

International Commission of Jurists Annual Report 2014



icj

International
Commission
of Jurists

Vision

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

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

A world in which everyone is equal before the law and protected from human rights violations by the law 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

Foreword

For over sixty years the ICJ has been at the forefront of advocacy for human rights through the rule of law. Across seven decades, the ICJ has striven to achieve its vision of a just, democratic and peaceful world, in the face of varying levels of social and political upheavals across the globe. Yet, in spite of the ongoing and emerging challenges the ICJ faces, the organization continues to believe that meaningful and lasting change for the advancement of human rights can be realized and continues to work tirelessly towards this.



The ICJ believes that without a means to enforce human rights or to gain a remedy or reparations when human rights are threatened or violated then these rights become hollow, lacking the substance to fulfil their promise. The ICJ places particular emphasis on the importance of access to justice for marginalized groups, the precariousness of whose lives is often the result of their very inability to gain access to justice. In 2014, the ICJ worked hard to ensure access to justice for migrants and asylum seekers in Europe through training events, seminars and publications.

In 2014, the world witnessed a new threat to its peace and security with the growing menace of publicity-seeking extremist groups, committing acts of unspeakable barbarity, inflicting wanton cruelty on innocent individuals around the globe. In addition to the threat to human rights that these groups pose in and of themselves are the threats to human rights that arise from states counter-terrorism efforts that confine the space in which fundamental freedoms are accessible to its citizens.

The ICJ does not believe that counter-terrorism efforts give states carte blanche to disregard their human rights obligations. Throughout 2014, the ICJ proactively advocated for the accountability of officials responsible for torture, enforced disappearances and other human rights violations that occurred in the course of the CIA's rendition and secret detention programmes.

When states go through periods of transition the ICJ believes that it is more important than ever to ensure that respect for the rule of law is not a casualty of this. In May 2014, Thailand underwent its twelfth military coup since 1932, which has resulted in the implementation of a wide range of measures in clear contravention of Thailand's international human rights obligations. The ICJ has worked diligently to remind Thailand of its international responsibilities and to highlight these violations to the international community.

The rule of law cannot exist without an impartial and effective judiciary. In 2014, the ICJ shone a spotlight on the lack of judicial independence in Venezuela through a series of publications, press releases and public events. The ICJ was also compelled to condemn the judicial persecution of prominent Swazi human rights defender Thulani Maseko, after he was charged and sentenced to two years imprisonment following the publication of an article criticizing judicial conduct.

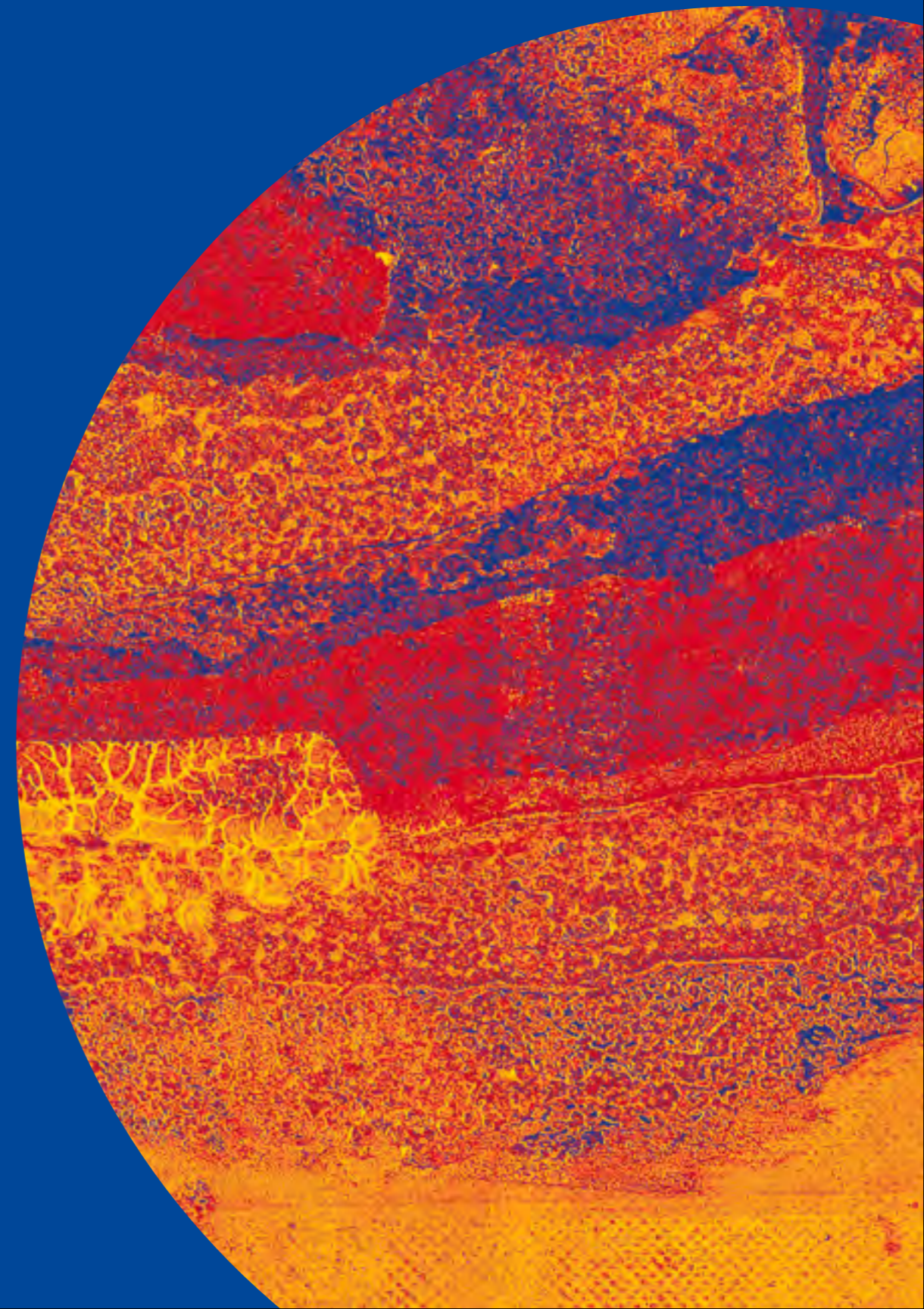
In 2015, the ICJ intends to develop its work with the institutions of the EU and strengthen its voice in Europe, following the establishment of the ICJ-European Institutions Brussels office. In Europe and Central Asia, the ICJ will continue its dedicated work on migration and will look to geographically expand its programme of activities further. In Asia, the ICJ will continue its work with the judiciary in Myanmar and efforts to counter the increasing use of military courts for civilians across the region. In Africa, the ICJ will be starting a new project in Swaziland and continuing its work to strengthen regional networks of human rights defenders and lawyers. In Central and South America, the ICJ will continue to strive for justice for victims of enforced disappearances. In the Middle East, the ICJ continues to expand its field presence and to work for the implementation of strong regional human rights standards.

The ICJ will not relinquish its mission to promote and extend the rule of law as a dynamic concept through which the broadest spectrum of human rights can be safeguarded and advanced. The ICJ is fortunate in its composition of eminent judges, lawyers and other legal professionals from around the world with their expertise in a wide range of national, regional and international legal areas. Our Commissioners are strongly committed to the work of the Secretariat and frequently lend their know-how to the preparation of publications and in the participation of ICJ missions.

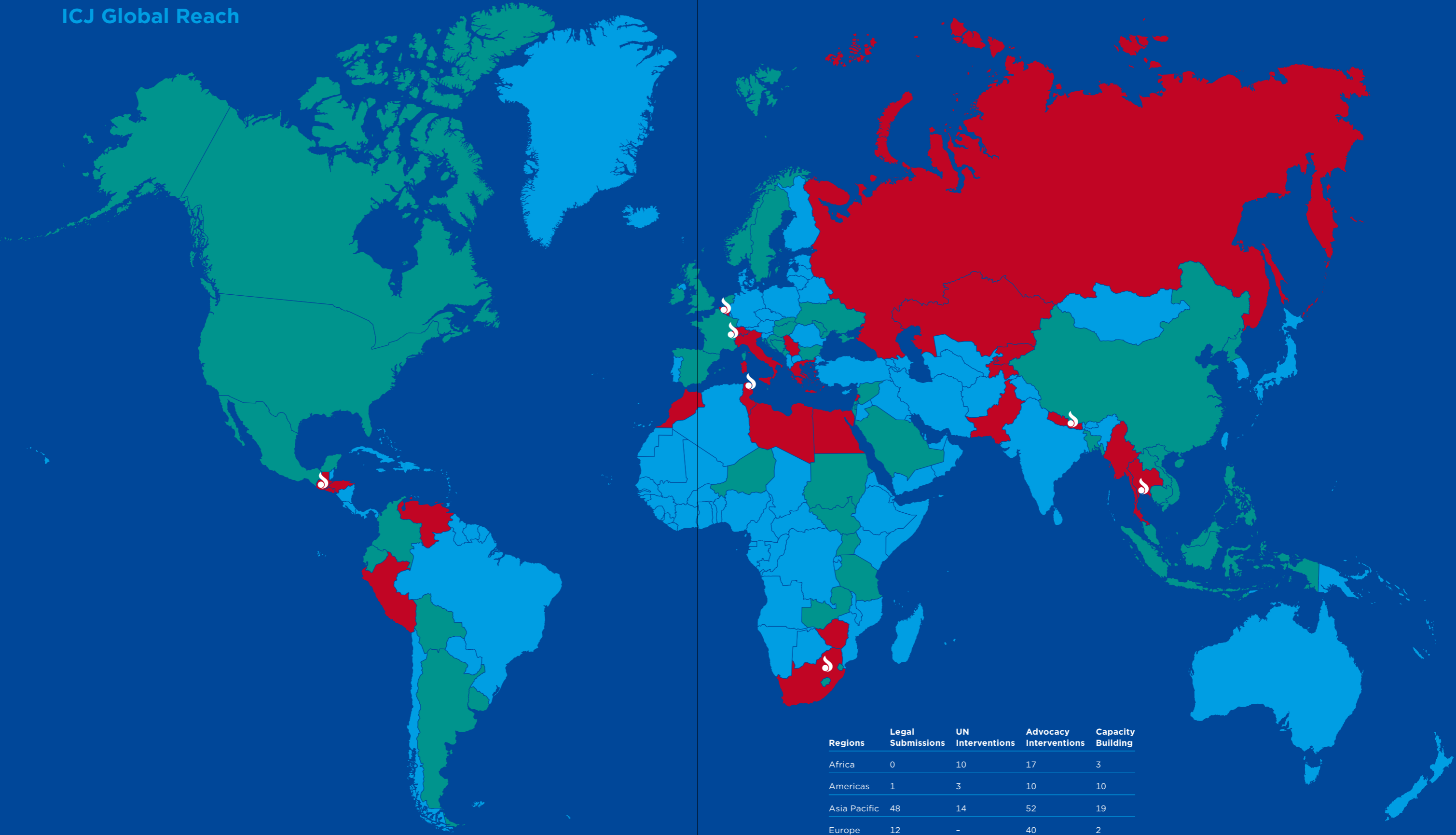
Throughout 2015, I look forward to continuing to work with the dedicated Commissioners and staff of the Secretariat – led by the Secretary-General, Wilder Tayler – in pursuit of the ICJ's vision whereby human rights are protected, upheld and accessible to everyone.




