

International Commission of Jurists Annual Report 2017



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International
Commission
of Jurists

Advocates for Justice and Human Rights

Since 1952 the International Commission of Jurists has performed a unique and prominent role as a non-governmental organization (NGO) defending human rights and the rule of law worldwide.

The ICJ's peerless reputation rests on these pillars:

- 60 Commissioners — eminent judges and lawyers — from all parts of the world and all legal systems — with unparalleled knowledge of the law and human rights;
- Cooperating with governments committed to improving their human rights performance;
- Effective balance of diplomacy, constructive criticism, capacity building, and if necessary, 'naming and shaming';
- Unmatched direct access to national judiciaries implementing international standards and improved legislation impacting millions;
- Guiding, training and protecting judges and lawyers worldwide to uphold and implement these standards;
- Working for access to justice for victims, survivors and human rights defenders, in particular from marginalized communities;
- Following a strict result based management in performance of its projects.

For this effective approach ICJ has been awarded, in the course of its long history, some of the most prestigious international distinctions.

Facing renewed assaults on human rights, the world needs, perhaps more than ever, the ICJ's competent, rigorous, and effective defense of the rule of law.

Vision

A world in which a just, democratic and peaceful society is achieved through the rule of law, the arbitrary exercise of power is prevented, rights and freedoms are expanded, and social justice is embraced.

A world in which everyone is able, without discrimination, to realize and exercise his or her civil, cultural, economic, political and social rights, and in which the rights of the most marginalized are addressed.

A world in which everyone is equal before the law and protected from human rights violations by the law and in practice, where those in power are held accountable for human rights violations, where justice is administered in accordance with due process of law, where victims have access to effective remedies and justice, and where those who come before the courts receive a fair trial and never face the death penalty.

Mission

To work for the progressive development and effective implementation of international human rights law and international humanitarian law, and to ensure that such law is utilized effectively for the protection of all people, including the most vulnerable.

To promote and extend the rule of law as a dynamic concept through which civil, cultural, economic, political and social rights are safeguarded and advanced.

To advance the understanding that the rule of law requires that States observe the principle of separation of powers, by establishing effective executive, judicial and legislative institutions and measures that serve as checks and balances, to protect the human rights of all people.

To assist judges, lawyers and prosecutors, acting under the highest ethical standards and professional integrity, to be independent, impartial, and free to carry out their professional duties.

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Message from the ICJ President

For over 60 years, the ICJ has played a preeminent role in promoting the rule of law and its implementation internationally and domestically and has worked tirelessly to fight injustices around the globe. While notable progress has been made over the years, sadly we are now in a period of regression, facing new challenges that are neither East/West nor North/South in origin but are rather global and endemic.

The ICJ, however, has seen this before. After the 9/11 terrorist attacks, many States, including some liberal democracies, adopted counter-terrorism measures that threatened the very core of the international human rights framework put in place since the Second World War, claiming that observance of human rights was no longer convenient. The ICJ responded to that crisis by establishing an Eminent Jurists Panel whose report clearly identified the issues, reaffirmed the value of human rights and set out clear recommendations to States on how to craft counter-terrorism initiatives that respect basic rights.

Today the concept of the rule of law itself is under attack, and the ICJ, as in the past, is meeting this challenge head on by reasserting core values and principles of human rights law and by seeking to overcome harmful narratives that claim that the system is no longer relevant to individuals. While the ICJ recognizes the rights system is beset by challenges, we remain deeply committed to enhancing rights protections through tried and tested international frameworks.

The ICJ has had an active 2017 addressing key elements of the rule of law, including the independence of the judiciary, which provides a fundamental safeguard for rights protections and accountability. We have continued to work towards our vision of a world where everyone is able to exercise her/his rights by working with and on behalf of the most marginalized groups, including displaced inhabitants of the Rakhine state, migrant children and indigenous communities. We continued to strive against cultures of impunity and ensuring accountability in places such as Cambodia, Myanmar, Nepal, Tajikistan and Tunisia. Importantly, the ICJ has already had some successes in this work, such as in the ICJ led efforts to advocate against South Africa's proposed withdrawal from the International Criminal Court.

Last year, the ICJ also convened a forum on customary and traditional justice systems, reported on the failure of States to ensure accountability for renditions operations, actively engaged at the UN on issues such as women's access to justice, advocated for national reforms, worked with domestic justice systems, provided training for jurists and rights defenders, and continued to denounce clear violations of international norms, such as the use of military courts to try civilians.

The current challenges to human rights and the international legal framework supporting them are grave indeed. The ICJ by experience and deeds is uniquely qualified to meet these challenges but this will require us to vigorously reaffirm our vision of a rule of law that upholds the dignity and human rights of every person.

Professor Robert K. Goldman
ICJ President

Message from the Secretary-General

Defending the Rule of Law

The ICJ has spent much of its institutional life defining and defending the rule of law. In 1948, the Universal Declaration of Human Rights declared that:

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.

This is a fundamental and instrumental notion of the rule of law, as a shield against social upheaval. At the 1959 ICJ Congress in Delhi, the rule of law was defined as a dynamic concept for the expansion and fulfilment of which jurists are primarily responsible and which should be employed to promote civil and political rights and social, economic, and cultural rights. From then on, the concept of the rule of law and its indivisible and intrinsic link to human rights was accepted and incorporated into international discourse within the UN and within international law.

However, in recent years, there has been an increasingly brazen challenge to the importance of the rule of law and human rights. Attacks on human rights defenders, on the very notion of an international legal order and the value of international human rights, are now championed by some world leaders and by many countries that in the past, at least rhetorically, had been supporters of the international legal order.

The growth of a new authoritarian populism, riding on the platform of new social media, asserts that the real or asserted will of 'the people' outweighs all else, and can justify trampling on the rights of minorities and ignoring the equality and predictability of the rule of law. This new authoritarian populism questions whether the rule of law really matters, calling judgments that go against them fake news, claiming that independent judges should be castigated as they are part of the rotten elites. This new authoritarian populism views judiciaries as a potential weapon, not for protecting human rights but on the contrary, for facilitating repression of dissent and dissidents.

Times are changing. But looking back over the ICJ's history, despite the challenges, it is clear there have been tremendous advances in improving the lives of people around the world under the framework of international human rights law. But of course much more remains to be done, and the ICJ is determined to take up the struggle. In the words of India's then prime minister, Jawarlal Nehru, when he addressed the ICJ at its 1959 Congress in Delhi:

The ICJ has this tremendous responsibility of looking at this changing world, changing before our eyes from day to day. There is a change in social relationships, in the relationships of nations with each other. Intimate contacts between countries arise all over the world, distances are annihilated, every country is practically the neighbor of another country. These changes were unknown in the old days when international law, or any other kind of law, was considered.
Jawarlal Nehru, PM of India, 1959

The ICJ's renewed mission and mandate is to show again that the rule of law is what elevates democracy from mere mob rule and what guides the direction of social development toward the sustainable, progressive achievement of respect for human rights. As this 2017 annual report evidences, the ICJ Commissioners, sections, affiliates and staff are jointly committed to fighting back and defending the rule of law.

Saman Zia-Zarifi
Secretary-General

The Role of the ICJ Commissioners

The ICJ has a unique governance and operational framework, which sets it apart from other international non-governmental organizations. The Commission comprises up to sixty eminent jurists (including senior judges, lawyers and academics), dedicated to ensuring respect for international human rights standards. Commissioners are elected for their knowledge and experience and they contribute enormously to the work of the organization. The composition of the Commission aims to reflect diversity in terms of legal systems, geography, gender, and experience.

The Commissioners are actively involved in ICJ's programmes and contribute around 600 pro bono working days every year.

During 2017, the Commissioners took part in country missions, trial observations, represented the ICJ at conferences and contributed with their expertise in professional development programmes. They have also provided expert advice and assisted in drafting reports; carried out advocacy at the UN and elsewhere; participated in press briefings and produced opinion pieces. Here are a few highlights about their contributions over the year:

Prof Carlos Ayala was elected ICJ Vice-President in February 2018 and has been an ICJ Commissioner since 2012. A Venezuelan national, he is a former member of the Inter-American Commission on Human Rights. Prof Ayala has supported ICJ's work in Venezuela on the rule of law crisis. He has written a number of authoritative studies for the ICJ on attacks against judicial independence and on the jurisprudence of the Supreme Court, and carried out advocacy at the UN and at the Inter-American Commission on Human Rights. He has also taken part in ICJ side-events at the UN, other conferences and press and diplomatic briefings on behalf of the ICJ.

