

International Commission of Jurists Annual Report 2013



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 and 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 work for the progressive development and effective implementation of international human rights law and international humanitarian law, and to ensure that such law is utilized effectively for the protection of all people, including the most vulnerable.

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 professional duties.

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Foreword

“Fifty-five years ago the International Commission of Jurists, then in its seventh year, met in New Delhi India and set out a vision for its own work and for the legal profession everywhere: the fulfillment and expansion of the Rule of Law in order to safeguard and advance human rights. This dynamic concept of the rule of law, embodying the preservation of existing human rights values and the widening of their reach and effectiveness, has ever since animated the ICJ’s work. The year 2013 was no exception.”

Professor Sir Nigel Rodley, ICJ President

Foreword

Fifty-five years ago the International Commission of Jurists, then in its seventh year, met in New Delhi India and set out a vision for its own work and for the legal profession everywhere: the fulfilment and expansion of the Rule of Law in order to safeguard and advance human rights. This dynamic concept of the rule of law, embodying the preservation of existing human rights values and the widening of their reach and effectiveness, has ever since animated the ICJ's work. The year 2013 was no exception.

The ICJ believes that rights are often meaningless without remedies, and so continues to fight for access to justice for all rights at all levels. On 5 May 2013 the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights entered into force. The ICJ had long worked for the elaboration of this instrument to provide an international mechanism to remedy violations of economic, social and cultural rights. The ICJ has also continued to work to fortify and supplement the building blocks of international human rights protection, including in its work on the development of Global Principles on National Security and the Right to Information and a UN General Comment on the impact of the business sector on children's rights.

But developing human rights is only half of the challenge. Safeguarding the existing international human rights law architecture built over decades is equally critical and requires constant vigilance. Towards that end, the ICJ has continued to increase its capacity to work on the ground, together with local lawyers and civil society.

Over recent years, the ICJ has increased its activities in a number of countries. Today the organization has an operative field presence in Egypt, Guatemala, Myanmar, Nepal, Pakistan, Peru, South Africa, Thailand, Tunisia and Zimbabwe. The ICJ's international work is increasingly informed by its work on the ground. At the same time, work at the local level continues to benefit from the international standards, jurisprudence, and mechanisms that are the target of our international efforts.

In 2013 the ICJ undertook over 160 advocacy interventions and, with the help of its Commissioners, carried out 11 country missions. Through its seminars and workshops, it has provided tools to over 300 legal professionals, to use international law and the rule of law more effectively to support human rights.

With its expanded global presence, this year the ICJ advocated for the inclusion of important human rights standards in the new Egyptian and Tunisian constitutions; defended the International Criminal Court in Africa; countered initiatives to undermine the European Court of Human Rights; supported the prosecution of a former dictator in Guatemala; opposed the ASEAN region's fatally flawed human rights Declaration; opposed homophobic legislation in Russia, Africa and Asia; and promoted the role of women in the judiciary in Africa and the Middle East. The ICJ published 19 reports in 2013 relating among others to human rights in Botswana, Central Asia, El Salvador,

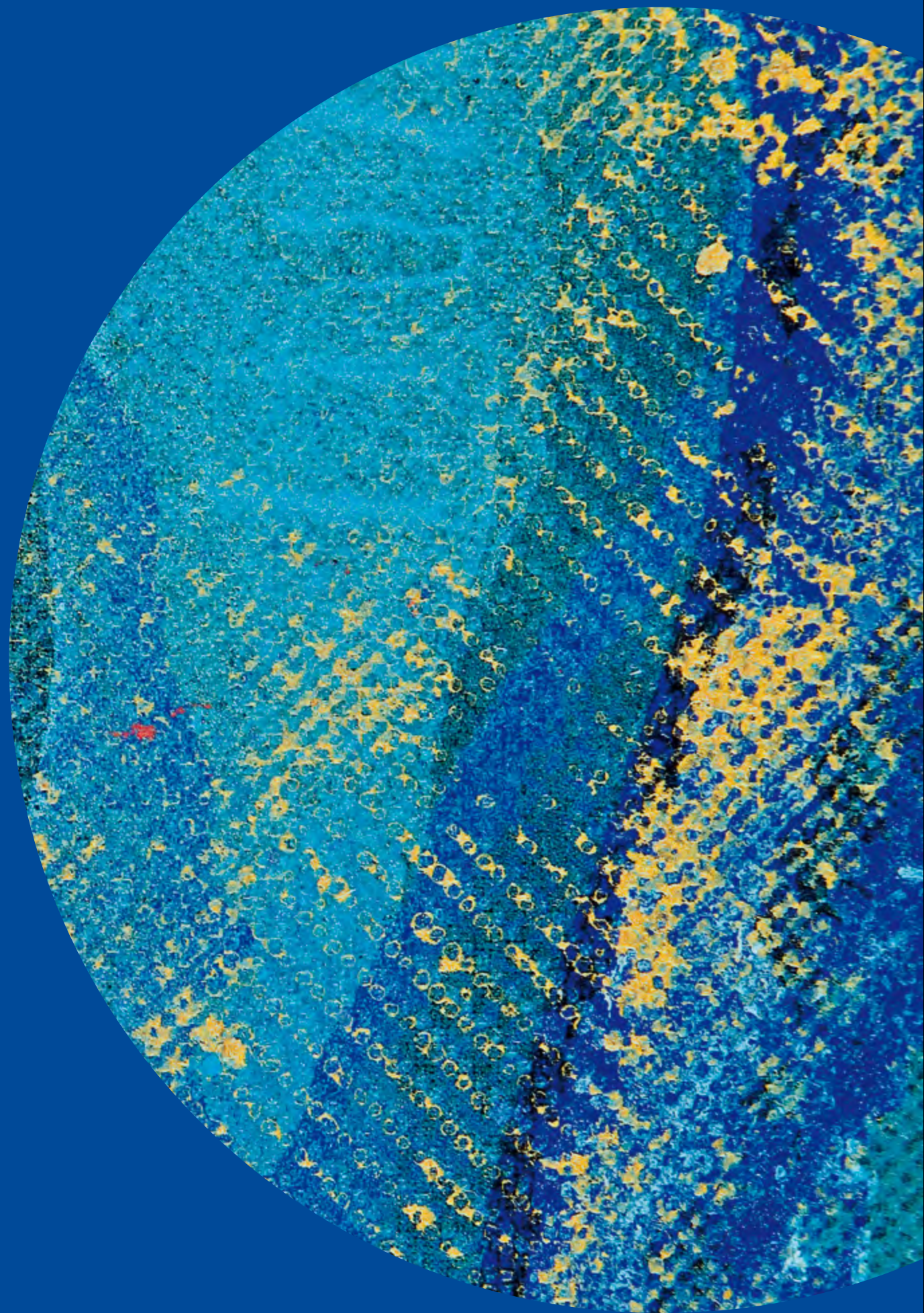
Kazakhstan, Lesotho, Moldova, Morocco, Myanmar, Nepal, Pakistan, Peru, South Sudan, Tunisia and the United Arab Emirates.

Our Commission of distinguished judges and lawyers represent all regions and legal traditions of the world and play an important role in the Secretariat's activities. Commissioners regularly join ICJ missions, participate in conferences, engage in advocacy and provide legal advice for the ICJ's work. Fifteen new Commissioners joined the ICJ in 2013, including two former Judges of the European Court of Human Rights, former members of national Constitutional Courts, present and former UN Special Rapporteurs, prominent human rights defenders and a number of senior academics from leading universities. We are delighted to have this fresh infusion of valuable expertise into the ICJ, which will help to ensure that the ICJ continues to have an authoritative legal voice in the global human rights movement.

In 2014 the ICJ will face many new challenges around the world. In Africa, the ICJ intends to build a network of lawyers protecting human rights defenders. In Asia, the ICJ will continue to fight impunity and strengthen the independence of the judiciary, as it looks to reinforce its new office in Myanmar in order to promote the human rights responsibilities of businesses. In Central America, the ICJ will continue to challenge impunity and seek to uphold the rights of indigenous communities. In Europe, the ICJ will continue to support and protect lawyers in Russia, who are working in an increasingly difficult environment. In the Middle East, the ICJ will continue working to encourage and support governments there to implement international human rights law at every opportunity.

I look forward to working with the Commission and the Secretariat – led by the Secretary-General, Wilder Tayler – to continue our six-decade quest to put the preservation and development of the rule of law and human rights, internationally and locally, at the forefront of priorities of the legal profession.

