



Human Rights Day

10th December 2016

“We the peoples”

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Statement by GICJ on the occasion of Human rights day

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The International Human Rights Day is annually celebrated across the world to commemorate the adoption of the Universal Declaration of Human Rights and the recognition of its principles as the *"common standard of achievement for all people and all nations"*. Sixty-eight years have gone by since and one would think that the human rights situation would have been at least a bit more secure. On the contrary, the realization of this comprehensive international framework for the protection of human rights is far from being achieved today. Indeed, the instruments and mechanisms established by the international community are shamelessly disregarded by their very same creators. We have now reached an unprecedented level of antagonism and callous unconcern for the human suffering in general.

Why one may ask. Because protecting the human rights of all requires a genuine commitment that puts human race as the focal point. In these circumstances, in a society built upon economic and political interests, where the wealth of a minority prevails upon the wellbeing of the majority, human rights will never be a priority.

"Do we still have an international community?" This fundamental question asked by the United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, in a global general update delivered on 13th June 2016, rightly echoes to the current and rapid dismemberment of our societies. In times where unity should prevail, a tide of hatred and divisiveness seems to have taken over our common humanity. Worst, it happened way too easily.

On this Human Rights Day and without being too dramatic, GICJ considers appropriate to address a few of the major human rights failures of the past decades. Indeed, as member of the civil society, it is of our duty to critically reflect on the rather dire situation and not to sugar-coat it. Acknowledging the accomplishments, there is absolutely no denying that our societies show alarming signs of regress in respect for human rights.

Syria - The open air cemetery

The Syrian civil war has turned into a horrendous political blame-game with the acquiescence of the whole international community, showcasing once again its total disregard for life. The 25th Special session of the Human Rights Council on the deteriorating situation of human rights in the Syrian Arab Republic, and the recent situation in Aleppo held on 21st October 2016 is symptomatic of such hypocrisy. Indeed, while expectable courtesy speeches were being exchanged in Geneva, the fate of the Syrian people appeared to be of very little concern.

The fact is that Superpowers have been pursuing their own agenda at whatever human cost this might have. Four of the P5 are militarily involved in the conflict to varying degrees and thus the political will

to put an end to this horrendous bloodshed is far too weak, if not totally inexistent. For its part, the Syrian government itself is more interested in acquiring and maintaining its despotic power rather than fulfilling its duty to protect its people. As underlined by the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, Syria *"is a state led by a medical doctor and yet is believed to have gassed its own people; has attacked hospitals and bombed civilian neighborhoods with indiscriminate explosive weapons; and maintains tens of thousands of detainees in inhuman conditions [...]"*.

In addition, the over mediatisation of the conflict is totally deleterious. The brief international outrage caused by the so-called *"iconic images"* of Aylan Kurdi and Omran Daqneesh is as obscene as



counterproductive. The plight of the Syrian people has been reduced to passing news headlines with tacky pictures of dazed and bloodied children.

The fact is that this lustre-long conflict, which has made about 470,000 victims, left 860,000 living under siege, displaced half of the Syrian population, including 4.8 million refugees, and destroyed a country that was once an ancient cradle of civilization, has now become a new status quo. The Syrian conflict became an *"institutionalised war"* with no solution in sight.

In this climate of political paralysis and divide on the Syrian question, Geneva International Centre for Justice (GICJ) believes that the international community needs to be re-sensitised and the apathy built around this bloody war be unraveled. It is of the shared responsibility of the international community to act immediately and without further delay and it is far long-due time to put aside our respective political agenda. The focus must be put on (re)building the foundations of peace and justice in Syria for the sake of the future generations.

Iraq - The black sheep of the international community

Iraq is one of the major fiascos of our times. The UN and the international community as a whole seem to have made a habit of harming and failing the Iraqi people. Indeed, since the inconsiderate economic sanctions taken by the Security Council in 1990, the country has been the theatre of a plethora of crimes, all of them still unpunished so far.

The illegal war launched by the US-led coalition in 2003 and the subsequent occupation caused deliberate, unnecessary and extreme forms of damage and destruction that have permanently

devastated the nation and its people. The total collapse of the Iraqi state at this time and the power vacuum caused by the act of aggression opened the door to Iraq to yet other evils: terrorism and sectarianism.

