

**United Nations Human Rights Council
30th Regular Session, 15 September to 2 October 2015
Agenda Item 3**

Oral Statement of International Commission of Jurists (ICJ)

in the General Debate on item 3

(1) ACCOUNTABILITY OF JUDGES IN SITUATIONS OF TRANSITION.

**(2) THE LINK BETWEEN ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND
ENFORCED OR INVOLUNTARY DISAPPEARANCES.**

17 September 2015

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The International Commission of Jurists (ICJ) welcomes the focus on judicial reform and accountability of judges in the report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.

The ICJ agrees that this issue has not received adequate attention. In the coming months the ICJ, with judges, lawyers and other experts from around the world, will be developing policy guidance on holding judges accountable for involvement in human rights violations, as well as judicial corruption and other misconduct, while respecting judicial independence.

The ICJ welcomes the initiative of the Working Group on Enforced or Involuntary Disappearances to address more systematically and comprehensively the relationship between disappearances and the realization (or lack thereof) of economic, social and cultural rights.

The impact of enforced disappearances on the rights to health, to social security or to education for instance, has been relatively well documented. However, more is needed to systematically document other aspects, such as the circumstances in which violations of economic, social and cultural rights may put individuals particularly at risk of disappearance or may lead to their cases being less rigorously pursued.

For example, the Working Group report refers to the disappearances of ESCR defenders Pholachi "Billy" Rakchongcharoen in Thailand and Sombath Somphone in Lao PDR. The ICJ has followed these cases closely, and in each has seen lack of progress towards truth or justice due to failures of the authorities to conduct investigations to international standards.¹

The ICJ also has seen how such cases can discourage others from advocating for respect for economic, social and cultural rights.

I thank you.

Delivered by:

Mr Laurens Hueting, ICJ Legal Adviser (Centre for Independence of Judges & Lawyers),
Laurens.Hueting@icj.org

¹ Among the latest developments are that, on 6 August 2015, Billy Rakchongcharoen's wife requested the Department of Special Investigations (DSI) of Thailand to open a special investigation into the case due to the lack of progress in the police investigation. To date, the DSI has not opened a special investigation. Regarding the case of Sombath Somphone, 11 September 2015 marks 1,000 days since he "disappeared". In June 2015 the Lao government stated to the Human Rights Council that it is "still thoroughly conducting" an investigation into Sombath's disappearance (A/HRC/29/7/Add.1, 23 June 2015, pp 7-8). However, it has not provided a substantive update on the progress of the investigation since June 2013.

Further contact:

Matt Pollard, ICJ Senior Legal Adviser (UN Programme & Centre for Independence of Judges & Lawyers), matt.pollard@icj.org

Sandra Ratjen, ICJ Senior Legal Advisor (Economic, Social and Cultural Rights),
sandra.ratjen@icj.org

Kingsley Abbott, ICJ International Legal Advisor for Southeast Asia, kingsley.abbott@icj.org