



Summary of GICJ Joint Submissions

The 36th Human Rights Council Session
September 2017



GICJ's Submission on Iraq



Accountability and Justice

The Bush Administration officials continue to enjoy impunity for their crime of aggression against Iraq and the negative implications on international human rights as a result of such aggression, perpetuated by the decision in the United States of America court case Saleh, et al. v. Bush, et al. (Saleh)¹. With Iraq lying shattered after devastating sanctions, the 2003 military invasion by the US could proceed effortlessly. What lay ahead was unparalleled bloodshed, destruction and disintegration. Waged unilaterally without justification, the war on Iraq classifies as war of aggression, which according to the Tribunal of Nuremberg amounts to a supreme international crime that contains within itself the accumulated evil of the whole. The Rome Statute of the International Criminal Court similarly defines acts of aggression as international crimes. The invasion entailed unimaginable atrocities and systematic war crimes. Today, the Iraqi population continues to suffer from the consequences of the brutal invasion and occupation. 15 years later, the Iraqi people are still waiting for redress and justice.

Recommendations:

- US must take immediate steps to amend its domestic law to ensure that government officials are not provided immunity against allegations that they have committed acts violating jus cogens norms, incl. norms against torture, genocide, or aggression;
- HRC should urgently endorse an international independent investigation into allegations that the US committed aggression against Iraq during invasion;
- UN should condemn illegal acts of aggression by member states, including the 2003 invasion and subsequent occupation of Iraq by the US and its allies;
- UN General Assembly should request advisory opinion from the International Court of Justice regarding the legality of the U.S. led invasion against Iraq.



"Liberation" Campaigns

In their “liberation” campaigns of ISIS-besieged cities, Iraqi government troops, police units and their affiliated militias are committing war crimes and crimes against humanity. The entry of Iraqi security forces and government-backed militias, notably al-Hashd al-Shaabi, entails sweeping destruction, looting, and ruthlessness in civilian-populated areas, as was the case in all “liberated” cities such as Mosul, Jurf al-Sakhr, Dora, Ramadi, Fallujah, Amerli, and Tikrit. The crimes committed by such forces include the indiscriminate targeting of heavily populated civilian-inhabited areas as well as alarming crimes against uncountable Iraqi families and residents of entire cities, inter alia, enforced disappearances, ill-treatment and physical and psychological torture, and summary executions. The systematic gross human rights violations committed during such military operations uncover the sectarian nature of the Iraqi government’s campaigns.

Recommendations:

- Establish an international court tasked with the prosecution of all perpetrators of international crimes in Iraq;
- Pressure the relevant parties to ensure adequate and prompt redress and restoration to the innocent victims and casualties who survived the “liberation” campaign;
- Take all necessary steps to ensure security and re-unification of separated families;
- Set up a short and long-term fund for UNHCR in Iraq and local projects geared to restoring and re-developing Mosul;
- Provide psycho-social support to victims and survivors.

GICJ's Submission on Syria



Suffering of Civilians


The devastating Syrian crisis, the largest protection crisis of our time, is entering its seventh year. Civilians continue to carry the heaviest burden of a conflict that brought unprecedented suffering, destruction, and disregard for human life – with all actors of the conflict committing violations of international humanitarian and human rights law with impunity. Over half of the Syrian population has been forced from their homes, with many having experienced multiple displacements. With neighboring countries having restricted the admission of refugees, hundreds of thousands of Syrians are stuck on their borders, where they face miserable conditions and are often beyond the reach of humanitarian actors. Indeed, there has been a deliberate denial of humanitarian aid to millions of people, and the aerial attacks have killed untold numbers of civilians; all warring parties are accountable for committing horrific war crimes and crimes against humanity. The international community has made several failed attempts in the last years in order to reach peace and to put an end to the ongoing war.

Recommendations:

- Call on all actors involved to promote peaceful negotiations to achieve political solutions to the Syrian conflict, respecting ceasefire agreements.
- Pressure all parties to the conflict to ensure the protection of civilians, and to avoid indiscriminate attacks against civilian facilities.
- Call on the international community to provide financial support to enable host countries to respond to the growing humanitarian needs of Syrian refugees.
- Pressure the Syrian government to allow humanitarian actors to safely access hard-to-reach areas, and to end the practice of besiegement.

