



Welcome to IADL,  
International Association of Democratic Lawyers

# U.N. ACTIVITIES BULLETIN

INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

In Consultative Status with ECOSOC and Represented at UNESCO and  
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### UPDATES ON HAITI

#### IADL SEEKS UN ACCOUNTABILITY FOR CHOLERA IN HAITI

IADL member the *Bureau des Avocats Internationaux* (BAI) and its U.S.-based affiliate, the Institute for Justice & Democracy in Haiti (IJDH), are continuing the fight for justice on behalf of victims of the United Nations’ (UN) catastrophic introduction of cholera to Haiti. BAI and IJDH filed a class action lawsuit against the UN and other responsible parties in US federal court in October 2013.

The UN has not entered an appearance in the case, but instead asked the US Government to seek dismissal on its behalf. In March 2014, the US attorney submitted a Statement of Interest in the case, asserting that the defendants have absolute immunity from suit in US courts. Plaintiffs challenge immunity on the basis that the UN is in breach of its own obligations under the immunity treaties to provide alternative settlement of victims’ personal injury claims against it, and can therefore not

selectively enforce immunity while ignoring its own obligations. The lawsuit was filed after extensive efforts to seek remedies out of court pursuant to those treaties, but the UN rejected these efforts. In May, a group of 22 leading international law experts in the US and Europe submitted *amicus curiae* briefs in support of the plaintiffs. Oral argument took place on 23 October 2014 in the United States District Court for the Southern District of New York.

Over the course of the summer, IADL has continued to play an instrumental role in supporting the broader public advocacy efforts for a just UN response. IADL Representative Micòl Savia delivered two statements to the UN Human Rights Council on cholera in June and in September. Micòl also met with various advocacy targets in Geneva, including key UN member states and the Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation. The efforts resulted in the Special Rapporteur calling on the UN to “ensure the alleged victims’ right to a remedy, including compensation, if warranted [and] to establish appropriate

accountability mechanisms for ongoing and future missions....”<sup>1</sup>

This statement follows repeated statements by the UN Independent Expert on the Situation of Human Rights in Haiti. In his most recent report, the Independent Expert called on those responsible to “be punished, in accordance with the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law ...” and stressed that the “United Nations should be the first to honour these principles.”<sup>2</sup> Using these statements as a foundation, IADL is pursuing additional UN mandate holders to sign on to a joint statement that would call on the UN to respond justly to the crisis. BAI and IJDH also submitted several stakeholder reports to the Human Rights Committee, which is reviewing Haiti’s compliance with the International Covenant on Civil and Political Rights in October. The reports cover several topics, including cholera, access to justice, and human rights violations in the prison system.

With pressure mounting on the UN, in July 2014, the UN Secretary-General made his first visit to Haiti since the outbreak of cholera, and acknowledged publicly that the UN has a “moral

responsibility” to respond to the epidemic.<sup>3</sup> The UN has also announced the establishment of a joint committee that is looking into “providing socioeconomic assistance to people affected by cholera.”<sup>4</sup> No additional information is publicly available about this initiative, however, and requests for clarification on the committee’s mandate have gone unanswered. The UN also launched a plan to eliminate cholera from Haiti through water and sanitation infrastructure in 2012, but as of July 2014, the plan remains funded at merely 10 percent.

### **POLITICAL PERSECUTION OF FORMER PRESIDENT ARISTIDE**

Former Haitian President Jean-Bertrand Aristide returned to Haiti in March 2011 after seven years in exile following a U.S. government-supported *coup d’etat* that forcibly removed him from office in 2004. Since his return, the Haitian government has initiated three separate criminal complaints against President Aristide, two of the three were conducted illegally and based on accusations that have been persistently made but never proven. On each occasion the warrant was leaked to the press before being served on the former President. “In January, 2013, the charges were so patently unjustified that when Aristide’s lawyers pushed back, the

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<sup>1</sup> Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque, Common Violations of the Human Rights to Water and Sanitation, U.N. Doc. A/HRC/27/55, ¶¶ 33, 34, June 30, 2014.

<sup>2</sup> Report of the Independent Expert on the Situation of Human Rights in Haiti, Gustavo Gallón, U.N. Doc. A/HRC/25/71, ¶ 77, Feb. 7, 2014.

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<sup>3</sup> Jacqueline Charles, *United Nations top official goes to Haiti to promote cholera elimination, elections*, MIAMI HERALD, July 13, 2014, available at

<http://www.miamiherald.com/news/nation-world/world/americas/haiti/article1975427.html>

<sup>4</sup> Report of the Secretary-General on the United Nations Stabilization Mission in Haiti, U.N. Doc. S/2014/617, ¶ 50, Aug. 29, 2014.

prosecutor dropped the case.”<sup>5</sup> In May 2013, Aristide was properly summoned in an investigation of the April 2000 murder of journalist Jean-Dominique and attended the hearing while thousands of supporters appeared at the courthouse. “Lacking any merit to the allegations, the prosecutor let that case drop as well.”<sup>6</sup>

A third investigation was launched in August 2014, ostensibly involving 10-year old money laundering charges that are time barred, and trafficking in illicit drugs charges that were originally pursued by the U.S. and found to be meritless. Almost every action in the prosecution — from the service of the summons to the declaration that Aristide is under house arrest — has been in violation of Haitian law. The magistrate conducting the matter is widely viewed as a political weapon wielded by President Martelly; the judge did not meet Haiti’s 5-year legal experience requirement for judges and has been disbarred by the Port-au-Prince Bar Association for 10 years because of his illegal pursuit of political dissidents. In a report issued by the National Human Rights Defense Network (RNDDH) in Haiti, the prosecution has been described as “defying all logic,” “acts of provocation,” and utilizing the case “for political ends.”<sup>7</sup> The investigation has been used to cast a wide net, not only against President Aristide, but many

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<sup>5</sup> Lauren Carasik, Haiti’s Fragile Democracy, JURIST-Forum, Aug. 31, 2014, <http://jurist.org/forum2014/08/lauren-carasik-haiti-democracy.php>

<sup>6</sup> Id.

<sup>7</sup> Marie Yolene Gilles Colas, National Human Rights Defense Network, “In the matter of Jean-Bertrand Aristide/Lamarre Belizaire: Who is protecting persons before the justice system from arbitrary conduct of Magistrates?”

members of his political party, Lavalas, and even supporters abroad.

The investigation has been used as a pretext for other forms of political persecution. In September, while both President Martelly and his Prime Minister were out of the country, threats were repeatedly made on the radio and in public that the government will close both the Aristide Foundation and UNIFA, the national university supported by President Aristide. Simultaneously, police officers in black uniforms, some apparently hooded, appeared to have surrounded President Aristide’s home at Tabarre. According to Commissioner Frantz Lerebours, spokesperson for the National police of Haiti (PNH), 14 members of a special police unit have been assigned to monitor President Aristide because they are “better equipped and trained to surveil him” and his residency. These officers have been taking down the license plates of every car to enter the President’s residency. These actions followed the unexplained decision to remove Presidential security at President Aristide’s home in mid-September, in violation of Haitian law that grants security for all former presidents and their family. At present, neither President Aristide, nor his U.S. citizen wife and children are receiving government protection.

Many in Haiti believe that this political prosecution is a smoke screen to divert attention from the failure of the Martelly government to hold elections. The unwillingness of President Martelly’s Administration to take the appropriate steps toward an election will mean that in January there will be no functioning parliament and President Martelly, like his ally Jean-Claude Duvalier, will be able to rule by decree. It is also an

attempt, once again, to exclude the Lavalas Party from participating in elections that many observers believe they would win.

Political observers and human rights lawyers express grave concern that the escalation of persecution against President Aristide are efforts by the government to see how far it can go against its political opponents without response from the international community. If a loud chorus of disapproval is not heard against the tactics of the Martelly government, both President Aristide's life and the future of democracy in Haiti are at risk.

