International Commission of Jurists
Annual Report 2012

icj International Commission of Jurists

Vision

A world in which a just, democratic and peaceful society is achieved through the rule of law, the arbitrary exercise of power is prevented, rights and freedoms are expanded, and social justice is embraced.

A world in which everyone is able, without discrimination, to realize and exercise his or her civil, cultural, economic, political and social rights, and in which the rights of the most marginalized are addressed.

A world in which everyone is equal before the law and protected from human rights violations by the law in practice, where those in power are held accountable for human rights violations, where justice is administered in accordance with due process of law, where victims have access to effective remedies and justice, and where those who come before the courts receive a fair trial and never face the death penalty.

Mission

To ensure that international law, especially human rights and humanitarian issues, is utilized effectively for the protection of all people, particularly the most vulnerable, and is implemented through effective national and international procedures.

To promote and extend the rule of law as a dynamic concept through which civil, cultural, economic, political and social rights are safeguarded and advanced.

To advance the understanding that the rule of law requires that States observe the principle of separation of powers by establishing effective executive, judicial and legislative institutions and measures that serve as checks and balances to protect the human rights of all people.

To assist judges, lawyers and prosecutors, acting under the highest ethical standards and professional integrity, to be independent, impartial and free to carry out their duties.

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Foreword

“Since its creation, 60 years ago, the ICJ has been a beacon of education and enlightenment for generations of lawyers and judges, including for me. The ICJ has made a significant contribution to fostering human rights through the rule of law. It has been widely commended over the years for its pioneering work in defining the rule of law on the basis of the different legal traditions in the world, while placing the legal protection of human rights at its core.”

Navi Pillay, UN High Commissioner for Human Rights

Foreword

In 2012 the ICJ celebrated the 60th anniversary of its establishment at the West Berlin International Congress of Jurists in 1952. As we reflect on six decades of action to promote and defend the deepest values of the law, let us also emphasize the continuing role the ICJ has to play as an authoritative voice in the global human rights movement.

I am immensely honoured to have been elected President of the ICJ, taking over from my dedicated predecessor, Professor Pedro Nikken. I speak for everyone in the Commission when I thank him for the tireless service he gave to the ICJ over the past two years and congratulate him on his recent appointment as an Honorary Member.

For the Commission and the wider ICJ Network, 2012 will be most keenly remembered for the 17th ICJ World Congress held in Geneva in December. Attended by more than 120 jurists from around the world, this was an opportunity to build on the ICJ's proud history of influential Congress Declarations, many of which have inspired inter-governmental bodies, including the United Nations, bar associations, academic institutions and other NGOs. We are encouraged that the Congresses of the ICJ are seen as an important mechanism for defining and elaborating principles that actively contribute to the advancement of the rule of law and human rights.

Our 17th World Congress was no different. The ICJ's Declaration on Access to Justice and Right to a Remedy in International Human Rights Systems focused on the key issue of access to justice at the international level. It affirmed that all persons, groups and peoples must be able to access justice effectively at the national and international levels; that States must act to ensure equality in access to justice, and take meaningful and effective measures to remove barriers that impede access to justice.

There is no justice if people don't have access to it. People are too often unaware that mechanisms outside their national jurisdictions exist for them to obtain some measure of justice, mechanisms such as the European Court of Human Rights, the Inter-American Court or UN bodies, including the Human Rights Committee, of which I am a member and the current Chairperson.

Yet it is also true that these mechanisms are coming under increasing pressure.

A review of the UN human rights treaty bodies is currently underway. Initiated by UN High Commissioner for Human Rights Navi Pillay to help secure a more effective, better resourced system, some governments initiated a parallel process, proposing changes in the treaty bodies' methods of work that the treaty bodies themselves would not consider consistent with the declared aim of enhancing their work to protect human rights.

At the regional level, the pressure has been instigated by democracies, where some political actors have pandered to crude nationalist sentiment by attacking human rights mechanisms and legislation. We have seen it clearly in Europe, where States have attempted to restrict the scope of jurisdiction the European Court of Human Rights; in the Americas, where Inter-American Commission on Human Rights came under pressure by State Parties to the Organization of American States to limit its ability to intervene in urgent cases, and in Southern Africa where the jurisdiction of the SADC tribunal to hear individual petitions has been dramatically curtailed. The ICJ will continue to challenge any attempts to undermine the vital mechanisms that exist to protect the human rights of vulnerable people.

With this Declaration, the ICJ is well-placed to make a significant contribution to the promotion and protection of human rights around the world. As well as the focus on Access to Justice, it emphasizes the need to meet such challenges as the serious problem of assaults on the independence of judges, lawyers, and prosecutors. It also provides a clear basis for the Secretariat's work over the next few years.

I am confident that under the devoted and dynamic leadership of Secretary General Wilder Tayler the ICJ Secretariat – based in Geneva, the world's human rights capital – is ready to meet these challenges and pursue its mission to promote human rights through the rule of law.

Professor Sir Nigel Rodley
ICJ President

Introduction

“In 2012 the ICJ celebrated the 60th anniversary of its establishment at the West Berlin International Congress of Jurists in 1952. As we reflect on six decades of action to promote and defend the deepest values of the law, let us also emphasize the continuing role the ICJ has to play as an authoritative voice in the global human rights movement.”

Professor Sir Nigel Rodley, ICJ President

Introduction

This annual report offers a concise summary of the work carried out by the ICJ in 2012. While it does not contain an accounting of all the activities undertaken by the ICJ over the last year, the examples found in this report are emblematic of our work and highlight some of the most important initiatives.

Growing presence
The ICJ Secretariat continued to grow in 2012, expanding our existing offices and establishing new presences in several priority countries. Last year, we hired new staff in our regional and sub-regional offices in South Africa, Guatemala, Thailand and Nepal, and established two new field presences in Tunisia and Egypt.

The ICJ has experienced rapid growth over the past eight years. In 2004 the Secretariat employed only 16 staff; today, the ICJ has over 60 permanent staff working alongside 23 long-term consultants. This expansion has been largely due to the establishment and development of our regional offices. More than half of the Secretariat's staff now works outside of Geneva, and 70 percent of the ICJ's budget is spent on activities coordinated from our regional offices.

The ICJ has an ongoing commitment to supporting the development and consolidation of the rule of law and the advancement of human rights, at the domestic and international levels. The expansion of the regional offices in recent years has allowed the ICJ to extend its reach and support new initiatives towards that end.

A visible result of this expansion was seen in July 2012, when the ICJ's Africa Regional Programme hosted the Southern African Chief Justices Forum (SACJF) in Maputo, Mozambique. Opened by the Prime Minister of Mozambique, the meeting enabled senior judges from across the region to work together to discuss how to promote access to justice for vulnerable groups in Southern Africa.

Media & Communications
The year 2012 saw significant improvements in the ICJ's media and communications capabilities, ensuring that the work we carry out reaches the widest possible audience, both in the legal community and beyond.

Key amongst these improvements was the launch of the ICJ's new website (www.icj.org) in September 2012. Incorporating the new ICJ visual identity adopted earlier in the year, the website is already serving as a more effective tool for publicizing the ICJ's activities, elaborating our strategic directions and providing public access to the vast library of publications this organization has produced over the past six decades.

Strategic directions
The Strategic Plan, covering the period 2011 to 2015, has been the guiding framework by which all of the ICJ's activities in 2012 have been designed and implemented. The Strategic Plan was developed by the Secretariat in consultation with ICJ Commissioners, the Executive Committee and the ICJ's global network of National Sections and Affiliates. We also consulted representatives of the communities we work with to ensure that we are responsive to their human rights needs and that their concerns are reflected in the everyday activities of the Secretariat.

As indicated by the structure of this Annual Report, the Strategic Plan outlines five strategic directions for the organization: Access to Justice for All; Accountability for Human Rights Violations; the Independence of Judges and Lawyers; Business and Human Rights; and the Rule of Law and International Human Rights Instruments.

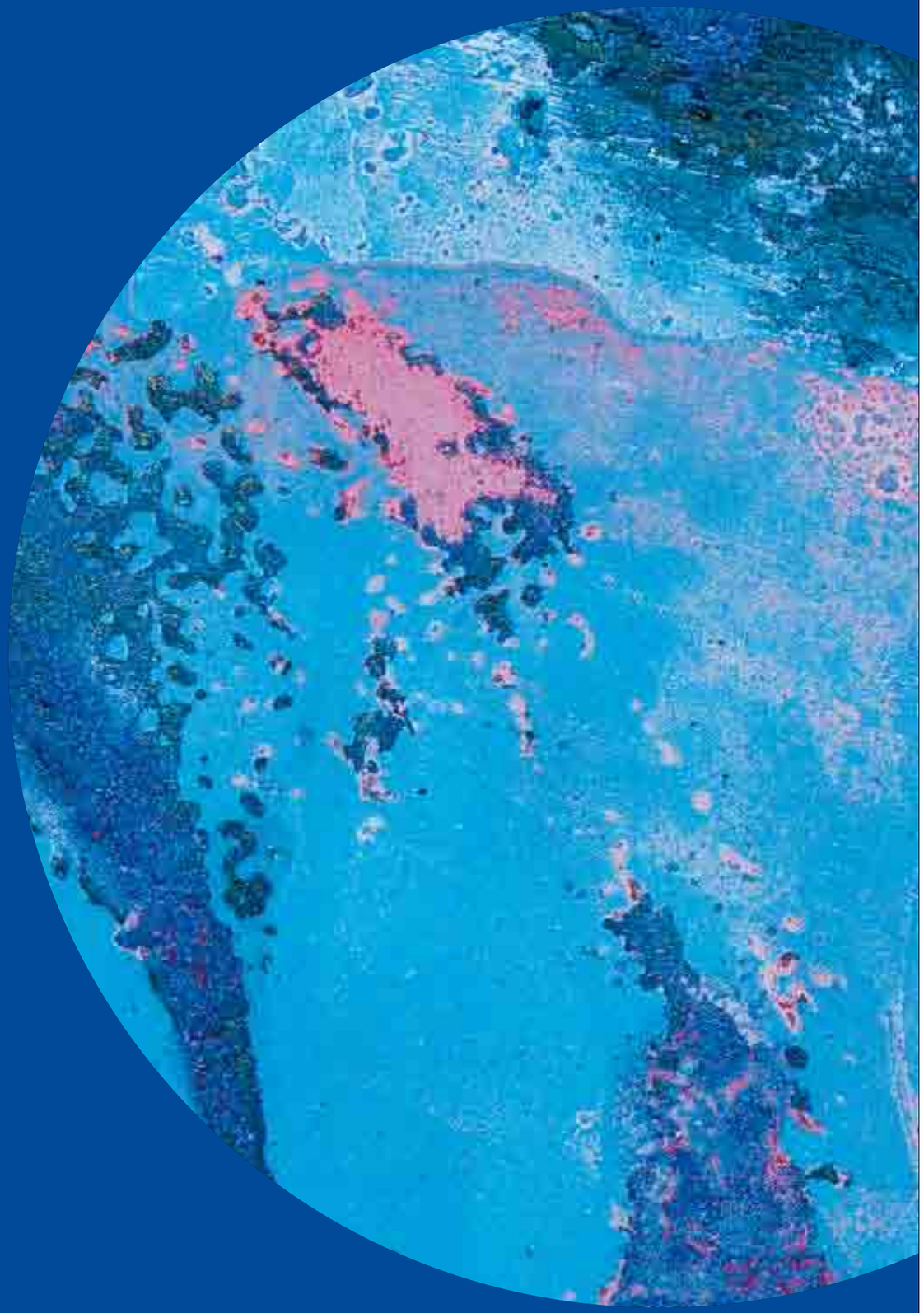
ICJ Declaration
The 17th ICJ World Congress was held in Geneva in December 2012 as part of the celebrations to commemorate the ICJ's 60th anniversary. During the Congress, more than 120 eminent jurists worked together to produce the ICJ Declaration on Access to Justice and Right to a Remedy in International Human Rights Systems. The Declaration is addressed at developing and strengthening systems and mechanisms for access to justice for victims of human rights violations at the regional and universal levels.