Professor Sir Nigel Rodley
ICJ President

ICJ Global Reach



ICJ Global Reach



 ICJ Offices
 Countries where ICJ has ongoing projects
 Countries where ICJ carried out interventions in 2014

Regions	Legal Submissions	UN Interventions	Advocacy Interventions	Capacity Building
Africa	0	10	17	3
Americas	1	3	10	10
Asia Pacific	48	14	52	19
Europe	12	-	40	2
MENA	12	3	6	14
Global	11	41	56	11
Total	84	71	181	59

ICJ Strategic Directions



1 Access to Justice for All

Access to justice is essential for the realization of human rights. The ICJ works with local partners to develop strategies to overcome barriers that prevent access to justice. The ICJ focus is particularly on cases affecting the poor, marginalized and discriminated groups, where most often justice is denied. It provides practical assistance, legal interventions, trial observations, capacity building and mentoring programmes for human rights defenders and lawyers, as well as carrying out advocacy on legal reforms.

Human rights defenders continue to face harassment and persecution. Many states have become increasingly sophisticated in the ways in which they undermine or prevent their work. Among other activities, in March, the ICJ organized a conference on human rights defenders in Pretoria, South Africa attended by the UN Special Rapporteur on Human Rights Defenders that concluded by drawing up plans for their greater legal protection in Africa.

During 2014, the ICJ has focused particularly on the impact of business and special economic regimes for export on economic, social and cultural rights as well as access to justice for indigenous communities whose livelihoods have been negatively impacted by business operations. The ICJ has produced practical resource guides on these issues. It has also continued its multi-year programmes on women's access to justice and on discrimination and human rights violations on the basis of sexual orientation and gender identity.

Europe has seen increasing xenophobia and intolerance, manifested in ethnic and religious tension and in criminal attacks on ethnic minorities and migrants. This year, a major area of concern has been the protection of the rights of migrant workers and asylum-seekers in Europe, who are subject to long periods of administrative detention, with a particular focus on Greece, Italy and Bosnia.

1.1 ICJ Geneva Forum 2014

The 2014 Geneva Forum of Judges and Lawyers, on the theme of Judicial Enforcement of Economic, Social and Cultural Rights, took place on 4 and 5 December 2014. Hosted jointly by the ICJ's Centre for the Independence of Judges and Lawyers (CIJL) and the ICJ Programme on Economic, Social and Cultural (ESC) Rights, it brought together 40 participants from 38 countries for a wide-ranging discussion on progress in judicial enforcement of these rights over the last two decades and the impact of the entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in May 2013.

The Protocol allows victims or groups of victims to bring complaints of violations of ESC rights to an independent UN body of experts for examination if they were not able to obtain justice from their domestic courts.



The forum included panel presentations, providing a comparative overview of legal and judicial protection of ESC rights at national level from Colombia, Benin, India, Kenya, South Africa and the UK.

Other examples focused on threats and intimidation against lawyers and judges presiding over ESC rights cases, such as those involving business enterprises. Alejandra Ancheita, a Mexican human rights defender and recipient of the Martin Ennals Award 2014, spoke about the challenges and risks for lawyers defending ESC rights in courts, such as in cases of forced evictions when private actors are involved in abuses.

The ICJ produced on-line video interviews with six participants at the forum (Jacqueline Dugard, Hina Jilani, Rodrigo Uprimny Yepes, Gilles Badet, Alejandra Ancheita and Harsh Mander), who discuss their experiences in judicial enforcement of economic, social and cultural rights in their respective countries. These interviews have been widely viewed.

1.2 8th ICJ practitioners' guide on economic, social and cultural rights

In September, the ICJ published its 8th Practitioners' Guide on Adjudicating Economic, Social and Cultural Rights. It is a major new resource for those involved in legal cases at national level on issues of economic, social and cultural rights.

The guide reviews ESC rights under international law and progress towards the global recognition of the legal principles underpinning ESC rights – or their “justiciability”. It provides a wide range of examples from countries and jurisdictions on how courts have treated these matters. It also reviews the different phases of a legal case, including initiating the case, evidence building, the provision of remedies and the enforcement of judicial decisions. It includes a section on strategic considerations when taking a case to court.

This innovative guide provides interesting examples of how different courts have made rulings, calling for governments to implement systemic remedies, such as the design of new social policies or the extension of benefits to specific groups. Cases involve the right to adequate housing in South Africa, restrictions on the provision of anti-retroviral drugs to HIV positive pregnant women, and a violation of the constitutional and reproductive rights of two women with low incomes, who were denied access to adequate maternal care in India.

The ICJ is using the guide in advocacy at national level and in training events and conferences involving justice actors to promote better access to legal remedies, compensation for victims of violations of ESC rights and for increased accountability in these cases.

The ICJ has also launched a searchable on-line version of the book that is accessible on the ESCR page of the website.

1.3 Guatemala: report on business and human rights violations

In March 2014, the ICJ published its report, in Spanish, on the Guatemalan legal and justice system and its response to the challenges of business abuse of human rights.

Over the last decade, there has been a notable growth in mining operations in the country, as a result of increased demand from China and elsewhere, and other energy projects, in particular hydroelectric plants. These operations have frequently had negative impacts on the livelihoods of local communities, particularly indigenous communities, and indeed have often been approved against their express wishes.

As a consequence, there has been an increase in social conflicts caused by business operations. Because the rule of law is weak and there is wide spread corruption as the economically powerful can put pressure on local authorities, victims of human rights' abuses committed by business enterprises have found access to justice very difficult to achieve.

The report reviews existing legal remedies for victims of human rights violations by business enterprises under the Constitution, labour law, civil and criminal law and includes a section of relevant case studies. It also includes a section of case studies that focuses particularly on the impact of mining projects on indigenous communities.

The report concludes with a set of recommendations, including the need to strengthen the National Council for the Implementation of the Peace Accords and to reform the criminal code to make a legal entity (including a business company) responsible. It also recommends training of community leaders in human rights and rights of indigenous peoples, and the inclusion of a new course on business and human rights at the Faculties of Law of the different universities.

1.4 Discrimination and human rights violations on the basis of sexual orientation or gender identity

The ICJ continues to play a crucial role in cases concerning discrimination and human rights violations motivated in whole or in part on the basis of sexual orientation or gender identity. By providing legal opinions, the ICJ seeks to shape international jurisprudence on the same, including in relation to asylum claims. During 2014, there have been a series of important judgments in cases in which the ICJ was involved.

On 8 March, the ICJ condemned the conviction of Malaysian opposition leader Anwar Ibrahim on “sodomy charges”. Malaysia's Court of Appeal overturned the 2012 High Court's acquittal of Anwar Ibrahim and sentenced him to five years' imprisonment. The ICJ Commissioner Justice Elizabeth Evatt AC observed the proceedings on behalf of the ICJ. In commenting on the ruling, the ICJ noted that the use of the colonial era Article 377B of the Malaysian Penal Code, which criminalizes consensual same-sex sexual conduct, was in conflict with international human rights standards. Moreover, the judgment called into question the independence of the judiciary in Malaysia.



Guatemala: a farmer contemplates his lost land, now in the hands of business.

On 16 April, the ICJ welcomed a decision of the Court of Appeal of Victoria, Australia, in a case concerning unlawful discrimination on grounds of sexual orientation. The case arose from the refusal of Christian Youth Camps (CYC) to accept a booking at one of its resorts by Cobaw Community Health Services, an organization working to prevent suicide among same-sex attracted young people. The Court upheld an earlier decision that CYC's denial of access to its facilities constituted unlawful discrimination on the basis of sexual orientation. The ICJ had intervened in the case, as *amicus curiae*, by providing the Court with an expert legal opinion and in its judgment, the Court of Appeal referred to the ICJ's submissions.

On 3 June, the ICJ published a commentary on the Court of Justice of the EU (CJEU) judgment in a case concerning the right to asylum on the basis of persecution based on same sex sexual orientation. The case, known as *X, Y and Y v. Minister voor Immigratie en Asiel*, was decided on 7 November 2013. In the commentary, the ICJ criticizes the judgment for its restrictive reading of EU refugee law, which, in the main, ignored the persecutory effects of criminalizing consensual same sex sexual relations.

On 26 June, the ICJ issued a statement deploring the judgment of the European Court of Human Rights in the case of *M.E. v. Sweden* (Application No. 71398/12). The ruling arose from a failed application for asylum in Sweden by M. E., a Libyan national, on grounds of fear of persecution on account of his homosexuality and his marriage to another man since his arrival in Sweden. The European Court ruled by majority that Sweden is entitled to expel the applicant to Libya, even though consensual same sex relations are criminalized in that country. The ICJ expressed concern that the Court's decision that M.E.'s return to Libya in the circumstances would be consistent with Article 3 of the European Convention on Human Rights, which prohibits torture or other ill treatment, was at odds with EU and international refugee law.

1.5 Women and the judiciary

Through legal and practical support for challenges to discriminatory laws and demands for accountability for violations and abuse, the ICJ seeks to support women judges, lawyers and human rights defenders in their work to advance women's effective access to justice, including women's equal participation in the judicial profession.

The ICJ argues that enhancing women's participation in the judiciary can also promote gender equality in other ways, in particular that women's visibility in judicial processes may encourage women to seek justice and enforce their rights through the courts. Equally, in some contexts, women judges may demonstrate a strong commitment to gender equality, for example, in cases involving gender-based violence and family law.



In April 2014, the ICJ published a discussion paper that summarized the main findings and recommendations of three colloquia on women in the judiciary, held in Tanzania, Tunisia and Switzerland during 2013. These meetings brought together over 65 women judges and legal professionals from 40 countries to examine the obstacles to women's full and equal participation in the judicial profession.

Global figures indicate that on average women comprise just over 25 percent of the world's judicial officers, while the meetings found that in many countries and regions, the numbers fall to below ten percent. Women's under-representation, particularly at senior and leadership levels, is of critical concern.

In certain jurisdictions, there is concerted opposition to the appointment of female judges, particularly in some Middle Eastern and North African (MENA) countries. Elsewhere, even where direct legal, ideological or policy barriers do not exist, there are still persistent gender deficits. Although greater numbers of women are studying law, this has not resulted in a proportional increase of women in the judiciary.