(IADL Alternate Representative Beatrice Lindstrom wrote the articles on Haiti)

## **REPORT ON U.N. ACTIVITIES IN NEW YORK**

### **CLIMATE CHANGE**

#### **HUNDREDS OF THOUSANDS GATHER FOR PEOPLE'S CLIMATE MARCH IN NEW YORK CITY**

On 21 September 2014, IADL Alternate Representative Claire Gilchrist and IADL Bureau member Richard Harvey participated in the People's Climate March in New York City organized by environmental group 350.org with over 1500 organizations. Approximately 400,000 people walked together for three miles with banners and music through the streets of Manhattan to send a message that the people want action on climate change. Hundreds of marches and gatherings also took place on the

same day in other cities around the world. For more information and to see pictures and video, please visit the March website at <http://peoplesclimate.org/>.

The March was scheduled to coincide with **United Nations Climate Summit in New York**, held two days after the March, on 23 September 2014. Secretary-General Ban Ki-moon invited world leaders, from government, finance, business, and civil society to the Summit with the goal of mobilizing political will for action on climate change. The Summit is not part of the UN Framework Convention on Climate Change negotiations, and no negotiations related to the convention took place at the Summit. For more information please see website <http://www.un.org/climatechange/summit/faqs/>

#### **SCREENING OF PRE-CLIMATE MARCH FILM FOLLOWED BY DISCUSSION WITH CLIMATE AND COMMUNITY ACTIVISTS**

On 7 September 2014, IADL Alternate Representative Claire Gilchrist attended the premiere of the film "Disruption" at the New School in New York City. The film was created as a motivational film to recruit participants for the People's Climate March, held two weeks later. It contained interviews with scientists, activists, politicians, and community groups, as well as footage from around the world showing the impact of climate change. The film focused on fossil fuel extraction and use as the main cause of increased global temperatures. Following the film was a panel discussion and Q&A with international and New York based activists including

Keya Chatterjee - Director, Renewable Energy and Footprint Outreach – WWF, Eddie Bautista - Executive Director - New York City Environmental Justice Alliance, and Ricken Patel - Executive Director - Avaaz.org. During the question and answer period, audience members questioned the role of capitalism in global warming as well as large-scale livestock farming and factory farms.

### **TOKYO-BASED NGO HUMAN RIGHTS NOW SAYS NUCLEAR POWER IS NOT THE ANSWER TO CLIMATE CHANGE**

On 15 September 2014 Human Rights Now and other activists and nuclear experts held an event in New York City to discuss why nuclear energy is not “clean” energy and not a solution to climate change. Alternate Representative Claire Gilchrist attended.

Topics discussed included Fukushima, nuclear waste, uranium mining, health, and human rights. The event was held to coincide with the NYC People’s Climate March and the United Nations Climate Summit 2014. The speakers on the panel were Mari Inoue of Human Rights Now, Arnie Gundersen, Fairewinds Energy Education, Leona Morgan, Diné No Nukes, Pradeep Indulkar, Filmmaker, Marilyn Elie, Indian Point Safe Energy Coalition, Alfred Meyer, Physicians for Social Responsibility, and Tim Judson, Nuclear Information Resource Service.

The panel proposed multiple reasons why nuclear power is not an option to replace fossil fuels as a clean energy source. Nuclear accidents are too frequent and are getting more severe, from partial meltdowns to full meltdowns. The front end of nuclear

power production is uranium mining, which uses large quantities of oil, gas, and coal to extract, which contribute to climate change. Mining is being done on indigenous people’s land. Uranium run-off spills have occurred causing severe health and environmental hazards. Building enough nuclear reactors to replace fossil fuel is extremely costly and does not make economic sense.

Speakers also voiced that nuclear production is an unplanned, non-consensual, radiation experiment on human health and spoke about the reactor meltdowns at the Fukushima-plant, stating that there are no safe exposure standards. Japan increased safe exposure standards by 20 times after Fukushima for political expediency. The UN Committee on the effects of radiation is contributing to ignorance with its findings that there were no ill health effects due to the Fukushima Daiichi disaster, other than stress caused by fear of health problems. Groups including Human Rights Now pressured the UN to appoint a special rapporteur to visit and report on the catastrophe. The Rapporteur found that the measures being taken by the Japanese government were insufficient and that civil society needed to be included in the decision-making process. Ms. Inoue of Human Rights Now stated there is a lack of transparency in government and industry regarding nuclear power. She concluded that nuclear power undermines democracy

*Editor’s Note:* One of the founders of Human Rights Now is Kazuko Ito, a former IADL Alternate Representative to the UN in New York.

## **NGOS DISCUSS ROLE OF CLIMATE CHANGE IN EXACERBATING GENDER INEQUALITY AT CSW 58**

On 19 March 2014, IADL Alternate Representative Claire Gilchrist attended the event “Sustainable Solutions to Ending Climate Chaos -how to make 2015 mean some-thing!” at the United Nations Church Center in New York City.

The talk was held in parallel with the fifty-eighth session of the **Commission on the Status of Women**. It provided an overview of the links between climate change and gender equality, emphasizing that the impacts of climate change are causing an increased burden to women in agricultural work, household food production, distance needed to travel to gather fuel and water, and other critical areas. The event was organized by Women’s Environment and Development Organization (WEDO), Women International for a Common Future (WICF), and Equidad de Genero.

Speakers for the event included Bridget Burns (WEDO), moderator, who provided an overview of the current climate negotiations landscape and pointed out that 2015 will be a critical year not only for climate change policy decisions, but also for the sustainable development goals process. Other speakers also included Gertrude Kenyangi (SWAGEN- Uganda) and Kalyani Raj (All India Women's Conference). Ms. Kenyangi discussed the increased work burden to women in Uganda due to climactic changes. Ms. Raj discussed sustainable solutions to climate change to increase economic

equality between men and women, such as women-run solar energy creation and installation businesses and other renewable energy small businesses. Emilia Reyes from Equidad de Genero also spoke on the panel emphasizing that human rights standards needed to be at the forefront of 2015 climate policy and sustainable development negotiations.

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## **RULE OF LAW LECTURE**

On 31 July 2014, IADL volunteer attorney Dana Heitz attended a discussion by UN Deputy Secretary-General Jan Eliasson on the rule of law and governance in the context of the UN's Sustainable Development Goals. The even was organized by the Cyrus R. Vance Center for International Justice at the New York City Bar.

His Excellency opened by stating that institutional capacity to place the UN pillar of human rights on par with peace and development depends on institutional ability to overcome popular identification with religious and ethnic identities, which emerged in the wake of disillusionment with national governments and the loss of identification on the basis of the nation-state. He also noted that national leaders' ability to recognize their states' international role is complicated by new elements such as shifts in balances of power, migration, limitations of resources, and increased communication.

Having laid this foundation, Eliasson described how the institutions necessary for post-conflict peace and the preventive action required by the UN Charter can only be established under

rule of law. These institutions, including the quantitative monitoring and evaluation necessary to the success of developmental programs, and domestic processes such as anti-corruption, are key to development. Finally, human rights requires rule-of-law principles such as due process and equality before the law. Eliasson concluded on a hopeful note, by discussing increasing contributions of women and youth, possibilities emerging from international cooperation, and the significance of new achievements in science and technology for the environment, health, and infrastructure.

The Question & Answer period following the lecture included a matter of interest to IADL, i.e. what is the proper UN response to the Haitian cholera epidemic and how the rule of law applies to the UN. Eliasson did not address the “legal aspects” of this question. Instead, he said that the UN has advocated for fighting cholera, and acknowledged the Secretary General's work on the Total Sanitation Campaign (an effort by the Haitian government, with UN backing, to improve sanitation standards). He also noted a “high-level committee” for the distribution of health resources, and stated that the UN was “doing what [it] can to improve the situation,” but he did not address how the “situation” could be ameliorated or how similar “situations” would be avoided in the future.

