



# INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

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IMMEDIATE RELEASE

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## **7<sup>th</sup> Session of the Human Rights Council: Council concludes with a few accomplishments, but disappoints again as it fails to respond resolutely to the most pressing country situations**

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The International Commission of Jurists (ICJ), ahead of the conclusion of the UN Human Rights Council's 7th session, once again urges all States to heed the Secretary-General's and the High Commissioner's calls to unequivocally ensure accountability for human rights violations in acute crises and protracted situations in individual countries. At the session, the Council heard from States' high-level dignitaries, and reviewed the mandates of special procedures. With a few exceptions, notably on human rights in counter-terrorism, the Council has not made headway in promoting human rights. Neither of the sound political calls from the High-Level Segment to ensure accountability and to fight impunity resonated with the Council.

"The Council must start rigorously assessing individual countries' and the Council's own contribution to the rule of law, including the latter's effectiveness in holding Governments accountable for human rights violations", said the ICJ.

The ICJ is concerned not only at the lack of vision by the Council on rule of law issues, but also on the enjoyment of individual rights and freedoms. The current session was once again of a procedural character. The Council elected 18 members of the Advisory Committee, approved 16 special procedures' mandate-holders and renewed experts' mandates on human rights defenders, enforced disappearances, freedom of expression, minorities, Myanmar, the Democratic People's Republic of Korea, Somalia and others. "Even then, regrettably, almost all the mandates faced serious attempts to weaken their focus or standing", added the ICJ.

Renewed attempts by the Council to establish control over the management activities of the Office of the UN High Commissioner for Human Rights (OHCHR), including over the establishment of its field-presences, and mounting tensions over consideration of human rights in individual countries, are of serious concern to the ICJ. These hurdles, together with confrontation over discrimination on racial, ethnic, and religious grounds and the limits to the freedom of expression, can only delay the Council's meaningful contribution to the promotion and protection of human rights. The attempt to revisit the rules of procedure on the voting procedure was a worrisome signal, although the Council managed to defend its current practice of favouring consensual decision-making over automatic voting.

The ICJ welcomed discussion on country situations, but observed that the resolutions the Council adopted on these situations have been incomplete. The Council discussed the mounting violence against civilians and ongoing impunity in Sudan/Darfur. "The resolution on human rights in Sudan placed emphasis on the Government of Sudan's initiatives to promote human rights, leaving the recent aerial bombardments of civilian dwellings and the Government's obligation to cooperate with the International Criminal Court unaddressed," regretted the ICJ.

Similarly, the Council considered violations of international humanitarian law and of human rights law by Israel in the Occupied Palestinian Territories (OPTs), together with violations of

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international humanitarian law by Palestinian armed groups, but failed to articulate the responsibility of Palestinian armed groups to refrain from firing rockets at Israeli civilians.

The Council discussed the need for a monitoring and assisting presence by the OHCHR in Sri Lanka to halt the escalation of human rights violations, but surprisingly took no decision at all.

The Council's action on Myanmar was also dubious. It did not seek accountability for the crackdown on peaceful protesters of September 2007, resolving to the renewal of the mandate of the Special Rapporteur without establishing a meaningful mechanism of investigation to contribute to his work. Instead, the Council expressed overly positive expectations for the so-called process of genuine national reconciliation.

"Another appalling example of the Council's ineffectiveness was its decision on the Democratic Republic of the Congo, which terminated the comprehensive mandate of the Independent Expert on the DRC, and engaged the thematic special procedures in its stead, while failing to engage key mandates on extrajudicial killings, enforced disappearances, arbitrary detention and others", added the ICJ.

Discussion on the recent crackdown on political dissent in Tibet was hampered by twelve points of order by the delegation of China. "Such an unprecedented attempt at censorship on the freedom of expression in the Council must not be repeated", stated the ICJ.

The country debate also touched on the prospects for the constitutional reform in Kenya, which will need address the causes and consequences of the post-election violence. The Council also discussed the recent attacks on the judiciary in Pakistan and the need to repeal the amendments to the Constitution and laws passed during the State of Emergency, as well post-Emergency laws that reaffirm or extend emergency measures. Several delegations called on the Government of Zimbabwe to ensure genuine and fair upcoming parliamentary election. Contrary to the repeated calls by the ICJ, the Council did not pronounce itself on neither of these serious situations.

On the other hand, the Council managed to take bold positions on several thematic issues. The ICJ welcomes the Council's call on states to become State parties to the International Convention for the Protection of All Persons from Enforced Disappearance. Regarding human rights in counter-terrorism, the ICJ commends the Council's reference to the obligation to ensure that persons deprived of liberty, regardless of their place of arrest or of detention, benefit from guarantees under international law, including a review of detention and a fair trial. Another achievement was the expression of opposition to the deprivation of liberty that amounts to placing persons outside of the protection of the law and a call to treat all prisoners in detention in accordance with international law. The Council also reaffirmed the absolute prohibition of torture in international law, and requested the establishment of national procedures to review the listing of terrorism suspects.

"Such prompt reflections on the developments in thematic areas must serve as an example the Council must follow to ensure that human rights violations, especially in notorious crisis situations, are systematically accounted for", concluded the ICJ.

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