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GICJ Report on the 36th Session of the Human Rights Council

The 36th regular session of the Human Rights Council (HRC) was held in Geneva from 11 – 29 September 2017. The Council addressed a wide range of human rights issues with the involvement of numerous human rights experts, working groups, and investigative bodies; included statements by high-level dignitaries from States and a regional organization; adopted the outcomes of the Universal Periodic Review of fourteen Member States; and finally issued 34 resolutions on various human rights issues and a Presidential Statement on the Reports of the Advisory Committee.

Opening Statement by the UN High Commissioner for Human Rights

In his opening statement on 11 September 2017, the UN High Commissioner for Human Rights, Mr. Zeid Ra'ad Al Hussein began by remembering those murdered in New York, Washington DC and Pennsylvania sixteen years ago and by recalling this ominous day from the eyes of a person living in New York at the time of the attack. While connecting the attack to today's constant threat of violent extremism, the High Commissioner emphasized that – left on their current course – it is the governments that will “break humanity”.



Mr. Zeid Ra'ad Al Hussein deciphered the hypocrisy, the so-called internal-external gap, of countries that defend human rights elsewhere while blatantly denying the rights of their own people. Specifically, he appealed to those Governments engaging in “intimidation and bullying, and commit reprisals against human rights defenders and NGOs which work with the UN human rights mechanisms”, posing the rhetorical question whether they do not realize that this only serves as confirmation of their violations of their peoples’ inalienable rights. He moreover questioned States’ selectivity in addressing country situations, describing this as undermining the credibility of the HRC.

The High Commissioner encouraged the President and Member States to “develop a stronger, more unified voice” to defend human rights and recommended the exclusion from the HRC of States involved in egregious human rights violations. Finally, Mr. Zeid Ra'ad Al Hussein

criticized that many senior officials and diplomats deny the existence of serious human rights violations until they experience them on their own skin.

Moving to country situations, the High Commissioner directed attention to the atrocities faced by Myanmar's Rohingya population in Rakhine State, whose situation he described as "textbook example of ethnic cleansing". Furthermore, he discussed discrimination and violations faced by minority groups in India and Pakistan as well as the governments' non-cooperation with the OHCHR, particularly with regards to access to Kashmir. Mr. Zeid Ra'ad Al Hussein also raised central human rights issues in Sri Lanka, the Philippines, China, Viet Nam, Cambodia, the Maldives, and the Democratic People's Republic of Korea.

Subsequently, the High Commissioner addressed the grave human rights and humanitarian crises raging in Yemen, Syria, and Iraq. In particular, he urged the establishment of an international and independent investigative body to investigate violations by all parties to the conflict. In view of the conflict in Syria – which according to Mr. Zeid Ra'ad Al Hussein "has redefined the meaning of the word horror" – he called for the investigation by the International Criminal Court. With regards to Iraq and its cities "liberated" from ISIL's hostile grip, the High Commissioner called upon the Iraqi authorities to address the grievances of all ethnic and religious communities for sustainable peace.

The Occupied Palestinian Territory continues to face serious violations of international humanitarian law and human rights law by the Israeli authorities, while journalists and human rights defenders are persecuted by both authorities. He then shed light on the most pertinent abuses at the hands of Egyptian, Bahraini, and Iranian governments – particularly with regards to the restrictions on civil society and political activism. Iran continues with execution unabated.



The situation in Venezuela was a further focus of the High Commissioner's statement, as the crushing by the Government of democratic institutions and critical voices continues unabated. He then addressed corruption as undermining the rights of millions of people across the world, by depriving them of common goods and fundamental rights such as health and education or equal access to justice. He then discussed the situations in Brazil, Guatemala, and El Salvador.

In the United States, Mr. Zeid Ra'ad Al Hussein deplored the Government's decision to end the Deferred Action for Childhood Arrivals program, despite evidence of its positive impact on the

lives of hundreds of thousands of young immigrants, and on the US economy and society. The situations in Turkey, Poland, Moldova, Hungary were discussed, with particular light being shed on shrinking civil society space and, in the latter country, “the drastic and inhumane procedures which limit access by migrants to even basic services”. He deplored the horrific abuses many migrants face when returned to Libya. This was contrasted with an “example of human decency” by the people of the Greek island of Tilos, where migrants and refugees were received with dignity and respect. He expressed his hope that the Global Compact on Migration will pave the way for migration governance to be better grounded in human rights. A discussion of the situation in the Central African Republic, South Sudan, Burundi, Mali, Sudan, the Democratic Republic of Congo, Ethiopia, and the Republic of Congo followed.

Ending his statement, the High Commissioner concluded that “the world has grown darker and dangerous” during the first three years of his current Mandate. Yet, he is “inspired by movements of people standing up in many countries in defiance of the indefensible. They seek, not power or personal profit; what they seek is justice”.

Resolutions and Decisions

On 28 and 29 September 2017, the Council adopted 33 resolutions and a Presidential Statement addressing various themes as well as human rights situations in Syria, Yemen, Burundi, Myanmar, Sudan, the Democratic Republic of the Congo, the Central African Republic, Somalia and Cambodia; filled seven vacancies of Special Procedures mandate holders; and adopted its report for the session.



In its resolutions, the Council extended the mandate of the Special Rapporteurs on human rights and unilateral coercive measures ([A/HRC/36/L.14](#)), on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes ([A/HRC/36/L.32](#)), and on the situation of human rights in Cambodia ([A/HRC/36/L.21](#)). The Council furthermore extended the mandate of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence ([A/HRC/36/L.11](#)), determining that tasks will include, *inter alia*, the examination of the contribution of transitional justice to the

prevention of gross violations of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, and their recurrence.

The mandates of the Independent Experts on the situation of human rights in the Central African Republic ([A/HRC/36/L.18/Rev.1](#)), Somalia ([A/HRC/36/L.23](#)), and Sudan ([A/HRC/36/L.19](#)) were renewed, as was the mandate of the Independent Expert on the promotion of a democratic and equitable international order ([A/HRC/36/L.3](#)).

Moreover, the Council extended the mandates of the Working Groups on Enforced or Involuntary Disappearances ([A/HRC/36/L.10](#)) as well as on the mandate of the Working Group of Experts on People of African Descent ([A/HRC/36/L.16](#)), requesting the latter to pay particular attention in its annual report to the rising tide of racism and racial hatred, as evidenced by the resurgence of white supremacist ideologies, and extremist nationalist and populist ideologies, and to make specific recommendations in this regard. The Council also decided to establish a new open-ended intergovernmental working group to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies ([A/HRC/36/L.15](#)).

The Council requested further study by the Working Group of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination ([A/HRC/36/L.2](#)); and decided that the Working Group on the Right to Development shall elaborate a comprehensive and coherent set of standards for the implementation of the right to development ([A/HRC/36/L.13/Rev.1](#)).



The High Commissioner was requested to redouble his efforts to redress the current imbalance in the geographical composition of staff of the OHCHR ([A/HRC/36/L.1](#)); to compose a report on human rights in the administration of justice, in particular on violence, death and serious injury in situations of deprivation of liberty ([A/HRC/36/L.5](#)); and to organize a two-day intersessional expert meeting to consider gaps in, challenges to and best practices aimed at the full enjoyment of human rights by all women and girls and the systematic mainstreaming of a gender perspective in the implementation of the 2030 Agenda ([A/HRC/36/L.12](#)). Resolution ([A/HRC/36/L.27](#)) delineated that the theme of the annual half-day panel discussion on the rights of indigenous peoples to be held during the 39th session of the Council will be on the means of participation for and the inclusion of indigenous peoples in the development of strategies and

projects, and the implementation of those projects in the context of the 2030 Agenda for Sustainable Development and related Goals.



In resolution ([A/HRC/36/L.28](#)), the Council decided that the theme for the annual thematic panel discussion under agenda item 10 to be held during its 38th session is to be “Human rights and the Sustainable Development Goals: enhancing human rights technical cooperation and capacity-building to contribute to the effective and inclusive implementation of the 2030 Agenda for Sustainable Development”.

While resolution (A/HRC/36/L.33/Rev.1) focused on the mission by the Office of the High Commissioner for Human Rights to improve the human rights situation and accountability in Burundi, resolution ([A/HRC/36/L.9/Rev.1](#)) extends the mandate of the Commission of Inquiry on Burundi in order to deepen and continue its investigations.

Crucially, the Council took decisions with regards to the human rights situation in Syria, Yemen, and Myanmar. With regards to the human rights situation in the Syrian Arab Republic, the Council decided to convene a high-level panel discussion on violations of the human rights of children in the Syrian Arab Republic at its 37th session, in consultation with the Commission of Inquiry, with a specific focus on attacks against children, including attacks on schools and hospitals and denial of humanitarian access, featuring witness testimony and Syrian voices, including children’s views through appropriate and safe means ([A/HRC/36/L.22](#)).



Addressing the dire humanitarian and human rights crisis in Yemen, the Council adopted resolution (A/HRC/36/L.8) on the technical assistance and capacity-building for Yemen in the field of human rights. Hereby, the Council requested the High Commissioner to establish a Group of Eminent International and Regional Experts with the mandate to monitor and report on the situation of human rights and carry out a comprehensive examination of all alleged violations and abuses of international human rights and other appropriate and applicable fields of international law committed by all parties to the conflict since September 2014; to establish the facts and circumstances surrounding the alleged violations and abuses and, where possible, to identify those responsible; to make general recommendations on improving the respect for and protection and fulfilment of human rights, and to provide guidance on access to justice, accountability, reconciliation and healing, as appropriate.