Eliasson opened by informing his audience of the cease-fire between Israel and Palestine that was to begin the following morning, and which was broken within hours of its commencement. And he ended with a non-responsive response to a question

about the UN's own subjugation to the rule of law. Until the emergence of effective self-governance by international institutions, it appears our only comfort is the rhetorical symmetry which the ineffectiveness provides.

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## **SYMPOSIUM ON HUMAN TRAFFICKING**

On 28 March 2014, IADL intern Tareq G. Brown attended “The Challenges of International Human Trafficking: Domestic Counter-Trafficking Programs,” at St. John’s Law School in New York. The Symposium was created to inform students of the challenges lawyers face with recognizing and preventing international human trafficking, and to offer advice on the various employment opportunities in the field of counter trafficking.

Moderated by Norman L. Greene, partner at Schoeman, Updike, Kauffman, Stern, & Ascher LLP, the panel included, the Honorable Judge Pamela K. Chen, United States District Court Judge of the Eastern District of New York; Barry M. Koch, senior vice president and chief compliance officer of Western Union; Katy Mastman, attorney for U.S. Department of Labor; Sam McCahon, attorney at McCahon Law Firm; and Veronica Zeitlin, counter-trafficking and gender adviser for the U.S. Agency for International Development (“US AID”).

Panelists provided insight on their experiences working in counter trafficking. Veronica Zeitlin works in the field on an international scale. She described that her agency assists poor countries by combating poverty,



improving healthcare, and increasing education and employment opportunities. Zeitlin determined that lack of such opportunities was principle to women and children becoming vulnerable to the entry of a trafficking situation. As a counter-trafficking and gender adviser, Zeitlin's duties consist of providing programs, which focus on raising awareness, and addressing the root causes of trafficking in developing countries. Last year in Cambodia, US AID provided counseling and services to over 400 people who were either susceptible to being trafficked or were trafficking survivors. Services included, counseling, shelter, legal and medical assistance, and reintegration assistance.

Barry M. Koch described how his involvement in the financial services industry assisted in combatting trafficking. As a Chief Compliance Officer for Western Union, Koch was able to fight trafficking by using information technology tools to locate traffickers' money through particular transactions. During his investigation, Koch discovered that traffickers were smart, well organized and adaptive. Nevertheless, traffickers made particular transactions, which when analyzed in the aggregate had a high correlation to trafficking rings. Such transactions included, small dollar payments to Internet classified ads, foreign wire transfers, late night credit card swipes, road tolls, and hotel and motel payments. These transactions created a *financial footprint*, which produced a finding of an actual trafficking operation. Once the financial footprint was produced, law enforcement could step in and properly pursue arrests, asset forfeitures, and victim rescues.

Panelists also described their path to a career in counter trafficking. Judge Chen said that she initially wanted to be a federal public defender but realized afterwards that criminal defense work was "not her cup of tea." She added that young lawyers should not be wedded to any specific legal careers as their interests may change. Judge Chen was a prosecutor at the U.S. Attorney's Office in New York, however she worked at a firm in D.C. assembled of public defenders first. As an Assistant U.S. Attorney, she supervised the investigation and prosecution of human trafficking matters for approximately 15 years before President Obama nominated her to be a Federal District Court Judge in January 2013.

Overall, each panelist acknowledged that students have already become involved in counter trafficking efforts by hosting, and attending events such as Friday's symposium.

The Symposium was hosted by the St. John's Center for International and Comparative Law, *St. John's Journal of International and Comparative Law*, and St. John's Center for Labor and Employment Law.

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## **TRIBUTE TO RAOUL WALLENBERG**

On 18 September 2014, IADL Alternate Representative Gloria Bletter attended a Tribute to Raoul Wallenberg at Cardozo Law School in Manhattan on September 18, 2014. Pursuant to an initiative of the Montreal Institute for Genocide and Human Rights Studies, the event commemorated the saving of thousands

of Jewish people in the Nazi Holocaust, and also the 20<sup>th</sup> anniversary of the Rwandan genocide.

Three panelists addressed the topic: Jan Eliasson, UN Deputy Secretary General; Irwin Cotler, Esq., of Canada; and Luis Moreno Ocampo, former Chief Prosecutor of the International Criminal Court [ICC].

All speakers referred to the “R2P” -- Responsibility to Protect—as though it were an established doctrine under international law, although participants in a separate recent panel at the Association of the Bar of the City of New York contend that this is not yet a doctrine, and that its applicability is in the process of being refined and defined.

Lessons from the Rwandan genocide: danger of state-sponsored spreading of hate can result in incitement to kill, itself an international crime; collective failure to act is equivalent to acquiescence and results in impunity; and indifference and inaction themselves result in greater numbers of victims. If the international 'community' knows of the violations and fails to act, victims' sense of powerlessness increases, and some may be accused of participating in the acts of genocide.

Mr. Ocampo noted that it is not enough to celebrate past rescuers, but necessary to apply past lessons to the present, and include that learning into current planned protocols. For instance, the Allies knew of concentration camps by 1944, but their response was inadequate and uncoordinated, and still is in the face of genocidal acts.

Jan Eliasson has been involved in the formulation of the Responsibility to Protect as President of the sixtieth session of the UN General Assembly, beginning mid-June 2005. He began with the argument that sovereign states must show they are capable of protecting their own populations, and that they can act against violations of both Human Rights and of the Rule of Law to avoid more costly assaults and deaths.

“Human Rights Up Front” is an early-warning system formulated within the UN system pursuant to the UN Charter's requirement that the Security Council is empowered under Article 33 to respond to threats by preventive mediative and consultative measures rather than 'waiting for' mass atrocities. A recent proposal by France is that the Veto Power not be applied when the problem at stake is a mass atrocity.

In such cases, as in the issue of climate change, a global strategy needs a “collective approach.

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## **ISRAEL’S WAR CRIMES IN GAZA**

### **IADL ATTENDS ACTIVIST EVENT ON WAR CRIMES IN GAZA**

On 14 August 2014, IADL volunteer lawyer Dana Heitz attended an event at Cooper Union in New York City entitled “Stop Israel's Ongoing War Crimes and Crimes Against Humanity Against the People of Gaza,” with activists and speakers from a variety of organizations. Over a dozen presenters were streamed worldwide via webcast, and included filmmakers, writers, lawyers, students, Palestinian citizens, and activists. Debra

Sweet of World Can't Wait moderated the event.

Several filmmakers presented documentation of the war in Gaza. Jen Marlowe played an excerpt of her short film, "One Family in Gaza," depicting a family whose young son was murdered and home destroyed during "Operation Cast Lead" in 2010. Fida Qishta's film "Where Should the Birds Fly?" showed the process and consequences of Israeli occupation; Ms. Qishta shared her time with a Palestinian journalist who arrived in the US earlier that week. Journalist Alan Goodman drew analogies between the actions of Israelis in Gaza and the German response to the Warsaw ghetto uprising in 1943, and reminded the audience of the prohibition on atrocities of this nature in the lessons that the world must retain from the Holocaust.

The most hard-hitting speakers described concrete measures required to force a result against Israel. Josh Ruebner, director of the US Campaign to End the Israeli Occupation, described the deep roots of US involvement in perpetuating Israel's occupation of Palestine in terms of political support and direct provision of weapons to Israel. While this involvement is deeply distressing, it does lend itself to democratic accountability for the responsible decision-makers. Hannah Mermelstein of Adalah-NY, and a founder of Librarians and Archivists for Palestine, called on the audience to participate in street action, notify Congressional representatives of opposition to Israeli action carried out with US dollars, and heed the Palestinian call for a boycott of Israeli products.

Despite the depths of the atrocities, human rights attorney Jonathan Kuttub

described the large and increasing number of "brave, courageous, Jewish voices" who are speaking out against Israeli acts, and he noted that notwithstanding Israeli efforts to control institutions at the top of the social hierarchy, the control over the people and entities at the bottom is fading. Out of this bleak situation, these may be the only two positive developments.

