The International Commission of Jurists
and its Centre for the Independence of Judges and Lawyers

Geneva 1997
WORKING FOR THE RULE OF LAW AND HUMAN RIGHTS

"While the world has changed, the essential mission of the ICJ – to promote the Rule of Law and the legal protection of human rights – has not changed. As walls which keep people in are replaced by walls that keep people out, as the rivalry between East and West is replaced by conflict between North and South, the role of the ICJ becomes even more vital."

Adama Dieng, ICJ Secretary-General

"The International Commission of Jurists has assigned itself the task of promoting the Rule of Law and the legal protection of human rights. During more than 40 years of existence, it has developed many activities, particularly in developing countries, that make it the privileged partner of a host of local NGOs which strive to improve the human rights situation in their respective countries."

Federal Department of Foreign Affairs of the Swiss Confederation
The International Commission of Jurists (ICJ) is a non-governmental organisation in consultative status with the United Nations Economic and Social Council (ECOSOC), UNESCO, the Council of Europe and the Organisation of African Unity. Founded in Berlin in 1952, it is one of the world's oldest international human rights NGOs. The first permanent secretariat was established in the Hague in 1952. In 1959, the Commission moved to Geneva and has remained there since.

In 1978, in response to the increasingly frequent attacks on judges and lawyers, the ICJ created the Centre for the Independence of Judges and Lawyers (CIJL), to promote and protect the independence of the judiciary and the legal profession.

**Membership**

The Commission consists of a maximum of 45 eminent jurists dedicated to the Rule of Law and representative of the different legal systems and traditions of the world. Distinguished jurists, including former Members of the Commission, are eligible for election as Honorary Members. The Commission meets on a triennial basis and elects an Executive Committee which convenes twice a year. Other persons and organisations who subscribe to the objectives of the Commission may become Associates.

**International Secretariat**

The Secretariat in Geneva comprises the Secretary-General, supported by a team of Legal Officers and administrative personnel, representing all continents.
National Sections and Affiliated Organisations

ICJ national sections and affiliated organisations have been established in the five continents to uphold and strengthen the principles of the Rule of Law at the domestic level. The number of national sections and affiliated organisations is still growing. They supply the International Secretariat with material on legal developments in their respective countries, undertake research on matters of domestic concern, hold local and regional meetings, and convene joint sessions with other sections to discuss matters of common interest.

In addition, other lawyers’ organisations, such as Bar Associations and human rights organisations, are affiliated to the Commission.

The President of the ICJ is the Hon. Justice Michael D. Kirby, AC, CMG, judge at the High Court of Australia and President of the Court of Appeal of the Solomon Islands.

The Commission elects an Executive Committee with a maximum of seven members. It is presently chaired by Mr. Fali Nariman, advocate and former Solicitor-General of India.

The Secretary-General of the ICJ is Mr. Adama Dieng, a distinguished lawyer from Senegal. His predecessors are:
- A. J. M. van Dal (1952-1956),
- Norman S. Marsh (1956-1959),
- Jean Flavien Lalive (1959-1961),
- Sir Leslie Munro (1961-1963),
- Sean MacBride (1964-1970), and
INTERNATIONAL RECOGNITION:
AWARDS AND HONOURS

The work of the ICJ has been widely recognised and honoured. The Commission was awarded the first European Human Rights Prize by the Council of Europe in 1980, the Wateler Peace Prize in 1984, the Erasmus Prize for Human Rights (Netherlands) in 1989, and the UN Award for Outstanding Achievements in the Field of Human Rights in 1993.

MISSION AND SPECIFICITY

The mission of the ICJ is to promote the understanding and observance of the Rule of Law throughout the world. The Rule of Law is defined as:

The principles, institutions and procedures, not always identical, but broadly similar, which the experience and traditions of lawyers in different countries of the world, often having themselves varying political structures and economic background, have shown to be important to protect the individual from arbitrary government and to enable him to enjoy the dignity of man.

The Rule of Law is seen as a dynamic concept to be used to advance not only the civil and political rights of the individual, but also economic, social and cultural rights, and to promote development policies and social reforms under which communities at large may realise their full potentiality.
A special focus of the ICJ is the interdependence and interrelation of economic, social, cultural, civil and political rights under the Rule of Law, without which there can be no meaningful development.

