

International Commission of Jurists

Annual Report 2009

Protecting Human Rights and Advancing the Rule of Law



ICJ Commissioners and Honorary Members

President

Mrs. Mary ROBINSON, Ireland

Vice-Presidents

Justice John DOWD, Australia

Dr. Pedro NIKKEN, Venezuela

Executive Committee

Dr. Rajeev DHAVAN, India

Prof. Vojin DIMITRIJEVIC, Serbia

Justice Unity DOW, Botswana

Dr. Gustavo GALLÓN GIRALDO, Colombia

Mr Stellan GÄRDE, Sweden

Prof. Robert GOLDMAN, United States

Ms Karinna MOSKALENKO, Russia

Justice Michèle RIVET, Canada

Mr Raji SOURANI, Palestine

Other Commission Members

Mr. Muhannad AL-HASANI, Syria

Mr. Ghanim ALNAJJAR, Kuwait

Mr Raja AZIZ ADDRUSE, Malaysia

Prof. Abdullahi AN-NA'IM, Sudan

Justice Solomy BALUNGI BOSSA, Uganda

Mr. Abdelaziz BENZAKOUR, Morocco

Justice Ian BINNIE, Canada

Prof. Alexander BRÖSTL, Slovakia

Justice Arthur CHASKALSON, South Africa

Judge Moses CHINHENGO, Zimbabwe

Prof. Santiago CORCUERA, Mexico

Prof. Louise DOSWALD-BECK, Switzerland

Justice Hisham EL BASTAWISSI, Egypt

Prof. Paula ESCARAMEIA, Portugal

Justice Elisabeth EVATT, Australia

Prof. Jochen FROWEIN, Germany

Mr. Roberto GARRETÓN, Chile

Prof. Jenny E. GOLDSCHMIDT, Netherlands

Prof. Michelo HANSUNGULE, Zambia

Ms Asma JAHANGIR, Pakistan

Ms Imrana JALAL, Fiji

Prof. David KRETZMER, Israel

Prof. Kazimierz Maria LANKOSZ, Poland

Justice José Antonio MARTÍN PALLÍN, Spain

Mr. Charles MKANDAWIRE, Malawi

Mr Kathurima M'INOTI, Kenya

Justice Sanji MONAGENG, Botswana

Prof. Iulia MOTOC, Romania

Prof. Vitit MUNTARBHORN, Thailand

Prof. Manfred NOWAK, Austria

Dr. Jorge Eduardo PAN CRUZ, Uruguay

Prof. Andrei RICHTER, Russia

Sir Nigel RODLEY, United Kingdom

Mr Claes SANDGREN, Sweden

Mr. Belisario dos SANTOS JUNIOR, Brazil

Justice Philippe TEXIER, France

Prof. Daniel THÜRER, Switzerland

Prof. U. Oji UMOZURIKE, Nigeria

Prof. Vilenas VADAPALAS, Lithuania

Prof. Yozo YOKOTA, Japan

Justice E. Raúl ZAFFARONI, Argentina

Prof. Leila ZERROUGUI, Algeria

Honorary Members

Professor Georges Abi-Saab, Egypt

Justice P.N. Bhagwati, India

Dr. Boutros Boutros-Ghali, Egypt

Mr William J. Butler, USA

Prof. Antonio Cassese, Italy

Justice Marie-José Crespín, Senegal

Dato' Param Cumaraswamy, Malaysia

Dr. Dalmo A. de Abreu Dalari, Brazil

Prof. Alfredo Etcheberry, Chile

Mr Desmond Fernando, Sri Lanka

Lord William Goodhart, United Kingdom

Justice Lennart Grol, Sweden

Prof. Hans-Heinrich Jescheck, Germany

Mr Louis Joinet, France

Prof. P.J.G. Kapteyn, Netherlands

Justice Michael D. Kirby, AC, CMG, Australia

Prof. Kofi Kumado, Ghana

Prof. Jean Flavien Lalive, Switzerland

Justice Claire L'Heureux-Dubé, Canada

Dr. Rudolf Machacek, Austria

Prof. Daniel H. Marchand, France

Mr J.R.W.S. Mawala, Tanzania

Mr François-Xavier Mbouyom, Cameroon

Mr Fali S. Nariman, India

Sir Shridath S. Ramphal, Guyana

Mr Bertrand Ramcharan, Guyana

Dr. Joaquin Ruiz -Gimenez, Spain

Prof. Christian Tomuschat, Germany

Mr Michael A. Triantafylides, Cyprus

Prof. Theo Van Boven, Netherlands

Prof. Luzius Wildhaber, Switzerland

Dr. José Zalaquett, Chile

In memoriam



Early in 2010 the International Commission of Jurists learned of the death of our former Secretary General, Nicholas Howen, in Geneva. All of us at the ICJ were greatly saddened by his passing. Nick, who served as ICJ Secretary General from 2004-2009, had become seriously ill over the last two years, and after a hard fought battle, passed away on 26 January 2010.

Nick Howen was a passionate, life-long human rights advocate whose determination and steadfast commitment to human rights and the rule of law have been a source of inspiration and strength for many colleagues and friends at the ICJ and throughout the human rights movement. During decades of work for the advancement of human rights, including in

the positions of Head of the Legal Division at Amnesty International, Asia Pacific Representative of the High Commissioner for Human Rights, and Head of the DPKO Human Rights Division in Angola, Nick earned the deep respect and admiration of many. In December 2009, Nick was elected Commissioner of the ICJ. His election was emblematic of the high esteem in which he was held.

Nick believed strongly in the need to train the next generation of human rights lawyers. This is why, in honour of Nick, his family together with the ICJ have established a fund that will provide an opportunity for young jurists to build and develop their knowledge and experience in human rights and rule of law at the ICJ. Donations to this fund are welcome. Please visit the www.icj.org for further information.

Table of contents

FOREWORD	4
INTRODUCTION	5
ACKNOWLEDGEMENTS	6
ABOUT THE ICJ	7
WHO IS THE ICJ?	7
VISION AND MISSION	7
HOW THE ICJ WORKS	8
INTERNATIONAL LAW AND PROTECTION PROGRAMME	9
ECONOMIC, SOCIAL AND CULTURAL RIGHTS	10
GLOBAL SECURITY AND RULE OF LAW	11
INTERNATIONAL ECONOMIC RELATIONS	13
SEXUAL ORIENTATION AND GENDER IDENTITY	15
ICJ MANUAL ON TRIAL OBSERVATION AND TRAINING OF HUMAN RIGHTS DEFENDERS	17
THE UNITED NATIONS HUMAN RIGHTS SYSTEM	18
WOMEN'S HUMAN RIGHTS	22
CHILDREN'S RIGHTS	23
REGIONAL PROGRAMMES	24
AFRICA REGIONAL PROGRAMME	25
ASIA-PACIFIC REGIONAL PROGRAMME	27
EUROPE REGIONAL PROGRAMME	32
LATIN AMERICA REGIONAL PROGRAMME	34
MIDDLE EAST AND NORTH AFRICA REGIONAL PROGRAMME	36
ICJ SECRETARIAT STAFF MEMBERS AND INTERNS IN 2009	38
ICJ 2009 LEGAL AND ADVOCACY OUTPUTS	39
ICJ PUBLICATIONS IN 2009	48
FUNDING	49
FINANCIAL REPORT	51



Foreword

As a member of the ICJ for many years, first as Commissioner and now as President, I have witnessed its unwavering commitment to the protection and promotion of human rights through the rule of law. I am proud of the many accomplishments the ICJ has achieved over the years. These successes were made possible thanks to the activism and determination of the many lawyers, judges and prosecutors that have worked for or closely with the ICJ. In particular I would like to honour and celebrate Nicholas Howen, ICJ Secretary-General from 2004 to 2009.

Nicholas Howen's premature death is a loss for his family, a loss for the ICJ – both for his colleagues and for the entire network – and for all those that Nick knew and cared for. On a broader scale it is a loss for human rights advocates and for the victims of violations who Nick defended with passion and courage. In recent years Nick successfully raised the international profile of the ICJ, initiating new and ambitious areas of work, often at the cutting-edge of the human rights debate. He widened the scope of the ICJ's ambit yet always remained faithful to the ICJ mission. In honour of Nick and to help build the capacity of the next generation of human rights lawyers, his family and the ICJ have established a memorial fund, to provide opportunities for young jurists from the Global South to cultivate and develop their knowledge and abilities in the protection and promotion of human rights and the rule of law.

The ICJ believes it is worthwhile investing in a new generation of human rights jurists who will take up emerging and increasing challenges. For example, current counter-terrorism strategies at the international and national levels demand a re-evaluation in order to prevent permanent damage to the existing human rights framework. New challenges are also posed by the need for accountability of businesses that commit violations of human rights, and by increasing demands for the justiciability of economic, social and cultural rights.

At the ICJ we believe that these challenges can only be addressed through a rule of law framework that effectively protects the human rights of every individual and that societies can develop only through political and economic reforms implemented on a just and equitable basis. The rule of law provides for the existence and implementation of human rights, whether political, economic, civil, social or cultural rights. Protecting these rights shields people from abuse by both public and private actors and ensures them access to services.

Thanks to the commitment of jurists that share its values, the ICJ will continue working towards the realisation of its mission.

Mary Robinson
ICJ President



Introduction

2009 was a year of consolidation and transition for the ICJ. I accepted the position of Secretary-General at the end of the year and look forward to continuing the ICJ mission, advancing the rule of law and human rights. Together with the Commissioners, Honorary Members, staff, and the Network I have been saddened by the loss of a close friend and colleague, Nicholas Howen who died on 26th January 2010. Nick will be remembered as an outstanding human rights lawyer and the ICJ is proud to have had Nick as its Secretary General. His work and passion gave new life to the ICJ, laying the foundations of the successes of the ICJ today, many of which are presented throughout this report.

This annual report will present the year's major highlights of the ICJ's work, enhancing human rights standards and defending the rule of law. Many key events in 2009 have underscored the importance of the rule of law and human rights. These include: Israel's Operation Cast Lead in the Gaza strip; the suspension of Fiji's Constitution and dismissal of all judges by President Josefa Iloilo, and the role of Honduras' Supreme Court in the arrest and subsequent expulsion of President Manuel Zelaya. We have also witnessed the conviction of the former Peruvian President Alberto Fujimori for his responsibility in ordering killings and "disappearances" by security forces. We have also seen in 2009 the persecution of ICJ Commissioner, Mr Muhannad Al-Hasani, for carrying out his professional duties as a lawyer. Despite advocacy from the ICJ and others, this lawyer and leading human rights defender was disbarred, imprisoned and faces criminal charges.

The ICJ has responded to these and many other challenges throughout the world. It has also pursued its thematic legal work and continued implementing human rights protection and accountability mechanisms through its work in the regions (Africa, Asia-Pacific, Europe, Latin America, and Middle East and North Africa).

I extend my thanks to all of you – staff, Commissioners, Honorary Members, national sections, affiliates, donors and partners who have contributed to this work during 2009, as well as all those who continue their efforts to improve the rule of law and human rights around the world. I look forward to continuing this work together in 2010.

In the coming year, the ICJ will build on these achievements, will further consolidate its organisational structure, and will continue its work for the primacy, coherence and implementation of international law and human rights standards around the world.

Wilder Tayler
ICJ Secretary-General

Persecution of ICJ Commissioner Muhannad Al-Hasani

On 28 July 2009, Syrian intelligence officials arrested Mr Muhannad Al-Hasani, a Syrian lawyer, human rights defender, and ICJ Commissioner. The grounds for the arrest were his alleged reporting and publication of trial observations he carried out before the State Security Court. He was charged with "*weakening national sentiments*," and "*spreading false news harmful to the state*." Mr Al-Hasani is reportedly being kept in poor conditions in Adra prison, Damascus. His unlawful and arbitrary detention exacerbates the campaign of harassment against him. It also constitutes an attack on the legal profession and its independence in Syria.

Meanwhile, the Syrian Bar Association initiated disciplinary action against Mr Al-Hasani, and decided on 10 November to prohibit him from practicing law for the rest of his life. The grounds for the disbarment include the accusation of "*publishing false and exaggerated information that weakens the state and its reputation abroad*", and of "*attending and documenting the proceedings of the Supreme State Security Court without being the lawyer of those involved in these proceedings*." The disciplinary trial failed to meet international standards of due process. During the proceedings, the disciplinary Committee gave no credible evidence that Mr Al-Hasani published any false or exaggerated information of any kind. Mr Al-Hasani has performed his legal functions in accordance with recognised professional duties, standards, and ethics. Disbarring him for a lifetime period for carrying out these functions is a crackdown aimed at silencing all human rights lawyers and defenders in Syria. The ICJ strongly condemns the arrest, disbarment, and prolonged arbitrary detention of Mr Al-Hasani, and calls for his immediate release and reinstatement of his licence to practice law.

Acknowledgements

The ICJ would like to thank the following donors for their support in 2009:

AJWS	Misereor
Anonymous donor	Netherlands, Ministry for Development Cooperation
Bread for the World	Netherlands, Ministry of Foreign Affairs
CIDSE	Norway, Ministry of Foreign Affairs
Cyprus, Ministry of Justice	Office of the High Commissioner for Human Rights
Diakonie	Open Society Institute
EuropeAid	Organisation Internationale de la Francophonie
European Commission, Delegation to Thailand	Oxfam Novib
Finland, Ministry of Foreign Affairs	Pact Zimbabwe
Ford Foundation	Principality of Liechtenstein, Office of Foreign Affairs
Freedom House	SIDA
Freshfields Service Company	Spain, Ministry of Foreign Affairs
Germany, Ministry of Foreign Affairs	Switzerland, Development and Cooperation
Greece, Ministry of Foreign Affairs	Switzerland, Foreign affairs, Political Division IV
GTZ	The Atlantic Philanthropies
ICCO	Tides Foundation
Irish Aid	United Kingdom, Foreign and Commonwealth Office
JEHT Foundation	
Joffe Charitable Trust	
Joseph Rowntree Charitable Trust	
Luxemburg, Ministry of Foreign Affairs	
John D. and Catherine T. MacArthur Foundation	

The ICJ would also like to thank the ICJ Commissioners, Honorary Members and individual supporters for the time they generously provided on a *pro bono* basis in 2009.

The ICJ would also like to thank the following sections, affiliates, organisations and institutions: all sections and affiliates who have supported the EJP Report, Advocacy Forum, Association for the Prevention of Torture, Brookings Institute, Cambodian Centre for Human Rights, Cambodian League for the Promotion and Defence of Human Rights, Coalition for an Effective African Court, Coalition to Stop the Use of Child Soldiers, Committee for Social Justice, Conflict Victim Committee, Cross-Cultural Foundation, East African Law Society, Free Journalist Network in Vietnam, Human Rights and Democratic Forum, Informal Service Sector, Institute of Security and International Studies - Chulalongkorn University, Institute for Security Studies, International Bar Association, Judiciary of Lesotho, Justice, Kenya Section of the ICJ, Lawyers' Rights Watch Canada, Legal Resources Foundation, Law Society of Lesotho, Law Society of Zimbabwe, Media Legal Defence Initiative, Muslim Attorney's Centre, National Human Rights Commission of Thailand, Nepal Bar Association, Non-Violence International, Office of the High Commissioner for Human Rights, Solidarity Campaign for Justice, Southern Africa Chief Justices' Forum, Southern African Development Community Lawyers Association, UNAIDS-Joint United Nations Programme on HIV/AIDS, Wilton Park, Working Group on Justice for Peace, Wounded Victims of Janaandolan and Martyr Families, Zimbabwe Lawyers for Human Rights.

About the ICJ

Who is the ICJ?

The ICJ is a family of international and national jurists, using its legal expertise to protect and promote human rights. All have made a particular contribution to the advancement of human rights, in their home countries, internationally or both. Commissioners, through an Executive Committee, set the organisational policy, which is implemented by the International Secretariat based in Geneva.

The International Secretariat, led by the Secretary-General, works on implementing the thematic and regional programmes through its legal advisors, supported by financial management, human resources, and other general services.

For over five decades, the ICJ has played a seminal role in establishing international human rights standards and working towards their implementation. Through pioneering activities, including commissions of inquiry, trial observations, fact-finding missions, public denunciations and quiet diplomacy, the ICJ has been a powerful advocate for justice.

Our principal partners are our National Sections and Affiliated Organisations around the world. These organisations operate autonomously but often work in collaboration on particular activities such as workshops and trial observations. The ICJ also works closely with governments and other non-governmental organisations.

Vision and Mission

Our vision is one in which all individuals are equal before the law and protected from human rights violations by the law and in practice; in which those in power are held accountable and brought to justice if they violate human rights; where victims have access to justice and to remedies; and where those who come before the courts receive a fair trial and never face the death penalty.

The ICJ's vision requires judges, lawyers and prosecutors to be truly independent, forward-looking and courageous, and free to carry out their professional duties. It demands that international law, especially human rights and humanitarian law, should be implemented through effective national and international procedures.

The ICJ Network of judges and lawyers are united in the belief that international law and the rule of law are powerful instruments to ensure the enjoyment of human rights for all. The "rule of law" conceptualizes that the law is just (i.e. in accordance with human rights norms) preventing the arbitrary exercise of power. The "rule of law" also implies that States must develop effective executive, judicial and legislative institutions as checks and balances, to respect, protect and fulfil human rights, and to hold States accountable when they violate these rights.

How the ICJ works

After several years of expansion: the establishment of regional offices, increased thematic programmes and administrative infrastructure, 2009-2011 is a period of consolidation for the ICJ. This growth has been made possible through the steadfast support of the ICJ's generous and engaged donors, and with guidance from the Executive Committee. Regional and country offices now established in Africa, Asia, Central America and Nepal. This regional and country presence enables a better understanding of the situation on the ground and helps develop stronger ties to the network.

International Law and Protection Programme

Economic, Social and Cultural Rights
Global Security & Rule of Law
International Economic Relations
Sexual Orientation & Gender Identity
Trial Observation
United Nations
Women's Human Rights

The ICJ works for the development of international law so that it remains an effective tool in achieving the universal realisation of all human rights, protecting victims and holding states and non-state actors accountable for human rights abuses. In addition to the main project areas, the ICJ also works on cross-cutting themes such as impunity, the right to remedy and to reparation, enforced disappearances, and torture. These issues are fundamental to the principles of the rule of law, which is reflected in the work of the regional programmes.