GICJ's Submission on Palestine

Freedom of Religion and 'Judaizing' Jerusalem



Israel's intensification of security installations around the Haram al-Sharif in Jerusalem in July 2017 rekindled attention to the perennial question of freedom of religion and worship. The developments since 1967 evidence that Israel has failed to fulfill its obligations to protect Muslim and Christian holy sites and worshippers but instead seeks to "Judaize" the area. Israel's regulations and designation regarding Muslim and Christian holy sites remained to be discriminatory, thereby jeopardizing equal protection and preservation of religious sites. The State's policies and practices that violate Palestinian freedom of religion and worship as well as the sanctity of holy sites include: Movement and access restrictions, proclamations and acts of provocation by Israeli officials, "archeological excavations" and interference with internal affairs, provocation or failure to prevent violent incidents, and restrictions on religious expression. The Occupying Power continues to take measures to impose sovereignty at Al-Haram al-Sharif and "Judaize" Jerusalem.

Recommendations:

- Rather than fueling national-religious strife in the region, Israel must cease its violations against Palestinians' freedom of religion and places of worship and fully guarantee freedom of religion and worship in accordance with the fundamental principles of non-discrimination.
- Israel must disassemble its occupying system and make way for the establishment of an independent State of Palestine with East Jerusalem as capital.



Israeli detention system

Israel's system of occupation and institutionalized discrimination of the Palestinian people is buttressed by divergent legal systems and courts that apply discriminatory standards of evidence and procedure to Palestinians as compared to Jewish Israelis, which implicate severe, disproportionate and often baseless penalties for Palestinians while Jewish Israeli perpetrators emerge unscathed. The inhumane conditions and injustice reigning in Israel's prison system expose its longstanding blatant disregard of international law and human rights. Administrative detention and unfair trial are rampant. Systematic ill-treatment and torture, including against women and children, strip Palestinian prisoners of their human dignity and often cause permanent harm.

Recommendations:

- Israel must, *inter alia*, release immediately all political prisoners and administrative detainees;
- Ensure fair and speedy trials for those charged with an offense;
- ensure that prisoners are treated in accordance with international humanitarian law and international human rights law.