With Al Qaeda yesterday and the Islamic State of Iraq and Syria (ISIS) today, Iraq has seen no rest on the terrorist front for decades. Since 2014, some of its major cities, such as Mosul, Tikrit, Amerli, Ramadi and Fallujah, have fallen like "*domino*" tiles, one after the other at the hands of the new, overbranded terrorist group. How easily this happened is still an ambiguous and controversial matter today. What we know for sure is that people living under the brutal ISIS caliphate have been deprived from their basic liberties, abused, executed and beheaded for simply using telephones or trying to escape.

To add an insult to an injury, fighting ISIS has surely become a pretext for the inconsiderate Iraqi government to start bloody military campaigns over these cities. The Iraqi security forces and their affiliated paramilitary militias (mainly Al-Hashd Al-Shaabi) have been looting, burning, destroying private and public buildings, and, more appallingly, they have been perpetrating arbitrary arrests, torture, extrajudicial killings and enforced disappearances against civilians. The crimes committed by these actors, which may amount to crimes against humanity and war crimes, go hand in hand with the governmental policies of sectarian discrimination and demographical change, as proved by the countless incidents, which most clearly target one specific component of society: the Sunni Muslims.

As a consequence of the 2003 devastating war and the subversion of the previous political and social system, the Iraqi judiciary is today among the most corrupted and non-independent of the world. Together with the dysfunctional system of governance, it is the reason why impunity is largely granted to the perpetrators of such crimes.

At the same time, GICJ has largely pointed out that the international community has become a tacit complicit of these violations of international law and international human rights law by offering direct and indirect support to the fight against terrorism in the country. Such attitude justifies and legitimizes the brutal approach of pro-government militias against civilians, which have almost been "*heroified*" at the eyes of the public.

Whereas GICJ strongly opposes terrorism and fervently supports its elimination from Iraq, it also believes that this cannot be achieved through the brutal approach of the Iraqi authorities and militias. Indeed, such method has proved detrimental to civilians in the past and has only resulted in the increase of terrorist groups and their brutality in the region. In these circumstances, on International Human Rights Day, one of GICJ's loudest calls thus go to those engaged in the so-call "*War on Terror*". Can we really fight terrorism by disregarding something as sacred as human life? The current approach to counter terrorism might be considered by some the lesser of two evils, but we believe it is an evil all the same.

Yemen - The last humanitarian catastrophe of the Middle East

The Yemen is yet another humanitarian catastrophe in the Middle East. After years of dormant insurgency, the Houthis finally came to blow with the Yemeni Army forces and seized the capital in January 2015.

Yemen is currently facing a twofold problem on the security front: a brutal war on one hand and a significant terrorist threat on the other. In these circumstances, the ongoing conflict led to the systemic collapse of the Yemeni state, allowing the Houthis to expand and impose themselves as a long-term threat. Violence and sectarianism have been mainstreamed in the country.

A wide range of human rights violations have been reported in the territories under the control of the Houthis, especially against the opponents of the ousted President Ali Abdullah Saleh. The situation worsened since the official consolidation of their presence in the capital and their brutal attitude seems to see no limits. As of today, there is no doubt that the Houthis have been committing crimes against humanity and war crimes, including summary executions, abductions, blockades, enforced disappearances and forced displacement.



The Yemeni armed conflict became international following the intervention of the Saudi-led coalition. The intervention of the coalition received widespread criticism for its dramatic worsening effect on the humanitarian situation in the country. Indeed while many attacks carried out by the coalition have been directed at military targets, others have been indiscriminate, disproportionate and directed

against civilian homes and infrastructures. In this regard, the targeting of medical facilities is especially widespread and worrying. The accidental bombing of a funeral in Sana'a on 8th October 2016 is, without any doubt, one of the most notable blunders of the Arab Coalition.

In addition to the indiscriminate shelling, human rights groups have been denouncing the munitions used in the conflict. Indeed, coalition forces have been using imprecise munitions, including US-made bombs with a wide impact radius which cause casualties and destruction beyond their immediate strike location.

GICJ reproaches any of the aforementioned human rights violations, regardless of the perpetrators and what their role in the conflict is. The primary international concern should always and unreservedly be the Yemeni people, who are affected by the conflicts in multiple ways. According to the Office for the Coordination of Humanitarian Affairs (OCHA), as of 12th April 2016, over 6,400 people have been killed and nearly 30,600 injured since 19th March 2015. There are no less than 2.8 million IDPs throughout the country and the World Food Programme in Yemen estimated that about 21.2 million (82 percent of population) is in need of humanitarian assistance as of 6th March 2016.