Regional Programmes

Africa
Asia-Pacific
Europe
Latin America
Middle East & North Africa

The main objectives of the ICJ's regional programmes are to support the independence of judges and lawyers and to promote the rule of law and human rights in their regions. All the regional offices have been established in the last five years and the ICJ is now working to consolidate them, provide administrative set up, find adequate support for staffing, and broaden the scope of their work.

Centre for the Independence of Judges and Lawyers

In 2010, the ICJ will re-establish its Centre for the Independence of Judges and Lawyers (CIJL). With a renewed CIJL, the ICJ will be able to lead the global discourse on the independence of judges and lawyers as an essential part of democracy and the rule of law.

International Law and Protection Programme

Thematic approach. The International Commission of Jurists promotes the application of international law to abuses of a political, social, economical or legal nature. The ICJ's *International Law and Protection Programme* focuses on the international legal obligations of all states to respect, protect, and fulfil human rights through the rule of law.

Legal protection gap. The *International Law and Protection Programme* is dedicated to address the 'legal protection gap' in a number of thematic areas within the international human rights system. The ICJ Strategic Plan 2009-2011 provides a description of the objectives and strategy of those themes, relevant to the issue of rule of law: the protection of civil, cultural, economic, political and social rights; equality before the law; accountability under law; access to legal remedies; fair trial guarantees; reparation; impunity; abolition of the death penalty; independence of judges and lawyers; arbitrary abuse of power; effective executive, judicial and legislative checks and balances; counter-terrorism; international economic relations; sexual orientation and gender identity; reform of the UN human rights system; women's human rights; international human rights and humanitarian law; military justice; emergency laws; accountability of intelligence services; enforced disappearances; torture, amongst others.

One programme, eight project areas. In 2009 the *International Law and Protection Programme* concentrated its activity on eight thematic project areas described in more detail on the following pages. Many of the 'protection gap' issues mentioned are systematically addressed in these projects. Progress in the project areas of the Programme over the last year have allowed the ICJ to maintain its place as an important actor in the field of international human rights law and advocacy.

Economic, Social and Cultural Rights

A long-standing and core feature of the ICJ's perspective on international law is that economic, social and cultural rights (ESC rights) are an integral part of international human rights – interdependent with, and indivisible from, civil and political rights. In this area, the ICJ works to enable victims of ESC rights violations to seek and obtain remedies at the international level; to ensure the implementation of ESC rights standards in domestic law; to expand through strategic interventions the availability of remedies; and to increase acceptance among judges, lawyers, and policy-makers of the justiciability of ESC rights.

Context

Millions of victims around the world are not able to access justice and obtain remedies for violations of their ESC rights. In addition to the many varied and complex causes such as social, political and economic exclusion and inequality, there are persistent legal, structural, and institutional reasons why victims cannot access justice for violations of these rights: many states do not adequately provide for effective remedies; many judges, lawyers and governmental policy-makers do not believe that ESC rights are sufficiently precise to be considered by a court and for victims to be granted remedies; and, the majority of victims of violations of ESC rights belong to groups that are marginalised or discriminated against, such as racial minorities, women and the impoverished.

Principles on extra-territorial obligations in relation to ESC rights

The ICJ has continued its role as a member of the Steering Committee of the ETO (Extra-territorial Obligations) Consortium, a network consisting of United Nations independent experts, academics and NGOs, to advance the understanding of, and promote the application of extra-territorial obligations, particularly in regards to ESC rights. The ICJ participated in a Consortium Conference in 2009 in Lancaster, UK, after which the Consortium initiated a process to define new principles on extraterritorial obligations relating to ESC rights. The ICJ's senior legal and policy advisor is chairing a drafting group to elaborate on a series of drafts of the Principles.

ICJ Focus

The ICJ Commentary on the Optional Protocol to the International Covenant on ESC rights provides a historical and legal analysis of this new instrument, which has improved the international protection of these rights through the establishment of procedures for individual and inter-state complaints as well as for the investigation of gross or systematic violations of ESC rights. The Commentary explains the rationale, scope and nature of each article of the OP-ICESCR by providing the legal and jurisprudential basis and reference supporting each provision. The aim of the Commentary is to provide a useful analytical document to contribute to a better understanding of the relevance and substance of the OP-ICESCR.

Optional Protocol to the International Covenant on ESC rights

The ICJ worked to advance the realization of the Optional Protocol (OP) to the International Covenant on ESC rights as a member of the Steering Committee of the NGO Coalition for the Optional Protocol. The OP provides an individual communication procedure to allow persons complaining of a violation of Covenant rights to seek a remedy before the UN Committee on ESC rights. The OP was adopted by the UN General Assembly in 2008 and was opened for signature and ratification in 2009. The ICJ, with the Inter-American Institute of Human Rights, in 2009 published the first commentary on the OP, which gives an article-by-article analysis of the legal obligations contained in the instrument.

Plans for 2010 and beyond

The ICJ will step up its activities in this area considerably and use a range of advocacy strategies and legal interventions, including through public reports, memoranda to governments, *amicus curiae* briefs, trial observations, advocacy in international and regional fora, and field missions to implement the ESC rights Project, promote justiciability of ESC rights and fight impunity. Pending funding, the ICJ will develop a curriculum on defence of ESC rights in practice and hold training workshops in several regions of the world targeting judges, public prosecutors, public servants, NGOs, lawyers and law students, on the justiciability of ESC rights. In December 2010 the ICJ will co-convene, together with the University of Maastricht, a major conference for the purpose of finalising work on the new principles on extraterritorial obligations relating to ESC rights.

Global Security and Rule of Law

The Global Security and Rule of Law Initiative (GSRL) promotes the realisation of the rule of law and international human rights standards are respected in the fight against terrorism. It addresses one of the most serious challenges to the human rights framework, resulting from changes in the security environment since September 11, 2001. The Initiative seeks to prevent, or reverse, through authoritative legal advocacy, the negative impact of counter-terrorism laws, policies and practices proposed or adopted at national, regional, or international levels, on the rule of law and human rights; to provide guidance on international human rights law in relation to counter-terrorism; and to engage policy makers in a debate on the protection of human rights in countering terrorism.

Context

In 2009, the arrival of a new US administration raised expectations of a more human rights-orientated discourse on counter-terrorism, and created new hopes for an integrated, long-term response to terrorism that respects human rights law. Despite some positive changes many of the problematic policies resulting in unfair trials, arbitrary forms of detention, and torture and ill-treatment in a climate of impunity have continued in many parts of the world. Without further remedial action there is a risk that these policies will become entrenched adding strength to similar policies in other parts of the world.

A central challenge remains a pervasive lack of accountability for gross human rights violations and international crimes in the name of countering terrorism. Systemic challenges include the accountability gap in the area of intelligence services and the long-term consequences of counter-terrorism laws, policies and practices often cloaked as emergency measures. It is imperative to maintain high-level legal advocacy over the coming years to undo damage done to the human rights framework, and to fortify it against further weakening.

Eminent Jurists Panel Report

In 2009, the ICJ published the final report of its Eminent Jurists Panel (EJP) on Terrorism, Counter-terrorism and Human Rights, *Assessing Damage, Urging Action*. The Report is based on one of the most comprehensive investigations into the impact of counter-terrorism on human rights, informed by 16 hearings worldwide which involved the legal community, policy and lawmakers, human rights organisations and the ICJ network.

ICJ Focus

As a result of ICJ's efforts targeted at civil society organisations, lawyers, and think tanks, as well as governments, parliaments and representatives of inter-governmental bodies, the EJP Report has become a benchmark in the global discussion on counter-terrorism.

'Arria meetings' are a rare opportunity for civil society to brief members of the Security Council. The ICJ was invited to an Arria meeting, convened by Mexico in November, on the impact of counter-terrorism on human rights. It was the first time members of the Council engaged with civil society directly on this issue. Later in the year, the Security Council adopted resolution 1904 which includes stronger human rights language, a recognition of the primacy of the criminal justice approach to counter-terrorism, and increased due process through the establishment of an Ombudsperson to review listings of individuals and entities under the by the UN Security Council's sanction regime relating to countering terrorism.

The report draws extensively on lessons from the past - countries that have experienced cycles of terrorism and counter-terrorism, it examines the US 'war on terror' as a legal paradigm and the corrosive effects that have resulted from it, explores the increased role of intelligence, the gap in accountability and the challenge posed by preventive mechanisms based on secret intelligence. It is also forward-looking - providing guidance on the primacy of a criminal justice response to terrorism.

In February, the ICJ launched the EJP Report at the United Nations in Geneva, and then in Bangkok, London and Washington D.C., timed with the entrance of a new US administration. As a result of a targeted media strategy in cooperation with its network, the EJP Report received unprecedented global media coverage.

International Law and Protection

Subsequently, the GSRL Initiative undertook intensive promotion of the EJP Report targeted at policy makers, those who influence policy makers, the legal community, and civil society. Among others, the Report was presented in the USA, the United Kingdom, Germany, Norway, Iceland, South Africa, and at the European Union. The ICJ also presented the Report at the United Nations, the Council of Europe, and the Organization for Security and Cooperation in Europe, and was the first civil society group to present their work in an expert workshop of the counter-terrorism branch of the UN Office for Drugs and Crime. The ICJ has also been able to engage groups that it has not addressed in the past, such as an international banking forum, media and freedom of expression advocates, and UN security officials.

A highlight in 2009 has been a high-level seminar with UK-based think tank Wilton Park, attended by governmental legal advisors, Counter-terrorism Ambassadors, representatives of UN counter-terrorism and human rights bodies, and leading international human rights experts. The seminar provided a critical context for valuable policy dialogue between government representatives from the EU and US and human rights experts working in the area of terrorism and human rights, with the policy recommendations of the EJP Report as a basis.

Monitoring and legal interventions

The GSRL Initiative provided information on developments in the area of counter-terrorism and human rights to the legal community, government officials, and its network through the publication of the ICJ “*E-Bulletin on Counter-Terrorism and Human Rights*” (*E-Bulletin*).

In publication since 2004, the *E-Bulletin* continues to be an important tool and is increasingly sought by public officials, international organisations, human rights NGOs, national human rights institutions, judiciaries and legal and academic communities. The ICJ also provides a version of the *E-Bulletin* focusing on European developments as a regular component of the *European Human Rights Law Review*.

The GSRL Initiative also provided a number of legal interventions, open letters and *amicus curiae* briefs (often in cooperation with ICJ Regional Programmes) addressing, among others, the need for a more coherent policy change in the United States and the lack of accountability globally. For example, the ICJ submitted an *amicus curiae* brief jointly with Amnesty International before the US Supreme Court in *Kiyemba v. Obama*. The case addresses the right to remedy and reparation for individuals seeking release from Guantanamo Bay. This is an issue of strategic importance as some states have sought to deprive individuals of their right to an effective remedy and reparation, guaranteed under international law.

Intelligence and standard setting

The ICJ has continued to provide guidance on the role of international standards and counter-terrorism. It provided significant input on legal issues and factual information to the Report of the UN Special Rapporteur on the protection and promotion of human rights and fundamental freedoms while countering terrorism. The Special Rapporteur endorsed key recommendations of the EJP Report and reinforced its call for a standard setting process on intelligence accountability.

Plans for 2010 and beyond

The ICJ will step up its legal interventions and advocacy based on the guidance provided by the EJP Report. The GSRL Initiative will intensify its work addressing challenges to accountability identified in the Report, including the lack of intelligence accountability. Provided funding, the Project will broaden its scope to address long-term challenges to human rights law, including emergency law frameworks, and will provide follow-up analysis in sub-regions covered by the EJP Report.

International Economic Relations

The work of the ICJ in International Economic Relations (IER) is focused on incorporating the the rule of law into the activities of transnational corporations, trade and investment to improve respect of human rights by all concerned actors in this context. The ICJ seeks to make significant contributions to an ongoing process to clarify human rights standards applicable to business and to the shaping of a system of accountability to combat impunity in this domain.

Context

The economic crisis of 2009 focused attention on the need for closer scrutiny of the roles played by financial institutions, and called for standards and accountability for transnational corporations. A number of initiatives taken up by governments, parliaments, laws enacted and courts' decisions have heightened attention to the human rights responsibilities of business corporations. Professor John Ruggie, the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises (SRSG), presented his second report to the Human Rights Council, with an addendum focussing on legal remedies. Further to this the ICJ launched its new project on *Access to Justice and Legal Remedies for Victims of Corporate Human Rights Abuse*, and has continued providing its legal expertise to stakeholders in this area.

Human rights standards for business corporations

One of the IER's objectives is to obtain a broad consensus amongst the international community on the need for principles and standards to govern corporate activity. In 2009, the ICJ remained engaged in the discussions at the UN Human Rights Council.

In October 2009, the Human Rights Council held a two-day consultation on the means to "operationalise" the Conceptual and Policy Framework presented by the Special Rapporteur in 2008. The ICJ, together with the Friedrich Ebert Stiftung, organised a civil society forum attended by the civil society organisations participating in the consultation one day before the conference to enable civil society groups to prepare their interventions and information as well as sharpen their advocacy messages during the consultation.

ICJ Focus

In October the ICJ filed a petition before the arbitral tribunal for the case *Foresti et al v. Republic of South Africa*. The ICJ requested leave to file a legal brief as *amicus curiae* and also access to the key documents relating to the dispute (which are generally confidential). The dispute concerned investors' challenges to South Africa's positive discrimination laws and policies. The petition was granted, but before the documents were disclosed, the plaintiffs withdrew from the proceedings. The reasons for the plaintiffs' withdrawal are not known officially, but observers told the ICJ that increased public exposure and scrutiny of this case, heightened by the intervention by the ICJ and other groups, played a role in the investor's decision to withdraw its claim.

During the Council's consultation, the ICJ made a written submission discussing the need for a normative approach to holding corporations accountable for their human rights violations. It also advocated for the application of the guidance set out in the ICJ Expert Panel Report on Corporate Complicity to elaborate on corporations' legal responsibility to conduct due diligence into their suppliers, buyers, partners and subsidiaries. The submission also highlighted the obstacles victims face in achieving redress through national judiciaries, including corruption, weak judicial independence, lack of capacity and enforcement, as well as significant procedural hurdles. Finally, the submission discussed the weaknesses of current international mechanisms and the need for development of alternatives.

Enabling better access to justice for victims

Another objective of the ICJ is to enable better access to legal remedies and justice for victims of corporate human rights abuse. In 2009 this became the most important area of work for

International Law and Protection

the IER project, and it commenced its project on access to justice for victims of human rights abuse involving companies. The ICJ is mapping out national legislation and practice in order to identify the obstacles to justice in a number of jurisdictions with a view to setting an international agenda for legal and institutional reform. The following countries are under study: South Africa, Nigeria, DR of Congo, Brazil, Colombia, China, Philippines, India, Poland and the Netherlands. A number of additional jurisdictions are being surveyed through questionnaires.

Two seminars on access to justice for victims of corporate abuse were held during the last trimester of 2009, in South Africa and Poland, while ICJ staff took a prominent role in another seminar in Colombia. The seminars, attended by judges, lawyers, legal advisors in non-governmental institutions and government officials, shed light on the current legislation and practice in the areas of human rights, labour rights, and environmental law. The studies reveal existing opportunities to be explored and obstacles tackled to further accountability of corporations under national law. Obstacles are not only economic but also inadequate or insufficient rules resulting in *de facto* inequality between. The discussions also highlighted the existence of non-judicial mechanisms and the need for increased judges and lawyers' independence and security in cases against companies.

Contributing to the development of national and international law

Another key area of work is the promotion of laws developing which establish comprehensive legal duties for corporations to adhere to and provide for legal accountability, in particular for complicity in gross human rights violations. The ICJ gave its expertise to a variety of civil society actors and State organs considering legal and/or policy reforms at the regional or national level.

In May, the ICJ and its British national section JUSTICE submitted evidence to the United Kingdom Joint Parliamentary Committee on Human Rights in the context of its inquiry on business and human rights. The Joint Committee's report published at the end of 2009 stated: "*the ICJ and its British national section JUSTICE's submission to the Joint Committee was influential in forming the Committee's views about the right to a remedy for victims of corporate abuse in the UK... the Committee agreed with the ICJ that 'securing a remedy for individuals whose rights are breached is one of the central challenges in the business and human rights debate.'*" This constituted a milestone in the Government's progression: its reflections, regulation and adjudication of the impact of businesses on human rights. (See: United Kingdom Joint Parliamentary Committee on Human Rights, '*Any of our Business? Human Rights and the UK private sector,*' December 2009, pp. 289-293, 306-307.)

The ICJ has continued to provide its expertise to civil society, participating in meetings and workshops organized by coalitions of NGOs, such as CORE, UK and the European Coalition on Corporate Justice - ECCJ. It has also collaborated with Amnesty International, Rights and Democracy and several other groups at the national and international level. It has also met and participated in a number of meetings with government officials.

Plans for 2010 and beyond

In 2010 the ICJ plans to finalise the first phase of its project on access to justice/legal remedy for victims of human rights abuse by publishing the country studies and questionnaires holding an international conference to discuss the studies' findings. The outcome of this phase, an agenda for legal and institutional reform, should lead to a second phase to formulate and implement proposals to overcome obstacles at the national and international level. The ICJ also intends to increase provision of legal expertise through legal interventions in the context of ongoing litigations.

Sexual Orientation and Gender Identity

The ICJ's work on sexual orientation and gender identity (SOGI) began in 2004. The staunch opposition of many States to the idea that human rights were universal, regardless of sexual orientation, motivated the ICJ to begin to address this "protection gap" within the human rights system. The ICJ's goal was to promote the application of international law to abuses that are based on individuals' sexual orientation and gender identity. By using the language of human rights, by showing that human rights are indeed universal, the ICJ hopes to expose discrimination based on how people look and whom they love as violations of internationally guaranteed rights.

Context

Sexual orientation and gender identity are increasingly included within the work of the UN Special Procedures and treaty bodies, and during the Universal Periodic Review. In December 2009, at a high-level side event at the UN General Assembly, the Holy See issued a statement saying it opposed discrimination on the basis of sexual orientation and laws that criminalized same-sex conduct. At the regional level, the Steering Committee for Human Rights of the Council of Europe is preparing a draft recommendation on discrimination, sexual orientation, and gender identity for the Committee of Ministers. The Organization of American States has adopted two resolutions affirming the universality of human rights for everyone, including those of diverse sexual orientations and gender identities. The statement on behalf of participants in the NGO Forum at the 46th Session of the African Commission explicitly called on the Commission to consider fact finding missions to countries where there were reports of increased intimidation, harassment, and homophobic attacks.

