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INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

IN CONSULTATIVE STATUS WITH ECOSOC AND REPRESENTED AT UNESCO AND UNICEF

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NEW YORK REPORT

Alternate representative Claire Gilchrist provided the following report on the UN activity in New York.

Huge obstacles to indigenous rights remain 10 years after declaration

On August 9, 2017, members and representatives of indigenous peoples’ groups from around the world and United Nations officials gathered at United Nations Headquarters in New York City to commemorate International Day of the World’s Indigenous Peoples. This year’s commemoration marked the Tenth Anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP” or “Declaration”). Ms. Mariam Wallet Aboubakrine, the Chair of the UN Permanent Forum on Indigenous Issues, warned that huge obstacles remain to the fulfillment of the declaration, specifically: indigenous peoples’ loss of land and culture; assassinations of defenders of indigenous and environmental rights; and subjection of women to violence and exclusion from decision-making. She stated that indigenous peoples are increasingly confronted with disputes around their land, resources, and rights.

The commemoration consisted of interventions from UN Officials Ms. Aboubakrine and Mr. Liu Zhenmin (Under-Secretary-General, Department of Economic and Social Affairs), followed by a panel discussion on successes and challenges in the implementation of the UNDRIP over the past decade with the Hon. Royal Johan Kxao /Ui/o/oo (Deputy Minister of Marginalized Communities – Namibia), Grand Chief Wilton Littlechild (Cree), and Mr. Albert Barume (Chairperson of the Expert Mechanism on the Rights of Indigenous Peoples). Alternate Representative Claire Gilchrist observed the event via webcast.

Mr. Zhenmin provided an introduction to the legal framework at the United Nations for the development and enforcement of the rights of indigenous peoples. He reported that there are currently three mechanisms in place: the UN Permanent Forum on Indigenous Issues or “Permanent Forum”, the Special Rapporteur on the rights of indigenous peoples or “Special Rapporteur”, and the UN OHCHR Expert Mechanism on the Rights of Indigenous Peoples or “Expert Mechanism.” He also discussed the first world conference on indigenous peoples held in September 2014. He stated that the conference resulted in a system-wide action plan to provide support for the rights of indigenous peoples at the country level.

Panelist Hon. Royal Johan Kxao /Ui/o/oo reported that Namibia has made targeted interventions to socially integrate marginalized indigenous communities through job programs, access to land through settlement programs, construction of health clinics and use of mobile health clinics, desegregation of education, and management of natural resources in the hands of local people. He stated that Namibia has recognized three marginalized indigenous groups and has the political will to continue implementing the Declaration even though Namibia did not ratify the Declaration.

Grand Chief Wilton Littlechild reported that the history of the Declaration began in 1923 when a chief from the Shoshone attempted to gain an audience at the League of Nations but was unsuccessful. He stated that in 1977,
the Cree had very serious concerns about treaty violations and felt they needed to go back to the international arena. He reported that in 1981, the working group started their meetings, which eventually led to the Declaration in 2007. He stated that in addition to the three mechanisms in the current legal framework, there is a voluntary fund to assist delegations to attend the Permanent Forum, and there is a senior official in the Secretary-General's office.

Grand Chief Littlechild also referenced the Organization of American States declaration on the Rights of Indigenous Peoples, and stated that the two declarations need to be read together. He reported that in the OAS declaration, for the first time, indigenous laws are recognized and the notion of an extended family is recognized. He further listed the following instruments as containing language protecting indigenous rights: ILO conventions 107 and 169, the Convention on the rights of the child, Paris accord on climate change, and the biological diversity convention.

Grand Chief Littlechild discussed in detail the Truth and Reconciliation Commission in Canada (TRC), which is a component of the Indian Residential Schools Settlement Agreement. This Settlement was recently concluded and is the largest class action in Canadian legal history. The TRC’s mandate is to inform all Canadians about what happened in Indian Residential Schools. For more information, please see www.trc.ca

Three heads of state- Canada, Bolivia, and Ecuador- made statements commemorating the Declaration.

To view the webcast of the commemoration, you can go to http://webtv.un.org/search/2017-international-day-of-the-worlds-indigenous-peoples-weareindigenous/5537002351001/?term=Indigenous%20Peoples&sort=date

Alternate representative Beth Lyons provided the following report on the UN activity in New York.

**IADL Delegation to Assembly of States Parties (ASP) in New York at UNHQ**

IADL has been represented at all the ASPs since 2002, when the Rome Statute was entered into force, and previously at the PrepComs starting in 1997. The ASP is the governing body of the International Criminal Court, and makes key decisions in respect to management and direction of the ICC. It is made up of the States which have ratified or acceded to the Rome Statute. An IADL delegation will attend meetings during the 16th Session of the ASP, from 4-14 December at UN Headquarters in New York. The agenda includes the activation of the ICC’s jurisdiction of over the crime of aggression, the election of six new judges, the 2018 ICC budget, matters of non-cooperation with the ICC, and concerns of counsel practicing at the ICC, presented by the ICC Bar Association. In addition, the status of the withdrawals from the ICC is an important issue during this Session – South Africa’s withdrawal has been revoked, and Gambia’s has been reversed, leaving only Burundi’s withdrawal, effective 27 October. The ASP Website https://asp.icc-cpi.int/EN_Menus/asp/pages/asp_home.aspx has a wealth of information about resolutions, working groups, background papers for the 16th (and all previous) ASP Sessions. There are also excellent background materials available at the ICC
Coalition’s website at http://www.coalitionfortheicc.org/assemblies-parties-2017. Alternate Representative Beth Lyons, with assistance from Alternate Representative Claire Gilchrist, is organizing the delegation. The delegation includes IADL leadership, members and volunteers from Bangladesh, Cameroon, Democratic Republic of Congo and the United States. Reports will be available in the next Bulletin, in 2018.