Professor Sir Nigel Rodley
ICJ President



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



	Mission	Country report	Seminars/Workshops	Advocacy interventions
Algeria				1
Angola				2
Austria				1
Azerbaijan				1
Bahrain				1
Bangladesh			15	
Belgium			3	
Benin			1	
Botswana		1		
Bulgaria				1
Cambodia			3	
Canada			1	
Colombia			1	
Democratic Republic of Congo				2
Egypt	2			6
El Salvador	1			1
France				1
Guatemala			1	1
Greece				1
Honduras				1
India				3
Indonesia		1		4
Ireland				1
Israel/Occupied Palestinian Territory				2
Italy				1
Kazakhstan			1	1
Kyrgyz Republic				3
Laos				2
Lesotho	1			1
Libya	1			1
Lithuania				1
Malaysia				4
Malawi				1
Malta				3
Moldova			1	1
Morocco	2		1	3
Myanmar/Burma			1	3
Nepal			1	15
Nigeria			1	1
Pakistan		1		8
Peru				1
Poland				1
Romania				2
Russia			1	4
Serbia	2			
South Africa				2
South Sudan	1			
Spain				2
Sri Lanka				12
Suriname				1
Swaziland				1
Switzerland			3	11
Syria				3
Taiwan				2
Tajikistan	1			1
Tanzania				1
Thailand				2
The Netherlands				1
The Philippines				1
Togo			1	
Tunisia	1	1		5
United Arab Emirates				4
Uganda				1
Ukraine				1
United Kingdom				1
Uruguay	2			
Venezuela			5	1
Vietnam				5
Zimbabwe				8



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 four strategic directions for the organization: Access to Justice for All; Accountability for Human Rights Violations; the Independence of Judges and Lawyers; and the Rule of Law and International Human Rights Instruments.”

1 Access to Justice for All

Access to justice is indispensable for the realization of all human rights. Even when the law protects human rights, the realization of these rights can be illusory for many people. To close this gap, the ICJ works with local partners to analyse the obstacles that limit access to justice, and undertakes legal interventions, capacity building and advocacy for legal reform. The ICJ focuses particularly on marginalized groups, especially women, LGBT persons, migrants and victims of violations of economic, social and cultural rights (ESCR).

In 2013, the ICJ worked to strengthen the capacity of judiciaries, legal practitioners and other human rights defenders around the world. The ICJ engaged in litigation aimed toward the implementation and progressive development of human rights law in jurisprudence, and advocated for legal reform with the judiciary, legislatures and executive policy makers.

The ICJ completed access to justice studies in Botswana and Kazakhstan (on women's human rights), and Morocco, Peru and El Salvador (on ESCR and business and human rights). In Thailand, where the ICJ had published a study on women's access to justice in 2012, a follow-up project is being carried out. The recommendations in the report, in particular with regard to necessary legal reform, are being followed up in collaboration with local partners.

The ICJ also made strategic legal interventions in emblematic cases in Guatemala to help marginalized populations. As part of its efforts to increase access to justice, the ICJ works with lawyers around the world to empower them to be better advocates for human rights. For example, in Southeast Asia, the ICJ held workshops for lawyers in Laos, Myanmar and Viet Nam.

Here are a few examples of the ICJ's work on access to justice.

1.1 Protecting the rights of asylum seekers and migrants in Europe

Ibrahim Suso Musa, an undocumented migrant from Sierra Leone, arrived in Malta by boat on 8 April 2011, where he applied for asylum. He was immediately detained in the Safi Barracks, an administrative detention centre for undocumented migrants located in a military base, for more than six months awaiting his asylum application. After the rejection of his asylum request he was held for a further eleven months pending deportation. Ibrahim Suso Musa was, therefore, deprived of liberty for a total of 17 months in conditions that a 2011 ICJ mission considered be "degrading". On 4 July 2012, he filed a case before the European Court of Human Rights claiming that his detention had been arbitrary and that there was no effective mechanism available to challenge its lawfulness.

Asylum seekers are particularly vulnerable because of the precariousness of their situation, the uncertainty of their prospects in life and the peril of their journey. Under international law, there is a presumption against their detention. Their prolonged detention is generally contrary to international human rights law, especially



if other suitable alternatives have not been taken into consideration. Under any circumstance, their detention in inappropriate places or inadequate conditions of detention is prohibited.

The ICJ submitted a third party intervention in the Suso Musa case, arguing, among other things, that the mechanism of review of the lawfulness of detention in Malta was in violation of the European Convention on Human Rights, and that, based on the mission the ICJ conducted in 2011, the conditions of detention amounted to degrading treatment.

Subsequently, the European Court of Human Rights ruled that the detention of Ibrahim Suso Musa was arbitrary, that Maltese authorities had breached his right to an effective and speedy remedy to challenge the lawfulness of his detention, and that Maltese legislation did not provide any effective mechanism to challenge detention of undocumented migrants or asylum seekers.

The ruling is an authoritative statement that the migration detention system in Malta is not in line with Malta's obligations under the European Convention on Human Rights (ECHR). It is a rebuke to the system of automatic detention of undocumented migrants applied in the country. The system as it stands opens the door to substantial abuses, adding to the extraordinary strains that are faced by many asylum seekers.

The Court ordered Maltese authorities to implement the Court's recommendations on specific measures to bring the immigration detention system up to ECHR standards. This ruling is likely to have an impact not only within the Council of Europe States and on the jurisprudence of their courts, but also on the implementation of EU law, by limiting automatic extensions of detention measures up to 18 months.

1.2 Supporting women in the judiciary in Africa

The pervasive forms of gender discrimination facing women throughout Africa include discriminatory family and personal status laws, sexual harassment and inadequate protection from gender-based violence.

A wide and varied set of strategies is necessary to improve the status of women in Africa. Legal changes and improvements in the administration of justice are only one piece of the puzzle, where judges and lawyers can act as key agents of change. They can help ensure that laws protect women's rights and equality. When women are empowered to enforce their rights and access justice, social transformation is enabled and the inequalities and stereotypes that oppress women begin to shift.

To achieve this end, the full participation of women at all levels of the legal profession and judiciary is vital. If women are adequately represented in the judiciary their faith in the justice system increases and they are more likely to look to that system in order to claim their rights and seek legal protection. Women judges often play a significant role in law reform to address discrimination against women and



justice-sector failures, for example in responses to gender-based violence.

Women judges provide girls with important positive role models, and directly counteract negative gender stereotypes. However, in many African States there is a clear need to ensure the increased representation of women in the judiciary, where women are still very underrepresented.

In response to this need, the ICJ recently developed an initiative to promote women's participation in the judiciary. As part of this project, the ICJ held two colloquia and a forum in Geneva. Women judges from across Africa participated in the first ICJ Colloquium on Women and the Judiciary on 12 and 13 August in Arusha, Tanzania. The Arusha colloquium was opened by the Chief Justice of Tanzania, Mohamed Chande Othman, and was hosted in partnership with the Tanzania Women Judges Association and the Judiciary of Tanzania. Thirty-five senior women judges, from over fifteen African jurisdictions, came together and shared their personal and professional experiences and challenges as women in the judiciary.

The second colloquium was held on 22 and 23 November in Tunis. The 50 participants included 36 senior women judges and a number of lawyers and human rights defenders from across the Middle East and North Africa. The event brought together women of different backgrounds from a range of countries including Bahrain, Egypt, Kuwait, Libya, Morocco, Palestine and Tunisia.

The participants underscored the personal and professional challenges faced by women judges and lawyers in the region, particularly in situations of transition, conflict and occupation, or in contexts where women's participation in the judiciary is not possible or subject to serious restrictions. They identified recommendations for change and highlighted the need for increased cross-regional support networks and opportunities for dialogue and joint action.

Discussions were undertaken on the importance and role of women within the judiciary, judicial diversity, independence and impartiality questions affecting women judges, appointment and promotion procedures, education and training needs, the role of women judges associations, the role of the judiciary in advancing gender equality, women's access to justice and protection of women human rights defenders.

The colloquia, the first of their kind, underlined that there is a demand for the ICJ's work on women and the judiciary. The participants called on the ICJ to take forward the conclusions and recommendations and to repeat and expand such colloquia in future. The colloquia marked the initial phase of an ICJ initiative to support women judges, lawyers and human rights defenders in Africa, and are the start of a wider programme of work on women judges and lawyers as agents of change.

This initiative also included the 2013 Geneva Forum of Judges and Lawyers, held in December, on "Women judges as agents of change". The event was a unique opportunity to share the real life experiences of women in the judiciary in these regions, and to explore how they can help safeguard the independence and impartiality of the judiciary and the legal profession. The Forum is convened annually by the ICJ's Centre for Independence of Judges and Lawyers.

The ICJ expects this work to help improve access to justice for women in Africa and around the world.

1.3 Advancing economic, social and cultural rights

Economic, social and cultural rights (ESCR) include the rights to just and favourable conditions of work, an adequate standard of living, housing, food, water and sanitation, social security, health and education. Yet despite the guarantee of ESCR under international law, victims of violations of these rights still face major obstacles in accessing justice and obtaining effective remedies and reparations. The ICJ works with various actors at the national, regional and international levels to identify and address these obstacles.

In 2013, the ICJ engaged in research and advocacy in a number of countries and internationally on ESCR. The ICJ, for instance, undertook a detailed assessment of access to justice in relation to ESCR in Morocco. This engagement included a study outlining obstacles to access to justice for ESCR and setting out recommendations for reform, and was developed in collaboration with key local human rights defenders and organizations. The information gathered, and discussions carried out with local partners, in a process that began in 2012, was critical to the analysis and findings of the study. That process included a workshop in collaboration with the Moroccan Organization for Human Rights, and a research mission undertaken jointly by the ESCR-Net and the ICJ, during which there was substantial engagement with both users and providers of the justice system.