The ICJ Expert Panel on Operational Grievance Mechanisms was established in 2016 and comprises six experts including ICJ Commissioners. The panel advises the ICJ on the implementation of the project on company grievance mechanisms to address concerns by individuals and local communities adversely affected by business operations.

In August 2017, the ICJ Commissioners, **Justice Ian Binnie**, a retired Justice of the Supreme Court of Canada and **Alejandro Salinas**, a lawyer with expertise in mining law, took part in a mission to the North Mara Gold Mines in Tanzania to examine the company grievance mechanisms. In December, ICJ Commissioner **Prof Marco Sassòli** took part in a similar mission to El Cerrejón coalmine in Colombia. The mission reports provide practical recommendations to the companies on how to strengthen access to remedies for local communities.

Justice Martine Comte has been a judge in France for more than 30 years, including as President of the Orléans Court of Appeal from 2011-2014. **Justice Kalthoum Kennou** is a Judge of the Tunisian Cassation Court. In their capacity as ICJ Commissioners, they shared their experiences in roundtable discussions on legal reforms designed to address gender discriminatory practices in Morocco. Justice Comte has also participated in a round-table discussion in Lebanon and in a high-level mission to Morocco to carry out advocacy on legal reforms and to launch the ICJ report *Morocco: ensuring the effective investigation and prosecution of sexual and gender-based violence against women and girls*.

Justice Kalyan Shresta is an ICJ Commissioner and former Chief Justice of Nepal's Supreme Court. In Myanmar, Justice Shresta has made a significant contribution through presentations and participation in judicial dialogues on ethics, which led to the development of the Supreme Court's Code of Ethics for Judges in that country. Justice Shresta also attended the launch of the new Code in August 2017 in Naypyitaw, Myanmar.

Commissioner **Belisário dos Santos** is a practicing lawyer and former State Secretary for Justice and the Defence of Citizenship for São Paulo. Together with **Dr Jaime Araújo**, a lawyer and former Constitutional Court Judge in Colombia, and on the invitation of the Guatemalan Bar Association, they took part in two missions to Guatemala in February and November 2017 to examine the situation of lawyers. The mission report provided detailed information concerning attacks and threats against lawyers and recommendations for reforms and received broad coverage in the local media.

ICJ Global Reach

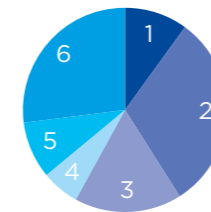
Statistics on ICJ's impact in 2017



4,308 Lawyers, Human Rights Defenders, CSO Members, Judges, Prosecutors and other Justice Actors sensitized

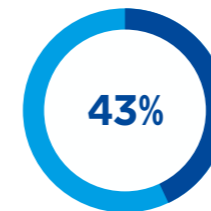


363 activities undertaken across the world



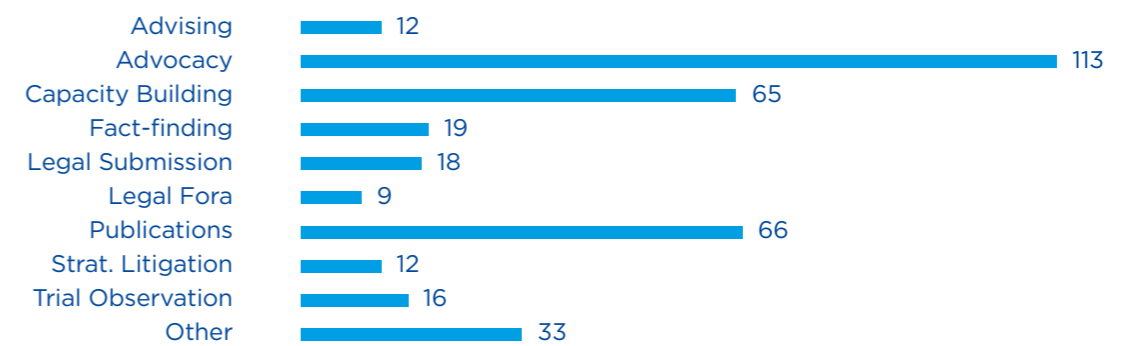
Breakdown of activities by regional / global programmes

- 1. Africa 10%
- 2. Asia 31%
- 3. Europe 17%
- 4. MENA 6%
- 5. Latin America 9%
- 6. Global 27%



43% more beneficiaries reached than in 2016

Working Methods



ICJ Strategic Goals

1 Independence of Judges and Lawyers

Strengthening the independence of judges and lawyers is at the core of the ICJ's mandate. In 2017, we documented—and fought against—escalating attacks on judges and lawyers and other human rights defenders (HRDs) in all regions of the world. In China, we called on the government to stop targeting lawyers who demanded accountability for rights violations or who defended HRDs; in the European Union, we spoke out against alarming efforts to weaken the independence of the judiciaries in Poland and Hungary; in the United States we spoke out against unprecedented personal attacks by the President on judges and the rule of law.

Over the year, the ICJ called attention to the persecution of judges, lawyers and other HRDs, in Cambodia, Cameroon, Guatemala, Pakistan, the Philippines, Tanzania, Thailand, Turkey, United Arab Emirates, Venezuela, among other countries.

The ICJ has also provided training to local organizations so that human rights defenders can strengthen their work to protect and promote human rights.

“When I joined my human rights organization in Pakistan, I had little knowledge and understanding of human rights but through the training provided by the ICJ project, I have learned how to distinguish human rights violations and how to investigate and document them... At the start of the project when I heard about human rights violations I needed to go to community members to ask them about cases and gather the necessary documentation. Now community members come to me with cases. They contact me when they hear about violations.”
Human Rights Defender Pakistan

1.1 Zimbabwe: Strengthening the prosecutorial services

An independent, effective, rights-respecting prosecutorial service is crucial for upholding a State's obligations to protect and promote human rights. Zimbabwe's National Prosecuting Authority (NPA) worked with the ICJ in 2017 to develop its five-year Strategic Plan in order to strengthen the institution and enhance prosecutors' knowledge about and adherence to fair trial rights as established in the Constitution and under international law and standards. Guidance in the form of Standard Operating Procedures now forms part of the induction package for new prosecutors and compliance with procedural rules is part of a prosecutor's contractual obligations and is included as a performance indicator.

In general, Zimbabwean courts now substantially comply with the '48-hour rule' whereby any person accused of a crime must be presented before a judicial authority and charged within 48 hours of their arrest or released.

In turn, this has contributed to improved access to legal counsel and a generally greater compliance with fair trial standards. The ICJ will continue to support the NPA in furthering the implementation of international prosecutorial standards.

1.2 Guatemala: Judicial independence at risk

A deepening political crisis in Guatemala prompted the ICJ to undertake a systematic investigation on judicial independence and the role of lawyers in the country, anchored by high-level missions.



During their mission to Guatemala in February, the ICJ Commissioner Belisário Dos Santos and Dr Jaime Araújo highlighted the worrying trend of attacks on the judiciary, lawyers and the prosecutorial services:

“There are constant attacks against lawyers in the exercise of their profession, and also against high-level public officials, including the Attorney General and judges and prosecutors. Judge Carlos Ruano Mejia, who denounced the actions of a Supreme Court Judge, has faced security threats for his brave acts to defend judicial independence.”

There has also been an increased use of *unjustified disciplinary procedures against independent judges* who have presided over high-impact cases concerning transitional justice or corruption. On 5-6 October, the ICJ convened a Regional Conference on the independence of the judiciary that brought together 40 judges from Central America to discuss this worrying trend. The Conference agreed that it would be important to draft regional guidelines for a judicial disciplinary code for Central America.

The ICJ also worked with the College of Judicial Studies and the Council of the Judiciary so as to strengthen judicial independence and knowledge of international human rights law.

1.3 Kazakhstan: advocacy to strengthen the independence of the legal profession

In May, the Minister of Justice of Kazakhstan outlined plans to reform the governance of the legal profession. The ICJ, echoing the concerns of lawyers and civil society, expressed concerns about proposals for a ‘State *advokatura*’ and changes to the disciplinary system for lawyers bringing it under significant influence of the executive. In a statement in June, the ICJ emphasized that any proposals should be developed in consultation and with the consent of the *advokatura*.

In December, the ICJ carried out a mission to Kazakhstan to advocate for amendments of the draft law. The mission was composed of international experts and presidents or former presidents of Bar Associations from Germany, the Netherlands and the UK.

The ICJ emphasized that the reform could be an opportunity to make the qualification procedure for lawyers fully independent and administered by the Bar Association. The ICJ also took part in a conference organized by the Kazakhstan Bar Association and a discussion of the Parliamentary Working Group tasked with the

development of the draft law. The ICJ was able to raise awareness among key stakeholders and the media about the problematic aspects of the proposed reform in light of international standards.