At the same time, in many parts of the world, lesbian, gay, bisexual, transgender and intersex (LGBTI) people live without the protection of the law. Their rights are ignored and their lives are threatened. More than 70 countries still criminalize same-sex conduct. Five of these countries apply the death penalty. A new law criminalizing consensual same-sex activity was adopted in Burundi in April 2009. In Uganda, which already had criminal sanctions for same-sex activity, a member of Parliament introduced a bill that would not only impose the death penalty for "aggravated homosexuality" but would also make it a crime to fail to report others' sexual conduct. Even in countries that do not impose criminal penalties on people based on their sexual orientation, the rights of freedom of association, assembly and expression are far from secure. In Lithuania, the

ICJ Focus

The Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity, which were the result of an expert process co-facilitated by the ICJ and the International Service for Human Rights, have been widely cited by both governments and civil society actors. Landmark decisions by courts in Nepal and India relied on the Yogyakarta Principles, as did the Committee on Economic, Social and Cultural Rights in its General Comment No. 20, which affirmed that the term "other status" in the International Covenant on Economic, Social and Cultural Rights included both sexual orientation and gender identity.

Parliament adopted a law that prohibits any public promotion of homosexuality. In the Russian Federation, authorities have denied every application for a pride march since 2006. In countries as geographically and culturally diverse as Mongolia, Turkey and Botswana, applications to register LGBT organisations have been rejected.

Public Awareness

The ICJ works to increase awareness of international human rights law and promotes the understanding that human rights are universal and thus apply to everyone, regardless of sexual orientation and gender identity. In 2009, the ICJ published *Sexual Orientation, Gender Identity and International Human Rights Law (Practitioner's Guide No. 4)*. The Guide, presents a thorough analysis of the jurisprudential foundations of the Yogyakarta Principles. It was launched at a high-level panel during the 12th Session of the Human Rights Council in Geneva in September. Speakers included Lawrence Mute from the Kenya National Commission on Human Rights, Vítit Muntarbhorn, ICJ Commissioner and former chair of the Coordination Committee of the Special Procedures, and Arvind Narrain, one of the litigators of the Naz Foundation case in

International Law and Protection

India. The Guide has been distributed to more than 500 recipients and ICJ has received numerous requests for additional copies.

The ICJ organized the panel “(No) Freedom to Speak, Assemble, or Be Safe: Continued Threats to LGBT Advocacy” at the OSCE-ODIHR Human Dimension Implementation Meeting in Warsaw, Poland. Panellists highlighted restrictions on freedoms of expression, assembly and association in Poland, Lithuania, and Turkey.

Training is an important part of increasing public awareness. The ICJ participated in an INTERIGHTS litigation workshop for lawyers from Commonwealth African countries held in Mombasa, Kenya, in October. In addition to providing international and comparative law resources, the senior legal advisor for the SOGI Project led sessions on freedom of association and intersex legal issues. Since then, the lawyers involved have stayed in communication through a specially created listserv.

Legal Advocacy

ICJ legal advocacy may take the form of an *amicus curiae* brief, an open letter concerning proposed legislation, or a communication with the UN Special Procedures. In countries where it would be especially difficult for international organisations to speak out, the ICJ may provide a legal analysis for domestic civil society actors.

The ICJ filed *amicus curiae* briefs in several cases. In the Philippines, an organisation called Ang Ladlad, which represents the interests of LGBT individuals, was denied permission to register as a political party by the electoral commission. Ang Ladlad filed a petition for *certiorari* and the ICJ filed an *amicus* brief. Although the Supreme Court has yet to rule on the merits, it did grant Ang Ladlad’s motion for a temporary restraining order and Ang Ladlad is now included on the printed ballots’ listing of accredited political parties.

In Rwanda, the draft penal code included a provision criminalizing consensual same-sex activity. After being contacted by activists in Rwanda, the ICJ analyzed the proposed legislation under the international human rights treaties to which Rwanda is a party. It sent the analysis to the speaker and deputy speakers of Parliament when the legislation was scheduled for debate. Rwanda has now announced that this part of the legislation has been dropped from the draft penal code.

Plans for 2010 and beyond

The SOGI Project plans to continue its work through public and legal advocacy, training, research and publications, and strategic legal interventions. In 2010, the ICJ will give lectures on international and comparative law as part of the regional LGBT and Human Rights Training Programme organised by the Swedish Association for Sexuality Education (RFSU) and the Swedish Federation for LGBT Rights (RFSL) trainings on LGBT and Human Rights in Thailand and Namibia in May and June.

The SOGI Project also intends to issue new publications. First, the ICJ will publish updated versions of SOGI references in the UN and European (Council of Europe and European Union) human rights systems, which include court cases, resolutions, general comments, and the reports of treaty bodies and special procedures. As a result of practitioner feedback, the ICJ hopes to make the compilations available in a searchable electronic database as well. Work has also begun on a comparative law casebook. The casebook will present and analyze national court decisions on SOGI-related issues such as decriminalization, non-discrimination, same-sex partnerships, adoption, gender recognition, and intersex surgery. Finally, the ICJ will publish and distribute Spanish and French translations of the *Sexual Orientation, Gender Identity and International Human Rights Law (Practitioner’s Guide No. 4)*.

ICJ Manual on Trial Observation and Training of Human Rights Defenders

The ICJ has a long history of conducting trial observations, and throughout the last half century it has observed many trials of significance in many countries around the world. In 2009, the ICJ began a project on trial observation with the aim of encouraging, increasing and improving the use of trial observation in efforts to protect the right to fair trial, combat the impunity of those who perpetrate human rights violations, and promote access to justice by victims.

Context

The administration of justice in accordance with international standards is central to the protection of human rights. It requires, among other things, that anyone suspected of a criminal offence receive a fair trial, that the perpetrators of human rights violations are brought to justice, and that victims of human rights violations have access to the courts and obtain effective legal remedies. However, although there is universal recognition of the fundamental role of these requirements in ensuring meaningful human rights protection, in practice, there is an ongoing and troubling lack of implementation. Trial observation is an important tool that can be used by human rights defenders, lawyers and advocates in efforts to address such shortcomings and promote the fair administration of justice. By attending public hearings, proceedings and trials, thereby demonstrating that the process is under scrutiny, trial observers can play a very valuable role in the protection of human rights.

ICJ Trial Observation Manual

In 2009 the ICJ completed the revision of the *ICJ Trial Observation Manual for Criminal Proceedings*. The manual was then translated and published in three languages: Arabic, English and Spanish. Intended for use by both lawyers and non-lawyers, the Manual provides both practical guidance on how to prepare for a trial observation mission, carry out a trial observation, and write a trial observation report. It also presents a synthesis of the basic legal standards applicable in relation to the right to a fair trial, the rights to remedy of victims of human rights violations, and the steps states need to take in order to combat impunity.

ICJ Focus

Through this project the ICJ has significantly increased the resources available to potential trial observers throughout the world. By revising and updating the ICJ Trial Observation Manual, and publishing and disseminating it in several key languages, the ICJ has ensured that observers have access to a compact and up-to-date tool. Furthermore, through its training seminar the ICJ has enhanced the capacity of a cross regional group of human rights defenders to carry out trial observations with confidence and ability. As a result of both these activities the ICJ hopes to have a positive impact on improved the quality of trial observations being carried out in various countries and jurisdictions.

It is the first manual intended for use by trial observers to include analysis of international standards on the right to remedy of victims of human rights violations and on combating impunity.

Training Seminar for Human Rights Defenders

In December, the ICJ collaborated with Front Line, the International Foundation for the Protection of Human Rights Defenders, in organizing a three-day training seminar in Geneva for a cross regional group of human rights defenders. The training brought together defenders from Bahrain, Botswana, Egypt, Gambia, Guatemala, Kazakhstan, Mexico, Russia, Rwanda, Thailand, Uganda, Uzbekistan, Venezuela, and Yemen.

Plans for 2010 and beyond

In 2010 the ICJ will translate the Trial Observation Manual into Russian and publish and disseminate it. Provided adequate funding is available, it will also carry out regional training seminars for human rights defenders and lawyers.

The United Nations Human Rights System

The International Commission of Jurists has long played a leading role within the non-governmental community in the work of the UN human rights system. The ICJ seeks to shape the reform process at the Human Rights Council, and to preserve and enhance its primary role in protecting and promoting human rights at the universal level in respect of both thematic and country-specific concerns. The ICJ has also played a role among NGOs in reform of the human rights treaty bodies in its specific areas of expertise. One objective is to continue advancing human rights protection through the rule of law by offering legal expertise to the treaty monitoring bodies and the Human Rights Council. A second objective is to undertake legal analysis of human rights violations, both in country-specific and thematic contexts, and submit them to the UN mechanisms. A third objective is to ensure effective recourse to justice for the victims of human rights violations, to establish accountability for the perpetrators, and to prevent escalation and recurrence of human rights violations.

UN Human Rights Council

A key objective of the ICJ has been to provide the UN Human Rights Council (the Council), its mechanisms and procedures, with legal analysis relating to human rights violations, enabling it to exercise its responsibility to respond to compelling human rights concerns. The ICJ has also advocated for the unhindered capacity of the Special Procedures to carry out their work independently, relying on cooperation by governments. In addition, it has called for rule of law and administration of justice principles to be indispensable elements of the Council's Universal Periodic Review (UPR). Finally, it has also worked with other civil society actors to preserve a critical space for NGOs to address urgent country situations in the Council.

Context

In 2009, the UN Human Rights Council established the Fact-finding Mission on the Gaza conflict and endorsed its findings. The extension of the mandate of the Independent Expert on Sudan was another positive step towards fully operational procedures, established in June 2007. There was also an increase in the willingness of the Council to deal with the implementation of international human rights standards in thematic contexts, in particular with regard to counter-terrorism and the independence of judges and lawyers. However, the Council failed to extend effective protection to civilians in Sri Lanka, and agreed to extend the experts' mandate on the Democratic Republic of Congo (DRC) only with great difficulty. These examples characterise the Council's reluctance to deal with major human rights crises. Advocacy work remains necessary to minimize the erosion of protective mechanisms, in particular the Special Procedures, under increased pressure.

Thematic initiatives

During 2009 the ICJ focused on the need to adopt new mechanisms to enhance protection of civilians in times of emergencies. The ICJ urged the Council to create a mandate to identify the risk of violence against civilians in conflict situations, and to bolster accountability

ICJ Focus

The ICJ applies a legal perspective to the protection and advancement of human rights and has a valuable knowledge of, and good working relationship with, UN stakeholders, whether States representatives, CSOs or UN human rights mechanisms members. It is a credible source for advice on international and comparative law. The ICJ's legal approach to human rights protection allows the organisation to work complementarily with civil society organisations, whether purely fact-finding or humanitarian, for the promotion and protection of human rights.

of perpetrators.

Another ICJ priority was the regular use of the Council's instruments to address human rights violations. For example, the ICJ suggested that regular access by the Council's Special Procedures to the UN Security Council, coupled with regular information to the Human Rights Council from the peace-keeping missions, would be instrumental in strengthening mechanisms for effective early-warning, prevention, and investigation of gross violations of human rights.

During the Council's negotiations of the resolution on the independence of judges and

International Law and Protection

lawyers, the ICJ stressed the role of judges and lawyers as protectors and guarantors of human rights and of the rule of law, requiring protection against violence, threats, or retaliation for exercise of their professional duties. The ICJ urged the Special Rapporteur on the independence of judges and lawyers to be particularly sensitive to systematic attacks against judges and lawyers that might indicate emerging rule of law crises.

Country initiatives

The ICJ continued to advocate for the Council to tackle gross violations of human rights. The ICJ intervened in several debates on country situations requiring immediate attention, such as in the DRC, Sri Lanka, Nepal, Zimbabwe, the Occupied Palestinian Territory (OPT), and Iran.

In Zimbabwe the humanitarian and rule of law crisis continued despite the power-sharing agreement and the formation of a unity Government. The ICJ urged the Government to seek accountability in the election fraud and election-related violence, to release human rights defenders and opponents that remained arbitrarily detained, to agree to a strengthened country presence of the UN Office of the High Commissioner for Human Rights, and to accept assistance by the relevant Special Procedures to address past injustices.

Given the events in Iran following the disputed presidential election, the ICJ insisted that the Council call for release of those arbitrarily detained, as well as the investigation of accusations of torture and other ill treatment. The ICJ urged the Iranian Government to end all violations of freedoms of expression and assembly, abolish the death penalty, and co-operate with international human rights mechanisms, including the Special Procedures of the Council and the treaty bodies. The Council remained silent, but the General Assembly adopted a resolution which requested, among others, the four Special Procedures to undertake an inquiry into the repression against peaceful opponents last June.

The Council's special sessions

The ICJ attended the Council's special sessions on Israel/OPT and Sri Lanka. During the Council's 9th special session on Israel/OPT, the ICJ outlined the legal implications of indiscriminate attacks and disproportionate use of force during the Israeli military operations in Gaza of December 2008 and January 2009. Although the Council initially established a one-sided fact-finding mechanism regarding the conflict, the Nigerian President of the Council, heeding the calls by numerous states and NGOs, expanded the mandate of the mission to investigate serious breaches of international law committed by the Israel Defence Forces and Hamas and other Palestinian armed groups. In the following 12th special session on the human rights situation in the OPT, the ICJ welcomed the UN Fact-Finding Mission's report, endorsed its recommendations, and requested follow-up by all relevant UN bodies. As the Council did not require effective national investigations into the allegations of the Report, and did not establish an expert mechanism to evaluate progress of national investigations, the UN General Assembly, in its resolution 64/10, requested that both parties undertake effective and impartial national investigations, consistent with the ICJ's advocacy on this matter.

Universal Periodic Review Mechanism

In 2009, the ICJ made submissions on the Universal Periodic Reports of Cambodia, Chile, the DRC, Jordan, Macedonia, Malta, Russian Federation, Saudi Arabia, and Uruguay. The ICJ analysed major rule of law and human rights challenges, including human rights violations related to the use of *ad hoc* and emergency measures in countering terrorism, and incidents of torture and arbitrary detention under states of emergency and during armed conflicts. The ICJ advocated for the Council's members to ensure that major human rights violations receive adequate responses when states are under review.

Plans for 2010 and beyond

The ICJ will seek increased access to justice for victims through timely and effective use of the Human Rights Council procedures and mechanisms designed to address urgent and chronic human rights situations. It will further present its analysis of thematic issues, including the prevention and protection against torture and other ill-treatment, human rights in counter-terrorism, the right to life, independence of judges and lawyers, and freedom of expression. In addition, it will work to defend and develop new norms and standards in areas such as businesses and human rights and the administration of justice by military tribunals. The ICJ will also contribute to an evaluation of the effectiveness of the Council's procedures and mechanisms, planned for 2011, to seek their full and unhindered operation.

UN Human Rights Treaty Monitoring Bodies

The objective of the project aimed at the UN human rights treaty-monitoring bodies is to support and strengthen these bodies, particularly towards advancing implementation by states of their international human rights legal obligations.

Context

Following a lull in attention caused by the establishment of the Human Rights Council, in 2009 the treaty bodies received greater attention from relevant stakeholders. Tensions resurfaced as some states wished to use the Universal Periodic Review as an appeal procedure against the findings of treaty bodies. The ICJ continued a policy dialogue with the treaty bodies' members to address the options for interaction between the treaty bodies and the UPR.

Shadow Reports to Periodic Reports by States parties

In April the ICJ provided support to the Committee on Economic, Social and Cultural Rights (CESCR) for its consideration of the Initial Report of Cambodia on the implementation of the International Covenant on ESC rights. In its submission, the ICJ highlighted several concerns: the Government participation in, and failure to protect the people from forced evictions, and the harassment and absence of protection for human rights defenders who focused on ESC rights. While welcoming the Cambodian Government's efforts to pass legislation and adopt policies to fulfil its obligations under the Covenant, the submission noted failure to implement these laws and policies, and failure to begin providing remedies to victims of human rights violations. Such an implementation gap was facilitated by the absence of an independent and impartial judiciary as well as a lack of access to justice. In addressing these concerns, the Committee urged Cambodia to implement a moratorium on all evictions until a proper legal framework was in place and until the process of land titling had been completed, and to take necessary measures to combat the culture of violence and impunity prevalent in the State, especially in providing measures for the protection of human rights defenders.

In October, the ICJ provided technical advice to the Committee on ESC rights for its consideration of the combined second, third, fourth and fifth reports of the Democratic Republic of the Congo (DRC) on the implementation of the International Covenant on ESC rights. The ICJ suggested that the

ICJ Focus

In 2009, the ICJ continued training of Eastern European human rights defenders and lawyers on submission of individual communications to the Human Rights Committee on behalf of victims of alleged violations of civil and political rights. Through joint review of the draft communications intended for the Committee, participants have learned how to substantiate the communications concerning the issues of unlawful restrictions of freedom of expression, association and assembly and ensure the guarantees of a fair trial. Participants were informed of the developments regarding admissibility of individual communications, interpretation of related substantive provisions of the Covenant on Civil and Political Rights and possible remedial measures to implement the Committee's views. The trainings have helped to increase the quality of submissions to the Committee, which will soon consider the communications on the merits.

Committee address, among other issues, forced labour, exploitative child labour, discrimination against minorities and women's access to health, education services, and in the labour market, and effective recourse to justice by victims of human rights violations. The Committee urged the Government of the DRC to exercise greater political will by allocating the necessary resources for implementation of the national Plan of Action for Justice Reform and for improved functioning of the High Judicial Council, and to take legislative and other steps to create and ensure effective domestic remedies for all economic, social and cultural rights.

Draft General Comments

The ICJ prepared an initial contribution to the draft General Comment No. 34 by the Human Rights Committee on Article 19 of the International Covenant on Civil and Political Rights regarding freedom of opinion and expression. The ICJ underscored the interconnection between the protection of the freedom of opinion and expression and the protection of other human rights and freedoms. The organisation suggested that the draft identify protected means and forms of expression, and define steps necessary to prevent infringements of the right to freedom

International Law and Protection

of expression, including through overly broad and arbitrary restrictions on free speech. The ICJ also suggested that the draft clearly depict the potentially negative consequences of states of emergency laws on freedom of expression. The ICJ will prepare more detailed comments on this draft General Comment in the course of 2010.