In addition to its work with women judges, in April, the ICJ also trained women lawyers and human rights defenders in Thailand on how to use international mechanisms to advance women's access to justice, particularly for victims of gender-based violence. In Swaziland, a similar workshop involving civil society participants focused on sexual and reproductive health, customary law and constitutional protections for gender equality.

In July, in Zimbabwe, the ICJ held a colloquium on Women Lawyers and Human Rights Defenders: Challenges and Opportunities, in partnership with the Southern African Development Community Lawyers' Association, Zimbabwe Women Lawyers' Association and Zimbabwe Lawyers for Human Rights. It allowed 40 women judges, lawyers and human rights defenders to strengthen support networks and elaborate an action plan.

These activities are part of a multi-year ICJ initiative to support women judges, lawyers and human rights defenders as agents of change and to strengthen mechanisms to facilitate women's access to justice.

1.6 Migrants and asylum-seekers in Europe

Restrictive migration laws and border-control measures at both national and EU levels have led to serious violations of the human rights of migrants. During 2014, the ICJ worked to ensure access to justice for migrants and asylum-seekers in Europe. Through seminars, training and publications, the ICJ supported national judges, lawyers and NGOs in applying international human rights law effectively to protect the rights of migrants. ICJ reports and advocacy highlighted the need for reforms to national laws and procedures that prevent migrants from accessing justice. A second edition of the Practitioners' Guide No. 6 on Migration and International Human Rights Law was published in 2014, in English and Greek.



In Greece, mass detention of asylum seekers was a serious problem in 2014. In September, the ICJ held a two-day conference, in co-operation with the Greek Council of Refugees, on detention of, and access to justice for migrants and asylum seekers. Speakers included judges, lawyers, and representatives of the Greek police and asylum services, UNHCR, the EU Fundamental Rights Agency, Greek NGOs, as well as ICJ staff. The conference provided a forum for open debate between judges and lawyers, and between government representatives and NGOs, on practical problems in the detention system and in judicial review of detention, and considered potential solutions. The ICJ continued its advocacy on the reform of the Greek asylum system, by meeting with the asylum service and the appeals authority. It also made further representations to the Council of Europe Committee of Ministers on the reforms to the asylum determination and detention system needed to implement decisions of the European Court of Human Rights.

In October, following an investigative mission to Italy, the ICJ published a report examining the effectiveness of the Italian legal system in delivering justice for undocumented migrants to challenge their expulsion or administrative detention. The report raised concerns about the lack of independence of local magistrates and the highly informal procedures they apply in cases having profound implications for migrants' human rights. It criticized expulsion procedures, including the excessive reliance in law on forced return, and the preference given to detention of migrants rather than to alternative measures, contrary to Italy's international human rights obligations. The report made detailed recommendations for reform of law and practice in the judicial process on challenges to expulsions and orders for detention of migrants.

In November, the ICJ, together with the Organization for Security and Co-operation in Europe (OSCE) and the Serbian NGO Group 484, held a training seminar on migration and international human rights law in Arandelovac, Serbia. In December, the ICJ also presented an expert opinion on international law applicable to administrative detention of migrants to the Constitutional Court in Bosnia and Herzegovina.

2 Accountability for Human Rights Violations

The ICJ works to end impunity by ensuring that those responsible for serious human rights violations and crimes under international law are brought to justice and that effective remedy and reparations are provided to the victims. The ICJ supports the work of lawyers and human rights defenders, who are constructing legal cases against human rights perpetrators, including on economic, social and cultural rights. It also provides support to relatives of victims to undertake legal proceedings to seek justice in the case of enforced disappearances. It seeks to prevent the implementation of amnesty laws and other measures aimed at preventing criminal prosecution of those responsible for serious human rights and humanitarian law violations. The ICJ is working on accountability for human rights violations

in several countries, including Guatemala, Honduras, Nepal, Myanmar, Pakistan, Peru, Thailand and Tunisia.

2.1 Enforced disappearances in Asia

Over the last decade, the ICJ has worked on the issue of enforced disappearances in Asia. In Nepal, impunity for enforced disappearances has continued even after two landmark rulings by the Supreme Court. In January, in the case of Madhav Kumar Basnet v. the Government of Nepal, the Supreme Court reiterated the findings of an earlier judgment that the provision of an amnesty goes against the victims' fundamental right to justice. However, in May, the Nepalese parliament passed an act to set up a Commission on Investigation of Disappeared Persons, Truth and Reconciliation Act (TRC Act), which includes a provision to grant amnesties. The ICJ issued a report calling for amendments to the Act, so as to criminalize enforced disappearances and to exclude any provision for amnesty for gross violations.

On the occasion of the tenth anniversary of the enforced disappearance of Somchai Neelapaijit in Thailand, the ICJ published a report entitled Ten Years without Truth – Somchai Neelapaijit and Enforced Disappearances in Thailand. The report documents the tortuous legal history of the case and highlights several key problems, including poor use of forensic evidence, failure to follow leads, unduly restrictive interpretations of national and international law and above all a lack of political will.

Somchai, a lawyer and human rights defender, was stopped and pulled from his car at a Bangkok roadside on 12 March 2004. He has not been seen since. At the time, Somchai was defending clients from Thailand's southern provinces who were accused of attacking a military base. The ICJ continues to follow Somchai's case closely and has sent information about the case to the UN Working Group on Enforced and Involuntary Disappearances.

On 15 June, the ICJ issued a report and legal memorandum as well as filing a submission to the Universal Periodic Review (UPR), highlighting the Lao PDR's failure to investigate the disappearance of Sombath Somphone, a prominent development activist. CCTV footage records police stopping Sombath at a checkpoint on 15 December 2012 and unidentified men driving him away. The ICJ recommended that the Lao PDR ratify the International Convention for the Protection of All Persons from Enforced Disappearances (ICPPED), which it had already committed to do during the 2010 UPR, and that it carry out a credible investigation of the disappearance and cooperate with treaty bodies and human rights mechanisms by accepting visit requests from Special Rapporteurs.

The ICJ has also called for a thorough investigation by the Thai government into the disappearance of Pholachi "Billy" Rakchongcharoen, who was last seen on 17 April 2014 in the custody of National Park Authorities. The ICJ, Cross Cultural Foundation (CrCF) and the Human Rights Lawyers' Association (HRLA) carried out a mission to Petchaburi Province to investigate the facts surrounding his disappearance before making this request.

The ICJ also expressed concern at the widespread practice of enforced disappearances in Pakistan, because the whereabouts of hundreds of people allegedly detained by government forces remain unknown. The Protection of Pakistan Act adopted in 2014 actually facilitates enforced disappearance by retrospectively legitimizing detention at undisclosed locations and providing immunity to all state agents acting in "good faith". Enforced disappearances in Balochistan are of particular concern. Many political activists, human rights defenders, journalists and lawyers have been targeted. One case involves Zahid Baloch, a human rights defender and Chairman of Baloch Student Organization-Azad (BSO-Azad), who was abducted at gunpoint on 18 March 2014, in Quetta, Pakistan.

2.2 Special economic regimes in Peru and Morocco

An ICJ project analysed the impact of special economic regimes on economic, social and cultural (ESC) rights. During 2014, research was conducted in Morocco and Peru, with particular reference to the agro-export and textile industries.

From 29 April to 7 May, an ICJ mission visited agro-export companies in the Ica Valley to the south of Lima, Peru. It found that working conditions in agriculture were deplorable with high levels of temporary contracts, low pay and long hours. Workers on short-term contracts did not have the necessary stability to form trade unions or found that their contracts were not renewed if they did try to do so.

The mission concluded that legislative measures, in particular Law N° 27360, which allows for more flexible employment conditions in agriculture compared to other sectors, had a direct impact on workers' exercise of the right to form and join a union and their access to occupational healthcare and social security. In addition, school age children were employed in casual work.

Both large and small companies operating in the sector lacked an understanding of their responsibility to respect human rights, including the right to freedom of association and collective bargaining and to carry out due diligence in order to identify, mitigate and remedy any negative impacts on the workforce and the communities.

The mission report recommends the repeal or amendment of Law N° 27360 and the strengthening of the labour inspection regime and complaints mechanisms in the case of anti-union discrimination. It also calls on the agro-export companies to take their human rights obligations seriously and to set up adequate policies and procedures.

In Morocco, the research and consultation process focused on the impact of the free trade zones on ESC rights. It included a high-level mission in June.

The ICJ mission report highlights a series of problems in relation to the ESC rights of workers and the communities affected by these special regimes and zones, mainly textile export centres and agro-export businesses. The report draws the attention of national and international authorities to a severe lack of protection and respect



for workers' rights in these sectors, especially due to the weakness of labour inspection, the lack of formal employment and the difficulty to enforce the registration of employees with the social protection system. For example, no employer had been charged for failure to declare a worker to the social security system since 1960, although there are widespread violations of this Moroccan law.

In export agriculture, women make up the majority of the workforce and face serious abuses of their rights, which affect whole families and communities. Long working days, casual contracts, lack of toilet facilities and dangerous transportation arrangements to the plantations are common. In the textile industry in Tangier Free Trade Zone, the ICJ received many testimonies from workers, whose trade union rights were violated.

In the local communities near the agricultural enterprises, there are increasing problems of water shortages and contamination, as well as forced evictions from land to make space for new large-scale industrial and agricultural projects for export production. The report compiled an extensive list of recommendations.

On 18 November, the ICJ followed up the findings and recommendations of the two reports with a meeting at the European Parliament focusing on trade agreements and the regulation of EU based enterprises that benefit from special economic regimes.

2.3 Peru: new practitioners' guide on international law and the fight against impunity

In September 2015, in Lima, Peru, the ICJ launched its new Practitioners' Guide on International Law and the Fight against Impunity in Spanish, during a seminar on the theme of Impunity and Gross Human Rights Violations, attended by over 60 persons, including members of the judiciary, the Attorney General's office, the Ombudsman's Office, as well as other organizations and associations of relatives of victims.

The guide was distributed to all judicial and prosecutors' offices in Lima and Ayacucho; the Faculties of Law at the universities in Lima; the Minister of Justice; the Ombudsman's Office, NGOs and other organizations. It was developed within the framework of an ICJ project with the Peruvian Forensic Anthropology Team (EPAF), which is helping with the forensic identification of victims of Peru's internal armed conflict and assisting relatives of victims who seek justice in the Peruvian courts.

2.4 Guatemala: Chixoy Dam historic compensation agreement

During 2014, the ICJ provided legal advice to the communities affected by the construction of the Chixoy hydroelectric dam and power plant. The dam, which was funded by the World Bank and the Inter-American Development Bank, was opened back in 1983. Over 2,300 families, who were indigenous subsistence farmers, were affected by the construction and evicted from their homes and lands.

Many were relocated to arid areas, which could not be cultivated and so the families lost their only source of livelihood and were given no compensation.