1.4 Annual Geneva Forum on customary and traditional justice systems

In many countries, particularly in the developing world, the vast majority of personal disputes are resolved in customary and/or traditional justice systems. By some estimates, 80 per cent of all personal disputes never touch the formal justice system.

The 8th annual Geneva Forum of Judges and Lawyers, 22-23 November, brought together judges, lawyers, prosecutors and other legal and UN experts from around the world to address the relationship between traditional and customary justice systems and international human rights, access to justice and the rule of law.

Some participants highlighted the potential for informal traditional and customary justice mechanisms to contribute to the realization of equal and effective access to justice, particularly for rural, poor and other marginalized populations.

However, participants also pointed to numerous examples where traditional and customary justice systems conflicted with protections for human rights and the rule of law contained in international law and standards. Concerns frequently arise particularly in relation to the rights of women and children.

The ICJ prepared a comprehensive compilation of international guidance on traditional and customary courts and human rights, which is already serving as a unique resource for practitioners. The ICJ plans further activities more directly engaging with traditional and customary justice systems over the next years, within the framework reflected in the report of the Forum.





Trial Observations and Monitoring of Court Hearings

Trial observation can be a crucial tool to defend human rights and the rule of law. The presence of an international legal expert in court can help ensure accountability and a fair trial. Historically, the ICJ has observed many high-profile trials, such as that of Nelson Mandela in South Africa and Anwar Ibrahim in Malaysia; perhaps even more important, the ICJ has observed trials of many less prominent human rights defenders who do not benefit from international attention.

The ICJ's expertise on fair trial standards was in high demand over the year. The ICJ carried out trial observations in cases of critical importance and implemented a series of workshops on fair trial standards for lawyers and human rights defenders using the ICJ's Practitioners' Guide no 5 on trial observations. Below are a few examples of this work.

Monitoring of disciplinary hearings against Egyptian judges

The ICJ carried out extensive monitoring of the disciplinary proceedings against 47 judges in Egypt, exposing the proceedings' lack of compliance with international standards. It was the most significant and largest disciplinary case against judges in Egypt for years. Known as the July 2013 Statement case, it refers to a statement by 75 judges following the ousting of President Morsi, calling for the reinstatement of the Constitution and other civil and political rights.

In January 2017, the ICJ issued a legal briefing on the disciplinary proceedings, pointing to a litany of violations of the judges' rights to freedom of expression and assembly, to a fair hearing before an independent and impartial body and to equality of arms. The study also details how the judges' rights of defence were undermined by the failure to give notice of hearings and allow access to case files. The ICJ report called on the Egyptian authorities to reinstate the judges and put an end to attacks against the judiciary.

Guatemala: Trial observations of cases against senior Army command

During 2017, the ICJ carried out trial observations in three high-profile cases, known as the CREOMPAZ, Molina Theissen and Diarío Militar cases, concerning senior members of the Armed Forces accused of gross human rights violations including enforced disappearances during the 1980s internal armed conflict.

In the CREOMPAZ case, 14 former military officers were arrested in January 2016 on charges of enforced disappearance based on evidence uncovered at the military base of that name. It is one of the cases concerning the largest number of enforced disappearance to go before a court in Latin America. Forensic evidence revealed that 128 of the 558 human remains found in mass graves on the military base corresponded to disappearances dating from the period 1981-1988, when those arrested were part of the military command at the base.

During 2017, the ICJ monitored and documented the proceedings on these cases, which have been plagued by unjustified delays, flawed

judicial decisions and malicious litigation. Throughout the year, the ICJ has also met with the relatives of the victims to keep them informed of the proceedings.

Cambodia: Trial observation in case of murder of prominent commentator

In March 2017, the ICJ observed the half-day trial of Oeuth Ang at the Phnom Penh Municipal Court. He was found guilty of the premeditated murder of the prominent political commentator, Kem Ley, which had taken place in July 2016. Oeuth Ang was sentenced to life imprisonment. The trial observation revealed that the investigation of the crime appeared deficient in several aspects, with inconsistencies that the judges and prosecutors did not question. Even the defendant's name was left in doubt. The ICJ, together with Amnesty International and Human Rights Watch, issued a statement stating that significant questions remained and called on the government to continue the investigation.

Kenya: Observation of Supreme Court hearings on Presidential election petition

From 24 August to 1 September, the ICJ, together with the African Judges and Jurists Forum and the Kenya section of the ICJ, observed the Kenyan Supreme Court hearing on the Presidential election petition. This petition filed by the opposition party challenged the Independent Electoral and Boundaries Commission's conduct of the 8 August Presidential elections.

The aim of the mission was to enhance the application of human rights standards by the judiciary in the management of electoral dispute resolution. Retired Chief Justice Earnest Sakala from Zambia led the observation mission and Retired Justice Moses Hungwe Chinhengo, an ICJ Commissioner, was another member of the 5-person mission and additionally assisted with the mission report.

The mission concluded that the court had worked in an "admirable fashion" while making recommendations concerning oral evidence, cross-examination procedures and the time allocated for such hearings. The Supreme Court in its detailed ruling concluded that the election had not been conducted in accordance with the constitution leaving "no choice but to nullify it". This decision was the first of its kind for Africa, to which the ICJ's observation mission may well have contributed.

Kazakhstan: Trial observation of appeal hearing of three lawyers

In July, ICJ Commissioner Gulnora Ishankhanova, an Uzbek legal expert, carried out a trial observation of an appeal hearing against three lawyers at the Criminal Chamber of Appeals in Kazakhstan. Yerlan Gazimzhanov, Amanzhol Mukhamedyarov and Assel Tokayeva appealed against an interim ruling by Judge Ubasheva seeking their criminal prosecution for a number of acts. The lawyers appealed as the charges referred to acts carried out as part of their regular professional duties, such as filing a motion for the recusal of a judge. The ICJ

also wrote an opinion piece calling on the authorities to discontinue the prosecution. All charges against the lawyers were subsequently dropped.

Capacity building on fair trial standards

In Myanmar, in September, the ICJ in association with the Chiang Mai University carried out a trial observation workshop for law students and lecturers as well as practising lawyers. The workshop trained participants in critical elements of trial observations and on how to draft observation reports, as well as applicable international legal standards.

In Tunisia, in November, a regional workshop on the right to a fair trial and trial observation trained 47 participants from Tunisia, Egypt, Libya and Palestine. The participants reported an increased knowledge of international standards on the right to a fair trial and a commitment to put this knowledge to use by training others and carrying out trial observations.

2 Access to Justice for All

The ICJ continues to work to strengthen access to justice for all persons, and in particular for the most marginalized, disadvantaged, and socially excluded groups in society. This mission has gained in importance over the year. There has been a significant global backlash against work aimed at ending historic discrimination and guaranteeing equal rights and opportunities for all, particularly women, LGBTI persons, persons from ethnic minorities, and migrants, including refugees and asylum-seekers.

The ICJ, which helped lead the holistic assessment of economic, social, and cultural rights along with civil and political rights, has continued its advocacy on economic, social and cultural rights, with a particular focus on the negative impacts of the operations of business enterprises on human rights, including in Special Economic Zones in Myanmar, remote mining communities in Tanzania and Colombia and on the lands and territories of indigenous peoples in Guatemala.

2.1 Europe: access to justice for migrants, especially children

Tens of thousands of people hoping to escape conflicts and persecution and seek better lives for themselves and their children arrived on Europe's borders and shores in 2017. They were met with high levels of xenophobia and a shocking failure of European governments and the European Union to protect their rights. The ICJ stepped up its efforts to defend the rights of refugees and migrants, particularly children.

Since 2016, together with national and associate partners, the ICJ-European Institutions carried out training programmes in seven EU countries (Bulgaria, Germany, Greece, Italy, Ireland, Malta and Spain), to train lawyers to represent migrant children in cases before national and international courts.

In 2017, over 100 lawyers were trained on migrant children's rights in five national workshops, in close cooperation with the respective national partners. A regional meeting in October 2017 brought together 35 lawyers and experts from the seven countries to discuss international litigation strategies.

These initiatives have encouraged lawyers to present cases to national and international mechanisms. In Italy, the cases concerned reception conditions for unaccompanied minors; in Greece, the detention of a family; and in Germany, the return of a child to Italy. In Spain, several cases related to age assessment were brought before the UN Committee on the Rights of the Child, which ruled positively in a number of them and decided on interim measures against Spain. Other cases focussed on access to citizenship for migrant children. While some cases are pending, results testify to the validity of this approach.