Lastly, the Council decided to extend the mandate of the independent international fact-finding mission on Myanmar to establish the facts and circumstances of the alleged recent human rights violations by military and security forces, and abuses, in Myanmar, and requested it to present

an oral update, to be followed by an interactive dialogue at the Council's 37th session; to submit its final report for consideration by the Council at its 39th session, to be followed by an interactive dialogue; and to present that report also to the General Assembly at its 73rd session ([A/HRC/36/L.31/Rev.1](#)).

Moreover, the Council adopted a strong resolution ([A/HRC/36/L.26/Rev.1](#)) condemning all acts of intimidation or reprisal by States and non-State actors against individuals and groups cooperating with the United Nations, its representatives and mechanisms in the field of human rights. In a resolution ([A/HRC/36/L.17/Rev.1](#)) titled From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance, the Council requested the High Commissioner, in his capacity as coordinator of the International Decade for People of African Descent to, *inter alia*, prioritize the issue of preventing and combating racism, racial discrimination, xenophobia and related intolerance.



Further resolutions addressed the question of the death penalty – particularly with respect to the rights to non-discrimination and equality ([A/HRC/36/L.6](#)); unaccompanied migrant children and adolescents and human rights ([A/HRC/36/L.7](#)); conscientious objection to military service ([A/HRC/36/L.20](#)); the World Programme for Human Rights Education ([A/HRC/36/L.24](#)); mental health and human rights ([A/HRC/36/L.25](#)); and the promotion and protection of the human rights of peasants and other people working in rural areas ([A/HRC/36/L.29](#)). The promotion of international cooperation to support national human rights follow-up systems, processes and related mechanisms, and their contribution to the implementation of the 2030 Agenda for Sustainable Development was addressed in resolution ([A/HRC/36/L.30](#)), while resolution ([A/HRC/36/L.34/Rev.1](#)) focused on technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo.

Participation by Geneva International Centre for Justice (GICJ)

During its participation in the 36th session of the Human Rights Council, GICJ, jointly with other organizations, delivered 31 oral statements, submitted 14 written statements, and co-organized 3 side events. The official copies of the written reports submitted to the Human Rights Council are available to download at the bottom of the page, alongside the summaries and videos of the side events.



31 Oral Statements



14 Written Statements



3 Side Events

During its participation in the session, GICJ addressed the human rights situations in various countries, with a specific focus on Iraq, Syria, Yemen, Palestine, Myanmar, Iran, and South Sudan. The full list of country situations discussed can be viewed below.



GICJ participated in the discussions under numerous HRC agenda items, addressing various pertinent issues faced by the citizens or groups of people in different countries and regions. The thematic foci are contained in the enclosed graphic.



GICJ's Oral Statements

Addressing the human rights situations in the delineated countries and focusing on the illustrated topics, GICJ delivered 31 joint oral statements under items 2, 3, 4, 5, 6, 7, 8, 9 and 10 of the agenda of the Council. The oral statements delivered by GICJ, jointly with other NGOs, can be watched in the next section.

Item 2 General Debate - Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

12 September 2017

Delivered by: Ms. Jennifer D. Tapia

Thank you, Mr. President,

This is a joint statement by EAFORD and Geneva International Centre for Justice. We thank the High Commissioner for his oral update. We would like to express our dismay on the humanitarian crisis, and human rights violations in Yemen and Iraq.

Mr. President,

Ever since the start of the conflict in Yemen, the situation has only worsened. To this day, the civil war has resulted in thousands of people killed, and displaced. Airstrikes targeting civilians' facilities are widespread, curtailing civilians' access to clean water, sanitation and medical services further aggravating the alarming situation of the cholera outbreak.

The situation is no better for civilians trapped in the armed conflict in Iraq. Mr. High Commissioner, you have mentioned the defeating of ISIS. Unfortunately, what we have seen the most, is the destruction of entire cities like Mosul, Tal Afar and Fallujah in the so-called battle for liberation. Even yet, ISIS and other terrorist armed groups are still present in Iraq. But besides ISIS brutality, there are terrible human rights violations committed by the coalition forces, governmental forces, and by the Al hashd alsha'bi militia.

We urge this council to address with high priority the terrible suffering of civilians in these countries, holding perpetrators accountable and exerting pressure on these States to comply with its obligations under international humanitarian law, guaranteeing the enjoyment of fundamental human rights for civilians.

Thank you.

Item 2 General Debate - Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

12 September 2017

Statement delivered by Mr. Mutua Kobia, of Geneva International Centre for Justice on behalf of its partner International Lawyers.Org

Mr. President,

International-Lawyers.Org places particular importance on the struggle against racism, which requires the full and effective implementation of the Durban Declaration and Programme of Action or DDPA which was agreed by consensus. We are concerned that the High Commissioner has diverted staff resources that the General Assembly had budgeted for DDPA implementation to other activities. Can the High Commissioner assure us that this has not been the case? If it is not known can the High Commissioner assure us that this matter will be investigated in an independent and transparent manner?

The recommendations of the 13th session of the Intergovernmental Working Group for DDPA implementation, which were adopted by consensus, requested the Office of the High Commissioner to provide input to the development of a multi-year outreach programme for DDPA information and mobilization. We would welcome an update from the Office on this important work for the Council, which was requested by the General Assembly.

Finally, we also look forward to the publication of the official Programme of Activities for the International Decade for People of African Descent adopted by the General Assembly in November 2014. Could the High Commissioner please indicate when this might be available in print?

Thank you.

Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

13 September 2017

Statement delivered by Mr. Mutua K. Kobia from Geneva International Centre for Justice (GICJ), jointly with their partner International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)

Mr. President,

During the occupation of Iraq private security companies whose sole aim was to make profits were employed by different organs or states to extract information from prisoners but in so doing breached international law and inflicted much suffering on Iraqis. Additionally, these companies deployed mercenaries who continued to violate international law and committed grave crimes yet neither the individuals, nor the companies, nor the benefactors were held accountable for the crimes and anguish inflicted on the people in Iraq.

In some cases, the international mercenaries get recruited and paid and the disburser awards them with residence as is the case in the United States. Some of these mercenaries were in Iraq and violated international human rights law, committed atrocities and crimes against humanity without any accountability, furthermore, the UN itself tried to legitimize their presence. Rather the UN should ban mercenaries across the globe and regular state forces should be exercised.

Finally, stricter licencing and regulating laws need to be established and implemented. As well, stricter monitoring and inspection systems must be a priority especially with regards to activities that violate international law and international humanitarian law. Lastly, States must establish and put in place justice systems and specific legal bodies in order to address and account for crimes committed by mercenaries and private militaries.

Thank you.

Item 3 General Debate - Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.

18 September 2017

Delivered by: Ms. Jennifer D. Tapia

Thank you, Mr. President,

This is a joint statement by International Lawyers.org and Geneva International Centre for Justice.

Mr. President,

We note with appreciation the resolution adopted at the 35th Regular Session off the Council on climate change and human rights. However, we must reiterate our disappointment that for

almost a decade the persistent call of civil society for a Special Rapporteur on human rights and climate change has once again been ignored. We also stress that it is important that the Council, responds to the General Assembly's call for a multi-year programme for renewed outreach activities needed to mobilize the public in support of the Durban Declaration and Programme of Action. We urge the Council to increase the resources available to mandates dealing with overarching human rights concerns such as development, peace, self-determination, international order, climate change, and unilateral coercive measures.

We welcome the establishment of a Special Rapporteur on the right to development, which together with the Intergovernmental Working Group can work on the implementation of this fundamental human right. We look forward to cooperation between these two mandates to move forward the work of drafting a legal instrument on the right to development. Finally, we draw attention to the continuing restrictions on accredited press by the United Nations Secretariat in New York, where Inner City Press continues to be prevented from covering the UN through actions that appear to be acts of revenge for having exposed corruption within the Secretariat in the past. Again, we urge the UN to be a good, rather than a bad, example for press freedom.

Item 3 General Debate - Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

18 September 2017

Statement delivered by Lamia Fadla from Geneva International Centre for Justice, with their partner EAFORD

Thank you, Mr. President.

This is a joint statement with the Geneva International Centre for Justice. Our organizations reiterate their previous appeals about the situation in Iraq, especially in Mosul. Compounding the grave violations committed by Da'esh, the military campaign against the terrorist group has led to the total destruction of this city of historical significance. The deliberate targeting of civilians constitutes a war crime and crimes against humanity, which should be persecuted by the International Criminal Court.

The Iraqi government has demonstrated its failure to comply with international humanitarian law and to take measures to protect civilians and provide them with safety during military operations carried out by the US-led coalition forces over nine months in Mosul. While aimed at eliminating a terrorist organization, the operation has destroyed infrastructure such as roads, bridges, water systems, communication and sewage systems, and health and education systems. This renders the return of more than one million people to their homes impossible after they abandoned the city to escape the war.

We call for a concerted international effort to rescue and rebuild the devastated city as soon as possible in order to enable the displaced to return to their city and to rid them of their suffering in the camps. We also call upon your Council to exercise all necessary measures to establish an independent international commission to investigate all violations in Iraq. We condemn the systematic violations of human rights and international law by the Iraqi Government in these

battles. We warn against continuing sectarian violations by Iraqi forces – to not repeat the same scenario that led to the emergence of ISIS, nor to kindle the same reasons that fueled the situation in Iraq after the US-occupation in 2003.

