



Geneva International Centre for Justice (GICJ)



Summary of joint submissions
35th Session of the Human Rights Council
June 2017

Summary of the written statements prepared by GICJ and jointly submitted, with several other organizations, to the Human Rights Council



GICJ's Submissions on Iraq

With one of the highest execution rates in the entire world, Iraq lacks an independent judiciary, with its justice system remaining critically flawed. Torture and ill-treatment are widespread in Iraqi prisons, with arbitrary arrests and detention commonplace, and ordinary Iraqis have lost the ability to live a life free from fear and violence. GICJ is appalled by the government's utter disregard for human rights and calls upon the international community to defend those who, today, cannot defend themselves.

Overview:

Iraqi governments have utilized the rise of ISIS to authorize:

- summary executions,
- arbitrary arrests,
- detention of peaceful protesters.

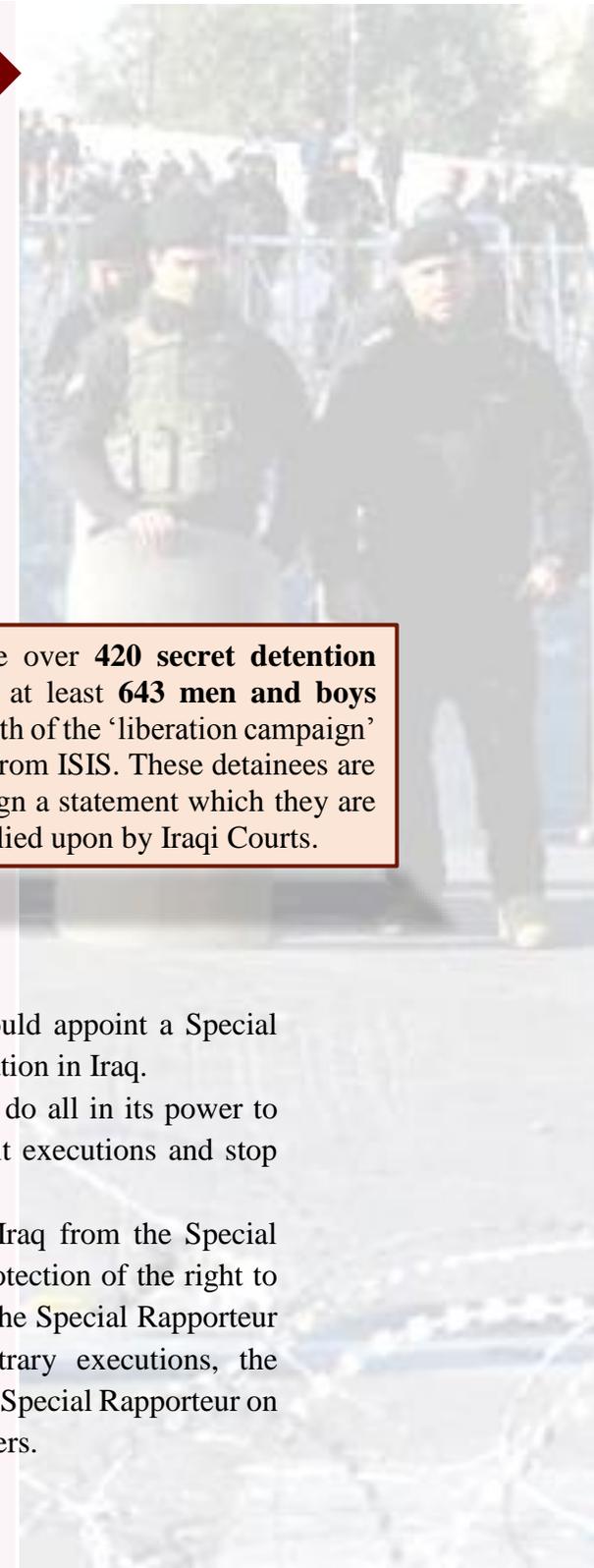
Death Penalty and Independence of the Judiciary:

- When applying the death penalty, the Iraqi government does not respect due process and fair trial standards.
- Detainees are often tortured, forced to confess to crimes or terrorist acts, and shortly thereafter sentenced to death. Iraqis who openly criticize officials and their corruption face threats, arbitrary arrest, beatings, harassment and prosecution.
- Since the adoption of the Anti-Terrorism Law No.13 of 2005, most state executions have been justified on the pretext of "fighting terrorism."
- Most of the media outlets in Iraq are controlled by militias, political parties, and the state. Iraqi journalists who openly criticize officials and their corruption face threats, arbitrary arrest, beatings, harassment and prosecution.