VIENNA REPORT

*IADL Permanent Representative to the United Nations Evelyn Dürmayer provided the following report on her recent United Nations activities.*

During the Commission on Crime Prevention and Criminal Identity (CCPCJ), there were three organized side events. The Japan Federation of Bar Associations (JFBA) held two of the three events. Osamu Niikura, former secretary general of IADL, was among the JFBA’s eight member delegation.

The topics were related to the upcoming UN Congress on Crime Prevention and Criminal Justice 2020, taking place in Japan. On 23 May 2017, the first program addressed Asia’s penal systems in the run-up to the 2020 UN Congress in Japan. On 24 May 2017, another program addressed the role of lawyers to implement sustainable development goals focusing on access to justice, raising awareness of law and protection of lawyers.

On May 24, 2017, How Can More Gender Equality and Democratic Participation Contribute to Combating Corruption and Organized Crime, a side event was organized jointly by Socialist Women International, the Vienna NGO Committee on Sustainable Development and the Vienna NGO Committee on the Status of Women. One of the keynote speakers of this event, representing IADL, was Osamu Niikura.

The Vienna NGO Committee on the Status of Women has prepared a Written Statement for CSW 62. Lilian Hofmeister, alternate representative at the UN in Vienna, Austrian member of the Convention on the Elimination of All Forms of Discrimination against Women Committee, was one of the keynote speakers at the ceremony celebrating the 20th anniversary of the UN Women Austrian National Committee.

On 19 October 2017, the NGO Committee on the Status of Women had its monthly meeting. The topics dealt were the 16 days against violence in November, one event will be dedicated to Girls not Brides and a group will prepare the Commission on the Status of Women oral statement regarding women and media.

On 20 October 2017, the day was against Human trafficking in the European Union. OSCE together with the Austrian task force against human trafficking, IOM (International Organization for Migration) and VIDC (Vienna Center for International Dialogue and Cooperation organized an international conference, I attended the opening and the two main panel discussions. This forum was presided by Austria to present experts and their solution for the increase of human trafficking and the various ‘new’ forms, including cyber trafficking. Victims include women to forced marriages, sexual harassment, violence against women and girls, prostitution and labour exploitation. Othman Belbeisi (IOM Libya), where more than 700,
000 migrants live, notes that apparently 60% would prefer to stay in this North African country after their dangerous journey through the desert and not continue towards Europe across the Mediterranean Sea. Europe with its Emergency Trust Fund for Africa, worth 2.9 billion Euros, is preparing a contract with Libya similar to the one with Turkey.

According to Isaac Arinaitwe, Uganda has since the year 2000 started a different refugee policy for the 1.3 million refugees coming from Rwanda and the Democratic Republic of the Congo which more than all those fleeing to the 28 member states of the European Union. In Uganda, the refugees get a parcel of land, have access to health care, education and get a working permit. Christine Chinkin, is an Emerita Professor of International Law and Director of the Centre on Women, Peace and Security from the London School of Economics, who discussed the vulnerabilities of the refugees in relation to human rights and what could be the role of international public law, governmental and non-governmental institutions to support and protect the them and fight against all these forms of human trafficking.

REPORT ON THE FIRST CONFERENCE OF THE MEDITERRANEAN LAWYERS

Report from Fabio Marcelli, the Research Director of the International Legal Studies Institute of CNR, and the Director of the Association of Democratic Jurists at national, European and international level.

The First Conference of the Mediterranean Lawyers took place in Naples the 7th and 8th of October 2017 with the participation of delegations from Western Sahara, Algeria, Tunisia, Egypt, Palestine, Lebanon, Syria, Rojava, Turkey, Greece, France, Italy, Catalunya and Spain.

The creation of a Network among Mediterranean lawyer, embracing various situations from Europe and from the Southern and Eastern Coasts of the Mediterranean Sea appears to be a very urgent challenge, due to migrations, human rights violations, widespread repression taking place in many countries, peoples to whom fundamental self-determination rights are negated, military bases, economic injustices and environmental problems.

The existence of these and others unresolved issues calls for the creation of a permanent Network of Mediterranean Lawyers. The Conference in Naples represented a first step in the right direction. Others should follow and we hope to be able in one year more or even less, may be in Barcelona or elsewhere.

The Conference, sponsored by the Municipality of Naples and by the National Bar Association of Italy (Consiglio Nazionale Forense) expressed the unanimous will of all participants to build up such an open space of cooperation, exchange of information and promotion of common initiatives among lawyers. At the Conference, there was focus on migrants’ and asylum-seekers’ rights, repression against social movements in Europe and to the situation in Turkey.

The following Declaration (Charter of Naples) was adopted on Sunday 8th October:

We, jurists of the Mediterranean Countries, gathered in Naples on the 7th and 8th of October 2017:

- aware of the fundamental role played by attorneys, judges and other jurists, men and women, for the protection of the rule of
law, the promotion and protection of human rights and the development of democracy;

• aware of the urgent need of reasserting international law, the rights of the peoples and the fundamental principles enshrined in the United Nations Charter, as well as idea and aspirations which formed the very basis of the antifascist struggle;

• alarmed by the proliferation of attacks on the independence of attorneys and judges, as well as their own freedom and security due to the exercise of their functions, as demonstrated in the last most evident episodes in Egypt and Turkey;

• concerned about the growing obstacles placed by individual Countries in the international observation of criminal trials, which seen by defendants also attorneys and judges;

• alarmed by the spread of hatred episodes on racial, religious and sexual basis, and by the attempts made by several actors to build walls rather than bridges of dialogue between the different cultures facing the Mediterranean;

• alarmed by the disavowal of Mediterranean Governments of all international obligations assumed with the ratification of international treaties and conventions on the protection of human rights, now secondary to economic and political interests;

• alarmed by the growing violations of the fundamental rights of migrants and persons requesting international protection, trafficked, exploited and tortured by common and organized criminality and security forces, confined in administrative detention camps under inhuman conditions, where women and girls experience rape and violence;

• aware of the need to promote, support and hope for effective action against the global and massive economic inequalities alimented by the growth of international finance and foreign debt in order to achieve the fulfillment of human rights;

• wishing to establish a closer coordination between jurists in all Mediterranean Countries, as a sign of affirmation of peace, self-determination, democracy, fundamental rights and response to any form of human rights violation put in place by private groups or institutions, condemning all forms of fascist, racist, terrorist and sexist oppression.

