute for Human Rights and the International Commission of Jurists came together to publish this *Commentary*, which explains the content of the Protocol clause by clause and its drafting history.

Report of the ICJ Expert Legal Panel on Corporate Complicity in International Crimes (French and Spanish editions)



This ICJ Expert Panel was established in 2006 to develop the legal and public policy meaning of corporate complicity in the worst violations of international human rights and humanitarian law. The report is the first of its kind. It brings together law, policy and practice and clarifies when companies can be held legally liable for complicity in gross human rights violations.

Military Jurisdiction and International Law: Military Courts and Gross Human Rights Violations (Arabic edition)



The question of "military justice" transcends the judicial sphere and goes to the very heart of observance of the rule of law. In many countries, military jurisdiction and the esprit de corps that has characterised it have turned military courts into true instruments of military power that have been wielded against civilian power. Military courts often remove members of the armed forces and military institutions from the rule of law and the scrutiny of society. The well-known quotation from French statesman Georges Clémenceau "military justice is to justice what military music is to music" reflects the enormous controversy that military courts have always prompted.

Funding

ICJ revenues in 2010

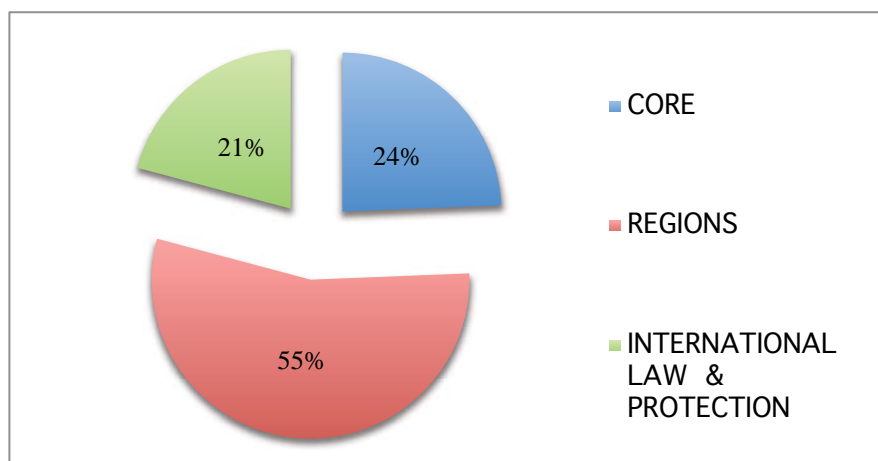
Over the last four years the income of the ICJ has increased steadily; the total income rose from 6,448,736 CHF in 2009 to 6,711,186 CHF in 2010, representing a slight increase from the previous year, and fitting with the trend from prior years.

Evolution of grant size 2007-2010

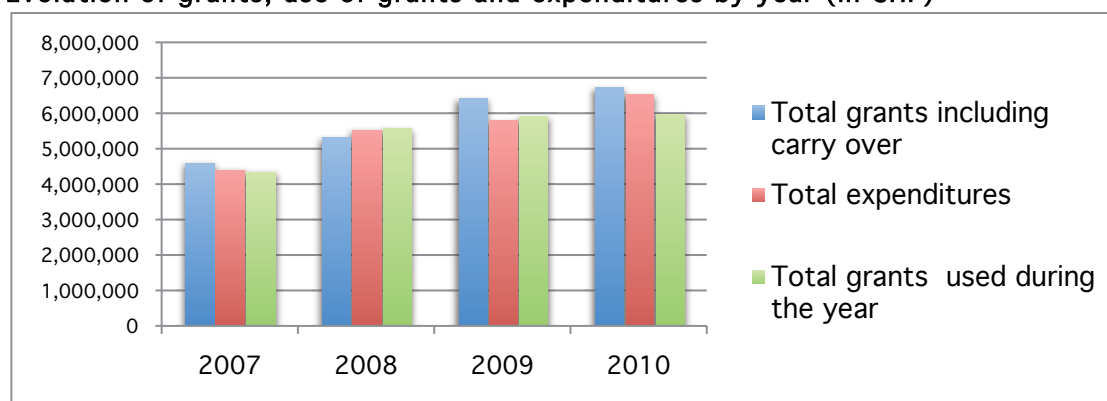
	2007	2008	2009	2010
Number of grants and donations	43	51	52	59
Minimum	5,838 CHF	262 CHF	792 CHF	1.000 CHF
Maximum	436,857 CHF	616,908 CHF	679,266 CHF	623,606 CHF
Mean	113,674 CHF	99,100 CHF	114,377 CHF	114,455 CHF
Total value of donations	4,626,582 CHF	5,447,173 CHF	6,448,736 CHF	6,711,186 CHF

Types of programmes funded

Core contributions constitute general operating support commitments to the ICJ work as a whole: the percentage of core grants in 2010 was 24% of total income. Grants for work through the Regional Programmes represented over half of all donations received (55%), and grants for the ILP thematic Programmes and Projects made up 21% of the total.