"We filed a case at the European Court of Human Rights on detention with the help of the ICJ-EI that provided a third party intervention and we won! It had a clear impact on arbitrary detention." Claire Delom, Lawyer, aditus Foundation, Malta

"After the ICJ-EI training workshop, we submitted 11 communications (to the UN Committee on the Rights of the Child) and I think the workshop constituted a turning point for us." Almuden Escorial, Lawyer, Fundación Raices, Spain

The ICJ-European Institutions has identified similar difficulties with regard to access to justice and lawyer's competence in the representation of migrants, including minors in Turkey and the Balkans, and is replicating elements of this work in those countries.

2.2 Myanmar: ICJ advocacy on Rakhine State crisis

On 11 September, in response to the security operations in Rakhine State, the ICJ addressed the operations by Myanmar's military that targeted the Rohingya Muslim community with widespread killings, sexual assault and rape, and forced displacement, leading to a massive exodus of more than half a million Rohingya to neighbouring Bangladesh and hundreds of thousands displaced inside Myanmar — acts that constitute crimes under international law. The ICJ called for a prompt and effective investigation into reports of human rights violations and abuses, and urged the government to uphold its international legal obligation to protect the rights of everyone living in Rakhine State, including members of the Rohingya Muslim community.

In November, the ICJ published a legal briefing entitled *Questions and Answers on Human Rights Law in Myanmar*. The report clarifies some of the applicable national and international law, and evaluates the constitutional arrangements that provide extraordinary powers to Myanmar's military. It outlines measures available to the government, including reforming laws that enable impunity for gross human rights violations, particularly the 1959 Defence Services Act and the 1955 Maintenance of Police Discipline Act. Through private communications the ICJ shared the legal brief with senior levels of the Myanmar government.

In March at the UN Human Rights Council, the ICJ, with several other NGOs, conducted advocacy in support of the recommendation from the Special Rapporteur on the human rights situation in Myanmar to establish an independent Commission of Inquiry to investigate crimes against Rohingya and other minorities in Myanmar. The Council subsequently established an Independent International Fact-Finding Mission with this mandate.

In December, the ICJ also addressed an emergency Special Session of the UN Human Rights Council on Myanmar, outlining key requirements for the protection of the Rohingya minority, in the context of the potential return of refugees, which needed to be safe and voluntary. It also called on the Myanmar government to cooperate with the UN-mandated Fact-Finding Mission so as to ensure an effective response to the human rights and humanitarian crisis in Rakhine State and in Shan and Kachin States, whose population also face related patterns of human rights violations by military and security forces.

The ICJ's advocacy links the extraordinary situation in Rakhine State with broader patterns of abuses throughout Myanmar, and the military's impunity in both law and practice that emboldens perpetrators and severely undermines the government's stated commitments to human rights and the rule of law.

The ICJ continues its advocacy to address both the sources of persecution, including discriminatory laws, and to support accountability measures to address impunity and discourage future violations.

2.3 Myanmar: reforms to the laws on Special Economic Zones in Rakhine State

Prior to and following the emergence of the human rights crisis facing the Rohingya population, the ICJ engaged in advocacy within Myanmar and at regional and global level. Initially focusing on the human rights impacts of business development in southern Rakhine State, legal analyses developed in the latter half of 2017 necessarily focused on the rights of Rohingya Muslim residents of Myanmar.

In February 2017 the ICJ published *Special Economic Zones in Myanmar and the State Duty to Protect Human Rights*, the first substantive assessment of the legal framework governing the SEZs, focusing on the development of a massive deep-water port in Kyauk Phyu in southern Rakhine State. The report sets out recommendations to ensure that large development projects in Myanmar are sustainable and protect and promote the rights of people in the affected area. In particular, the report recommends a moratorium on the development of SEZs until the legal framework is reformed in accordance with international standards, taking into account the implications of SEZ development on conflict dynamics. This recommendation was then included in the report of the Advisory Commission on Rakhine State, chaired by former UN Secretary General Kofi Annan, which was subsequently endorsed by the State Counsellor's Office.

The ICJ has also provided capacity building on strategic litigation for public interest lawyers and civil society representatives from Kyauk Phyu and neighbouring townships. The ICJ will continue the training on legal awareness and strategic litigation as well as on human rights monitoring, particularly in relation to the practice of forced evictions.

2.4 Guatemala: Access to justice for indigenous communities

Guatemalan human rights defenders and indigenous community leaders have been the victims of high levels of violence and intimidation. The ICJ supported Guatemalan indigenous community leaders in their pursuit of access to justice and defence of human rights and the environment. The ICJ provided legal advice, acted as an expert witness, and carried out trial observations in cases of arbitrary detention and other forms of the effective criminalization of protected rights in pursuit of social protest.

The ICJ also facilitated dialogue between municipal authorities and indigenous communities in order to address the negative human rights impact of extractive and infrastructure projects on the lands and territories of indigenous peoples and to promote the realization of their right to free, prior and informed consent. The ICJ now considers that some judges better understand the negative phenomenon of the “criminalization of social protest” for activities protected under human rights law — and a few are responding in a more appropriate manner. The ICJ has provided legal advice in a case concerning the effective criminalization of social protest in relation to the nickel mining operations in El Estor, Department of Izabal. The ICJ has been involved in this case over the last decade. The situation deteriorated recently because of the pollution of the waters of Lake Izabal, the largest fresh water lake in Guatemala. Leaders of the local communities have denounced the depletion of fish stocks, and high levels of gastric disorders, particularly affecting children.

On 17 August, the ICJ held a public forum in El Estor, Izabal with over 100 community leaders from the area. Case studies of the effective criminalization of social protest were examined including death threats against Angelica Choc, the widow of an assassinated community leader, Adolfo Ich Chama, and a prominent human rights defender in her own right.

Another case concerned Jerson Xitumul Morales, an investigative journalist, who was imprisoned, following his articles exposing the negative impact of the nickel mining operations on the health and livelihoods of the local community. In this case, the ICJ met with presiding Judge Anibal Artiaga and carried out a trial observation of the criminal proceedings against the journalist. On 18 December, the journalist was freed under alternative non-custodial measures.



2.5 Sexual Orientation and Gender Identity: ICJ advocacy for repeal of discriminatory laws

The ICJ has fought discrimination on the basis of sexual orientation or gender identity for decades (including the ICJ’s central role in convening the drafting of the Yogyakarta Principles back in 2006). One area of focus has been removing the nefarious remnants of British colonial legislation criminalizing same-sex sexual relations, which is still the case in seven out of eight countries in South Asia.

The ICJ report *“Unnatural Offences”: Obstacles to Justice in India Based on Sexual Orientation and Gender Identity*, published in February, describes how Section 377 of the Penal Code and other broadly formulated laws, such as those that regulate commercial sex work and criminalize begging, are used by the police to persecute people on grounds both of their SOGI or occupational identity. The report recommends that the Indian authorities ensure police officers investigate any complaint regarding violence against LGBTI persons and calls for the repeal of the Section 377 of the Penal Code and other laws, and for the withdrawal of the Transgender Persons (Protection of Rights) Bill 2016.

Queer people often fear going to court or reporting crimes, since they face the threat of criminalization themselves. *“If you go to court, you are exposing them to 377, to street harassment, legal harassment. There is very little you can do with courts in so far as the identity [i.e. being queer] is taboo and illegal.”* Indian lawyer speaking to ICJ

The report also calls on the government to ensure that any future legislation is consistent with international human rights law and the Indian Supreme Court’s own rulings, as in the landmark case of *NALSA v UOI* when the court affirmed the right of self-identity of a transgender person.

2.6 Morocco: promoting access to justice in cases of sexual and gender-based violence

In Morocco, the successful prosecution of cases of sexual and gender-based violence are frustrated by the lack of guidelines on investigating and prosecuting, combined with the inadequacy of evidentiary rules and procedures.

The ICJ established strategic partnerships with three Moroccan organizations, including the Judges’ Club, Adala, and the *Association Démocratique des Femmes du Maroc* to promote reforms to the legal and policy framework and build the capacity of judges, prosecutors and lawyers.

As part of this initiative, in April, the ICJ convened a roundtable discussion in Casablanca with over 40 Moroccan judges, prosecutors, and legal practitioners, half of whom were women, to review discriminatory legal provisions and practices and identify strategies to challenge them before the newly established Constitutional Court. The roundtable was followed by a seminar aimed at enhancing the capacity of 60 Moroccan judges and prosecutors to apply international law and



standards on the effective investigation and prosecution of sexual and gender-based violence.

