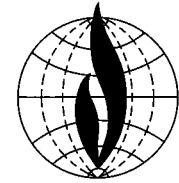


The International Commission of Jurists



and its

Centre for the Independence of Judges and Lawyers

Geneva 1997

box 85/14

► **WORKING FOR THE RULE OF LAW
AND HUMAN RIGHTS**

"While the world has changed, the essential mission of the ICJ – to promote the Rule of Law and the legal protection of human rights – has not

changed. As walls which keep people in are replaced by walls that keep people out, as the rivalry between East and West is replaced by conflict between North and South, the role of the ICJ becomes even more vital."

Adama Dieng, ICJ Secretary-General

"The International Commission of Jurists has assigned itself the task of promoting the Rule of Law and the legal protection of human rights. During more than 40 years of existence, it has developed many activities, particularly in developing countries, that make it the privileged partner of a host of local NGOs which strive to improve the human rights situation in their respective countries."

Federal Department of Foreign Affairs
of the Swiss Confederation

► ORGANISATION

The International Commission of Jurists (ICJ) is a non-governmental organisation in consultative status with the United Nations Economic and Social Council (ECOSOC), UNESCO, the Council of Europe and the Organisation of African Unity. Founded in Berlin in 1952, it is one of the world's oldest international human rights NGOs. The first permanent secretariat was established in the Hague in 1952. In 1959, the Commission moved to Geneva and has remained there since.

In 1978, in response to the increasingly frequent attacks on judges and lawyers, the ICJ created the Centre for the Independence of Judges and Lawyers (CIJL), to promote and protect the independence of the judiciary and the legal profession.

► Membership

The Commission consists of a maximum of 45 eminent jurists dedicated to the Rule of Law and representative of the different legal systems and traditions of the world. Distinguished jurists, including former Members of the Commission, are eligible for election as Honorary Members. The Commission meets on a triennial basis and elects an Executive Committee which convenes

twice a year. Other persons and organisations who subscribe to the objectives of the Commission may become Associates.

► International Secretariat

The Secretariat in Geneva comprises the Secretary-General, supported by a team of Legal Officers and administrative personnel, representing all continents.

► National Sections and Affiliated Organisations

ICJ national sections and affiliated organisations have been established in the five continents to uphold and strengthen the principles of the Rule of Law at the domestic level. The number of national sections and affiliated organisations is still growing. They supply the International Secretariat with material on legal developments in their respective countries, undertake research on matters of domestic concern, hold local and regional meetings, and convene joint sessions with other sections to discuss matters of common interest.

In addition, other lawyers' organisations, such as Bar Associations and human rights organisations, are affiliated to the Commission.

The President of the ICJ is the Hon. Justice Michael D. Kirby, AC, CMG, judge at the High Court of Australia and President of the Court of Appeal of the Solomon Islands.

The Commission elects an Executive Committee with a maximum of seven members. It is presently chaired by Mr. Fali Nariman, advocate and former Solicitor-General of India.

The Secretary-General of the ICJ is Mr. Adama Dieng, a distinguished lawyer from Senegal. His predecessors are:

A. J. M. van Dal (1952-1956),
Norman S. Marsh (1956-1959),
Jean Flavien Lalive (1959-1961),
Sir Leslie Munro (1961-1963),
Sean MacBride (1964-1970), and
Niall MacDermot CBE QC (1970-1990).

► **INTERNATIONAL RECOGNITION:
AWARDS AND HONOURS**

The work of the ICJ has been widely recognised and honoured. The Commission was awarded the first European Human Rights Prize by the Council of Europe in 1980, the Wateler Peace Prize in 1984, the Erasmus Prize for Human Rights (Netherlands) in 1989, and the UN Award for Outstanding Achievements in the Field of Human Rights in 1993.

5

► **MISSION AND SPECIFICITY**

The mission of the ICJ is to promote the understanding and observance of the Rule of Law throughout the world. The Rule of Law is defined as:

The principles, institutions and procedures, not always identical, but broadly similar, which the experience and traditions of lawyers in different countries of the world, often having themselves varying political structures and economic background, have shown to be important to protect the individual from arbitrary government and to enable him to enjoy the dignity of man.