This Declaration has given the Secretariat a valuable tool to confront new challenges in this area. In particular, it will provide helpful guidance for the ICJ's regional and thematic programmes as they implement initiatives relating to the fifth strategic direction: 'the Rule of Law and International Human Rights Instruments'.

Concluding remarks
Finally, I would like to take this opportunity to thank the Commission and the Executive Committee for their guidance and support over the past year. The Secretariat's staff should also be commended for their ongoing commitment and hard work for the ICJ.

As we move into 2013, I look forward to building a strong partnership with the new ICJ President, Professor Sir Nigel Rodley, as the Commission and Secretariat work together to promote and protect human rights through the rule of law to build a more just, democratic, peaceful and humane society.

Wilder Tayler
ICJ Secretary-General



ICJ Global Reach

“The ICJ has an ongoing commitment to supporting the development and consolidation of the rule of law and the advancement of human rights, at the domestic and international levels. The expansion of the regional offices in recent years has allowed the ICJ to extend its reach and support new initiatives towards that end.”

ICJ Global Reach

Map of main activities

Country	Mission	Country report	Seminars/ Workshops	Advocacy interventions
Angola				1
Australia				1
Bahrain				3
Bangladesh				1
Belgium				1
Bosnia and Herzegovina		1		
Brazil				1
Botswana			1	
Bulgaria				1
Canada				1
Chile				1
Colombia				1
Costa Rica				1
Croatia			2	
Djibouti				1
Democratic Republic of Congo	1		1	
Ecuador				1
Egypt	2	1	2	5
El Salvador			1	
France			1	
Guatemala	4	3	14	6
Greece				1
Honduras	1	1		2
India				5
Indonesia	1			3
Israel/Occupied Palestinian Territory				3
Italy		1	2	2
Kazakhstan			1	1
Kenya			1	
Kyrgyz Republic		1	1	1
Lesotho	1			
Macedonia				2
Malta		1		2
Moldova	1		1	
Montenegro			1	
Morocco			2	2
Mozambique			1	
Myanmar/Burma	3		1	1
Nepal	6	4	2	9
Nigeria		1		
Pakistan			1	2
Peru			2	2
Poland				1
Republic of Korea				1
Russia	1	2		8
Serbia			1	
South Africa			4	2
South Sudan	2		1	1
Spain	1			3
Sri Lanka		1		6
Sudan				1
Suriname	1	1		1
Swaziland				1
Sweden				1
Switzerland			4	2
Syria				8
Taiwan			1	1
Tajikistan			1	
Thailand		2	5	3
The Netherlands			1	2
The Philippines	1			1
Tunisia	2	1	3	3
Turkmenistan			1	
United Arab Emirates				1
Uganda				2
Ukraine				1
United Kingdom			1	1
Uzbekistan		1	1	1
Venezuela				1
Zambia	1			
Zimbabwe	2	1	3	2

ICJ Strategic Directions

“The Strategic Plan, covering the period 2011 to 2015, has been the guiding framework by which all of the ICJ’s activities in 2012 have been designed and implemented. It outlines five strategic directions for the organization: Access to Justice for All; Accountability for Human Rights Violations; the Independence of Judges and Lawyers; Business and Human Rights; and the Rule of Law and International Human Rights Instruments.”

1 Access to Justice for All

Access to justice is essential to guarantee the effective realization of human rights. Without access to justice and right to an effective remedy and reparation, human rights may be only theoretical and illusory.

The ICJ works to remove obstacles to justice in a number of focus countries and on specific themes, including economic, social and cultural rights, business and human rights, the rights of women, sexual orientation and gender identity, and the rights of migrants. Over the course of 2012, the ICJ has continued its work on women's access to justice, focusing on the situation in Botswana, Nepal, Kazakhstan and Thailand. Legal interventions on sexual orientation and gender identity have targeted Chile, Kenya, Nigeria, Russia, Uganda and the Ukraine. Capacity-building workshops for lawyers serving migrants have been conducted in Italy, Malta, Serbia and France, as well as for criminal defence lawyers from all five countries of Central Asia, while the ICJ has also advocated for victims of economic, social and cultural rights violations in Brazil, Ecuador, El Salvador, Guatemala, Honduras and Morocco.

The ICJ works to enable victims of human rights violations to access remedies and reparations, including in situations where people are deprived of their liberty. To do so, the ICJ promotes law reforms at both the national and international level to ensure better access to justice for marginalized groups and helps local organizations to access domestic and international justice systems to bring forward claims for protection from and redress for human rights violations. The following are a few examples of how that works in practice.

1.1 Working for the rights of Indigenous Communities in Central America

"Since the [discovery of oil in El Petén] pressure from the government (of Guatemala) with respect to the eviction of indigenous communities has increased, about 2000 persons have been evicted already and more than 35 communities are under threat of eviction... The access roads to our communities are being monitored by army checkpoints; they don't allow us to pass through with any materials to build or fix our homes. We survive on three basic foods: corn, beans and squash seeds...; the air and water pollution has brought diseases we have never seen before, and turned some parts of El Petén to desert." Representatives of the Organized Communities of El Petén

In Guatemala and many other places around the world, indigenous groups are directly affected by natural resource exploration and exploitation in their territories. Local communities sometimes work with local groups to make claims for the protection of their rights, but their cases – whether successful or not – generally receive little attention.

While human rights violations occurring in the context of the exploitation of natural resources are often widespread and systematic, few individual cases are successfully adjudicated at the local level,

let alone proceed to the international level. Protection mechanisms, such as those of the Inter-American or African systems and the various mechanisms of the United Nations, are underutilized or lack effective follow-up. As a result, the victims do not achieve remedy for violations. Victims and their advocates need better knowledge of their rights and the protection mechanisms available to them and training on how to use them effectively. One issue of particular concern is the right of indigenous people to be consulted and to give their free, prior and informed consent to decisions regarding business projects that affect their lives and territory.

The ICJ helps bring cases to international protection mechanisms through a combination of research, monitoring, capacity building and litigation support.

A key forum the ICJ targets at the global level is the UN Human Rights Council and its mechanisms, as well as the UN human rights treaty body system. At the regional level, the ICJ works with the human rights bodies of regional systems of protection. These institutions can play an important role in protecting the rights of indigenous people and other disadvantaged individuals and groups. While the UN and some regional systems have established mechanisms to deal with the situation of indigenous people's rights, local groups and affected communities are rarely able to access these mechanisms and to participate effectively in the related processes. The ICJ will continue to facilitate the participation of indigenous and marginalized groups in justice processes at all levels.

The Right to Consultation – El Petén, Guatemala
As a result of the Peace Accord of 29 December 1996, ending the 36-year Guatemalan civil war, the Petén region has become increasingly militarized, which has forced many indigenous and poor people from their native lands. Brought to Petén many decades ago by the civil war that was ravaging the country, many people now suffer human rights violations, including of their economic, social and cultural rights, resulting from natural resource exploration and exploitation on the lands that were once their source of livelihood. After the discovery of oil in Petén, indigenous lands were declared "protected zones" with the stated intention of protecting the wetlands of the "Mayan Biosphere Reserve". In fact, this declaration served as a basis for the government to declare the indigenous settlements in Petén illegal, forcibly evict certain communities that lived there, and illegally allow the exploitation of their oil-rich lands. The evicted and now landless communities have either moved deeper into the forests or escaped to refugee camps in Mexico. Government and military intervention prevents the development of permanent settlements. The ICJ published a report on Petén, which detailed the ongoing violations of international human rights law. The ICJ has provided ongoing legal assistance to the communities in their cases against the government and oil companies engaging in exploration on their lands. The ICJ brought international attention to the case by sending a mission to Guatemala and supporting representatives from the indigenous communities in Petén at the UN in Geneva and European capitals. This advocacy mission in Europe was implemented together with the ICJ's partners and included a media campaign and the presentation of the film by Grégory Lassale "Arte a la deriva y derivados del Petroleo".

1.2 Advancing Women's Rights Protection and Access to Justice

Although the international human rights framework increasingly addresses the human rights issues women face, ensuring the resonance of that framework to the actual experiences of women remains a serious challenge. Across the world, law and legal processes continue to discriminate against women and fail to address the human rights abuses they face. For great numbers of the world's women, access to justice remains an illusive prospect.

The ICJ seeks to advance the protection of women's human rights through law and justice processes in a number of ways. For example, the ICJ provides direct support for the efforts of those who are seeking to advance women's human rights protection and access to justice through litigation. This involves the provision of informal legal advice to lawyers and human rights defenders and the elaboration of amicus curiae and expert legal opinions. In 2012, the ICJ provided the Centre for Reproductive Rights with an expert legal opinion in respect of a complaint concerning Peru's repeated failures to enable access to therapeutic abortion. Also in 2012, the ICJ filed an amicus brief with the Inter-American Court of Human Rights in support of a claim that Costa Rica's complete prohibition on in vitro fertilization contravened their rights to privacy and family life.

In addition, the ICJ works together with human rights defenders and lawyers to identify and overcome obstacles that undermine women's access to justice and legal protection. In 2012, the ICJ worked extensively on three in-country consultation and research processes centered on exploring the obstacles to justice that women face. These processes were initiated in 2011 and continued throughout 2012 in Thailand, Botswana and Kazakhstan, including through expert roundtable consultations convening a cross-section of key stakeholders.

A report capturing the results of the process in Thailand, published in 2012, underscores that significant action is needed beyond law-reform to increase access to justice for women. New laws will be ineffective unless justice officials adjust their approach and conduct, or until the implementation and enforcement of the law is improved. The report highlights, among other issues, the continuing need to improve the laws and procedures relating to domestic violence and rape, emphasizing that new gender-equality legislation must comply with international obligations. It also stresses the particular obstacles to justice faced by groups of marginalized women in Thailand, including migrant women, sex workers, and Malay Muslim women in the Southern Border Provinces. It explains how the responses of justice officials, including police officers, prosecutors and the judiciary, to women who seek justice and legal protection, may be undermining the Thai Government's efforts to improve women's access to justice.

The report also includes a detailed set of recommendations for relevant government actors and provides a platform for ongoing ICJ engagement with local partners to advance women's access to justice in 2013-2015. Similar reports capturing the findings from Botswana and Kazakhstan are forthcoming.

1.3 Protecting the Rights of LGBT individuals and communities

International human rights law protects individuals from discrimination and violent abuse on the basis of sexual orientation and gender identity. In practice, however, many lesbian, gay, bisexual and transgender (LGBT) persons suffer widespread systematic violations of their rights. In more than 70 countries, same-sex sexual activity is criminalized. In five of these countries, the sentence may be death. In addition, LGBT activists face severe restrictions on their freedoms of expression, association and peaceful assembly. Criminal laws are not the only problem. Widespread ostracism and stigmatization means that LGBT individuals are frequently denied basic services, including education and health care. Hate crimes often are not investigated and go unprosecuted. The ICJ's aim is to use international human rights law to help end the persecution and discrimination faced by LGBT persons.

The ICJ applies international human rights law through strategic litigation, and promotes its wider application through conducting training and workshops, and publishing legal tools for use by practitioners. The ICJ also works to make the international human rights system more responsive to violations experienced by LGBT individuals through advocacy before regional human rights systems, UN treaty bodies and the Human Rights Council.