Reform of Treaty Bodies

In September, the UN High Commissioner for Human Rights instigated a new round of concerted efforts to enhance the effectiveness and coherence of the treaty body system. To emphasize the importance of equal implementation and standardized monitoring of all human rights obligations, the ICJ disseminated its *Study on the Reform of the UN Human Rights Treaty Body System* and advocated for the consideration of its findings by target groups, including the treaty body members. The findings of the study helped influence the launch of the “Dublin Statement on Enhancing the Effectiveness of Treaty Bodies” adopted in November by a number of treaty body members.

Prior to the 10th Inter-Committee meeting to discuss the strengthening of treaty bodies’ working methods, the ICJ organized a briefing for several States parties to advocate for the follow up on recommendations of the *ICJ Study on the Reform of the UN Human Rights Treaty Body System*. The ICJ called for greater access by individuals to treaty bodies, regular and unified follow-up to treaty body observations and recommendations, greater use of joint general comments, employment of humanitarian interventions, improved quality of membership, and the need for greater NGO coordination and media coverage. The 10th Inter-Committee meeting subsequently established a joint working group to systematically follow-up on the implementation of treaty body observations and recommendations.

Plans for 2010 and beyond

The ICJ will continue to work towards increasing the impact of treaty body recommendations on national laws and policies to ensure protection of human rights. It will make regular submissions on thematic issues in priority countries, especially those where the ICJ has a field presence. Its strategies will include monitoring of national compliance with rule of law measures requested by the Committees, and supporting coalitions of NGOs working at the national level. The ICJ will also aim to improve the integral interpretation of treaty provisions, assist in submission of individual communications, and identify victims that the ICJ can represent when making individual communications to the treaty bodies.

Women's Human Rights: Legal Accountability & Access to Justice

In 2009, the ICJ initiated a new project on women's human rights with the goal of supporting efforts to combat impunity, increase legal accountability, and improve access to justice for violations of women's human rights. The ICJ will work to increase and amplify the level of international and comparative law expertise available to the wide range of actors involved in legal processes concerning women's human rights - from the judiciary, legislative bodies, and intergovernmental actors who make, reform and interpret law, to the lawyers, advocates and defenders who seek justice and accountability.

Context

Throughout the world, at all levels, in all spheres, women continue to suffer violations of their human rights simply because they are women. Although a multitude of strategies must be employed in order to address the systemic and entrenched causes of such inequality, the ICJ believes that work to change and develop law and to increase legal accountability and access to justice is a vital piece of the puzzle. Yet legal accountability for impairments of women's human rights and access to justice by women remain at best *ad hoc* and sporadic, at worst illusive. There is a critical need at this point in time to increase the extent to which the international human rights movement is employing hard-line legal strategies of work in relation to women's human rights issues.

Intervention in Campo Algodonero

In July at the request of lawyers involved in the case of *Gonzalez and others (Campo Algodonero) v. Mexico*, the ICJ submitted an *amicus curiae* brief to the Inter-American Court of Human Rights. The case, which revolved around the disappearance and murder of a number of women in the area of Ciudad Juarez, was of seminal importance because it was the first time the Inter-American Court had been asked to specifically address situations involving gender-based violence against women, and the alleged failure of the State to take appropriate steps. In its widely welcomed decision the Court held that there had been a failure to ensure the rights of the women to life, humane treatment and personal liberty.

ICJ Focus

The ICJ will focus on making strategic legal interventions in legal processes concerning women's human rights. Its goal will be both to increase women's access to justice in individual cases and to shape and influence developments in the law that further increase the protection of women's human rights more generally. Depending on the context these interventions may take the form of formal submissions to a legal body, for example to a court or to a parliament. In other instances the ICJ will provide lawyers or human rights defenders pursuing justice and accountability with detailed international human rights legal analysis and advice. The ICJ will engage with legal proceedings taking place at the national, regional, or international levels, for example in relation to complaints before the international human rights treaty-monitoring bodies.

Maternal Mortality

In September, following a request from the applicants in an individual complaint to the Committee on the Elimination of Discrimination against Women (CEDAW) against Brazil concerning a case of preventable maternal mortality, the ICJ prepared an expert legal opinion on the content of general international human rights law regarding the provision of appropriate maternal health care, including emergency obstetric care. The applicants then submitted this legal opinion to the Committee. Additionally in December 2009 the ICJ provided the OHCHR with a submission on aspects of the international human rights law dimensions of preventable maternal mortality and morbidity, in response to its call for contributions.

Plans for 2010 and beyond

The ICJ will increase and develop its work on women's human rights. It will engage in outreach, legal analysis and research with the goal of supporting the work of lawyers, advocates and human rights defenders who are seeking justice and accountability in relation to violations of women's human rights.

Children's Rights: Optional Protocol to the Convention on the Rights of the Child

Toward the end of 2009, the ICJ began work for the elaboration of a third optional protocol to the Convention on the Rights of the Child (CRC), which would establish a communication procedure allowing children claiming a violation of Convention rights to complain before the Committee on the Rights of the Child.

Context

The CRC contains detailed provisions as to a variety of rights, including civil, cultural, economic, political and social rights, as well as rights arising from refugee law and international humanitarian law. However, the Convention on the Rights of the Child, in spite of having achieved near universal ratification, is now alone among the principal universal human rights treaties in lacking a communication (complaints) procedure.

Open Ended Working Group

The ICJ participated in the session of the UN Open Ended Working Group on an Optional Protocol to the CRC in December 2009. That Working Group was given a mandate by the Human Rights Council to explore the feasibility of an optional protocol on a communication procedure. At its 13th session in March 2010, the UN Human Rights Council adopted a resolution giving the Working Group a mandate to elaborate an optional protocol and to report back to the Council at its 17th session in June 2011. The Working Group is expected to hold two five-day sessions before that session to negotiate a draft text. The ICJ will participate in this process and continue its substantial involvement with this important standard setting initiative.

ICJ Focus

The ICJ has long worked to advance the principle that the right to an effective remedy and reparation is an indispensable component for the realization of all human rights. The establishment of a communication procedure to the Committee on the Rights of the Child would not only provide for a forum in which victims of rights violations could seek and receive a remedy at the international level, but would also serve to prompt states to ensure that the right to remedy for violations of CRC rights is implemented at the domestic level.

Regional Programmes

Regional presence. The ICJ has long believed that for the organisation to operate successfully on an international scale, it must also have a presence in the regions. This continuous presence enables a better understanding of issues at the country and regional level, and aids in the development of stronger ties to the ICJ's network in these regions, both of which in turn enable the organisation's legal work to have a greater impact.

In 2009, the ICJ further consolidated its presence in the field through its three regional offices in Africa, Asia-Pacific, and Central America and its country office in Nepal. The ICJ also has regional programmes for the Middle East and North Africa (MENA) and Europe based at the Secretariat in Geneva.

Standing with victims and activists. The regional programmes focus on promoting the rule of law and judicial independence in order to defend human rights in the regional contexts. Across the globe, judges, lawyers, prosecutors, and human rights defenders continue to be the targets of imprisonment, killings, and enforced disappearance, as well as other human rights violations. In 2009, the ICJ monitored situations across the regions and used strategic legal interventions and advocacy to address or prevent human rights violations. Emergency laws, arbitrary counter-terrorism measures, and human rights violations in the context of intelligence co-operation were issues that the ICJ continued to address throughout 2009. Other activities have included analysis and advocacy on national legislation that has had an impact on human rights. The following pages include some of the highlights of our regional work during 2009.

Africa Regional Programme

The Africa Regional Programme works to enhance the realization of human rights across the African continent by promoting adherence to the rule of law. Specifically, the programme seeks to promote and strengthen the independence and accountability of judges and lawyers by providing continuing judicial education; improving the safety of judges, lawyers and human rights defenders; improving the administration of justice; building the capacity of human rights defenders; and strengthening the African human rights system.

Context

In 2009, there was no substantive improvement in the overall political situation in the region. Due to armed conflict, peace continued to elude Somalia, Guinea, the Democratic Republic of Congo, Eritrea, the Central African Republic, Sudan, and Chad, while the Republics of Guinea, Madagascar and Guinea Bissau experienced political instability. In Niger the head of state provoked a constitutional crisis when he dissolved parliament and the constitutional court over a disagreement regarding a referendum on a new constitution that would have prolonged his tenure beyond existing term limits. In the Democratic Republic of Congo, the president dismissed judges and prosecutors without regard to constitutional procedures. In Zimbabwe, there was a notable improvement in the humanitarian situation, as well as a marked reduction in political violence and economic instability. However, lawyers, civil society activists and persons affiliated with opposition parties were harassed, prosecuted and even imprisoned. Although there was renewed hope for a new constitution in Kenya, the country failed to fully implement recommendations made by the commissions of inquiry on elections and post-election period. In South Africa questions concerning the independence of the judiciary and the prosecutorial authority dominated public discourse. In Zambia, a petition challenging the constitutionality of the appointment of the chief justice concluded with the court upholding the appointment. No notable movement was made to entrench democracy, the respect for the rule of law, or fundamental rights and freedoms in the region.

Threats to the independence of judges, lawyers and prosecutors

The Africa Programme monitored rule of law trends in the region through documenting and disseminating information country-specific human rights violations, and issued statements condemning them and seeking that they be addressed.

ICJ Focus

The ICJ Africa Regional Programme has contributed significantly to the empowerment of judges and lawyers through legal and judicial education. This contribution is reflected in continuous requests for materials, learning opportunities and follow-up by participants. The ICJ's activities have also created networking opportunities for members of the legal profession in the region. Exchanges of information during meetings organised by the ICJ are commonly followed by invitations to join in professional activities. The programme's outreach to lawyers, and human rights activists at risk has emboldened these individuals' advocacy for human rights and the rule of law and contributed to the safeguarding of fair trial standards. Some human rights defenders have reported that they are able to continue work despite the dangers facing them, and that the conduct of certain court proceedings has improved.

In Zimbabwe, the trial of Movement for Democratic Change treasurer Roy Bennett took on a clear political dimension that had the potential to place pressure on the judiciary. The ICJ dispatched a team to observe the trial, and according to accounts by Zimbabwean lawyers, the decision to continue monitoring the trial had a positive effect on the proceedings. In particular, defence counsel reported that the conduct of the proceedings by the judges was more professional than it otherwise would have been.

Improved administrative, policy and legal frameworks

The ICJ recognises that judicial independence must be guaranteed by legislation in full conformity with international standards and improved legal cultures. To this end, the ICJ worked with like-minded institutions to support forums that examined existing judicial frameworks with the aim of identifying performance gaps and suggesting improvements. Participants in conferences

Regions

supported by the ICJ, broadened or consolidated their knowledge of contemporary subjects that go beyond the conventional discourses in human rights law, such as counter-terrorism and human rights, business complicity in human rights violations, and HIV/AIDS and the law. For example, the ICJ supported the organisation of a joint judicial and legal practitioners' colloquium held in September in Zimbabwe. The theme of the colloquium was: "The Justice Delivery System – Challenges and Opportunities: A View from the Bench and the View from the Bar". The event was the first joint colloquium in Zimbabwe between judges and lawyers.

Empowered human rights defenders

The ICJ worked to establish partnerships with the Law Societies of Uganda, Lesotho and Zimbabwe, with the aim of creating frameworks for collaboration on continuing training for the legal profession in the three countries.

As the result of lobbying by ICJ the Southern Africa Chief Justices Forum adopted the resolution to set up a sub-committee to respond to rule of law crises in the region. The sub-committee is aimed at establishing a mechanism capable of making rapid responses to regional rule of law crises, including by conducting fact-finding missions and participating in mediation.

Strengthening the African human rights system

The ICJ has participated in or organised numerous activities targeted at strengthening the African human rights system. For example, as a member of the Coalition for an Effective African Court, the ICJ attended a workshop in Arusha, Tanzania, to discuss the relationship between the African Court on Human and Peoples' Rights, the African Commission on Human and Peoples' Rights, and the African Court of Justice and Human Rights.

Since 2008, ICJ has been an active participant in regional consultations for Africa on enhancing cooperation between regional and international mechanisms for the promotion and protection of human rights under the auspices of the Office of the UN High Commissioner for Human Rights. In November and December, the Africa Programme attended a meeting held in Addis Ababa, Ethiopia aimed at strengthening cooperation between the UN and the African Union.

Strengthening the rule of law by breaking the cycle of impunity

Among many other activities, in November the Africa Programme participated in a symposium convened by the International Crime in Africa Programme titled *The International Criminal Court (ICC) that Africa Wants*.

Plans for 2010 and beyond

In 2010, among other activities, the ICJ Africa Regional Programme will engage in private and public legal advocacy, technical assistance and capacity building, coalition-building and the formation of strategic alliances. It will disseminate knowledge and best practices contributing to a strengthened African Human Rights System with more impartial, independent, accountable, efficient and effective judicial and quasi-judicial organs and institutions of protection. The Programme will engage in specific projects focusing on African regional mechanisms as well as continuing with and expanding country-specific work.

Asia-Pacific Regional Programme

Through a regional office in Bangkok, Thailand, and a national office in Kathmandu, Nepal, the Asia Pacific Programme has expanded the ICJ's reach throughout the Asia, strengthening networks with ICJ Commissioners and partner organisations. The programme has undertaken a broad range of research, advocacy and capacity-building activities aimed at enhancing respect for the rule of law and promoting the independence and accountability of legal systems. In addition to regional work, the Programme runs three country projects in Thailand, Nepal and Sri Lanka.

Country Project: Thailand

In 2009, the Thailand Project sought to improve respect for the rule of law and human rights by building the capacity of judges, lawyers, NGOs and government actors to uphold the rule of law. This capacity-building took place through trainings, strategic legal interventions, reports on key rule of law and human rights challenges, and targeted advocacy. In particular, the programme works with civil society, the judiciary and the Ministry of Justice to strengthen civilian-led justice sector reform as a means of addressing the root causes of the ongoing violent insurgency in the southern border provinces. The programme also worked more closely with the ICJ Network of national sections in Asia. Finally, the ICJ has continued to monitor and raise concerns about the safety of lawyers and human rights defenders in Thailand.

Context

Politics in Thailand remained unstable in 2009 as the country became increasingly polarised along political lines. Serious disturbances associated with mass protests by supporters of former Prime Minister Thaksin Shinawatra led to the declaration of states of emergency in Bangkok and Pattaya in April, and to the cancellation of the 14th ASEAN Summit. The new Internal Security Act, which curtails human rights and provides sweeping enforcement powers to the military-dominated Internal Security Operations Command, has been used multiple times to control pro-Thaksin protests. The government also plans to use this new law to respond to violence in Thailand's troubled Deep South, where allegations of torture and ill treatment, extrajudicial killings, enforced disappearances, and other human rights violations by the security forces continue. In addition, there has been an increase in the intensity of bomb attacks and killings by insurgents in this area. Meanwhile, impunity for serious human rights violations remains a problem throughout the country. The verdict of the Court in the Tak Bai post-mortem inquest seemed to invite a non-prosecution order in relation to the officials involved. And local communities have continued to criticise the Government's failure to prosecute members of paramilitary groups suspected of killing of 10 Muslims inside a mosque.

Training in Human Rights

In April, the ICJ co-organised a meeting between local civil society organisations and

ICJ Focus

The work of the ICJ has contributed to concrete progress in domestic legal reform, for example by providing capacity building to officials in the Ministry of Justice on the implementation of the Convention Against Torture, and by working with Government officials and civil society groups to establish a criminal offence of torture based on the definition found in the Convention Against Torture. ICJ efforts also helped to increase the capacity of local NGOs to use international human rights law in their work. In December 2009, the ICJ co-hosted a training session on NGO submissions to Thailand's Universal Periodic Review process with the Office of the UN High Commissioner on Human Rights. This successful event brought together 40 civil society organisations and activists from a variety of fields, and a core group was created to organise civil society submissions for the UPR in 2011.

the Special Rapporteur on Torture, Manfred Nowak, during his unofficial visit to Thailand. The meeting provided the Special Rapporteur with an opportunity to hear first-hand accounts of abuses directly from the victims, and enabled local NGOs to gain a better understanding of his mandate and how to submit information.

The ICJ, the Association for the Prevention of Torture, and the Cross-Cultural Foundation co-hosted two practical training sessions for defence lawyers from different areas of Thailand on the Convention Against Torture and

Regions

Other Cruel, Inhuman or Degrading Treatment or Punishment. The Office of the UN High Commissioner for Human Rights made a presentation at both trainings, and representatives from the International Committee of the Red Cross also attended. Thanks to these events, local lawyers and activists have gained an improved understanding of the work of the UN Special Procedures. In addition, they are better able to challenge police and military practices, including regarding the use of evidence obtained by torture or other ill treatment.

Trial observations

In March, on the occasion of the fifth anniversary of the enforced disappearance of Somchai Neelapaitchit, the ICJ released its trial observation report on the criminal case relating to the disappearance. Deputy Prime Minister Suthep Thaugsuban opened the launch event, which was followed by a high-level panel discussion with ICJ Commissioners Elizabeth Evatt and Vitit Muntarbhorn. Justice Evatt also met with the Office of the Attorney General, the Department of Special Investigations and the Ministry of Justice to maintain international pressure regarding the lack of progress in the investigations and the appeal of the case. Unfortunately, in December, one of the men Somchai Neelapaitchit was representing in relation to allegations of torture by security forces at the time of his disappearance himself went missing, although he was enrolled in Thailand's witness protection programme at the time. The ICJ continues to gather information regarding this incident and to press relevant authorities to advance their investigations.

In 2009 the ICJ closely observed proceedings in the post-mortem inquest into the deaths of 77 men and a child following the forcible dispersal of a large demonstration at Tak Bai in the Deep South of Thailand. Through interviews with a major Thai daily newspaper and participation in a seminar that received widespread media

coverage, the ICJ contributed to increasing public awareness of the problems with the court decision, as well as the government's failure to hold anyone accountable for the deaths at Tak Bai.

Work on legal reform and strengthening justice institutions

In July the ICJ partnered with Thailand's Judicial Training Institute and local NGO CrCF holding a seminar for judges in the Deep South on the role of judges in times of crisis. This seminar gave judges, prosecutors, and defence lawyers in the region a chance to meet and discuss persistent problems in trials relating to security-related offences in the Deep South.

The ICJ also advised the Ministry of Justice on the definition of torture for the drafting of legislation to implement the Convention against Torture. The ICJ also provided technical advice to NGO lawyers drafting a civil society-sponsored bill that would strengthen investigative procedures for torture allegations as well as reparations entitlements for victims.