Palestine - The overlooked apartheid

The day-to-day life of the Palestinian people has been one for dramatic news headlines for more than half a century now. Yet, nothing is changing and the situation, in fact, seems to get worse. In total breach of the international obligations incumbent upon the occupying power, Israel has been oppressing and discriminating the Palestinians through various means.

There are some fifty discriminatory laws in Israel, all of them constantly, directly or indirectly discriminating the Palestinians by classifying them as second-class citizens. In the meantime, in the West Bank, Israel is imposing its strict military laws on the population.

When broaching the issue of the Palestinian apartheid, the construction of a wall of 8 meters' height and 280 miles' length should not be forgotten. Nicknamed the "*wall of apartheid*" by the Palestinians, it has had deep consequences on their living conditions. Indeed, 85% of the wall has been built deep into Palestinian territories, cutting large portions of their lands and imposing more restriction to their access to resources and to their freedom of movement. The construction of this wall started back in 2000 and was declared illegal by the International Court of Justice (ICJ) in 2004. Israel has been ask to abide by its obligation under international law and thus to destroy the wall. However, the wall is still standing tall and long as of today.

The ongoing and widespread Israeli settlements in the occupied Palestinian territories (OPT), and especially the West Bank and East Jerusalem, as well as the growing violence of the settlers, are the cause of massive forced displacements and of severe restrictions of movement for the Palestinian people. These practices, often backed by a disproportionate and ideologically-motivated military presence, violate both their rights to enjoy basic living standards and their right to return as established in international human rights and humanitarian law. To add an insult to an injury, these actions are openly carried out under the eyes of the world without any care of the consequences.

In addition, the harassing campaign of the Israeli authorities seems to see absolutely no end. On the contrary, the violence only increases as shown by the regular grave violations committed against the Palestinians. GICJ strongly believes that the total impunity granted to Israel regarding these crimes against humanity and war crimes so far is horrendous. The tacit complicity of the international community which has been standing by for too long, has allowed Israel to carry out this apartheid regime for decades.

In this context, GICJ urges the international community, especially in light of such a significant recurrence, to look beyond political and economic alliances and truly commit to the defence of the human rights of all. A peaceful settlement of the Israeli-Palestinian conflict has never been so crucial as it is today. We believe the Palestinian people deserve justice, freedom, rights and, equally important, a land to call homeland.

Iran – The sectarian mastermind of the Middle East

The human rights record of Iran is regularly criticised and Teheran has been repeatedly condemned for the past and present violations committed throughout the country and beyond its borders. In addition to the wide range of crimes perpetrated, Iran is also well known for its strong sectarian agenda. In this regard, the authorities have been discriminating and persecuting ethnic and religious minorities present on the Iranian territory. Moreover, the armed forces have been conducting military attacks and providing indirect support to terrorise non-Shiite communities in the neighbouring countries.

The groups targeted by Teheran include the Hazaras, Pashtuns, Balochs, Azeris, Baha'i, ethnic Arabs and non-Shiites of the neighbouring countries. They are subjected to various human right violations, from forced displacement to mass killing, including denial of the right to education and to access to healthcare. Furthermore, every attempt at peacefully denouncing these violations has resulted in more people injured or killed.

The decade of talks in an attempt to address Iran's nuclear policy and the recent lift of the sanctions have failed to address very important issues in regards to the gross violations of human rights in the country against innocent civilians. Critics of the Iran deal suggest that the Iranian government "*will use a significant percentage of this pay-out to foment instability and violent extremism across the Middle East*". In other words, it is to fear that the unfreeze of Iran assets will result in meddling and destabilizing actions in other countries on the false pretext of aiding and rescuing persecuted Shiite minorities, particularly in Yemen, Syria, Lebanon, Bahrain and even Nigeria.

In these circumstances, GICJ believes it is regrettable that the international community has ignored such record of violations and solely focused on the nuclear program that would have posed a threat to the West and their ally, Israel.

Myanmar – The world's most persecuted minority

The much anticipated general elections of 8th November 2015 are now a vague souvenir. Indeed, despite the victory of the National League for Democracy, the hardline Buddhist nationalist groups are maintaining their severe clampdown on freedoms of expression, association and peaceful association. On their part, the authorities failed to address the widespread intolerance and incitement to discrimination and violence based on national, racial and religious hatred.

In these circumstances, the minorities living in Rakhine state, including the Rohingyas, the Kaman Muslims, as well as the Christian and Hindu communities, are still subjected to a long-institutionalized discrimination and denial of their most basic rights.

