

**United Nations Human Rights Council  
28th Regular Session, 2 to 27 March 2015  
General Debate under Item 3**

**THE ADMINISTRATION OF JUSTICE THROUGH MILITARY TRIBUNALS**

13 March 2015

Mr President,

The Colombian Commission of Jurists, in affiliation with the International Commission of Jurists, welcomes the expert consultation on the administration of justice through military tribunals, a summary of which has been reported to this session of the Council (UN Doc A/HRC/28/32).

The dominant trend in international law and practice is that military tribunals should, as a matter of principle, have no jurisdiction to try civilians or to adjudicate claims of serious human rights violations. These matters should be the domain of civilian courts.

This position has been affirmed in the Decaux Principles Governing the Administration of Justice Through Military Tribunals (UN Doc E/CN.4/2006/58), by Special Procedures, by the Inter-American Court of Human Rights and by the African Commission on Human and Peoples' Rights. The approaches of the Human Rights Committee and the European Court of Human Rights are to the same effect.

The military commissions established by the United States of America at Guantánamo Bay are frequently cited as an example of the concerns, but the issue has global reach.

For instance, in Colombia, seven proposals for military court jurisdiction over various human rights violations are now before the Congress. This would negatively impact the peace talks, offering impunity at the very moment where accountability mechanisms are being discussed in La Habana.

In Egypt, thousands of civilians have been prosecuted before military courts over the years. Hundreds more – including protesters, human rights defenders, and political opponents – have followed under a recent Presidential decree.

In Thailand, the OHCHR has documented at least 202 civilians brought before military courts since May; the actual number may be much higher. Many of these cases involved the exercise of freedoms of expression, association and assembly.

In Pakistan, just in January the Parliament gave military courts jurisdiction to try civilians for terrorism offences. At least 12 cases have been referred to newly-established military courts that are not independent and operate unfair procedures.

Mr President,

The Principles Governing the Administration of Justice Through Military Tribunals presented to the Commission on Human Rights by Emmanuel Decaux in 2006 are widely referenced, but have yet to receive full recognition by the Human Rights Council. Our organisations support the calls by the Special Rapporteur on Independence of Judges and Lawyers, the Working Group on Arbitrary Detention, and others, for the Council to endorse and seek implementation of the Principles without further delay.