Advocacy

Throughout 2009, the ICJ Thailand Project consistently brought human rights issues to the attention of national and international authorities. The ICJ held numerous briefings with high-level government officials urging greater action to promote the rule of law and human rights, and calling for accountability in high-profile court cases that the ICJ has observed and followed. The ICJ also held regular bilateral briefings with diplomatic delegations in Bangkok, requested interventions on key human rights cases, and attended sessions of the UN Human Rights Council in March 2009, where the organisation presented information on human rights and rule of law issues to various country delegations and Special Procedures.

Plans for 2010 and beyond

The ICJ Thailand Project will continue to focus on building the capacity of local civil society organisations and Royal Thai Government agencies to integrate international human rights law into their work. In particular, the ICJ is planning follow-up work with civil society organisations on the Convention Against Torture and the Universal Periodic Review, in addition to continuing intensive human rights capacity-building work with the Ministry of Justice aimed primarily at improving the justice sector in Thailand's Deep South.

Regions

Country Project: Sri Lanka

In 2009, the deteriorating political situation precluded the ICJ's direct engagement with domestic actors in Sri Lanka, due to difficulties in gaining official access and the risks that this type of work would entail for local actors. As a result, the ICJ focused on working with local partners and advocating through UN mechanisms to promote post-war justice and rule of law reforms, and to strengthen the criminal justice sector's compliance with human rights norms.

Context

The end of the civil war did not result in improved respect for human rights or the rule of law, as promised by the government. Instead, there has been a continued crackdown on political dissent and freedom of expression, particularly amongst human rights defenders and journalists. The May 2009 Human Rights Council session was a defining moment for the protection of human rights in Sri Lanka, marking a political turning point with negative implications for the protection of human rights in all of South Asia. The failure of the EU-backed resolution calling for an investigation of alleged war crimes during the final months of the internal armed conflict was widely viewed in Sri Lanka as a Sinhalese-nationalist victory against foreign nations conspiring to undermine Sri Lanka's sovereignty. Beginning in June, there was a marked increase in hostility by the government towards human rights criticism. Significant progress in allowing more than 200,000 internally displaced persons to return home did not occur until December, in response to issues raised during the lead-up to the Presidential elections. The government also demonstrated its willingness to silence its critics through the misuse of emergency and anti-terrorism laws.

ICJ Advocacy and Trial Observation

The high-profile case of Tamil journalist J.S. Tissainayagam galvanized human rights groups in Sri Lanka. Mr Tissainayagam was prosecuted in 2008-09 under emergency and counter-terrorism laws that ICJ described as violating both domestic and international law and standards. In August, the Colombo High Court found him guilty of causing 'communal disharmony' and 'ill will' and sentenced him to 20 years of 'rigorous imprisonment'. The ICJ observed the trial and prepared a report and briefing note condemning the use of overly broad and vague laws arbitrarily to restrict protected expression and violate the rights to

ICJ Focus

In spite of obstacles, the ICJ was able to influence national and international opinion regarding key cases and to continue its more foundational work on critical themes related to the long-term challenges of strengthening the rule of law in the transitional context and beyond. An important new ingredient developed largely in response to the internal situation in Sri Lanka is the ICJ's focus on the independence of the judiciary and the protection of rights in the context of states of emergency.

liberty, security, and a fair trial. The ICJ then prepared a follow-up report linking this case to broader issues of freedom of expression; the report will be released when the domestic environment is more conducive to a constructive impact.

Briefing Notes and Reports on Key Post-Conflict Issues

The ICJ prepared a report assessing the compliance of Sri Lanka's broad array of emergency laws with international standards. The report was released at the Human Rights Council in March 2009 and has been used in critiques of Sri Lanka's emergency regime. The ICJ also prepared a comprehensive report on the history of commissions of inquiry in Sri Lanka and their interdependent relationship with the criminal justice system. The release of the latter report was delayed until January 2010.

Anticipating the participation of displaced persons in re-establishing the rule of law at the local level, the ICJ conducted fieldwork among women refugees focusing on their leadership in Tamil Naddu, India. This research will form the basis for a briefing note to support efforts by returnees to participate in sustainable institutional reform in the security and justice sectors.

Plans for 2010 and beyond

Future efforts in Sri Lanka will aim to strengthen judicial independence, and to monitor and report on the use of emergency measures and their impact on human rights and the rule of law. The ICJ will also focus on strengthening witness protection, emphasising the role of lower courts in protecting fundamental rights, and monitoring the use and application of emergency laws. These efforts will have important connections with the ICJ's growing activity in South Asia regarding the role of commissions of inquiry and the reform of criminal justice systems to protect human rights.

Regions

Country Project: Nepal

In 2009, the Nepal Project continued its work in the areas of constitutional reform and the promotion of accountability for serious human rights violations. The ICJ's project combined traditional strengths in technical legal expertise with advocacy to influence outcomes in two areas: ensuring strong provisions in the new constitution regarding fundamental rights, guarantees of an independent judiciary, a strengthened role for the Attorney General and a transitional justice regime; and ensuring that human rights accountability remains on the agenda during the peace process.

Context

The political context in Nepal in 2009 reflected contradictions in the peace process, which opened the door to addressing key conflict issues without providing a sufficiently robust mechanism for ensuring continued dialogue. The collapse of the Maoist government in May and the resulting negotiation for power has effectively paralyzed the Parliament. The important process of drafting a new constitution has been delayed and progress is uncertain. Meanwhile, local governance and development issues are effectively at a standstill with signs that factional paramilitary groups are developing. In this context of increasing polarization between the Maoist Party and the other traditional parties, with growing disillusionment of historically excluded groups (Madheshis and Janajati), and with India increasingly supporting the Nepal Army and its political allies, the prospects for human rights and rule of law advocacy were perhaps at the lowest point since 2005 following the King's takeover.

Protecting Human Rights and Rule of Law through the Constituent Assembly (CA) Process

In May and August, the ICJ organised workshops on the inclusion of economic, social and cultural rights (ESC rights) with members of the Fundamental Rights Committee of the Constituent Assembly (CA). A session featured South African Constitutional Court judge Zak Yacoob, who explained how South Africa has included ESC rights in its constitution and how the courts apply these rights in the context of a state with limited financial resources. Many participants reported that these sessions had addressed their concerns regarding the integration of ESC rights in the constitution.

The ICJ's briefing note on the draft fundamental rights concept paper issued by the CA committee has become a reference point for ongoing debate. Successful advocacy through workshops, meetings and informal lobbying have familiarized those drafting the constitution with the importance of strong rights protections. The draft chapter on

ICJ Focus

The ICJ's continuous engagement with civil society organisations, Constituent Assembly members, and, importantly, officials at the Law Ministry and the Ministry of Peace and Reconstruction, has had a direct impact on the content of two draft bills: the Disappearances Bill and Truth and Reconciliation Bill, into which many ICJ recommendations have been incorporated. In coordination with its affiliate, Advocacy Forum, the ICJ is currently intensifying its interaction with victims' groups at a regional level in order to ensure that their voices are at the forefront of this advocacy. This work has led to an emerging consensus regarding key non-negotiable principles from the perspective of victims and their articulation in the draft legislation.

fundamental rights was released toward the end of the year and has incorporated many of the ICJ's recommendations. In addition, the same approach of combining informal and formal advocacy has seen increased support for judicial reform, which may result in the separation of powers under the new constitution.

Promoting Human Rights and Rule of Law Accountability in the Peace Process

The ICJ provided legal advice and intervened directly in landmark cases in which the alleged perpetrators include both Maoist and State actors. As 2009 drew to a close, the ICJ was instrumental in bringing human rights organisations together, despite adverse conditions, to develop joint advocacy positions calling for government action to ensure an independent and impartial trial in the case of Maina Sunuwar. The ICJ also assisted these organisations in calling for the suspension of General Toron Singh, who is implicated in alleged war crimes. In its last 2009 press release, the ICJ appealed to the government to cease its obstruction of justice by surrendering one of the accused in the Maina Sunuwar case to the civilian courts.

Finally, the ICJ developed briefing papers on themes integral to ensuring a peace process

Regions

founded on international law and standards, including papers on security laws, witness protection and the role of the Attorney General, as well as an options paper regarding proposals for a human rights statute. A briefing paper on Nepal's security laws was released in September and has become an important reference document for work in this area in Nepal. The ICJ then prepared a follow-up report linking this case to broader issues of freedom of expression; the report will be released when the domestic environment is more conducive to a constructive impact.

Plans for 2010 and beyond

Combating impunity will remain a central challenge and focus of the ICJ's efforts in Nepal. This includes providing support for the filing of First Information Reports and public interest litigation by local partners, monitoring relevant criminal investigations, submitting direct interventions in landmark cases, and conducting trial observations. The latter work includes bringing cases to national and international human rights bodies and – in every case – seeking close collaboration with national partners, particularly the National Human Rights Commission. International advocacy is a key dimension of all of this work: it is one of the main strengths of the ICJ that, through its global network of jurists it can bring this capacity and influence to bear at the national level, thereby strengthening the role of national actors.

Europe Regional Programme

The ICJ Europe Regional Programme aims to strengthen the rule of law and the legal protection of human rights at both the national level and at a regional European level, and to protect and strengthen regional human rights law standards.

Context

Europe faces multiple threats to human rights protection, including excessive counter-terrorism measures, violations of rights in the context of intelligence co-operation, and violations of rights in the treatment or expulsion of immigrants and asylum-seekers. In some countries, particularly in Russia and the Commonwealth of Independent States (CIS) region, the rule of law is threatened by a lack of judicial independence, attacks on lawyers and human rights defenders and impunity for serious violations of human rights. The European Court of Human Rights (ECtHR) faces serious and long-term challenges in re-organising to cope with an overwhelming caseload, a problem that can ultimately be traced to inadequacies in national human rights protection systems. All of these problems of human rights protection need to be addressed at national, regional, and international levels.

Judicial independence, attacks on lawyers and the rule of law

The Europe Programme responded and advocated on violence against judges, lawyers, and human rights defenders, both in and connected to the North Caucasus region. Following the killing of prominent Russian human rights defender Natalia Estemirova, the ICJ called for systemic reform to ensure the safety of human rights defenders and re-establish the rule of law. A statement condemning the killing issued by Mary Robinson, President of the ICJ was well reported in the Russian media. The ICJ also addressed these issues at the Human Rights Council and before the Human Rights Committee, actions that influenced strong conclusions and recommendations by the Committee regarding the protection of human rights defenders, impunity for serious violations committed by security services and the impact of counter-terrorism and counter-extremism laws on the freedoms of expression and association.

In July, the ICJ issued a press release and wrote to the government of Kazakhstan to express its concerns regarding the initiation of

ICJ Focus

In 2009, the ICJ contributed to the development of regional human rights policies and standards on issues including impunity, the rights of members of the armed forces, detentions outside of national territory, and the reform of the European Court of Human Rights. Its submissions influenced UN treaty bodies' and the Human Rights Council's reviews of compliance with their human rights obligations among a wide range of countries, including Russia, Spain, Sweden, the Netherlands and Uzbekistan, and influenced proposals for national legislation on issues including migration and judicial independence. It intervened, with some success, to protect lawyers and human rights defenders under threat or to draw international attention to their situations, including in Russia and Kazakhstan, and to draw attention to threats to judicial independence in Italy and Spain.

disbarment proceedings against a lawyer, Daniyar Kanafin, who had criticised the use of the principle of state secrecy to prevent him from representing a client in a case classified as secret. The ICJ's statement was widely reported in Kazakhstan and was presented at the hearing of the case, where the application for disbarment was rejected.

In October, ICJ Commissioner Karinna Moskalkenko observed the appeal hearing in the trial of Evgeniy Zhovtis, a leading Kazakh human rights defender convicted of negligent manslaughter following a traffic accident. The trial in the court of first instance had been criticised as failing to meet fair trial standards. An ICJ statement issued at the conclusion of the appeal, and widely reported in Kazakhstan, expressed concern at deficiencies in the appellate process which, taken together, meant that the hearing failed to meet international fair trial standards.

The ICJ expressed concern at the criminal charges brought against Magistrate Baltasar Garzón Real regarding his investigation into crimes against humanity committed during and after the Spanish Civil War. Magistrate Garzón

Regions

is being prosecuted for intentionally issuing an unjust ruling. The ICJ's criticism of the prosecution as an inappropriate and unwarranted interference with the independence of the judicial process was prominently reported and influenced debate on the prosecution in Spain and internationally.

The programme also raised concerns, in the UN Human Rights Committee and the OSCE, a recent law in Uzbekistan which placed the Bar Association under government control, and imposed a re-registration process on all lawyers.

Intervention in *Al-Saadoon v. UK*

The ICJ has been concerned at a growing trend among European states of ignoring interim measures issued by the ECtHR or UN treaty bodies, in particular where such measures prohibit the transfer of an applicant to a country where there is a risk that she will face serious human rights violations. Another worrying trend has involved restrictive interpretations of how European states' human rights obligations apply when they act outside their territory. The ICJ co-ordinated a third-party intervention before the ECtHR by a group of 10 NGOs in *Al-Saadoon v. UK*, a case in which both issues were raised. *Al-Saadoon* concerns the transfer by British forces in Iraq of two suspects to the Iraqi authorities immediately before the mandate of the international forces expired on 31 December 2008. The applicants were transferred despite the European Court's issuance of interim measures prohibiting this action. The Court delivered an admissibility decision in June, finding that the transfer of the applicants from the custody of British forces in Iraq to the custody of the Iraqi authorities fell within the jurisdiction of the UK. In its final judgment, in 2010, the Court found that the transfer of the applicants in defiance of the interim measures violated Articles 3, 13 and 34 of the European Convention on Human Rights.

Immigration: Italian Security Bill

In addition to a number of statements and submissions to UN bodies on immigration and asylum issues, the ICJ made written and oral

representations to the Italian House of Representatives on the Italian Security Bill and a related Security Law Decree.

The ICJ expressed particular concern regarding measures criminalising illegal entry and residence; a fast-track criminal process that would apply to these new offences; the extension of the maximum length of administrative detention of illegal migrants to six months; restrictions on irregular migrants' right to marry; obligations imposed on health personnel to reveal information on illegal migrants to the authorities; and restrictive modifications to the "hard penitentiary regime" for people suspected or convicted of terrorism and organised crime. Several measures, including the extension of administrative detention, were initially defeated, but were later reinstated in the bill by the government. The obligations on health personnel to reveal information on illegal migrants to the authorities were eventually excluded from the bill.

Council of Europe standard setting

The ICJ contributed to the shaping and development of Council of Europe standards and institutions. For example, the ICJ participated in the first meeting of the Committee of Ministers' committee of experts on impunity, a body charged with drafting guidelines on combating impunity. The ICJ advocated for a broad scope for the guidelines, including regarding the right to reparations, and for guidelines that draw both on Council of Europe standards and jurisprudence, and on other sources of international law, including UN treaty obligations, the UN impunity guidelines, and international criminal law. The ICJ participated in negotiations on the Council of Europe Draft Recommendation and Principles on the human rights of members of the armed forces, and in a series of meetings and an NGO hearing on reform of the European Court of Human Rights, preparing comments and statements jointly with a coalition of NGOs to influence debates on Court reform in the Steering Committee on Human Rights, and with the Swiss Presidency of the Council of Europe.

Plans for 2010 and beyond

In 2010, the ICJ will continue its work to influence laws and policies on counter-terrorism, migration and the independence of judges and lawyers, and to preserve and develop human rights standards throughout Europe. The ICJ will extend its work on migration in Europe, publishing a practitioners' guide on international legal remedies for migrants and asylum seekers in late 2010, and will begin a series of workshops on international human rights law for immigration lawyers. The ICJ will also increase its work in Russia and the CIS region, publishing Russian-language editions of ICJ publications on key human rights issues, and conducting training sessions and workshops for lawyers and human rights defenders on issues including fair trial rights and trial observations.

Latin America Regional Programme

The ICJ Latin America Regional Programme aims to strengthen the administration of justice and judicial accountability for serious human rights violations, and to promote the incorporation and application of international human rights law and standards in domestic legal systems. The Central America Regional Programme was initiated in 2007 in response to pressing rule of law problems in the sub-region. The ICJ is one of the few international human rights NGOs that has established an office in Central America (in Guatemala).

Context

The relative stability enjoyed since the end of a number of armed conflicts in the sub-region in the 1990s masks the underlying reality that the rule of law remains fragile. Some of the causes and conditions that led to internal conflict or unrest have not significantly changed and may in fact result in renewed social and political conflicts. In this context, judicial, legal and human rights communities in Central America need to become considerably stronger and better resourced if democratic changes and respect for human rights are to be achieved and sustained. This requires not only financial and human resources for local and regional actors, but sustained engagement, international interaction, and cooperation.

Independence of the judiciary

In 2009, the strengthening of the independence of the judiciary was a priority. With the elections of magistrates in Honduras, El Salvador and Guatemala opportunity arose to do this. The ICJ undertook three missions to observe the elections; meet with magistrates, public officials and civil society members; and comment and raise awareness of the elections through media interventions. International presence and scrutiny, sometimes at the request of authorities (e.g. in Guatemala), provides a critical check to ensure that elections are held in accordance with international standards.

Meetings with judges and magistrates from Central America were also helpful in reaching greater judicial independence. In Guatemala, the ICJ met separately with judges and lawyers to discuss issues regarding the independence of the judiciary and the fight against impunity, and to distribute the new ICJ Practitioners' Guide No. 3, *Impunidad y Graves Violaciones de Derechos Humanos*. In March the ICJ met with the Network of Central American Judges for the Democratization of Justice (REDCAJ) to define the Network's priorities. During the meeting the role of associations in

ICJ Focus

There is clear evidence that legal practitioners in Central America – and especially in Guatemala, where the ICJ carried out a number of trainings – are increasingly referring to international legal standards. One example was the reference to an *amicus curiae* brief of the ICJ in a ruling by a local court where it condemned a former military commissioner in an enforced disappearance case. Critical arguments presented in the ICJ submission were taken up by the court. This was the first time that a military commissioner was found guilty of an enforced disappearance in Guatemala.

implementing efforts to strengthen the independence of the judiciary was emphasized. Because reforms in the area of judicial careers in Central America present an opportunity to strengthen judicial independence, REDCAJ decided to prepare an analysis and recommendations regarding the judicial career process in Central America.

In Guatemala, the ICJ has continued workshops developed in 2008 on independence of the judiciary targeted at judges together with the School of Judicial Studies. The first workshop was held in November 2008, and two others were held in February 2009 in the Department of Quetzaltenango. The workshops were implemented together with the Office of the UN High Commissioner for Human Rights and the Instituto de Estudios Comparados en Ciencias Penales, and were regarded as significant successes and models for future courses to be developed.