Enhanced Interactive Dialogue on Human Rights in South Sudan

18 September 2017

Delivered by: Mr. Mutua K. Kobia

Mr. President,

This is a joint statement between EAFORD and Geneva International Centre for Justice. Despite the deteriorating situation in South Sudan peace agreements have been reached and signed and promises by the government have been made without keeping. Innocent families and communities have greatly suffered at the hands of the warring parties and while violence persists, other conflict-related catastrophes have ensued and spread towards unaffected areas. Moreover, efforts to protect and secure civilians are minimal and face challenges.

About 2 million civilians from South Sudan have fled to neighbouring countries since the start of the conflict and violence between SPLA and SPLA-IO forces in December 2013. The large numbers of refugees have put accommodation and funding in a dire situation. In terms of displacement a total of almost 2.3 million South Sudanese with roughly 1 million children have been forced to flee their homes due to violence and violence-related occurrences. Concern and consideration for the physical and mental fatigue as well as trauma that the children must endure has to be seriously taken into account.

In addition to the violence, starvation is another serious issue many South Sudanese face. In February 2017 three UN agencies declared famine in parts of Unity State. Ensuing armed-conflict further complicates improving the situation as it endangers and restricts humanitarian aid from reaching people in need, particularly in terms of food, water, and health. Considering these challenges, we ask the Commission and all other relevant stake-holders to what extent have local peace-making and peace-building groups and associations been involved in ending the conflict by way of actively participating in consultations of peace, reconciliation, healing, and the reconstruction of South Sudan and what is being done to ensure their active and regular participation?

Thank you.

Enhanced Interactive Dialogue on Human Rights in South Sudan

18 September 2017

Delivered by: Ms. Lisa-Marlen Gronemeier

Thank you Mr. President.

INTLawyers and Geneva International Centre for Justice share the concern of the Council about the grave situation of human rights in South Sudan. A constant theme regarding the state of human rights for the people of South Sudan has been the role that third party States have played in the internal affairs of South Sudan, especially interferences leading to widespread human rights abuses, incurring the responsibility of the intervening States for internationally wrongful acts.

While the provision of humanitarian assistance is consistent with international law, and while we welcome the international humanitarian effort to provide development assistance, we note that such assistance is not merely an act of good will, but also part of the responsibility under international law of States that have intervened in South Sudan, especially those States that are responsible for the proliferation of weapons to the parties to the armed conflict. We hope that the Council's Independent Expert will draw these obligations to the attention of the relevant States.

INTLawyers and GICJ are concerned by the acts of gender-based and sexual violence identified by the Independent Expert. We encourage the government of South Sudan to further engage with civil society to ensure that women's and girls' human rights are sufficiently protected, that those who violate these rights are punished, and that women and girls are meaningfully engaged in the social and economic development of South Sudan.

Does the Independent Expert understand States that have had a prominent role in encouraging South Sudan's independence and in providing weapons to the various parties to the armed conflict to have a special responsibility toward the people of South Sudan? Thank you.

Item 4: Commission of Inquiry on Burundi

19 September 2017

Delivered by: Mr. Mutua K. Kobia

INTLawyers and Geneva International Centre for Justice note the report of the Commission of Inquiry on Burundi. We welcome the Commission's efforts to establish the facts about the situation of human rights in Burundi, but we regret the refusal of the government of Burundi to cooperate with the Commission. The work of the Council and its special mechanisms requires the cooperation of all States. We therefore urge Burundi to cooperate with the Commission.

Lacking such cooperation and lacking an improvement in the situation of human rights in Burundi, we welcome the recommendations of the Commission in paragraphs 111 to 114 of its report that are directed to the African Union. We strongly support the use of regional international organizations to promote respect for human rights, and in this case regional peace and security. We urge the Council to enhance its work with the African Union to encourage the cooperation with its special mechanisms and to ensure that human rights are protected in Burundi.

As concerns the recommendations made in paragraph 99 concerning the investigation by the International Criminal Court (ICC) that was initiated in April 2016 focusing on acts of killing, imprisonment, torture, sexual violence, and enforced disappearances allegedly committed since April 2015 in Burundi. Could the Commission indicate what the status of Burundi is before the ICC. Namely has Burundi formally notified the Court of its intention to withdraw? What is or would be the effect of such a withdrawal on the ongoing investigation?

Thank you.



Item 4 General Debate - Human rights situations that require the Council's attention

20 September 2017

Delivered by: Ms. Jennifer D. Tapia

Thank you, Mr. President,

This is a joint statement with Geneva International Centre for Justice.

Mr. President, We would like to draw this Council's attention to the impunity of the crimes of aggression, committed by the Former US administration against the country of Iraq in 2003.

The US Court of Appeal for the Ninth Circuit, on the Saleh case, this year decided that the former U.S. officials were immunized, under domestic law, from judicial scrutiny. A party alleged that in 2003, during the invasion of Iraq, such officials had violated international treaties

that prohibit the crime of aggression. Such officials were immune from civil proceedings under a U.S. law passed in 1988 called the “Westfall Act.”

The Westfall Act provides former government leaders “official-act” of immunity against civil lawsuits. The Westfall Act was deemed to have greater weight than international treaties and customary international law, even though the norms against aggression are norms for which no derogation is permitted even by sovereign States or their government officials.

We call on this council to have all States ensure that domestic law does not override non derogable norms of international law. The US government should take immediate measures to ensure that government officials are not granted immunity when committing acts that violate international jus cogens norms, including the norms against torture, genocide, or aggression;

Thank you.

Item 4 General Debate - Human rights situations that require the Council's attention

20 September 2017

Delivered by: Ms. Alessandra Zanzi

Thank you, Mr President,

This is a joint statement by EAFORD and Geneva International Centre for Justice. We wish to call attention to the dramatic conditions in the city of Mosul in Iraq. Since the beginning of the battle for the liberation of the city from ISIS civilians have not just experienced some violations of their human rights but almost the total destruction of their city. Besides the killing of more than 40'000 civilians, Mosul had witnessed the ruin of its cultural and historical heritage, and the total devastation of its infrastructures, such as roads, water and communication services. Civilians have also suffered the destruction of the health and education systems.

So far, no improvement has been made in the basic services, such as water, sanitation, health and education. The situation needs an international effort to rebuild the city under the supervision of the United Nations. Furthermore, a high number of the internally displaced population is living under insecure, difficult, and severe conditions, and they need special assistance.

We would hope that this battle for liberation will also liberate civilians from all the human rights violations that they have been witnessing and from the humanitarian catastrophe that they are living everyday.

Thank you.

Delivered in French:

Merci, Monsieur le Président,

Cette-ci est une déclaration conjointe par EAFORD et Geneva International Centre for Justice. On voudrait attirer l'attention sur les conditions dramatiques de la ville de Mossoul, en Irak, depuis le début de l'offensive pour reconquérir la ville du Daesh. Les civils n'ont pas seulement vécu des violations de leurs droits humains; mais presque la destruction totale de leur ville, en plus du meurtre de plus de 40'000 civils. Mossoul a été témoin de la ruine de son héritage culturel et historique, et de la destruction totale de ses infrastructures, tels que les routes, son système hydraulique et son système de communication. Les civils ont également souffert de la destruction du système de santé et du système éducatif.

Jusqu'à présent, il n'y a pas eu d'améliorations dans les services de base, tels que l'eau, l'hygiène et l'éducation. Cette situation nécessite un effort international en vue de reconstruire la ville sous la supervision des Nations Unies. De plus, un grand nombre de déplacés internes vive dans des conditions d'insécurité, difficiles et déplorables, et nécessitent une assistance spéciale.

Nous espérons que les conflits pour la conquête libéreront également les civils de toutes les violations de leurs droits humains qu'ils ont vécues, ainsi que de la catastrophe humanitaire dans laquelle ils vivent tous les jours.

Merci.

Item 5: Human Rights Bodies and Mechanisms

21 September 2017

Delivered by: Mr. Mutua K. Kobia

Mr. President,

EAFORD and Geneva International Centre for Justice welcome the report on Cooperation with the United Nations, its representatives and mechanisms in the field of human rights. It goes without saying that indigenous peoples have contributed significant good practices and knowledge with regards to the environment and sustainable development. Their achievements deserve acknowledgement and their voices need to be heard.

Instead, many face reprisals and intimidation particularly by pro-governmental forces and paramilitaries by transnational corporations and big businesses. Moreover, indigenous human rights defenders who attempt to address the relevant United Nations bodies and systems on their behalf against human rights violations are targeted and are the subject of reprisals, coercive measures, harassment, intimidation of violence, and even detention.

We would also like to note that other efforts to ensure the rights of indigenous peoples such as turning to courts as non-litigation tactics does not always yield positive results as they suffer

significant financial losses in court appearances, travels, and other expenses that are purposefully instigated by TNCs and big businesses. This has been the case in almost all regions with the presence of TNCs, extractive industries, and/or big businesses, and especially in developing countries.

As this has been the case for several decades it is more than overdue time that the relevant UN bodies seriously address this issue by expanding the participation of indigenous peoples, putting in practical measures that ensures ethical business practices and prohibiting and holding accountable the perpetrators. As well, states should take and bear responsibility of parent companies that commit reprisals and intimidation tactics.

Thank you.

Item 6: Universal Periodic Review - Finland

21 September 2017

Delivered by: Ms. Jennifer D. Tapia

INTLawyers and Geneva International Centre for Justice (GICJ) note the UPR report for Finland. We welcome Finland's efforts to respect human rights and the fact that it has always been open and relatively transparent in its efforts to ensure respect for human rights as well as in confronting its short comings. We also note the constructive engagement of Finland in international forums and the contributions of person like Bengt Broms and Asbjørn Eide who contributed much to securing a world based on the rule of law.