Credible information has proved that there are over **420 secret detention facilities** in Iraq, and between 2-5 June 2016, at least **643 men and boys disappeared** from Saqlawiya, Iraq, in the aftermath of the 'liberation campaign' allegedly intended to retake the city of Fallujah from ISIS. These detainees are tortured until they confess, or until they agree sign a statement which they are not allowed to read, which are continued to be relied upon by Iraqi Courts.

Recommendations:

- The UN Human Rights Council should appoint a Special Rapporteur for the human rights situation in Iraq.
- The international community should do all in its power to pressure the Iraqi government to halt executions and stop any future use of the death penalty.
- There should be a country visit to Iraq from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and the Special Rapporteur on the independence of judges and lawyers.



GICJ's Submissions on Palestine

With the Nakba entering its 70th year, GICJ expresses its grave concern that the plight of the Palestinian people continues under Israel's system of apartheid and institutionalized racial discrimination. GICJ deplores that Israel's persistent disregard of its international obligations, its non-compliance and non-cooperation, further entrench its system of injustice, under which the most fundamental human rights of Palestinians continue to be systematically violated.

Apartheid

- Israel is guilty of policies and practices that constitute the crime of apartheid as legally defined in instruments of international law.
- The legislative framework facilitates inhuman acts as described in the Apartheid Convention aimed at perpetuating domination of the Jewish Israeli population over Palestinians, who are collectively and systematically oppressed.
- Israel violates Palestinians' right to life and security of person, particularly using excessive and often lethal force and the failure to hold perpetrators accountable.
- Forced displacement is central to Israel's system of apartheid that aims to dominate the Palestinian people.

Women and Children

- The construction of the Wall, the associated permit regime, the ongoing closures, and the system of checkpoints seriously obstruct students' and teachers' ability to reach schools, delay their journeys tremendously, and expose them to daily verbal and physical harassment.
- During military operations, classes are regularly suspended and education interrupted. Educational institutions are damaged or destroyed, and school children injured or killed.
- Israel's occupation and protracted human rights violations have entrenched patriarchy within Palestinian society and increased intra-societal and family violence against women.
- Military legislation prohibits public gatherings of ten persons or more without a permit issued by the Israeli military commander and punishes acts interpreted as breaches of this provision with violent dispersal and arrests.



Unlawful legislation

- Severe movement restrictions significantly hamper the work of HRDs by obstructing field activities, the documentation of violations and assistance to the victims, as well as the attendance of conferences and events, and thereby networks of information sharing and mutual support.
- Israeli NGOs opposing their State's policies and practices are discredited and criminalized as "terror or terror supporting organizations". The targeting by the government and Israeli right-wing groups of those actors that dare to stand up for human rights and democratic values places in jeopardy the enjoyment of human rights for everyone in the region.

Recommendations:

- Israel should take all necessary measures to finally end the prolonged occupation of Palestine and fulfil Palestinians' right to national self-determination, which involves the end of all annexationist and settlement activity and the destructive blockade on Gaza;
- Israel should cease its policies of apartheid that degrade, dispossess, and discriminate against Palestinians in occupied Palestine and in Israel;
- Israel should cease and rescind its anti-democratic and racist practices and laws, and guarantees the fundamental rights and freedoms of ethnic and political minorities in Israel.



GICJ's Submissions on South Sudan

Since the outbreak of violence in December 2013 between the rival forces of the SPLA in support of President Salva Kiir and the SPLA-IO backing former First Vice-President Riek Machar, peace agreements have been issued and signed and promises by the government have been made. Unfortunately, but unsurprisingly, none of them have been kept. GICJ argues that the international community must also bear some responsibility- particularly states, businesses, and companies that are involved with South Sudan's oil industry and businesses that help finance and perpetrate the violence.



1.7 Million Refugees
2.3 Million IDPs



Hunger

- In addition to the violence, starvation is another grave issue that millions of South Sudanese face. Earlier this year, UN agencies declared famine in Leer, Mayendit, and parts of Unity State (North-Central South Sudan).
- Farmers have also lost livestock and farming tools amidst the famine catastrophe and the damage to agriculture. To make matters worse, malnutrition has become a severe problem that approximately 1 million South Sudanese children face.

Recommendations:

- The United Nations should urge all relevant 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;
- States and relevant stakeholders must be obligated to 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 Submissions on Hate Speech and Discrimination

During recent unrest or turmoil, the midst of a crisis or during elections there appears to be a rise in hate speech in public discourse. The issue of “hate speech” and “racial discrimination and intolerance in the media” is of growing concern as there have been violent consequences and responses, particularly, by extremist groups. GICJ recognizes these adverse developments as they contribute to the growing phenomenon of discrimination towards migrants and refugees and further exacerbates the intolerance towards Muslims and people of African descent.