The Rule of Law is seen as a dynamic concept to be used to advance not only the civil and political rights of the individual, but also economic, social and cultural rights, and to promote development policies and social reforms under which communities at large may realise their full potentiality.

A special focus of the ICJ is the interdependence and interrelation of economic, social, cultural, civil and political rights under the Rule of Law, without which there can be no meaningful development.

Through its mission of “upholding the Rule of Law and the legal protection of human rights”, the ICJ has retained its unique specificity in the galaxy of NGOs: it is an organisation of jurists that has a legal point of view in its approach to human rights issues. It is therefore an important source of reference for governments, inter-governmental organisations – in particular the United Nations and its Centre for Human Rights – regional organisations such as the Organisation of African Unity (OAU), the Council of Europe and the Organisation of American States (OAS), as well as international and local NGOs.

► A C T I V I T I E S

To achieve this mission, ICJ activities focus on the legal promotion and protection of human rights and fundamental freedoms. In its 45 years of

existence, the ICJ has achieved success in many areas:

► Standard-Setting

The ICJ is at the forefront in standard-setting; contributing extensively to the elaboration of universal and regional human rights instruments and securing their adoption and implementation by governments.

Improvement of Mental Health Care; the Convention Against Torture; the Convention on the Rights of the Child; the UN Basic Principles on the Independence of the Judiciary; the UN Basic Principles on the Role of Lawyers, and the UN Declaration on the Protection of All Persons from Enforced Disappearances.

The ICJ played an important role in the elaboration of: the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment; the African Charter on Human and Peoples' Rights; the Inter-American Convention on Human Rights; the draft Body of Principles and Guarantees for the Protection of Mentally-Ill Persons and for the

In recognition of standard-setting not being an end in itself, the ICJ strives to ensure that these norms are adopted and implemented and become operational. For example, following the establishment of the African Commission on Human and Peoples' Rights in 1987, activities have been designed to bring together African human rights actors with members of the African

Commission, to foster the implementation of the African Charter on Human and Peoples' Rights. In appreciation of its contributions, the OAU signed an agreement of cooperation with the ICJ, making it the first international human rights NGO to be accorded such recognition.

► Human Rights Violations

Through its fact-finding missions, studies, trial observations, interventions and press statements, the ICJ draws national and international attention to violations of human rights. These activities are viewed as authoritative actions or statements on the situation in question. Recommendations made are recognised and often lead to a positive change in the situation.

Missions

Recent missions have resulted in the publication of reports that have been widely acknowledged. For

instance: "Countdown to 1997 – Report of a Mission to Hong Kong" (1992), "The Civilian Judicial System in the West Bank and Gaza: Present and Future" (1993), "Mexico: Indigenous Rebellion in Chiapas" (1994), "Comfort Women – An Unfinished Ordeal" (1994), "Human Rights in Kashmir" (1995), "Clash in Egypt: the Government and the Bar" (1995), "The Situation of Human Rights and Justice in the Republic of Congo" (1996), and "Administration of the Death Penalty in the United States" (1996).

Studies

Recent studies have resulted in the publication of: "Indonesia and the Rule of Law" (1987), the "Independence of the Judiciary in Peru" (1989), "Uruguay – the Independence of the Judiciary and Judges" (1990), "Iraq and the Rule of Law" (1994), and "Nigeria and the Rule of Law" (1996).

Trial Observations

There are two types of trial observation missions:

- those that concern trials where important legal points are at stake, or where the defendants are confronted with the likelihood of an unfair trial;

- through the CIJL, observer missions are also sent to assist and protect persecuted judges and lawyers. The missions serve to expose particular legal systems to international scrutiny and contribute effectively to demonstrating solidarity amongst jurists.

The presence of observers helps to ensure adherence to international human rights norms during the trial. Trial Observation Missions have recently been sent to:

Algeria, Egypt, El Salvador, Georgia, Indonesia, Kenya, Malawi, Nigeria, Russia, Serbia, Thailand, Tunisia and the United Arab Emirates.

Interventions

Human rights violations are denounced in universal, regional and national fora. The CIJL intervenes with governments and/or issues *CIJL Alerts* in cases of harassment or persecution of jurists.