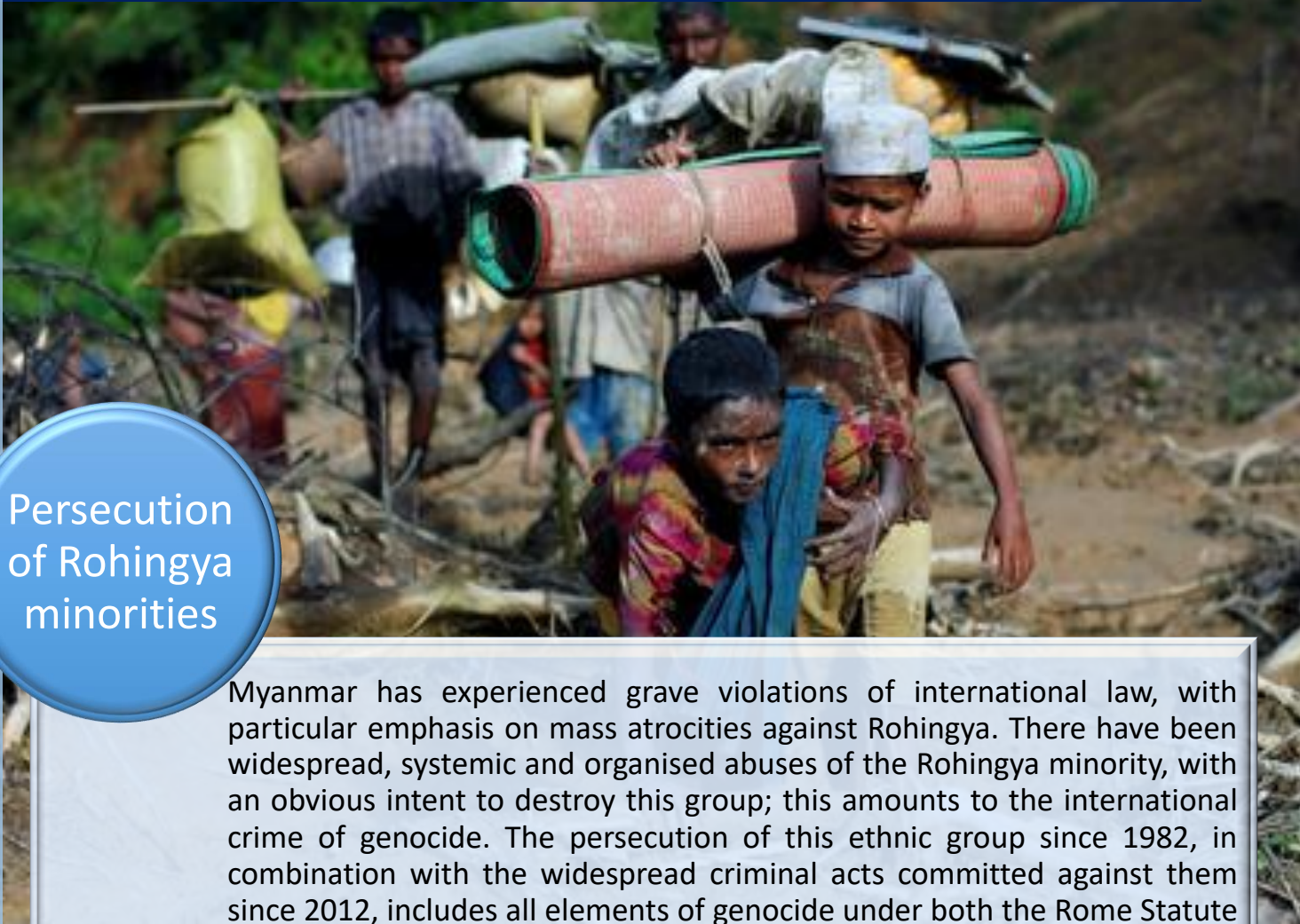
Israeli Occupation and Socioeconomic Rights

Israel's policies and practices impede a solid economic environment and sustainable development in occupied Palestine and violate Palestinians' economic and social rights. Israeli restrictions on the movement of people and goods, the discriminatory zoning and planning regime, deinstitutionalization of Palestinian economic, exploitation of Palestinian natural resources, rigorous sanctions, military actions and the blockade on Gaza have devastated Palestinian economy and caused lasting socioeconomic hardship and a protracted humanitarian crisis in Gaza. Discrimination against Palestinian citizens of Israel in the job market again shows that the Israeli apartheid system traverses the Green Line. Israel has failed to ensure equal enjoyment of all fundamental socioeconomic rights between Jewish and non-Jewish populations in all areas under its effective control. While the Israeli occupation leaves its marks on the entire Palestinian population, its impact on women is disproportionate.

Recommendations:

- Finally bring an end to the half-a-century-old Israeli occupation of Palestine and fulfill Palestinians' right to national self-determination, which involves the end of all annexationist and settlement activity and the destructive blockade on Gaza.

GICJ's Submission on Myanmar



Persecution of Rohingya minorities

Myanmar has experienced grave violations of international law, with particular emphasis on mass atrocities against Rohingya. There have been widespread, systemic and organised abuses of the Rohingya minority, with an obvious intent to destroy this group; this amounts to the international crime of genocide. The persecution of this ethnic group since 1982, in combination with the widespread criminal acts committed against them since 2012, includes all elements of genocide under both the Rome Statute of the ICC and the Genocide Convention. Moreover, the Myanmar government has failed to provide adequate response to situation, address the violations and ensure investigation and accountability of perpetrators- The United Nations action has been inefficient.

Recommendations:

- UN action is urgently needed on the basis of Chapter VII of the Charter, to restore peace and security in Myanmar and to protect Rohingya from genocide;
- The UN Special Rapporteur on the human rights situation in Myanmar has to analyse the genocidal intent and alarm the GA members and the government of Myanmar to grant full access to the UN fact-finding mission;
- International humanitarian aid workers, observers and journalists to conflict areas, especially in the Rakhine State, also have to be granted access to the area.