To help legal practitioners use international and comparative law in litigation, the ICJ has developed practical tools, such as a Comparative Law Casebook (published in 2011) that has been adapted into an electronic searchable database. This tool is aimed at supporting the work of lawyers and activists: it provides over one hundred examples from around the world of how international and comparative law has been used in cases involving issues such as the criminalization of sexual conduct, employment discrimination, gender identity, partnership benefits and recognition.

The ICJ also participates in cases through amicus curiae briefs or expert legal opinions. For example, homosexual propaganda bans – laws forbidding the public mention of homosexuality – have been adopted in ten regions in the Russian Federation and are currently being considered at the federal level, as well as in a number of other Eastern European States. In response, the ICJ prepared a joint briefing paper with ILGA-Europe analysing the bans in terms of the right to freedom of expression and found that such laws discriminate against LGBT individuals and organizations, undermining the right to freedom of expression, which includes the right to seek, receive and impart information, opinions and ideas.

A significant legal victory was the case of Karen Atala v Chile. This was the first case of sexual orientation discrimination ever brought before the Inter-American Court of Human Rights. It concerned a mother who had originally been granted custody of her three daughters following her divorce from their father. Once she began living with another woman, however, Chilean courts stripped her of custody because of her lesbian relationship. The ICJ testified before the Inter-American Court on the impact of parental sexual orientation in custody and adoption decisions in comparative law. In its decision, issued in February 2012, the Inter-American Court found that the American Convention protected against discrimination on the basis of sexual orientation and that Chile had violated Atala's rights.

2 Accountability for Human Rights Violations

Since its inception, core to the ICJ's mission has been its work to fight impunity, make the truth known and ensure that persons responsible for gross human rights violations and crimes under international law are brought to justice. The ICJ addresses the need to bring to such persons to justice and enforce national and international court judgments on impunity and reparation. The ICJ helps ensure access to remedy and reparation for victims of human rights abuses, working to repair the damage inflicted on the rule of law and open democratic governance in times of crisis, including through overbroad counter-terrorism measures. Furthermore, the ICJ works to develop and clarify international standards on the "right to truth".

2.1 The crisis of impunity in Sri Lanka

In Sri Lanka, victims and survivors of gross human rights violations do not receive redress and perpetrators are not brought to justice, which removes an important deterrent to future violations. This situation exposes a climate of impunity and constitutes a serious breach of Sri Lanka's international obligations.

The Sri Lankan Government has sought to evade domestic and international demands for justice for the serious violations of international law by both sides to the conflict, estimated to have killed or injured tens of thousands of civilians. The Government created a Lessons Learned and Reconciliation Commission (LLRC) that was, by its own terms of reference, not an accountability mechanism and was widely criticized as being faulty in its mandate, membership, and conduct. Yet even the LLRC emphasized the need for an independent judiciary, a transparent legal process and strict adherence to the rule of law, stating that these were necessary for establishing and maintaining peace and stability in the country. These recommendations remain unfulfilled to date. In March 2012, the ICJ was active in advocating for and supporting efforts towards the adoption by the Human Rights Council of a resolution calling on the Government of Sri Lanka to implement the constructive


Hands off
Judiciary!
against Democracy!
Rally against
Power to the
against Democracy!
End of Jus

recommendations of the LLRC and take all necessary additional steps to fulfill its legal obligations and commitments to initiate prompt, effective and independent investigations into credible allegations of gross human rights violations and serious violations of international humanitarian law.

The ICJ report *Authority without Accountability: The Crisis of Impunity in Sri Lanka*, describes how decades of emergency rule and legal immunities granted to the President and other government officials weakened the checks and balances in the Sri Lankan Government, while political interference – particularly in the conduct of the office of the Attorney-General – led to a failure of justice in a number of key cases.

The ICJ report, which received considerable media attention, is the first in a series of national studies examining Authority without Accountability in South Asia. The report calls on the Government of Sri Lanka to respect its international obligations to investigate human rights violations and bring the perpetrators to justice through prosecution and provide victims with effective remedies and reparations for their injuries.

2.2 The Fight for Accountability in Nepal

In recent months, the Government of Nepal has taken measures that serve to entrench impunity for those responsible for gross human rights violations. Following the dissolution of the Parliament Constituent Assembly on 27 May 2012 without the promulgation of a new Constitution, Nepal has been mired in a constitutional vacuum. Ongoing mistrust between the political parties, lack of political will, and obstruction to legal processes have made clear that those responsible for committing gross human rights violations and crimes under international law during the conflict would continue to enjoy impunity.

In response, the ICJ has been working to increase international efforts aimed to persuade the Nepalese Government to act to ensure accountability for gross human rights violations, focusing its efforts on advocacy at the national level and at the UN Human Rights Council. As part of this effort, the ICJ published the report *Commissions of Inquiry in Nepal: Denying Remedies, Entrenching Impunity*, which underscores Nepal's failure to provide justice for serious human rights violations over the past 20 years by relying on ineffective commissions of inquiry instead of using the criminal justice system. The report reviews 38 inquiry commissions established between 1990 and 2010 and concludes that such mechanisms have primarily been created to serve political ends without contributing to effective accountability for serious crimes and human rights violations. As part of the project, the ICJ used this report in its advocacy efforts at the international level in advance of the 22nd session of the Human Rights Council. Pointing to recent measures by the Government of Nepal, the ICJ called for the Council to: urge the Government to establish a Truth and Reconciliation Commission and a Commission of Inquiry on Disappearance, as agreed in the 2006 Comprehensive Peace Agreement and in accordance with international standards;

implement the recommendations in the October 2012 report of the Office of the High Commissioner for Human Rights; conduct prompt, independent and thorough investigations into alleged cases of past human rights violations, and establish vetting guidelines for persons holding public office.

The ICJ also condemned general amnesty laws and the promotion of security officials implicated in human rights violations, such as Inspector Kuber Singh Rana in September and Colonel Raju Basnet in October. These efforts received widespread media attention both in Nepal and abroad. In response to a proposed blanket amnesty for crimes perpetrated by both State and Maoist forces during the decade-long armed conflict, the ICJ engaged with the decision-makers debating the transitional justice bills and recommended that provisions in conflict with international law be removed.

The ICJ also provided technical advice to lawyers making legal interventions at the Supreme Court regarding criminal investigations of human rights abuses that occurred during the conflict. As a result of these interventions, the Attorney General was instructed by the Supreme Court not to interfere with the ongoing criminal investigations and instead allow the police and district attorneys to handle the matter unimpeded. The issue of impunity and need for accountability in Nepal will remain the subject of intensive ICJ advocacy.

2.3 Historic ruling on Europe's role in US CIA renditions

"This ruling is historic... It recognizes that the CIA rendition and secret detention system involved torture and enforced disappearances. It emphasizes that both the victims and the public have the right to know the truth about these serious violations. It affirms without doubt that Europe cannot be an area of impunity but it must be a place of redress and accountability where international human rights law obligations are not bypassed but fulfilled." ICJ Press Release of 13 December 2012.

In December, the ICJ hailed the European Court of Human Rights' (ECtHR) ruling on the CIA's detention and rendition of Khaled El-Masri as a historic milestone in the fight against impunity. For the first time, the ECtHR held a European state accountable for its involvement in the secret US-led rendition and secret detention programmes. The judgment represents important progress in the struggle for accountability for violations by European governments resulting from their complicity in unlawful renditions, enforced disappearances and torture. The judgment affirms that, in Europe, there can be no impunity for the gross human rights violations that the covert US-led programmes entailed. The ICJ regards the Court's recognition of the right to truth as a significant step forward in the development of international law.

The ICJ played an important role as a third-party by presenting an intervention, jointly with Amnesty International, in the case of El Masri v the Former Yugoslav Republic of Macedonia, that was then pending before the European Court of Human Rights. In its decision, the Court used the arguments presented in the third party intervention.

The Court held unanimously that Macedonia was responsible for the German national Khaled El-Masri's unlawful detention, enforced disappearance, torture and other ill-treatment, and for his transfer from Macedonia to locations where he suffered further serious violations of his human rights. Further, the Court ruled that Macedonia did not satisfy its obligation to carry out an effective investigation into these violations.

While the judgment is an important first-step in the fight against impunity for these crimes, Macedonia is not the only government to have been directly involved and/or complicit in these US-led operations. Further, Macedonia is not the only state to have failed to investigate serious allegations regarding the case of Khaled El-Masri. A flawed German parliamentary inquiry, lacking the full cooperation of the German Government, concluded in July 2009 that neither the German Government nor its agents were involved in the human rights violations perpetrated against Khaled El-Masri. Macedonia's and Germany's failures are but two instances in a broader pattern of systematic individual and collective failures by many European States to ensure accountability for their involvement in the rendition and secret detention programmes, as highlighted in the report of the ICJ's *Eminent Jurists Panel Assessing Damage, Urging Action* of February 2009.

Much more still needs to be done to ensure accountability for these human rights violations, both across Europe and in the US. Amnesty International and the ICJ have highlighted how most implicated European governments have hidden behind the shield of 'State secrecy' and have refused to disclose the truth about their involvement in the CIA operations. Following the European Court judgment, other European governments – such as Poland, Lithuania, and Romania, against which cases are also pending with the Court – should take measures to ensure that the truth is told, that thorough, effective, independent and impartial investigations are carried out and those responsible are held accountable. To that end, the ICJ and Amnesty International have submitted or will submit interventions in rendition/secret detention cases to the ECHR in 2013 in respect of those three countries.

3 Independence of Judges and Lawyers

An independent and impartial judiciary is essential under the rule of law for the proper and effective administration of justice, including in the protection of human rights. The ICJ works to safeguard and promote the independence of judges and lawyers throughout all its regional programmes and through its Centre for the Independence of Judges and Lawyers (CIJL), which acts as a focal point for ICJ activities in this field.

In Africa, the ICJ carried out advocacy and capacity building in a number of countries, including: South Sudan; Zambia, relating to the suspension of judges; the Democratic Republic of Congo (DRC), supporting 37 judges unlawfully dismissed by the President in 2008 and advocating for the independence of the Bar Association;

in Swaziland, relating to the independence of the judiciary in law and practice; in Zimbabwe, where the ICJ organized a training symposium for over fifty judges and presidents of various courts; and in the Seychelles, where the ICJ hosted a colloquium for the judiciary. In July 2012, the ICJ also hosted the annual conference of the Southern Africa Chief Justice's Forum in Maputo, Mozambique.

In Asia, the ICJ trained judges and lawyers in Myanmar/Burma and Thailand on the remedy of habeas corpus. The ICJ also carried out advocacy opposing the impeachment proceedings against Sri Lankan Chief Justice Shirani Bandaranayake and conducted a fact-finding mission on judicial independence in Pakistan.

In Central America, the ICJ undertook fact-finding missions, advocacy and conferences relating to the independence of the judiciary and the protection mechanisms that exist for judges and magistrates. In Honduras, the ICJ conducted a mission to supervise the election of the first Council of Magistrates.

In the Middle East and North Africa, the ICJ conducted a number of missions, training workshops and advocacy in Tunisia and Egypt relating to the independence of the judiciary, particularly in the light of the constitutional reform processes in those countries.

In Europe, the ICJ conducted a sustained programme of work in the Russian Federation, observed the trial of Judge Baltasar Garzón in Spain and conducted advocacy work in Kazakhstan.

Centre for the Independence of Judges and Lawyers (CIJL)
A competent, independent, impartial and accountable judiciary and legal profession is a core requirement for the protection of human rights and the effective administration of justice. Through the Centre for the Independence of Judges and Lawyers (CIJL), the ICJ works to ensure and strengthen independent judiciaries and an independent legal profession and to protect judges, lawyers and prosecutors under threat, especially in times of crisis.