The ICJ has supported a long-term dialogue process over the compensation claims with the Government. In October, the Government finally reached the historic Agreement 378-2014 whereby it committed to compensate communities affected by the Chixoy dam over the period 2015 to 2029. The agreement provides substantive individual and collective compensation amounting to Quetzals 1,200 million (USD155 million), to be delivered in 11 annual installments. The settlement also envisages a series of projects: acquisition of land for those affected, sanitation installations, public health services, restoration of archaeologically significant sites, and new housing complexes with basic services for communities in Quiché, Alta Verapaz and Baja Verapaz, among others.

This agreement will set a precedent for many other indigenous communities, who are seeking justice as a result of similar situations and will strengthen their demands for informed consent prior to the approval of such projects in the future.

2.5 Renditions, impunity and the rule of law

Despite the well documented involvement of European States in the US rendition and secret detention programmes, there has been little accountability, access to effective remedies by victims, nor has oversight of security services been enhanced. During 2014, the ICJ continued to advocate for justice for victims and accountability of officials responsible for torture, enforced disappearance and other human rights violations in the course of the CIA's rendition and secret detention programmes between 2001 and 2006. There are at least 136 cases of rendition and secret detention carried out by the US from 2001, with the participation of at least 54 other States, which typically involved multiple human rights violations.

To date, no officials have been subject to prosecution for participation in the abuses and all attempts by victims to access effective remedies have been prevented by political obstruction and the invocation of various juridical doctrines aimed at preventing cases from being heard in court.

For example, the ICJ has worked with Amnesty International, JUSTICE and REDRESS in the case concerning the Libyan national, Abdul-Hakim Belhaj and his wife Fatima Boudchar. The couple were abducted, arbitrarily detained, tortured, and unlawfully transferred to Libya in 2004. They are suing UK officials, including the former Foreign Secretary, because of the alleged complicity of UK officials in their torture and rendition. The case can set an important precedent for redressing lawless conduct and ensuring that other victims of serious human rights violations have access to justice.

On 30 June, the ICJ and other organizations filed a third party intervention with the UK Court of Appeal, following the decision of the High Court that the case could not be heard because

it concerned a “foreign act of state” not subject to judicial review. The organizations argued against the applicability of the High Court’s foreign act of state doctrine, because it is a means to frustrate redress for serious human rights violations. On 30 October, the Court of Appeal overturned the High Court decision, rejecting the application of “act of state” doctrine. The Court indicated that the failure to allow UK courts to consider the complaint would result in an unacceptable denial of justice and dismissed the government view that the risk of displeasing other States could outweigh the imperative of providing access to justice to victims. The case will now be heard on the merits.

The ICJ, together with Amnesty International, has also acted as a third party intervener in cases before the European Court of Human Rights. In the case of *Al-Nashiri v. Poland* and *Abu Zubaydah v. Poland*, the European Court held that Poland was complicit in the enforced disappearance and torture of two victims held by the CIA in secret detention centres, including the *Stare Kiejkety* military base in Poland. This ruling was a landmark decision whereby the Court affirmed that states could not evade their responsibility to protect human rights, even when agents of a foreign state perpetrate these abuses. The European Court also found The former Yugoslav Republic of Macedonia responsible for violations in this connection with further cases pending against Lithuania and Romania.

The ICJ, together with REDRESS and the World Organization against Torture (OMCT), submitted a report to the UN Committee against Torture in Geneva ahead of its examination of the USA during its November session. The report details how an elaborate secrecy regime ensures that no information is released about torture and other ill-treatment committed against so-called “high-value detainees” held in Guantanamo, which effectively secures impunity for perpetrators of torture and impedes any redress for those tortured.

3 Independence of Judges and Lawyers

Weaknesses in judicial systems, in particular in the judiciary’s and legal professions’ independence and accountability, lead to violations of human rights, including the right to fair trial, the right to liberty and freedom from ill-treatment in detention. In many countries, judges, lawyers and other human rights’ defenders face threats, harassment and obstruction in their work.

When a judicial system lacks independence, individual judges may not feel free to apply the law consistently, through fear of reprisals or negative professional consequences. Equally, lawyers may choose not to defend some clients or pursue certain legal avenues for fear of disciplinary actions against them.

The ICJ assists judges and lawyers in maintaining international standards of competence and integrity, while protecting them from persecution and undue influence. It has also carried out advocacy at national and international levels to promote independent and transparent judicial appointment systems. It has highlighted government interference and intimidation of judges, such as in the

case of Venezuela, Honduras and Bolivia. In Myanmar and in Southern Africa, it has facilitated judicial dialogues on independence and integrity.

During 2014, the ICJ has produced a series of country profiles on Myanmar, the Russian Federation, South Sudan, Swaziland and Venezuela. Further studies are in preparation. Each profile summarizes information about the independence of judges, prosecutors and lawyers in the country and assesses national compliance with relevant international laws and standards. The profiles include a set of recommendations on how to strengthen the independence and accountability of the judiciary. In October, the ICJ also published a webpage compiling all universal and regional standards on the independence of judges, prosecutors and lawyers for easy access and reference by relevant professionals.

3.1 Myanmar: judicial independence and integrity

During 2014, the ICJ has continued its work in Myanmar with a particular focus on bilateral investment treaties and their impact on human rights and environmental protection, as well as judicial independence and integrity.

On 10 and 11 February, the ICJ, the Office of the Supreme Court of the Union and UNDP jointly hosted a seminar on The Role of Judicial Independence and Integrity in Improving the Effectiveness of the Rule of Law, which took place in Nay Pyi Taw. More than 40 judges and senior court administrators from throughout Myanmar attended.

In March, the ICJ hosted a side-event during the Human Rights Council on the theme of on-going challenges to the rule of law where the UN Special Rapporteur on human rights in Myanmar participated. In the same month, the ICJ also published a comprehensive country profile on the judiciary in Myanmar. The report notes that judicial independence is provided for in law, but not respected in practice. In particular, the degree of control exercised by the executive over the appointment process and the lack of transparency over criteria for selection and promotion, insufficient security of tenure, executive control over the budget and insufficient pay and training are inconsistent with international standards. The ICJ is continuing its work with Myanmar's judiciary on issues of judicial independence and access to justice.

3.2 Tunisia: independence and accountability of judiciary

In May 2014, the ICJ conducted a high-level mission to Tunisia, led by the ICJ Commissioner Justice José Antonio Martín Pallín, which met with senior judicial figures.

The mission report The Independence and Accountability of the Tunisian Judicial System notes that, despite the foundation laid by the 2014 Constitution, there is still a need for significant reforms. Among other issues, it recommends that the High Judicial Council be composed of a majority of judges elected by their peers and should exclude any substantive role for the executive. It also calls for a new



Statute for Judges and an accompanying code of conduct. It expresses concern at the extensive jurisdiction given to military courts, which have powers to hear cases of human rights violations against civilians. It also calls for a review of the laws and policies governing the Office of the Public Prosecutor.

3.3 Central American regional conference on the independence of the judiciary



On 20 and 21 May 2014, the ICJ and the Central American Federation of Democratic Associations of Judges (FCAJD) organized the Second Regional Conference on Independence of the Judiciary in San Salvador, with the participation of 35 judges from Central America.

This conference analysed issues such as judicial ethics as an essential element of judicial independence, the fight against organized crime and corruption as an obstacle to judicial independence. It also provided opportunities to reflect on the structures of Central American legal systems. As a result of this conference, the FCAJD was able to coordinate joint positions and drew up a common set of principles, which will act as important reference points in the coming years.

3.4 International condemnation of Bolivian government's attacks on independence of judges

On October 16, the ICJ sent an open letter and legal brief to the Bolivian legislature, condemning the decision of Bolivia's Senate to put on trial three members of the Constitutional Court over a disagreement with a legal ruling.

The brief published by the ICJ concludes that the suspension and proceedings against the three judges violate Bolivia's international legal obligations under the American Convention on Human Rights and the International Covenant on Civil and Political Rights. The brief also cites judgments of the Inter-American Court of Human Rights concerning violations of the American Convention as a result of defective parliamentary proceedings for removal of judges in other countries. The brief recommended the proceedings against the three judges be cancelled and that there be a longer-term reform of judicial accountability in Bolivia.

In December, the government and legislature responded partially to the ICJ's legal brief, passing last-minute reforms to make the legislative assembly proceedings disciplinary in character rather than criminal.

However, the Senate eventually proceeded with a "trial", removed one of the judges from office, and suspended the proceedings against another one for health reasons. The third judge resigned, prior to the legislative proceedings. Because of supportive advocacy from the international community, particularly the ICJ, Judge Soraida Rosario Chanez Chire, now removed from office, has vowed to take her case to the Inter-American and UN human rights systems.

3.5 The ICJ supports independence of judiciary in Zimbabwe

In 2014, the ICJ consolidated its work in support of the justice sector in Zimbabwe. It organized a judicial exchange and learning programme, whereby 16 judges and Court Registry staff visited Australia, Japan, the Netherlands, Switzerland, Tanzania and Zambia. In September, the ICJ, jointly with the Chief Justice of Zimbabwe and the Commonwealth Magistrates and Judges Association, was able to facilitate the first participation of members of the Zimbabwean judiciary since 2002 at a Commonwealth magistrates and judges annual conference in Zambia.

3.6 Venezuela: legal system undermined by government interference and intimidation

In 2014, the ICJ published Strengthening the Rule of Law in Venezuela, a report in English and Spanish, based on the findings of a mission carried out in 2013, subsequent research and interviews, as well as findings and opinions gathered during workshops for legal professionals organized throughout the country in 2013.

The report documents the threats to the independence of the judiciary and legal profession in Venezuela. It exposes weaknesses in the country's judicial independence, which is seriously threatened by an inadequate legal and institutional framework and interference by the executive and legislature. The autonomy of public prosecutors is equally threatened. The legal profession meanwhile faces a hostile environment, including intrusion in cases concerning human rights and politically sensitive cases and in the elections of the bar associations, undermining their ability to safeguard the independence of lawyers. The report documents numerous cases of intimidation and arbitrary suspension.

The ICJ has worked on this issue, including the high-profile case of Judge Maria Lourdes Afiuni Mora, who was arrested in 2009 for ending a detention that the UN Working Group on Arbitrary Detention had considered unlawful. She was subjected to torture, arbitrary detention and protracted criminal proceedings.

The ICJ, jointly with the International Bar Association, also made a submission to the Human Rights Committee, on the situation of judges and lawyers in Venezuela highlighting the cases of Judge Afiuni and her lawyer José Amalio Graterol. The Committee took onboard the key points from the submission and requested answers from the government about the two individual cases.

The ICJ also published a country profile on the situation of judges, lawyers and prosecutors in Venezuela.