A reason for concern is the prevalence of legal provisions that discriminate against women in areas that are fundamental to ESCR, such as inheritance or family law. The inaccessibility of judicial remedies for victims of violations of ESCR for procedural reasons and the weakness of sanctions in certain cases of abuses of ESCR was another area that the ICJ report underlined.

The study also identified positive provisions in the 2011 Constitution that should help better guarantee and protect ESCR.

The study was released in November 2013, and was shared with local authorities and civil society partners who have been involved in the process. The ICJ, working with and through local partners, will now promote its findings and advocate for the required steps to be taken with governmental and non-governmental actors.

El Salvador was another important focus country in 2013. The ICJ conducted a study identifying obstacles that prevent effective access to justice. Similar to the process in Morocco described above, the study *Acceso a la Justicia – Recursos contra la violaciones de los derechos sociales en El Salvador* is the outcome of a research and consultation process that started in 2012 and engaged a diverse range of government and civil society actors.

The ICJ believes these studies and their follow up will help to increase the awareness of the importance of ESCR in Morocco and El Salvador. This work at the national level has fed into the international advocacy work that the ICJ pursued in 2013, which has helped to place the issue of access to justice for ESCR on the agenda of the UN Human Rights Council. This increased international attention to access to justice for ESCR is critical for the development of stronger standards and effective mechanisms for the protection of persons from ESCR violation and the realization of these rights. In addition, it will contribute to the increased ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, that will allow victims of ESCR violations that have been unable to obtain justice at the national level to complain to the Committee on Economic, Social and Cultural Rights. Already, as a result of this work, a Council resolution mandated that the Office of the High Commissioner for Human Rights produce a general report on the issue of access to justice for ESCR that will serve as a basis for future State action.

In addition, the ICJ study on access to justice in El Salvador has been referred to and relied upon by the National Human Rights Institution (Procuraduría para la Defensa de los Derechos Humanos) in its own submission to the UN Committee on Economic, Social and Cultural Rights on the occasion of the periodic review of the State's performance in realizing ESCR.

1.4 Innovative legal tools to fight discrimination and violence based on sexual orientation and gender identity

Although international human rights law protects individuals from discrimination and violence, people around the world still suffer systematic violations of their rights on the basis of sexual orientation and gender identity (SOGI). For example, in more than 80 countries, same-sex sexual relationships are criminalized. In at least ten of these countries, the penalty includes death. SOGI rights activists also face severe restrictions on their freedoms of speech and peaceful assembly, often by laws intended to prevent advocacy on SOGI rights.

Widespread ostracism and stigmatization mean that basic services, including education and healthcare, are often denied on the basis of sexual orientation and gender identity. Hate crimes, including sexual assaults and murder, go unpunished. The ICJ sees a clear need for action because of the gap between the protections afforded by international law and the reality of people's lives. The ICJ works for the progressive development of international human rights law to ensure that there is no protection gap in respect of the rights of LGBT (Lesbian, Gay, Bisexual and Transgender) persons, as well to ensure that the principles of non-discrimination and equal protection are



applied to situations where such persons are subject, or vulnerable, to violations.

The ICJ fights SOGI-based violence and discrimination in a number of ways. The ICJ supports the use of international human rights law by domestic human rights defenders through training and workshops, participates in litigation through amicus briefs or expert opinions in domestic and international courts, and develops legal tools for use by practitioners.

In 2013, the ICJ launched two new important legal tools: the SOGI UN Database and the SOGI Legislative Database. The SOGI UN Database comprehensively gathers the Sexual Orientation and Gender Identity-related commentary and jurisprudence of the UN human rights system in one easily accessible database.

The Legislative Database is the result of a yearlong pilot project undertaken in collaboration with the International Human Rights Program at the University of Toronto Faculty of Law. Student researchers gathered and analyzed laws from twenty-four countries covering all regions of the world. The purpose of the database is to provide, in an accessible format, primary sources of law for use in both advocacy and conceptual work, including comparative studies and legislative reform efforts.

Organizations defending SOGI rights have declared the ICJ legal tools to be extremely useful in their engagement with the UN human rights bodies and mechanisms.

Both databases were created with the assistance of HURIDOCS, an international NGO helping human rights organizations use information technologies and documentation methods to maximize the impact of their advocacy work.

2 Accountability for Human Rights Violations

Fighting to end impunity – by ensuring that persons responsible for serious human rights violations and crimes under international law are brought to justice, and effective remedy and reparation are provided to the victims – is essential to the mission of the ICJ. In addition, it is critical for both the victim, and society as whole, that the truth about such violations is made known.

The ICJ makes strategic legal interventions (in the form of amicus curiae or other third party interventions) on its own initiative or at the request of its partners. The ICJ supports the work of lawyers and human rights defenders in building cases against human rights abusers. Support from the ICJ ensures that victims' representatives can use human rights law and standards effectively in their efforts to combat impunity.

The ICJ also contributes to reform of the judiciary, and other justice institutions, so that they are better able to fight impunity, and advocates for law reform in focus countries to hold human rights violators accountable.

In 2013 the ICJ began a project based in Peru to be carried out in partnership with the Peruvian Forensic Anthropology Team (EPAF). The project involves the investigation of cases of enforced disappearances.

The ICJ conducted research and legal analysis concerning strategic and emblematic cases, as informed by the context and the local communities. This work provides advice and assistance in promoting accountability and access to remedies and reparation for victims, families and their representatives. In addition to legal advice, the ICJ helps to document evidence that is needed in judicial proceedings.

Also in 2013, the ICJ criticized and sought to prevent the implementation of amnesty laws and other measures that prevent the holding to account of perpetrators of serious human rights and international humanitarian law violations. Such measures serve to establish or entrench a culture of impunity.

Activities on accountability for human rights violations were undertaken in several countries including: Egypt, Guatemala, Honduras, Nepal, Myanmar, Pakistan, Peru, Thailand and Tunisia. Here are a few examples of ICJ's work.

2.1 The trial of General Efraín Ríos Montt




In Guatemala, the ICJ intervened in the trial of General Efraín Ríos Montt, who was convicted on 10 May for ordering the deaths of 1,771 individuals of the Ixil Maya ethnic group when he was Head of State between 1982 and 1983. The ICJ played an important role in the trial, presenting expert testimony on violations of international humanitarian law and the legal scope of crimes against humanity, war crimes and genocide.

The court's ruling adopted many of the ICJ's legal arguments, and acknowledged that the crime of genocide had been committed.

The ICJ advocated for the rights of victims to truth and justice in the case. During the trial, the ICJ provided legal advice on international law and standards, including due process standards. The ICJ further drew attention to the abusive use of legal motions and other tactics used by the defense in an attempt to nullify or impair the conduct of the trial.

The High Court was able to administer justice fairly, ensuring respect for the right to fair trial and guaranteeing the rights of defense of the accused. The Court resisted the pressures to which it was subject during the trial, which included threats to the personal integrity of members of the Tribunal.



“Huallina” woman contemplating her community. The district of Hualla is located in the province of Víctor Fajardo, on the right basin of the Pampas river, in the center-south of Ayacucho, Peru. In Hualla there are more than 80 cases of forced disappearances, many of them presumably perpetrated by the Peruvian army, which settled military bases in the area during the internal armed conflict of 1980-2000.

Unfortunately, the conviction was partially overturned just two weeks later, which was a significant set back. Nevertheless, the High Court ruling was in itself important because after 30 years, and much effort on the part of victims' advocates and the ICJ, the right of the victims to know the truth was honored. The ICJ will continue to work in Guatemala and in the region to fight impunity and seek justice for victims.

2.2 Combating impunity in Egypt

Impunity for human rights violations in Egypt is widespread. The international community has pushed authorities to initiate prompt, thorough, independent and impartial investigations into past and ongoing human rights abuses, including cases of arbitrary detention, torture and ill-treatment, and extrajudicial executions.

The ICJ has advocated that the Egyptian authorities hold those responsible for gross human rights violations accountable and establish a mechanism during the time of transition to address the legacy of past human rights abuses, while ensuring that impunity does not become entrenched.

In April, the ICJ undertook a mission to Egypt to assess the situation of the rights of victims of gross human rights violations to a remedy and reparation, and to examine the measures being taken by the Egyptian authorities to address the legacy of human rights abuses and to ensure accountability. ICJ Commissioner Kalthoum Kennou, of the Tunisia Court of Cassation, led the mission.

The ICJ gathered first-hand information and engaged with the local authorities on law and policy reforms needed to end impunity and guarantee accountability for human rights abuses.

The current programmes have failed so far to provide accountability for past and ongoing human rights violations. The few proceedings initiated against State officials have resulted in acquittals or sentences that are not commensurate with the gravity of the crimes committed.