It is with respect for the legacy these and many other prominent Finish statespersons have helped build for a world order based on the rule of law that we urge Finland to set a good example for Europe and ratify without delay the Nuclear Weapons Ban treaty which has just been opened for signature and ratification this week in New York. By taking such a courageous step Finland can be a beacon of hope for achieving the right to peace for all and provide not just a good, but an excellent practice in the intertwining field of human rights and world peace—two of the most prominent goals of the United Nations.

Thank you.

Item 6: Universal Periodic Review - Tunisia

21 September 2017

Delivered by: Ms. Jennifer D. Tapia

INTLawyers and Geneva International Centre for Justice (GICJ) note the UPR report for Tunisia. We welcome Tunisia acceptance of most of the recommendations made in the review cycle and the efforts it has made to balance security concerns with its international human rights obligations. We remind the Tunisian government that some human rights, including the right

to freedom of thought, conscience and religion are non-derogable and that any limitations must be prescribed by law and necessary to protect a proven legitimate aim of public safety, order, health, or morals or the fundamental rights and freedoms of others.

The right to freedom of thought, conscience and religion is prominent in the Tunisian Constitution and we urge the government and the courts of Tunisia to ensure that it is interpreted in a manner that is consistent with Tunisia's international legal obligations especially article 18 of the International Covenant on Civil and Political Rights.

We note that Tunisia is a young democracy, but it is one at the vanguard of ensuring the right by all to participate in the political life of their country. We urge it to continue to develop its mechanism for ensuring all its citizens participation in their government in a fair and equitable manner.

Thank you.

Item 6: Universal Periodic Review - Netherlands

22 September 2017

Delivered by: Ms. Elena Pivanti

Mr. President,

International-Lawyers.org and the Geneva International Centre for Justice note on the UPR report on the Netherlands. We welcome the involvement of civil society from different parts of the Kingdom of the Netherlands in drafting its UPR report to the Council. We note with concern the growing number of instances of xenophobia, and especially, Islamophobia, in the Netherlands. We urge the government of the Netherlands to adequately address such discrimination using as a central guide not only the Convention on the Elimination of All Forms of Racial Discrimination, but also the consensually adopted Durban Declaration and Programme of Action.

Thank you.

Item 6: Universal Periodic Review - South Africa

22 September 2017

Delivered by: Ms. Elena Pivanti

International-Lawyers.Org and the Geneva International Centre for Justice note the UPR report on South Africa. We welcome the Cabinet of the South African government's approval of the publication of the Prevention and Combating of Hate Crimes and Hate Speech Bill for public comment. This law will go a long way in combating insidious forms of discrimination in South Africa. Indeed, South Africa's most prominent legacy is its struggle against racism and other forms of discrimination based on the Durban Declaration and Programme of Action. South Africa's respected statesman, Nelson Mandela- a former president of his country and a honorary

president of the NGO from which International-Lawyers.Org emerged- based his legacy on the struggle against racism.

Today South Africa's unyielding support for the struggle against racism and other forms of discrimination based on the Durban Declaration and Programme of Action is not only needed, but essential. We therefore welcome South Africa's commitment to the DDPA and urge it to continue to pursue this role as a global leader.

Item 6 General Debate - Universal Periodic Review

25 September 2017

Statement delivered by Ms. Tagrid Jabarin-Jassar, for Geneva International Centre for Justice
with its partner EAFORD

Thank you Mr. President,

This is a joint statement with Geneva International Centre for Justice. During Israel's delayed UPR held in October 2013, Member States recommended the State party to cease its discriminatory and inhuman policies and practices disproportionately affecting the Palestinian population. In striking disregard of all relevant UPR recommendations, Israel has instead perpetuated policies and practices that constitute the crime of apartheid as legally defined in instruments of international law.

Contrary to appeals by Member States, Israel continues to violate Palestinians' right to life and security of person, particularly through excessive and the failure to hold perpetrators accountable. Israeli forces violently disperse peaceful protests to repress Palestinian opposition to the occupation, execute extrajudicial killings and launch massive military operations that cause unquantifiable loss and suffering.

Contrary to UPR recommendations, Israel persists in its decade-old illegal blockade on Gaza, which has completely paralyzed economic development, has deepened socioeconomic hardship, and has hurled Gaza into a protracted humanitarian and human rights crisis.

To finally end the plight of the Palestinian people and pave the way for just peace, we call upon the international community to abide by their international obligations. It must take all necessary measures to finally end the prolonged occupation and institutionalized discrimination against Palestinians and to fulfill their right to national self-determination.

Thank you.

Item 6 General Debate - Universal Periodic Review

25 September 2017

Delivered by: Mr. Ashraf Hegazi

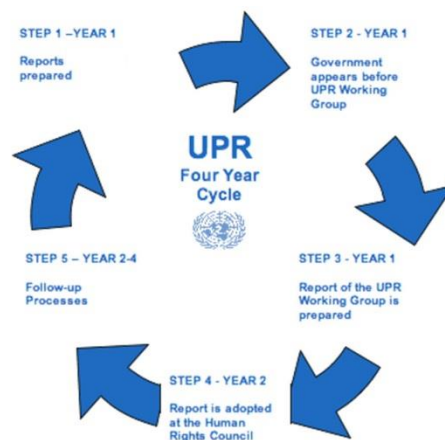
Thank you, Mr. President.

International-Lawyers.Org and Geneva International Centre for Justice are seriously alarmed by the humanitarian deterioration in Myanmar since its last UPR review in 2015. Security operations in Rakhine state may amount to crimes against humanity. During the UPR, Myanmar was repeatedly recommended “to take urgent steps to address escalating extremist nationalist sentiment in the country”.

Contrary to that, the past two years were marked with a frightening rise in religious intolerance, especially anti-Muslim sentiment. Incidents of hate speech, incitement to hatred and violence and religious intolerance are highly concerning. Today, the Rohingya of Rakhine State are facing atrocious acts amounting to genocide. Contrary to appeals by Member States during its last UPR, Israel continues to violate Palestinians’ right to life and security of person, particularly through hate speech, incitement to violence and excessive force, and the failure to hold perpetrators accountable.

Violence against Palestinians by extremist Israelis is flourishing and is not merely a consequence of rampant racism but also a form of exerting control – one that is facilitated by the disparate legal systems endowing perpetrators with legal protection. Adherents of the extreme right feel emboldened by inflammatory speech by state authorities and guaranteed impunity. The Myanmar and Israeli governments must take urgent measures to end extremist violence and ensure the protection of all people under effective state control and must fully cooperate with UN agencies.

Thank you.



Item 7 General Debate - Human rights situation in Palestine and other occupied Arab territories

25 September 2017

Delivered by: Ms. Saja Misherqi

Thank you Mr. President,

International Lawyers.org and Geneva International Centre for Justice would like to bring to the attention of the Council that Israel has failed to ensure equal enjoyment of socioeconomic rights between Jewish and non-Jewish populations in all areas under its effective control. Israeli restrictions on the movement of people and goods, the discriminatory zoning and planning regime, control over Palestinian economy, 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 shows that the Israeli apartheid system traverses the Green Line.

Palestinians are deprived of their most basic rights as Israel continues its illegal settlement and annexationist activities and destruction of Palestinian property unabated. As part of its settlement policy, Israel has created segregated physical spaces along ethno-national lines. Through its laws and practices, Israel has not only gradually expropriated Palestinian land and property and forcibly displaced and enclaved Palestinians, but has also entrenched the segregation of these enclaves from Jewish Israeli areas inside Israel and occupied Palestine. This segregation is underpinned by the discriminatory allocation of infrastructure, services and access to resources. Some Israeli practices amount to crimes against humanity.

We are convinced that only an end to the occupation and the realization of Palestinians' inalienable rights, including self-determination, can bring about an end to the blatant violations and substantive change towards equality and just peace.

Thank you.

Item 7 General Debate - Human rights situation in Palestine and other occupied Arab territories

25 September 2017

Statement delivered by Mr. Badee Aldwaik on behalf of Human Rights Defenders, in cooperation with Geneva International Centre for Justice and EAFORD

Thank you Mr. President,

I am speaking as founder and coordinator of the Human Rights Defenders based in Hebron. We have been documenting violations by Israeli settlers and soldiers against civilians since 2014. Since co-founder Imad Abu Shamsiya courageously documented the unlawful assassination of

Abdel Fattah Sharif last year in Hebron in the West Bank – who was murdered in cold blood by a member of the Israeli occupation forces – Imad has been subjected to numerous death threats by extremist Israelis.

By no means is he the only member of our group to be harassed and threatened by settlers and Israeli forces. I have been arrested over 14 times because of my peaceful activism against the occupation. The threats, arrests and killings that we suffer daily highlight the importance of providing protection to human rights activists. Our project consists of distributing cameras to families whose lives are constantly exposed to attacks by the occupation army and illegal settlers.

With the cameras, we have been able to document many violations to our property and lives. As we prove who the real aggressors are, document their actions against us, a civilian population who is occupied, we can show to the world what really happens to an embattled population. Our work is vital in documenting Israeli crimes, as cameras remain at the frontline to revealing the truth of the occupation. We call on the international community to ensure protection for the Palestinian people, including human rights defenders, and to take all necessary measures to finally bring an end to the illegal occupation of Palestine.