The primary mission of the CIJL is to:
• Advance the independence of the judiciary and legal profession to ensure that the administration of justice is carried out in full compliance with international law and standards;
• Promote the establishment of legal systems that protect individuals and groups against violations of their human rights; and
• Protect judges, lawyers and prosecutors who find themselves under threat.

In its advocacy for independent legal systems and judicial accountability, the CIJL carries out country studies, high-level missions, capacity building programmes and legal interventions. The Centre monitors institutional and legislative developments at a national level in focus countries. The CIJL also mobilizes the international legal community to protect judges, lawyers and prosecutors who are at risk for exercising their professional duties, intervening publicly and sending delegations to observe trials in emblematic cases.

The Geneva Forum
Since 2010, the CIJL has convened the annual Geneva Forum of Judges and Lawyers. The Forum provides participants – who are leading members of the legal profession from around the world – with an opportunity to reflect upon and respond to challenges to their independence and capacity to protect human rights through judicial means. In 2012, the ICJ Geneva Forum for Judges and Lawyers explored the role of domestic courts in ensuring access to justice. Through different sessions, the participants focused on: the impact of national legal, political and cultural particularities on the operations of domestic courts; on the role of the lawyer in strengthening the protection of international human rights standards through domestic litigation; and on the way judges address the national implementation of international human rights standards.

3.1 Promoting the Independence of the Judiciary in the Russian Federation

In the Russian Federation, an unusually high number of judges are dismissed each year. The ICJ report *Securing Justice: the Disciplinary System for Judges in the Russian Federation*, which builds on this organization's experience of promoting the independence of the judiciary, calls for comprehensive reforms of the disciplinary system for judges in the Russian Federation as a means to ensure an independent judiciary.

The report makes recommendations for the reform of laws and procedures on judicial discipline in the Russian Federation to strengthen the safeguards for judges against abuse. It further stresses that a deeper and universal culture of respect for the judiciary and its independence, as well as a sense of autonomy and empowerment within the judiciary itself, are necessary to prevent further abuses of the judicial disciplinary process. The threat of dismissal, and the uncertainty of the grounds on which a judge can be dismissed, affects the capacity of all judges to act independently. The threat of disciplinary action may hang over a judge for many years, since there is no limitation period for such action. This makes the judge susceptible to pressure from within the judicial hierarchy or from the executive.

The ICJ recognizes that dismissals of judges cannot be considered in isolation from the wider issues affecting the Russian judiciary. Resolving the problems in the disciplinary system will not alone create a strong and independent judiciary in the Russian Federation. But the disciplinary system should provide protection against the unjustified removal of judges. The system must ensure in practice that disciplinary sanctions are applied according to clear standards and through a fair process and that the removal of a judge is a rare exception that applies only where all other options have failed. Due process and effective safeguards in the disciplinary system, as well as limitations on the application of disciplinary sanctions, are crucial in ensuring that the security of tenure of judges is guaranteed.

3.2 Kyrgyzstan: ill-treatment and unfair trial for Azimzhan Askarov

Part of the ICJ's work includes protecting human rights defenders, particularly judges and lawyers, who are persecuted for their work protecting the rights of others. In 2012, the ICJ reported on the multiple violations of human rights in the arrest and trial of Azimzhan Askarov, a prominent Kyrgyz lawyer, human rights defender and Director of Air, a human rights NGO. Azimzhan Askarov was arrested immediately after a serious outbreak of ethnic violence in the South of Kyrgyzstan in June 2010. He was charged with complicity in murder, instigation of hostility and other crimes and was convicted and sentenced to life imprisonment. The verdict was upheld on appeal, including to the Supreme Court. Credible allegations of torture and ill-treatment and other violations of the defendant's rights were discounted by the courts.

In late 2011, the ICJ conducted a fact-finding mission concerning the prosecution of Azimzhan Askarov. As a result of the mission, in 2012 the ICJ published its report on the *Arrest, Trial and Detention of Azimzhan Askarov*, which documents in detail the allegations of torture and other violations of the defendant's rights, the harassment of lawyers and witnesses, as well as other violations of international law and the national criminal law and procedure of Kyrgyzstan. In its report, the ICJ urged the Government of Kyrgyzstan to ensure that impunity for the serious violations of human rights in this case does not prevail and that those responsible are brought to justice.
As a result of the ICJ's work, the Kyrgyz government reportedly took steps to examine the allegations of human rights violations in the case. Azimzhan Askarov's lawyers are currently using the report, which found evidence of torture and ill-treatment and multiple violations of the right to a fair trial, to support an application to the UN Human Rights Committee.

3.3 Building an Independent Judiciary in South Sudan

In 2012, the ICJ began a project in South Sudan to contribute to the development of the judiciary and legal profession in the country. South Sudan is a State in transition, having achieved independence just over one year ago and recovering from decades of civil war. During its preliminary assessment visit, the ICJ met with a broad group of stakeholders in Juba, soliciting information and views from the South Sudanese judiciary, prosecutorial services and legal profession. Further meetings were held with high-ranking members of the executive, parliament and civil society.

This visit was followed by a national consultation conference, organized in partnership with the South Sudan Law Society, which brought together key South Sudanese actors in the administration of justice. Together with ICJ staff, representatives from the upper hierarchy of the judicial, executive and legislative branches, legal professionals and civil society leaders discussed judicial and legal professional independence and accountability in the country, exploring key principles and the interplay between them in depth.

The ICJ later held a three-day workshop on access to justice and the right to a fair trial, aimed at judges, prosecutors, lawyers and legal staff of the Ministry of Justice, with attendees from several States within South Sudan. The workshop combined training and debate sessions, covering topics including general fair trial standards, the role of the prosecutor, the role of an independent legal profession and specific standards applicable to arrest, pre-trial detention and trial proceedings.

In 2013, the ICJ will produce an analytical report on the current state of the independence of the judiciary and legal profession in South Sudan, making concrete legal and policy recommendations with the aim of encouraging compliance with international law and standards on the administration of justice.

4 Business and Human Rights

In many parts of the world, in particular where the rule of law and judicial and political institutions are weak, unregulated and unaccountable businesses often have negative impacts on human rights.

The ICJ works to enhance the protection of the human rights of all people that face the adverse consequences of unregulated or under-regulated business activities through the development and implementation of national and international and law standards. The ICJ also works for the establishment of accessible justice and accountability mechanisms in this regard.

The ICJ builds on the international consensus that States have an obligation to protect people from human right abuses by businesses, and that businesses themselves have human rights responsibilities. The ICJ works to ensure that both States and companies meet their human rights responsibilities and guarantee such remedies for victims of corporate abuse.

To achieve those aims, the ICJ works at three levels:
• Advocacy – Bringing the concerns of those affected by corporate abuses to the international community and ensuring that States and companies implement international law and standards.
• Reform – Ensuring the law better protects the rights of the most marginalized.
• Empowerment – Enhancing the capacity of victims to access justice and claim their rights.

4.1 Access to Justice: Human Rights Abuses Involving Corporations

In 2012, the ICJ launched two new reports in its ongoing series *Access to Justice: Human Rights Abuses Involving Corporations on the Democratic Republic of Congo (DRC) and Nigeria*. The study on the DRC illustrates that victims of corporate abuses in that country have very little prospect of legal redress because of the inadequacies of the Congolese judicial system. These include the lack of a strong and independent judiciary, its inability or unwillingness to deal with

cases with sensitive economic stakes (often involving transnational links), inadequate financial resources and a high level of corruption, which allows resourceful and powerful litigants to exercise undue influence on judicial decisions. While in principle there are some avenues of redress available to victims of corporate abuses, in practice constant political interference with the independence of the courts drastically limits their chances of success. In addition, the unstable political situation in the country, and continuing armed conflict, puts both plaintiffs and members of the judiciary at risk.

Previous reports by the MONUC (UN Organization Stabilization Mission in the DRC) have revealed that illegal exploitation and trade of natural resources by companies, armed groups, the military and government agents have fueled armed conflict and human rights abuses such as the use of forced and child labor, displacement of populations, unlawful killings, and torture and ill-treatment, including rape and other sexual violence. The ICJ study shows that, despite the evidence of corporate wrongdoing and complicity in violations of human rights and humanitarian law perpetrated by the State and non-State armed groups, there is no effective judicial forum to hold these economic actors legally accountable within the DRC.

The ICJ report urged the Congolese authorities promptly to enact reforms of the legal and judicial system to ensure that affected persons can access justice to protect their rights, which are guaranteed under the Constitution and in international human rights treaties to which the DRC is a party. Political reform is also needed to strengthen the independence of the judiciary in the country. Among other recommendations, the report stresses the importance of the effective dissemination of information to, and training of, lawyers and Congolese civil society organizations on domestic and international remedies available to combat corporate human rights abuses.

4.2 The Rights of Children and the Business Sector

During 2012, the ICJ continued its support to the work of the Committee on the Rights of the Child. Business activities affect various aspects of children's rights, which are protected under the Convention on the Rights of the Child (CRC) and its first two Protocols. Business activities can impair the enjoyment of human rights by children, but they can also be an essential catalyst for the advancement of child rights through employment creation, technological innovation, and socially mindful investment.

As a part of this support, the ICJ sponsored international seminars to provide relevant stakeholders with a forum to discuss the impact of businesses on the rights of the child. The ICJ primarily addressed the obligation of the States Parties to the Convention on the Rights of the Child to provide a protective framework, and remedy possible violations committed through the activities of businesses.

The ICJ provided input for the drafting of a General Comment in 2012 on "States' obligations regarding business impacts on the rights of the child". An outline of the contents was put to public consultation

in March and drew substantial contributions by key stakeholders. In August, the ICJ organized an African regional consultation in Nairobi, Kenya, with a view to facilitating the provision of input to the Committee's work on the General Comment.

The ICJ also co-sponsored an international seminar, 'Child Rights and the Business Sector: Urging States and Private Companies to Meet Their Obligations' in Sion, Switzerland, in October 2012. The ICJ has also co-organized consultations in other parts of the world, including in South America for the MERCOSUR area in March, and for Eastern Africa countries in Kenya in August.

4.3 Promoting a Regulatory Framework for Private Military and Security Companies (PMSCs)

The activities and operations of PMSCs, especially those in association with or at the service of the extractive industry, have given rise to a number of human rights abuses in many countries. These are frequently aggravated by the fact that national legal systems seem unable to provide an effective remedy to victims of such abuses. Such problems are not limited to situations of armed conflict, but extend to situations where the rule of law is weak, or the regulatory and enforcement system is ineffective. PMSCs also provide security services to mining and oil companies in complex operational environments and to governmental bodies such as ministries, administrative departments, embassies and other delegations. Allegations of human rights abuses have also arisen in these contexts.

The ICJ remained involved with the Human Rights Council to promote an international legal framework on human rights abuses by the business sector, including PMSCs, and ensure access to remedies for the victiMs During 2012, the ICJ engaged in the process of the Open Ended Working Group (OEWG) created by the Human Rights Council to consider the options for a regulatory framework, including a possible binding instrument, for the activities of Private Military and Security Companies.