3.7 Swaziland: prison sentences for a human rights lawyer and journalist

The ICJ has condemned the persecution by the Swazi government of Thulani Maseko, a human rights lawyer and Bheki Makhubu, a journalist. Both have been imprisoned for exercising their right to freedom of expression and Thulani for acting in his professional capacity as a lawyer.

They were charged with two counts of contempt of court as a result of articles published in February and March 2014, in which they questioned circumstances surrounding the arrest of a government vehicle inspector.

They were sentenced to two years of imprisonment, without the alternative option of a fine after a trial condemned by the ICJ as not complying with international standards on the right to a fair trial. The sentence was completely disproportionate in comparison to similar cases, which normally incur a sentence from one to three months' imprisonment with the option to pay a fine.

The imposition of such a harsh penalty sent a chilling message to the effect that freedom of expression does not exist in Swaziland. In future, it will be much harder for Swazi citizens to criticize judges for any act of misconduct or abuse of power for fear of receiving lengthy prison sentences.

The ICJ has called for the two men's immediate release and recommended that the Swazi authorities review the law governing contempt of court to bring it into line with international standards. The ICJ is also providing financial support for Thulani Maseko's legal fees while he appeals his sentence.

4 ICJ's Advocacy at the United Nations, on Global Security and the Rule of Law

In 2014, the ICJ maintained its high profile and reputation for legal expertise at the United Nations human rights bodies in Geneva. The ICJ experts were invited to make presentations for official UN panels and meetings on, among other topics: basic principles on arbitrary detention; legal aspects of armed drones; use of military courts to try civilians; business and human rights in the work of UN treaty bodies; ESC rights' aspects of enforced disappearance; and the responsibilities of local governments in relation to the right to housing.

The ICJ had a prominent role in successes at the Human Rights Council. The ICJ report on Needs and Options for a New International Instrument in the Field of Business and Human Rights, published in June, and subsequent advocacy at the Human Rights Council were instrumental in the decision by the Council to initiate a new treaty-making process on an international legally binding instrument on business and human rights. The ICJ advocacy at the Human Rights Council was also successful in achieving outcomes to protect against

violence and discrimination on grounds of sexual orientation and gender identity. The ICJ made written submissions, appeared in hearings and helped represent victims, on individual cases and country situations, including before the Human Rights Committee, Committee against Torture, Committee on Economic, Social and Cultural Rights, Committee on the Rights of the Child, the Working Group on Enforced and Involuntary Disappearances and the Working Group on Arbitrary Detentions.

4.1 The ICJ calls for establishment of principles and guidelines on use of armed drones

In March 2014, in a statement given to the Special Rapporteur on Human Rights while Countering Terrorism, Ben Emmerson, the ICJ urged the Human Rights Council to establish principles and guidelines on the use of armed drones framed from the perspective of international law. It emphasized that national security considerations cannot be considered as grounds to prevent accountability for human rights violations.

On 22 September, the ICJ also submitted an open letter to the Human Rights Council, together with several other international organizations, prior to the Council's Panel held in Geneva on the application of international law to the use of armed drones. The letter urged UN Member States to comply with international law and provide effective investigation, tracking and response to civilian harm. The ICJ was an expert member of this Panel. The ICJ emphasized that international human rights law remains applicable to all situations in which drones are used, whether or not in the context of an armed conflict. The ICJ argued that States using armed drones have an obligation to undertake prompt, independent and effective investigations, to ensure criminal accountability and to provide effective remedies and reparation to victims of human rights violations resulting from the use of drones.

4.2 Russian Federation: the ICJ Report on Constitutional Court proceedings and judgment on the "Foreign Agent" amendments to NGO law

Amendments to the Russian Federation NGO Law introduced in 2012 require Russian NGOs that receive foreign funding and engage in "political activity" to register as "foreign agents". During 2013 and 2014, as the amendments began to be enforced against NGOs, the ICJ examined the compliance of the "foreign agents" regime with international human rights obligations of the Russian Federation and monitored its application in the courts.

In January, the ICJ issued a legal opinion on the NGO law, which concluded that the amendments impose excessive and illegitimate restrictions on rights to freedom of association and expression, contrary to the Russian Federation's international human rights law obligations. A key concern was that the term "foreign agent" was so broadly defined that its application was not foreseeable and was likely to be arbitrary. The ICJ's legal opinion was submitted to the Constitutional Court, in proceedings brought by the Russian Ombudsman challenging the constitutionality of the "Foreign Agent"



Amendments. The ICJ observed the proceedings. The decision of the Court, which upheld the constitutionality of most of the measures, was analysed in an ICJ report published in September 2014.

The situation of NGOs in Russia worsened throughout 2014, as many were registered as “foreign agents” or faced closure. The ICJ observers were present at a number of hearings in proceedings to determine whether an NGO should be considered a “foreign agent”. The observations aimed to document procedural irregularities and other human rights concerns arising in these cases, with a view to informing future legal challenges to the law.

4.3 Arab Court of Human Rights: an empty gesture

In a press release issued on 9 September, the ICJ dismissed the adoption by the Ministerial Council of the League of Arab States (LAS) of the Statute of the Arab Court of Human Rights as an empty gesture that will do nothing for the victims of human rights violations in the Middle East and North Africa Region (MENA).

The ICJ and 17 other leading national and international human rights organizations sent a letter to the LAS Ministers of Foreign Affairs urging them to reconsider the adoption of the flawed Statute. Requests by the ICJ and other organizations to address their concerns in direct meetings with State representatives of the LAS and high-level officials went unanswered.

From the outset, the process of elaborating the Statute was unclear and the identity of members of the drafting Committee and its methods were not made public.

The Statute, as adopted, restricts access to the Arab Court to States and State-approved NGOs only, rather than to the actual victims of violations, hence relying on States to bring actions against other States. However, States can be dissuaded by political considerations to act on behalf of victims from other States.

4.4 Egypt: flawed Constitution

In January, the ICJ issued a detailed analysis of the draft Egyptian Constitution, adopted following a referendum that took place within a context of fear and intimidation. The ICJ called on the elected House of Representatives to remedy the deficiencies in the Constitution, which contravene basic principles of participation, representation and transparency. The Constitution continues to shield the Armed Forces from accountability and civilian oversight, allows for the jurisdiction of military courts to try civilians, and provides few guarantees for judicial independence. In addition, numerous rights are subject to regulation of the law, which can effectively undermine these rights.

4.5 The ICJ convened ASEAN Regional Judicial Dialogue

On 6 and 7 November in Manila, the Philippines, the ICJ convened a regional dialogue of ASEAN judges and representatives from judicial training institutions to discuss recent developments in international



human rights law on the right to life. The meeting brought together former and current Supreme Court Judges from Brunei, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines and Thailand.

The dialogue was a first opportunity at regional level for judges to examine decisions from other countries in the ASEAN region related to human rights, with a focus on extrajudicial executions, deaths while in custody and enforced disappearances. As the ten ASEAN countries are committed to greater economic integration by 2015, it is vital that at the same time, the judiciary can contribute towards the development of an effective regional framework for the promotion and protection of human rights.

4.6 Thailand: the ICJ worked to strengthen rule of law and access to justice

In May 2014, Thailand suffered another coup, the twelfth since 1932. Under the name of the National Council for Peace and Order (NCPO), the military declared martial law, dissolved the caretaker government and replaced the 2007 Thai Constitution with an interim Constitution that gives the head of the new council absolute power to issue any order deemed necessary to “restore order” in Thailand. The NCPO has issued more than 200 orders and declarations imposing a nationwide curfew, banning political gatherings, limiting media freedom, summoning individuals to military camps and ordering the prosecution of civilians in military courts for certain offences, including for violating the NCPO’s orders.

By the end of August, at least 571 persons had been summoned to military camps, mostly in Bangkok, and the north and northeast of Thailand; 265 individuals had been arrested, and over 60 civilians were subject to military court proceedings.

The ICJ has criticized the interim Constitution for containing many provisions that violate Thailand’s international human rights obligations. The ICJ has also worked with the United Nations and international groups to monitor and document Thailand’s human rights situation.

Since the coup, the ICJ and its partners have also observed military court proceedings in Bangkok, Chiang Rai and Khon Kaen. The ICJ and Thai human rights lawyers have serious concerns about the use of military courts to try civilians, as international law prescribes they are not competent and their use should be restricted to military personnel accused of committing military crimes. Further, these proceedings are likely to violate fair trial standards including the right of appeal, which is not provided for under Thailand’s martial law. The ICJ and its partners are also concerned about the increase of prosecutions for lèse-majesté offences since the coup, in both military and civilian courts.





**The ICJ-European
Institutions Office**

The ICJ-European Institutions Office

The ICJ's work with the institutions of the EU increased in 2014, following the establishment of the ICJ-European Institutions Brussels office the previous year. The ICJ-European Institutions is a non-profit organization established in Belgium in 2012, which shares the mission and vision of the ICJ to promote human rights through the rule of law. While independent of the ICJ, it is closely linked and co-operates with the ICJ and its partner organizations in the promotion and protection of human rights and the rule of law around the world.

In 2014, the ICJ-European Institutions moved to new premises in Brussels and developed its links with EU institutions. Key issues addressed at the EU level in 2014 included proposed EU Directives on the procedural rights of children in the criminal justice system and on legal aid. The ICJ, with the Dutch section of the ICJ (NJCM) and JUSTICE, produced detailed legal analysis of these instruments and advocated for amendments. The ICJ-European Institutions and the ICJ closely followed the process for EU accession to the European Convention on Human Rights. In December, following the Opinion of the Court of Justice of the EU, which found that the Accession Agreement was incompatible with the EU treaties, the ICJ issued a statement regretting this setback for human rights protection in Europe, and stressing that any new negotiations for accession must ensure access to justice and an effective remedy for individuals in relation to the acts and omissions of the EU.



Communications

Communications

During 2014, the ICJ has continued to increase its presence in media outlets around the world, with significantly more hits in 2014 than in the previous year – and in social media, with a steady increase in the number of tweets and followers on Twitter. There have also been more visitors to the ICJ website.

The ICJ website, especially its homepage, was redesigned, with a new user-friendly menu and improved news features slide. It now benefits from a modern look, which is functional, easy to use and visually attractive.