We commit ourselves for the time to come to work for the full achievement of our goals through the application of all relevant progressive principles and rules of international and national law in the following areas:

1. Self-determination and democracy: opportunities for all peoples, including those currently subject to colonial domination and territorial occupation, to freely express their will and to decide their destiny without external inferences, building up a democratic participation from below.

2. Peace: abolition of nuclear and mass destruction weapons from the whole Mediterranean area, complete abolition of foreign military bases and peaceful settlement of conflicts according to the principles and procedures set out in the United Nations Charter. Blocking arms trade towards countries in war or responsible of grave human rights violations.

3. Rule of law: effective safeguards for attorneys and judges allowing them to exercise their functions without the risk of facing forms of persecution by State organs or terrorist groups and without suffering obstacle to their activity based on wealth, gender or sexual orientation. Promotion of effective international mechanisms for the protection of fundamental rights and the repression of international crimes.

4. Abolition of any form of
discrimination and violence against women and girls and end of criminalization of people with different sexual orientation; support of the activity of attorneys, judges and jurists pursuing the eradication of all forms of gender discrimination, for a common struggle to overcome historical prejudices and assert the leadership of women in the promotion and defense of fundamental rights.

5. Migration: for the full protection of the rights of migrants and persons requesting international protection and the uncompromising struggle against racism, the opening of new access routes to and ways of integration in Europe and the elimination of detention camps where migrants and asylum seekers are being held in several Countries, such as Libya, as well as for struggling the remote causes of the phenomenon, which are set in conflicts, human rights violations, environmental degradation and growing poverty.

6. Environmental protection: promotion of co-operation both intergovernmental and between peoples to defend the heritage of humanity and adopt effective policies in the agricultural, industrial and energetic field, in order to protect biodiversity and prevent and contrast environmental degradation and climate change.

7. Struggle against organized crime, which is strongly interconnected with the power of finance, and judicial protection of the victims.

8. Defense of natural commons necessary in order to satisfy the fundamental rights, and recognition and development of emerging (urban and digital) commons, as an expression of democratic self-government and of a new law.

Judges and attorneys are – if they exercise with responsibility, dignity and awareness their key functions – human rights defenders, and every attack towards them shall be considered a threat to the rights of people they defend, and a violation of the freedom of all people, undermining the basis of the Rule of law.

According to this strong belief, we launch from Naples the idea of a permanent observatory allowing to coordinate all initiatives protecting judges and attorneys, human rights defenders and promoters of democracy and of the rule of law in the Mediterranean Countries.

We conclude reaffirming our firm commitment to make the Mediterranean the sea of peace, democracy, gender equity, intercultural dialogue, environmental protection, and safeguard of human rights of all kinds.

REPORT ON VIII SUMMER SCHOOL OF INTERNATIONAL PUBLIC LAW AND THE X INTERNATIONAL HUMANITARIAN LAW WORKSHOP

Report from Dr. Dorys Quintana Cruz, Executive Secretary of the Cuban Society of International Law of the National Union of Jurists of Cuba and member of the International Association of Democratic Lawyers.

From 14 to 16 June 2017, the VIII Summer School of International Public Law and the X International Humanitarian Law Workshop in Havana, Cuba, called by the Cuban Society of International Law of the National Union of Jurists of Cuba (UNJC). This workshop had the assistance of 200 partners of among them 36 Foreigners from the United States, Colombia, Ecuador, Palestine, Spain and France.

The inaugural conference was presided by Dr. Luis Sola Vila, President of the Cuban International Law Society of UNJC. Dr. Vila discussed the relationship between Cuba and the United States which focused
on calling for an end to the United States’ illegal and unjust blockade that for more 50 years old tries to undermine our people, political and legal considerations.

The path of salutation to the event was in the charge of Dr. Marjorie Cohn, vice president of the International Association of Democratic Justice. Dr. Eric Tardif, a member of the regional delegation of the Red Cross for Mexico, Central America and Cuba, discussed international humanitarian law. Dr. Nestor Garcia Iturbe, a Professor of and member of the Cuban Society of International law, informed the conclave about the subversion of the United States against Cuba.

In the opening ceremony, Dr. Mayda Goite Pierre, Vice-Rector of the University of Havana and member of the Cuban Society of International Law, discussed international criminal law, organized crime, effects, consequences and the fight for its eradication.

On 15 June 2017, Commission 1 analyzed public international law. This session was dedicated to Dr. Olga Miranda Bravo on her tenth anniversary of her physical disappearance. The Commission addressed the need for respect for international law, the relationship between Cuba and the United States, the need for the reform of the United Nations. Further, the Commission addressed other international interest and interest such as migrations, disappearances is addressed forzosas, which led to discussions between the participants.

Commission 2 analyzed as principles of international humanitarian law, of the international movement of the red cross, the philosophical aspects of international humanitarian law, and the conventions relating to war at sea, war and poverty. There was a session that examined in depth the human rights violations existing in the conflicts of Colombia, Venezuela, Palestine, Syria, Libya, and others. In the final session, Dr. Eric Tadif, a coordinator of the session and officer of the red cross, provided an update of international humanitarian law and future projections.