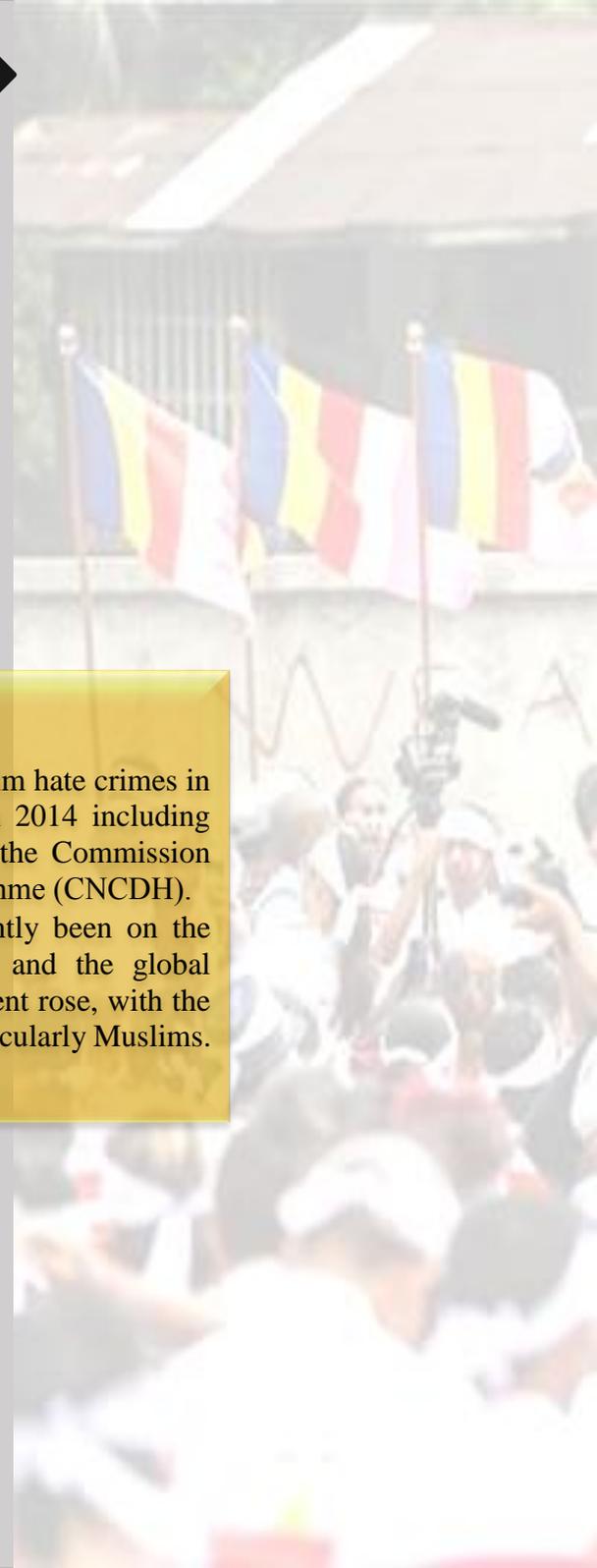
International law has several provisions that prohibit or attempt to regulate speech based on hatred or discrimination against others. *“Hate speech” consists of hate specifically directed and/or targeted towards a group of people that share certain characteristics, expressed or otherwise.*

Recommendations:

- Develop a set of standards for journalists and media on the use of derogatory language, use of words and imagery that incite racism, hatred, discrimination, and xenophobia backed by a media complaint mechanism.
- Increase availability of resources for more accurate journalistic research and exercise freedom of information that journalists can provide the audience in ways they can understand.

Examples

- In France, there have been 400+ anti-Muslim hate crimes in 2016 and a 223% increase in 2015 from 2014 including sustained targeting of Jews according to the Commission Nationale Consultative des Droits de l'Homme (CNCDH).
- Anti-immigrant sentiments have consistently been on the rise, especially after the 9/11 in 2003, and the global financial crisis in 2008 where unemployment rose, with the far-right blaming it on immigrants and particularly Muslims.



Six years after the outset of the civil conflict, Syria is reduced to smoke and rubble. Magnificent ancient buildings have been barbarically destroyed, and the colourful markets have been replaced by blood and desolation. GICJ asserts that remaining within the Syrian borders entails the same degree of suffering and difficulties faced when trying to seek refuge elsewhere, with the wave of displacement caused by the six-year-long conflict reaching an unprecedented magnitude.