## PANEL ON PALESTINE

On 19 September 2014, IADL Alternate Representative Gloria Bletter, attended a panel at Columbia University organized by its Palestinian Student Group. This event took place after the recently-concluded [about Aug.26th] Israeli attack on Gaza begun in early July, 2014.

The first speaker was Professor Rashid Khalidi, Chair of the Dep't. Of History, and Edward Said Professor of Modern Arab Studies, and also author of many books and articles. He stated that the Israeli government intentionally applied excessive force during its attack; the fact that it deployed sophisticated bombs from the air and the ground on heavily-populated areas, including many homes, 17 hospitals, universities [all universities were damaged], was bound to cause much death and damage, and could not be attributed to "collateral damage" under any definition. IDF actions indicate the intentional application of excessive force, according to Prof. Khalidi.

These actions also constituted a clear violation of the US Arms Export Control Act, under which an importer of arms is prohibited from violating human rights of civilians under occupation; of

violating international norms against collective punishment; and constitute probable War Crimes.

Hamas, in its acts of resisting an occupying power, is required to comply with international norms as to the conduct of war, but it had few or none of the guided missile systems or the warheads used by the Israeli military, and therefore much less lethal power.

The fact that Gaza has endured 48 years of an occupation which has been proclaimed by Israel to “never” be relinquished, and a blockade of vital goods, services, and freedom of movement since 2007, also continues to be collective punishment. It should be added that the dense population in Gaza mostly consists of refugees living there after fleeing their forced removal to make way for the “Jewish State,” (1.2 out of 1.8 million people).

These facts should be known to US politicians, but Israel promulgates fictions in the US media and suppresses information about the actual imbalance of power.

The next speaker, Noura Erakat, reviewed the history of the Gaza strip and its population, and also the results of the attack: 1500 children orphaned; 3000+ children needing post-traumatic treatment; 419 businesses destroyed; among young adults 20 to 24, 70% are unemployed; locations of schools used as shelters during the bombardment were known to the IDF through UNRWA-provided data; and that Israel has now added to its eastern “buffer zone” 44% of what was Gazan territory.

She asserted that low-intensity attacks on Gaza will continue, as happens in the

West Bank, with the same goal of installing Israeli civilians via settlements, and diminishing Palestinian control to smaller units of land and an apartheid system of diminished access to vital services; but it is the blockade which is the most stifling and dangerous to Gazans and leads them to resort to other measures to obtain goods such as tunnels. Israel is attempting to subvert international law regarding humanitarian requirements in its occupation. She noted that the Palestinian Authority in the West Bank has officially renounced violence, and that Gaza is viewed as more resistant

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### **CENTRAL AFRICAN REPUBLIC AND THE RESPONSIBILITY TO PROTECT**

On September 10, 2014, Alternate Representatives Gloria Bletter, and Beth Lyons attended a panel on “Preventing and Responding to Atrocities: The Responsibility to Protect, International Law and the Case of the Central African Republic (CAR). It took place at the NY City Bar Association and was co-sponsored by the Cyrus Vance Center for International Justice and the International Coalition for the Responsibility to Protect (R2P). Professor Elizabeth DeFeis, Seton Hall Law School University, moderated.

The keynote speaker was Under-Secretary General of the UN Adama Dieng, Special Adviser on Genocide Prevention.

He discussed the 3-point framework for the emerging responsibility of states to prevent and protect, found in the World Summit Outcome Document (2005).

1) the state bears the primary responsibility to protect its population from four mass atrocities: genocide, war crimes, crimes against humanity, and ethnic cleansing;

2) the international community (the UN) plus regional organizations, governments, and civil society, must assist states in fulfilling these obligations to protect;

3) when a state fails to provide such protection, or is itself the perpetrator, the international community has a collective responsibility to prevent or stop these crimes in a timely and decisive manner, on a case-by-case basis. First priority would be to use a broad range of non-violent measures, and only resort to coercion when and if the Security Council, pursuant to the UN Charter, authorizes such force.

Other panelists were Donald Deya, the CEO of the Pan African Lawyers Union (PALU); Florent Geel, International Federation for Human Rights (IFHR); Phillippe Bolopion, UN Director for Human Rights Watch (HRW); and Megan Schmidt, International Coalition for the R2P.

Deya clearly stated that R2P is a norm, not a legal instrument. He discussed the shift in the African Union (AU) from a previous policy of non-interference in internal affairs of Member States of the AU to a new paradigm of “non-indifference” to impunity, the threat or actual occurrence of mass atrocities, or unconstitutional changes of government. This “non-indifference” is embodied in Article 4(h) of the African Union’s Constitutive Act, which is the right to intervene against genocide, crimes against humanity and war crimes inside states. Using the example of CAR as

“failed government,” he noted that some states’ commitments are, in fact, more extensive than this document calls for; for instance, the AU’s contribution of troops and investigators to the CAR.

Both Geel and Bolopion had worked on the ground in the CAR, and particularly Bolopion seemed critical of the use of R2P to justify military intervention (as in the NATO bombings in Libya).

Schmidt discussed the US role in atrocity prevention, and the work of the Atrocities Prevention Board (APB), formed in 2012. She was uncritical of its composition. Its members include high level representatives from several agencies including the Departments of State, Defense, Treasury, Justice, and Homeland Security, the Joint Staff, the U.S. Agency for International Development, the U.S. Mission to the United Nations, the Office of the Director of National Intelligence, The Central intelligence Agency, and the Office of the Vice President. It is chaired by the National Security Staff’s Senior Director for Multilateral Affairs and Human Rights.

IADL raised two questions: a) how can those on the US APB, who are responsible for atrocities, effectively prevent them? Schmidt appeared not to comprehend the contradiction and responded that there was monitoring of States’ activities by her Coalition; and b) why has the concept of R2P not been raised in respect to the Palestinians, and Israel’s war crimes in Gaza, Dieng responded that both sides had committed violations, but later acknowledged the disproportionate response of Israel in Gaza.

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## **SOUTH AFRICA: TWENTY YEARS AFTER APARTHEID**

On 18 September 2014, Alternate Representative Gloria Bletter attended the plenary of “South Africa: Twenty Years After Apartheid.” It was held at the Roosevelt House, part of Hunter College, and was the last session of a two-day conference. Its theme was “Where do we go from here?”

Bill Freund, a retired professor of Economic History in South Africa, began with some thoughts about the African National Congress [ANC], and of how it had to make 'big' compromises, especially with businesses. It also had to award its active members with Ministries, with no concomitant progress on government policy. Also, the ANC has been unable to articulate goals for the nation; it emphasized developing heavy industry such as mining, without paying attention to the remainder of the economy.

Currently only 40% of earners have jobs. Promulgating goals is not enough: resolutions need to be embedded in broad policies, a complex process and a “long slow road.”

Lungisile Ntsebeza, a Professor of Sociology at the University of Cape Town, has studied land rights and governance. He spoke of the colonialism which divided the land into rural and commercial property. Under a racialized regime, the bulk of it was owned by white settler colonists except for what was owned by the state and those areas occupied by indigenous peoples under the rule of traditional chiefs.

Not much has changed in that picture: powerful white owners still control 90%

of the land; state policy is inadequate or inappropriate to effect transformation of either white ownership or black powerlessness. Although there is talk of reform through land redistribution, there has been no change in private property rights.

Janet Love, Director of the Legal Resources Centre and member of the South African Human Rights Commission, stated that there is insufficient long-term planning: ongoing monitoring and advocacy should be built into procedures to access mineral resources such as extraction below surface rights.