Commission 3 addressed multilateralism, in all its extensions, as well as the problems of environmental rights and its effects in the Caribbean and Latin America. At the close of the morning session, Dr. Cruz explained that the importance of cooperation, collaboration, integration and political concertation. Further, she explained importance of the Community of Latin American and Caribbean States and the declaration of Latin America and the Caribbean as a peace zone. Lastly, she explained importance of the Community of Latin American and Caribbean States’ relationship with international law. MSc. Andres Ripoll Salcine, a member of the Cuban Society of International Law Chapter of Cienfuegos, presided over this session.

The evening session of Commission 3 was dedicated to private international law and its coordinator was the MSc. Remberto Sanchez, a member of the Cuban Society of International Law Chapter of Havana and Professor of the University of Havana.

On 16 June 2017, the event closing event was held at the Faculty of Law of the University of Havana’s amphitheater. Dr. Arnel Medina Cuenca, Vice-Dean of the Faculty of Law of the University of Havana, discussed issues of migration, trafficking and trafficking of people. Dr. Castor Diaz Barrado and Rey Juan Carlos, discussed the agreements of the millennium until 2030
making a very concrete and real analysis of the current situation and how could united nations fulfill these agreements. Dr. Eric Tardif spoke about the challenges and challenges of international humanitarian law. Dr. Isabel Allende Karan, the director of the superior institute of international relations, a made the presentation on the international law book by Professor Jusnier Romero Puente, a Professor and Officer of the Ministry of Foreign Affairs, pointing out its utility for students, teacher, and other professionals of human rights and international relations.

Dr. Pino Canales, the Vice-President of the Cuban Society of International Law and Professor at the Faculty of Law of the University of Havana, concluded the session with a discussion on the right to migrate.

MSc. Alexis Ginarte Gato gave the closing remarks, she called for participants to continue working for success in the international, professional and political field. She congratulated the organizing committee for the event results and inviting them to continue working with the same fervor discipline and delivery. She called for the respect and international law, the cease of the blocking and the return of the naval base in Guantanamo.

Editor’s Note:

In the Commissions, IADL Deputy Secretary-General Marjorie Cohn presented a paper on the Palestinian conflict; IADL First Vice-President Roland Weyl made a presentation in Spanish on the United Nations, and the obstacles to implementing its objectives; and Alternate Representative Beth Lyons presented a paper about the situation of acquitted persons at the ICTR, and discussed the ICC.

The Conference took place in the week that President Trump announced he was going to end the relations with Cuba, which had been initiated by former President Obama. Marjorie Cohn interviewed people on the spot, in Havana for her article, “Trump takes aim at Obama’s détente with Cuba,” which appeared at http://www.truth-out.org/news/item/40972-trump-takes-aim-at-obama-s-detente-with-cuba

REPORT ON THE HUMAN RIGHTS ACADEMY OF THE AEGEAN’S FIRST CONFERENCE

The following report was provided by Carlos Orjuela, a human rights lawyer in the United Kingdom and internationally.

The theme was that of academic freedom and involved presentations from academics whom had been dismissed from their posts following a governmental decree. Bill Bowring and Fabio Marcelli also gave presentations which I am reliably informed were excellent.

The idea of the event came from our Turkish colleague Deman from OHP, who wishes to establish a yearly academy focusing on training individuals on the latest developments in human rights law.

The conference itself was held in beautiful surroundings, within a small village called Nesin which is close to Izmir, Turkey. The village, which is devoted to various areas of study, is extremely interesting and unique, having been founded by a progressive and well-known Mathematics Professor Ali Nesin. He supported the idea of the conference and allowed it to be held there for free.
With relatively little funding and support, our colleagues managed to organise a fantastic and well attended conference.

**Future Conferences**
OHP are very keen to develop this event further and make it a permanent fixture within the IADL and European Association of Lawyers for Democracy and World Human Rights (ELDH) calendar.

One of the presenters was a lawyer, professor and MP from HDP (third largest party in Turkey and associated with the European Left group within the European Parliament), Professor Mithat Sancar.

Professor Sancar said that his party is very interested in supporting and taking part in future conferences to help in the ‘production of knowledge’ regarding developing areas of human rights.

In initial conversations with him, he thought that rather than continue focusing on one aspect of human rights, it was better to focus on trends within these rights in recent years and the possibilities for our affecting their development. Possible topics could be:

- The global political situation which has affected the development of these rights
- Recent jurisprudence within international and regional courts, such as the International Court of Justice, and the increasingly conservative outlook of some of these organisation
- Developments within and the ineffectiveness of international organisations and international non-governmental organisations
- Conclusions and ways forward

In organising such a conference, he suggested that it should have the involvement of all progressive parties and organisations within Turkey.

I think that this is a very exciting opportunity for IADL and ELDH (and indeed the American Bar Association's Commission on Lawyer Assistance Programs and the American Association for Justice) to develop the educational side of our work. One of the ideas from this yearly conference is to produce a book which summarises the conclusions arising from it.

**Finances**
On this occasion, it was OHP that organised the funding for this activity.

I think IADL should consider making joint fundraising applications with the Academy and other interested national associations for future conferences.

A think tank affiliated with HDP are considering funding part of the costs of the conference next year. No doubt there will be other organisations within Turkey interested in doing the same now that the first event was shown to be a success.

On this occasion participants paid relatively little. One idea is that participants pay more to take part in future conferences as the format for this educational activity is to create an academy.

**Next Steps**
Those who are interested in this initiative should contact Deman demanguler@gmail.com to discuss development of the above ideas.

Unless anyone shows any objections, I will be involved in the funding side of things as part of the fundraising committee.
I would suggest that the topic of this academy be within the bureau agenda for Vietnam.