"I will use the information gained in this seminar by applying it to judicial decisions in order to reach justice." Moroccan Judge at the April 2017 roundtable on sexual and gender-based violence

2.7 Swaziland: Strengthening the rule of law

The ICJ, led by ICJ-European Institutions, and its partner, Lawyers for Human Rights Swaziland, convened a two-day conference in June 2017 at Ezulwini, on Sustainable Development Goal 16 'Building Effective, Accountable and Inclusive Institutions at all Levels of Justice Delivery'. The Minister of Justice and Constitutional Development, representing the Prime Minister, officially opened the event.

The SDG 16 conference in June 2017 gathered representatives of the Swazi Ministry of Justice, High Court judges, lawyers, and civil society members, including from the Human Rights Commission. The ICJ Commissioner, Justice Qinisile Mabuza, from the Swazi High Court, took a leading role in the conference, ensuring its successful outcome, including reaching a consensus on the need for the speedy enactment of the Sexual Offences and Domestic Violence Bill, to which the government had already committed in 2016 during the country's Universal Periodic Review at the UN Human Rights Council.

The conference participants also expressed concern about the 2011 Practice Directive no. 4 barring any litigation against the King and members of the royal house. This Directive held that any court registrar was required to refuse registration of any pleadings against the King or royal house. Three days after the conference, the Chief Justice revoked this Directive, therefore ensuring that no one person or family is above the law and enhancing access to justice in the country.

3 Accountability for Human Rights Violations and Abuses

The ICJ advocates for legal reforms to ensure effective accountability in line with international law and standards. The ICJ also supports legal cases against perpetrators and provides advice to victims' relatives and amicus briefs or expert opinions in cases of gross human rights violations. The ICJ works to empower communities and individuals to demand truth, justice and reparations and to develop targeted strategies. It opposes the use of amnesty laws and other measures aimed at preventing criminal prosecution of those responsible for serious human rights and humanitarian law violations.

During 2017, the ICJ's work on accountability has been strengthened significantly with a particular focus on Cambodia, Colombia, Guatemala, Myanmar, Nepal, Pakistan, Swaziland, Tajikistan, Thailand, Tunisia and Venezuela.

3.1 Achieving justice for gross human rights violations

The ICJ's project on *Achieving Justice for Gross Human Rights Violations* takes a holistic and coordinated approach at national, regional and international levels. The project aims to combat impunity for gross human rights violations through entrenchment of the rule of law in seven focus countries.

During 2017, the ICJ carried out country baseline studies on accountability and access to redress to identify strategies to address key issues and opportunities for action. The findings of these baseline studies provide a substantive framework and analysis to inform the subsequent work on the project.

ICJ Commissioners provide expert advice

The Project Advisory Group (PAG) for the Global Redress and Accountability Project is composed of ICJ Commissioners Prof Juan Mendez, Imrana Jalal, Dr Jarna Petman and Prof Andrew Clapham. In the course of regular meetings, the PAG has provided advice regarding the scope of the project; the range and selection of country interventions; forms of accountability and redress; and gender-mainstreaming dimensions of the project.

The baseline studies disclosed numerous deficiencies or glaring omissions in the law that hinder accountability in the countries under study. Furthermore, in several countries, justice institutions lack independence. The baseline studies also affirm that justice actors (judges, prosecutors, government counsel and private lawyers) are critical to combating impunity. This extends to international mechanisms, particularly where national processes are compromised.

3.2 Cambodia: ICJ advocacy on redress and accountability for gross human rights violations

Cambodia experienced a significant deterioration in respect of human rights and the rule of law in 2017. The ICJ report, *Achieving Justice for Gross Human Rights Violations in Cambodia*, documented the government's restriction of democratic space and human rights through targeting members of the political opposition, the 'weaponization' of laws, harassment of HRDs through the justice system and targeting independent media outlets and journalists. The lack of independent and impartial judges and prosecutors was identified as a core problem, with entrenched corruption affecting nearly all cases and endemic political interference in high-profile ones. Ineffective and only partial judicial investigations, trials and appeals, lack of accountability for abuses such as coerced 'confessions' and an inefficient court management system plagued the justice system in Cambodia.

In September, the ICJ hosted a group of Cambodian lawyers in Geneva to give them practical experience of participating in the UN Human Rights Council and other UN mechanisms. At different Human Rights Council sessions, the ICJ made several interventions on the deteriorating human rights and rule of law crisis within the country.



The ICJ issued a series of public statements, condemning the dissolution of the main opposition party in November 2017, calling on the government to reverse measures that are not human rights compliant and to refrain from introducing a law on *lèse-majesté*.

In December, the ICJ gave a presentation at the Foreign Correspondents' Club of Thailand together with other experts on Cambodia, highlighting the deteriorating human rights situation in the country. The ICJ's analysis of the human rights and rule of law situation in Cambodia has been widely reported in main media outlets.

3.3 Venezuela: the ICJ calls for international action in the face of the breakdown of the rule of law

The ICJ raised alarms about the steadily worsening human rights situation in Venezuela. In August, the ICJ published its report *Achieving Justice for Gross Human Rights Violations in Venezuela*. The report describes the breakdown of the rule of law, gross violations of human rights and the situation of impunity in Venezuela. Of particular concern were the highly problematic new process for selecting the new National Constituent Assembly, and the dismissal of the country's Attorney General, who had been investigating high-level government officials for gross human rights violations.

In September, the ICJ published a second report on *The Supreme Court of Justice: an Instrument of the Executive Branch*. The report analyses the jurisprudence of the Supreme Court from December 2015 in relation to the Constitutional functions and faculties of the Legislative Branch, parliamentary oversight, and the states of emergency and amnesty provisions. The report concludes that the Supreme Court jurisprudence has effectively undermined the rule of law and violated the principle of the separation of powers and the autonomy of the legislative branch.

Launched at a side-event at the UN Human Rights Council in September, the report was distributed widely to governments and other stakeholders. The ICJ also made interventions on the situation at the Council and its Special Procedure mandates as well as at the UN Human Rights Committee.

In October, the ICJ report on the Supreme Court was presented to the Inter-American Commission on Human Rights (IACHR) in a special hearing on Venezuela. Initially Venezuela was not on the agenda but the ICJ and Venezuelan NGOs were able to convince the Commission to include it. The President of IACHR also met with the ICJ Commissioner Carlos Ayala and the ICJ report was cited in the IACHR's own report issued in December.

3.4 Tunisia: Promoting effective transitional justice mechanisms

The Truth and Dignity Commission (IVD) was created in Tunisia to determine the truth about cases of gross human rights violations allegedly committed from 1955 until 2013. It received over 62,000 cases and organized over 49,000 hearings and on 2 March 2018



transferred the first case to the Specialized Criminal Chambers (SCCs). These courts have jurisdiction over cases related to gross human rights violations.

The ICJ welcomed the establishment of these mechanisms and has closely monitored the process, particularly by focusing on the role of the SCCs as the key judicial accountability mechanism. In 2017, the ICJ published a memorandum *Tunisia: Procedures of the Specialized Criminal Chambers in Light of International Standards*, which complements a 2016 publication on their jurisdiction. The memorandum reviews the legal challenges that might impede the SCC's work to address the legacy of gross human rights violations. It includes recommendations presented to the Tunisian authorities during a high-level mission in July 2017 in which the ICJ met with senior judicial officials.

4 The Rule of Law and International Standards and Instruments

The ICJ seeks to uphold and strengthen the international human rights legal framework, including at UN institutions, at the International Criminal Court and other international and regional human rights mechanisms. However, the human rights system, which the ICJ has done so much to build up over 70 years since the end of the Second World War, is facing unprecedented politically motivated attacks, aimed at undermining its effectiveness. In partnership with other civil society organizations, the ICJ has been at the forefront of the response to this global assault on international institutions.

The ICJ has emphasized the importance of ensuring respect for the full range of civil, cultural, economic, political and social rights. The ICJ also continues to address the critical need to ensure effective implementation and enforcement of human rights responsibilities of business, and the increased urgency for the need for global corporate accountability.

The ICJ has also continued its work around global security, with a view to ensuring that laws, policies and practices adopted in the name of counter-terrorism and other security pursuits comply with human rights and rule of law.

4.1 ICJ report highlights unlawful transfers and impunity on rendition operations

In September, the ICJ report *Transnational Injustices – National Security Transfers and International Law* was published. The report concluded that the lack of accountability for violations of human rights under the US-led rendition programme has given a veneer of legitimacy to these practices and fuelled further abuse and impunity globally. As regards on-going practices of transfers to Central Asian States in violation of human rights, the report clearly documents how legal protections against abusive transfers have been bypassed or are ineffective.



“The US-administered rendition and secret detention programme of the last decade led to the commission of egregious violations of human rights and crimes under international law on a global scale with the complicity of several States, including in Europe.