Ahmed Bawa, a physicist and university administrator in Durban, called for building skills and leadership capacities in young people. He observed that 30% of the national budget is allocated to education, although in the past 20 years there has been a 50% drop-out rate after the 6<sup>th</sup> grade. within the college system. A new post-school, non-governmental system is to be attempted—to open up schools as an emancipatory movement. He also called for reinstatement of required mathematics study by each child, and for attention to social ills such as drug addiction and children living on the streets.

During the question period, the issue of land use was raised, and the serious situation of South Africa's having become a food-importing nation. Couldn't community-owned land be utilized to grow food? Although 'increased investment' was called for, no one addressed the question of whether an alternative economic system to capitalism would benefit these and other social issues.

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## **GACACA: RWANDA TRANSITIONAL JUSTICE MECHANISMS**

On 10 September 2014, Alternate Representative Gloria Bletter attended a lecture at Cardozo Law School, New York City, presented by attorney Albert Gasake, speaking on behalf of Rwanda's IBUKA, an NGO of survivors' associations..

The objectives of the Gacaca courts, the alternative conciliation system investigating perpetrators and victims of the genocide in 1994, were:

to establish the truth of the genocide;  
to speed up court trials;  
to eliminate a culture of impunity;  
reconciliation.

A goal was for Rwandans themselves to solve their own problems without violence.

254,000 lay judges [inyangamugayo] were trained for 11,000 community courts, each with 9 judges. These judges' power is limited to sentencing defendants to prison terms. There are also Appeals courts; note that 'Western-style' courts and lawyers were not available.

There were four categories of penalties:

--25 years to life for planners, supporters of the genocide; zealous leaders; committers of rape; 'excessive wickedness' of acts.

--3 to 25 years for serious attacks, no deaths resulting;

--1 to 7 years for lesser attacks.

By June 2012, when the applicable law and system ended, nearly 2 million cases had been tried. Ninety per cent of defendants were men; over 277,000 were acquitted after trial, and 26% were acquitted after an appeal. Of those sentenced to 'community service,' most were building or rebuilding roads or other facilities in their own communities.

According to Gasake, some of the beneficial impacts of the process were the provision of reparations and compensation; it diminished impunity; revelations of rescuer Hutus who saved Tutsis; and a lessening of continued hostilities. But there were also killings of survivors and some judges before the process began; "negative solidarity" between accused perpetrators; and re-traumatization, especially for women who were called to testify about being raped. Recently, the government announced it would provide HIV vaccines for rape victims found to be positive for AIDs; and other reparations, yet to be determined.

Gasake contrasted the gacaca process to the International Criminal Tribunal of Rwanda (ICTR) procedure, established 1994 by the UN, where fewer indictments (93) were confirmed. In addition, he was critical that the ICTR basically copies the procedures of the ICTY in the Hague, despite differences in cultures, context, and environments. He also criticized the ICTR for its venue far from where the events occurred – a problem for witnesses and victims who wanted to testify; its inefficiency ( \$2 billion was spent on only 75 completed cases); inappropriate cross-examinations for rape survivors; and its failure to

detect the chain of command or indict actual organizers. He noted that a benefit of the ICTR was its contribution to the development of international law, especially in the areas of genocide and rape.

During the question period, it was stated that there are still 50,000 people in detention, including both those waiting for their hearings and those serving their sentences. As to witness protection, the government established some safe houses in 2007, but only one per province.

Regarding Rwanda's new laws against 'hate speech,' there has been a mixed response; most victims are unhappy with the sentences given to offenders, and it is their perception that minor offenders are sentenced more harshly than inciters or planners of the genocide.

Regarding the lack of "evidence" for acts committed by the accused [within Western-style proceedings], it was pointed out that Rwandan culture is one of oral traditions and of respect for a person's role in the community, including familial relationships. The Gacaca process contains a recognition of a traditional system in which an accused may take the blame for an act so as to keep peace within the entire community.

*Editor's Note:* Founded in 1995, IBUKA is one of the leading Rwandan state-sponsored organizations of genocide survivors which serves as a vehicle for the Rwandan Patriotic Front (RPF), led by President Paul Kagame. IBUKA has "prepared" ICTR Prosecution witnesses, and has virulently

attacked the ICTR acquittals, especially for conspiracy to commit genocide.

Most recently, IBUKA is one of the leading civil society organizations in Rwanda to call for the BBC's indictment at the ICC for "genocide denial," because it aired a documentary, "Rwanda: The Untold Story" in October 2014. This documentary challenged the "official narrative" of the events of 1994 of the Kagame government.

Gacaca has been widely criticized for its lack of due process and fairness, especially the fact that the accused have no right to an attorney although they can be sentenced to incarceration by the gacaca "courts."

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## **INTERNATIONAL JUSTICE THE INTERNATIONAL CRIMINAL COURT (ICC) AND SELECTIVE JUSTICE HAGUE CONFERENCE ON THE ICC**

On 6 September 2014, Permanent Representative Lennox S. Hinds was a keynote speaker at a conference in the Hague on the International Criminal Court. The conference was called "The ICC – Institution of Evenhanded Justice or Willing Weapon of Western Recolonization?" It examined the failure of the ICC to apply the rule of law to every State Party, and its persistent policy of focusing almost all investigations and all prosecutions on situations in Africa. Specifically, it examined the ICC's sole prosecutorial focus on Africa; the legal conflicts of interests in the Rome Statute regarding



the role of the UN Security Council and the ICC; the political nature of international prosecutions, a case study of the Charles Taylor trial; the ICC's refusal to investigate Israeli War Crimes and crimes against humanity; the role of the USA in determining ICC prosecutions while simultaneously avoiding indictment for its own criminal acts; how ICC funding provisos eliminate the voice of developing countries in determining who gets prosecuted; the proposal for African countries to withdraw from the ICC.

This Conference was organized by the December 12<sup>th</sup> Movement International Secretariat and the International Association Against Torture. It focused on the mobilization of grass roots organizations on the issues. One of the hosts of the Conference was a group from Surinam.

The Conference was a follow up to the International People's Tribunal at Columbia University, in January 2012, where Hinds and other international judges made findings on crimes committed against Libya (2011); former President of Haiti Jean Bertrand Aristide (2004); Col. Muammar Gaddafi (2011); and the continuing oppression of African people in the United States. In January 2014, a second Tribunal focused on the ICC, and the human rights violations in Libya, Hati, Cote d'Ivoire and the US.

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**THE ICC AND AFRICA:  
LEGITIMATE CONCERNS?  
SELECTIVE JUSTICE? IMPUNITY  
AND THE WAY FORWARD?**

On 17 April 2014, Alternate Representative Beth Lyons attended this

event, sponsored by the Africa Committee, New York City Bar Association. The discussion focused on the AU's relationship with the ICC, specifically the impact of its position granting immunity to heads of state. The Panel, moderated by Professor Jennifer Trahan, New York University, Panelists included former Ambassador to the U.N. for Uganda Adonia Ayebare, a Senior Advisor to the Permanent Observer Mission to the United Nations for the African Union; Stephen Arthur Lamoy, Coalition for the International Criminal Court; Elise Keppler, Human Rights Watch and Karen Mosotti, ICC Liaison Office Head to the UN.

Dr. Ayebare emphasized that the African Union agrees on the core ICC principles, but disagrees on its approach, specifically it indictment only of African leaders. He emphasized "African ownership of criminal jurisdiction."

*Editor's Note:* At the 23rd Ordinary Session of the AU in Malabo in June 2014, the AU adopted a new protocol to extend the African Court of Justice and Human and Peoples Rights's jurisdiction to over 14 international crimes, including genocide, crimes against humanity, war crimes, piracy, corruption, mercenaries, money laundering, unconstitutional changes of government, illicit exploitation of minerals, dumping of toxic chemicals and corporate greed while providing immunity for sitting leaders and other senior officials.

At the panel, Dr. Ayebare said he was unsure of the AU's position on immunity for sitting heads of state, but stressed that Africa and its leadership were changing.