Thank you.

Interactive Dialogue with - Working Group of Experts on People of African Descent

26 September 2017

Delivered by: Ms. Martina Castoglioni

Mr. President,

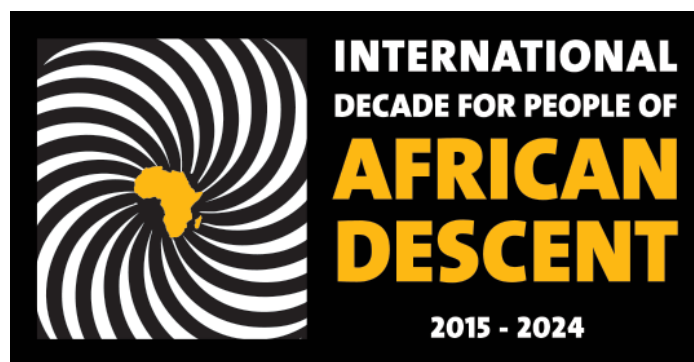
International-Lawyers.Org and Geneva International Centre for Justice welcomes the necessary and timely report of the Working Group of Experts on People of African Descent.

It is highly regrettable that racism not only exists in modern times but also in some regions of the world that are considered developed. Racial discrimination including racist and xenophobic hate speech is on the rise even among politicians and people of influence. This type of behaviour can adversely affect mental well-being, and further, when hate speech progresses to violent action, the physical well-being of the targeted is put in danger.

We also call attention to the practices of extractive industries, particularly in Africa, that put the health and well-being of people of African descent in precarious and dangerous situations. For example, in the short to medium-term, oil and mining industries result in negative social and environmental impacts, such as soil and air pollution, vegetation destruction, and deforestation; furthermore, workers are not only unpaid but also endure poor health and safe working conditions. Long-term effects of air and land pollution cause illnesses directly and indirectly, as air-conditions become poor and pollutants seep into the crops and vegetation and eventually into foods. These effects are long-lasting and take years to redress.

These harmful activities by oil and other extractive industries are in direct contradiction to the SDGs and the spirit of the UN Charter that puts the health and well-being of people ahead of profit and not vice versa. Thus, we ask the panel if studies will be made regarding SDG 3 and People of African Descent in the context of harmful practices of TNCs and extractive industries in Africa and we recommend the WG to dialogue with the Special Rapporteur on hazardous substances and wastes.

Thank you.



Interactive Dialogue with - Working Group of Experts on People of African Descent

26 September 2017

Delivered by: Mr. Mutua K. Kobia

Mr. President,

EAFORD and Geneva International Centre for Justice welcome the report of the Working Group from the Nineteenth and Twentieth sessions. While we agree that the Sustainable Development Goals address intersectional racial discrimination on People of African Descent and can help eliminate such discrimination we also agree that the Durban Declaration and Programme of Action is vital in terms of addressing adequate guidelines and recommendations for the elimination of racism and racial discrimination. The DDPA also rightly takes into consideration colonialism and acknowledges the adverse after-effects it has had on Africans and People of African Descent.

Historic injustices have contributed to various forms of poverty and persist in putting up barriers and obstacles towards the full enjoyment of human rights and the right to development. Without addressing and acknowledging these negative impacts the Sustainable Development Goals will remain a far-fetched objective for People of African Descent. Therefore, policies and best practices as underlined in the DDPA must be addressed and full engagement with local communities must be pursued.

As well, structural barriers and structural racism and practices have to be eliminated at all levels in order to achieve sustainable development. Currently, states from all regions of the world still have political and legal structures that are rooted in discrimination and exclusion thus we ask

the working group if these restrictions will be thoroughly addressed and scrutinized and what immediate measures can states and members of civil society take to eradicate these restrictions. Finally, how can the SDGs and the DDPA be fully implemented in tandem at the governmental and political level?

Thank you.

Item 8 General Debate - Follow-up to and implementation of the Vienna Declaration and Programme of Action

26 September 2017

Statement delivered by Ms. Hoda Aridi for Geneva International Centre for Justice, with its partner International Lawyers.org

Thank you Mr. President,

This is a joint statement with Geneva International Centre for Justice. According to the Vienna Declaration and Program of Action, the protection and promotion of human rights is one of the major priorities of the international community.

Thus, it is with great concern that we note that there are still ongoing activities, on parts of some governments, that directly violate basic fundamental human rights. It appears that national interests are frequently overruling the protection of human beings.

In particular, the Declaration affirms that human rights of women are inalienable. However, the protection and promotion of women's human rights is gravely inhibited under detrimental conditions such as Israel's belligerent occupation and institutionalized discrimination that disproportionately affects Palestinian women. We urge the Council to engage with civil society, NGOs and human rights defenders to integrate the equal status and human rights of women into the activity of the United Nations.

Moreover, the ratification of the Declaration imposes on Member states the obligation to prevent and eradicate torture. It has been noted that in countries such as Iraq, there are still widespread reports of civilians being subjected to torture and to other inhuman acts. We urge the Council to take steps to ensure the protection and safety of the Iraqi population, and to ensure that the perpetrators of such crimes are punished.

We urge the Council to take an active stand to effectively ensure that human rights are granted to everyone indistinctively, and to encourage international cooperation.

Thank you.

Item 8 General Debate

25 September 2017

Delivered by: Ms. Lamia Fadla

Mr. President,

EAFORD and Geneva International Centre for Justice remain particularly concerned with the lack of effective cooperation between developed and developing countries with regards to the right to sustainable development. While there has been progress it has been slow and not enough.

Effective strategies, policies, and best practices such as in the South-South Cooperation, the United Nations Declaration on the Rights of Indigenous Peoples, and the Durban Declaration and Programme of Action exist but implementation is not exercised due to lack of political will as well as barriers and obstacles that are normally profit driven for instance land grabbing by oil and extractive industries or corruption at the governmental level.

As noted under Article I, paragraph 10, of the Vienna Declaration and Programme of Action, “States should cooperate with each other in ensuring development and eliminating obstacles to sustainable development. The international community should promote an effective international cooperation for the realization of the right to development and the elimination of obstacles to development.”

To this end we call on the Council and Member states to increase international and national cooperation especially with local communities, the most vulnerable, and civil society at large in taking immediate and practical steps towards sustainable development and measures to eliminate obstacles particularly with regards to the environment, for instance within the fossil-fuel industry and post-conflict situations such as in Mosul, Iraq. Lastly, we encourage Member states to fully implement the Guiding Principles to better engage with businesses that respect human rights and the right to sustainable development.

Thank you.

Item 9 General Debate - Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

26 September 2017

Delivered by: Ms. Lisa-Marlen Gronemeier

Thank you Mr. President,

EAFORD and Geneva International Centre for Justice are alarmed by the rise in racial intolerance and discrimination. Racism and xenophobia are taking on sinister forms across Europe and the USA – reflected in the proliferation of right-wing extremist parties; racist

rhetoric on the part of political leaders and media outlets; and discriminatory policies. These shake the foundations of the values purportedly represented by Western democracies.

Minorities are easy scapegoats for economic crises, social disintegration, and criminality. Amidst so-called counter-terrorism campaigns, political leaders and organized racist groups ramp up racist and anti-Muslim rhetoric, fueling Islamophobia. Anti-terror policies, such as the US travel ban, breach principles of non-refoulment and non-discrimination and target the most vulnerable of society, notably migrants and refugees fleeing persecution and conflict.

People with Middle Eastern descent are disproportionately affected by such policies, and face infringements on their fundamental rights. The deepening institutionalization of discrimination amounts to crimes against humanity as recognized in the World Conference against Racism.

We call on all Member States to urgently implement measures underlined in the DDPA, particularly by counteracting hate speech and hate crimes, ensuring accountability for perpetrators and protection for victims, and rescinding discriminatory legislation. Member States must eliminate institutional racism and guarantee full equality of minorities.

Thank you.



Item 9 General Debate - Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and

Programme of Action

26 September 2017

Delivered by: Mr. Mutua K. Kobia

Mr. President,

International-Lawyers.Org and Geneva International Centre for Justice acknowledges and reaffirms the importance of the DDPA that was stressed on in Resolution 32/17 on “Racism on the human rights of women and girls” and by the Working Group of Experts on People of African Descent.

The DDPA is the most comprehensive document for the elimination of racial intolerance and discrimination as it not only outlines direct, indirect, and disguised racism but also provides effective and practical measures towards implementing guidelines and best practices at the national and local level. It is, however, with deep regret that the DDPA has not received its due consideration as it would have improved the situation of current racial intolerance as seen in Iraq and Myanmar, in hate speech by people of influence, the response to migrants who seek work, refuge, and asylum, and the rise of hate groups. Worse still, for years certain member states in the Council have deliberately raised political, social, and cultural barriers and obstacles on furthering the full implementation of the DDPA.

The DDPA also addresses socio-economic disparities within society and demonstrates how they contribute to poverty and child labor. Moreover, DDPA recommendations from the grass-roots level to the governmental level tackle structural discrimination. DDPA solutions include integrating a gender perspective as well as a precise awareness raising measures that can be disseminated through campaigns, media, and artistic works. To this end, we urge the Council and member states to explore legal solutions to overcome barriers and obstacles towards fruitful dialogue for the full implementation of the DDPA.

Thank you.