Similar practices have been adopted in the Russian Federation where abductions of “terrorism” or “extremism” suspects and transfer to Central Asian States continue, in disregard of the principle of *non-refoulement*.” ICJ Statement to the UN Human Rights Council 16 June 2018

The report was launched at several international events. On 15 September the report was presented at the Human Dimension Implementation Meeting of the OSCE, with discussion focusing on how to address gaps in human rights protection in the extradition and expulsion systems of the Russian Federation and Central Asian States. The report was also presented at a side event at the UN Human Rights Council in Geneva and at events in New York and Washington DC where the challenges in ensuring accountability for the US-led renditions and the transfer of suspects in the CIS region were discussed in depth.

4.2 South Africa: advocacy against the country's withdrawal from the ICC

In October 2016, without parliamentary approval or adequate debate, the South African government announced its intention to withdraw from the Rome Statute of the International Criminal Court (ICC). The announcement came after the South African Court of Appeal concluded the government violated domestic law and its international legal obligations when it failed to arrest the ICC-indicted Sudanese President al-Bashir, during his visit to South Africa in June 2015.

In January 2017, the African Union adopted an “ICC withdrawal strategy”, to which an unprecedented 16 countries entered reservations. The ICJ joined with many human rights organizations to call on African governments to reconsider their decisions.

In March 2017, the ICJ submitted a legal brief to the South African Parliament arguing that the basis on which the government had decided to withdraw from the ICC was unfounded. The brief was co-signed by Navi Pillay, former UN High Commissioner for Human Rights and ICJ Commissioner Justice Yvonne Mokgoro. It received considerable media coverage and support from leading jurists.

The ICC issued a pre-trial chamber ruling on 6 July declaring the South African government was in breach of its obligations when it failed to arrest the Sudanese President. The South African government was highly critical of this ruling and in December 2017, announced for a second time in a speech to the ICC Assembly of State Parties in New York that it intended to pursue withdrawal. The ICJ continues to monitor the situation closely in light of political developments in South Africa and in consultation with other civil society actors, will advocate for South Africa to remain within the ICC.



4.3 The ICJ continues its advocacy for a UN treaty on business and human rights

The ICJ and civil society partners continued to push for the proposed treaty to create an international framework applicable to all business enterprises while at the same time ensuring specific measures to address human rights challenges related to transnational business operations. In the third session of the Open-Ended Intergovernmental Working Group (IGWG) in October 2017, the Chairperson introduced the “elements of a draft treaty” for negotiations.

The prospective treaty would need to address the key question of how to strengthen mechanisms for accessing justice by poor communities located in remote areas where businesses, in particular extractive industries, operate. Another issue concerns the protection of human rights in the context of business supply chains for example in apparel, textiles and agriculture where it is often alleged modern forms of slavery, forced labour, and child labour are present. These issues are complex because international law still operates on the basis of States assuming commitments to protect rights within their territory or jurisdiction. However, the increased impacts of globalization have made it urgent that a new international framework be established.

4.4 Mentoring programmes for South Asian lawyers on UN human rights mechanisms

The ICJ has always been committed to developing the talents and experience of human rights lawyers. For instance, in 2017 the ICJ organized two mentoring programmes for a group of seven lawyers from the Maldives, Philippines and Sri Lanka. The lawyers participated in tailor-made workshops organized by the ICJ to equip them with knowledge of the UN mechanisms and practical advocacy skills. Participants were able to acquire insights into the functioning of the Human Rights Council, the Special Procedures and some of the Treaty Bodies and were able to share their own experiences and review their understanding with ICJ senior legal experts using an interactive methodology that proved highly conducive to learning.

Following the ICJ training, on return home, South Asian lawyers planned information sessions and workshops with colleagues and agreed to set up electronic platforms to share good practice and provide mutual support in preparing future cases to be brought before UN human rights mechanisms.

5 Domestic Implementation and Compliance with Global and Regional Standards

Judges and lawyers have a leading responsibility to ensure that international human rights law, which is universal in scope and application, is fully reflected in domestic law, policies and practices around the world. The ICJ therefore works with national partners in order to enhance advocacy at country level on the development and implementation of human rights compliant laws, policies and practices.

In countries of focus, the ICJ also works with local partners and civil society organizations in order to respond to emerging human rights threats. The ICJ has organized high-level missions and other practical interventions where there is a risk of deterioration in human rights protection.

5.1 Morocco: the ICJ calls for comprehensive criminal justice reforms

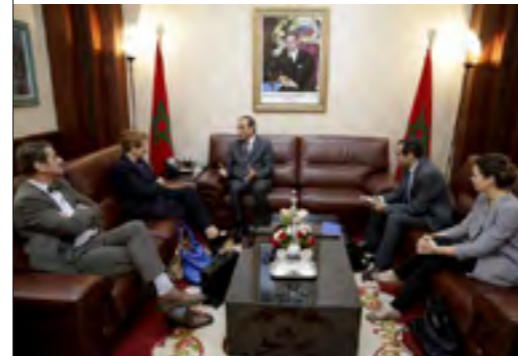
From 24-27 April, the ICJ carried out a high-level mission to Morocco led by ICJ Commissioner Martine Comte, honorary judge and former President of the Court of Appeal of Orléans, and including François Casassus-Builhe, former French judge, and prosecutor. The mission presented its recommendations on criminal justice reforms, in particular how to strengthen fair trial rights, particularly rights, guarantees and procedures at pre-trial. The mission met with judicial authorities, members of the Bar Association, Deputies, and civil society representatives. During the mission, the ICJ presented its briefing paper *Reform the criminal justice system in Morocco*, which highlights the multiple deficiencies in the current legal framework on pre-trial rights, guarantees and procedures.

The ICJ also recommended that provisions for effective legal assistance during the initial stages of police investigation and before questioning by an investigating judge or prosecutor be strengthened. The ICJ argues that these guarantees are needed to ensure the fairness of proceedings, and also serve as safeguards against arbitrary detention and torture and other ill treatment in Morocco.

5.2 Uzbekistan and Turkmenistan: capacity building on international standards for judges and lawyers

In Uzbekistan and Turkmenistan, during 2017, the ICJ organized seminars and peer exchanges for judges and lawyers, in co-operation with the judiciaries of the countries. International experts, including ICJ Commissioners, and lawyers and judges from the ICJ's network, discussed topics related to the independence and effective functioning of the judiciary. ICJ publications and materials on relevant topics were also translated into Uzbek, Turkmen and Russian.

In February, the ICJ, in cooperation with the Supreme Court of Turkmenistan, held a seminar for judges, including Supreme Court judges, on comparative approaches to judicial ethics to review





international standards and reflect on national practices from a number of countries.

In September, the ICJ and the Supreme Judicial Council of Uzbekistan held a joint seminar where international standards and national comparative examples from Austria, Germany, Kazakhstan, the Kyrgyz Republic and Serbia, as well as Uzbekistan, were discussed. The event was widely covered by the national press.

In October, the ICJ held a roundtable seminar for lawyers in Turkmenistan on comparative perspectives on the role of lawyers. The seminar addressed the organization and professional standards of the legal profession, in light of international standards and through a comparative analysis from Germany, Switzerland, Kazakhstan and Uzbekistan.

The ICJ will continue to engage with the judiciaries in both countries. A memorandum of understanding between the ICJ and the Research Centre for the Study of Justice under the Uzbek Supreme Judicial Council covering further research and capacity-building programmes has already been agreed.

5.3 Promoting access to justice for women and girls with the judiciary in Southeast Asia

On 5-7 October 2017, the ICJ, together with the Raoul Wallenberg Institute, held a Judicial Dialogue on women's human rights and the right to a safe and sustainable environment with 40 judges from Southeast Asia. Participants were encouraged to use the *Bangkok General Guidance for Judges in Applying a Gender Perspective in Southeast Asia*, developed in 2016 by the ICJ and UN Women. The judges also developed a guidance document, which set out a series of recommendations to be followed up on with their respective judiciaries.

ICJ Commissioner Roberta Clarke participated in the judicial dialogue on women's human rights and the right to a safe and sustainable environment with a presentation on the importance of women's participation in protecting the environment.

There is now a strong commitment from leading members of certain judiciaries in Southeast Asia to advocate for the increased use of the *Bangkok General Guidance* within their court systems. In mid-2017, the Supreme Court of the Philippines agreed that the *Bangkok General Guidance* would be used to conduct a gender audit of all its courts nationwide. Also in August 2017, the Indonesian Supreme Court reissued the *Bangkok General Guidance* as a Supreme Court Regulation, which all judges across the country are required to apply and implement. The ICJ will continue to provide advisory assistance and build the capacity of the judiciaries in Southeast Asia.