The Rohingyas Muslims hail from northwest Myanmar and especially from the Rakhine State. They are about 150, 000 in this area, living in ghetto-like camps and forbidden to move without the government permission. Branded as illegal immigrants from Bangladesh by the authorities of Myanmar, they have been facing apartheid-like restrictions on movement and are deprived of citizenship under the 1982 Citizenship Law. The Rohingyas have been qualified by the United Nations as one of the world's most persecuted peoples.

According to the Special Rapporteur on the human rights situation in Myanmar, *“significant steps forward have been made and the government deserves to be congratulated but the success story is not yet complete.”* However, the fact is that some 3,000 members of the Rakhine community and up to 12,000 Muslims have been forced to flee their homes.

The current situation in Myanmar is alarming. Indeed, the lack of oversight of the military by the seven-month-old government has led to a surge of violence. Recently, on 9th October 2016, unknown assailants



attacked three police outposts in Rakhine State, killing nine Boarder Guard Police officers and seizing weapons and ammunition. The authorities strongly reacted by initiating major security operations and access for humanitarian organizations, independent journalists and human rights monitors has been even more restricted. In this context, the continued allegations of extra-judicial executions, arbitrary arrests and detentions, destruction of private property and sexual abuses in the hands of the security forces against the Rohingyas are deeply concerning.

On 24th October, the Special Rapporteur on the situation of human rights in Myanmar, the Special Rapporteur on Extra-Judicial summary or arbitrary Executions and the Special Rapporteur on internally displaced persons issued a joint statement urging the authorities to promptly and thoroughly investigate all those allegations and to allow humanitarian access. The government kept its line of conduct, denying the accusations and claiming that they have been, in fact, fabricated to gain international support. They went as far as accusing Rohingya villagers of burning down their own homes to make it look as if their village was set on fire by the Myanmar military.

GICJ is highly concerned by the continued discrimination against the Rohingyas and especially by current lockdown in Rakhine state imposed by the authorities. It is urgent that the government starts taking interim measures in order to prevent further restrictions and violations suffered by the minorities in Myanmar.

Burundi – The next genocide

Past the initial euphoria of having calmed down the situation in Burundi, came the realization that there is, in fact, still a situation. In October 2016, the Burundian authorities took the extreme decision to suspend cooperation with the UN and to withdraw from the International Criminal Court. Such developments are extremely alarming considering the increasing crackdown by the security forces and the youth militias of the ruling party (the *Imbonerakure*) against the whole civilian population.

Since the attempted coup on 13th May 2015, state-sponsored violence became pandemic in Burundi. A pattern of systemic crimes through the state apparatus can be clearly identified, as well as a chain of command going back to the highest ranking officials. If it first started with an open and mass repression of every opponent to the regime, the situation then morphed into a series of horrendous abuses committed behind closed doors. This change of modus operandi by the Burundian authorities came after the alarm call of the civil society on the situation in January 2016.

As of today, the human toll is over 1, 000 dead, 8, 000 detained on political grounds, 300 to 800 missing, hundreds tortured and thousands arbitrarily arrested. According to the update of 27th September 2016 of the High Commissioner for Refugees, the severe abuses of the security forces have already forced 310, 000 persons to flee the country.

There is no doubt that crimes against humanity are being committed in Burundi but what is even more alarming today is the radicalization of the regime. The regime has been developing an effective and extensive security network throughout the country in order to monitor and control the population. In addition to this widespread surveillance, the last report of the FIDH and ITEKA, entitled *"Repression and genocidal dynamics in Burundi"*, warned about the establishment of several propaganda organs and tools, all of them ethnic-oriented. Indeed, it appears that the ruling regime has been using the classic rhetoric of defending the Hutu majority against the return of an oppressive Tutsi military. The document also denounced the proliferation of secret detention facilities and the mass crimes perpetrated in these locations, away from any scrutiny. The ghosts of the Rwandan genocide seem to be coming back to haunt Burundi.

In light of these recent developments in Burundi, GICJ calls on the international community not to let another Rwandan genocide happen. The epic failure of the UN to act upon the warning signs back in 1994 should serve as an example not to be repeated ever again.

While in the West

In the meantime, while Western countries pretend to be role models of democracy, their human rights track record is far from being that perfect.