Extrajudicial killings

- The largest number of arbitrary killings and summary executions by the hands of governmental forces occurs in government-run detention facilities, where prisoners – both alleged terrorists and innocent civilians – are held captive in inhuman conditions.
- Circulating images and shocking videos showing the merciless executions of innocent civilians has become a means of propaganda and a weapon used to spread terror and instil fear.



Syrian women face threats, violence and discrimination both within and outside the country. Those who have managed to flee their homes, often end up in IDPs and refugees' camps where health care conditions do not meet the adequate standards.

Recommendations:

- Pressure the Syrian government to comply with human rights and humanitarian law standards; particularly, put an end to illicit trials, torture and summary executions of persons deprived of their liberty;
- Promote inclusive, comprehensive, Syrian-led negotiations and ensure that women and minority groups are included in the decision-making and reconstruction process;
- Assist the Syrian government in the creation of adequate Transitional Justice mechanisms to allow the transition to a peaceful and inclusive society.

GICJ's Submissions on Myanmar

In Myanmar, abuses and violence are an intrinsic part of the daily reality. More specifically, the armed hostilities in Kachin and Shan, the dire conditions in the IDP camps, and the increasing intercommunal tensions represent serious threats to the enjoyment of human rights in the country. GICJ condemns the abuses and discrimination endured by the Rohingya minority, remains concerned for the lack of accountability in the country, and has submitted written statements concerning the situation of Rohingya and the impact of transnational corporate accountability in the enjoyment of human rights in Myanmar.

Ethnic Cleansing

The minorities are targeted within the so-called “Burmanization” policy. The most shocking is the case of Rohingya, a community that has lived in Burma for centuries and has historical roots in the country dating back to ancient times. Nevertheless, the government refuses to give them the nationality they deserve and instead uses the term “Bengali” to refer to the Rohingya as foreigners.



Recommendations:

- The HRC should urgently endorse an international independent investigation into alleged genocide in northern Rakhine State;
- The home states of transnational corporations should issue instructions to businesses prohibiting any activity in a foreign country that would lead to or contribute to existing human rights abuse;
- The Government should work with the UN agencies and special-mandate procedures to coordinate strategies to address the transnational corporate social responsibility and accountability.

Violations and abuse of power

- Numerous attempts of ceasefire failed, including the last effort of signing the Nationwide Ceasefire Agreement in October 2016. The intensifying hostilities are described with serious violations of international humanitarian law by all parties.
- The Burmese authorities arbitrarily arrest and imprison protesters, political activists, media workers and human rights defenders for peacefully exercising their rights, including freedom of expression, association and peaceful assembly.

GICJ's Submissions on Yemen

The Republic of Yemen is facing an unprecedented humanitarian crisis. The devastating effect of the war coupled with the worsening famine, the embargo and the recent spread of cholera have led the country on the verge of collapse. GICJ condemns the widespread, systemic and organised human rights violations amounting to war crimes and crimes against humanity. It is imperative for the perpetrators from all parties that violate the provisions of international human rights law and international humanitarian law to be brought to justice.



In January 2017, the UNICEF Representative in Yemen stated that the UN verified the death of 1,400 children and over 2,140 injured since the escalation of the conflict and noted that the actual numbers are likely to be much higher.

The Coordinator of National Organization for Defending Human Rights estimates that 70% of schools have been closed before the end of the academic year of 2015-2016 and that more than 350,000 children are unable to attend school because of closures.



The dire consequences of the civil war added up to chronic challenges in the education of Yemeni girls. The initiatives on the fight against discrimination and women's empowerment, including the implementation of CEDAW recommendations, were disregarded by the Houthi-Saleh groups since the beginning of the armed conflict.



Recommendations:

- The situation in Yemen should be referred to the International Criminal Court;
- The ongoing recruitment and use of children by all parties to armed conflict should stop immediately and all children released from their ranks;
- The Yemeni government should ensure that the civilians have access to basics as food, shelter, water and ability to return to their place of origin.



Geneva International Centre *for* Justice

Independent, non-profit, non-governmental organisation

Postal address: P.O. Box: GICJ 598 CH-1214 Vernier, Geneva – Switzerland
Office: 150 Route de Ferney, CH 1211 Geneva 2 - Switzerland

Email: info@gicj.org Tel: +41 22 788 19 71

Website: www.gicj.org

Facebook: <https://www.facebook.com/GIC4J>

Twitter: @Geneva4Justice Skype: Geneva4Justice