IADL PROTESTS THE ARREST OF LAWYER SELÇUK KOZAĞAÇLI AND DEMANDS HIS IMMEDIATE RELEASE

The International Association of Democratic Lawyers (IADL) is a non-governmental organization of human rights lawyers around the world. IADL has been accredited by ECOSOC since 1969. IADL has been alarmed for some time about the growing repression in Turkey by the Erdogan government. IADL has spoken out, sent letters issued statements to UN bodies. Members of our national associations have attended trial observations of lawyers and others who have suffered unjust arrest and charges.

IADL understands that one of the leaders of the Progressive Lawyers Association (CHD) Selçuk Kozağaçlı was arrested on November 8, 2017 in Istanbul as he was about to attend a meeting to address attacks on human rights defenders.

IADL protests in the strongest terms the arrest of Selçuk Kozağaçlı and demands his immediate release.

By: Jeanne Mirer
President, IADL
OPEN LETTER CONCERNING THE SITUATION OF THE SAHRAWI PRISONERS IN THE DETENTION CENTRES OF THE KINGDOM OF MOROCCO

Mr. President,

The signatory organisations call upon your attention over the situation of 19 Human Rights defenders, originating from the Non Self-Governing Territory of Western Sahara, who are detained after having been condemned to long term imprisonment by the Appeal Tribunal of Rabat on last 19th July in the framework of the trial known as the Gdeim Izik case.

These convictions were pronounced at the end of a unfair trial marked in particular by the taking into account of confessions signed under torture. On 17th February 2013, along with five other Saharawi activists who had been freed, the Human Defenders were condemned to similar penalties by the Permanent Military Tribunal of the Royal Armed Forces of Morocco.

It was only under international pressure, notably from the United Nations Committee Against Torture, that on 27 July 2016 the Court of Cassation annulled the first judgment.

Beyond the numerous procedural irregularities and breaches of the internationally recognized principles on the right to a fair trial, we here denounce violations of the Fourth Geneva Convention.

We recall, on the one hand, that since December 1963 Western Sahara has been recognized by the UN General Assembly as a Non-Self-Governing Territory to which, consequently, UNGA resolution 1514 (XV) has to be applied and, on the other hand, that it is the only Non-Self-Governing Territory that, since February 1976, does not have an internationally recognized administering Power.

We also recall that on 6 November 1975 the Kingdom of Morocco invaded militarily and subsequently occupied the majority of the said Non-Self-Governing Territory and engaged in an armed conflict with the Popular Front for the Liberation of Saguia el-Hamra de Rió de Oro, which the UN General Assembly recognizes as the representative of the people of Western Sahara. The conflict was frozen by the ceasefire that began on 6 September 1991.

In this context, the young Sahrawis who were arrested, tried and convicted in connection with the events that took place during the 2010 peaceful demonstration in the so-called Gdeim Izik desert zone, calling for the holding of a referendum on self-determination, have to be considered as "protected persons" in accordance with Article 4 of the Fourth Geneva Convention.

During the night between Friday 15 September and Saturday 16, 18 detainees were transferred from the prison of El Aarjat to various places of detention in the territory of the Kingdom of Morocco, only Mr. Naâma Asfari remained in the prison of El Aarjat.
It is for this reason that, the signatory organizations denounce the violation by the Kingdom of Morocco of Article 76 of the Fourth Convention and respectfully requests you, Mr. President, to send as soon as possible a delegation to the places of detention of the 19 convicts (listed in footnote 1) in accordance with Article 143 of the Convention and to invite the Kingdom of Morocco to abide by the Geneva Conventions to which it acceded in 1956.

Please accept, Mr. President, the expression of our highest consideration.

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NLG IC: Hurricane Maria in Puerto Rico: Cancel the debt – emergency relief now
NLG IC: Hurricane Maria in Puerto Rico: Cancel the debt – emergency relief now
Following years of colonialism and the intensified assault of austerity in the past several years, Puerto Rico is suffering from the destruction caused by Hurricane Maria and the massive impact of climate change.
As the National Lawyers Guild International Committee, we demand the immediate cancellation of Puerto Rico’s debt. We also join the many calls from Puerto Rico for the abrogation of the Jones Act, which requires that only U.S.-flagged ships can dock in Puerto Rican ports. The Jones Act is not only an ongoing source of economic repression in Puerto Rico; today, it hinders international efforts to provide relief to Puerto Rico following Hurricane Maria, at a time of massive destruction of homes, loss of power and electricity throughout the island, a growing number of deaths and ongoing crisis.
We also demand that Congress make an emergency allocation of billions of dollars to support immediate relief and aid for Puerto Rico. The U.S. official response to the destruction in Puerto Rico has been racist, colonialist and shamefully inadequate. The official climate change denial of the Trump administration and the U.S.’ lengthy record of failing to address climate change in any substantive manner, especially when combined with grinding austerity and deep racism, has blood on its hands in Puerto Rico and the Caribbean islands.
Natasha Lycia Ora Bannan, NLG President, said: “The devastation in Puerto Rico, Cuba, Dominica, the Virgin Islands, Barbuda, Antigua and all the Caribbean is not just from hurricanes. It’s from the triple C evils: capitalism, colonialism and climate change. They helped create the conditions for this once-in-a-century horror to occur and will only deepen them as aid pours in. We don’t just need disaster relief or rescue & recovery efforts, we need relief from the pillaging of Caribbean economies and peoples, otherwise these (un)natural disasters will continue to destroy whole nations as we watch from afar.”
This was not a natural disaster. The impacts of Hurricane Maria on Puerto Rico cannot be separated from colonialism, austerity and climate change.
We urge people seeking to donate to support Puerto Rico to drive donations to the Hurricane Maria Relief and Recovery Fund at www.mariafund.org, set up by Puerto Rican lawyer/activist Xiomara Caro to direct all donations to the most vulnerable communities and organizations serving them. The founder of this fund has participated in multiple NLG conventions and International Committee meetings and has a long history of direct involvement and support for popular movements serving the most marginalized on the island.
For more on this important grassroots effort, please see the In These Times article, “These Disasters Aren’t Natural Anymore.”
For lawyers who would like to volunteer their services to support Puerto Rico, including helping people to file FEMA benefits, researching remotely and traveling to PR on legal brigades, please use this volunteer signup form.
NLG National Office
132 Nassau Street, Rm. 922
New York, NY 10038
United States
PRESS CONFERENCE: LAWYERS AND ACTIVISTS ON TRUMP’S DANGEROUS, ILLEGAL THREATS TO “DESTROY” NORTH KOREA