The proliferation of conflict throughout the world resulted in a massive and unprecedented migration crisis. However, those people fleeing for their life and in search for a safer place to bring their children escaped the hell of combat zones to come face to face with a widespread xenophobia. Indeed, the refugees streaming to the European costs are not seen as the victims of man-made disasters but as a source of problems. In this regard, the recent terrorist attacks in Europe and the rising threat of terrorism have been used as a tool to diabolize Muslims Arabs. In a world where mobility is increasing, the fear for the foreigners becomes a common phenomenon and a political argument for some of our governments.



The unexpected vote of the United Kingdom out of the European Union is a striking example of how this contemporary self obsession and intolerance are instrumentalised by some politicians. Indeed, one of the main causes of the so-called *Brexit* was immigration, suggesting it was a social and economic threat to the British citizens. The fact is that the United Kingdom is not an isolated example. The last American presidential elections have been the theatre of way too many extreme political speeches, mainstreaming hatred against pretty much every minority. The stupendous ascension to power of Donald Trump is not without reminding us of a troubled past made of inequality and segregation that we believed we had overcome. GICJ believes that the utmost priority of the international community in this century is to accept that diversity has always existed and needs to be recognized and preserved through comprehensive policies based on the principles and values set forth by human rights law.

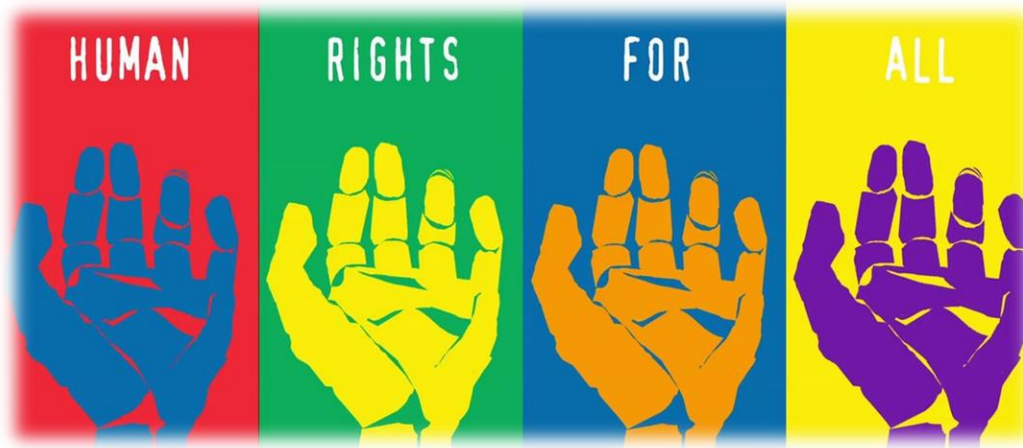
So what is next?

There is more. Human rights violations are not reducible to news headlines and what us, civil society, can denounce with a simple statement. The idea here was to give a brief insight of what the picture of the human rights situation in the world looks like today. However, reality is grimmer and extremely more complex and multifaceted.

Despite so, one general trend can be identified and this is the incommensurable clawing back of human rights in the 21st century. Somehow, our societies have become desensitized from human suffering and have accepted it as an entrenched feature of the new global system. In these circumstances, the international community has been able to freely trample on the very same instruments they established. The very recent withdrawal of signature of the Russian Federation from the Rome Statute following the publication of a report classifying the Russian annexation of Crimea as an occupation is a very striking example of this.

It showcases how states are in fact totally unwilling to truly commit themselves to the protection and preservation of human rights. Fervently defending their sovereignty, states accuse the Court of being biased when, in truth, this is only a pretext to keep their dirty secrets away from scrutiny.

However such dark tendency shall not be irreversible. We have managed to accomplish great things in the human rights sphere. For instance, as proved by the contemporary human rights narrative, we can affirm to have reached a certain stage of consciousness on this matter. We have also created means and instruments totally new to history. However, these unprecedented and innovative tools, built on fundamental wisdom and humanity, are only the starting point. The international community as a whole has now the obligation to build on these principles in order to protect the human race from self-destruction.



GICJ believes that it is essential to undertake a genuine effort and to explore all possible solutions to address the loopholes in the current human rights system. It is time to drop the short-term solutions and to tackle the root-causes of the problems, especially when it comes to widespread and systematic violations of international humanitarian and human rights law.

In this sense, International Human Rights Day shall be an occasion to remind ourselves of all the bad but also the good. It is a day to remember the promises made but systematically broken, the occasions offered and never taken, the hopes raised but suddenly lost, in order to learn from the past mistakes. It is an occasion to revitalize our commitment to human rights as a promise for a safer and fairer future for the whole human race.