Press Statements

The ICJ regularly uses the media as a means of commenting on flagrant violations of human rights and the Rule of Law. The ICJ is frequently solicited by the media for comments on such violations. In 1995 and 1996, press statements were made and interviews given on the situation in the following countries: Burundi, Chechnya, Colombia, Congo, Côte d'Ivoire, Egypt, Ethiopia, France, Guinea, Hong Kong, Israel, Lebanon, Nigeria, Palestine, Peru, Russia, Sudan, Tunisia, the United States of America and the former Yugoslavia.

► Working with the United Nations

The ICJ advocates UN action against governments which violate human rights. In recent years, lobbying has directly resulted in UN criticism of abuses in countries such as Haiti, Iraq, Kuwait, Colombia and Chechnya.

The ICJ seeks to enhance the institutional effectiveness of the UN in responding to violations. As a result of ICJ pressure in 1991, the UN Commission on Human Rights created a Working Group to examine cases of persons arbitrarily detained throughout the world. Recent initiatives have led to the creation of the Working Group on Arbitrary Detention and the designation of the Special Rapporteur on the Independence of the Judiciary.

The ICJ works with the UN Treaty Bodies. Through its network, it provides these bodies with information and, in turn, relays their observations and recommendations at

regional and national levels.

Members and staff of the ICJ hold key positions in UN bodies. Some are Special Rapporteurs and others are Independent Experts.

Impunity and the Campaign for the Establishment of a Permanent International Criminal Court

The ICJ continues to lobby for the creation of a permanent International Criminal Court. In 1995 and 1996, it actively participated in the work of the UN Ad Hoc Committee on the Establishment of an International Criminal Court.

The ICJ provides technical assistance to the Ad Hoc International Criminal Tribunals for the Former Yugoslavia and Rwanda through the appointment of young jurists to assist the judges and the registry.

► **Promoting the Rule of Law**

**Empowering Disadvantaged
Groups and Legal Services in
Rural Areas**

Since 1987, the ICJ has instituted programmes aimed at creating awareness of human rights norms and providing legal services in rural areas. It organises regional and national training workshops and seminars in Africa, Asia and Latin America. These activities bring together lawyers, law teachers, para-legals and human rights defenders to develop strategies for the empowerment of disadvantaged groups, including women, indigenous peoples and children. Recently, training seminars and workshops have been held in Bolivia, Burkina Faso, The Gambia, Ghana, Guatemala, India, Indonesia, Pakistan, Thailand and Zimbabwe.

**International Human Rights Law
Training**

The ICJ organises training on the domestic implementation of international human rights standards. The aim of these workshops is to assist jurists and human rights defenders in reinforcing their domestic systems of administration of justice. Such activities have been held in Kyrgyzstan, Thailand, The Gambia, Nepal, Argentina, Philippines, Uruguay, Trinidad and Tobago, Pakistan, Paraguay, India and Bolivia.

Technical Assistance to Governments

In recent years, the ICJ has provided various forms of assistance to over 20 governments. ICJ experts have assisted in drafting constitutions and other basic human rights texts, trained judges and lawyers, as well as parliamentarians, in countries such as Guinea Bissau, Cambodia, Mongolia and Morocco.

The ICJ has taken part in the preparation and observation of elections in Burundi, Gabon, Guinea, Kenya, Lesotho, Madagascar, Malawi, South Africa and Sri Lanka.

► Third World Internship Programme: "Niall MacDermot Fellowships" and Legal Education and Training of Young Jurists from Eastern and Central Europe and Countries of the Commonwealth of Independent States

The ICJ has developed an internship programme in Geneva. Its objective is to give an opportunity to jurists from the Third World to get practical experience in international law and procedures. The project has been renamed the "Niall MacDermot Fellowships", in memory of the former ICJ Secretary-General who passed away in February 1996. The ICJ has also recently established an internship programme for skilled young law graduates from Eastern and Central Europe and the former Central Asian republics of the ex-USSR. The objective and duration is the same as that of its Third World Internship Programme.