The ICJ also held a conference on impunity and the right of victims to a remedy and to reparation. Judges from Egypt and other countries, lawyers, prosecutors and parliamentarians, as well as members of civil society and relevant governmental bodies, discussed the best strategies to overcome the obstacles that undermine the rights of victims to a remedy and to reparation. The conference helped the ICJ to better identify and understand the gaps in the Egyptian legal framework and criminal justice system that underpin the climate of impunity that prevails in that country.

The ICJ expects the information gathered from the mission and conference to help fight impunity in Egypt over the course of its project on accountability in the country, which will be implemented during the next two years.



2.3 The case of Madhav Kumar Basnet in Nepal

A system of statutory immunities in Nepal, compounded by the lack of political will, has so far prevented victims of human rights violations from obtaining effective remedy and reparation. During Nepal's decade-long civil war, serious human rights abuses were committed by government security forces as well as armed Maoist insurgents, with an estimated 17,000 persons killed, and over 1,300 subject to enforced disappearance. Up to now, no one has been convicted for any conflict-related human rights violations.

Three successive governments between 2008 and 2012 have withdrawn more than 1055 criminal cases in the district courts, with many cases involving allegations of unlawful killings, torture and ill-treatment, including rape and other sexual violence. While the political identity of the government has changed the culture of impunity remains the same. Political parties exploit a well-established system of political privilege and embedded impunity for personal interest and political gain. None of the major political parties have made any tangible commitments to address accountability for human rights meaningfully, and thus other means of affecting change, such as the case at hand, were necessary.

The ICJ has repeatedly called on Nepal's various governments to ensure that legislation establishing transitional justice mechanisms conform to international standards. The case of Madhav Kumar Basnet v the Government of Nepal was brought by a coalition of human rights defenders, with the assistance of the ICJ. In a landmark decision, Nepal's Supreme Court struck down an executive Ordinance of 14 March 2013 aimed to institutionalize impunity for the serious human rights violations and crimes arising out of the armed conflict that took place in the country between 1996 and 2006.

In its ruling of 2 January 2014, the Court held the Ordinance to be in violation of Nepal's Constitution, international human rights law and accepted principles of justice. Moreover, according to the Court, the Ordinance posed an obstacle to the goals of transitional justice. The Court also addressed the deficits of the Ordinance, including the absence of supporting legislation, and administrative reform that would be required for a credible transitional justice process. The judgment, while recognizing the importance of reconciliation in Nepal's transitional process, affirms that such reconciliation must not be built on a foundation of impunity for serious crimes and human rights abuses.

The Nepali Supreme Court ruled that the mechanism and procedures in a time of transitional justice are a complement to, not a replacement for, criminal law. The Court's decision is a landmark not just for Nepal but also for international law globally.

3 Independence of Judges and Lawyers

An independent judiciary and legal profession are indispensable to the rule of law and the effective protection of human rights. Judges and lawyers who fulfill their role as protectors of human rights make essential contributions to the fair administration of justice and the enforcement of accountability.

In 2013, the ICJ assisted judges and lawyers in implementing and acting according to international standards of independence, competence and integrity, while protecting them from persecution and undue influence, and ensuring legal frameworks provide for their independence. This work required capacity-building, networking and protection initiatives.

The ICJ focused on countries where the organization has field presences (including Egypt, Guatemala, Nepal, Thailand, Tunisia and Zimbabwe) as well as Bulgaria, El Salvador, Honduras, Kazakhstan, Lesotho, Libya, Morocco, Myanmar, Pakistan, Russia, South Sudan, Sri Lanka, Swaziland, Venezuela, Uganda, Uruguay, Uzbekistan and Zambia.

In Africa, the ICJ hosted the annual meeting of the Southern Africa Chief Justices Forum, which it has supported since 2008. The theme for the 2013 conference was *The quest for an efficient judicial system as a key to democratic and economic development*. More than 80 judges from Southern and Eastern Africa attended the conference in Zambia.

The ICJ also organized an induction seminar for newly appointed judges in the South African Development Community (SADC) region. The judges in attendance expressed their appreciation for the way in which the seminar helped to identify some of the challenges encountered in the administration of justice and how these could be addressed.

These symposia and seminars provide a means for leading jurists in the region to work collaboratively towards judicial reform. For example, the ICJ was called upon to undertake a mission to Lesotho, led by three former African Chief Justices, to gather facts concerning a crisis in judicial leadership in the Kingdom of Lesotho. The resulting ICJ report emphasizes the necessity of an independent and stable judiciary for the Kingdom of Lesotho and highlights the need to address the problems afflicting the judiciary and the administration of justice.

To adequately address these problems, and affect systemic change, judicial officials must be accountable to the Constitution, and the legal framework governing the administration of justice must be reformed to restore the integrity of, and trust in, the judiciary as an institution of justice, a perception that may have been damaged by the judicial crisis. As a result of the mission and the report, the Lesotho Government have agreed to implement a number of ICJ recommendations.

Here are a few examples of the ICJ's work on the independence of judges and lawyers in 2013:



3.1 Protecting lawyers in Central Asia

Human rights lawyers in Central Asia often face harassment, persecution or undue pressure while carrying out of their professional functions, and in particular when defending the human rights of individuals. In response to threats and persecutions, and in co-operation with local partners, the ICJ work in the region has focused on protecting the independence of the legal profession, defending lawyers who face harassment in their work, and building the capacity of lawyers to apply international human rights law and standards.

In 2013, the ICJ held a two-day seminar in Almaty, Kazakhstan, on the independence of the legal profession. Central Asian defence lawyers discussed the obstacles they face in relation to freedom of association, the independence of the bar associations and threats, harassment and impediments to their work. The seminar helped raise the lawyers' capacity in applying international standards that protect them from harassment and attack.

The seminar provided a basis for the ICJ's subsequent report on the independence of the legal profession in Central Asia. Its recommendations were taken forward in ICJ's advocacy work, which included a mission to Tajikistan on proposed reforms to the organization of the legal profession. The seminar also helped to deepen the ICJ's connections with lawyers' associations in the region. The project depended on the contacts and co-operation built over several years with local partners.

After the seminar, several lawyers sought ICJ's support and advice in cases involving human rights violations. Responding to the demands for assistance, the ICJ conducted trial observations aimed to assess whether fair trial standards had been observed and to protect human rights lawyers.

In one such case, on 6 December 2013, the ICJ observed a hearing in the case of lawyers Lyubov Agushevich and Polina Zhukova, from Kazakhstan, who were disbarred following disciplinary proceedings initiated by the Ministry of Justice regarding their defence of a client in court proceedings.

The alleged misconduct, which led to the disbarment of the lawyers, in fact consisted of entirely appropriate professional activity in discharge of their responsibility to defend their client in judicial proceedings. However, the presiding judge interpreted their defence tactics as violations of professional ethics, and these tactics were later used as grounds for the termination of their licenses to practice law. After the ICJ intervention, the Supreme Court upheld the request of the lawyers to reconsider the issue of the lawfulness of their disbarment.

The ICJ intervened in a number of other cases; thus far the ICJ's actions have had an impact in having disciplinary proceedings dismissed, discontinued or overturned on appeal. The presence of international observers appeared to have positively influenced the conduct and eventual outcome of these cases.

3.2 Right to counsel: the independence of lawyers in Myanmar

In Myanmar, lawyers continue to encounter impediments to the exercise of their professional functions and freedom of association, as well as pervasive corruption.

In 2013 the ICJ released a report titled *Right to Counsel: The Independence of Lawyers in Myanmar*. The report presents a snapshot of the independence of lawyers in private practice in Myanmar in the context of the country's rapid and on-going transition. The report, based on interviews with 60 lawyers in practice in the country, highlights a number of difficulties in respect of the independence and effective function of the legal profession in the country. Yet, despite continuing problems, the ICJ found that authorities have significantly decreased their obstruction of, and interference in, legal processes since the country began political reforms in 2011.

While progress made in terms of freedom of association, and respect for the legal process is apparent, lawyers still face heavy restrictions and attacks on their independence, which can result in uncertainty and fear, particularly when it comes to politically sensitive issues. Systemic corruption continues to affect every aspect of a lawyer's career. Corruption is so embedded in the legal system that it is taken for granted.

To address these problems, the ICJ has recommended that the Bar Council be reformed to ensure its independence; a specialized, independent mechanism be created with the mandate to promptly and effectively investigate allegations of corruption; and legal education be improved by bolstering standards of admission to law school, law school curricula, and instruction and assessment of students.

The ICJ's report has already begun to have an impact on the Myanmar judiciary. Members have discussed the report, and its recommendations, during their national gathering of judges in early 2014. Several of the Supreme Court judges, senior District Judges and Director Generals had read the report, and discussed its findings and recommendations with the ICJ.

In early 2014, the ICJ established a presence in Myanmar and embarked on an extensive programme of capacity building of the judiciary and the legal profession.

3.3 Pakistan: the legacy of Chief Justice Chaudhry

The government and military in Pakistan have long failed to protect and respect the rights of millions of people in Pakistan. During his eight years as Chief Justice, Justice Chaudhry has helped transform the Supreme Court of Pakistan into a robust institution capable of exercising its power independently and impartially, safeguarding the Constitution, and acting as a check on the power of other institutions of the State. One of the Supreme Court's main tools in this regard has been the unique authority to exercise its "original jurisdiction" to hear



important matters relating to human rights, as granted under Article 184(3) of the Pakistan Constitution.