5 Rule of Law and International Human Rights Instruments

The universal realization of human rights requires meaningful access to justice for all persons. The UN human rights system has made a substantial contribution to advancing access to justice through the elaboration of human rights standards, including through human rights treaties and declaratory instruments. Human Rights treaty bodies, their individual communication procedures and the special procedures of the Human Rights Council have all used these instruments as a basis to develop international jurisprudence, provide individual remedies and to ensure accountability for the perpetrators of human rights violations and abuses. Regional human rights mechanisms have developed along parallel tracks and are at various stages of effectiveness: these include the Council of Europe, the Organization of American States, the African Union, the League

of Arab States and the Association of South East Asian Nations. Nonetheless, the systems, standards, and mechanisms designed to ensure access to justice at the international level are inadequate and a significant number lack effectiveness. These shortcomings include the lack of availability of any judicial mechanism to protect human rights at the universal level, or any judicial or quasi-judicial mechanism in the Asia Pacific, and most of the Middle East and North Africa. In addition, debilitating obstacles to justice have limited the effectiveness of judicial mechanisms in Africa, while case backlogs have overloaded the mechanisms developed by the Inter-American and European systems.

Universal and regional human rights systems have also recently been subject to politically driven attacks. In the Council of Europe system, 2012 saw a raft of proposals for changes to the European Court protection mechanism, including amendments to the European Convention on Human Rights, some of which would have significantly restricted the jurisdiction of the Court and the ability of applicants to the Court to access justice. In negotiations leading up to the Brighton Conference and Declaration on the Future of the European Court of Human Rights in April 2012, the ICJ worked with other NGOs to counter such proposals to ensure that the independence and effectiveness of the Court, and the right of individual petition to it, were preserved.

To promote and protect international justice mechanisms, the ICJ works to develop international human rights law and standards, intervening to enhance the effectiveness of the UN and regional human rights systems. The ICJ advocates for improvements needed to achieve the effective domestic, regional and international enforcement of these standards.

The ICJ carries out advocacy at the UN, with a focus on the human rights mechanisms based in Geneva. In particular, the ICJ engages with the UN treaty bodies and the Human Rights Council. This includes work with the Council's subsidiary bodies, such as the Special Procedure mandates and the Universal Periodic Review. In practical terms, the ICJ's work with the UN human rights mechanisms includes the presentation of submissions to the Human Rights Council and the treaty bodies. These frequently relate to: the implementation by States of their obligations under international human rights law; thematic concerns covering a wide range of rights; legal expertise on draft General Comments; and the development or application of specific areas of law. The ICJ also engages in the negotiation of resolutions and other instruments being developed by the Human Rights Council and its mechanisms.

ICJ 17th World Congress

In December 2012, the ICJ held its 17th World Congress. The Congress brought together more than 120 judges, lawyers and human rights defenders from around the world, including the ICJ's own Commissioners and Honorary Members. The event addressed the need to establish, develop and defend international systems and mechanisms, including judicial mechanisms, for access to justice and the right to a remedy for human rights violations. These discussions

held at the Congress resulted in the elaboration of the ICJ Declaration on Access to Justice and the Right to a Remedy in International Human Rights Systems, which will guide the work of the ICJ as a whole in the years to come.

International legal principle reaffirmed and advanced at the ICJ Congresses produce declarations that articulate and develop international legal principles and set the policy objectives for the organization. In 2012, the Congress focused on access to justice and right to a remedy in international human rights systems, and concluded with the adoption of a landmark declaration on this important issue.

Where human rights are underpinned by international legal obligations, such as those contained in universal and regional human rights treaties, those rights must be accompanied by national and international remedies. Such remedies must be available, accessible, effective, binding and capable of bringing adequate reparation.

Issues addressed by the Congress
While universal and regional treaties now cover most fundamental human rights, the availability and enforcement of remedies is lacking. At the universal level, the remedies available through the UN treaty body communication systems are non-judicial, non-binding and have proved ineffective in a number of respects. Regionally, the European and Inter-American systems have offered only partially effective remedies. Yet even these systems are beset with difficulties, including political attacks, that undermine their effectiveness.

The African system is now beginning to operationalize its regional and sub-regional courts. However, there have been debilitating obstacles to their operations, including political interference.

In the Middle East and North Africa (MENA), a strong human rights treaty – the Arab Charter, covering the Arab League and extending to most, but not all, of the MENA countries – has recently come into force. However, the existing weak supervising machinery has not even established a non-binding complaint system, much less a court.

In Asia, the Association of Southeast Asian Nations (ASEAN) countries have recently established a human rights commission under the ASEAN charter, but they are only now developing their first normative instruments. Therefore, any treaty instruments will take many more years to develop. The non-ASEAN countries of the Asia Pacific region do not yet have any sub-regional human rights system.

5.1 Southern Africa – Save the SADC Tribunal Campaign

In August 2012, the Southern African Development Community's (SADC) leaders "resolved that a new protocol on the Tribunal should be negotiated and that its mandate should be confined to interpretation of the SADC Treaty and Protocols relating to disputes between member states". The decision effectively destroys an integral SADC organ – the Tribunal – and denies the people of Southern Africa the right to approach the court for justice.

It is, as Archbishop Emeritus Desmond Tutu observes, "a tragedy. It is a blow against accountable government and individual rights." The ICJ views the decision of the SADC as a highly significant setback in the history of human rights in Africa.

As a part of the "Save the SADC Tribunal Campaign", the ICJ closely monitored the developments around the review of the Tribunal, which was ordered following the Heads of State Summit in August 2012. As part of the monitoring exercise, the ICJ convened a conference of legal experts of the SADC, held consultations with various SADC governmental officials, submitted a report of the SADC legal experts on the review of the Tribunal and participated in meetings with various government legal experts and the policy community from the SADC member states. Despite these and other efforts, the 2012 SADC summit resolved to limit the jurisdiction of the tribunal to "disputes between member states" only, thus depriving individuals, groups and society at large of an important tool for the defence of their human rights.

In particular, the decision undermines the rights of people from the SADC region to access justice and effective remedies, while it also infringes upon judicial independence. It is an arbitrary decision that constitutes a setback for regional integration.

5.2 Fatally Flawed ASEAN Human Rights Declaration

Throughout 2012, the ICJ continued its active engagement with the ASEAN on the elaboration of a human rights declaration and mechanism for the region. As a part of this engagement, the ICJ conducted advocacy and facilitated consultations among national, regional and international civil society groups and UN agencies. The ICJ also conducted briefings for diplomatic missions in Bangkok and Jakarta on the Declaration, its consistency with international human rights standards and the impact it will have on the ASEAN Member States. Despite these efforts by the ICJ and other human rights proponents, the ASEAN adopted a poorly conceived and retrograde human rights declaration.

The ICJ considers the Declaration to be a major step backwards in the development of regional standards in the ASEAN region. The adopted text includes in its General Principles provisions that subject the enjoyment of fundamental rights to a "balancing" with government-imposed duties on individuals that have no place in a human rights instrument. The Declaration also challenges the principle of universality of human rights by making them subject to regional and national contexts. In addition, it allows for broad and all-encompassing limitations on rights, including those that must never be restricted under international law.

The ICJ, along with many other human rights advocates, has pledged not to invoke the Declaration as a source of authority, as it is inconsistent with universal human rights principle and legal obligations already incumbent on ASEAN States. The ICJ has called on Member States and the international community to repudiate the text.

From the very beginning of the drafting process, the ICJ had called on ASEAN Member States to ensure that the adopted text would accord with international human rights law and urged them to establish an effective instrument for the region. Unfortunately, the ASEAN Intergovernmental Commission on Human Rights (AICHR), the body tasked to undertake the elaboration of the Declaration, elaborated the text with little consultation with civil society groups. Only a few of the AICHR members conducted consultations within their own countries and those that did take place were ineffective, with drafts of the Declaration never circulated to participants. The input provided by civil society groups during the two consultations at the end of the process was not meaningfully taken into account in the text of the final Declaration.

5.3 Strengthening the Rule of Law in the Middle East and North Africa (MENA)

Egypt – A Flawed Constitutional Reform Process

Since the popular uprisings began in 2011, the ICJ has been engaged in the constitutional reform process in Egypt. In 2012, the ICJ intensively monitored and engaged in this process, publishing a report, *Egypt's new Constitution: a flawed process; uncertain outcomes*. This report documents how the process of constitutional reform has failed to meet international principles of inclusive participation and transparency, thereby undermining the transition to a democratic society based on the rule of law, a promise of the uprising.

The ICJ report details how the Supreme Council of Armed Forces (SCAF) and other transitional authorities failed to ensure the rights of Egyptians to take part in public affairs, denying their ability to meaningfully participate in the elaboration and adoption of a new Constitution. In the report, the ICJ called upon the Egyptian authorities to urgently address the challenges facing the constitutional reform process; ensure that the process is in full compliance with international standards of inclusive participation and transparency; and guarantee that the new Constitution fully conforms with the rule of law and international law and standards.

The report shows how the Egyptian authorities, including the Constituent Assembly, failed to adopt a Constitution that establishes the rule of law, recognizes and protects universally accepted human rights without restriction, guarantees the independence of the judiciary in all circumstances and ensures the effectiveness of democratic institutions. Instead of paving the way for a clear and participatory reform process, the SCAF consistently opted for opaque, rushed and non-consensual policies that aimed to shield the armed forces from any form of accountability and that have severely undermined both the legitimacy of the process itself and its outcomes.

The report also describes how several judicial decisions contributed to arbitrariness and uncertainty regarding the drafting of a new constitution, including the order from the High Administrative Court to dissolve the first Constituent Assembly and the decision of the

Supreme Constitutional Court leading to the dissolution of the People's Assembly.

The report made clear that, as a result of this confused process, the draft Constitution failed to provide for effective guarantees to reinforce the protection of human rights and the supremacy of the rule of law. The report also set out urgent institutional and legal reforms that, together with sufficient political will, could help ensure a clean break with the practices and policies of former President Mubarak's regime and the transition to a genuine democracy in Egypt.

The new Constitution was approved through a referendum and came into force in December 2012. The ICJ continues to closely monitor the situation and engage in Egypt.

Tunisia – The New Constitution should be amended

The Tunisian constitution-making process has been relatively clear and transparent, representing a clean break from the practices and policies of former President Ben Ali's regime. However, while the draft Constitution broadens the separation of powers and human rights provisions of the 1959 Constitution, comprehensive amendment will be required to incorporate international law and standards and to meet the democratic aspirations expressed by a broad cross-section of Tunisians during the uprising. In late 2012, the ICJ produced its report, *Enhancing the rule of law and guaranteeing human rights in the Constitution*, which analyses the constitutional reform process in Tunisia and calls on the authorities, especially the National Constituent Assembly (NCA), to elaborate and adopt a constitution that takes account of the full range of views of the Tunisian people and adheres to international law and standards.

The ICJ report also examines the provisions of the draft Constitution and sets out recommendations for legal and institutional reforms to ensure that the Constitution reflects international law and standards. The ICJ recommends that the Constitution be amended to: fully guarantee the separation of powers; ensure the accountability of the security services and armed forces and their subordination to a civilian authority; bring the judicial system in line with international standards of independence, impartiality and accountability; end the use of military courts to try civilians and cases involving human rights violations; incorporate a comprehensive Bill of Rights; recognize the right to life as an absolute right and abolish the death penalty; provide effective mechanisms for the protection of human rights; and ensure the right to an effective remedy.

The ICJ's report was well received by the NCA. The ICJ continues to engage with the NCA and other transitional authorities in Tunisia.

Mazen Darwish: an ordinary Syrian story
Extracts adapted from an opinion piece by Saïd Benarbia, Middle East & North Africa Senior Legal Adviser, published in June, 2012

Mazen Darwish is one of the most prominent human rights lawyers and defenders in Syria and the Arab world. On 16 February 2012, officers from Air Force Intelligence (AIF), assisted by a group of plain-clothed armed men, carried out a raid on the Damascus offices of the Syrian Centre for Media and Freedom of Expression (SCM) arresting Mazen Darwish, the President of SCM, and 16 of his co-workers.