On the immunity question, the Human Rights Watch representative expressed the strongest opposition to the concept, and questioned the jurisdictional relations between the ICC and domestic courts.

*Editor's note:* At the time of the production of this Bulletin in mid-October 2014, the ICC is deciding whether/how to proceed with the case against President Kenyatta. He appeared for his Status Conference as an individual, after appointing Deputy President William Ruto as Acting President while he was in the Hague.

## UPCOMING ACTIVITIES

The 13<sup>th</sup> Session of the Assembly of States Parties (ASP) will be held at UN Headquarters in New York, 8-17 December 2014. More information is available at <http://coalitionfortheicc.org/>. One of the important agenda issues is the election of ICC judges. Please see, Report of the Advisory Committee on Nominations of Judges on the work of its third meeting, September 2014 at [http://www.icc-cpi.int/iccdocs/asp\\_docs/ASP13/ICC-ASP-13-22-ENG.pdf](http://www.icc-cpi.int/iccdocs/asp_docs/ASP13/ICC-ASP-13-22-ENG.pdf)

## CONGRATULATIONS TO IADL ALTERNATE REPRESENTATIVE IN GENEVA LILIAN HOFMEISTER—ELECTED TO CEDAW COMMITTEE

On 26 June 2014, IADL Alternate Representative Lilian Hofmeister was elected to the Committee on the Elimination of Discrimination Against Women. The Committee is composed of 23 experts. Twelve new members were elected.

Lilian begins her term in January 2015. Lilian received the 3<sup>rd</sup> highest amount of votes from States Parties, following the candidates from Cuba (who received the highest amount) and Turkey (who received the 2<sup>nd</sup> highest amount).

In addition to Lilian's vigorous lobbying with State Parties, her campaign was supported by IADL. IADL President Jeanne Mirer circulated a letter addressed to NGOs, in support of Lilian's candidacy. The letter was drafted by Alternate Representative Beth Lyons and Permanent Representative Evelyn Duermayer.

The CEDAW Committee monitors the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The Committee's mandate and the administration of the treaty are defined in the Articles 17 to 30 of the Convention. The Committee is composed of 23 experts nominated by their Governments and elected by secret ballots by the States parties, as individuals "of high moral standing and competence in the field covered by the Convention" (women's rights). The members of the Committee are elected

for a term of four years. It is important to highlight that Committee members serve in their personal capacities, and not as representatives of the States parties, which present their candidature.

### **RECEPTION FOR LILIAN HOFMEISTER**

On 15 September 2014, the Austrian Minister for Education and Women's Affairs Gabriele Heinisch-Hosek hosted an impressive reception, honoring Lilian Hofmeister's election to the CEDAW Committee. The Minister introduced the work done and the progress made since the ratification of CEDAW (1982) and the election of Lilian Hofmeister on 26 June 2014.

Lilian Hofmeister replied by supposing that this gap is a state secret and recalled in a very straightforward and humorous way the path from her official appointment by the Austrian government her election. She insisted on the most important role played by NGO's in supporting her candidacy.

### **BACKGROUND ON THE CONVENTION (CEDAW)**

The Convention was adopted on December 18, 1979 by the United Nations General Assembly. There are 99 signatories and 188 States Parties. The United States signed the Convention in 1980, but has not yet ratified it. See [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&lang=ent](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=ent) for more information about each country.

Countries which have become a party to the treaty (States Parties) are obliged to submit regular reports to the Committee (at least every four years) in which they indicate the measures they have adopted to give effect to the provisions of the Convention. Under article 18 of the Convention, the CEDAW is tasked with the review of the reports of States parties submitted in. This review occurs during the annual session of the CEDAW where the Committee members discuss these reports with the Government representatives and explore with them areas for further action by the specific country. The Committee also makes general recommendations and suggestions to the States parties on matters concerning the elimination of discrimination against women. Recently, the Committee has examined the reports of Mauritania concerning its implementation of the provisions of the Convention.

On 22 December 2000, the Optional Protocol to the Convention was entered into force. It empowers the Committee to consider complaints submitted by individuals or groups of individuals alleging violations of the Convention in States parties to the Convention and the Optional Protocol. Also under the Optional Protocol, the Committee, of its own, is entitled to inquire into grave or systematic violations of the Convention that might have occurred in States parties. As these procedures are optional they concerned only the States that accepted them. The text of the Convention and the Optional Protocol are available on the OHCHR website: <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>

On the occasion of its 58th session the Committee, held in Geneva, a half-day general discussion on girls'/women's right to education (article 10 of the Convention). The general discussion was organized by OHCHR with support from UNICEF and aimed at commencing the Committee's process of elaborating a "General Recommendation on girls'/women's right to education".

Recently, the Committee adopted, for instance, decisions concerning a denial of asylum application in the Netherlands ([http://www.worldcourts.com/cedaw/eng/decisions/2014.02.17\\_N.\\_v\\_Netherland\\_s.pdf](http://www.worldcourts.com/cedaw/eng/decisions/2014.02.17_N._v_Netherland_s.pdf)) or a child custody dispute in Denmark. ([http://www.worldcourts.com/cedaw/eng/decisions/2013.10.18\\_K.D.A.-A.\\_v\\_Denmark.pdf](http://www.worldcourts.com/cedaw/eng/decisions/2013.10.18_K.D.A.-A._v_Denmark.pdf)).

## **REPORT ON U.N. ACTIVITIES IN VIENNA, by Evelyn Duermayer, IADL Permanent Representative in Vienna**

On 4 April, I was invited – for the first time - by the newly appointed director of the Vienna Bar Association, Walther Gatterbauer, to introduce the IADL activities (and those of ELDH) regarding the **4th Day of the Endangered Lawyer** (24 January 2014). I focused particularly on the situation of lawyers in Columbia and Turkey.

### **VIENNA NGO COMMITTEE ON CSW**

• At the 5 April 2014 meeting, oral reports from **CSW 2014** were presented. I reported on CSW 2014 activities, as

well as the IADL Congress Activities in respect to the Commission 10 on the Struggle for Gender Equality and Against Discrimination and the Women's Caucus. My written report was included in the minutes of the meeting.

• At the 24 April 2014 meeting, possible side events at the annual regular session of UNODC (mid-May 2014) were announced.

--One side event co-sponsored by the Austrian EU Mission, was on the topic "The international legal framework surrounding victims protections" with an introduction by Ilona Graenitz (chairperson of the Vienna NGO CSW) and on the "The human right of victims of crimes to be protected." Comments were made by Abdu Katuntu (MP Uganda) on "the protection of victims under the Rome Statue of the International Criminal Court, Uganda's implementing legislation and practice" and by IADL Alternate Delegate Lilian Hofmeister on "Protection of victims of crime and violence: focus on women."

--The second side event concentrated on cyber-mobbing, cyber-bullying and cyber-harassment. These have become serious problem for young people, in particular, girls. Tejal Jesrani (UNODC) gave the most recent data; Roswitha Roth(Austria), a psychologist from the University in Graz, analyzed the phenomenon and the various definitions and to whom young people address themselves when they are victims (if they do): to teachers, to parents but mostly to their friends; and Emmanuel Wackenheim (Austria), a law student from the University Vienna, introduced a new project, "Vienna Legal Literacy

Project" focusing on workshops for school pupils between 15 - 18 to give them information of various legal possibilities to prevent and to fight against cyber mobbing (criminal law, civil law).

- At the 18 September 2014 meeting, an oral statement for the UNODC Conference 6-10 October 2014 in Vienna was adopted. The statement will be read in a plenary session and in a smaller group, which is preparing a written statement for CSW 2015. I am part of the smaller group.

### **MEETING WITH JUDGE KOLLAPEN**

On 26 June 2014, I met at the Vienna Afro-Asian Institute with Judge Jody Naradon Kollapen from the Republic of South Africa. He spoke on the question: "Is Human Rights rainbow still vivid after 20 years?" As a Judge at the High Court in Pretoria he presented a very open, critical and substantive report on the achievements and on the challenges in his country.