In 2013, the ICJ released the study, *Authority without accountability: the search for justice in Pakistan*, which presents a detailed assessment of the Pakistan Supreme Court's human rights jurisprudence during the tenure of Chief Justice Chaudhry, who completed his eight-year term on 12 December 2013.

The ICJ's close analysis of the Supreme Court's jurisprudence during Chief Justice Chaudhry's tenure shows that in some instances the Supreme Court has been able to improve awareness of human rights violations and has strengthened the right of victims to achieve remedy and reparations.

The Court has tried to provide accountability for corruption and human rights violations by the civilian government, and has taken a firm stance against unconstitutional usurpation of power by the military. In doing so, the Court has brought Pakistan closer to fulfilling some of its obligations under international human rights law.

Despite the progress, concerns remain about how the Court has exercised its judicial authority in protecting and promoting human rights, and a lack of transparency has blunted the Court's achievements, and undermines the principles of rule of law that the Court seeks to uphold. Much progress is still required before civilian and military authorities in Pakistan are truly brought to justice for human rights violations.

But the ICJ hopes that the Pakistani judiciary can be a model for other countries facing similar challenges.

3.4 UAE 94 trial observation

Trial observations serve as a basis for a broader analysis of the administration of justice in a country, including an assessment of the actual functioning, qualifications, and training of judges and other justice system actors. The ICJ thus monitors important trials to evaluate the independence of the tribunals and the fairness of the proceedings in light of relevant international standards.

In October 2013, the ICJ attempted to observe the trial of the United Arab Emirates 94 (UAE 94) in Abu Dhabi, but was denied access as part of an overall strategy by authorities to obstruct the right to a public trial. The trial was conducted amidst a crackdown on individuals calling for peaceful political reform in the UAE. Activists in the country continue to be arrested, detained, prosecuted and convicted for the lawful exercise of their rights to freedom of expression, association and assembly.

On 2 July 2013, 69 individuals were found guilty of "establishing, founding and administering an organization, with the aim of challenging the basic principles upon which the government of the State is based, taking control of the government and establishing a secret structure

for the organization". The trial failed to comport with international law and standards governing fair trials.

Fifty-six of the detainees were sentenced to ten years' imprisonment, five of them to seven years' imprisonment, and eight others, who were tried in absentia, to fifteen years' imprisonment. The remaining 25 accused were acquitted.

The ICJ report, *Mass convictions following an unfair trial: The UAE 94 case*, documented a catalogue of violations of fair trial rights, and other serious human rights violations, committed against the accused.

Most of the detainees were held in secret pre-trial detention, including prolonged incommunicado detention and solitary confinement. Their right of access to family members and to a lawyer during the first months of detention was denied, and most of the detainees were unable to challenge the lawfulness of their detention. The detainees also reported being subjected to torture and other ill-treatment, including severe beatings, sleep deprivation, exposure to extreme light during the day and night, death threats, and other threats and verbal abuse.

The rights of the accused to defence were also severely restricted, including by denying defence lawyers' access to detainees in pre-trial detention, in particular during interrogation; delaying their access to case files until a few days before the trial; subjecting them to various forms of intimidation and harassment, including the threat of criminal prosecution; and severely curtailing their right to cross-examine witnesses.

The UAE authorities have failed to investigate these human rights abuses. Instead, they have continued their crackdown on political activists and government critics, including those that have publicly spoken out in support of the UAE 94 or against the conditions of detention of those imprisoned.

Thanks to the work of the ICJ, and other international NGOs monitoring the situation, the trial received significant media attention.

The ICJ continues to monitor the situation in the UAE and advocates for the release of those arrested because of the legitimate exercise of their rights to the freedom of expression, association and assembly, including those convicted in the context of the UAE 94 case.

4 Rule of Law and International Human Rights Instruments

In spite of substantial advances in human rights protection over the past decades, the UN human rights system has often fallen short in delivering meaningful results. Together with its many local and international partners, the ICJ is actively engaged with a range of bodies and mechanisms, including the UN Human Rights Council and its special procedures, and the UN human rights treaty bodies, among



others. The ICJ helps to reinforce and protect those mechanisms that come under pressure, and works to establish new ones where these do not yet exist. The ICJ intervenes to enhance the effectiveness of the UN and regional human rights systems, applying lessons learned, and undertaking analysis of the improvements needed for effective domestic, regional and international enforcement. The ICJ conducts international legal interventions founded on this assessment.

In 2013, the ICJ pursued its engagement at the UN with the Human Rights Council, and focused on cooperation with regional instruments.

In particular, the ICJ engaged with the European Court of Human Rights, the ASEAN mechanisms, the African Court on Human and People's Rights, the SADC Tribunal and the Inter-American Court of Human Rights.

Through its engagement and its expertise in international law, the ICJ strives for the progressive development of international law and standards, and international mechanisms for their effective implementation.

Domestic law and standards influence the development of standards at the international level. Conversely, international law and standards influence those developed at the national level. The ICJ's domestic work therefore informs its work at the UN and regional mechanisms, while its work with these international mechanism also informs its work and that of its partners in the focus countries.

The ICJ works to empower lawyers and human rights defenders to effectively use international human rights mechanisms, and to increase the understanding of national judiciaries relating to the use of international human rights law and standards.

Here are a few example of the ICJ's work:

4.1 Adjudicating economic, social and cultural rights

On 5 May 2013, the ICJ welcomed the entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR). The entry into force of the new instrument, which allows the adjudication of alleged violations of economic, social and cultural rights by the UN Committee on Economic, Social and Cultural Rights, marks a historic boost to the international protection of these rights.

The ICJ, and its partners in the International NGO Coalition for the OP-ICESCR, continue to engage substantively with the UN Committee on Economic, Social and Cultural Rights, and are working to make the new procedures offered an effective tool for victims who could not achieve justice in their domestic justice systems. The ICJ also supports initiatives to promote ratification of the OP-ICESCR, including in Africa.

As a part of the NGO Coalition, the ICJ conducted a support mission to promote the ratification of the Protocol in West Africa. Although the group of African States played a fundamental role in the elaboration



of the Protocol, none of them have yet ratified this instrument. When ratified, the instrument will give victims of violations of ESCR recourse to have their case examined by the UN Committee in charge.

On 21 and 22 October in Cotonou, Benin, the ICJ supported national actors (including the Coalition béninoise pour les DESC, Amnesty International-Benin, the Chaire UNESCO-Benin) in organizing a high-level roundtable discussion to welcome the signature by the State of Benin of the Optional Protocol to the ICESCR on 24 September 2013, and to encourage the State to move quickly towards the ratification of the instrument.

Also in October 2013, with the support of the International Coalition, a group of national civil society groups organized in Sokodé (Togo) a national gathering to discuss the international standards on ESCR and the promotion and protection mechanisms for these rights, including the procedures under the Optional Protocol. Fifty-two participants from more than thirty civil society organizations from all parts of the country took part in this event. Following the discussions, the organizers established an action plan for the promotion and protection of ESCR in the country, including the monitoring of key recommendations of the CESCR and the ratification of the Optional Protocol.

The ICJ and its international NGO partners see the entry into force of the Optional Protocol as a significant step forward toward the objective of achieving access to justice for victims of ESCR violations. The ICJ will continue to work alongside international and local partners to develop and implement action plans to promote ratification of the Optional Protocol by other States.

4.2 Protecting children from abuse by businesses

According to the UN, the business sector's impact on children's rights has grown in past decades because of factors such as the increased globalization of business operations. Thus it is necessary for States to have adequate legal and institutional frameworks in place to respect, protect and fulfill children's rights, and to provide remedies in case of violations in the context of business activities and operations.

According to the Committee on the Rights of the Child, violations of children's rights, such as exposure to violence or environmental hazards may have life-long, irreversible, and even trans-generational consequences. Children are often politically voiceless and lack access to relevant information. They are reliant on governance systems, over which they have little influence, to have their rights protected and realized. This makes it difficult for them to have a say in decisions regarding laws and policies that impact their rights. In the process of decision-making, States may not adequately consider the effects on children of business related laws and policies. Conversely, the business sector often exerts a powerful influence on decisions without reference to children's rights.

To help protect children from business abuses, the ICJ, in a collaborative process spanning nearly two years, worked with the UN Committee on

the Rights of the Child to elaborate a General Comment on the impact of the business sector on children's rights, adopted in February 2013. The General Comment 16 clarifies the standards under the Convention on the Rights of the Child, and provides much needed guidance for States to better protect the rights of the child against business abuse.

The Committee is the first UN human rights treaty body to address this issue directly in a General Comment.

For General Comment 16 to become an effective tool, in the protection and realisation of the rights of the child, States and other stakeholders need to fully understand and put into practice its guidance and recommendations.

To improve the understanding of the General Comment the ICJ, in coordination with the Committee, UNICEF and other non-governmental organizations, will hold workshops and develop guides, and alternative reports, which will be submitted to the CRC in advance of the Committee's examination of a number of states.