Combating impunity

Providing a boost in the fight against impunity, the Practitioners' Guide on impunity was distributed throughout the year and is increasingly being used by judges, academics, lawyers and NGOs in their work. Meetings were held with the Bar Association, the Vice Minister of Foreign Affairs, the Attorney General and all the Magistrates of the Supreme Court in

Regions

Guatemala to promote and distribute the guide, and a public forum was attended by 200 legal practitioners and law students.

In Colombia, the ICJ presented an *amicus curiae* brief to the Council of the Judiciary in the trial of a former colonel and others for the enforced disappearance of 33 people in 1985. The brief analysed the topics of a competent tribunal, equality before the courts, ordinary and specialized jurisdictions, and military tribunals under international law. The ICJ General Counsel participated as an international expert in a conference on the shared experiences and empowerment of victims of human rights violations and the fight against impunity.

The ICJ presented a legal memorandum on amnesties and pardons under international law to the Peruvian Congress. The memorandum was prepared pursuant to two draft laws aimed at granting amnesty to officers who participated in the storming of the Japanese Embassy and in other operations to combat terrorism in the 1990's.

In the Cusanero case concerning enforced disappearances in Chimaltenango, Guatemala, the ICJ presented an *amicus curiae* brief to the Constitutional Court regarding the modern doctrine related to this crime against humanity. For the first time in Guatemala, a ruling applying international human rights laws and principles was adopted regarding the crime of enforced disappearance.

Administration of justice and military tribunals

In Mexico, the ICJ undertook a two-week fact-finding mission to investigate the administration of justice by military tribunals. The visit covered the States of Guerrero, Chiapas, and Chihuahua, as well as Mexico City, where a high-level meeting was held with representatives from the Ministry of Defence and the Ministry of Foreign Affairs.

Economic, Social and Cultural Rights

The ICJ's 2008 publication *Comentario del Protocolo Facultativo del Pacto Internacional de Derechos Económicos, Sociales y Culturales* together with the Inter American Human Rights Institute were distributed widely among academics and selected groups of stakeholders in Central America, with further dissemination planned for 2010.

In a case in Chixoy, Guatemala, the Guatemalan government and the Organization Coordinadora de las Comunidades Afectadas por la Hidroeléctrica Chixoy (OCAHICH) reached a signed agreement in which the Government recognized the state's responsibility in the construction of the hydroelectric plant at Chixoy. The ICJ Practitioners' Guide No. 2, *The Right to a Remedy and to Reparation for Gross Human Rights Violations*, was an important tool in arguing for reparations in this case. A Reparations Plan is now ready for approval in December 2010. Other practitioners have pointed to this negotiation process as an exemplary method for addressing these issues.

Plans for 2010 and beyond

In 2010, the ICJ Latin America Programme will, among other activities, engage in Guatemala in strengthening institutions, building capacities and conducting strategic legal interventions and legal research in order to strengthen the rule of law and promote greater knowledge and application of international human rights laws and standards, including in the area of economic, social and cultural rights.

Middle East and North Africa Regional Programme (MENA)

In 2009, the ICJ continued its work to improve the protection of human rights in the MENA region by promoting the rule of law and the independence and accountability of the judiciary, combating impunity for gross human rights violations, and emphasising the applicability of international law in situations of international or internal armed conflicts. To achieve these objectives, the ICJ is developing a constituency among Arabic-speaking judges and lawyers to strengthen their capacity to apply international human rights law and standards in their work throughout the MENA region.

Context

In 2009, human rights conditions deteriorated further in the MENA region. Authorities continued to arrest political dissidents and human rights defenders, impose severe restrictions on the establishment of non-governmental organisations and political parties, and arbitrarily restricted the freedoms of expression, assembly and association. In Egypt and Syria, emergency laws imposed in 1958 and 1963 respectively remain in effect, providing a basis for human rights violations including torture, arbitrary detention and unfair trials before military and exceptional courts, in which defendants are rarely provided any procedural guarantees. The human rights situation in the Occupied Palestinian Territory (OPT) and Israel worsened in 2009, especially resulting from the Israeli military operations in Gaza, during Operation Cast Lead, which claimed the lives of hundreds of civilians and resulted in devastating humanitarian consequences and widespread damage to civilian infrastructure.

Morocco

In 2009, the ICJ continued its work on improving the protection of human rights in Morocco. The ICJ has contributed to increasing the capacity of local human rights lawyers and defenders to promote the right to a judicial remedy in cases of gross human rights violations, thereby combating impunity. Through an assessment of the experience of the Moroccan Truth Commission, the ICJ engaged with the Ministry of Justice and the National Council for Human Rights (the institution in charge of the implementation of the Truth Commission's recommendations), and advocated for greater guarantees against the repetition of the gross human rights violations committed in Morocco during the last 40 years, including by ensuring accountability and the rights of victims to a judicial remedy. Although they have engaged in ensuring the right of victims to reparations, including collective reparations, Moroccan authorities have failed to

ICJ Focus

By working closely with its Moroccan Affiliate, the Moroccan Organisation for Human Rights, the ICJ has helped to stimulate a debate among government officials, civil society members and other stakeholders about the need to bring to an end the cycle of impunity for serious human rights violations that has prevailed in Morocco during the last 40 years. Through its legal expertise and knowledge, the ICJ has helped its Affiliate to develop a three-year strategy on combating impunity in Morocco. The ICJ will be involved in the implementation of this strategy.

bring to justice those responsible for the most serious human rights violations committed during the last 40 years. The ICJ will continue its advocacy promoting accountability for these violations.

Israel / OPT

The ICJ has advocated for accountability for the breaches of international law committed during the war in Gaza (December 2008-January 2009), especially through its submission to the United Nations Fact Finding Mission on the Gaza Conflict. In this submission, the ICJ pointed to the most pertinent legal issues under international humanitarian law and international human rights law in relation to the context of the military operations in Gaza: the applicable law, the conduct of hostilities and the legal status of Palestinian civilians and members of Palestinian armed groups detained during the military operations in Gaza as "unlawful combatants" before being transferred to Israel for interrogation.

The UN Fact-Finding Mission's Report corroborated the legal analysis and recommendations provided in the ICJ's submission. On the basis of both its own submission and the UN report, the ICJ continues its advocacy work at the international level, including with the United Nations mechanisms, for more accountability

Regions

for the serious breaches of international law committed during the war in Gaza.

Seminars in human rights

In June, the ICJ organised a seminar on the right to a remedy and to reparations for gross human rights violations in Morocco. During the seminar, judges, lawyers, academics and human defenders assessed the experience of the Moroccan Truth Commission in light of international standards and jurisprudence. The seminar focused on the right to a judicial remedy in cases of gross human rights violations; the right to truth; the right to reparations, including restitution, compensation, rehabilitation and the guarantees of the non-repetition of gross human rights violations. A report summarising the seminar's findings and recommendations was submitted to the Moroccan Council of Human Rights.

Protection of human rights lawyers and defenders

Throughout the year the ICJ raised concerns about the numerous persistent attacks against lawyers and human rights defenders in the MENA region. In particular, it closely monitored the case of ICJ Commissioner Muhannad Al-Hassani, who was arrested in July and formally charged with the offences of "weakening national sentiments" and "spreading false news."

The ICJ called on the Syrian authorities to immediately and unconditionally release Al-Hassani and to protect him from any inhuman or degrading treatment. The ICJ also urged the Chairperson of United Nations working on arbitrary detention, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on human rights defenders to seek Al-Hassani's release through appropriate measures. The ICJ observed Al-Hassani's disciplinary trial before the Damascus section of the Bar Association, which took place on October 20 and November 10, 2009. Over the course of the missions, the ICJ met with the presidents of the Syrian Bar Association, the Public Prosecutor and other representatives of the legal and judicial systems. This disciplinary trial failed to meet international standards of due process, and despite the ICJ's efforts, the Bar Association decided to prohibit Al-Hassani from practicing law for the rest of his life.

Plans for 2010 and beyond

The ICJ will continue to support the development of independent and impartial MENA judiciaries that protect and consolidate the rule of law and human rights, including through work to end MENA governments' abusive use of states of emergency measures, exceptional laws and military and special courts for civilians. The organisation will also work to include human rights standards in legislative frameworks throughout the region. The ICJ will undertake activities in Morocco, Tunisia, Egypt, Syria, Lebanon, the Occupied Palestinian Territory and Israel. In the OPT and Israel, the ICJ will launch a new initiative to promote adherence to international law in the context of the conflict, and to improve the rule of law and human rights in the OPT.

ICJ Secretariat staff members and interns in 2009

Nicholas Howen - Secretary-General (until November 2009)

Wilder Tayler - Secretary-General (Acting Secretary-General until November 2009)

Leah Hoctor - Assistant to the Secretary-General

Priyamvada Yarnell - Assistant to the Secretary-General, Associate Publications Officer and Programme Officer

LEGAL AND POLICY OFFICE

Federico Andreu-Guzman - General Counsel

Ian Seiderman - Senior Legal and Policy Advisor

Samantha Stark - Intern

DEVELOPMENT & OUTREACH

Julie Marion - Associate Fundraising Officer

Radosh Piletich - Fundraising Officer

Gisella Reina - Senior Fundraising Officer

REGIONAL PROGRAMMES

Africa Programme

Constance Mukarati - Administration Assistant

Martin Okumu-Masiga - Senior Legal Advisor

Arnold Tsunga - Regional Director

Asia-Pacific Programme

Bimal Acharya - Administration and Finance Officer (Nepal)

Pooja Ahluwalia - Legal Advisor

Vincent Calderhead - Nepal Country Director

Elaine Chan - Associate Legal Advisor

Paul Green - Legal Advisor

Roger Normand - Regional Director

Darunee Paisanpanichkul - Legal Advisor (Thailand)

Hari Phuyal - Legal Advisor (Nepal)

Pariksha Rana - Associate Legal Advisor (Nepal)

Govinda Sharma Bandi - Legal Advisor (Nepal)

Erin Shaw - Legal Advisor

Anothai Soma - Administration and Finance Officer

John Tyynela - Senior Legal Advisor

Kanyarat Wiphatawat - Associate Legal Advisor (Thailand)

Europe Programme

Erin Brechtelsbauer - Intern

Massimo Frigo - Associate Legal Advisor (50%)

Róisín Pillay - Senior Legal Advisor

Temur Shakirov - Intern

Latin America Programme

Maria Daniela Rivera Gutierrez - Intern

Ramón Cadena Rámila - Director Central America Office

Jose Zeitune - Senior Legal Advisor

Middle East and North Africa Programme

Saïd Bernarbia - Legal Advisor

ADMINISTRATION AND FINANCE

Jeannette André - Senior Director, Finance and Administration

Rafael Dominguez - Administrative Assistant

Patrick Hartmann - Finance Officer

Griselda Hofer - Office Manager

Clotilde Salomon - Human Resource Officer

Aster Teklu - Administrative Assistant

Laurent Tellier - Finance Officer

INTERNATIONAL LAW AND PROTECTION PROGRAMME

Jan Borgen - Director

Eliane Scheibler - Intern

Global Security & Rule

Marie-Laure Bazerolle - Associate Legal Advisor

Anna Enkvist - Intern

Massimo Frigo - Associate Legal Advisor (50%)

Johannes-Mikael Mäki - Intern

Ravi Naik - Intern

Gerald Staberock - Director

Yayoi Yamaguchi - Associate Legal Advisor

United Nations

Erin Brechtelsbauer - Intern

Lukas Machon - Representative to the UN

Pei-Lun Tsai - Intern

International Economics Relations

Carlos Lopez - Senior Legal Advisor

Divina Naidu - Intern

Marlena Ong - Intern

Stratos Pahis - Intern

Sexual Orientation and Gender Identity

Derek Inman - Intern

Allison Jernow - Consultant

Women's Human Rights

Leah Hoctor - Legal Advisor

ICJ 2009 Legal and Advocacy Outputs

GLOBAL SECURITY & RULE OF LAW

Strategic legal interventions:

- Joint amicus brief of the International Commission of Jurists, Amnesty International and Human Rights Watch to the Supreme Court of the United States of America in *Kyiimba v. Obama* (December)

Press releases:

- ICJ welcomes first steps in restoring human rights in counter-terrorism, USA (January)
- Top International Law Experts Call on US Administration to Reject War Paradigm, Reform Counter Terrorism Policies (February)
- Report: Leading Jurists Call for Urgent Steps to Restore Human Rights in efforts to counter terrorism (February)
- Eminent Jurists Panel to Release Final Report of Its Global Inquiry Into Counter-Terrorism and Human Rights (February)
- United States: No impunity for torture (April)
- UN to take leadership in upholding human rights in counter-terrorism (May)
- President Obama signals continuation of detention without trial, USA (May)
- Reinstitution of Military Commissions wrong way out, USA (May)
- Broader mandate for prosecutor essential to achieve accountability over torture and other “war on terror” crimes, USA (May)
- Abu Omar case - no more concessions on accountability for international crimes, Italy (May)
- ICJ briefs UN Security Council on Human Rights in Counter-Terrorism (December)

Other:

- Monthly publication: E-bulletin on counter terrorism and human rights (see <http://www.icj.org>)

INTERNATIONAL ECONOMIC RELATIONS

Strategic Legal Interventions/Submissions:

- Petition for Participation as non-disputing party pursuant to article 41(3) of the ICSID Arbitration (Additional Facility) Rules, *Piero Foresti, Laura de Carli et al v. The Republic of South Africa*, case No. ARB (AF)/07/01 (August)
- Submission in the United Nations Consultation on operationalizing the framework for business and human rights presented by the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (October)
- Joint ICJ/JUSTICE Submission to the United Kingdom House of Commons and House of Lords Joint Committee on Human Rights, "Human Rights and Business" (May)

SEXUAL ORIENTATION & GENDER IDENTITY

Strategic Legal Interventions/Submissions:

- Joint intervention before the European Court of Human Rights in *Chapin & Charpentier v. France* (November)
- Joint Intervention before the European Court of Human Rights in *Gas & Dubois v. France* (December)
- Amicus Brief before the Supreme Court of the Philippines in *Ang Ladlad v. Comelec* (December)
- Amicus Brief before the 6th Court of First Instance of Izmir (Turkey) in *Public Prosecutor v. Siyah Pembe ücgen Izmir* (Black Pink Triangle Izmir) (November)
- Submission to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression concerning the *Law on the Protection of Minors against the Detrimental Effect of Public Information* in Lithuania (July)

Country/Thematic Reports:

- Legal Memorandum on Uganda's Draft Anti-Homosexual Bill (October)

Other:

- Letter to the Speaker and Deputy Speakers of the Parliament of Rwanda regarding the criminalization of consensual same-sex sexual activity in the draft criminal code (December)
- ICJ Side Event titled “The Role of International Law in Protecting People of Diverse Sexual Orientations and Gender Identities” at the 12th Session of the Human Rights Council in Geneva (September)

- ICJ Side Event titled “(No) Freedom to Speak, Assemble, or Be Safe: Continued Threats to LGBT Advocacy” at the OSCE-ODIHR Human Dimension Implementation Meeting in Warsaw (October)

UNITED NATIONS

Universal Periodic Review

- 5th UPR Session of the Human Rights Council, Submissions to the Universal Periodic Reviews of Malta, Macedonia and Chile (submitted for the May session)
- 6th UPR Session of the Human Rights Council, Submissions to the Universal Periodic Reviews of the Democratic Republic of the Congo (March)
- 7th UPR Session of the Human Rights Council, Submissions to the Universal Periodic Reviews of the Islamic Republic of Egypt, Iran, Italy and Kazakhstan (August)
- 8th UPR Session of the Human Rights Council, Submissions to the Universal Periodic Reviews of Belarus, Spain and Sweden (November)

Special sessions of the Human Rights Council

Statements

- ICJ intervention on Serious Violations of Human Rights Law and Grave Breaches of International Humanitarian Law during the Israeli Military Operations in Gaza (9th special session, January)
- ICJ intervention on Sri Lanka: UN Rights Council Must Seek a Renewed Commitment to the Rule of Law by the Sri Lankan Government (11th special session, May)
- ICJ intervention on Human Rights Situation in the Occupied Palestinian Territories and East Jerusalem (12th special session, October)

Press releases

- The International Community Must Increase Pressure on the Government of Sri Lanka and the Tamil Tigers to Protect Civilians as the Armed Conflict Worsens (May)
- The International Commission of Jurists Called on the United Nations Human Rights Council to Convene a Special Session on the Dire Human Rights Crisis in Sri Lanka (May)
- The Government of Sri Lanka Must Urgently Relieve the Crisis Faced by up to 280,000 Internally Displaced Persons in the Wake of the Recent Military Conflict (May)
- Report of the UN Fact Finding Mission on the Gaza Conflict: The ICJ Urges End to Impunity (September)

Regular sessions of the Human Rights Council

Statements

- Intervention on the Annual Report of the UN High Commissioner for Human Rights and the Reports of the Office of the High Commissioner and the Secretary-General (10th session, March)
- Intervention in the Interactive Dialogue with the Chairperson of the Working Group on Enforced or Involuntary Disappearances (10th session, March)
- Intervention in the Interactive Dialogue on the Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (10th session, March)
- Intervention under Item 4 on Human Rights Situations that require the Human Rights Council’s Attention (10th session, March)
- Intervention on the Situation of Human Rights in the Democratic Republic of the Congo – Follow-up to the 8th Special Session of the Human Rights Council (10th session, March)
- Intervention on the adoption of the outcome document of the Universal Periodic Review of Uzbekistan (10th session, March)
- Joint Oral Statement by the ICJ, Center Prodh, HRW and OMCT, Mexico: Military Jurisdiction Inadequate for Ensuring Justice for Serious Human Rights Abuses Against Civilians: (11th session, June)
- Intervention on the adoption of the outcome document of the Universal Periodic Review of the Russian Federation (11th session, June)
- Intervention on the adoption of the outcome document of the Universal Periodic Review of Saudi Arabia (11th session, June)
- Intervention on the adoption of the outcome document of the Universal Periodic Review of Jordan (11th session, June)
- Intervention on the Human Rights Situation in Palestine and Other Occupied Arab Territories (11th session, June)
- Intervention on the Human Rights Situation in Sudan (11th session, June)
- Intervention on United Nations: Individuals Should Have Their Human Rights Protected in Any Time of Crises, ICJ Says in Interaction with the UN High Commissioner for Human Rights (12th session, September)
- Intervention in the Panel Discussion on Human Rights of Migrants in Detention Centres (12th session, September)
- ICJ Intervention in Support of Signature and Ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (12th session, September)

Press releases

- ICJ urges unconditional protection of civilians in emergencies and renewed commitment to human rights in counter-terrorism (10th session, March)
- ICJ Urges that the Human Rights Council Establish New Expert Mandate to Protect Individuals against Abuses in Times of Crises (12th session, September)

UN Security Council

Press release

- ICJ briefs members of the UN Security Council on the need to integrate human rights in counter-terrorism (December)

United Nations Treaty Bodies

Country submissions

- Submission to the Human Rights Committee on the Periodic Report of Russia (List of Issues stage) (January)
- Submission to the Human Rights Committee on Sweden (January)
- Comments on the Initial Report of Cambodia on the implementation of the International Covenant on Economic, Social and Cultural Rights (April)
- Submission to the Committee Against Torture for the consideration of the fourth periodic report of the State of Israel (May)
- Submission to the Human Rights Committee on the Periodic Report of Uzbekistan (May)
- Submission to the Committee on Economic, Social and Cultural Rights for its consideration of the combined second, third, fourth and fifth report of the Democratic Republic of the Congo on the implementation of the International Covenant on Economic, Social and Cultural Rights (October)
- Submission to the Committee Against Torture on Spain (October)

Draft General Comments

- Initial contribution towards the draft General Comment No. 34 by the Human Rights Committee on Article 19 of the International Covenant on Civil and Political Rights regarding the freedom of opinion and expression (October)

Reform of the UN treaty bodies

- Study on the Reform of the UN Human Rights Treaty Monitoring Bodies (January)

Other

- Concept note for a strategy meeting on Sri Lanka (March)
- Report on Sri Lanka strategy meeting (March)
- Press release US decision to run for membership reaffirms its commitment to human rights, to be satisfied by efforts to help the Council's purpose (April)

WOMEN'S HUMAN RIGHTS

Strategic Legal Interventions/Submissions:

- Amicus Curiae before the Inter-American Court of Human Rights in *Gonzalez and others (Campo Algodonero) v. Mexico* (July)
- Expert legal opinion to CEDAW on the content of general international human rights law as it pertains to the provision of appropriate maternal health care, in *Alyne Da Silva Pimental v. Federative Republic of Brazil* (September)
- Submission to OHCHR on some of the international human rights law dimensions of preventable maternal mortality and morbidity (December)

AFRICA REGIONAL PROGRAMME

Country/Thematic Reports

- Production of a dossier with 122 cases of politically motivated extra judicial killings and enforced disappearances that took place in one country after elections.