Nothing has emerged about Mazen's fate, except testimonies from detainees who were held with him in early March in the AIF detention centre in El Mezza, Damascus. They reported that he was subjected to torture. Methods of torture in AIF detention facilities include whippings, severe beatings, electric shocks, rape or threats of rape, and genital and other forms of bodily mutilation.

Before his arrest, Mazen had been subjected to persistent and systematic harassment by Syrian security services. He was disbarred and prohibited from practicing law for life due to his human rights activities. He was subjected to a travel ban for more than four years, which prevented him from visiting his two children who reside abroad. When he established the SCM, he was ordered to report to the security services on an almost daily basis. Irrespective of the persistent harassment he and others faced, Mazen always refused to leave Syria. He believed that the work of human rights defenders was crucial to bring about real change and reform in Syria and that, in spite of all of the brutalities and abuses, Syrians would join the cause of human rights and stand up for their right to live and die in dignity.

Those of us who cared so much about his safety knew he would not listen to us and leave. He felt that someone had to remain. Someone had to witness and report on the ongoing human rights abuses.

The Syrian population has been under the authoritarian rule of Al Ba'ath party for almost 50 years. No one expected large numbers of Syrians to stand up against Al Ba'ath and the security services. Disgracefully, no one answered their cry for justice and freedom when they did. Some argue that any form of protective measures sanctioned by the UN Security Council would bring about a civil war. As though allowing a pro-regime militia, subjecting the civilian population, including people from other religious groups, to gross and systematic human rights violations, would not. In fact, most of the reports coming from different Syrian cities and villages confirm that most of the elements of civil war are already present. Others fear destabilization of neighboring countries, as if containing the bloodshed to within the borders of Syria is more important than ending it. Others also argue that the opposition is too weak and marginalized to lead a steady transition to democracy in Syria. As though a continuation of repressive State conduct will strengthen the opposition.

In a sense, Mazen's story has become an ordinary Syrian story. Everyday we receive consistent and reliable reports about similar and no less tragic stories. A mother who had to bury her murdered son in a public garden because heavy machine-gun fire from the army prevented her from holding a proper funeral and burial. An activist whose songs and slogans electrified the rallies of protesters that was found dumped in a river after having his throat slashed by security forces. A woman raped in front of her children and husband. A man buried alive. A pregnant woman tortured with electric shocks. A 13-year old boy tortured to death, his skin scrawled with cuts, gashes, and bullet wounds, his feet, elbows, face, and knees deeply burned, his jaw and kneecaps shattered, his neck broken and his penis cut off.

Crimes committed on a regular basis
These stories are ordinary but not because of the crimes and human rights violations they involve. They are ordinary because these crimes are being committed on a regular and daily basis to the point that both Syrians and the rest of the international community are now used to them. How many victims should die before these crimes end? What is the threshold? No one seems to know. The stronger an outrage after a massacre is, the quicker it fades, until a new massacre occurs.

I've known Mazen for four years. We have had many endless discussions about Syria's fate, both before and after the start of the uprising. He has always been calm, composed, brave and gracious, in particular under pressure. His sense of humor, dark and unique, has been his strongest defense to fight against whatever the security services and life throw at him.

The last time I saw Mazen was in early October 2010. He gave me a ride to the airport after spending two days monitoring the trial of another Syrian human rights lawyer before the Damascus Military Court. He shared with me his bad feeling that we wouldn't meet for a while, if ever. He survived serious illness, years of persecution, and a prison term. I hope he will survive El Mezza detention centre.

To read the full story: http://www.icj.org/mazen-darwish-an-ordinary-syrian-story-2

Communications

“2012 saw significant improvements in the ICJ’s media and communications capabilities, ensuring that the work we carry out reaches the widest possible audience, both in the legal community and beyond.”

Communications

To make the ICJ more visible to a wider audience and ensure that its wealth of legal resources and advocacy work are made accessible, the ICJ undertook to modernize its visual identity and main communications tools in 2012.

The new ICJ logo and visual identity has been developed by the well-known Swiss artist and designer Roger Pfund, who has shown his commitment to the protection of human rights through past collaborations with organizations such as Amnesty International (Switzerland), Human Rights Watch and the Geneva Call.

The new brand retains the flame and globe of the ICJ's previous logos, but gives them a more modern style. The new logo also reinforces the significance of the ICJ acronym.

The new ICJ website has been developed by HURIDOCS, an international NGO that supports human rights organizations by helping them efficiently utilize information technologies and documentation methods. The Atelier Roger Pfund also worked on the design of the new website.

One of the main features of the new website is its sophisticated search tool, which allows visitors to easily filter and navigate through the vast collection of ICJ publications, submissions and other expert documents.

The ICJ's new visual identity has been progressively implemented from September 2012 onwards.

In addition, the ICJ improved its media work by streamlining the writing and dissemination of press releases, while monitoring its communications efforts daily.

In 2012, the ICJ issued 43 press releases, which have been increasingly picked up by targeted local and international media. This has contributed to achieving one of the ICJ's main communications objectives: enhancing the ICJ's visibility and notoriety, while supporting its programmatic work through advocacy.

1980

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INTERNATIONAL
COMMISSION
OF JURISTS

2012

icj International Commission of Jurists

Financial Report

“The ICJ has experienced rapid growth over the past eight years. The ICJ Secretariat continued to grow in 2012, expanding our existing offices and establishing new presences in several priority countries.”

Financial Report

The ICJ has steadily increased donor commitments over the last five years. In 2012, the amount of donor contributions committed and used during the year amounted to 8.6 million CHF.

Many of the ICJ's Commissioners and experts provide pro-bono assistance. Lawyers participate in the implementation of ICJ projects as trial observers, members of fact-finding missions, and legal advisers. Also, the ICJ's has a pro-bono financial expert to provide advice to the Executive Committee. These in-kind contributions are not reflected in the organization's financial statements.

The ICJ is committed to an efficient use of its limited resources. The organization's various programmes work together to produce the most economical results. To maintain full compliance with applicable Swiss laws and regulations, the ICJ has established and implemented an internal control system for both financial and administrative operations. These procedures lay out clear procurement rules, which dictate the most efficient use of resources.

Assets	2012	2011
Current Assets		
Cash & cash equivalents	1 627 405	603 090
Grants receivable	580 836	662 258
Prepayments and other receivables	83 384	170 563
Total current assets	2 291 625	1 435 911
Non-current Assets		
Fixed assets	474 768	237 112
Financial assets	64 262	63 550
Total non-current assets	539 030	300 662
Total Assets	**2 830 655**	**1 736 573**

Liabilities		
Current Liabilities		
Accounts payable	383 555	385 880
Contributions received during the year carried forward	271 364	197 437
Restricted Contributions received in advance for subseqent years	1 310 101	706 189
Accrued liabilities	116 742	18 501
Unrealised gain on Foreign Exchange	3 438	0
Provisions	26 572	121 228
Total current liabilities	2 111 772	1 429 235
Long-term Liabilities		
Lease liabilities	125 520	60 320
Provisions for depreciation	171 141	93 738
Total long-term liabilities	296 661	154 058
Reserve	422 222	153 280
Total Liabilities & Reserves	**2 830 655**	**1 736 573**

Income	2012	2011
Contributions		
Donor contributions received in the year or carried forward from previous year	10 200 378	7 572 717
Contributions to be carried forward	(271 364)	(197 437)
Contributions received in advance	(1 310 101)	(706 189)
Donor contributions utilised in the year	8 618 913	6 669 091
Other Revenue		
Miscellaneous income	51 035	39 015
Financial income	636	1 356
Realised exchange gain	238	59
Other income	9 996	4 076
Total Income	**8 680 818**	**6 713 597**

Expenditure		
Direct Projects Costs		
Consultancy fees	1 039 479	757 949
Meeting & travel costs	2 024 866	1 398 991
Printing & distribution	133 117	105 270
Staff Costs	4 347 205	3 869 152
Depreciation	84 849	51 060
Other Expenditure		
Office premises	556 716	546 022
Postage & telecommunication	104 698	105 838
Website, documentation & communication	23 775	16 515
Financial expenses	50 528	30 124
Exchange loss	0	2 784
Other expenses	46 643	19 164
Total Expenses	**8 411 876**	**6 902 869**
Surplus (Deficit) for the year	268 942	(189 272)
Reserve as of January 1	153 280	342 552
Reserve as of December 31	422 222	153 280

List of Outputs

“For the past 60 years, the ICJ has relentlessly worked for the promotion and protection of human rights through the rule of law and it has undoubtedly contributed to the progress made in the development of human rights law and its implementation on the ground.”

Laura Dupuy Lasserre, President of the UN Human Rights Council

List of Outputs

Africa

Advocacy and other promotional work

6 December 2012	Kenya: roundtable on LGBT human rights
22 November 2012	Roundtable discussion on women's access to justice in Botswana
31 October 2012	Zimbabwe: High Court rules in favour of human rights defender
22 October 2012	Workshop on the right to fair trial in South Sudan
22 September 2012	The rule of law and free elections in Africa: going beyond the rhetoric
3 September 2012	ICJ to analyse the independence of the judiciary in South Sudan
30 August 2012	Angola: ICJ condemns the abduction of war veterans in Angola
22 August 2012	ICJ disappointed by decision taken on SADC Tribunal
20 August 2012	South Africa: ICJ concerned by the tragic events at the Lonmin mines
24 May 2012	DRC: business involved in human rights abuses
20 February 2012	Nigeria: human rights abuses involving corporations

UN interventions

26 September 2012	ICJ intervention on rule of law and administration of justice in South Sudan
21 September 2012	ICJ oral intervention on the adoption of the outcome document of the Universal Periodic Review of South Africa
11 September 2012	ICJ oral statement on impunity for reprisals against human rights defenders in Sudan
16 March 2012	ICJ oral intervention on the adoption of the outcome document of the Universal Periodic Review of Zimbabwe
16 March 2012	ICJ oral intervention on the adoption of the outcome document of the Universal Periodic Review of Uganda
15 March 2012	ICJ oral intervention on the adoption of the outcome document of the Universal Periodic Review of Swaziland
13 March 2012	HRC parallel event, protection of human rights defenders in the context of elections in Africa

Asia-Pacific

Advocacy and other promotional work

15 November 2012	Civil society rejects flawed ASEAN Human Rights Declaration
7 November 2012	Impeachment of Sri Lankan Chief Justice: Government must adhere to international standards of due process
5 November 2012	Deeply flawed ASEAN Human Rights Declaration must be postponed
31 October 2012	Taiwan review of compliance with civil, cultural, economic, political and social rights
11 October 2012	Nepal: ICJ urges accountability for violations detailed in OHCHR report
9 October 2012	Sri Lanka: ICJ deplores attack on the Secretary of the Judicial Services Commission
28 September 2012	How Rohingyas are viewed by human rights activists in Burma
29 August 2012	Open letter to the President of Indonesia on enforced disappearances
22 August 2012	Women's access to justice in Thailand: identifying the obstacles and need for change. ICJ & JPF Report
28 June 2012	Nepal: commissions of inquiry don't address need for accountability
2 April 2012	Report on the ICJ mission to Pakistan in autumn 2011
21 March 2012	Roundtable discussion on women's access to justice in Thailand