5.4 Pakistan: the ICJ advocates for an end to use of military courts in trials of civilian terrorism suspects

The ICJ has played a key role in monitoring and documenting trials of civilians by Pakistan's military courts since January 2015, when Parliament first enacted laws to empower the military to try civilian terrorism suspects. The military has acknowledged at least 144 military court convictions on terrorism-related offences, with 140 persons sentenced to death. The names, charges and duration of prison sentences for other people have not been disclosed.

During 2017, the ICJ made a number of legal submissions to UN treaty-monitoring bodies, to highlight the gross injustices perpetuated by these military courts. In March, the ICJ together with the Human Rights Council of Pakistan made submissions to the Working Group on the Universal Periodic Review and the Human Rights Council. Further submissions were made to the UN Committee against Torture and to the Human Rights Committee, highlighting how trials before military courts violate a number of rights guaranteed under the Convention against Torture and the International Covenant on Civil and Political Rights (ICCPR). In their Concluding Observations, both Committees recommended that Pakistan review legislation relating to military courts with a view to abrogating their jurisdiction over civilians as well as their authority to impose the death penalty; and to ensure that military courts' procedures meet internationally recognized fair trial rights standards. The ICJ will continue to monitor Pakistan's compliance with these UN human rights bodies' recommendations.

5.5 Thailand: Training programme and curriculum on the revised Minnesota protocol on the investigation of potentially unlawful deaths

Since 2015, the ICJ has been actively involved in the revision of the Protocol on the Investigation of Unlawful Death, known as the Minnesota Protocol as a member of the working group on legal investigations.

The ICJ assisted with a draft of a section of the revised Minnesota Protocol on legal standards in cases where there is no corpse or remains as evidence and the ICJ also acted as focal point for developing the section on the guidelines for the investigation process. The late former President of the ICJ, Commissioner Sir Nigel Rodley, was a member of the Advisory Panel for the revision.

The ICJ, together with the Thai Ministry of Justice and other government ministries and the OHCHR regional office, launched the revised Minnesota Protocol in May 2017 at an event supported by the German Embassy in Bangkok. The event coincided with a parallel launch of the revised Protocol in Geneva by the OHCHR. In addition, the ICJ translated the revised Protocol into Thai.

The ICJ then carried out a series of capacity-building workshops and practical training sessions. Participants included lawyers and government officials from Thailand and lawyers and human rights NGOs from India, including from Manipur, a State where human rights violations by security forces and armed groups are frequent. The workshops were also an opportunity to test a training curriculum on the Revised Minnesota Protocol that will be used in future regional and international training programmes.



The ICJ-European Institutions Office

The ICJ-European Institutions (ICJ-EI) office is a non-profit organization established in Belgium in 2012, which shares the mission and vision of the ICJ to promote human rights through the rule of law. While independent of the ICJ, it is closely linked and co-operates with the ICJ and its partner organizations in the promotion and protection of human rights and the rule of law around the world.

In 2017, the ICJ-EI continued its advocacy work with the institutions of the European Union, focusing on issues of migration and counter-terrorism. Amongst other activities, it addressed the Civil Liberties Committee of the European Parliament, at a hearing on the assessment of EU security policy; and raised human rights concerns in a presentation to a European Commission transposition workshop on the Directive on Combatting Terrorism.

At Council of Europe level, the ICJ-EI contributed to a series of third party interventions before the European Court of Human Rights, in cooperation with the ICJ.

The ICJ, in co-operation with ICJ-EI, also continued its work as a member of the Frontex Consultative Forum on Human Rights, with a particular focus on accountability of Frontex for violations of human rights.

In Europe, the ICJ-EI held a series of national training seminars as well as a regional strategic litigation retreat for lawyers on the rights of children in migration, as part of the EU funded project on fostering access to immigrant children's rights (FAIR project). The project, led by ICJ-EI in co-operation with partners in Bulgaria, Germany, Greece, Italy, Malta and Spain, also developed training modules on the rights of children in migration, and provided advice and support to lawyers in strategic litigation on the rights of migrant children.

The ICJ-EI also contributed to a project on the rights of persons in need of international protection, in co-operation with the Greek Council for Refugees. In Turkey, the ICJ-EI co-operated with the ICJ on the training of Turkish lawyers on issues of human rights in migration. In Central Asia, it contributed to the implementation of human rights training courses and exchange programmes for judges and lawyers.

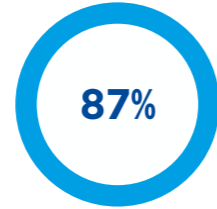
In 2017, the ICJ-EI implemented a number of projects in regions outside Europe, including on the independence of the judiciary in Lebanon (jointly with Legal Agenda); on access to justice and the rule of law in Swaziland (jointly with the Swazi Lawyers for Human Rights); on strengthening civil society capacity for legal advocacy on socio-economic rights in South Africa (jointly with Lawyers for Human Rights); and a programme on strengthening civil society engagement with the African Union mechanisms, including the African Commission on Human and Peoples' Rights (jointly with the Kenyan Section of the ICJ, the Norwegian Refugee Council and the African Center for Democracy and Human Rights Studies, the Gambia).

A Year of Progress in Media and Communications

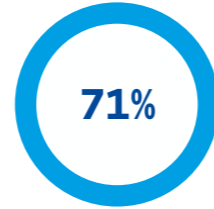
Enhanced Media Coverage



55 press releases issued in 2017

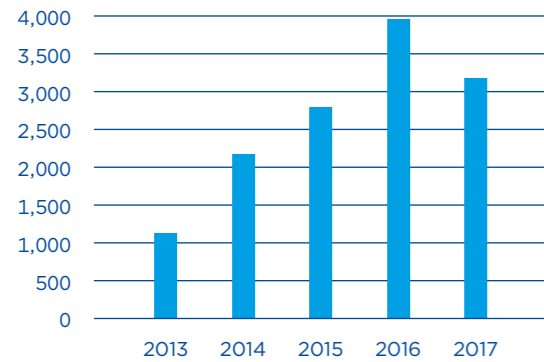


87% of press releases covered (+4.5% compared to 2016)

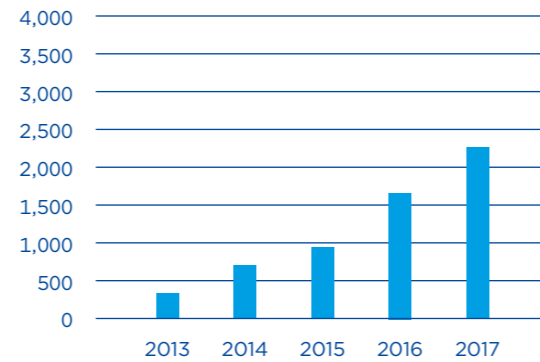


71% of media hits are international (+29% compared to 2016)

Total media hits



International media hits



9,545 followers (6,945 followers in 2016)



23,658 views of post on Rohingya crisis in Myanmar



2,625 views of live streaming of UN side event on Venezuela

ICJ website

111,437 visitors (+2.5%)
66.5% of new visitors
56.3% of women
38% of visitors are aged 25-34
Launch of the Spanish language version

17 Publications

Most downloaded guides:
1. PG n°11 Refugee Status Claims
Based on SOGI
2. Special Economic Zones in Myanmar
3. PG n°12 Women's Access to Justice

Media and Communications

The ICJ is improving its ability to reach relevant audiences for its analysis and advocacy, whether judges and legal specialists, policymakers and influence shapers, or the wider public.

In 2017, nearly 90% of ICJ press releases received media coverage with about half receiving coverage in international outlets.

The launch of the Spanish platform of the ICJ website in August was another major development in 2017.

The ICJ Media and Communications Unit also continued its work to use more multimedia tools. This includes starting to webcast on Facebook some of the ICJ's side events at the Human Rights Council, with the help of the International Network of Human Rights. Three video interviews were also produced for the Geneva Forum, through the ICJ's partnership with True Heroes Films. In December, a 10-minute video clip on arbitrary detention in Guatemala was launched following a mission in this country available in English, Spanish and French.

In 2017 the ICJ also continued the series of video profiles of its women Commissioners and Honorary Members started last year. Some of the interviews published this year were among the most viewed items on the ICJ's website, successfully promoting the important work of our women rights defenders to a new audience.