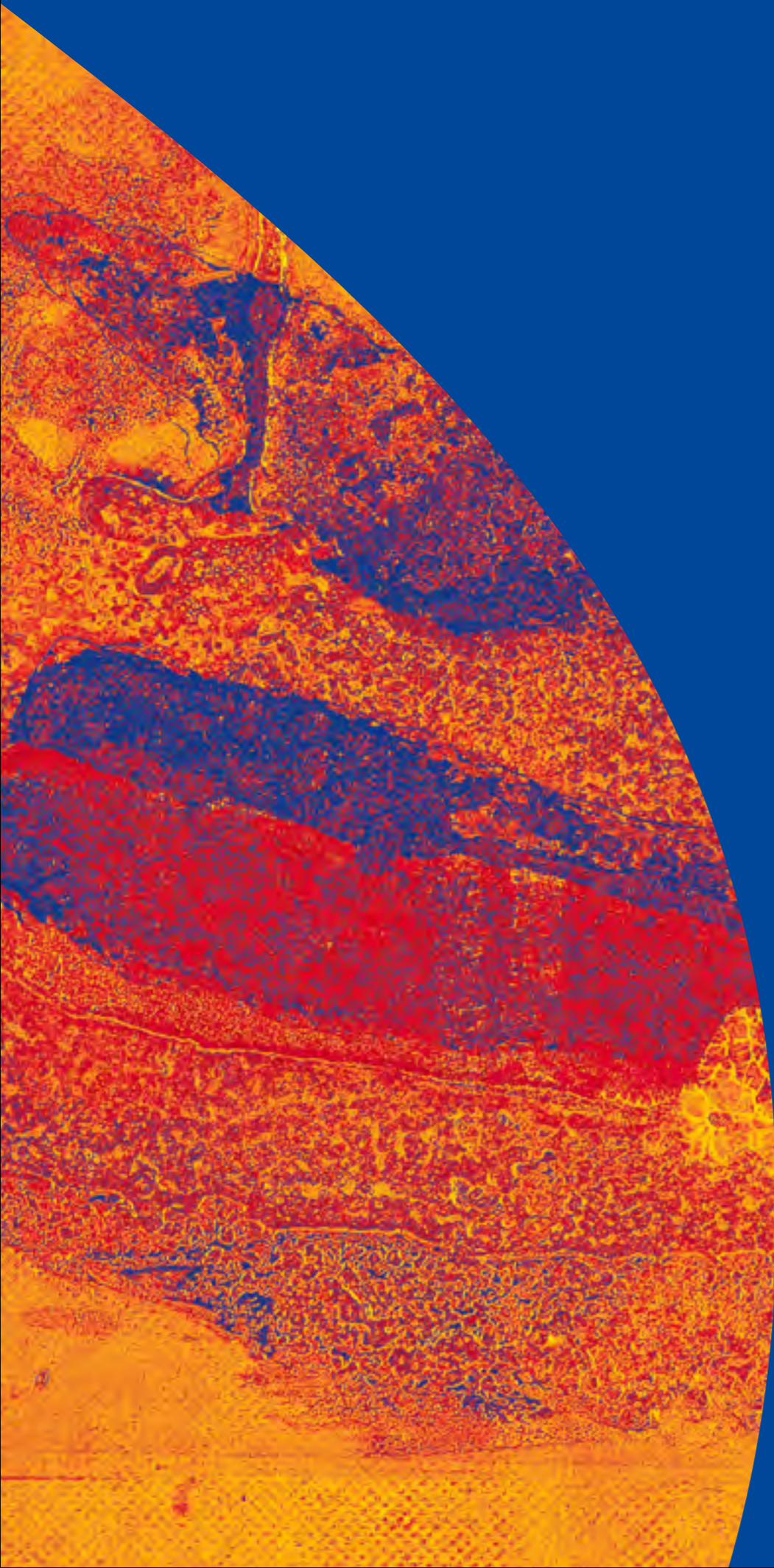
On 5 June, the ICJ launched the report *Fortaleciendo el estado de derecho en Venezuela* and its Executive Summary in English *Strengthening the Rule of Law in Venezuela* at a media briefing organized by the UN press service in Geneva. The ICJ Secretary General Wilder Tayler, former ICJ President Pedro Nikken and the ICJ Commissioner Carlos Ayala led a high-level discussion with the journalists. The event generated record press coverage, including articles by all the major international agencies (Reuters, AP, AFP, EFE, etc).

In September, the ICJ signed a five-year contract with HeinOnline, a subscription database now in over 3,200 locations in more than 175 countries. With more than 100 million pages of legal history available in an online, fully searchable, image-based format, it is the world's largest image-based legal research collection and contains more than 900 years of legal history.

This unique partnership will also be used to promote all ICJ publications in English (reports, practitioners' guides, bulletins and journals) on HeinOnline libraries.

In the medium term, the ICJ is aiming to improve and increase its multimedia resources. During 2014, as a first initiative, the ICJ Media and Communications Unit partnered with True Heroes Films, to produce a series of video interviews and other visual materials at the Women Lawyers and Human Rights Defenders Colloquium held in July in Zimbabwe, as well as at the Geneva Forum on Economic, Social and Cultural Rights, held in December.

Financial Report



Financial Report

The ICJ 2014 financial statements were prepared in accordance with the Swiss generally accepted accounting principles (Swiss GAAP RPC) and have been audited by the accounting firm Berney & Associates. A copy of the full financial report may be obtained from the ICJ Head Office.

Activities implemented during 2014 resulted in the same level of expenditure as in 2013 with a total operating expenditure of 8.53 million Swiss francs.

The year ended with a small negative result, primarily due to exchange rate fluctuations. This loss could have been absorbed by the organization's reserve funds.

At the end of year 2014, the value of all contractual commitments for the coming years is 9.9 million Swiss francs, out of which 8.73 million Swiss francs refer to year 2015.

Balance sheet as at 31 December 2014

(with comparative figures for 2013, in Swiss francs)

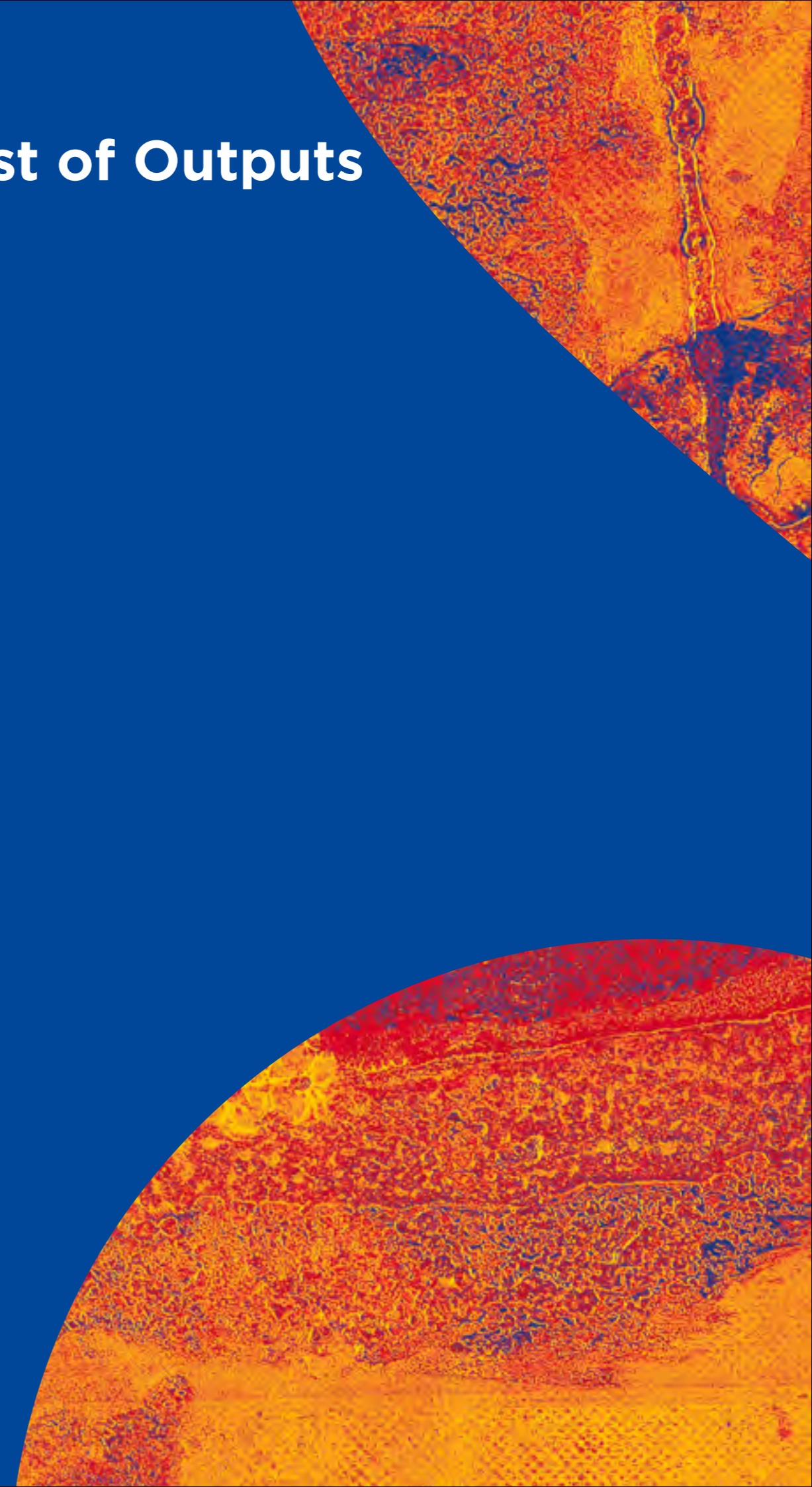
	2014	2013
Assets		
Current assets		
Cash & cash equivalents	3 157 828	1 758 575
Grants receivable	8 736 567	9 444 942
Other current assets	92 331	117 350
ICJ European Institutions' current account	111 360	138 473
Total current assets	12 098 086	11 459 340
Non-current assets		
Grants receivable (long term)	1 172 825	1 678 260
Tangible and intangible assets	197 258	237 508
Financial assets	67 128	65 336
Total non-current assets	1 437 211	1 981 104
Total assets	13 535 297	13 440 444
Liabilities		
Short-term liabilities		
Bank overdrafts	1 095 239	-
Operating liabilities	847 235	1 185 347
Other current liabilities	51 355	107 706
Contributions received in advance	1 561	500 671
Lease liabilities	15 980	19 910
Financial commitments	2 139 274	3 488 769
Total current liabilities	4 150 644	5 302 403
Long-term liabilities		
Lease liabilities	18 250	30 425
Total long-term liabilities	18 250	30 425
Restricted funds		
Funds restricted to projects	8 882 614	7 546 042
Total restricted funds	8 882 614	7 546 042
Capital of the organization		
General reserves	561 574	422 222
(Loss)/Income for the year	(77 785)	139 352
Total capital of the organization	483 789	561 574
Total liabilities & funds	13 535 297	13 440 444

Statement of financial performance for the year ended 31 December 2014

(with comparative figures for 2013, in Swiss Francs)