4.3 Tshwane Principles on National Security and the Right to Information

The Tshwane Principles on National Security and the Right to Information is a new international instrument, which aims to protect the right to information in the context of national security. The Principles seek to ensure public access to information held by governments, without jeopardizing lawful means to protect people from legitimate security threats. They resulted from a process facilitated by the Open Society Justice Initiative in partnership with the ICJ and some 20 other civil society and academic organizations, with consultation of some 500 experts from 70 countries, including government and former security officials, human rights defenders, and scholars.

The Principles provide in detail the standards to be applied when freedom of information conflicts with a real or purported national security risk, particularly when States seek to shield information from public disclosure. The Principles seek to address the growing inclination of governments to keep critical information from public purview, including information related to human rights violations and criminal conduct by officials and transnational corporations. The Tshwane Principles make clear that restrictions on access must be strictly necessary, proportionate and prescribed by law. Under no circumstances may information be withheld in relation to gross human rights and serious violations of international humanitarian law. The Principles are based on international and national law and standards, good practices, and advice from the commentary of experts. The partner organizations worked closely with four international special rapporteurs on freedom of expression and the media from the UN, the African Commission on Human and Peoples' Rights, the Organization of American States (OAS), and the Organization for Security and Cooperation in Europe (OSCE), as well as with the UN Special Rapporteur on Counter-Terrorism and Human Rights. The Parliamentary Assembly of the Council of Europe has endorsed the principles.





Communications

“Throughout the years, the International Commission of Jurists has established a voluminous and valuable archive, with close to 5000 paper documents. Through a new project launched in 2013, the ICJ is now making these archives visible and accessible to all on its website.”

Communications

In 2013, the Media and Communications Unit launched a new project – The Archive Project – with the main objective to make relevant material in the ICJ archive easily accessible to both the ICJ staff and external audiences, including researchers.

Throughout the years, the ICJ has established a voluminous and valuable archive, with close to 5000 paper documents. The project will ensure that these archives are preserved in a secure way and make selected material from the archives available on the ICJ website.

In 2013 a total of around 400 public reports and 400 issues of ICJ periodicals were scanned, digitalized and posted on the ICJ Website.

This highly relevant material existed in one, or only a small number of copies in the archives, while individual publications were accessible at a small number of specialized libraries in Western Europe and North America.

Now they are accessible, in PDF format, on the ICJ Website. Each document was summarized, and indexed by type of document, themes of interest to the ICJ, topics covered, and geographical scope, relevant international and regional mechanisms as well as languages.





Financial Report

“Thanks to the trust of ICJ’s donors, the ICJ has continued to expand its work and presence on the ground. New demands and opportunities contributed to the opening of new offices among others in Myanmar and Zimbabwe, which require a strong and reliable administrative backup.”

Financial Report

The ICJ's financial situation at the end of 2013 is stable: the yearly expenditure was CHF 8 622 088 and the result indicates a surplus of CHF 139 352, which is added to the reserve cumulated in past years.

The ICJ is committed to improving its operational efficiency and to ensuring quality and transparency in its financial reporting. In 2012, the Executive Committee approved the transition to Swiss GAAP FER/RPC norms, to be implemented as of 2014.

The year 2013 is therefore marked by a transition from the previous accounting system to the new. To allow a comparison with 2012, this year's financial data has been presented within the structure used for 2012.

The total amount of Grants receivable at the end of 2013, amounting to CHF 11 723 601, corresponds to the total value of contracts signed until 31.12.2013 and committed, but not yet received, funds.

In the Profit and Losses statement of 2013, the amount of CHF 16 170 082 represents the amount of overall commitment of funds based on all contracts signed during the year 2013. It includes CHF 13 654 921 of restricted funds and CHF 2 515 161 of unrestricted (core) funds. The same data for 2012 considers only contributions used during the year.

In 2013 actual exchange rate gains and losses have been closely monitored, and an overall gain of CHF 7 371 has been realized.

Finally, an important source of income, which is not accounted for, is the pro-bono time that ICJ Commissioners and other experts are willing to dedicate to the many activities and initiatives this organization undertakes, such as visits to specific countries, participation on panels and at capacity-building seminars, expert reviews and advocacy.

Balance sheet

Expressed in CHF

	31.12.2013	31.12.2012
Assets		
Current Assets		
Cash & cash equivalents	1 758 575	1 627 405
Grants receivable	11 723 202	580 836
Prepayments and other receivables	117 350	83 384
CIJ-IE AISBL Current Account	138 474	-
Total current assets	13 737 601	2 291 625
Non-current Assets		
Fixed assets	426 947	474 768
Financial assets	65 336	64 262
Total non-current assets	492 283	539 030
Total Assets	14 229 884	2 830 655
Liabilities		
Current Liabilities		
Accounts payable	1 132 975	383 555
Contributions received during the year carried forward	11 634 811	271 364
Restricted Contributions received in advance for subsequent years	500 671	1 310 101
Accrued liabilities	89 733	116 742
Unrealised gain on Foreign Exchange	-	3 438
Provisions	70 345	26 572
Short-term lease liabilities	19 910	-
Total current liabilities	13 522 095	2 163 962
Long-term Liabilities		
Lease liabilities	30 426	125 520
Provisions for depreciation	115 789	118 951
Total long-term liabilities	146 215	244 471
Reserve	561 574	422 222
Total Liabilities & Reserves	14 229 884	2 830 655

Statement of financial performance

Expressed in CHF

Income	2013	2012
Contributions		
Donor's Commitments	16 170 082	10 200 378
Commitments carried forward	(7 546 042)	(271 364)
Contributions received in advance	-	(1 310 101)
Donor contributions utilised in the year	8 624 040	8 618 913
Other Revenue		
Miscellaneous income	35 379	51 035
Financial income	1 052	636
Exchange gain	7 371	238
Other income	93 598	9 996
Total Income	8 761 440	8 680 818
Expenditure		
Direct Projects Costs		
Consultancy fees	1 110 369	1 039 479
Meeting & travel costs	1 582 641	2 024 866
Printing & distribution	137 159	133 117
Staff Costs	4 689 961	4 347 205
Depreciation	107 159	84 849
Other Expenditure		
Office premises	669 027	556 716
Postage & telecommunication	102 431	104 698
Website, documentation & communication	75 871	23 775
Financial expenses	46 901	50 528
Other expenses	100 569	46 643
Total Expenses	8 622 088	8 411 876
Surplus for the year	139 352	268 942
Reserve as of January 1	422 222	153 280
Reserve as of December 31	561 574	422 222



List of Outputs

“Throughout its 60-year history, the International Commission of Jurists has worked to advance human rights standards. For example with regard to economic, social and cultural rights (ESC rights), the ICJ realizes its mission, from promoting the broadest possible ratification of the Optional Protocol to the ICESCR, to building the capacity of judges, lawyers and human rights defenders in the legal protection of these rights in Africa and Central America, to supporting litigation efforts to realize the right to food in Guatemala.”

List of Outputs

Africa

Advocacy and other promotional work	
16 January	ICJ statement expressing concerns over the systematic clamping down of HRDs by the Zimbabwe Republic Police (ZRP)
17 January	ICJ statement on attacks on human rights defenders in Zimbabwe by the Law and Order Section of the ZRP
6 February	Induction programme for newly appointed judges in Zimbabwe
15 February	ICJ expressed concern at reports that the ZRP had carried out raids against human rights defenders
15 February	Letter to the Nigerian President to ensure enforcement of ruling in case related to oil pollution in the Niger Delta
7 March	Mission on the independence of judiciary in the Kingdom of Lesotho
10 June	Event on the challenges to the rule of law in Zimbabwe in the context of the upcoming elections
13 July	Law Society of Zimbabwe Winter School event
24 July	Event in Lesotho to discuss the report on the Politics of Judicial Independence in Lesotho
25 July	Panel on the protection of the rights of persons in rural areas
3 August	ICJ co-hosts the annual general meeting and conference of the Southern Africa Chief Justices Forum in Zambia.
13 August	Colloquium on Women and the Judiciary in Tanzania
30 August	Induction seminar for new judges in southern Africa
20-27 October	Workshops and meetings on OP ICESCR capacity-building and advocacy in Benin and Togo
23 October	Zimbabwe Law Officers Association Strategic Plan
18 November	Fact finding mission to Zambia to establish facts around the legal, policy and operational environment of non-governmental organizations
27-28 November	Civil society organizations workshop in Nigeria

UN interventions

5 March	Oral statement in the Interactive Dialogue with the Special Rapporteur on the situation of human rights defenders in Southern Africa
30 April	Submission on Malawi to the Human Rights Committee
3 June	Oral statement to the Human Rights Council on freedom of expression at serious risk in Zimbabwe
5 March	Oral statement in the Interactive Dialogue with the Special Rapporteur on the situation of human rights defenders in southern Africa
7 June	Side event at the UN Human Rights Council: Evaluating Conditions for a Peaceful, Transparent, Free and Fair Elections in Zimbabwe