The multimedia interviews published this year were with Michèle Rivet, former Chief Justice of the Quebec Human Rights Tribunal; Sanji Monageng, Justice of the International Criminal Court; Imrana Jalal, gender specialist at the Asian Development Bank; Asma Jahanagir, co-founder of the Human Rights Commission of Pakistan; Leila Zerrougui, former Justice of the Supreme Court of Algeria and former UN Special Representative for Children and Armed Conflict; Karinna Moskalkenko, founder of the International Protection Centre (Moscow); Jenny Goldschmidt, former Director of the Netherlands Institute of Human Rights; and Kalthoum Kennou, Judge of the Tunisian Cassation Court.

These inspirational women human rights defenders shared their broad ranging experiences, expertise and advice to inspire a new generation of women to take up essential human rights defence work.

Former Commissioner and Justice of the Supreme Court of Algeria Leila Zerrougui explained when interviewed by the ICJ, *"without human rights defenders, without people that dedicate their lives, their careers, to defend the most vulnerable, the voiceless, then the world becomes a jungle."*

Financial Report

The ICJ's financial statements for the year ending 31 December 2017 were prepared in accordance with the Swiss Generally Accepted Accounting Principles applicable to charitable non-profit organizations (Swiss GAAP FER 21) and have been audited by the accounting firm Berney & Associates.

The consolidated financial statements comprise the ICJ International Secretariat, based in Switzerland with six regional and country offices (in Asia, Africa, Europe and Latin America), and its sister organization, the ICJ EI (ICJ European Institutions), based in Belgium.

Activities implemented during 2017 resulted in a slight increase (8%) in expenditure, with a total operating expenditure of nearly 9.2 million Swiss Francs. Of that total operating expenditure, 88% was spent on for project activities and 12% was spent on global programme activities, including governance, quality control, project and change management and support services.

The majority of contributions are paid in Euros or other foreign currencies so the ICJ has continued to work towards reducing costs incurred in Switzerland in order to mitigate the negative effect of any Swiss Franc appreciation. In 2017, since the value of the Euro climbed against the Swiss franc during the year and the ICJ was holding significant project balances in Euro, conversion of these balances into Swiss francs resulted in an exchange gain in the books. However, the continuing shift in donor funding away from unearmarked funding to funding which is earmarked for specific projects has resulted in a further reduction in unearmarked income and a small deficit (of 65,559 Swiss Francs, or 0.715% of the expenditure of the ICJ).

Projections for 2018 are good, with over 98% of the 2018 budget already secured from a range of multi-year projects and programme partnerships, including ongoing and new initiatives with existing and new partners. Programme management and reporting continue in line with the 2016-2020 Strategic Plan and the results-based programme management framework and we look forward to continuing to work with partners to achieve the mission of the ICJ.

The consolidated Balance Sheet and Statement of Income for the Year Ended 31 December 2017 are provided here and a copy of the full audited financial statements may be obtained from the ICJ office in Geneva.

The ICJ would like to thank our donors, Commissioners, partners and staff who have contributed – both financially and through their 'time and talents' – to the work achieved in 2017.

Consolidated balance sheet as at 31 December 2017

(with comparative figures for 2016, in Swiss Francs)

Assets	2017	2016
Current assets		
Cash & cash equivalents	3,245,612	949,638
Grants receivable (short term)	5,598,548	3,772,754
Other current assets	582,564	43,317
Related-party debtor	-	111,727
Total current assets	9,426,724	4,877,436
Non-current assets		
Grants receivable (long term)	2,859,527	1,254,877
Financial assets	70,236	69,331
Total non-current assets	2,929,763	1,324,208
Total assets	12,356,487	6,201,644
Liabilities		
Short-term liabilities		
Bank overdrafts	-	213
Operating liabilities	745,266	485,259
Accrued liabilities	282,365	105,854
Contributions received in advance	-	1,780
Total current liabilities	1,027,631	593,106
Restricted funds		
Funds restricted to projects	11,328,229	5,542,724
Total restricted funds	11,328,229	5,542,724
Capital of the organization		
General reserves	66,466	44,424
Income / (loss) for the year	(65,559)	22,042
Foreign currency translation reserve	(280)	(652)
Total capital of the organization	627	65,814
Total liabilities & funds	12,356,487	6,201,644

Consolidated statement of income for the year 2017

(with comparative figures for 2016, in Swiss Francs)

Income	2017	2016
Contributions for projects	13,136,698	5,671,383
Contributions for the Commission	1,246,530	1,844,446
Total income	14,383,228	7,515,829
Operating expenditure		
Staff	4,475,109	4,487,476
Meeting & travel costs	2,068,102	1,754,019
Consultancy fees	1,737,864	1,293,045
Publication and promotion costs	44,171	62,904
Communication costs	76,653	71,304
Office premises	642,361	614,863
Other administrative expenditures	134,175	103,122
Depreciation	-	108,231
Total operating expenditure	9,178,435	8,494,964
Operating result	5,204,793	(979,135)
Non-operating result, net	46,141	65,107
Financial (expenses) / income, net	243,646	(256,210)
Intermediate result before change in funds	5,494,580	(1,170,238)
Attribution to restricted funds	(13,136,698)	(5,671,383)
Use of restricted funds	7,576,559	6,863,663
Change in restricted funds	(5,560,139)	1,192,280
Result for the financial year	(65,559)	22,042

List of Main Publications

Achieving Justice for Gross Human Rights Violations in Cambodia

This report documents the lack of independent and impartial judges and prosecutors, and an endemic system of political interference in high-profile cases and an entrenched system of corruption.

Achieving Justice for Gross Human Rights Violations in Nepal

The ICJ's report documents the continuing impunity for gross human rights violations and the mandate and how the operation of transitional justice mechanisms fall short of international standards despite the repeated reinforcement of such standards by the Supreme Court.

Achieving Justice for Gross Human Rights Violations in Tajikistan

The ICJ's report examines the lack of independence of the judiciary and identifies numerous factors that foster the widespread use of torture and other ill treatment in Tajikistan.

Achieving Justice for Gross Human Rights Violations in Venezuela

This report documents the breakdown in the rule of law and how the government has effectively taken control of the Supreme Court of Justice and suspended the constitutional powers of the former National Assembly

Buenas Prácticas y Resultados de la Justicia Especializada en Femicidio y Mayor Riesgo

This report in Spanish on "Good Practices in Specialized Justice" examines the advances made and challenges faced by the Femicide and Major Risk Tribunals of Guatemala.

Judicial Independence and Accountability in Bulgaria: the Case of Judge Miroslava Todorova (Joint publication with Judges for Judges)

This report examines the disciplinary proceedings against Bulgarian Judge Miroslava Todorova in relation to international standards on judicial independence and accountability.

La Independencia Judicial en Guatemala

This report in Spanish on "Judicial Independence in Guatemala" evaluates the extent of judicial independence in the country, making reference both to international standards and Guatemalan law.

No more 'Missing Persons': the criminalization of enforced disappearances in South Asia

This report analyses States' obligations in five South Asian countries to ensure that enforced disappearance constitutes a distinct, autonomous crime under national law. It examines the practice of enforced disappearance, focusing specifically on the status of the criminalization of the practice.

Practitioners' Guide No 1 International Principles on the Independence and Accountability of Judges, Lawyers and Prosecutors (Translations in Uzbek and Portuguese)

The Uzbek and Portuguese versions of this Practitioners' Guide were published in 2017. It is a comprehensive analysis of the existing standards and compilation of universal and regional instruments.

Practitioners' Guide No 6 on Migration and International Human Rights Law (Translation in Serbian)

The Serbian version of this Practitioners' Guide was published in 2017. It is a comprehensive resource with information on the protection afforded to migrants by international law and the means to implement it at national and international level.

Special Economic Zones in Myanmar and the State Duty to Protect Human Rights

This report assesses the laws governing Myanmar's Special Economic Zones and concludes that the legal framework is not consistent with the State's duty to protect human rights.

Strengthening from Within: Law and Practice in the Selection of Human Rights Judges and Commissioners (Joint publication with the Open Society Justice Initiative)

This report examines the processes that States use to nominate and select human rights judges and commissioners and finds that nomination procedures often fall short of the legal frameworks and international standards that should guide them.

Venezuela's Supreme Court of Justice: an instrument of executive power

This report documents the Venezuelan Supreme Court rulings issued since December 2015, which have progressively dismantled the rule of law, undermined human rights and failed to apply elements of the country's Constitution.

Transnational Injustices — National Security Transfers and International Law

This report documents laws and practices in the OSCE region, and particularly in former Soviet Central Asian States, involving transfer of national security suspects without regard to national law or States' international legal obligations.

"Unnatural Offences": Obstacles to Justice in India based on Sexual Orientation and Gender Identity

This report based on 150 interviews documents the challenges queer persons in India face as a result of laws that criminalize people for their real or imputed sexual orientation and gender identity; and because of police harassment and violence and discrimination within the justice system.

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