► P U B L I C A T I O N S

The ICJ issues more than twenty publications every year. They are distributed to a large audience worldwide, comprising public and specialised libraries, universities, legal academics, lawyers, judges, inter-governmental organisations, non-governmental organisations, journalists, human rights defenders and concerned individuals:

- The twice yearly *ICJ Review* (in English, French and Spanish) includes commentaries and articles on a wide range of Rule of Law and human rights topics, recent developments at the international, regional and national levels, important judicial decisions, and basic documents on international instruments.
- The quarterly *ICJ Newsletter* (in English) reports on the activities of the Commission Members, the International Secretariat, and national sections and affiliated organisations.
- The *CIJL Yearbook* (in English, French and Spanish) contains articles and documents relevant to the independence of the judiciary and the bar. In the 1995 edition, the *CIJL Yearbook* studies the uneasy relationship between the Media and the Judiciary. The 1996 issue focuses on Resources and the Judiciary.
- The CIJL annual report, entitled *Attacks on Justice – the Harassment and Persecution of Judges and Lawyers* (in English and French) – analyses existing legal structures and the prevailing human rights situation around the world. It catalogues individual cases of judges and lawyers who are harassed and persecuted. In its 7th edition, published in 1996, *Attacks on Justice* studied the situation in 52 countries

and catalogued the cases of 337 judges and lawyers who were attacked for carrying out their professional functions. Of these, 23 were killed, 4 were "disappeared", 36 were tortured, 142 detained, 30 attacked, 58 received threats of violence and 44 were professionally sanctioned or obstructed.

► Additionally, the ICJ publishes studies, conference and seminar proceedings and reports on the findings of *ad-hoc* inquiries in different countries.

► F I N A N C E S

The ICJ is able to carry out its vital work through the financial support of foundations, government agencies, professional and academic societies, private trusts and individuals. Commission Members and national sections also provide some financial support; their contribution often takes the form of direct participation in ICJ activities, from missions and trial observations to workshops and seminars.

The scope of the Commission's activities increases in proportion to the growing appeal and recognition of its work; further contributions are indispensable to maintain and improve effectiveness. The Commission is grateful to all its friends who give financial assistance and thereby make possible the successful pursuit of its objectives.

► **FOR FURTHER INFORMATION,
PLEASE CONTACT:**

**International Commission
of Jurists
26 ch. de Joinville
PO. Box 160
1216 Cointrin, Geneva,
Switzerland**

**Tel +41 22 788 47 47
Fax +41 22 788 48 80
E-mail icjch@gn.apc.org**

► **Associates of the International Commission of Jurists**

If you are in sympathy with the objectives and work of the International Commission of Jurists, you are invited to become an Associate. Associates, who may be either individual or corporate persons, are of three categories:

Patrons, contributing annually	Swiss francs	1,000
Sponsors, contributing annually	Swiss francs	500
Contributors, contributing annually	Swiss francs	220

Associates will receive by air mail copies of the ICJ Review, ICJ Newsletter and the Centre for the Independence of Judges and Lawyers (CIJL) Yearbook, and Attacks on Justice: The Harassment and Persecution of Judges and Lawyers. Associates will also receive all ICJ/CIJL special publications.

17

► **Subscribers**

International Commission of Jurists
26 chemin de Joinville
PO. Box 160
1216 Cointrin, Geneva,
Switzerland

name

address

country

Alternatively, you are invited to
become a subscriber to the Review.
Annual subscription rates:

By B Mail	Swiss francs	24.00
By A Mail	Swiss francs	28.00
Special Rate for Law Students	Swiss francs	12.00

Note: Payment may be made in Swiss francs or in the equivalent amount in other currencies either by direct cheque valid for external payment or through a bank to Société de Banque Suisse, Geneva, account No. 142.548.0; National Westminster Bank, 63 Piccadilly, London W1A

2AG, account No. 11762837; or Swiss Bank Corporation, 10 East 50th Street, New York, N.Y. 10022, account No. 101-WA-709727-000. *Pro forma* invoices will be supplied on request to persons in countries with exchange control restrictions to assist in obtaining authorisation.