Asia-Pacific

Advocacy and other promotional work	
14 January	Op-Ed Nepal: opinion piece on duty to answer
9 February	Seminar on the struggle for judicial independence in Myanmar
12 February	Open letter to the Commonwealth Secretary General asking to change venue of the Commonwealth Heads of Government Meeting in Sri Lanka
15 February	Seminar on prerogative writs under the 2008 Constitution in Myanmar
21 February	Open letter to the Cambodian Bar Association on freedom of expression
8 April	Op-Ed: Myanmar needs an effective legal system, and so do its foreign investors
5 May	Op-Ed Thailand: look beyond the troubled South in lifting security laws
4 June	Judicial dialogue conference on HIV, human rights and the law

12 June	Alternative report on Indonesia's implementation of the International Covenant on Civil and Political Rights (ICCPR)
30 June	Questions and Answers: ASEAN Human Rights Declaration
2 August	Op-Ed: justice for Pakistan's "disappeared"
14 August	Seminar on the International Commercial Arbitration in Myanmar
16 August	Joint open letter regarding resumption of executions in Pakistan
23 August	Open letter to Bar Association in Cambodia on freedom of expression of lawyers
5 September	Thailand: judicial colloquium on gender equality and women's access to justice in Southeast Asia (ASEAN)
30 September	Briefing paper on Nepal: the Colonel Lama Case
1 October	ICJ and APP letter to UN Secretary General concerning ASEAN Summit, ASEAN Human Rights Declaration, and ASEAN Declaration on Violence against Women and Children
1 November	Legal memorandum on the Draft Guidelines on AICHR Relations with Civil Society Organizations (ASEAN)
20 November	Briefing paper on the Information and Communication Technology Act in Bangladesh
6-7 December	Roundtable to develop strategies on Sri Lanka for the March 2014 session of the Human Rights Council in Geneva
10 December	Open letter to elected parties and Congress leaders calling for a "Pledge to end the cycle of impunity in Nepal"
14 December	Legal memorandum on the case of Sombath Somphone in Lao PDR
19 December	Public statement on India Supreme Court decision recriminalizing consensual same-sex sexual conduct between adults

UN interventions

13 February	Written statement on justice compromised and impunity in Nepal
11 March	Submission to the Universal Periodic Review of Malaysia
30 May	Oral statement on the protection of the legal profession in Vietnam
12 June	Alternative report to the Human Rights Committee on Indonesia's implementation of the ICCPR
20 June	Oral statement in the panel discussion on human rights risks in the garment sector supply chain in Bangladesh
20 September	Oral statement on lack of progress by Nepal on UPR recommendations on ending impunity
25 September	Oral statement on the lack of progress on accountability in Sri Lanka
2 October	Written statement to the Human Rights Council on the violations of the right to counsel of Viet Nam human rights defender Le Quoc Quan
5 November	List of issues submission to CESCR on Indonesia

Europe

Advocacy and other promotional work	
29 January	Formal meeting of the Consultative Forum on Fundamental Rights of FRONTEX
21 February	Launch event for the ICJ Report on Reforming the Judiciary in Moldova – Prospects and Challenges
19 March	Presentation at a Parliamentary Assembly of the Council of Europe on corruption and the rule of law in Europe
19-22 March	Participation in the 77th meeting of the Council of Europe's Steering Committee for Human Rights
20 March	Submission to the Parliamentary Assembly of the Council of Europe on corruption as a threat to the rule of law
28 March	Roundtable seminar on the independence of the Bar in Central Asia in Kazakhstan
2 April	Joint submission on EU accession to ECHR
15 April	Roundtable seminar on the reform of judicial disciplinary system in Russia

15 April	Open letter to all members of the Council of Europe on draft Protocol 15 to the ECHR
13 May	Recommendations “On the Status of Judges in the Russian Federation”
22 May	Informal meeting of the Consultative Forum on Fundamental Rights of FRONTEX
19 June	Brief analysis on international law and standards in CIS countries
20-21 June	Participation at OHCHR Expert meeting on migration, human rights and governance
25-28 June	78th meeting of the Council of Europe’s Steering Committee for Human Rights
12 September	Participation and presentation at the civil society organizations’ annual consultation
16 September	Training on migration and human rights in Serbia
17-19 September	Council of Europe – participation in Drafting Group “E” on the Reform of the Court
2 October	ICJ and Amnesty International (AI) advocacy statement on the case X, Y and Z v Minister voor Immigratie, Integratie en Asiel
14 October	Council of Europe session to discuss a draft declaration on business and human rights
22-23 October	Formal meeting of the Consultative Forum on Fundamental Rights of FRONTEX
4 November	Briefing on Spain to the Committee on Enforced Disappearances by ICJ Commissioner Justice José Antonio Pallín
5-7 November	Training of Serbian NGO Praxis personnel on migration and economic, social and cultural rights
10 -13 November	Mission to Tajikistan on independence of the legal profession
18 November	Participation as expert organization in the OHCHR expert meeting on setting up of standards on human rights at international borders
19 November	Presentation on counter-terrorism and human rights issues in Europe, at a EU civil society seminar forming part of the EU-Africa human rights dialogue
22 November	Doughty Street Chambers conference on current issues in refugee law in London
26-29 November	Participation in the 79th meeting of the Council of Europe’s Steering Committee for Human Rights
4-6 December	EU Civil Society Forum, participation as panellist on lessons on accountability for ESCR violations in Brussels

Legal submissions

7 February	Third party intervention before the Grand Chamber of the European Court of Human Rights in the case Del Rio Prada v Spain
8 February	Third party intervention before the European Court of Human rights in the case Suso Musa v Malta
13 February	Legal opinion on disciplinary proceedings against lawyers in Kazakhstan
15 February	ICJ and AI supplementary submissions before the European Court of Human Rights in the case Al Nashiri v Poland
25 February	ICJ and ECRE second submission to Committee of Ministers on implementation of MSS v Belgium and Greece and related cases
13 March	ICJ and AI third party intervention before the European Court of Human Rights in the case Al Nashiri v Romania
22 April	ICJ and AI third party intervention before the European Court of Human Rights in the case Abu Zubaydah v Lithuania
2 September	Joint submission on EU draft regulation on surveillance of external sea borders
9 September	Joint briefing paper on EU accession to the ECHR
8 October	ICJ and the Open Society Justice Initiative third party intervention before the European Court of Human Rights in the case of Girleanu v. Romania
14 October	Submission to the Committee against Torture comments on the Second Periodic Report of Kyrgyzstan
17 October	ICJ and AI third party intervention before the European Court of Human Rights in the case Abu Zubaydah v Poland
17 October	Submission of a case on torture from Kazakhstan to the Special Rapporteur on Torture (confidential)
11 December	Amicus curiae before the High Court of Ireland in the case Foy v Ireland

11 March	UN interventions Submission to the Universal Periodic Review of Malta
26 March	Joint submission to the UN Committee on Enforced Disappearances on the respect by France of the International Convention for the Protection of All Persons from Enforced Disappearance
28 May	Statements on migrants’ right at the EU border to the Human Rights Council
13 June	Alternative report on Tajikistan’s compliance with the International Covenant on Civil and Political Rights (ICCPR)
9 August	Submission on Ireland to the Human Rights Committee and Committee against Torture
20 September	Oral statement on human rights and the rule of law in the Russian Federation
20 December	Submission to UN Human Rights Committee on Malta

Latin America

25 January	Advocacy and other promotional work Guatemala: expert visit and workshop on international principles applicable to international crimes
14 March	ICJ calls for robust implementation of UPR recommendations on Guatemala
16 March	Mission to gather information on the independence of judiciary in Uruguay
18 March	Guatemala: workshops and courses on the prosecution of international crimes in the national legal system
6 June	Guatemala: international conference on impunity and independence of the judiciary
30 September	Workshops on judicial independence and the functioning of rule of law institutions in Venezuela
30 September-4 October	Launch and advocacy mission for El Salvador access to justice report
11-17 November	Mission to Uruguay

Legal submissions

22 November	Submission to UN Committee on Economic, Social and Cultural Rights on a list of issues for the examination of El Salvador
6 March	UN interventions ICJ and Centre for Reproductive Rights (CRR) alternative report on women’s access to therapeutic abortions in Peru to the Human Rights Committee
14 March	ICJ oral statement on the adoption of the UPR Outcome Document on Guatemala
18 September	Oral statement on the case of Judge Maria Lourdes Afiuni in Venezuela
19 September	Oral statement on the need to ensure accountability and access to justice in Colombia
19 September	Oral statement on accountability of Canadian extractive industries for human rights impact overseas

Middle East and North Africa

27 January	Advocacy and other promotional work Advocacy mission in Tunisia on the draft Constitution and international law and standards
2 March	Trail observation mission in United Arab Emirates
10 April	Joint mission to Morocco on reforms of the judiciary
16 April	ICJ, FIDH and EMHRN joint memorandum on the reform of the judiciary in Morocco
17 April	Mission to Egypt on the right to remedy and reparation for gross human rights violations
24 April	Joint conference on the right to remedy and reparation and accountability for gross human rights violations in Egypt