**Interactive dialogue with: The report of the Office of the High Commissioner for
Human Rights on the situation of human rights in the Democratic Republic of the
Congo**

27 September 2017

Delivered by: Mr. Mutua K. Kobia

Mr. President,

International-Lawyers.Org and Geneva International Centre for Justice remain concerned about the deteriorating human rights violations in the Democratic Republic of Congo, particularly with regards to the dire humanitarian situation and thus commends this Interactive Dialogue and the report by the OHCHR.

It is with deep regret that civilians are the main victims of the grave violence and human rights abuses as armed conflicts continues to spread and intensify. The targeting of facilities that are crucial to the well-being of civilians and children such as educational and medical facilities is unacceptable and must be restored in full by perpetrators, including those in high positions of authority. Additionally, reports have surfaced revealing Congolese soldiers shooting aid workers and asylum seekers in South Kivu. Such acts that constitute as war crimes must be investigated by the DRC government with the assistance of the international community and perpetrators must be held accountable.

There is also much concern that adequate aid is not reaching refugee camps and places of refuge. In this regard, additional technical assistance for humanitarian aid is needed to address and

guarantee that necessary and vital medical supplies and basic food and water requirements are brought to the victims in need. As well, technical assistance and capacity building is needed for the safe relocation of nearly 3,000 refugees who are also in dire need of security from warring parties.

We also note that public health in Kasai requires enhancement and must be allocated towards hard to reach communities. Lastly, the outbreak of cholera needs to be addressed and tackled and to this end security around medical supplies from violent threats and extreme environmental conditions has to be ensured and regulated.

Thank you.



Interactive dialogue on the situation of human rights in the Central African Republic 28 September 2017

Delivered by: Mr. Mutua K. Kobia

Mr. President,

The grave situation in Central African Republic is in desperate need of financial and training assistance to achieve justice and peace. EAFORD and Geneva International Centre for Justice urge the Council and Member States to provide the required finances and resources towards implementing the agreed on recommendations of the Independent Expert on CAR that reflect the objectives of the CAR government with respect to elevating human rights and preventing human rights abuses. To begin with, enhancing inclusive cooperation between all relevant stakeholders is always a crucial and positive first step towards effective participation and contribution from all sides.

In this regard, as per the Independent Expert's second recommendation, means to "encourage and ensure women's participation in all peace and negotiation initiatives, in line with Security Council resolution 1325 (2000); and to include the Central African political parties in

negotiations on peace, reconciliation and the future of the country” necessitates effective contributions and assistance from the Office of the High Commissioner, the Human Rights Council and its member states, and all other relevant stakeholders.

Financial assistance and human rights training of officials engaged in relocating refugees and displaced persons is vital in securing the human rights of civilians and children. Furthermore, in order to ensure justice and accountability of those who have committed grave human rights violations, the OHCHR has to provide guidance and necessary measures at the legal and judicial level. Finally, we recommend close engagement with local and religious leaders and peace-makers to achieve peaceful reconciliation and healing within civil society of the Central African Republic.

Thank you.

Item: 10 - Technical assistance and capacity-building

28 September 2017

Delivered by: Ms. Jennifer D. Tapia

Thank you, Mr. (Vice) President,

EAFORD and Geneva International Centre for Justice remain seriously concerned about the humanitarian crisis and human rights conditions in Yemen. Since the Houthi militia’s takeover of the capital, the plight of civilians has only deteriorated, owing to the support of external actors and the brutality of the attacks by all warring parties. The civil war has resulted in the death of at least 5000 people and millions have been forcibly displaced. Indiscriminate bombing and shelling targeting civilians’ villages and buildings have hindered access to clean water. Arbitrary detentions and enforced disappearances continue to take place worsening the vulnerability of people trapped in the conflict. Hundreds of children across the country continue to get recruited with the purpose of serving in the war. The conflict has aggravated food insecurity and today, around 7 million people are on the verge of famine. Additionally, Yemenis are suffering from a highly critical public health crisis with the recent cholera outbreak, which have affected over half a million people.

We, urge this council to call on all parties to the conflict to ensure the provision and access to humanitarian assistance and provide protection to civilians’ human rights to restore their dignity. However, humanitarian aid can only temporarily ease the desperate situation in Yemen. Only a peace-reaching approach can lead to a definite solution. We thus urge the international community to intensify the efforts aimed at achieving lasting peace in the country.

Thank you.

GICJ's Written Statements

During the 36th session of the Human Rights Council, GICJ submitted 14 written statements with several co-signatories, addressing the most concerning cases of human rights violations and abuses occurring in Syria, Iraq, Palestine, Yemen, South Sudan, and Myanmar. It also submitted thematic written statements on climate change, conflict and refuge as well as on human trafficking. Each statement concludes with a series of recommendations that GICJ, and the signing NGOs, wish to address to the UN bodies, and particularly to the Human Rights Council.

“The Suffering of Syrian Civilians in an Everlasting War”

The written statement sheds light on how the current conflict in the Syrian Arab Republic continues to bring suffering for civilians as half of the country's population has been forced to leave their homes. The statement stresses the deliberate denial of humanitarian aid to millions of people, and the aerial attacks that have



killed untold numbers of civilians explaining how all warring parties are accountable for committing horrific war crimes and crimes against humanity. The written statement also describes the failed attempts the international community has made in the last years in order to reach peace and to put an end to the ongoing war; and it also highlights the breaches to International Human Rights and Humanitarian Law. Finally, the statement lays down recommendations to the UN and its relevant bodies, which are aimed at ensuring aid, well-being, protection, and peace for surviving civilians of the protracted Syrian conflict.

“Mosul: Destruction Not Liberation”

On 16 October 2016, the Iraqi government together with an international US-led Coalition launched a military campaign to liberate the city of Mosul from ISIS. The campaign ended on 9 July, 2017 and was declared a victorious defeat over by Iraqi PM, Haider al-Abadi. However, due to heavy indiscriminate bombing and airstrikes the campaign resulted in the total destruction of Mosul leaving thousands dead and many more displaced. Post-conflict effects are yet to be felt and the prospects are extremely worrying considering the handling of the campaign by the Iraqi government.

In the aftermath of the heavy fighting, 839,118 individuals (out of a population of 1.4million) from Mosul city have been displaced according to the IOM¹ and many remain buried under the rubble; moreover, unexploded ordinance such as mines from the warring parties linger behind. Additionally, pro-government militias who are not trained in international law or IHL continue to commit violations while rounding up suspects many of whom are innocent.



The Iraqi government blames the militia and does not take the decisive efforts to hold those in the government or those working for the government² accountable for grave atrocities committed. GICJ has sent numerous letters of appeal to the OHCHR on the crimes of pro-governmental militias, sectarian violence, the destructive strategy of the military campaign, and justice for the civilians of Mosul among others. Currently the UN is not taking the necessary efforts to bring about justice for the innocent victims but is instead engaging in politics.

“Iraq: Towards Accountability and Justice”

The focus of this statement relates to the continued impunity enjoyed by Bush Administration officials 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. The Saleh case, decided February 10, 2017 by the United States Court of Appeal for the Ninth Circuit (the “Ninth Circuit”), held that U.S. officials were immunized under domestic law from judicial scrutiny even where a party alleged that such officials had violated the *jus cogens* norm against aggression and international treaties prohibiting the crime of aggression.

¹ <https://www.iom.int/news/un-migration-agency-over-830000-remain-displaced-outside-mosul>

² For example, the police force and pro-militias supported by the government.

GICJ and the co-signatories to the statement recommend the international community to ensure that the United States takes immediate steps to ensure that international customary law remains the law in the country, and that domestic law does not override nonderogable norms of international law, including the *jus cogens* norm against aggression. In this regard, the 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 that violate *jus cogens* norms, including the norms against torture, genocide, or aggression. Moreover, the signatories call upon the HRC should urgently endorse an international independent investigation into allegations that the US committed aggression against Iraq when it invaded in March 2003. The UN should condemn illegal acts of aggression by member states, including the 2003 invasion and subsequent occupation of Iraq by the United States and its allies; and the UN General Assembly should request an advisory opinion from the International Court of Justice regarding the legality of the U.S. led invasion against Iraq in March 2003.

“Yemen: A Case for the International Criminal Court”



The written statement gives an overview of the humanitarian catastrophe in Yemen and analyses grave breaches of international humanitarian law. The statement affirms the commitment of war crimes and crimes against humanity by all parties to the conflict. The Yemeni government is either unable or incapable to ensure cessation of hostilities and accountability. Furthermore, the statement alarms about the failure of the international community to ensure protection of civilians and resolution of the political crisis as ineffective.

Finally, the written statement concludes that even though the Yemeni has primary responsibility to try perpetrators of massive crimes, its criminal justice system does not conduct investigations and trials of the alleged perpetrators for grave violations of 1948 Geneva conventions. Therefore, the written statement analyses the jurisdiction of the International Criminal Court (ICC) over international crimes committed in Yemen and recommends the international community to take bolder actions under the Chapter VII of the UN Charter and the UN Security Council to refer the situation of Yemen to the ICC Office of Prosecution.

“Depriving Prisoners of Human Dignity: The Israeli Detention System”

This statement observes that 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. GICJ therefore calls upon the international community to take all necessary measures to ensure that Israel, *inter alia*, release immediately all political prisoners and administrative detainees and ensure fair and speedy trials for those charged with an offense; and ensure that prisoners are treated in accordance with international humanitarian law and international human rights law.

“Israeli Restrictions of Freedom of Religion and Worship”

This statement outlines that 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. GICJ reiterates that rather than fueling national-religious strife in the region 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.