	2014	2013
Income		
Contributions for projects	7 453 652	8 084 325
Contributions for the commission	2 430 009	1 466 845
Total income	9 883 661	9 551 170
Operating expenditure		
Staff	4 679 525	4 689 961
Meeting & travel costs	1 589 368	1 582 641
Consultancy fees	1 266 287	1 110 369
Publication and promotion costs	106 112	213 030
Communication costs	89 668	102 431
Office premises	541 313	669 027
Other administrative expenditures	161 412	147 470
Depreciation	103 092	107 159
Total operating expenditure	8 536 776	8 622 088
Operating result	1 346 886	929 082
Non-operating result, net	11 342	128 977
Financial (expenses)/income, net	(99 440)	8 423
Intermediate result before change in funds	1 258 787	1 066 482
Attribution to restricted funds	(7 453 652)	(8 084 325)
Use of restricted funds	6 117 080	7 157 195
Change in restricted funds	(1 336 572)	(927 130)
Result for the financial year	(77 785)	139 352

List of Outputs



List of Outputs

The following selected list of outputs intends to show the variety of actions implemented in 2014 by the ICJ. The list is not exhaustive and represents different methodologies

Africa

Advocacy interventions

3 April	Letter to President of Sudan on arrest and detention of three lawyers
4-9 May	Judicial exchange visit of female judges to the International Association of Women Judges 12th Biennial Conference in Tanzania
3-7 June	Judicial exchange visit of Zimbabwean judge in Netherlands
6 July-1 August	Support for the strengthening of the administrative component of the Judicial Service Commission (JSC) secretariat in Tanzania
9 July	Letter to Zimbabwe Minister of Justice concerning improper transfer of farms to particular members of the judiciary
23-31 August	Judicial exchange visit of the deputy secretary of the Zimbabwe JSC and the Registrars of the High Court and Supreme Court to Australia
18-21 November	Fact-finding mission to Zambia to examine the legal, policy and operational environment of NGOs in Zambia

Capacity Building

27 March	Conference on the strategies for enhancing the protection of human rights and human rights defenders (HRDs) in South Africa
4 April	First symposium for judges of Zimbabwe
22-23 April	Validation workshop to assist Swazi NGOs compile a comprehensive alternative Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) report for Swaziland
13 June	Training workshop for assistant registrars of the superior courts in Zimbabwe
21-22 June	Workshop in partnership with the Zimbabwe Law Officers' Association for women law officers working for the state in Zimbabwe
30-31 July	Colloquium for women lawyers, HRDs and judges in partnership with the Southern African Development Community (SADC), Zimbabwe Lawyers for Human Rights and Zimbabwe Women Lawyers' Association in Zimbabwe
18-29 September	Regional symposium on fair trials in partnership with the Southern Africa Chief Justices Forum and African Judges and Jurists Forum in South Africa
24-26 September	Training of lawyers to prepare for judicial positions in the superior courts of Zimbabwe
13-14 November	National Women's Conference in partnership with the Zimbabwe Women Lawyers' Association in Zimbabwe

Legal submissions

March-July	Trial observation of the trial in the case of HRD, Thulani Maseko, and journalist, Bheki Makhubu
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UN Interventions

15 June	Submission to the Universal Periodic Review on Lesotho
25 June	Oral statement to the Human Rights Council on the lack of domestic judicial capacity in South Sudan
9 October	Submission of information to the CESCR for the periodic report of Uganda

Asia-Pacific

Advocacy interventions

27 January	Open letter to Prime Minister of Brunei Darussalam to condemn the adoption of provisions of the Penal Code
6 February	Open letter to Thai government to call for the continued investigation of the enforced disappearance of lawyer Somchai Neelapaijit
25 February	Analysis brief on the attacks of the judiciary and legal profession in Sri Lanka
3 March	Letter to President and relevant ministers of Nauru to re-establish protection of the rule of law
12-15 May	Mission to Dawei special economic zone to gather testimony concerning land rights violations in Myanmar
8-14 June	Mission with other CSOs and embassy representatives to the Northeast of Thailand to assess the human rights situation in this region following the coup
August-September	Five regional level consultation meetings in collaboration with the Nepal Bar Association to identify the problematic provisions of the TRC Act
August-November	Three public awareness events in collaboration with the International Center for Transitional Justice (ICTJ) and with Conflict Victims' Society for Justice
12 September	Joint open letter to President Joko Widodo calling on the Indonesian government to address issues of impunity for HRDs
11 November	National consultation meeting in collaboration with the Nepal Bar Association on the Truth and Reconciliation Act
16 November	Public awareness event with South Asians for Human Rights on impunity in Nepal

Capacity Building

11 February	Seminar on the role of judicial independence and integrity in improving the effectiveness of the rule of law in Myanmar
18-22 February	Workshop co-organized with the Human Rights Commission of Pakistan (HRCP) on NGO engagement with the United Nations in Pakistan
8 April	Regional workshop for ASEAN lawyers on the promotion and protection of the rights of HRDs
20 April	Legal seminar on the Optional Protocol to the CEDAW in Thailand
29 July	Workshop on bilateral investment treaties and the role of CSOs in Myanmar
2-3 August	Workshop on monitoring and documenting human rights violations in collaboration with Thai Lawyers for Human Rights in Thailand
24-26 September	Workshop on fair trial standards and trial monitoring for Vietnamese lawyers in the Philippines
15-16 October	Regional dialogue for judicial training institutions on good practices in promoting women's human rights compliant justice delivery in Thailand
6-7 November	Judicial dialogue on deciding cases involving human rights violations in the ASEAN in the Philippines
23 November	Workshop on the Universal Periodic Review mechanism of the Human Rights Council in Pakistan
12 December	Seminar in collaboration with the Nepal Bar Association on the right to remedy and reparation in Nepal

Legal submissions

12-17 January	Observation of the preliminary investigation carried out against opposition leaders in Cambodia
13 February	Trial observation of Malaysian opposition leader Anwar Ibrahim on sodomy charges
6 May	Two trial observations of 25 workers and human rights activists linked to garment factory worker protests at the Phnom Penh Municipal Court in Cambodia
21 May	Trial monitoring in the case of Somchai Neelapaijit at the Supreme Court of Thailand
17 July	Trial monitoring of the habeas corpus hearing of Pholachi "Billy" Rakchongcharoen at the Petchaburi Provincial Court in Thailand

4 August	Observation of military court hearings of civilians in Chiang Rai and Khon Khaen in Thailand
6 August	Amicus curiae in the case of Haseng Useng on the prohibition against torture and the right to a remedy in Thailand
7 August	Trial observation of the trial of Nuon Chea and Khieu Samphan for crimes against humanity at the Extraordinary Chambers in the Courts of Cambodia
30 August	Joint amicus curiae opinion to the Constitutional Court of Korea on the right to conscientious objection to military service
UN interventions	
14 February	Alternative report to the Human Rights Committee on Nepal's periodic reports under ICCPR
18 February	Written statement to the Human Rights Council on the violations of the right to counsel of Viet Nam HRD Le Quoc Quan
17 March	Oral statement at the Human Rights Council on the need for fundamental reform of the legal system in Myanmar
1 April	Alternative report to the Human Rights Committee on Indonesia's initial report under the ICESCR
29 April	Submission to the CAT Committee focusing on the emergency laws in the deep South and gender based violence in Thailand
15 June	Submission to the Universal Periodic Review on Lao PDR
16 September	Oral statement at the Human Rights Council on Thailand's treatment of cases of enforced disappearances
3 October	Written submission to the CEDAW of the examination of the periodic reports of Brunei Darussalam
4 November	Submission to the CESCR for the examination of Nepal's periodic report
Europe	
Advocacy Interventions	
22 January	Legal opinion on the Russian Federation amendments to the NGO law on foreign agents violating rights to freedom of association and expression
17 February	Statement expressing concern at a ruling of the Italian Constitutional Court which denies full accountability of Italian officials in the Abu Omar case
21 February	Joint public statement calling on Spanish lawmakers not to close the door on justice for the most serious crimes committed during the Spanish civil war and Franco regime
26-29 May	Mission to the Russian Federation on the Russian system of judicial appointments and promotions and its consequences for independence of the judiciary
2-6 June	Mission to Italy on assessing compliance with international standards of judicial remedies for situations of detention and expulsion of undocumented migrants in Italy
27 June	Letter to the Cypriot government asking for information about a group of Iranian failed asylum seekers allegedly detained by the authorities
6 November	Letter to the President of the Republican Collegium of Lawyers of Kazakhstan to follow the Astana Collegium's decision to discontinue disciplinary proceedings against lawyer Beysekeyev
15-19 November	Research visit to Tajikistan regarding harassment and arrest of lawyers
19 November	Submission of a legal analysis to the working group currently developing the Charter and Code of Ethics of the newly established Bar Association in Kyrgyzstan
Capacity Building	
15 September	Conference, in collaboration with the Greek Council for Refugees, on administrative detention of migrants and asylum-seekers

3 November	Training, in co-operation with the NGO Grupa 484 and the OSCE, on migration and international human rights law in Serbia
Legal submissions	
2 April	Trial observation of the Supreme Court appeal proceedings to disbar Polina Zhukova in Kazakhstan
6 March	Trial observation of the Constitutional Court of the Russian Federation in a case of four human rights NGOs
6 April	Trial observation in the case of the human rights organization "Women of Don" designated as a foreign agent in Russia
7 April	Legal analysis in the case against a human rights NGO ADC Memorial before the St. Petersburg City Court in Russia
16 April	Trial observation in the case of designation as a foreign agent of an LGBT human rights organisation Vykhod in Russia
22 May	ICJ and European Council of Refugees and Exiles (ECRE) third joint submission on the new asylum service, appeals system and the situation of detention of asylum seekers in Greece to the Committee of Ministers of the Council of Europe
30 June	ICJ, JUSTICE, Amnesty International and REDRESS third party intervention with the Court of Appeal in the case Abdul-Hakim Belhaj and Other v. Jack Straw and Others
10 October	Joint written observations to the Grand Chamber of the European Court of Human Rights in the case of F.G. v. Sweden
17 November	ICJ and International Lesbian, Gay, Bisexual, Trans and Intersex Association – Europe (ILGA-Europe) joint written submissions with the European Court of Human Rights in the case of Milica Dordevic and others v. Serbia
19 December	Expert opinion on the international law applicable to administrative detention of non-citizens before the Constitutional Court of Bosnia and Herzegovina in the appeal related to Mr. Imad Al-Husin
UN interventions	
28 January	Legal submission to the CEDAW related to gender-based violence and gender-discrimination in advance of the examination of Kazakhstan's periodic reports
14 March	Submission to the Universal Periodic Review of Kazakhstan
22 April	Submission of information to the UN Special Rapporteur on Judges and Lawyers about lawyer Fakhridin Zokirov arrested in Tajikistan
16 June	Oral statement to the Human Rights Council on the independence of the judiciary in the Russian Federation
20 September	Submission to the Human Rights Committee on Malta
Middle East and North Africa	
Advocacy interventions	
20 March	Missions to Egypt and Morocco to advocate for reforms to the Arab Court of Human Rights
26 March	Two research missions to Egypt on trials of human rights activists
6-10 May	Field research mission to Morocco in the Tangier free zone
11-16 May	High-level mission to Tunisia on the reform of the judiciary
2 September	Open letter to the Ministers of Foreign Affairs of the member States of the League of Arab States on the adoption of the draft Statute of the Arab Court of Human Rights
10 September	Advocacy mission to Egypt on the reform of the draft Statute of the proposed Arab Court of Human Rights
17-26 November	Fact finding mission to Tunisia on the law and practice of right to remedy and to reparation