Workshops

- *A New Era of Counter-Terrorism in Africa: Are African Governments Ready to Strengthen the Rule of Law?* Pretoria, South Africa, April 2009
- *Strengthening Democratic Processes through Constitutional Reform and Institutional Transformation;* Johannesburg South Africa, April 2009
- *Judicial Reform in Zimbabwe;* Johannesburg, South Africa, August 2009
- *Sustaining the Rule of Law to Promote Socio-Economic Development in the Eastern and Southern Africa Region;* Kasane, Botswana, August 2009

- *The Justice delivery System – Challenges and Opportunities: A View from the Bench and the View from the Bar*; Harare, Zimbabwe, September 2009.
- *Business, Complicity and Access to Justice*; Johannesburg, South Africa, October 2009.
- *Options for Transitional Justice in Post Conflict African Societies*; Mombasa, Kenya, November 2009.
- *Conference of Eminent African Jurists on HIV/AIDs and the Law in the 21st Century*; Johannesburg, South Africa, December 2009.
- *Litigation in African International Courts & Tribunals: Case Study of Zimbabwe?* Arusha, Tanzania September 2009
- *Engagement Strategy with the African Union (AU)*; Arusha, Tanzania, September 2009)

Memoranda of Understanding

- Memorandum of Understanding between the Judiciary of Lesotho and the International Commission of Jurists (ICJ), May 2009
- Memorandum of Understanding between the Law Society of Lesotho and the International Commission of Jurists (ICJ), August 2009
- Memorandum of Understanding between the Law Society of Zimbabwe (LSZ) and the International Commission of Jurists (ICJ), May 2009
- Draft Memorandum of Understanding between the Judiciary of Swaziland and the International Commission of Jurists (ICJ), March 2009
- Draft Memorandum of Understanding between the South African Chief Justices Forum (SACJF) and the International Commission of Jurists (ICJ), July 2009
- Draft Memorandum of Understanding between the South African Legal Information Institute (SAFLII) and the International Commission of Jurists (ICJ), July 2009
- Draft Memorandum of Understanding between the Uganda Law Society (ULS) and the International Commission of Jurists (ICJ), December 2009

Resolutions to which ICJ contributed

- Concluding Statement of Zimbabwe Judicial Reform Workshop, August 2009
- SADC Lawyers Associations Recommendations on Defending the Rule of Law Without Fear or Favour, August 2009
- Resolutions on Sustaining the Rule of Law to Promote Socio-Economic Development in the Eastern and Southern Africa Region, Botswana, August 2009
- *The International Criminal Court (ICC) that Africa Wants*, South Africa, November 2009
- Johannesburg Statement on HIV-related Judicial Principles, South Africa, December 2009

Media/Press Releases

- Zimbabwe: Government Must Release Lawyers in Unlawful Detention (12 February 2009)
- The Government of Zimbabwe Must Release Magistrate Livingstone Chipadze from Unlawful detention (9th March 2009).
- ICJ concerned about threats facing human rights lawyer Alec Muchadema (8 May 2008).
- Statement Regarding the Swaziland Supreme Court's Ruling in the Case of *National Constitutional Assembly (NCA) v. Prime Minister & Others, 2009* (4th June 2009)
- ICJ calls for liberation of Mr Thulani Mseko, a Swaziland prominent human rights, unconstitutionally charged under the Sedition and Subversive Activities Act (10th June 2009).
- ICJ congratulates ZLHR for winning the American Bar Association 2009 Rule of Law (Award 16th June 2009)
- ICJ Deputy Secretary-General visits Zimbabwe to explore the state of human rights and the rule of law (25th June 2009)
- La Commission Internationale des Juristes Profondément Préoccupée par les Graves atteintes à l'indépendance du Pouvoir Judiciaire au Niger (9th July 2009)
- La Commission Internationale des Juristes Condamne Fermement le non-respect de la Procédure Disciplinaire dans la Révocation des Magistrats Civils en République (17 July 2009)
- Human Rights and Media Lawyer Mordecai Mahlangu Must be Released Immediately (4th November 2009)
- Justice Azhar Cachalia to observe the trial in the Case of The State versus Roy Lesley Bennett in Zimbabwe (24th November 2009)

Other

- Partial Trial Observation Report in the Matter of *The State v. Roy Leslie Bennett* CBR 178/09
- Addressed letter to Mr Patrick Chinamasa, the Zimbabwean Minister of Justice, Legal and Parliamentary Affairs referenced: "The Arrest of Magistrate Livingstone Chipadze," (March 2009)
- Solidarity Statement: *African Civil Society Statement urging African State Parties to the Rome Statute to reaffirm their commitment to the ICC*; Cape Town South Africa, July 2009

ASIA-PACIFIC REGIONAL PROGRAMME

Country/Thematic Reports:

- National Security Laws and Human Rights Implications, Nepal (September)
- Economic, Social and Cultural Rights and the New Constitution of Nepal (September)
- Briefing Paper: Disappearance in Nepal: Addressing the Past, Securing the Future (March)
- Briefing Paper: Mapping Impunity in South Asia, prepared for Accountability Watch Committee's Conference on Impunity, Kathmandu, Nepal (October)
- Report on Emergency Laws and International Standards, Sri Lanka (March)
- Trial Observation Report regarding proceedings before the High Court of Colombo brought against Mr J.S. Tissainayagam (September)
- Report on Freedom of Expression and the use of Emergency Laws in Sri Lanka (release of this report delayed due to political risk)
- Report on the Criminal Trial and Investigation into the Enforced Disappearance of Somchai Neelapaichit, Thailand (March)
- Briefing Paper: Tak Bai Post-Mortem Inquest Backgrounder, Thailand (June)
- Briefing Paper: Tak Bai Post-Mortem Inquest Clarification, Thailand (June)
- Briefing Paper: Thailand's Internal Security Act (September)

Strategic Legal Interventions/Submissions:

- Letter to the Deputy Prime Minister, raising concerns in relation to use of professional ethical standards and defamation laws to suppress political dissent and punish legitimate professional practice of Mr Kong Sam On, Cambodia (June)
- Letter to the Cambodian Bar Association, raising concerns in relation to use of professional ethical standards to suppress political dissent and punish legitimate professional practice of Mr Kong Sam On, Cambodia (June)
- Letter to the Peace Minister urging the Government to amend the Bill on Disappearances in order to address the past and secure the future, Nepal (July 2009)
- Joint Memorandum on the Disappearances of Persons (Crime and Punishment) Bill, Nepal (September)
- Open letter to the Speaker of the Constituent Assembly setting out ICJ's Reaction to the Draft Text Released by the Fundamental Rights Committee, Nepal (November)
- Letter to the Prime Minister of Nepal recommending the suspension of the promotion of General Toran Singh until a credible, impartial and independent investigation had been conducted. Nepal (December)
- Private letter to the Attorney General, raising concerns in relation to the OAG's decision not to recommend prosecution for officials involved in the Krue Se Mosque incident that resulted in 28 deaths, Thailand (April)
- Written submission to the WGEID in relation to the 5th anniversary of the disappearance of Somchai Neelapaichit, Thailand (March)
- Assistance in submission of appeal of Tak Bai post-mortem inquest verdict, in Bangkok Criminal Court, Thailand (July)
- Technical assistance to the Ministry of Justice in relation to the domestication of international obligations under the UNCAT, Thailand (February)
- Legal assistance to Human Rights Lawyers Association in drafting civil society bill seeking to improve torture investigations, prosecutions and victims' access to reparations, Thailand (August)
- Trial observation in the rendering of the Tak Bai post-mortem inquest verdict, in Songkhla Provincial Court, Thailand (May)
- Trial observation in the appeal of the Tak Bai post-mortem inquest verdict, in Bangkok Criminal Court, Thailand (August)
- Trial observation in the civil case for compensation by the victim's family for the death in military custody of Imam Yapa Kaseng, in Bangkok Civil Court, Thailand (September)
- Trial observation in the private criminal prosecution of security officials by the victim's family for the death in military custody of Imam Yapa Kaseng, in Narathiwat Provincial Court, Thailand (October and December)
- Statement: Search without warrant of the offices of Working Group on Justice for Peace by the military, Thailand (February)
- Provided strategic legal support for a challenge to Nepal Army Act legislation prohibiting gays or lesbians from membership in the Nepal Army and, in the same case, challenging the compliance of the Court-Martial procedures with the criminal justice protections in the Nepal Interim Constitution (2007) and the ICCPR
- Legal assistance in the case of Sanjeev Kumar Karna and others who had been disappeared and extrajudicially executed by security personal. Nepal (February)
- Written submission to the 10th session of the Human Rights Council on Human Rights Situation in Nepal (February)
- Legal assistance in Kavre District Court in the case of Maina Sunuwar, a 15-year old girl who was disappeared and tortured to death, Nepal (throughout the year)
- Legal assistance to lawyers working in the extrajudicial killing cases of Sohan Lal Chaudhari and Radha krishana Chaudhari in Bardiya District, Nepal (December)
- Legal assistance to lawyers working in the extrajudicial killing cases of Ram Prasad Dhobi, Rajjab Khan, Salman nau, Munbar Khan and Mahendra Barma in Banke District, Nepal (December)

- Legal assistance in a public interest litigation case filed in the Supreme Court by FOHRID asking for a special investigation in cases of extra-judicial killing (October)
- Legal assistance in the preventive detention cases of Tibetan refugees Tasi Dawa Lama and Kalsag Dondup, Nepal (October)

Media/Press Releases:

- International Commission of Jurists concerned that Nepal Army obstructing justice, Nepal (December)
- The ICJ Calls on the Government of Nepal to Arrest Army Officer Accused of Enforced Disappearance, Torture and Killing, Nepal (December)
- ICJ calls for amendments to Bill on Disappearances to address the Past and Secure the Future, Nepal (June)
- After Two Years, Government Still in Non-Compliance with Supreme Court Order on Enforced Disappearance, Nepal (June)
- ICJ calls for amendments to Ordinance on Disappearances to Ensure Human Rights, Nepal (March)
- ICJ calls for Government to allow Parliament to debate Disappearances Bill, Nepal (January)
- ICJ Condemns Misuse of Anti-Terrorism Laws to Prosecute Sri Lankan Journalist, J. S. Tissainayagam, Sri Lanka (September)
- UN Rights Council must seek a renewed commitment to the rule of law by the Sri Lankan Government, Sri Lanka (May)
- UN Human Rights Council: The Government of Sri Lanka must urgently relieve the crisis faced by up to 280,000 internally displaced persons in the wake of the recent military conflict, Sri Lanka (May)
- The International Commission of Jurists called on the United Nations Human Rights Council to convene a special session on the dire human rights crisis in Sri Lanka (May)
- The International Community Must Increase Pressure on the Government of Sri Lanka and the Tamil Tigers to Protect Civilians as the Armed Conflict Worsens, Sri Lanka (May)
- Serious failures in the criminal investigation have denied justice in disappeared lawyer case, Thailand (March)
- Human rights groups question Thailand's failure to prosecute security officers, Thailand (April)
- Supporting the implementation of the UN Convention against Torture in Thailand – Training workshop for lawyers and book launch, Thailand (May)
- Court delivers disappointing post-mortem inquest findings in Tak Bai incident, Thailand (May)
- ICJ condemns killing of at least 10 worshippers at the Alfurquan Mosque, Thailand (June)
- ICJ Press Release: "ICJ condemns continued detention of Daw Aung San Suu Kyi," Myanmar/Burma (August)
- ICJ Press Release: "Fiji government should respect rule of law by ending emergency, restoring Constitution and judges, and holding timely elections," Fiji (April)

Capacity Building and Training:

- Strategy meeting for Sri Lankan advocates to discuss shared advocacy approach, hosted by ICJ (January)
- Commemorative Event and High-Level Panel on the Fifth Anniversary of the Enforced Disappearance of Lawyer Somchai Neelapaijit, Thailand, co-hosted with the Working Group on Justice for Peace (March)
- Roundtable Discussion for Thai Civil Society Organisations with Mr Manfred Nowak, UN Special Rapporteur on Torture, Thailand, co-hosted with the Office of the High Commissioner for Human Rights (April)
- Round-table discussion on disappearance litigation and comparative legal standards for lawyers from Thailand and Nepal, hosted by ICJ (April)
- Practical Training Workshop for Lawyers on the Implementation of the Convention Against Torture, Bangkok, co-hosted with the Association for Prevention of Torture and Cross-Cultural Foundation (May)
- High-Level Panel Discussion and Book Launch on Preventing Torture in Thailand, co-hosted with the Association for Prevention of Torture (May) (Launch of ICJ-supported Thai translations of *"Bringing the International Prohibition of Torture Home" National Implementation Guide for the UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*, by the Human Rights Centre of the University of Essex and *Combating Torture: A Manual for Judges and Prosecutors*, by Redress Trust)
- Seminar on Roles of Judiciary and Public Prosecutor in the Time of Crisis: Case of Thailand's Southern Provinces, co-hosted with Rabibhadanasak Research Institute, Office of the Court of Justice and Cross-Cultural Foundation (June)
- Practical Training Workshop for Lawyers on the Implementation of the Convention Against Torture, Chiang Mai, co-hosted with the Association for Prevention of Torture and Cross-Cultural Foundation (September)
- High-Level Round-table Discussion on Lessons Learned from Northern Ireland in Relation to the Conflict in Thailand's Southern Border Provinces, co-hosted with the British Embassy (September)
- NGO Consultation Meeting and Reporting Workshop on National Strategies for Engaging in Thailand's Universal Periodic Review, co-hosted with the Office of the High Commissioner for Human Rights and the Cross-Cultural Foundation (December)
- International Standards for the Use of Force, presented at Panel Discussion on Tak Bai Post-Mortem Inquest Verdict, Thailand (June)
- Legal Framework and Justiciability of Economic, Social and Cultural Rights, presented to Commissioners and Staff of National Human Rights Commissions from Thailand, Malaysia, Philippines and Indonesia (August)
- Legal Framework and Justiciability of Economic, Social and Cultural Rights, presented to Indigenous Peoples' Community Organizations in Phuket, Thailand (August)

- Mapping Impunity in South Asia, prepared for Accountability Watch Committee's Conference on Impunity, Nepal, co-hosted with the Office of the High Commissioner for Human Rights (October)
- ICJ in collaboration with Appellate Court Bar Association Biratnagar organized a regional workshop on the proposed Bill on Disappearances (January)
- Presentation regarding the ongoing transitional justice initiatives, particularly focusing on the TRC and the Disappearance Commission to representatives of a variety of human rights organizations (January)
- Presentation on "The International Principle of Enforced Disappearance, Supreme Court decision and Ordinance" to human rights lawyers (February)
- Workshop on "The Concept of Transitional Justice and the possibility of uses of Transitional Justice in Nepal with lawyers and civil society members "(March)
- Presentation on "The Origin and Introduction of the International Criminal Court to the members of the Bar Association from the Central Region (March)
- Regional workshop on 'Accession and Domestication of the Rome Statute of the International Criminal Court' in Pokhara with human rights defenders and civil society members (March)
- Regional workshop on 'Accession and Domestication of the Rome Statute of the International Criminal Court' in Nepalgunj with human rights defenders and civil society members (March)
- Seminar on 'Reflection on the Role of a Constitutional Court in a Modern Democratic State: Experiences from the Federal Constitutional Court of Germany" (March)
- Documentation training workshop on "Human rights violations" for the wounded Victims of and Martyr Families of the Janandolan " (May)
- Presentation on "Nepali Criminal Law: A Comparative Analysis of the Current Laws in Nepal" (June)
- Regional consultation and continuing legal education meeting on "The New Civil Liberties Act" Nepal (June)
- Workshop on National Security and Human Rights in the New Constitution, with members of the Constituent Assembly's National Interest Preservation Committee (August)
- Regional consultation meeting on the New Civil Liberties Act with regional lawyers (August)
- Regional Workshop on Human Rights in Nepal with victims who suffered violations from both the state and the Maoists in Bardiya, Surkhet, Kanchanpur, Kailali, and Banke districts (September)
- Training Session on Lawyer's Protection, Birgunj (September)
- Presentation and distribution of the *Practitioner Guidelines on Independence of Judges, lawyers and Public Prosecutors* (August)
- Presentation on Substantive Equality at the inaugural ceremony for a series of talks sponsored by the Patan Appellate Bar Association's on Constitutional Reform in Nepal (July)
- Presentation on Substantive Equality at the Patan Appellate Bar Association's series on Constitutional Reform (August)
- Regional Consultation on the TRC (December)
- Presentation with GTZ:"Fundamental Rights and the Health Sector" Nepal (December)
- Presentation for Supreme Court bench officers on "The Application of International Human Rights Norms in the Development of Fundamental Rights Jurisprudence in Nepal" Nepal (November)
- Presentation and follow-up Q & A for women members of the Nepal Bar Association on "The Role of Economic, Social and Cultural Rights/Equality Rights and a Commentary on the Draft Text Released by the Fundamental Rights Committee" Nepal (November)
- Presentation on "Crimes during the Conflict and the Criminal Law of Nepal to human rights defenders and civil society members " (June)
- Presentation on the "International Law on Enforced Disappearances and the substitute bill on Disappearance, 2065 with human rights defenders and civil society members" (April)
- Presentation on "Documentation on the violation of Women's Rights" to women lawyers in Lamjung (January)