NEW YORK— In his address to the United Nations, U.S. President Donald Trump threatened to “totally destroy North Korea,” violating the UN charter within its own walls and raising the specter of genocide and crimes against humanity in violation of the UN Charter (which as a ratified treaty is part of domestic law) as well as International Humanitarian Law.

President Trump’s threats are particularly dangerous at a time of escalated provocations on the Korean peninsula that put millions of lives at risk and in light of the history of the U.S.’s devastating involvement in the never-ended Korean War.

During the war, the U.S. dropped 635,000 tons of bombs on Korea and 20 percent of Korea’s population was killed. Today, the threats of war are even higher and more imminent.

Hear from lawyers, peace activists and longtime advocates of nuclear disarmament about the dangers presented by Trump’s escalating threats for Korea, the U.S. and the world:

WHAT: Press conference on the legal implications of Trump’s threats of war against North Korea

WHEN: Wednesday, October 18, 10 am

WHERE: Solidarity Center, 2nd floor, 147 W 24th St, New York, NY 10011

WHO: Speakers will include international law experts from the National Lawyers Guild International Committee, International Association of Democratic Lawyers, and advocates for peace in Korea. Organized by the National Lawyers Guild International Committee.

For more information: www.nlginternational.org
FIRST CONFERENCE OF MEDITERRANEAN LAWYERS

It is the moment to convene a meeting of the associations of democratic and progressive lawyers of the Mediterranean area in order to discuss common issues, exchange information and experiences, build up a network of permanent relationships and approve a Charter of principles to take as a common reference.

Among the aims of the Conference there is that of deepening and developing the various topics proposed following a precise leading thread: which is the function of lawyers in the protection of fundamental rights? Why has building up a Mediterranean network become important? Which are the principles and practices to share? The issues are varied and all equally important, from self-determination and peace, to migration, to repression of struggle movements at the European level. We propose two days of discussion, the 7th and 8th of October, with the participation of international delegations coming from various countries. The program will be as follows below. The Conference should end with the adoption of a Declaration of democratic and progressive lawyers of the Mediterranean (Charter of Naples).

First Conference of Mediterranean Lawyers

“The role of lawyers in the Mediterranean area for self-determination, Rule of law, protection of human rights and democracy”

Promoters: Associazione Nazionale Giuristi Democratici – Italy; European Association of Lawyers for Democracy and World Human Rights (ELDH); European United Left/Nordic Green Left – European Parliamentary Group GUE/NGL

Partners and patronages: Associazione Studi Giuridici sull’Immigrazione (Association on Juridical Studies on Immigration); National Bar Association; Municipality of Naples, Metropolitan Municipality of Naples; GUE; Italian NGOs Network “In defense of”.

WORKSHOPS’ PROGRAM
Saturday 7th, 9.00 opening **Asilo Filangieri**

Welcoming greetings

Luigi De Magistris, Mayor of Naples and former Prosecutor  
Andrea Mascherin, President of Italian National Bar Association  
Cristina Ornano, Secretary of AREA (Judges’ and prosecutors ‘association)  
Roberto Lamacchia, President of Italian Democratic lawyers  
Thomas Schmidt, Secretary of ELDH  
Roland Weyl, Founder and Vice-President of IADL  
Francesco Martone, Italian NGOs Network “In defense of”  
Eleonora Forenza, Paloma Lopez, GUE  
Stefano Maruca, FIOM  
Fabio Marcelli, Short introduction on the intents of the Conference

**Following:**

11.00 – Focus on migration/immigration (supervised by ASGI)

*Entitlement and effectiveness of rights of migrants and asylum seekers: the hotspot model as pilot experiment for the elaboration of EU policies for border control.*

13.30 Lunch break

15.00 – Focus Europe and fundamental rights and freedoms/social conflicts

17.30 – Focus Turkey

19.30 – End of the sessions

21:00 – **Performance** for Giulio Regeni, by the dancer Marie Therese Sitzia

**Mediterranean concert, art director Massimo Ferrante**
Sunday 8th of October – Sala del Capitolo, Complesso San Domenico Maggiore


Interventions:

Palestine (Wael Abunemeh; S. E. the Ambassador Mai Alkaila)

Western Sahara (Elhassan Salek Abba)

Turkey (Fatma Özdemir; Selçuk Kozagacli, Serife Ceren Uysal, Ümit Dede, Mahmut Shakar, Mazlum Dinc)

Rojava (Midia Abdamâ, Mohammed Abdulkade)

Egypt (Mohamed Azab, Mohamed Eissa)

Tunisia (Sabiha Salah, Abdelaziz Essid)

Algeria (Yasmine Bennamani; Ghania Nechar, Mohamed Bentoumi)

Syria (Elias Khouri)

Lebanon (Hassan Jouni, Souheil El Natour)

Iraq (Hussain Shaban)

Catalunya (Mercè Barcelò Serramalena)

Institutional closing speeches (representatives from Bar Associations)

13.00 – Lunch break
15.00 – Final discussion and adoption of the Declaration of Mediterranean Lawyers – Charter of Naples

17.30 – End of sessions
Dear colleagues,

The United Nations Special Rapporteur on extreme poverty and human rights, Professor Philip Alston, will be undertaking an official visit to the United States from 4 to 15 December 2017 at the invitation of the US Government. His visit will focus, in accordance with his mandate, on the interlinkages between poverty and the realization of human rights.

