



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

"Dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights"

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ICJ Intervention under Item 4 on Human Rights Situations
that require the Human Rights Council's Attention
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Distinguished Mr. President,

The International Commission of Jurists (ICJ) wishes to draw attention to some of the human rights situations that require the Council's action to prevent further violations and to extend effective remedies to victims and protect their rights to justice, reparation and truth.

The ICJ welcomes the recent political settlement between the government and the opposition in **Kenya**. However, as killings within the country continue, the Council needs to call on all parties to the settlement to honour and implement the agreement. We commend the High Commissioner's recent fact-finding mission to assess the elections-related human rights violations in Kenya, and invite the Council to urge the government of Kenya to protect the human rights of all people.

To achieve this, the Government of Kenya has to investigate all alleged violations, including the excessive use of force, bring all suspected perpetrators to justice, and provide adequate reparation to the victims of violations. It is also essential to disband all militia groups, ensure an independent and impartial inquiry into the handling of the December elections, undertake electoral reform, and address past grievances. The current constitutional reform is an opportunity to strengthen human rights mechanisms and the independence of the judiciary.

The human rights situation in **Sri Lanka** continues to deteriorate in the context of an armed conflict which has escalated since the end of the cease-fire agreement in January 2008. Emergency anti-terrorism measures have continued to weaken the rule of law, already compromised by impunity for violations of human rights and international humanitarian law. State institutions and mechanisms to protect people from increasing human rights violations have become ineffective. The Constitutional Council remains dysfunctional. The President infringes upon the independence of the Human Rights Commission through making direct appointments of their members. The Presidential Commission of Inquiry has not been impartial. The Sri Lankan Monitoring Mission withdrew from the country. The International Independent Group of Eminent Persons' mandate will not be extended. It is imperative that the Council support the OHCHR's efforts to establish a United Nations field presence in the country, as an impartial and professional human rights presence would assist the Government of Sri Lanka in the promotion and protection of human rights.

The legacy of the Government of **Pakistan's** attack on the rule of law, the independence of the judiciary, and the legal profession over the course of 2007, and especially since November 3rd, 2007, remains of serious concern. The Government's declaration of a State of Emergency, dismissal of Supreme Court justices, detention of lawyers and introduction of laws and practices to maintain martial law have inflicted severe, long-term injury to the judiciary and to civil society. To heal these wounds, the Government of Pakistan must 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. The Government must release all judges

and lawyers remaining in detention, reinstate all dismissed justices and judges, withdraw charges arising from peaceful protest, and lift restrictions on the media.

The ICJ is gravely concerned about the human rights and rule of law situation in **Zimbabwe**. While national elections will be held in Zimbabwe on 29th of March, conditions are not favourable for free and fair polling. This profoundly undermines the credibility of the exercise. The Council should therefore express its concern over the constitutional and legal framework favouring the ruling party, the questionable independence of the electoral body, the threats to withhold food aid to voters deemed sympathetic to the opposition, and unequal access to State-controlled media. A genuine electoral process will require that the Government cease its opposition to the accreditation of independent election observers and put an end to political violence, intimidation of the opposition, and infringing upon the registration of voters.

The ICJ welcomes the prospect of peace in northern **Uganda** after the recent agreements between the government and the Lord's Resistance Army (LRA). The ICJ takes note of the agreement to create a special division of the High court to try persons suspected of committing gross human rights violations and serious violations of international humanitarian law during the armed rebellion. Such a system must ensure effective accountability and provide for reparations for victims. The Government of Uganda should repeal national laws and end practices that may defeat the imperative of justice and accountability. It must also assist internally displaced people to resettle and facilitate regaining self-reliance and dignity.

I thank you.