\* \* \*

On 26 September 2014, I participated in an international round table on preventing and combating labour trafficking and exploitation and multistake-holder guidance and responsibility at the Austrian Federal Ministry for labour, social affairs and consumer protection.

The OSCE Co- coordinator to combat trafficking in human beings Madina Jarbussoynova (Kasachstan) announced an OSCE report (to be published in

November 2014). The Report will note 1) progress in combating trafficking; 2) zero tolerance against abuses in diplomatic households 3) issue a code of conduct; and 4) announce a revision of the internal OSCE regulations.

Krystyna Kangaspunta (UNODC) reminded us that the report is using the authorized information from the Member States and there seems to be improvements in legislation, nevertheless, differentiating that only in 9 countries there is no specific legislation. She noted that there are more child victims in Africa and the Middle East since 2003 and the increased awareness of forced labour (70% men), a change from sexual exploitation but there is no explanation, why this is a new trend.

Roger Plant (UK), an independent expert, remarked that 90% of the exploited in forced labour are found in the private sector where the profit amounts to 150 Billion USD. He noted that there should be an extension to the electric and electronic industry, to hospital care and other high risks areas like food and garment industry. He presented some best practices.

The NGO Vienna CSW has minutes of all the meetings during this period and papers of the UNODC side event 13 May 2014. Please contact me if you want the documents.

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## REPORT ON IADL'S U.N. ACTIVITIES IN GENEVA

IADL Permanent Representative to the U.N. in Geneva, Micol Savia was in Geneva from 9 June – 4 July for the 24<sup>rd</sup> Human Rights Council (10-27 June 2014). In July, she submitted the following report. Micol will submit a full report of her other activities to the Istanbul Bureau meeting.

### CHOLERA CASE IN HAITI

After a talk in Paris with our colleague Mario Joseph, we decided to coordinate efforts in order to bring the cholera case to the attention of the Human Rights Council, UN Member States and other relevant stakeholders. In Brussels Mario introduced me Katharina Rall, legal fellow at the Institute for Democracy and Justice in Haiti (IJDH). Since then I started an efficient collaboration with the IJDH cholera accountability team (<http://www.ijdh.org/cholera/>) who provide me with a very precious assistance and who are reading us in copy.

I guess all of you know about this outrageous case. Overwhelming evidence show that the cholera epidemic in Haiti was caused by UN's wrongdoing. To date it has killed over 8500 people and sickened more then 700,000. The epidemic continues to this very day but the UN still refuses to take its responsibility.

On June 30th IADL, together with CETIM, delivered an oral statement under Agenda Item 4 (situations that requires the attention of the Council). See

<http://www.ijdh.org/2014/06/topics/health/iadl-cetim-statement-on-cholera-at-human-rights-council/>

As we underlined in the statement, this case is very serious not only for its human and environmental impact but also for the denial of the right to remedy to victims. Indeed,

“the challenges faced by Haitian cholera victims in their efforts to enforce their rights and obtain remedies highlight a serious gap in the accountability of international organizations, like the UN, for violations of human rights. Improving accountability mechanisms for international organizations is essential to strengthening protections of human rights and ensuring that victims have access to remedies when violations occur.”

The oral intervention, translated by CETIM into French, aroused the interest of several accredited NGOs, the press, some UN personnel and Member States.

Mario Joseph (BAI) and Brian Concannon (IJDH) filled a lawsuit against the UN in October 2013. For more information see <http://www.ijdh.org/cholera/cholera-litigation>

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### REPORT FROM UNESCO

On 16 May, IADL Representative to UNESCO Adda Bakkouche attended a seminar at UNESCO titled *Education à la citoyenneté mondiale / Global*

**Citizenship Education.** His report in English and French follows:

\* \* \*

Compte-rendu analytique :

Ce compte-rendu analytique succinct peut être complété par la lecture des informations sur le site de l'UNESCO et du compte-rendu complet qui en sera fait.

Cette réunion-débat a été organisée à l'occasion du lancement de la publication de l'UNESCO « Éducation à la citoyenneté mondiale : préparer les apprenants aux défis du 21<sup>ème</sup> siècle ». Version existante seulement en anglais, celle en français sera publiée prochainement (<http://unesdoc.unesco.org/images/0022/002277/227729E.pdf>).

Cet événement était organisé par le secteur de l'Éducation de l'UNESCO en coopération avec la Délégation permanente de l'Autriche auprès de l'UNESCO ainsi qu'avec des États membres des différents groupes régionaux.

Les présentations et discussions ont porté sur les conditions permettant l'éducation à la citoyenneté mondiale. La rencontre a réuni plus de 100 personnes de plusieurs pays, représentant leurs diplomates, éducations nationales, universités et organismes de recherche scientifiques et organisations de la société civile.

L'éducation à la citoyenneté mondiale (ECM) est l'un des domaines d'action stratégiques du Programme de l'UNESCO pour l'éducation (2014-2017) et l'une des trois priorités de

l'Initiative mondiale du Secrétaire des Nations Unies pour l'éducation avant tout (GEFI) lancée en septembre 2012.

L'éducation à la citoyenneté mondiale permet aux apprenants de tous âges d'acquérir des valeurs, des connaissances et des compétences qui se fondent sur, et favorisent le respect des droits de l'homme, la justice sociale, la diversité, l'égalité des genres et la durabilité environnementale, et qui leur donne les moyens de devenir des citoyens du monde responsables. L'ECM donne aux apprenants la possibilité d'exercer leurs droits et de s'acquitter de leurs obligations afin de promouvoir un monde et un avenir meilleurs pour tous, ainsi que les compétences nécessaires pour y parvenir.

L'action de l'UNESCO dans le domaine de l'éducation à la citoyenneté mondiale repose sur trois volets :

- le dialogue sur les politiques relatif à l'agenda pour l'éducation post-2015 ;
- la fourniture de conseils techniques sur l'ECM et la promotion de pédagogies transformatives ;
- une fonction de centre d'échange d'information.

Pour en savoir plus:

[http://www.unesco.org/new/fr/unesco/events/all-events/?tx\\_browser\\_pi1\[drs\\_swordstoshort\]=%C3%A0%2C%201a&tx\\_browser\\_pi1\[showUid\]=28503&cHash=f64dcd7f09](http://www.unesco.org/new/fr/unesco/events/all-events/?tx_browser_pi1[drs_swordstoshort]=%C3%A0%2C%201a&tx_browser_pi1[showUid]=28503&cHash=f64dcd7f09)

Lors des débats, les organisations, quelle que soit leur nature, sont invitées à participer à cette démarche et seront

informées via les moyens de communications de l'UNESCO.

Durant ces débats, je suis intervenu en tant que représentant de l'AIJD et j'ai relevé, à l'instar d'une universitaire libanaise, que la référence à une citoyenneté mondiale est équivoque, alors qu'une citoyenneté internationale ou universelle serait plus appropriée. J'ai également proposé qu'il soit fait référence à la Charte des Nations Unies et à la Déclaration universelle des droits de l'homme et du citoyen. Ce qui, par cette filiation, ne donnerait que plus d'importance à cette initiative.

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Summary record:

This brief summary record can be supplemented by reading the information on the website of UNESCO and the full report that will be made.

Panel discussion on the occasion of the launch of UNESCO Publication "Global Citizenship Education: Preparing Learners for the Challenges of the 21st Century" : <http://unesdoc.unesco.org/images/0022/002277/227729E.pdf>

The event was organized by UNESCO Education Sector in cooperation with the Austrian Permanent Delegation to UNESCO and in partnership with Member States from different regional groups.

Presentations and discussions at the seminar will center on the enabling conditions for global citizenship education (GCE).

Panel discussion attracted over 100 people from several countries,

representing their diplomacy, national educations, universities and scientific research organizations and civil society.