Evolution of grants, use of grants and expenditures by year (in CHF)



Use of funding

The total contributions received by the ICJ for 2010, 6,711,186 CHF, include a carry-over from 2009 of 503,923 CHF. Out of this total amount, 565,160 CHF will be carried forward into 2011. The total donor contributions utilised during 2010 thus amounted to 6,002,527 CHF. The difference between commitments received and commitments spent (taking into account the amounts carried forward), 143,498 CHF, is primarily the result of cost saving measures and unused contingencies on funding contracts that expired in 2010.

Although expenditures in 2010 were below the total funding received, the year ended with a deficit. This is due in part to an unrealised exchange rate loss of 225,933 CHF, as most commitments were made in Euro and Dollars and these have depreciated considerably against the Swiss Franc during 2010. The remaining portions of the deficit were related to the cost saving measures and unused contingencies mentioned above, as well as provisions for holidays of staff carried forward into 2011 as required by Swiss law.

Donor meetings

Three donor meetings were held in 2010: one took place in Geneva with the ICJ's traditional donors, a second took place for the first time in New York, and the third was held in Johannesburg. These meetings offered the ICJ a good opportunity to present and discuss its work not only with current donors but also with new prospective donors.

Other developments

During 2010 the ICJ established an American Friends Fund and is now eligible to receive fully tax-deductible donations from donors based in the USA through an agreement with the King Baudouin Foundation, US. The ICJ has also recently introduced an online donation system to facilitate donations by credit card.

Evaluation

In November, the ICJ undertook a follow up external evaluation to the organisational review undertaken in 2009. The objective of this was to measure the progress made on implementation of the previous evaluation's recommendations. This follow up evaluation was timely and useful, particularly in view of the strategic planning exercise foreseen for early 2011.

Nick Howen Memorial Fund

The ICJ has also established a fund to commemorate the former ICJ Secretary-General, Nick Howen. The Nick Howen Memorial Fund is intended to support young post-graduate students with a specialisation in international law and/or human rights from developing countries to build and develop their knowledge and experience in human rights and the rule of law through an internship at the ICJ. The total of donations received by the Fund in 2010 is 17,000 CHF, all from individual donors.

Financial Report

The figures below are extracted from the ICJ's audited financial statements for 2010. The ICJ was audited in 2010 by Deloitte SA.

Balance sheet at 31 December 2010

(with 2009 comparative figures)

expressed in CHF

ASSETS	2010	2009
CURRENT ASSETS		
Cash & cash equivalents	961,071	1,422,002
Receivables	843,974	875,998
Prepayments	18,196	3,698
<u>Total current assets</u>	<u>1,823,242</u>	<u>2,301,699</u>
NON-CURRENT ASSETS		
Fixed assets	94,283	122,335
Financial assets	63,337	72,735
<u>Total non-current assets</u>	<u>157,620</u>	<u>195,070</u>
TOTAL ASSETS	1,980,863	2,496,770
LIABILITIES	2010	2009
CURRENT LIABILITIES		
Accounts payable	206,713	182,963
Contributions received during the year carried forward	565,160	503,923
Contributions received in advance fro subsequent years	630,741	679,943
Accrued liabilities	20,748	78,425
Unrealised gain of Foreign Exchange	0	34,219
Provisions	163,332	122,822
<u>Total current liabilities</u>	<u>1,586,697</u>	<u>1,602,295</u>
LONG-TERM LIABILITIES		
Lease liabilities	51,613	54,783
<u>Total long-term liabilities</u>	<u>51,613</u>	<u>54,783</u>
RESERVE	342,552	839,690
TOTAL LIABILITIES & RESERVES	1,980,863	2,496,770

INCOME	2010	2009
CONTRIBUTIONS		
Donor contributions received in the year or carried forward from previous year	7,198,429	7,125,486
Contributions to be carried forward	(565,160)	(503,923)
Contributions received in advance	(630,741)	(679,943)
Donor contributions utilised in the year	<u>6,002,527</u>	<u>5,941,620</u>
OTHER REVENUE		
Miscellaneous income	47,504	23,470
Financial income	2,175	3,266
Realised exchange gain	4,311	2,351
Other income	7,674	3,153
Unused provisions reversed	0	7,004
TOTAL INCOME	<u>6,064,193</u>	<u>5,980,866</u>
EXPENDITURE		
DIRECT PROJECT COSTS		
Consultancy fees	447,356	594,834
Meeting & Travelling costs	1,104,872	768,296
Printing & Distribution	163,360	88,172
STAFF COSTS	3,711,811	3,620,089
DEPRECIATION	61,323	61,066
OTHER EXPENDITURES		
Office premises	513,679	511,286
Postage & telecommunication	99,884	106,554
Website, documentation & communication	63,989	3,495
Financial expenses	23,832	33,429
Exchange loss	225,933	7,446
Other expenses	145,287	30,735
TOTAL EXPENSES	<u>6,561,332</u>	<u>5,825,406</u>
SURPLUS FOR THE YEAR	(497,138)	155,460
GENERAL RESERVE AS OF JANUARY 1	<u>839,690</u>	<u>684,232</u>
GENERAL RESERVE AS OF DECEMBER 31	<u>342,552</u>	<u>839,690</u>