	Capacity Building
16-18 May	Joint-conference examining proposed legislative reforms to the Moroccan judicial system in light of international law and standards
23 June	Round table with Moroccan NGOs, judges and other stakeholders on access to justice for social and economic rights
	UN interventions
14 March	Legal submission to the Universal Periodic Review on Egypt
18 March	Submission to the Human Rights Council on the referral of the situation in Syria to the International Criminal Court
27 March	Oral statement to the Human Rights Council on the Universal Periodic Review outcome for Israel
17 June	Oral statement to the Human Rights Council condemning the Security Council members that voted for referral of the situation in Syria to the International Criminal Court
24 July	Oral statement to the Human Rights Council's special session on the human rights situation in the Occupied Palestine Territory
29 August	Joint open letter to urge the Human Rights Council to address the human rights situation in Egypt
14 October	Joint open letter to the Human Rights Council calling for accountability for grave and widespread human rights violations in Libya
22 October	Joint open letter to the Human Rights Council on the deteriorating human rights situation in Egypt
	Global
	Advocacy interventions
14 March	Joint submission to the Council of Europe Steering Committee for Human Rights (CDDH) on an indicative list of issues for a non-binding instrument on Business and Human Rights
18 June	Launch of five country profiles on independence of judges, prosecutors and lawyers on the ICJ's website
15-19 July	Advocacy mission associated with report on Venezuela
23 July	Legal opinion on the independence of the judiciary and the integrity of the Chief Justice of Canada
1 September	Letter to President Xi Jinping on detention and suspension of licence of several human rights lawyers in China
16 October	Open letter and analysis brief to the members of the Bolivian legislature to condemn the trial of Constitutional Court judges
18 October	Publication of a webpage, compiling links to all global and regional standards on the independence of judges, lawyers and prosecutors
4-5 December	Geneva Forum of Judges and Lawyers on judicial enforcement of economic, social and cultural rights in Geneva
	Capacity Building
24 February	Expert seminar on the right to privacy in the digital age in Geneva
14-15 April	Training seminar organised by Irish Family Planning Association (IFPA) and International Planned Parenthood Federation (IPPF) on the use of UN mechanisms in the area of sexual and reproductive health in Ireland
14 June	International seminar on the rights of the child, the business sector and the international legal framework in Geneva
27 June	Roundtable on asylum claims based on sexual orientation, gender identity or expression in Belgium
3 October	Roundtable on asylum claims based on sexual orientation, gender identity or expression in United Kingdom

	Legal submissions
9 May	Third party intervention before the European Court of Human Rights (ECtHR) in the case of Sabalic v. Croatia
10 June	Legal opinion in the Gonzalez v. Spain case before CEDAW
24 June	Legal advice to the Center of Reproductive Rights in Whelan v. Ireland case
15 July	Legal advice in the case Medvedeva v. Russia before CEDAW
10 August	Application and supporting affidavit before the Australian Court of Appeal in the case of CYC Camps and Rowe v. Cobaw
14 September	Watching brief in the case of John Doe I, II and III v. Nestlé Ors before the US Court of Appeals for the Ninth Circuit
20 October	Joint amicus curiae submission before the Constitutional Court in the Proceedings on the Motion of the President of the Slovak Republic
24 October	Amicus curiae submission before the High Court in Dublin in the case of Foy v. An T-Ard Chláraitheoir, the Minister for Social Protection and the Attorney General
13 November	Trial observation of appeal in the case of Judge Miroslava Todorova, Bulgaria
	UN interventions
10 January	Submission to the Committee on the Rights of the Child (CRC) on Germany
20 January	Submission to the CRC of an alternative report of the Russian Federation
20 February	Joint NGO statement on the draft resolution of the UN General Assembly on strengthening the effective functioning of the human rights treaty body system
12 March	Oral statement to the Special Rapporteur on the protection of human rights while countering terrorism
26 March	Submission to CESCR on Indonesia
1 April	Submission to the UN Secretary-General on capital punishment in connection with real or purported engagement in consensual sexual relations
19 May	Written submission to CESCR on access to justice for social rights in El Salvador
22 May	Submission to the CRC on Colombia
11 June	Joint statement to the Human Rights Council on freedoms of association and of assembly
13 June	Submission of information to the Human Rights Committee related to access to safe and legal abortion in Ireland
16 June	Oral statement to the Human Rights Council concerning arbitrary detention and unfair trial of lawyer Thulani Maseko in Swaziland
16 June	Oral statement to the Human Rights Council concerning reprisals against Judge Maria Lourdes Afiuni in Venezuela
1 July	Joint letter to High Commissioner for Human Rights on the formation of and discussions on protection of the family and its members
3 September	Submission to the CRC for the examination of the Netherlands
11 September	Civil society statement to the Human Rights Council on privacy in the digital age
17 September	Joint NGO open letter to the Human Rights Council on targeted killings and the use of armed drones
22 September	Presentation as civil society member of the Human Rights Council on the application of international law in counter-terrorism operations
12 October	Joint NGO letter to governments following the adoption of the SOGI resolution at the Human Rights Council
21 October	Joint submission to CAT on United States of America
14 November	Joint NGO letter to diplomatic representations to the UN in New York to ensure retention of reference to LGBT individuals in the General Assembly's resolution on extra-judicial killings

Publications

Appointing the Judges: Procedures for Selection of Judges in the Russian Federation

The report concludes that a comprehensive reform of the system of judicial appointments and promotions, as well as other aspects of the judicial system, is essential to ensure that the judiciary in Russia is independent.

Business and Human Rights Violations in Guatemala: A Challenge for Justice

The report (in Spanish) analyses Guatemala's legal and judicial system in relation to the obligations and responsibilities of business enterprises.

Egypt – Upholding the Rule of Law and Human Rights Following the Ouster of President Morsi

The ICJ details how the process of adopting a new Constitution in Egypt contravenes basic principles of inclusive participation, representation and transparency.

Financial Institutions and the Rights of the Child – An Overview of Policies and Accountability Mechanisms

The report provides an overview of the policies and accountability mechanisms of several financial and development institutions with a view to examining the extent to which they incorporate children's rights.

Impact of Special Economic Regimes on Social Rights in Morocco

The report (in French) is the outcome of a project carried out in Morocco that aims at identifying and illustrating the impact on ESCR of policies and laws that introduce and extend special economic zones and regimes.

Justice Denied: the 2014 Commission on Investigation of Disappeared Persons, Truth and Reconciliation Act

This briefing paper raises serious concerns over the recently enacted law in Nepal that aims to tackle "truth and reconciliation" as the country transitions from the 10-year armed conflict from 1996-2006.

Key concerns over three judicial reform draft laws in Cambodia

This paper highlights the ICJ's concerns regarding the three draft laws on judicial reform, which were recently approved by the Constitutional Council.

Missed Opportunities: Recommendations for Investigating the Disappearance of Sombath Somphone

This report notes that it is two years since Sombath Somphone's apparent enforced disappearance in 2012 but very little information about the progress of investigation has been released to the public or his family.

Needs and Options for a New International Instrument in the Field of Business and Human Rights

The report is the result of a consultation process and ICJ's internal discussions and research on the adoption of standards on business and human rights.

Practitioners' Guide no. 6 on Migration and International Human Rights Law – Updated Edition 2014

This Guide (English and Greek) analyses the protection afforded to migrants by international law and the means to implement it at national and international levels.

Practitioners' Guide no. 7 on International Law and Fight against Impunity

This Guide provides an overview of international law with particular reference to the crimes of enforced disappearance and extrajudicial execution, and the rights of victims' families.

Practitioners' Guide no. 8 on Economic, Social and Cultural Rights (ESCR)

This Guide aims at giving examples from a range of countries and jurisdictions of how courts and other bodies have addressed the adjudication of ESCR rights.

Protection of Pakistan Bill, 2014 – An Affront to Human Rights

This briefing paper analyses provisions of the Bill in light of Pakistan's international law obligations.

Russian Federation: Report on the Constitutional Court Proceedings and Judgment on the "Foreign Agent" Amendments to the NGO Law

The report analyses the hearing of the case before the Constitutional Court, in March 2014, which was observed by the ICJ.

Social Rights and Special Regimes for Export Promotion: The Case of the Agriculture for Export in Peru

The report presents the findings, conclusions and recommendations of an ICJ observation mission on social rights in agriculture for export in the Ica Valley (south of Lima).

Strategic Session for Enhanced Rapid Response Support Mechanisms for Human Rights Defenders in West, East and Southern Africa

The publication is the result of a strategic session that aimed at contributing to the establishment of a rapid response mechanism in the event of human rights abuses or a breakdown in the rule of law.

Strengthening the Rule of Law in Venezuela

The report analyses weaknesses and failures, including political interference, in the Venezuelan legal system that threaten the rule of law, democracy and human rights.

Ten Years Without Truth: Somchai Neelapaijit and Enforced Disappearances in Thailand

The report criticizes the Thai Government's failure to take the steps necessary to establish the fate and whereabouts of missing lawyer Somchai Neelapaijit, and illustrates the challenges of achieving justice in cases of serious human rights violations in Thailand.

The Independence and Accountability of the Tunisian Judicial System: Learning from the Past to Build a Better Future

This report examines the past and present Constitution, laws, institutions and practices governing the independence of the judiciary in Tunisia and analyses them in light of international and regional standards.

The Independence and the Separation of Powers in Honduras

This report calls for better guarantees for judicial independence and the separation of powers in Honduras.

Ukraine: conflict, disbarments and suspensions in the legal profession

The report raises concerns about the effect of recent reforms on the organization and effective functioning of the legal profession in the country.

"Undocumented" Justice for Migrants in Italy

The report examines the effectiveness of the Italian legal system in delivering access to justice for undocumented migrants, who challenge orders for their expulsion or administrative detention.

Case-law Collection on Migration and International Human Rights Law

This publication (in Greek) collects international jurisprudence and treaty law on the issues of expulsions, procedures, non-refoulement and administrative detention of migrants and asylum seekers.

Women and the Judiciary – Geneva Forum Series no. 1

The publication, no. 1 in the "Geneva Forum Series", brings together materials related to the 2013 Geneva Forum on women and the judiciary.

Women and the World's Judiciaries: Identifying Key Challenges and Opportunities

The briefing paper summarizes the discussions held during three colloquia on women in the judiciary in Arusha, Geneva and Tanzania.



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