Through its mission of “upholding the Rule of Law and the legal protection of human rights”, the ICJ has retained its unique specificity in the galaxy of NGOs: it is an organisation of jurists that has a legal point of view in its approach to human rights issues. It is therefore an important source of reference for governments, inter-governmental organisations – in particular the United Nations and its Centre for Human Rights – regional organisations such as the Organisation of African Unity (OAU), the Council of Europe and the Organisation of American States (OAS), as well as international and local NGOs.
To achieve this mission, ICJ activities focus on the legal promotion and protection of human rights and fundamental freedoms. In its 45 years of existence, the ICJ has achieved success in many areas:

**Standard-Setting**

The ICJ is at the forefront in standard-setting; contributing extensively to the elaboration of universal and regional human rights instruments and securing their adoption and implementation by governments.

The ICJ played an important role in the elaboration of: the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment; the African Charter on Human and Peoples' Rights; the Inter-American Convention on Human Rights; the draft Body of Principles and Guarantees for the Protection of Mentally-Ill Persons and for the Improvement of Mental Health Care; the Convention Against Torture; the Convention on the Rights of the Child; the UN Basic Principles on the Independence of the Judiciary; the UN Basic Principles on the Role of Lawyers, and the UN Declaration on the Protection of All Persons from Enforced Disappearances.

In recognition of standard-setting not being an end in itself, the ICJ strives to ensure that these norms are adopted and implemented and become operational. For example, following the establishment of the African Commission on Human and Peoples' Rights in 1987, activities have been designed to bring together African human rights actors with members of the African
Commission, to foster the implementation of the African Charter on Human and Peoples’ Rights. In appreciation of its contributions, the OAU signed an agreement of cooperation with the ICJ, making it the first international human rights NGO to be accorded such recognition.

Human Rights Violations

Through its fact-finding missions, studies, trial observations, interventions and press statements, the ICJ draws national and international attention to violations of human rights. These activities are viewed as authoritative actions or statements on the situation in question. Recommendations made are recognised and often lead to a positive change in the situation.

Missions


Studies

**Trial Observations**

There are two types of trial observation missions:

- those that concern trials where important legal points are at stake, or where the defendants are confronted with the likelihood of an unfair trial;

- through the CIJL, observer missions are also sent to assist and protect persecuted judges and lawyers. The missions serve to expose particular legal systems to international scrutiny and contribute effectively to demonstrating solidarity amongst jurists.

The presence of observers helps to ensure adherence to international human rights norms during the trial. Trial Observation Missions have recently been sent to: Algeria, Egypt, El Salvador, Georgia, Indonesia, Kenya, Malawi, Nigeria, Russia, Serbia, Thailand, Tunisia and the United Arab Emirates.

**Interventions**

Human rights violations are denounced in universal, regional and national fora. The CIJL intervenes with governments and/or issues CIJL Alerts in cases of harassment or persecution of jurists.

**Press Statements**

The ICJ regularly uses the media as a means of commenting on flagrant violations of human rights and the Rule of Law. The ICJ is frequently solicited by the media for comments on such violations. In 1995 and 1996, press statements were made and interviews given on the situation in the following countries: Burundi, Chechnya, Colombia, Congo, Côte d'Ivoire, Egypt, Ethiopia, France, Guinea, Hong Kong, Israel, Lebanon, Nigeria, Palestine, Peru, Russia, Sudan, Tunisia, the United States of America and the former Yugoslavia.
Working with the United Nations

The ICJ advocates UN action against governments which violate human rights. In recent years, lobbying has directly resulted in UN criticism of abuses in countries such as Haiti, Iraq, Kuwait, Colombia and Chechnya.

The ICJ seeks to enhance the institutional effectiveness of the UN in responding to violations. As a result of ICJ pressure in 1991, the UN Commission on Human Rights created a Working Group to examine cases of persons arbitrarily detained throughout the world. Recent initiatives have led to the creation of the Working Group on Arbitrary Detention and the designation of the Special Rapporteur on the Independence of the Judiciary.

The ICJ works with the UN Treaty Bodies. Through its network, it provides these bodies with information and, in turn, relays their observations and recommendations at regional and national levels.

Members and staff of the ICJ hold key positions in UN bodies. Some are Special Rapporteurs and others are Independent Experts.

Impunity and the Campaign for the Establishment of a Permanent International Criminal Court

The ICJ continues to lobby for the creation of a permanent International Criminal Court. In 1995 and 1996, it actively participated in the work of the UN Ad Hoc Committee on the Establishment of an International Criminal Court.

The ICJ provides technical assistance to the Ad Hoc International Criminal Tribunals for the Former Yugoslavia and Rwanda through the appointment of young jurists to assist the judges and the registry.
Promoting the Rule of Law

Empowering Disadvantaged Groups and Legal Services in Rural Areas

Since 1987, the ICJ has instituted programmes aimed at creating awareness of human rights norms and providing legal services in rural areas. It organises regional and national training workshops and seminars in Africa, Asia and Latin America. These activities bring together lawyers, law teachers, para-legals and human rights defenders to develop strategies for the empowerment of disadvantaged groups, including women, indigenous peoples and children. Recently, training seminars and workshops have been held in Bolivia, Burkina Faso, The Gambia, Ghana, Guatemala, India, Indonesia, Pakistan, Thailand and Zimbabwe.