“Lives in Debris and Scarcity”

In this statement, it is discussed that fulfillment of the right to an adequate standard of living depends on a number of other economic, social and cultural rights, including the right to property, the right to work, the right to education and the right to social security. Israel has failed to ensure equal enjoyment of such fundamental rights between Jewish and non-Jewish populations in all areas under its effective control.

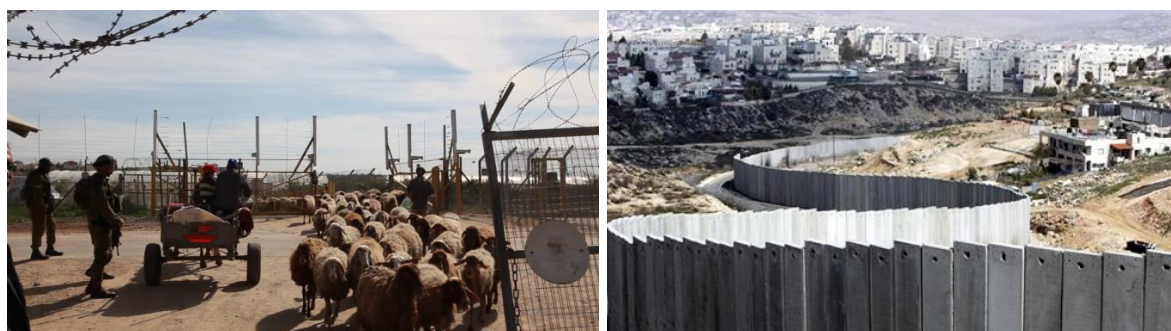
The submission shows that Israel continues to violate the rights fundamental to an adequate standard of living by, *inter alia*, perpetuating a deeply discriminatory territorial development model; controlling Palestinian land, movement, and all economic activity; and by actively destroying or obstructing Palestinian agricultural land, means of subsistence, and vital services and



infrastructure. Israeli activities have systematically violated Palestinians' right to health and impaired the PA's ability to fulfill it. GICJ and its co-signatories called on the UN and especially the HRC to take all necessary measures to 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.

“The Debilitation of Palestinian Socioeconomic Development”

This statement outlines that 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. GICJ recommends to the relevant UN bodies to pressure Israel to end its policies of illegal appropriation and exploitation of Palestinian natural resources; and to halt all restrictions on Palestinian economic development. In the light of Gaza's devastating humanitarian and energy crisis, GICJ calls on the Israeli government and the Egyptian and Palestinian Authorities to allow for the full opening of the border crossings of the Gaza Strip. It is clear, however, that the self-generating social and economic development of Occupied Palestine can only be achieved with the end of Israeli occupation.

“Undermining the Last Remnants of Palestinian Sovereignty in Jerusalem”

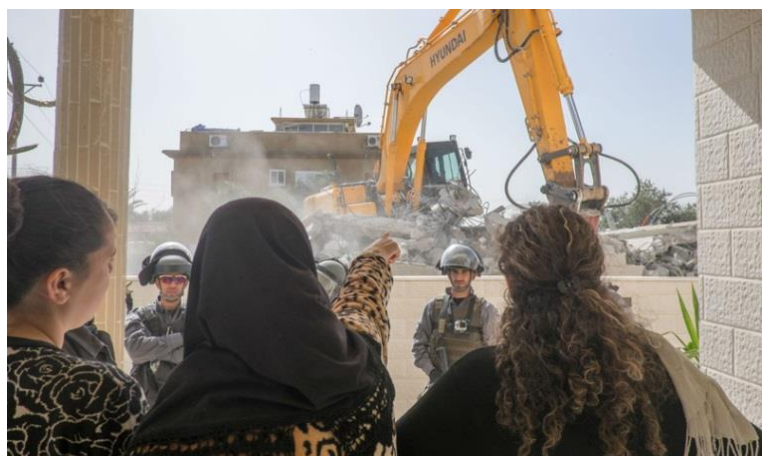
This statement examines why the unilateral measures taken by Israel in response to the deadly shoot-out at the Al-Aqsa Mosque compound in occupied East Jerusalem on Friday, 14 July 2017, not only represented further barriers to Palestinians' freedom of religion; they also constituted a further step by the Occupying Power to impose sovereignty at the site and “Judaize” Jerusalem. While the new “security” measures have been rescinded following Palestinians' peaceful protests and acts of civil disobedience, they constitute a dangerous precedent that the Israeli government and extreme entities seem poised to act upon. GICJ

emphasized that to finally reach a just peace, Israel must disassemble its occupying system and make way for the establishment of an independent State of Palestine with East Jerusalem as capital. Particularly, it must immediately cease settlement and annexation policies and practices aimed at altering the character, status, and demography of occupied Palestine, particularly East Jerusalem.



“The Socioeconomic Situation of Palestinian Women”

In this statement, it is shown that the Israeli occupation leaves its marks on the entire Palestinian population – regardless of residence, gender, religion, political opinion, age or other status. However, its impact on women is compounded due to its interaction with patriarchal social structures. This becomes manifest in two ways: First, in discriminatory legislation, institutions, and practices by the Occupying Power that disproportionately affect Palestinian women. Second, it is reflected in the perpetuation of intra-societal and intra-family discrimination and violence against women. This submission focuses on the grave impact of this twofold oppression on women’s economic, social and cultural rights. GICJ is convinced that only an end to the occupation and the realization of Palestinians’ inalienable rights, including self-determination in their independent State of Palestine, can bring about an end to the violations and substantive change towards gender equality and women’s rights.



“The Plight of Rohingya in Myanmar is Ignored”

The written statement describes the grave violations of international law in Myanmar with particular emphasis on mass atrocities against Rohingya. It affirms that widespread, systemic and organised abuse of the Rohingya minority in Myanmar with an obvious intent to destroy this group 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 as defined by the Rome Statute of the International Criminal Court and the Genocide Convention. Moreover, the statement underlines that Myanmar government failed to provide adequate response to situation, address the violations and ensure investigation and accountability of perpetrators.



Furthermore, it gives an overview of international response through United Nations and states its inefficiency. Finally, the statement calls for the UN action on the basis of Chapter VII of the Charter to restore peace and security in Myanmar and to protect Rohingya from genocide, for the UN Special Rapporteur on the human rights situation in Myanmar 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 and international humanitarian aid workers, observers and journalists to conflict areas, especially in the Rakhine State.

“South Sudan: Addressing the Humanitarian Crisis”

Since the outbreak of violence in December 2013 between rival forces SPLA and SPLA-IO there have been many efforts to cease violence. However, peace agreements³ have been issued and signed and promises by the government have been made without keeping. Despite these endeavours the situation has worsened in all aspects. While violence persists, other catastrophes

³ Cessation of Hostilities in January, 2014 and a Peace Agreement in August, 2015

have ensued as a result of the ongoing conflict that continues to spread towards unaffected areas. Moreover, efforts to protect and secure civilians are minimal and face challenges. In addition to the violence, starvation is another serious issue many South Sudanese face. In February 2017 three UN agencies declared famine in parts of Unity State with fears that it may spread to other food insecure areas. Ensuing armed-conflict further complicates improving the situation as it endangers and restricts humanitarian aid from reaching people in need, particularly in terms of food, water, and health⁴. Humanitarian assistance and workers are facing major challenges.



While famine ensues in many parts of the country the government of South Sudan is using its oil revenues to proliferate the conflict⁵. Together with food insecurity and encroaching famine, malnutrition has become a serious problem that approximately 1 million South Sudanese children face⁶.

Further, access to emergency public health is nil let alone regular health and sanitation facilities. 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.

⁴ <http://www.npr.org/sections/goatsandsoda/2017/03/14/520033701/why-the-famine-in-south-sudan-keeps-getting-worse>

⁵ <http://www.reuters.com/article/us-southsudan-security-un-idUSKBN16O0DB>

⁶ <http://www.un.org/apps/news/story.asp?NewsID=56205#.WRM2u-V96Uk>

“The Crime of Trafficking in Persons Prevails”



The written statement describes the implications of the crime of human trafficking, as a serious violation to international human rights law. Today, 21 million people are affected by forced labour, trafficking and slavery around the world. The written statement explains how international human rights law forbids forced labour, debt bondage, forced marriage, and the sexual exploitation of children and women. It makes an especial emphasis on human trafficking in times of conflict as this practice is more prevalent during these times and networks operate more easily given the vulnerability of people fleeing and the lack of access to legal migration alternatives.

The statement mentions the system set up in countries like Iraq and Syria where the selling of human organs is a common source of income and the forced marriage is a widespread practice. It explains that trafficking networks target impoverished communities with the purpose of prostitution, forced labour and domestic servitude and it describes the patterns of these practices. Lastly, the statement presents recommendations to the UN and its relevant bodies, which are aimed at establishing national procedures for protection of victims of trafficking of persons and to ensuring all persons have a dignified and fulfilling life, enforcing international law and international human rights law for all people.

“Climate Change, Conflict, and Refuge in East Africa”

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 assistance⁷. 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 unpredictability⁸ 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.



⁷ <https://intpolicydigest.org/2017/01/21/fresh-drought-east-africa-heralds-new-wave-refugees/>

⁸ Climate change, vulnerability and human mobility. Perspectives from refugees from the Horn of Africa. UNU-EHS. No 1. 2012

GICJ's Side Events

GICJ co-organized three side events during the 36th session, namely one the situation of human rights in Myanmar; the state of human rights of ethnic minorities in Iran; and the situation of civilians in the armed conflict in Mosul, Iraq.