2 May	Letter to Tunisian Minister of Interior and Minister of Justice regarding the protection of Tunisian judge Justice Kalthoum Kennou against death threats
23 June	Mission to Libya to assess the rule of law and human rights situation
26 August	Mission to Egypt to examine the rule of law and human rights situation following the overthrow of President Morsi
18 November	Mission to Morocco to advocate for the independence of the judiciary
21 November	Morocco: release of report on access to justice for economic, social and cultural rights
22 November	Regional Colloquium on women and the judiciary in the MENA region in Tunis
29 November	Conference on the role of the judiciary in times of crisis: the cases of Libya and Tunisia
6 December	ICJ and AI express concern over the trial in Algeria of Mohamed Belbouri amid torture allegations

UN interventions

11 March	Oral statement to the Human Rights Council calling for the Security Council to refer the situation in Syria to the International Criminal Court and effective humanitarian measures
18 March	Oral statement to the Human Rights Council supporting the findings of fact-finding mission on Israeli settlements
29 May	Oral statement to the Human Rights Council on the human rights situation in Syria and the need for referral to the International Criminal Court
10 June	Oral statement to the Human Rights Council on arbitrary detention and illegal settlements in the OPT
16 September	Oral statement to the Human Rights Council on the need to protect the civilian population in Syria
17 September	Oral statement to the Human Rights Council on human rights and the rule of law in Egypt

Global

Advocacy and other promotional work

13 March	Threats to the universality of human rights by initiatives on traditional values
18 March	Conference on Strengthening Cooperation in Preventing Terrorism in Azerbaijan
22 March	ICJ honored by Dalai Lama
11 June	Event on the Arms Trade Treaty in Geneva
19 June	New global principles on national security and the right to information launched
11 September	Event on promoting accountability through human rights bodies in Geneva
25 September	Joint letter to the Human Rights Council on the work of human rights defenders
3 October	Briefing on the International Code of Conduct for PMSCs presentation on the value of and challenges in the implementation of the Code of Conduct at the Geneva Academy
4 October	Workshop with TRIAL for Geneva-based NGOs on promoting accountability through the Human Rights Bodies in Geneva
7 October	Expert meeting on draft OHCHR paper on corporate liability for gross human rights violations
14-16 October	Comments on the General Comment on the right to liberty under article 9 of the International Covenant on Civil and Political Rights
29 October	International crimes conference presentation on prosecution of corporations in The Hague
4 November	Lecture on counter-terrorism and human rights at the Geneva Academy
4 November	Expert meeting with APT
5 November	Joint letter to candidates to the Human Rights Council to uphold the highest standards of respect of human rights

5-7 November	ESCR-Net Peoples' Forum on Business and Human Rights consultation on a new international instrument
8 November	Working group on enforced and involuntary disappearances: expert consultation on ESCR
29 November	Keynote addressing the launch of the OSCE manual on Human Rights in Counter-Terrorism Investigations
2 December	Book launch event, Human rights obligations of business: beyond the corporate responsibility to protect?
3-5 December	Expert meeting on the use of drones at the Geneva Academy
4 December	Forum panel on business impacts on the rights of the child in Geneva
4 December	Pre-Geneva Forum public relations event “Women judges as agents of change”
5 December	Civil society organizations strategic meeting in the margins of the BHR Forum in Geneva
5-6 December	Geneva Forum on women in the judiciary
9 December	Legal memorandum on targeted killings
17 December	Seminar series on the rights on sexual orientation at UNOG in Geneva

UN interventions

1 February	Statement on the creation of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies
6 February	Legislative restrictions on “homosexual propaganda” as a threat to LGBT human rights defenders
11 February	Statement on access to justice and rights to a remedy in international and regional human rights systems
19 February	ICJ and Friedrich-Ebert-Stiftung (FES) submission to the UN Committee on the elimination of discrimination against women
19 March	Oral statement on ratification to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR)
7 May	Written statement to the Human Rights Council on corporate complicity and access to justice
5 June	Joint oral statement to the Human Rights Council on detention of individuals at Guantanamo Bay and Bagram airbase
7 June	Oral statement to Human Rights Council on urgent appeals by the Special Procedures
10 June	Joint statement to raise awareness over the integrity of UPR reports
22 August	Written statement to the Human Rights Council on the use and operation of truth commissions
22 August	Written statement on the selection criteria for Human Rights Council special procedures
10 September	Oral statement on the regulation of private military and security companies in national and international law
13 September	Oral statement on the judicial supervision and prompt access to a lawyer for persons deprived of liberty
11 November	Written submission and oral presentation to the Working Group on Arbitrary Detention concerning its preparation of draft principles and guidelines on remedies and procedures on the right of anyone derived of his or her liberty to challenge the detention before a court

Newsletters

CIJL Newsletter – N° 2 January 2013 – N° 4 October 2013
ICJ E-Bulletin on counter-terrorism and human rights, nos. 69-78

Publications

Access to Justice: Report on Business and Human Rights Abuses in Peru

The report (in Spanish) reviews the country's existing legal remedies under constitutional law, labour law, civil law and criminal law, and examines the way they operate in practice in the light of concrete cases.

Authority without Accountability: The Search for Justice in Pakistan

The report presents a detailed assessment of the Court's human rights jurisprudence during Chief Justice Chaudhry's tenure and provides recommendations to build on its work.

Authority without Accountability: The Struggle for Justice in Nepal

The report explains how the historic system of statutory immunities in Nepal, compounded by the lack of political will, has prevented victims of human rights violations from obtaining effective remedy and reparation for their injuries.

Corporate Complicity, Access to Justice and the International Legal Framework for Corporate Accountability

Report of the Legal Seminar of specific cases that illustrate many of the legal and political obstacles that victims of corporate human rights abuse face in their pursuit of justice.

El Salvador: Access to Justice for ESCR

The study illustrates that providing access to courts and legal remedies is a fundamental element of any strategy to realize economic, social and cultural rights and to combat poverty and social inequalities.

Improving Access to Justice: The Role of the Domestic Court

This is the report of the Third Geneva Forum for Judges and Lawyers, which took place on 13 December 2012 and focused on the role of the domestic court in improving access to justice.

Mass Convictions Following an Unfair Trial: the UAE 94 Case

In this report, the ICJ details a catalogue of violations of fair trial rights and other serious human rights violations committed against those detained in the context of the UAE 94 trial.

Morocco: Access to Justice for ESCR

The report identifies and describes significant gaps and issues in the normative, institutional and remedial frameworks that deprive many Moroccans from accessing justice in cases of violations of ESCR, and from enjoying their right to an effective remedy when facing such violations.

Promoting Accountability Through Human Rights Bodies in Geneva

The publication considers the potential of Geneva-based human rights bodies in the fight against impunity and in promoting accountability of individuals responsible for crimes and gross human rights violations under international law.

Reforming the Judiciary in Moldova: Prospect and Challenges

In this report the ICJ suggest that reform of the Moldovan judicial system needs further commitment from parliament, government, the judiciary and judicial bodies, if recent legislative measures are to bring real change.

Reforming the Judiciary in Morocco

In this report the ICJ analyses the independence of the judiciary in Morocco, in light of international human rights standards.

Right to Counsel: The Independence of Lawyers in Myanmar

The ICJ report is based on interviews with lawyers in practice in Myanmar.

Russian Translation: Judges, Lawyers and Prosecutors Guide

The ICJ published a Russian translation of its Practitioner's Guide, International Principles on the Independence and Accountability of Judges, Lawyers and Prosecutors.

SOGI Legal Databases

The ICJ launched two legal tools: the Sexual Orientation & Gender Identity UN Database and the Sexual Orientation & Gender Identity Legislative Database.

South Sudan: an Independent Judiciary in an Independent State

The study analyses the current state of South Sudan's judiciary in statutory courts and the legal profession, in light of international standards on the independence of judges and lawyers.

The Crisis of the Judicial Leadership in the Kingdom of Lesotho

The report, resulting from an ICJ mission in March, highlights the necessity of a resolution of the judicial leadership crisis.

The Independence of the Legal Profession in Central Asia

The report assesses the challenges to the independence of lawyers in Central Asia, and the barriers lawyers in the region face in providing effective legal assistance to their clients.

Tunisia: Enhancing the Rule of Law and Guaranteeing Human Rights in the Constitution

The ICJ calls on the authorities, especially the National Constituent Assembly to adopt a constitution that takes account of the full range of views of the Tunisian people and adheres to international law and standards.

Uzbek Translation: International and National Fair Trial Standards Guide

The ICJ published the Uzbek translation of its guide on international fair trial standards and criminal procedure in Uzbekistan.

Women's Access to Justice in Botswana: Identifying the Obstacles and Need for Change

The report assesses some of the challenges faced by women in Botswana when seeking justice and legal protection for human rights abuses and other wrongful conduct.

Women's Access to Justice in Kazakhstan: Identifying the Obstacles and Need for Change

The report details the way in which international human rights law obliges Kazakhstan to take effective and meaningful steps to ensure its legal framework adequately deals with discrimination and violence against women.



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