ICJ Secretariat staff members and interns in 2010

Bimal Acharya	Administration and Finance Officer	Asia-Pacific Programme
Jeannette André	Senior Director	Finance and Administration
Mina Baghai	Intern	Europe Programme
Saïd Benarbia	Legal Advisor	Middle East and North Africa Programme
Maria Pia Bianchetti	Intern	Legal and Policy Office
Jan Borgen	Deputy Secretary-General	
Ramón Cadena	Office Director	Central America Programme
Vincent Calderhead	Country Director	Asia-Pacific Programme
Elaine Chan	International Associate Legal Advisor	Asia-Pacific Programme
Sirikan Charoensiri	Intern	Asia-Pacific Programme
Rafael Dominguez	Finance Officer	Finance and Administration
Robert Donnellan	Administrative Assistant	Asia-Pacific Programme
Massimo Frigo	Legal Advisor	Europe Programme / Global Security and Rule of Law Initiative
		International Economic Relations Project
Beatriz Gotor	Intern	Finance and Administration
Patrick Hartmann	Senior Finance Officer	Women's Human Rights Project
Leah Hoctor	Legal Advisor / Assistant to the Secretary-General (ExCo)	
	Office Manager	Finance and Administration
Griselda Hofer	Senior Legal Advisor	Sexual Orientation and Gender Identity Project
Allison Jernow	Accountant's Assistant	Finance and Administration
Sophie Jordi	National Associate Legal Advisor	Asia-Pacific Programme
Deschudom Khunnasit	Intern	Asia-Pacific Programme
Diksha Koirala	Intern	Asia-Pacific Programme
Preechaya Lertvisedpanya	Intern	Sexual Orientation and Gender Identity Project
Derek Loh	Intern	International Economic Relations Project
Carlos Lopez	Senior Legal Advisor	Representative to the UN
Lukas Machon	Senior Legal Advisor	Sexual Orientation and Gender Identity Project
Ana Maitland	Intern	Development and Donor Relations
Julie Marion	Associate Fundraising Officer	Africa Programme
Clement Mavungu	Legal Advisor	Asia-Pacific Programme
Douglass McCrae	Country Director Nepal	Finance and Administration
Daniel Mendoza	Accountant	International Economic Relations Project
Alec Milne	Intern	Africa Programme
Constance Mukarati	Administration Assistant	Development and Donor Relations
Olesea Nicorici	Intern	Asia-Pacific Programme
Roger Normand	Regional Director	Asia-Pacific Programme
Headdy Ochaita	Programme Manager Nepal	Asia-Pacific Programme
Martin Okumu-Massiga	Senior Legal Advisor	Africa Programme
Weerawan Opon	Intern	Asia-Pacific Programme
Stratos Pahis	Intern	International Law and Protection
Sanjay Patil	International Legal Advisor	Asia-Pacific Programme
Berta Piles Baltasar	Intern	Development and Donor Relations
Radosh Piletich	Fundraising Officer	Development and Donor Relations
Róisín Pillay	Senior Legal Advisor	Europe Programme
Caterina Pikiz Gattinoni	Intern	Middle East and North Africa Programme
Rima das Pradhan-Blach	International Senior Legal Advisor	Asia-Pacific Programme
Wannasuree Prayomyong	Intern	Asia-Pacific Programme
Sarawut Pratoomraj	Senior Programme Officer	Asia-Pacific Programme
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Pariksha Rana	Associate Legal Advisor	Asia-Pacific Programme
Sandra Ratjen	Senior Legal Advisor	Economic, Social and Cultural Rights Project
Frederick Rawski	International Senior Legal Advisor	Asia-Pacific Programme
Gisella Reina	Senior Fundraising Officer	Development and Donor Relations
Clotilde Salomon	Human Resources Officer	Finance and Administration
Ian Seiderman	Senior Legal and Policy Advisor	Legal and Policy Office
Temur Shakirov	Associate Legal Advisor	Europe Programme
Govinda Sharma	National Legal Advisor	Asia-Pacific Programme
Erin Shaw	International Legal Advisor	Asia-Pacific Programme
Poonthep Sirinupong	Intern	Asia-Pacific Programme
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Jennifer Thambayah	Programme Manager	Asia-Pacific Programme
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