EUROPE REGIONAL PROGRAMME

Strategic Legal Interventions/Submissions

- Submission to the Human Rights Committee on the Periodic Report of Russia (List of Issues stage) (January)
- Third Party Intervention before the European Court of Human Rights in *Al-Saadoon v. UK* (April)
- Joint submissions to the Reflection Group on Reform of the European Court of Human Rights (December)
- Submission of the ICJ to the Italian House of Representatives: ICJ Intervention on House of Representatives Bills C.2180 and C.2232, and Executive Summary (March)
- Submission to the Committee Against Torture on Spain (October)
- Submission to the Human Rights Committee on Sweden (January)
- Position Statement on Procedural Rights and Safeguards in criminal proceedings, European Union (with JUSTICE and ICJ Sweden) (July)
- ICJ intervention on criminal justice reform bill, Italy (July)
- Submission to the Human Rights Committee on the Periodic Report of Uzbekistan (May)
- Submission on the Universal Periodic Review of Italy (September)
- Submission on the Universal Periodic Review of Kazakhstan (September)
- Comments on Revised Draft Principles for a Recommendation of the Committee of Ministers to Member States on human rights of Members of the Armed Forces (Jointly with Amnesty International) (May)

- Submission to the Human Rights Committee on the Periodic Report of Switzerland (September)
- Submission on the Universal Periodic Review of Sweden (November)
- Submission on the Universal Periodic Review of Spain (November)
- Submission on the Universal Periodic Review of Belarus (November)
- Human Dimension Implementation Meeting, Statement on Harassment of Lawyers in Uzbekistan (October)
- Joint Statement on Reform of European Court of Human Rights (November)

Media/Press Releases

- Italy: Government moves in the Elena Englaro Case to undermine the judiciary and separation of powers (February)
- Russian Federation: ICJ calls for investigation and accountability following murder of Stanislav Markelov (January)
- US/UK: Governments must not impede courts' disclosure of torture allegations (February)
- Italy: Legislative proposal to extend length of detention for migrants must be rejected (April)
- Italy: ICJ presents intervention at House of Representatives on Security Bills (March)
- Italy: Government must stop unlawful returns of boats carrying migrants and potential asylum seekers from international waters (June)
- Italy: High Council of Magistrature criticizes flawed Criminal Procedure Reform Bill (July)
- Russian Federation: ICJ Calls for thorough and independent investigation into killing of Judge (June)
- Russian Federation: ICJ calls for action to protect human rights defenders following killing of Natalya Estemirova (July)
- Personal Statement Mary Robinson on the killing of Natalya Estemirova (July)
- Kazakhstan: ICJ calls for withdrawal of disbarment proceedings against defence lawyer (July)
- Spain: ICJ condemns prosecution of Magistrate Garzón (September)
- Kazakhstan: ICJ questions fairness of appeal hearing in case of human rights defender Evgeniy Zhovtis (October)
- Italy: Abu Omar case: No more concessions on accountability (November)

Other

- Letter to Russian Govt re murder of Stanislav Markelov (February)
- Letter to the President of Kazakhstan on the disbarment proceedings against Daniyar Kanafin (July)
- Poland: Joint Letter to Prime Minister, with Amnesty International and the Polish Helsinki Federation on investigation of secret detentions (August)
- Letter to the Special Rapporteur on the independence of Judges and Lawyers on prosecution of Judge Garzón (August)
- Joint Letter on Draft Interlaken Declaration on Reform of the European Court of Human Rights (December)
- Letter to Special Rapporteur on Migrants on Italy (May)
- EHRLR European Counter-terrorism and Human Rights Bulletins (bi-monthly)

LATIN AMERICA REGIONAL PROGRAMME

Country/Thematic Interventions

- Observation mission to Guatemala for the election of the Attorney General (September)

Strategic Legal Interventions/Submissions

- Claim before the Guatemala Constitutional Court regarding the election of Attorney General (September)
- "Peritaje" (scientific legal opinion) before the the tribunal of the Department of Chiquimula in the case *Masacre El Jute* (October)
- "Juez Ad Hoc" in the case *Masacre de las Dos Erres*, Inter American Court of Human Rights (November)

Other

- Course for teachers of the Law Faculty of USAC, Guatemala (September)
- Course on international human rights law for COPREHDE (Presidential Human Rights Commission), Guatemala (September)
- Course on international human rights law for journalists, Guatemala (September)
- Course on the Inter American Human Rights System with the International Lawyers Organization (ELAW) (November)

MIDDLE EAST & NORTH AFRICA PROGRAMME

Country/Thematic interventions

- Mission to Morocco on Impunity and Rule of Law (March)
- Intervention in a seminar organized by the Euro Mediterranean Network for Human Rights in Cairo, Egypt, on the Right of Judges in the MENA region to the freedom of association (May)
- Seminar in Morocco on the right to a remedy and to reparation for gross human rights violations (July)

Strategic Legal Interventions/Submissions

- Statement on ICC warrant of arrest against Sudanese President for crimes against humanity and war crimes, Sudan (March)
- Statement on the impunity of Sheikh Issa bin Zayed al Nahyan for acts of torture, United Arab Emirates (April)
- Submission to the Committee Against Torture for the consideration of the Fourth Periodic report of the State of Israel (May)
- Intervention on the adoption of the outcome document of the Universal Periodic Review of Saudi Arabia (June)
- Intervention on the adoption of the outcome document of the Universal Periodic Review of Jordan (June)
- Intervention at the Human Rights Council 11th session on the situation in the Occupied Palestinian Territory (June)
- Intervention at the Human Rights Council 11th session on the human rights situation in Sudan (June)
- Submission to the United Nations Fact Finding Mission on the Gaza Conflict (June)
- Submission to the Universal Periodic Review of Egypt (August)
- Letter to the Syrian President on the situation of Mr Al-Hasani, Syria (August)
- Letters to the Chairperson of United Nations working on arbitrary detention, the Special Rapporteur on the independence of judges and lawyers, and the special Rapporteur on human rights defenders, on the situation of Mr Al-Hasani, Syria (September)

Media/Press Releases

- The ICJ calls on the Syrian authorities to immediately and unconditionally release Muhannad Al-Hasani, Syria (August)

ICJ Publications in 2009



Assesing Damage, Urging Action; Report of the Eminent Jurists Panel on Terrorism, Counter-terrorism and Human Rights

The Report of the Eminent Jurists Panel, based on one of the most comprehensive surveys on counter-terrorism and human rights to date, illustrates the extent to which the responses to the events of 11 September 2001 have changed the legal landscape in countries around the world. The Panel addresses: the consequences of pursuing counter-terrorism within a war paradigm, the increasing importance of intelligence, the use of preventative mechanisms and the role of the criminal justice system in counter-terrorism.

Report and Executive Summary - available in English



The Right To A Remedy And To Reparation For Gross Human Rights Violations, Arabic Edition (Practitioners Guide No. 2)

This Guide outlines the international legal principles governing the right to a remedy and reparation for victims of gross human rights violations by compiling international jurisprudence on the issues of reparations. The Guide is designed to aid practitioners by providing international sources for their legal, advocacy, social or other work.

Now available in English, French, Spanish and Arabic.



International Law and Sexual Orientation and Gender Identity (Practitioners Guide No. 4)

This Practitioners Guide explains how international law and standards can and should be used to provide the protection that victims whose human rights have been violated for reasons of their sexual orientation or gender identity are entitled to.

Now available in English and Spanish; French translation underway.



Trial Observation Manual for Criminal Proceedings (Practitioners Guide No. 5)

This Manual provides trial observers with practical guidance on how to prepare for a trial observation mission, carry out the observation, and write the follow-up report. It also provides a synthesis of the basic legal standards applicable in relation to: (i) the right to a fair trial, (ii) the right to remedy of victims of human rights violations, and (iii) combating impunity. This is the first trial observation manual which includes analysis of international standards on the right to remedy of victims of human rights violations or combating impunity.

Now available in English, Spanish and Arabic.

Funding

The difficult economic climate in 2009 had direct implications on the third sector; many NGOs were forced to reduce projects and staff. Despite this bleak environment, the ICJ’s fundraising efforts in 2009 achieved coverage of the budget and even a slight increase in commitments (from 5.3 million CHF to 6.4 million CHF). Although a number of donors discontinued their funding because of financial problems, the ICJ received support from a number of new donors that helped to compensate for this loss. Our regional offices, particularly in Asia and Africa, have consolidated their work and managed to gain the respect and engagement of new donors.

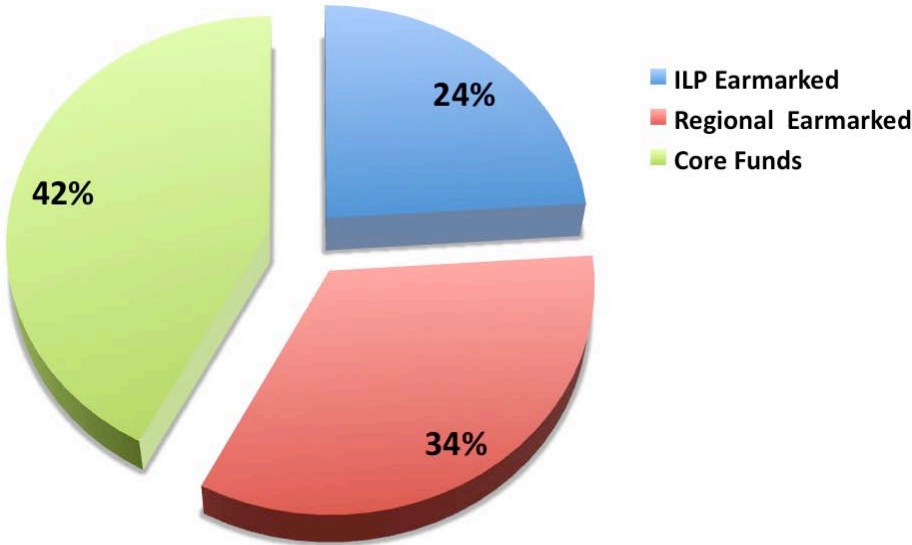
An organisational evaluation, funded by the Swedish development agency SIDA, was an important milestone that involved the whole organisation and had direct implications for fundraising. The evaluation report was finalized in October and its results were shared with the ICJ’s core donors, which helped strengthen donors’ confidence in the ICJ.

In total, the ICJ received 6.4 million CHF in grants from 47 different donors. In 2009 the ICJ was able to increase contributions from foundations and associations, both in numbers as in total revenue: grants from nongovernmental sources rose to almost one third of the ICJ’s total income.

General Types of Funding: Core and Earmarked

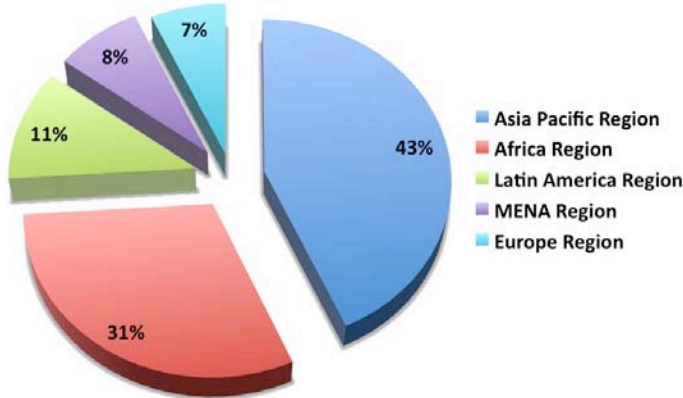
Core contributions constitute commitments to the ICJ work as a whole: the percentage of core grants received and spent in 2009 represented 42%. ILP is the International Law and Protection Programme, which includes the thematic projects and initiatives on Global Security and Rule of Law; International Economic Relations; Women’s Human Rights; Sexual Orientation and Gender Identity; Economic, Social and Cultural Rights. There are five ICJ Regional Programmes, including one country office and three regional offices.

REVENUE 2009



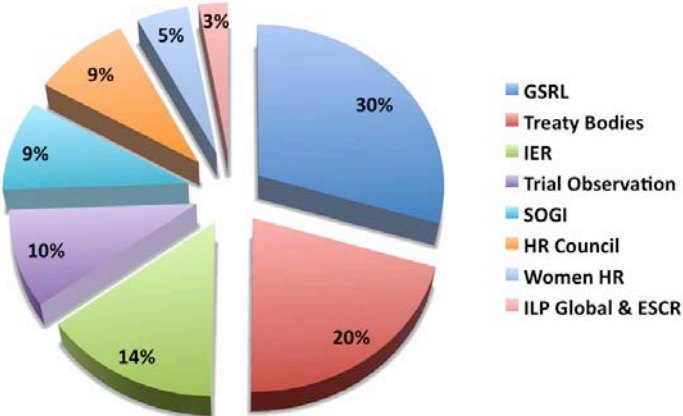
Grants for the regional programmes of the ICJ have enabled better management capacity of the regional offices and have steadily increased their impact on the ground. Funding for the regions represents 34% of total income; with the largest grants for the Asia-Pacific Programme (the oldest of the ICJ regional offices), and for the Africa Regional Programme.

REGIONAL PROGRAMME EXPENDITURE 2009



Specific funding for the thematic projects of the ICJ represented 24% of total revenues. The largest projects in terms of funding have been the Global Security and Rule of Law Initiative; which saw a culmination of 4 years work with the publication of the EJP report in 2009, and the International Economic Relations project, which initiated an important project on access to justice which involved the coordination of many different studies in over 10 countries. The new project on Women’s Human Rights was small as it was only established in 2009.

ILP EXPENDITURE 2009



Donor Meetings

Two donor meetings were organised in 2009: both were well attended and were reportedly useful to participants. The meetings have provided an ideal opportunity to report on the ICJ’s programme of work and highlight certain projects, and offer the possibility to hold open discussions with donors on the ICJ’s activities and work going forward, as well as the broader environment for rule of law and human rights.

Financial Report

The figures below are extracted from the ICJ's audited financial statements for 2009. The ICJ was audited in 2009 by Deloitte SA.

Balance sheet at 31 December 2009

With 2008 comparative figures (CHF)

ASSETS	2009	2008
CURRENT ASSETS		
Cash & cash equivalents	1 422 002	850 443
Time deposits	0	739 775
Receivables	875 998	776 537
Prepayments	3 698	13 404
<u>Total current assets</u>	<u>2 301 699</u>	<u>2 380 159</u>
NON-CURRENT ASSETS		
Fixed assets	122 335	113 971
Financial assets	72 735	57 409
<u>Total non-current assets</u>	<u>195 070</u>	<u>171 381</u>
TOTAL ASSETS	2 496 770	2 551 540
LIABILITIES	2009	2008
CURRENT LIABILITIES		
Accounts payable	182 963	184 647
Loan payable	0	300 000
Contributions received during the year carried forward	503 923	250 288
Contributions received in advance fro subsequent years	679 943	786 192
Accrued liabilities	78 425	271 599
Unrealised gain of Foreign Exchange	34 219	0
Provisions	122 822	45 038
<u>Total current liabilities</u>	<u>1 602 295</u>	<u>1 837 764</u>
LONG-TERM LIABILITIES		
Lease liabilities	54 783	29 544
<u>Total long-term liabilities</u>	<u>54 783</u>	<u>29 544</u>
RESERVE	839 690	684 232
TOTAL LIABILITIES & RESERVES	2 496 770	2 551 540

STATEMENT OPERATIONS	2009	2008
INCOME		
CONTRIBUTIONS		
Donor contributions received in the year or carried forward from the previous year	7 125 486	6 132 943
Contributions to be carried forward	-503923	-250287
Contributions received in advance	-679943	-786192
Donor contributions utilised in the year	<u>5 941 620</u>	<u>5 096 464</u>
OTHER REVENUE		
Miscellaneous income	23 470	507 271
Financial income	3 266	5 199
Realised exchange gain	2 351	127 441
Other income	3 153	8 521
Unused provisions reversed	7 004	8 000
<u>TOTAL INCOME</u>	<u>5 980 866</u>	<u>5 752 896</u>
EXPENDITURE		
DIRECT PROJECT COSTS		
Consultancy fees	594 834	285 132
Meeting & travelling costs	768 296	709 842
Printing & distribution	88 172	131 423
STAFF COSTS	3 620 089	3 489 790
AMORTIZATIONS	61 066	84 429
OTHER EXPENDITURES		
Office premises		
Postage, IT & telecommunication	211 760	120 522
Fundraising, documentation & communication	3 495	4 127
Financial expenses	33 429	23 785
Exchange loss	7 446	305 021
Other expenses	30 735	5 2663
<u>TOTAL EXPENSES</u>	<u>5 825 406</u>	<u>5 560 360</u>
NET (DEFICIT) / SURPLUS FOR THE YEAR	155 460	192 536



INTERNATIONAL
COMMISSION
OF JURISTS

P.O. Box 91
33 rue des Bains
1211 Geneva 8
Switzerland

Tel.: +41 22 979 38 00
Fax: +41 22 979 38 01

www.icj.org