GICJ's Submission on East Africa



Climate Change, Conflict, Refuge

Approximately 12 million people in Kenya, Ethiopia, and Somalia have been affected by climate change and the El Niño effect leaving many in desperate need of food aid and humanitarian assistance. Since 2013, food shortages, particularly amongst pastoralists and nomads, have been the result of poor rains, unpredictable weather, and increased temperatures that brought about extensive droughts making it impossible to have stable and abundant crop production. Climate change and variability, meaning increased weather extremities and unpredictability can have serious adverse effects on a number of on-going crises, phenomena, and people's lives. In some cases, it may be the cause and in others it may intensify or worsen the situation but nonetheless it has some relevant degree of effect. This is currently the case in East Africa, especially in Kenya, Somalia, Ethiopia and to some degree South Sudan and has already resulted in internal and cross-border movement.

Recommendations:

- Pressure the governments in East Africa to provide and enhance food security for pastoralists and families suffering from extreme food shortages in remote areas;
- Develop programs and technologies such as food banks to increase food security in precarious situations;
- Support and promote environmental sustainability that includes best practices and solutions in schools and universities;
- Address root causes of climate change and involve the affected in dialogues and solutions.

GICJ's Submission on South Sudan



Humanitarian Crisis

Since the outbreak of violence in December 2013 between rival forces SPLA and SPLA-IO, peace agreements have been signed and promises by the government have been made without keeping. While violence persists, other catastrophes have ensued as a result of the spreading conflict. While famine ensues in many parts of the country the government of South Sudan is using its oil revenues to proliferate the conflict. Together with food insecurity and encroaching famine, malnutrition has become a serious problem that approximately 1 million South Sudanese children face. Ensuing armed-conflict further restricts humanitarian aid from reaching people in need. Three years of conflict have already devastated the people of South Sudan and put the country's future into serious risk. All areas that amount to peace and security have either been destroyed or are in peril. Rural livelihoods, crop and food production, the economy and agriculture of the country, health and nutrition, water and sanitation and more have all been adversely affected due to the armed-conflict.

Recommendations:

- The Council must urge all stakeholders to support local peace initiatives, groups, and associations in any way possible;
- The government of South Sudan must hold themselves accountable over previous promises and commitments of a cease-fire; uphold commitments of protection and security of its citizens;
- States and relevant stakeholders must provide assistance (monetary, technical etc.) to humanitarian aid, missions, workers, and to improve POC sites as per their requests; investigate sources of arms and war funds, particularly in South Sudan's oil industry and hold contributors and participants accountable who indirectly finance the conflict.

GICJ's Submission on Yemen



Humanitarian Catastrophe

Yemen has sunk into a deep manmade protection and humanitarian crisis that is creeping to every corner of the country. The country's has been fundamentally shaken by two years of relentless conflict, during which military activity devastated the already impoverished and weak Yemen socially, economically, and institutionally. This is reflected in a collapsing economy, skyrocketing food insecurity and famine, loss of livelihoods and depletion of savings, complete breakdown of public and private services, and large-scale displacement. Almost two thirds of the population (about 19 million people) is aid dependent, while more than 10 million are in dire need of assistance to sustain their lives. War crimes and crimes against humanity have been committed by all parties to the conflict. The Yemeni government is either unable or incapable to ensure cessation of hostilities and accountability. Furthermore, the international community has failed to ensure protection of civilians and resolution of the political crisis as ineffective. Finally, Yemen's criminal justice system does not conduct investigations and trials of the alleged perpetrators for grave violations of 1948 Geneva conventions.

Recommendations:

- All parties to the conflict should ensure compliance with international humanitarian law, particularly concerning the protection of civilians and civilian objects;
- Human Rights Council should urgently endorse an international independent investigation into alleged crimes against humanity and war crimes in Yemen;
- The situation in Yemen should be referred to the International Criminal Court;
- Civilians should be provided with access to basics as food, shelter, water and ability to return to their place of origin.



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