► **President**

Michael D. Kirby,
AC, CMG

Judge, High Court of Australia;
President, Court of Appeal of the
Solomon Islands

► **Vice - Presidents**

Dalmo De Abreu Dallari

Professor of Law, São Paulo, Brazil

Enoch Dumbutshena

Former Chief Justice of Zimbabwe

Desmond Fernando

Barrister; former President,
International Bar Association, Sri Lanka

Lennart Groll

Judge, Stockholm Court of Appeal,
Sweden

Ewa Letowska

Professor, Institute of Juridical
Sciences, Polish Academy
of Sciences, Poland

Claire l'Heureux-Dubé

Judge of the Supreme Court
of Canada

► **Members of the
Executive
Committee**

Fali S. Nariman,
(Chairman)

Advocate; former Solicitor-General
of India

**Vera V. de Melo Duarte
Martins**

Judge at the Supreme Court, Cape
Verde

Diego García-Sayán

Executive Director, Andean
Commission of Jurists, Peru

Sir William Goodhart, QC

Barrister at Law, United Kingdom

Asma Khader

Advocate, Jordan

Kofi Kumado

Senior Lecturer in Law, University
of Ghana

Theo C. van Boven

Professor of Law, Maastricht
University, Netherlands

► **Members of the
Commission**

Mohammed Bedjaoui

Judge, President International Court
of Justice, Algeria

Antonio Cassese

Judge, President, International
Criminal Tribunal for the former
Yugoslavia, Italy

Arthur Chaskalson

Judge, President Constitutional
Court of the Republic of South Africa

Lord Cooke of Thorndon

Privy Councillor; former President of
the Court of Appeal, New Zealand

Marie José Crespin

Member of the Constitutional
Council, Senegal

**Dato' Param
Cumaraswamy**

Advocate; UN Special Rapporteur on
the Independence of Judges, Jurors
and Lawyers, Malaysia

Rajsoomer Lallah

Judge, Substitute - Chief Justice
of Mauritius; Member UN Human
Rights Committee

Tai-Young Lee

Director, Korean Legal Aid Centre for
Family Relations, Republic of Korea

Gladys V. Li, QC

Deputy High Court Judge, Hong Kong

Daniel Henri Marchand

Professor of Social Law, France

J.R.W.S. Mawalla

Advocate at the High Court,
Tanzania

Florence N. Mumba

Investigator-General, Zambia


Adnan Buyung Nasution	Advocate; former Member of Parliament, Indonesia
Pedro Nikken	Former Judge at the Interamerican Court of Human Rights; Professor of international law, Venezuela
Manfred Nowak	Professor of Public Administration; Expert for the UN Working Group on Enforced Disappearances, Austria
Elisabeth Odio Benito	Judge at the International Tribunal for the Former Yugoslavia, Costa Rica
Dorab Patel	Former Supreme Court Judge, Pakistan
Bertrand G. Ramcharan	UN Coordinator, Regional, Political & Security Cooperation; Adjunct Professor, Columbia University School of International Affairs (New York), Guyana
Margarita Retuerto Buades	First Deputy Ombudsman, Spain
Hipólito Solari Yrigoyen	Former Senator; President of the Organization <i>New Human Rights</i> , Argentina
László Sólyom	Judge, President Constitutional Court of the Republic of Hungary
Daniel Thürer	Professor of International Law, Switzerland
Christian Tomuschat	Professor of International Law, University of Berlin, Germany; Member UN International Law Commission
Yozo Yokota	Professor of Law; Member of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, Japan
José Zalaquett, Chile	Advocate; Professor of Law, Chile

► Honorary Members

Arturo A. Alafritz,	<i>Philippines</i>
William J. Butler,	<i>United States of America</i>
Haim H. Cohn,	<i>Israel</i>
Alfredo Etcheberry,	<i>Chile</i>
Jean Flavien Lalive,	<i>Switzerland</i>
P. Telford Georges,	<i>Bahamas</i>
Hans-Heinrich Jescheck,	<i>Germany</i>
P.J.G. Kapteyn,	<i>Netherlands</i>
Rudolf Machacek,	<i>Austria</i>
Norman S. Marsh,	<i>United Kingdom</i>
Keba Mbaye,	<i>Senegal</i>
Sir Shridath S. Ramphal,	<i>Guyana</i>
Joaquín Ruíz-Giménez,	<i>Spain</i>
Lord Shawcross,	<i>United Kingdom</i>
Tun Mohamed Suffian,	<i>Malaysia</i>
Michael A. Triantafyllides,	<i>Cyprus</i>

► Secretary-General

Adama Dieng



*It is essential, if man is
not to be compelled
to have recourse, as a last
resort, to rebellion against
tyranny and oppression,
that human rights should
be protected by the Rule
of Law.*

United Nations Universal
Declaration of Human Rights, 1948