International Human Rights Law Training

The ICJ organises training on the domestic implementation of international human rights standards. The aim of these workshops is to assist jurists and human rights defenders in reinforcing their domestic systems of administration of justice. Such activities have been held in Kyrgyzstan, Thailand, The Gambia, Nepal, Argentina, Philippines, Uruguay, Trinidad and Tobago, Pakistan, Paraguay, India and Bolivia.
Technical Assistance to Governments

In recent years, the ICJ has provided various forms of assistance to over 20 governments. ICJ experts have assisted in drafting constitutions and other basic human rights texts, trained judges and lawyers, as well as parliamentarians, in countries such as Guinea Bissau, Cambodia, Mongolia and Morocco. The ICJ has taken part in the preparation and observation of elections in Burundi, Gabon, Guinea, Kenya, Lesotho, Madagascar, Malawi, South Africa and Sri Lanka.

Third World Internship Programme: “Niall MacDermot Fellowships” and Legal Education and Training of Young Jurists from Eastern and Central Europe and Countries of the Commonwealth of Independent States

The ICJ has developed an internship programme in Geneva. Its objective is to give an opportunity to jurists from the Third World to get practical experience in international law and procedures. The project has been renamed the “Niall MacDermot Fellowships”, in memory of the former ICJ Secretary-General who passed away in February 1996. The ICJ has also recently established an internship programme for skilled young law graduates from Eastern and Central Europe and the former Central Asian republics of the ex-USSR. The objective and duration is the same as that of its Third World Internship Programme.
The ICJ issues more than twenty publications every year. They are distributed to a large audience worldwide, comprising public and specialised libraries, universities, legal academics, lawyers, judges, inter-governmental organisations, non-governmental organisations, journalists, human rights defenders and concerned individuals:

- The twice yearly ICJ Review (in English, French and Spanish) includes commentaries and articles on a wide range of Rule of Law and human rights topics, recent developments at the international, regional and national levels, important judicial decisions, and basic documents on international instruments.

- The quarterly ICJ Newsletter (in English) reports on the activities of the Commission Members, the International Secretariat, and national sections and affiliated organisations.

- The CIJL Yearbook (in English, French and Spanish) contains articles and documents relevant to the independence of the judiciary and the bar. In the 1995 edition, the CIJL Yearbook studies the uneasy relationship between the Media and the Judiciary. The 1996 issue focuses on Resources and the Judiciary.

- The CIJL annual report, entitled Attacks on Justice – the Harassment and Persecution of Judges and Lawyers (in English and French) – analyses existing legal structures and the prevailing human rights situation around the world. Itcatalogues individual cases of judges and lawyers who are harassed and persecuted. In its 7th edition, published in 1996, Attacks on Justice studied the situation in 52 countries.
and catalogued the cases of 337 judges and lawyers who were attacked for carrying out their professional functions. Of these, 23 were killed, 4 were "disappeared", 36 were tortured, 142 detained, 30 attacked, 58 received threats of violence and 44 were professionally sanctioned or obstructed.

Additionally, the ICJ publishes studies, conference and seminar proceedings and reports on the findings of ad-hoc inquiries in different countries.
FINANCES

The ICJ is able to carry out its vital work through the financial support of foundations, government agencies, professional and academic societies, private trusts and individuals. Commission Members and national sections also provide some financial support; their contribution often takes the form of direct participation in ICJ activities, from missions and trial observations to workshops and seminars.

The scope of the Commission’s activities increases in proportion to the growing appeal and recognition of its work; further contributions are indispensable to maintain and improve effectiveness. The Commission is grateful to all its friends who give financial assistance and thereby make possible the successful pursuit of its objectives.
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- **Patrons**, contributing annually: Swiss francs 1,000
- **Sponsors**, contributing annually: Swiss francs 500
- **Contributors**, contributing annually: Swiss francs 220

Associates will receive by air mail copies of the ICJ Review, ICJ Newsletter and the Centre for the Independence of Judges and Lawyers (CIJL) Yearbook, and Attacks on Justice: The Harassment and Persecution of Judges and Lawyers. Associates will also receive all ICJ/CIJL special publications.

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Adama Dieng
It is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the Rule of Law.

United Nations Universal Declaration of Human Rights, 1948