The Special Rapporteur is an independent expert appointed by the UN Human Rights Council and he will report on his visit to the Council in the first half of 2018. UN independent experts visit countries around the world to report on their human rights situation. In recent years, the Special Rapporteur has undertaken country visits to Chile, Romania, Mauritania, China and Saudi Arabia.

The Special Rapporteur would like to invite all interested parties in the United States, including, but not limited to, NGOs, activists, academics and other individuals and organizations working on issues related to poverty and human rights, to provide input for the preparation of his visit to the United States in December 2017.

Input can be sent to srextremepoverty@ohchr.org until October 4, 2017. Please note that the Special Rapporteur will also receive input at srextremepovertyusavisit@protonmail.com or srextremepovertyusavisit@tutanota.com for those respondents that prefer using a browser-based encrypted email service.

Respondents are requested to limit their response to a maximum of 3,000 words. All input will be treated confidentially by the Special Rapporteur and his team and for the sole purpose of preparing the country visit.

Respondents are asked to focus their input on the following issues:

(i) What is the definition of poverty and extreme poverty that your organization employs in the context of the United States and to what extent do official definitions at the federal and state level adequately encompass poverty in all its dimensions?

(ii) What are the most severe human rights violations that people living in poverty and extreme poverty in the United States experience? Please exemplify by referring to specific cases and relevant norms of international human rights law.

(iii) Could you specify how poverty and extreme poverty in the United States intersect with civil and political rights (such as for example the right to political participation or the right to equality before the law)? Please exemplify by referring to specific cases and relevant norms of international human rights law.

(iv) Could you specify how poverty and extreme poverty in the United States intersect with economic and social rights (such as the right to education or the right to work)? Please exemplify by referring to specific cases and relevant norms of international human rights law.

(v) How does the fact that the United States has not ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD), affect
domestic advocacy and litigation on behalf of the poor related to the rights protected in these international treaties?
(vi) In 2015 the Special Rapporteur presented a report to the UN Human Rights Council on economic inequality and human rights, which can be found here. Please point to interlinkages between poverty, inequality and human rights in the United States.
(vii) There is an increasing debate worldwide on the impact of new technologies on societies, including in the area of Artificial Intelligence, robotics, Big Data and algorithmic decision-making. How do these developments affect the human rights of those living in poverty in the United States? The Special Rapporteur is interested in learning how these technologies may affect civil and political rights as well as economic and social rights.
(viii) What are potential areas (States, territories, regions, cities, municipalities) in the United States that the Special Rapporteur should visit given the severity of poverty and intersecting human rights issues in these places?
(ix) Which individuals and organizations should the Special Rapporteur meet with during his country visit to the United States?

Mandate of the Special Rapporteur on extreme poverty and human rights
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INTERNATIONAL HUMAN RIGHTS ACADEMY OF THE AEGEAN

Autumn Workshop of 2017
Background of the Academy:

International Human Rights Academy of the Aegean (IHRAA) has been founded by the Committee of International Law of the ÖHP (Platform of the Lawyers for Freedom) in 2017. Turkey and especially its Aegean shores are known for its thousands years of history and the contributions to the philosophy, science and democratic institutions of the world. Thales, Anaximander, Anaximenes, Herodotus, Homer, Anaxagoras, Heraclitus, Xenophanes were all lived in the areas of which belong to today’s Turkey. Most of them were prosecuted, criminalised, tried, put into the jails and even killed by the rulers of ancient times. However, in spite of all these oppression their works and ideas have given inspiration to the next generations. Advancement of the peoples has never stopped and those who were punished remembered all the time.

Today Turkey is in a catastrophic situation. The fights between the rival reactionary powers ended with a coup attempt in the summer of 2016. In the following days of the coup attempt Turkish government declared a state of emergency which still continues. Many of the fundamental rights has been suspended for an undetermined period of time and the government has not waited long to use its extraordinary powers against the progressive forces of Turkey. Thousands of workers and officers dismissed with statutory decrees, hundreds of journalists were arrested without any legitimate explanation, the rights of the lawyers to represent their clients were denied, human rights activists were faced with harsh penalties. Hundreds of academics were among the ones who lost their jobs.

The founders of the International Human Rights Academy of the Aegean believe that the situation that we are living in is one of the terrible times of the history of Anatolia. However, we are not hopeless. We as the progressive human rights lawyers of Turkey believe that we should raise our voices in one of the darkest times of our history. We should take joint action with our colleagues and comrades in the other countries of the world. We should show the oppressors that we were here in ancient times, we were here before, we are here now and we will be here in future despite all atrocities!

Our Goals:

The aim of the International Human Rights Academy of the Aegean is to show that the culture of learning, discussion, production and sharing of this land is still exist even in the most terrible days. Turkey is under a risk to get further away from the modern democracies of the world. Therefore, IHRAA desires to bring the human rights defenders from all countries together and discuss the human rights norms; interpret, develop and disseminate them.

IHRAA’s ultimate goal is to establish a human rights village in the Aegean coast where the educational purposes would be carried out, the largest human rights library would be built and a
human rights museum would be founded. The IHRAA is aiming to work all the year round. It will organise different types of human rights activities such as conferences and education programs till to reach its ultimate objectives.