“Human Rights of Ethnic Minorities in Iran”

The poster is for a panel discussion titled "Human Rights Violations of non-Persian people in Iran". It is part of the "Human Rights in Urgent Situations" series at the 36th Session of the Human Rights Council. The event is a panel discussion held on Tuesday, 19 September 2017, in Room 24 from 15.30 to 16.30. The panellists are Dirk Adriaenssens (Executive Committee of Brussels Tribunal), Ahmed Al Quraishi (Policy Analyst, Researcher and Writer), Dr. Karen Parker (International Educational Project), and Faez Soliman (Ahwaz Organization for the Defence of Human Rights). The moderator is Ms Gulnoz Saydaminova, Senior Human Rights Researcher at GICJ. Co-organizers include the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Geneva International Centre for Justice (GICJ), The Arab Lawyers Association- UK, The Brussels Tribunal, Ahwaz Organization for the Defence of Human Rights, The Iraqi Commission for Human Rights (ICHR), International Educational Development, Inc., and International Humanitarian Lawyers.

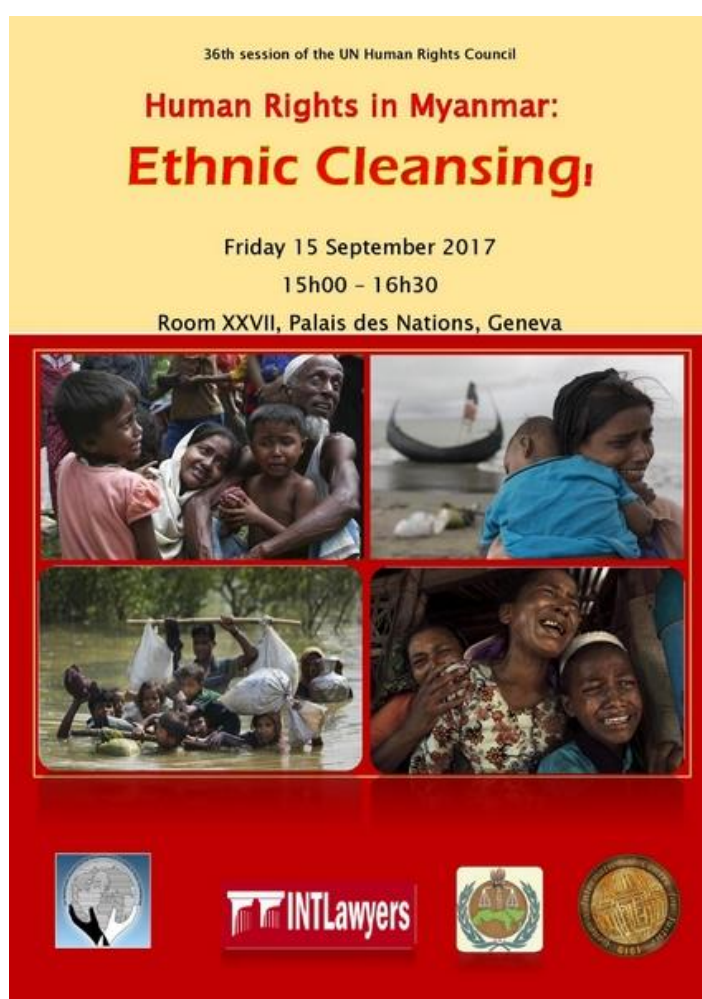
Watch the full side-event online in [English](#) or [Arabic](#).

On 19th September 2017 Geneva International Centre for Justice (GICJ) organized a side-event at the Thirty-Sixth Session of the United Nations Human Rights Council (HRC) entitled, “Human Rights Violations of Ethnic Minorities in Iran” with International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), The Arab Lawyers Association – UK, The Brussels Tribunal, Association of “Alliance to Renew Co-operation among Humankind”, Ahwaz Organization for the Defence of Human Rights, The Iraqi Commission for Human Rights (ICHR), International Education Development, Inc., and International Humanitarian Lawyers.



Under the moderation of Ms. Gulnoz Saydaminova, Senior Human Rights Researcher at Geneva International Centre for Justice (GICJ), the speakers Mr. Ahmed Al Quraishi, policy analyst, researcher and writer, Mr. Dirk Adriaenssens, member of the Executive Committee of the Brussels Tribunal, Dr. Karen Parker, chief delegate for International Educational Development/Humanitarian Law Project, and Mr. Faez Soliman, member of the Ahwaz Organization for the Defence of Human Rights addressed Iran's continued violations of the fundamental human rights of ethnic minorities within its own territory and its geopolitical role in the larger region, which gravely impacts the relations between ethnic and religious groups.

“Human Rights in Myanmar: Ethnic Cleansing”



On 15th September, 2017 Geneva International Centre for Justice (GICJ) organized a side-event entitled “Human Rights: Ethnic Cleansing in Myanmar” with the Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) and International-Lawyers.Org at the Thirty-Sixth Session of the Human Rights Council (HRC).

The moderator of the discussion was Mr. Curtis F.J. Doebbler, international human rights lawyer and Co-Founder and Vice President of International-Lawyers.Org, and the panellists were Mr. Ahmed Al Quraishi, policy analyst, researcher and writer, and Ms. Gulnoz Saydaminova, Senior Human Rights Researcher at GICJ. The panel discussed about the Myanmar government's actions to halt mass atrocities taking place against Rohingya minority in Rakhine state.

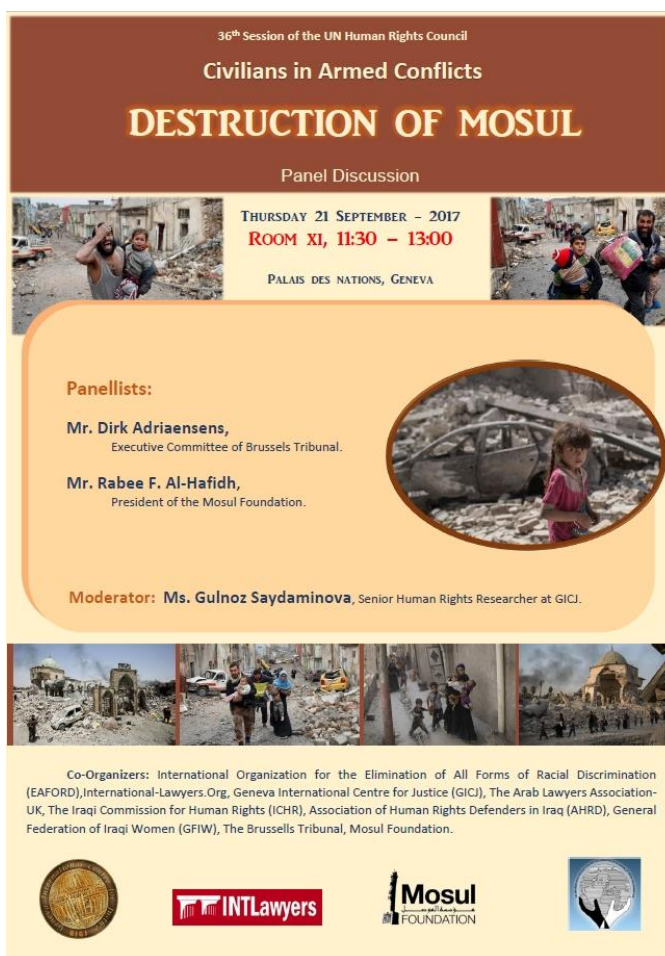
Watch the full side-event online in [English](#) or [Arabic](#).

Also, they examined the widespread violations against the Rohingya Muslim

community that can amount to genocide. Also, the panellists would brainstorm suggestions for the UN Special Rapporteur on the human rights situation in Myanmar and possible UN actions based on Chapter VII of the Charter, to restore peace and security in Myanmar, including referral of the situation to the International Criminal Court.

“Destruction of Mosul: Civilians in Armed Conflict”

The side-event entitled “Destruction of Mosul: Civilians in Armed Conflict” on 21st September 2017 was co-organized by GICJ, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), International-Lawyers.Org, The Arab Lawyers Association- UK, The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), The Brussels Tribunal, and Mosul Foundation. The side-event shed light on the dramatic impact of the so-called “liberation campaign” on Mosul’s civilians, infrastructure and historical sites. The side-event revealed that Mosul – cradle of civilization and world-renowned artistic and cultural hub – and its two million inhabitants suffered tremendous losses, and were ravaged by ISIS’ atrocities and by the indiscriminate attacks of Iraqi and coalition forces. Mr. Dirk Adriaensens, Executive Committee of Brussels Tribunal, and Mr. Rabee F. Al-Hafidh, President of the Mosul Foundation, were the high-level panelists sharing their insights and discussing the situation on the ground with the audience.



36th Session of the UN Human Rights Council
Civilians in Armed Conflicts
DESTRUCTION OF MOSUL
Panel Discussion
THURSDAY 21 SEPTEMBER – 2017
ROOM XI, 11:30 – 13:00
PALAIS DES NATIONS, GENEVA

Panellists:
Mr. Dirk Adriaensens,
Executive Committee of Brussels Tribunal.
Mr. Rabee F. Al-Hafidh,
President of the Mosul Foundation.

Moderator: Ms. Gulnoz Saydaminova, Senior Human Rights Researcher at GICJ.

Co-Organizers: International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), International-Lawyers.Org, Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), The Brussels Tribunal, Mosul Foundation.

Logos: EAFORD, INTLawyers, Mosul Foundation, GICJ.

Watch the full side-event online in [English](#) or [Arabic](#).