Global citizenship education (GCE) is one of the strategic areas of work for UNESCO's Education Programme (2014-2017) and one of the three priorities of the UN Secretary-General's Global Education First Initiative (GEFI) launched in September 2012.

Global Citizenship Education equips learners of all ages with those values, knowledge and skills that are based on and instil respect for human rights, social justice, diversity, gender equality and environmental sustainability and that empower learners to be responsible global citizens. GCE gives learners the competencies and opportunity to realise their rights and obligations to promote a better world and future for all. More

UNESCO's work on GCE is guided by a three-pronged approach:

- policy dialogue in connection with the post-2015 education agenda
- providing technical guidance on GCE and promoting transformative pedagogies
- Clearing-house function.

More:

[http://www.unesco.org/new/en/unesco/events/all-events/?tx\\_browser\\_pi1\[drs\\_swordstoshort\]=%C3%A0%2C%20la&tx\\_browser\\_pi1\[showUid\]=28503&cHash=f64dcd7f09](http://www.unesco.org/new/en/unesco/events/all-events/?tx_browser_pi1[drs_swordstoshort]=%C3%A0%2C%20la&tx_browser_pi1[showUid]=28503&cHash=f64dcd7f09)

During the discussion, all organizations, governmental or non-governmental, are invited to participate in this process and will be informed via the communication means of UNESCO. During these discussions, I spoke as a



representative of the IADL and I noticed, as a Lebanese academic, that the reference to global citizenship is ambiguous, then an international or universal citizenship would more appropriate. I also proposed that reference be made to the United Nations Charter and the Universal Declaration of Human Rights. Through this affiliation, would give more importance to this initiative.

**SAVE THE DATE: COLAP VI will take place at Kathmandu on the 25-27 June 2015. A meeting of the Preparatory Committee was held on 10-11 October 2014 at Kathmandu.**

The IADL *U.N. Activities Bulletin* is prepared under the direction of the Permanent Representative to the U.N. in New York, Prof. Lennox S. Hinds. This issue was edited and produced by Beth Lyons. Reports were contributed by Adda Bekkouche, Tareq G. Brown, Evelyn Durmayer, Claire Gilchrist, Dana Heitz, Marine Leclinche, Beatrice Lindstrom, Beth Lyons and Micol Savia, . This *Bulletin* was produced in late October 2014.

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**CALENDAR OF UN ACTIVITIES AT UN CENTRES**  
**(events after 10 December 2014 are available at**  
<http://conf.un.org>**)**

**November 2014**

• Committee against Torture, Fifty-third session	Geneva	3 - 28 November
• Second United Nations Conference on Landlocked Developing Countries	Vienna	3 - 5 November
• Commission on Narcotic Drugs, Subcommittee on Illicit Drug Traffic and Related Matters in the Near and Middle East, Forty-ninth session	Vienna	10 - 13 November
• Committee on Economic, Social and Cultural Rights, Fifty-third session	Geneva	10 - 28 November
• Committee on the Elimination of Discrimination against Women, pre-sessional working group, Sixty-first session	Geneva	10 - 14 November
• Conference of the High Contracting Parties to Protocol V to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects	Geneva	10 - 11 November
• Human Rights Council, open-ended intergovernmental working group on the rights of peasants and other people working in rural areas, Second session	Geneva	10 - 14 November
• UNCITRAL, Working Group IV (Electronic Commerce), Fiftieth session	Vienna	10 - 14 November
• United Nations Pledging Conference for Development Activities	New York	10 November
• WFP, Executive Board, Second regular session	Rome	10 - 14 November
• Annual Conference of the High Contracting Parties to Amended Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, Sixteenth annual conference	Geneva	12 November
• Annual meeting of States parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects	Geneva	13 - 14 November
• Committee against Torture, Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Twenty-fourth session	Geneva	17 - 21 November
• Disarmament Commission, Organizational session	New York	17 November
• Economic and Social Council, Substantive session, Coordination and management meeting	New York	17 - 18 November
• Human Rights Council, Working Group of Experts on People of African Descent, Fifteenth session	Geneva	17 - 21 November
• Human Rights Council, Working Group on Arbitrary Detention, Seventy-first session	Geneva	17 - 21 November

IAEA, Board of Governors, Technical Assistance and Cooperation Committee	Vienna	17 - 19 November
UNCITRAL, Working Group I (Micro-, Small- and Medium-sized Enterprises), Twenty-third session	Vienna	17 - 21 November
United Nations Staff Pension Committee	New York	19 November
General Assembly, High-level meeting of the General Assembly on the twenty-fifth anniversary of the adoption of the Convention on the Rights of the Child	New York	20 November
IAEA, Board of Governors	Vienna	20 - 21 November
United Nations System Chief Executives Board for Coordination, Second regular session	Washington D.C.	20 - 21 November
Committee on the Exercise of the Inalienable Rights of the Palestinian People, Special Meeting in Observance of the International Day of Solidarity with the Palestinian People	New York	24 November
Human Rights Council, Working Group on the issue of human rights and transnational corporations and other business enterprises, Ninth session	Geneva	24 - 28 November
United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, Board of Trustees, Nineteenth session		

## December 2014

Committee on Economic, Social and Cultural Rights, pre-sessional working group, Fifty-fourth session	Geneva	1 - 5 December
Conference of the States Parties to the Convention on the Prohibition of Chemical Weapons, Nineteenth session	The Hague	1 - 5 December
FAO, Council, 150th session	Rome	1 - 5 December
Human Rights Council, 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, Twenty-third session	Geneva	1 - 5 December
IMO, Council, 113th session	London	1 - 5 December
Meeting of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction	Geneva	1 - 5 December
Subcommittee of Experts on the Transport of Dangerous Goods, Forty-sixth session	Geneva	1 - 9 December
UNCTAD, Working Party on the Strategic Framework and the Programme Budget, Sixty-ninth session	Geneva	1 - 5 December
UNFCCC, Conference of the Parties to the Convention and meetings of subsidiary bodies, Twentieth session	Lima	1 - 12 December
Human Rights Council, Forum on Business and Human Rights, Third session	Geneva	2 - 3 December
UNEP, Committee of Permanent Representatives, 129th meeting	Nairobi	2 December
Ad Hoc Committee of the General Assembly for the Announcement of Voluntary Contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (1 meeting)	New York	3 December

· Commission on Narcotic Drugs and Commission on Crime Prevention and Criminal Justice, Joint meetings of the Commission on Narcotic Drugs, reconvened 57th session, and Commission on Crime Prevention and Criminal Justice, reconvened 23rd session	Vienna	4 December
· Commission on Crime Prevention and Criminal Justice, Reconvened twenty-third session	Vienna	5 December
· Commission on Narcotic Drugs, Reconvened fifty-seventh session	Vienna	5 December
· Assembly of States Parties to the Rome Statute of the International Criminal Court	New York	8 - 17 December
· Panel of External Auditors of the United Nations, the Specialized Agencies and the International Atomic Energy Agency, Fifty-fifth meeting	New York	8 - 9 December
· Special joint meeting of the Second Committee of the General Assembly and the Economic and Social Council on access to credit-rating information	New York	8 December
· UNCITRAL, Working Group VI (Security Interests), Twenty-sixth session	Vienna	8 - 12 December
· UNU, Council, Sixty-second session	Tokyo	8 - 9 December
· Ad Hoc Committee of the General Assembly for the Announcement of Voluntary Contributions to the Programme of the United Nations High Commissioner for Refugees, Pledging Conference	Geneva	9 December
· United Nations Board of Auditors, Forty-fourth special session (1 meeting)	New York	9 December
· Independent Audit Advisory Committee, Twenty-eighth session	New York	10 - 12 December
· Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals, Twenty-eighth session	Geneva	10 - 12 December
· UN-Habitat, Committee of Permanent Representatives, Fifty-fifth meeting	Nairobi	10 December

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