Legal submissions

23 January 2012	India: ICJ legal opinion on the revised prevention of torture bill

UN interventions

7 December 2012	Human Rights Committee list of issues for the examination of Indonesia
14 November 2012	Workshop for Thai civil society groups on effective alternative reporting to the UN Committee against Torture
31 October 2012	ICJ submission on the Universal Periodic Review of Bangladesh
23 September 2012	ICJ alternative report to the Human Rights Committee on the Philippines
20 September 2012	ICJ statement on adoption of the Universal Periodic Review of India
19 September 2012	ICJ statement on adoption of the Universal Periodic Review of Indonesia
23 August 2012	Briefing note to the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence on the recent political developments in Nepal, leading to a lack of access to justice for victims of gross human rights violations
8 August 2012	ICJ and JPF submission on women's access to justice in Thailand to the Committee on the Elimination of all forms of Racial Discrimination
3 July 2012	HRC parallel event: ASEAN Human Rights Declaration: Bringing the "ASEAN way" in line with universal standards and principles
4 July 2012	HRC parallel event: Achieving effective HRC action on country situations, the example of Nepal
28 June 2012	Human Rights Council: ICJ parallel event on the ASEAN Human Rights Declaration
15 May 2012	ICJ submission to the Committee on the Rights of the Child for the Examination of the Fourth Periodic Report of Australia
19 April 2012	ICJ submission to the Universal Periodic Review of Pakistan
16 April 2012	ICJ submission to the Universal Periodic Review of Sri Lanka
13 April 2012	ICJ submission to the Universal Periodic Review of The Republic of Korea
30 March 2012	ICJ oral intervention on the adoption of the outcome document of the Universal Periodic Review of Thailand
30 March 2012	Human Rights Council: ICJ oral statement in the general debate on the situation in Sri Lanka
29 March 2012	Nepal: joint oral statement by the International Commission of Jurists, Human Rights Watch and Amnesty International
29 March 2012	Human Rights Council: ICJ written statement, Nepal: Continued impunity for human rights violations
29 March 2012	Human Rights Council: ICJ written statement, South Asia: The role of national commissions of inquiry in investigating torture and other serious human rights violations
7 March 2012	HRC parallel event: The situation of human rights in Nepal
2 March 2012	Nepal: Joint oral statement by the International Commission of Jurists, Human Rights Watch and Amnesty International

Europe

Advocacy and other promotional tools

30 November 2012	ICJ comments on possible Council of Europe standard-setting on corporations and human rights
14 November 2012	ICJ calls on OSCE participating states to enhance practical measures for human rights compliance when countering terrorism
7 November 2012	Joint NGO comments on draft EU accession agreement to European Convention on Human Rights
30 October 2012	Kazakhstan: disciplinary action against Judge Zhumasheva is an attack on judicial independence
4 October 2012	Joint NGO comments on the drafting of Protocols 15 and 16 to the European Convention for the Protection of Human Rights and Fundamental Freedoms
30 September 2012	Raccolta di giurisprudenza su immigrazione e diritto internazionale
20 September 2012	Seminario: espulsione di migranti e richiedenti asilo ed il diritto internazionale

13 September 2012	Seminario: la detenzione amministrativa e l'espulsione dei migranti e la protezione internazionale nel diritto internazionale ed italiano
23 May 2012	Launch of IVJ report Malta: not here to stay
14 May 2012	Report on appeal hearing of the case #1-553/10 and #22-2154/2011 at the Saint Petersburg City Court on April 21 2011 by a mission of the International Commission of Jurists
7 May 2012	Joint statement on asylum seekers' right to liberty in EU asylum law
17 April 2012	ICJ briefing paper in support of the negotiations on the recast of the Dublin Regulation 343/2003
16 April 2012	Joint declaration to the Brighton conference on reform of the European Court of Human Rights
20 March 2012	Joint NGO preliminary comments on the second draft of the Brighton Declaration
29 February 2012	Green Paper on the right to family reunification of third-country nationals living in the European Union (Directive 2003/86/EC), Response by the ICJ
1 February 2012	Council of Europe: comments on follow-up to the Interlaken and Izmir Declarations
19 January 2012	Open letter to Permanent Mission in Geneva concerning Russian proposal on treaty body strengthening
6 January 2012	Open letter to David Cameron concerning the 'Detainee Inquiry'

Legal submissions

5 November 2012	ICJ and AI third party intervention before the European Court of Human Rights in the case Al Nashiri v Poland
4 October 2012	ICJ comments on European Convention draft protocols
1 October 2012	Challenge to homosexual propaganda ban in St. Petersburg court (Amicus Curiae)
26 September 2012	Spanish Supreme Court urged to proceed with case against former US officials accused of facilitating torture
20 August 2012	Cassar v Malta: third party intervention before the European Court
12 August 2012	Taddeucci and McCall v Italy: third party intervention before the European Court
20 May 2012	ICJ and ECRE submission on the implementation of M.S.S. judgment
17 April 2012	ICJ third party intervention before the European Court of Human Rights in the case of Kudeshkina v the Russian Federation
17 April 2012	ICJ and AI third party intervention before the European Court of Human Rights in the case El Masri v the Former Yugoslav Republic of Macedonia
9 February 2012	Case of Vejdeland and others v Sweden
May 2012	ICJ and ECRE submission to Committee of Ministers on implementation of MSS v Belgium and Greece

UN interventions

10 October 2012	ICJ comments on Committee against Torture review of the Russian Federation
9 October 2012	ICJ comments on Universal Periodic Review of Russian Federation
21 September 2012	ICJ and NJCM statement on adoption of the Universal Periodic Review of the Netherlands
31 May 2012	UPR parallel event, No documents, no rights? Human rights of irregular migrants and children in the Netherlands

Latin America

Advocacy and other promotional work

13 December 2012	Dismissal of judges in Honduras: ICJ Statement
18 September 2012	ICJ event on human rights issues in the department of Petén in Guatemala
18 September 2012	ICJ calls for access to justice for indigenous peoples in Guatemala
31 August 2012	Misión de Alto Nivel con el objeto de observar la elección del Consejo de las Judicatura en Honduras

20 August 2012	El Salvador: workshop on access to justice for victims of violations of economic, social and cultural rights
29 May 2012	Suriname: independent observation mission to the trial of President Desiré Delano Bouterse
23 March 2012	The ICJ welcomes historic decision in Atala v Chile

Legal submissions

September 2012	Murillo et al v Costa Rica: ICJ Amicus to Inter-American Court of Human Rights
August 2012	ICJ Legal Opinion on Implementation of Treaty Monitoring Body Views, submitted to Government of Peru by Centre for Reproductive Rights & Centre for the Promotion and Protection of Sexual and Reproductive Rights

UN interventions

7 December 2012	ICJ and COMSIDEH-Peru submission on Peru to the Committee against Torture
31 October 2012	ICJ submission on Universal Periodic Review of Colombia
20 September 2012	ICJ statement on adoption of the Universal Periodic Review of Brazil
19 September 2012	ICJ statement on adoption of Universal Periodic Review of Ecuador
18 September 2012	ICJ statement on the panel of indigenous people's access to justice – El caso de las comunidades de los municipios de San Andres y la Libertad, département de El Petén, Guatemala
18 September 2012	ICJ statement on Impunity and exploitation of natural resources in Guatemala
11 April 2012	ICJ submission to the Universal Periodic Review of Guatemala

Middle East and North Africa

Advocacy and other promotional work

14 December 2012	Egypt must withdraw draft Constitution and allow for a participatory constitutional reform process
29 September 2012	Morocco: ICJ promotes national debate on access to justice for victims of violations of economic, social and cultural rights
17 September 2012	ICJ calls for firm action on Syria by the Human Rights Council
11 September 2012	Egypt: conference on the independence of the judiciary
July 2012	ICJ position paper on the situation in Egypt
12 June 2012	Mazen Darwish: an ordinary Syrian story
14 March 2012	The Syrian authorities must reveal the fate of Mazen Darwish and SCM staff

Legal submissions

16 September 2012	ICJ participates in Tunisia national dialogue; makes recommendations for an independent judiciary
6 August 2012	Legal memorandum on economic, social and cultural rights in Tunisia

UN interventions

30 July 2012	ICJ stakeholder submission for the second cycle Universal Periodic Review of Israel
28 June 2012)	Call for action on Bahrain at the Human Rights Council
1 June 2012	ICJ oral statement on the situation of human rights in Syria
19 April 2012	ICJ submission to the Committee against Torture for the special report on the Syrian Arab Republic
30 March 2012	ICJ oral intervention on the adoption of the outcome document of the Universal Periodic Review of Syria
29 March 2012	Human Rights Council: ICJ oral intervention on the situation in Syria

Global

	Advocacy and other promotional work
13 December 2012	ICJ 3rd Geneva Forum of Judges and Lawyers
12 December 2012	ICJ adopts Declaration on Access to Justice and Right to a Remedy
12 December 2012	Special page: ICJ 17th World Congress, 11-12 December 2012
25 November 2012	Protecting human rights beyond borders
21 November 2012	Governments condemn extrajudicial executions in seminal UN vote
19 November 2012	Seminar on human rights and the rule of law in a cross-cultural setting
2 November 2012	Geneva seminar for lawyers on international human rights law in the criminal justice process
29 October 2012	Respect the right not to be disappeared
25 October 2012	Human Rights Committee General Comment on the right to liberty
9 October 2012	International seminar on child rights and the business sector
6 October 2012	ICJ mourns the passing of Vojin Dimitrijevic
10 October 2012	10th International Day against the death penalty
18 September 2012	ICJ supports final version of draft guiding principles on extreme poverty and human rights
13 September 2012	ICJ high-level discussion on the role of judges and lawyers in transition
21 August 2012	In memoriam: Dr Jean-Flavien Lalive, 1915-2012
30 July 2012	Khmers Kampuchea-Krom Federation stripped of ECOSOC status
25 June 2012	“Homosexual propaganda” bans: analysis and recommendations
24 April 2012	Micheline Calmy-Rey announces nominees for 2012 Martin Ennals Award for human rights defenders
29 March 2012	Bilateral investment treaties and international human rights law: harmonization through interpretation
8 October 2012	ICJ & Friedrich-Ebert-Stiftung Briefing for CEDAW on Women’s Access to Justice
	Legal submissions
13 December 2012	ICJ participates in expert seminar on the independence of the UN human rights treaty bodies
23 March 2012	Amicus brief, ACLU v DOJ FOAI appeal
	UN interventions
31 October 2012	ICJ submission on the Universal Periodic Review of Canada
25 September 2012	ICJ intervention on the Threats to the universality of human rights by initiatives on “traditional values”
12 September 2012	Human Rights Council parallel event on transitional justice
11 September 2012	ICJ statements on the promotion of truth, justice, reparation and guarantees of non-recurrence
12 September 2012	Interactive dialogue with the Special Rapporteur on extreme poverty
22 August 2012	ICJ statement on the independence of the UN treaty bodies
14 August 2012	Second session of the intergovernmental working group on private military and security companies
August 2012	Discrimination and inequality in the enjoyment of human rights, including the rights to water and sanitation
5 July 2012	The ICJ calls for more systematic consideration of access to justice for victims of human rights violations
3 July 2012	ICJ oral statement on access to justice for victims of human rights violations
July 2012	Strengthening of the United Nations treaty bodies: a preliminary response from non-governmental organizations
6 July 2012	NGO joint statement at the closing of the Human Rights Council’s 20th Session
3 July 2012	ICJ response to the questionnaire on best practices that promote the rights to freedom of peaceful assembly and of association

