

**United Nations Human Rights Council
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Agenda Item 5**

ICJ Oral Statement in the General Debate under Item 5: Human rights bodies and mechanisms

URGENT APPEALS BY SPECIAL PROCEDURE MANDATE-HOLDERS

7 June 2013

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Mr President,

The International Commission of Jurists (ICJ) raises concerns with the way in which some States have narrowly read the provisions of the Code of Conduct for the Special Procedures on the question of recourse to urgent appeals.

Article 10 of the Code of Conduct provides for resort to urgent appeals in cases where alleged violations are time-sensitive and cannot be addressed in a timely manner by letters of allegation. Article 10 addresses itself to violations "involving loss of life, life-threatening situations or other imminent or ongoing damage of a very grave nature". The ICJ calls on you to ensure that this provision is never read so restrictively that it would frustrate the effective functioning of the Special Procedures.

This is particularly relevant to interventions by the Special Procedures concerning the imminent enactment of legislation in respect of which there is a real risk that damage of a very grave nature would result. The express wording and the object and purpose of Article 10 contemplate such situations. The ICJ recalls that resolution 5/2 of the Council decides that the work of the Council must be results-oriented (PP 3(g)) and be aimed at strengthening of "the capacity of mandate-holders to exercise their functions" (PP 12).

With reference to the Special Procedures, resolution 5/1 makes reference to the need to be guided by the need for improved enjoyment and protection of human rights (para 57) and to the need for equal attention to be paid to all human rights (para 58(b)). Although these references apply to the rationalization and improvement of mandates, the principles upon which they are founded should be treated as applying to both the conduct of the Special Procedures and the cooperation of States with mandate-holders. The ICJ similarly recalls that cooperation by States with the Special Procedures is reinforced within resolution 5/2 (e.g. in PP3(c), 3(e) and 12).

I thank you.

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