29 June 2012	Joint NGO statement concerning country visits by the Special Procedures of the Human Rights Council
29 June 2012	Oral statement by the ICJ, Amnesty International, Canada HIV/AIDS Legal Network, ISHR and FIAN in the General Debate under Item 5: Country visits by the Special Procedures of the Human Rights Council
29 June 2012	ICJ oral statement in the general debate under Item 6: Four parameters for a successful second cycle of the universal periodic review
28 June 2012	ICJ raises methods issues in the interactive dialogue with the Working Group on human rights and transnational corporations
27 June 2012	ICJ oral statement on reparations for women who have been subjected to violence
25 June 2012	ICJ oral statement in the interactive dialogue with the Special Rapporteur on the human rights of migrants
21 June 2012	ICJ oral statement in the interactive dialogue with the Special Rapporteur on the freedom of opinion and expression
21 June 2012	High-level discussion on advancing human rights and business in the Human Rights Council
18 June 2012	ICJ statement on UN Expert’s report on terrorism victims and human rights
15 June 2012	ICJ submission on legislation regulating the activities and work of human rights defenders
14 June 2012	ICJ supports independence and strengthening of the Special Procedures
13 June 2012	Advancing human rights and business in the work of the Human Rights Council
11 June 2012	Annual meeting of the Special Procedures
June 2012	ICJ comments to the Human Rights Committee general discussion in preparation for a General Comment on Article 9 (liberty and security of the person) of the ICCPR
June 2012	Open letter to the coordination committee of the special procedures
8 May 2012	High-level discussion on advancing human rights and business in the work of the Human Rights Council
27 April 2012	ICJ response to the questionnaire on best practices that promote and protect the rights to freedom of peaceful assembly and of association
20 April 2012	ICJ submission to the Working Group on Arbitrary Detention
19 April 2012	Strengthening the effective functioning of the human rights treaty body system: a joint NGO contribution
30 March 2012	Human Rights Council: NGOs closing statement
29 March 2012	Sexual orientation and gender identity: joint oral statement by the ICJ, Human Rights Watch and Amnesty International
23 March 2012	Joint NGO statement at the closing of the Human Rights Council’s 19th Session
5 March 2012	HRC parallel event Human rights responsibilities beyond national borders: The new Maastricht principles on extraterritorial obligations of States in the area of economic, social and cultural rights
February 2012	ICJ submission to the working group on arbitrary detention on the definition and scope of arbitrary deprivation of liberty in customary international law
14 February 2012	ICJ letter to the Special Rapporteur on the situation of human rights defenders
January 2012	ICJ response to the questionnaire on best practices that promote the rights to freedom of peaceful assembly and of the association

Newsletter

ICJ E-Bulletin on counter-terrorism and human rights – nos. 59-68.
CIJL Newsletter – N°1 October 2012

Publications

Bilateral investment treaties and international human rights law: harmonization through interpretation
This report explores the relationship between bilateral investment treaties (BITs) and international human rights law.

DRC: business involved in human rights abuses
This ICJ report shows that companies involved in human rights abuses in the Democratic Republic of Congo (DRC) are rarely held accountable.

Egypt: a flawed constitutional reform process
This ICJ report shows that the constitutional reform process in Egypt has failed to meet international principles of inclusive participation and transparency, thereby undermining the transition to democracy.

Guatemala: Criminalización de la protesta social
Through the criminalization of social protest in Guatemala, civil society organizations are hampered in their work on human rights protection.

Guatemala: El caso de las comunidades de los municipios de San Andrés y La Libertad, departamento de Petén
Through this report the ICJ addresses the issue of the vulnerability of the communities in San Andrés and La Libertad with regard to access to justice for human rights violations.

Guatemala: Estandares internacional relativos a la aplicación de la pena de muerte
Guatemala is among the 58 countries in the world that apply the death penalty. The de facto existence of a moratorium on the death penalty in the country is an important first step towards the full eradication of capital punishment.

International fair trial standards and criminal procedure in Uzbekistan
This ICJ publication provides a systematic overview of the international law and standards and Uzbekistan law relating to fair trial and due process in the criminal domain.

Kyrgyzstan: ill-treatment and unfair trial for Azimzhan Askarov
This report explains that there have been multiple violations of human rights in the arrest and trial of Azimzhan Askarov, a prominent Kyrgyz human rights defender.

Malta: not here to stay
The result of an ICJ study mission in September 2011, the report highlights serious shortcomings in expulsion procedures, detention policy and conditions, and living conditions of migrants in reception centres.

Nepal: commissions of inquiry don't address need for accountability
Nepal has avoided its obligation to provide justice for serious human rights violations over the past 20 years by relying on ineffective commissions of inquiry instead of using the criminal justice system.

Nigeria: human rights abuses involving corporations
In this report, the ICJ shows that victims of human rights abuse by companies – mainly the oil industry – in Nigeria have very limited access to legal remedies and reparations.

Protecting human rights beyond borders
The commentary on the Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights was published in the November 2012 issue of the Human Rights Quarterly.

Raccolta di giurisprudenza su immigrazione e diritto internazionale
Following workshops held in Milan and Rome, the ICJ published a collection on international law and jurisprudence regarding migrants and asylum seekers rights.

Report on appeal hearing of the case # 1-553/10; # 22-2154/2011 at the Saint Petersburg City Court on April 21, 2011 by a mission of the International Commission of Jurists
The report provides a general overview of the pre-trial investigation and the court of appeal hearing in a criminal case in St. Petersburg (Russia) and offers some recommendations based on the main findings.

Report on the ICJ mission to Pakistan in autumn 2011
This ICJ Pakistan Mission Report reflects the findings of a short mission undertaken by the organization in the autumn of 2011.

Russia: disciplinary measures must not hamper the independence of judges
In this report, the ICJ calls for comprehensive reforms of the disciplinary system for judges in Russia as a means to ensure an independent judiciary that is an effective guardian of the rule of law.

Sri Lanka: new ICJ report documents 'Crisis of Impunity'
In this report, the ICJ called on the Sri Lankan government to immediately cease its assault on the independence of the judiciary.

Suriname: independent observation mission to the trial of President Desiré Delano Bouterse
This report follows the ICJ's mission to observe the trial of President Bouterse and 24 others by a Military Court in Boxel, Suriname, which took place between 8 and 12 May 2012.

The rule of law and free elections in Africa: going beyond the rhetoric
This report relates to a meeting convened by the ICJ in Zimbabwe and attended by delegates from seven African countries.

Women's access to justice in Thailand: identifying the obstacles and need for change
In this report, the ICJ and Justice for Peace Foundation (JPF) call for a series of changes in law, practice, approach and behaviour to address the justice needs of women across Thailand.

Acknowledgments

Acknowledgments

The ICJ would like to thank the following donors for their support in 2012

Anonymous donors
AusAid
Australia, International Seminar Support Scheme
Canton of Geneva
CATIE / Sida
CIDSE
City of Geneva
DanChurchAid
Danida Human Rights and Governance Advisory Unit
Denmark, Ministry of Foreign Affairs
European Commission, EuropeAid Co-operation Office
Federal Republic of Germany, Federal Ministers for Foreign Affairs
Finland, Ministry for Foreign Affairs
Ford Foundation
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Fritt Ord Foundation / ICJ-Norway
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Joseph Rowntree Charitable Trust
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Law Society of Zimbabwe / European Commission, EuropeAid Co-operation Office
Loterie romande
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Norway, Royal Ministry of Foreign Affairs, Embassy, Guatemala City, Guatemala
Norway, Royal Ministry of Foreign Affairs, Embassy, Jakarta, Indonesia
Oak Foundation
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Pact Zimbabwe
Republic and Canton of Geneva
Social Services Agency of the Protestant Church in Germay (Diakonisches Werk)
Swedish International Development Cooperation Agency (Sida)
Swiss Agency for Development and Cooperation
Switzerland, Federal Department of Foreign Affairs, Directorate for International Law
Taipei Bar Association
U.S. Department of State
UNDP Guatemala
United Kingdom, Foreign and Commonwealth Office
United Kingdom, Foreign and Commonwealth Office, Embassy, Bangkok, Thailand
United Kingdom, Foreign and Commonwealth Office, Embassy, Kathmandu, Nepal

The ICJ would specially like to thank

ICJ Commissioners
Professor Carlos Ayala, Justice Ian Binnie Justice Azhar Cachalia, Justice Moses Chinhengo, Professor Andrew Clapham, Ms Catarina de Albuquerque, Justice Unity Dow, The Hon John Dowd AO QC, Justice Elizabeth Evatt, Mr Gustavo Gallón, Mr Roberto Garretón, Ms Sara Hossain, Ms Kalthoum Kennou, Mr Ketil Lund, Justice Qinisile Mabuza, Justice José Antonio Martín Pallín, Justice Charles Mkandawire, Justice Sanji Monageng,

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Ms Doireann Ansbro, Ms Uchechi Anyanwu, Ms Charlotte Campo, Mr Simone Cannizzaro, Mr Leo Esparza Twiggs, Mr Daniel Free, Ms Evgenia Giakoumopoulou, Ms Martha Priscilla Gonzalez Venegas, Ms Martina Heiniger, Mr Camilo Hernandez Umaña, Mr Laurens Hueting, Ms Teresa Levigne, Ms Ana Linhas, Ms Katrina Rand, Mr Xavier Rauscher, Ms Marie-France Richard, Mr Manav Satija, Ms Giulia Soldan, Ms Dorothea Staes, Ms Lisa Ventura, Ms Antonina Vykhrest and Mr Adam Wolstenholme.

The ICJ would also like to extend additional thanks to the following sections, affiliates, organizations and institutions for support and partnership provided during 2012

Advocacy Forum (Nepal), African Commission's Special Rapporteur on Human Rights Defenders, African Commission's Working Group on Extractive Industries, the Environment and Human Rights, Arab Centre for the Independence of the Judiciary and Legal Profession (Egypt), ARC International, Associazione per gli Studi Giuridici sull'Immigrazione, Centre for Reproductive Rights, CIVICUS (Burkina Faso), COMISEDH-Peru, CREHPA (Nepal), Crisis Zimbabwe Coalition, Egyptian Organisation for Human Rights, ESCR-Net, European Centre for Refugees and Exiles (ECRE), Feminist League Kazakhstan, FOHRID (Nepal), Friedrich-Ebert-Stiftung, Hisham Mubarak Law Center (Egypt), Geneva Human Rights Institutional Development Network (GHRIDN), HURIDOCS, HURINET-U (Zimbabwe), ICJ-Kenya, IDL-Peru, ILGA-Europe, Institute for the rights of the child (Switzerland), International Consortium on extraterritorial obligations of States in the area of ESCR, International NGO Coalition for the Optional Protocol to the ICESCR, Italian Refugee Council, Judicial Services Commission in Zimbabwe, Judges for Judges (Rechters voor Rechters), Judgment Watch, JuRI-Nepal, Justice for Peace Foundation (Thailand), Law Society of Swaziland, Lawyers for Human Rights, Legabibo (Botswana), Metlhaetsile (Botswana), Moroccan National Council for Human Rights, National Judicial Academy (Nepal), Nederlands Juristen Comité voor de Mensenrechten, New Group for the Convention of the rights of the Child, NGO Group 484 (Serbia), OHCHR, Ciaran O'Maolain (formerly of the Northern Ireland Human Rights Commission), Open Society Foundation Justice Initiative, Organisation Marocaine des Droits Humains, OSCE, Pan African Human Rights Defenders Project, ProBono.Org, RESOCIDE (Burkina Faso), Rights and Accountability in Development (RADI), Rights International Spain, Rhodes University-based Public Service Accountability Monitor Centre, Save the children international, South Sudan Law Society, Southern Africa Litigation Centre, Southern African Development Community Lawyers Association, Supreme Court of Nepal, UN Independent Expert on the Human Rights Situation in Cote d'Ivoire, UN OHCHR, UN Women, UNDP, UNHCR, UNICEF, Wits School of Law (South Africa), Zimbabwe Lawyers for Human Rights and Zimrights (Zimbabwe).

Photographs

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Impressum

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International Commission of Jurists
P.O. Box 91
Rue des Bains 33
Geneva
Switzerland

Designed by Atelier Roger Pfund Communication visuelle sa Genève
Printed by Atar Roto Presse SA Genève