Subject of the Autumn Workshop of 2017: “Academic Freedom”

The Autumn Workshop of 2017 is one of these activities of the IHRAA. “Academic Freedom” has been chosen as the topic of this year. Turkish academics have been faced with all types of oppression during the last year. Most of the speakers of our workshop are among those who lost their positions in the universities and other institutions. There is no doubt that they will share their experiences with the participants naturally. However, the Autumn Workshop of 2017 would like to discuss the matter in a wider academic perspective with the contributions of the national and international participants. The workshop will be translated simultaneously in English and therefore the international dimension would be more apparent.

The legal basis of the academic freedom in human rights law, the concept of academic freedom in international law, academic freedom as a constitutional right, the relationship between a free society and academic freedom, academic freedom and its effect on production of knowledge are some of the subjects that has been planned to be discussed in our workshop. A multidisciplinary method including international law, political science, sociology and philosophy would be followed during our activities. After the morning sessions in larger amphitheatres participants would be gathered in small open air classes and would share their experiences to each other. We expect the participants would decide the subjects of the activities of the following years as well.

Target Group:

Our target group is consisted of the human rights activists and professionals, academics, lawyers, university students and the ones who have an interest in human rights issues in general.

Fees, Application Procedures, Facilities:

Due to the limited accommodation facilities in the Nesin Maths and Philosophy Village the IHRAA Autumn Workshop had to restrict the number of participants to 60 individuals. All the IHRAA activities are free in principle.

However, the participants should pay 20 Euros for the tents and 30 Euros for the dormitory rooms per day. Payments should be made directly to the accounts of Nesin Village/Foundation. Internet, meals (4 times in a day), accommodation and other basic needs are included in this price. Nesin Village is also a non-profit progressive organisation aiming the care and the education of children and others. Nesin Village was founded after the will of the famous Turkish writer and humorist Aziz Nesin. (See: https://www.nesinkovleri.org/eng/)

Cultural Events:

The cultural events and day trips to the ancient cities are also included to our program. There will be a film screening night and Maestro İbrahim Yazıcı has accepted to give a classical music
concert in the village theatre as well. (Please see one of Mr. Yazıcı’s works from the link: https://youtu.be/e32iN2rmUXs?t=6m1s)

Organizers:

The IHRAA Autumn Workshop of 2017 on the Academic Freedom is organised by the support of ÖHP (Platform of Lawyers for Freedom), IADL (International Association of Democratic Lawyers) and ELDH (European Association of Lawyers for Democracy and Human Rights).

Application Link:

The applications should be made online from the following link:

https://youtu.be/e32iN2rmUXs?t=6m14s

Link of the Program:

The program of the workshop can be seen here:


For Contact:

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Web Site of IHRAA:

www.egeinsanhaklariokulu.org

Related Web Page of Nesin Village:

https://www.nesinkoyleri.org/etkinlik-detay.php?egitimkod=204#hakkinda

Facebook Page of IHRAA:

https://www.facebook.com/groups/egeinsanhaklariokulu/
IADL STATEMENT ON THE HUMANITARIAN CATASTROPHE SUFFERED BY MYANMAR ROHINGYA

The International Association of Democratic Lawyers (IADL) expresses its shock and alarm at the reported massacres of the Rohingya Community of Rakhine province carried out by the Army of Myanmar. IADL calls upon the government of Myanmar to bring an immediate halt to all such military and paramilitary actions that have all the characteristics of ethnic cleansing and could therefore constitute the crime of genocide.

The world is witnessing a humanitarian catastrophe affecting the whole of the Rohingya population resulting in hundreds of thousands of women, children and men, fleeing to neighboring countries especially Bangladesh, for safety and refuge.

The IADL notes the existence of longstanding disputes in the Rakhine province which need to be resolved urgently. However, there can be no justification for the reported actions of the Myanmar military in attacking whole villages and slaughtering at random of thousands of innocent civilians including children. This is the worst form of collective punishment which is specifically outlawed under international law.

IADL believes that a permanent solution to the stateless condition of the Rohingya must be addressed by the Myanmar government by following just and peaceful processes. In this regard the fact that Rohingyas are citizens of Myanmar, must be protected under law by the Myanmar Government, as a first step. This is supported by the recommendations of the Committee led by the former UN Secretary General, Dr Kofi Annan. Moreover, the Rakhine Advisory Commission released a 63-page report stating that the Rakhine Muslim community, the Rohingya, has been exposed to serious human rights abuses, statelessness and discrimination, resulting from the protracted conflict. The report also reminds us that about 10 percent of the world’s stateless people live in Myanmar and the Rohingya population make up the single largest stateless community in the world.

The failure of the Myanmar Government to consider the recommendations of the Annan Commission Steps to resolve the crisis, strengthens the Commission’s recommendation that it is necessary to invoke a strong UN response and to mobilize global public opinion in this regard.

Accordingly, the IADL calls upon UN bodies to take immediate diplomatic and all other necessary steps to resolve this crisis and for the protection of the lives and human rights of the Rohingya people. In addition, the IADL calls upon the UN to take all steps necessary to commence immediate investigations into the continuing gross human rights violations and acts of genocide perpetrated by violent mobs, under the watch of those in both military and political authority, with a view to referring the matter to the International Criminal Court.
SEPTEMBER REPORT ON RIGHTS VIOLATIONS AND RESISTANCE IN LESVOS

30th September 2017  By Maya Thomas-Davis

1. Inhumane and dangerous conditions in Moria camp
2. Afghan community protest
3. Anti-fascist demonstration in Mytilene
4. EU Co-ordinator of the EU-Turkey Statement meets with resistance on his visit to Lesvos
5. Legal Centre Lesbos Legal Updates

- Family Reunification
- Moria 35

6. General Legal Updates
- Decision of Greek Council of State sets dangerous precedent for forcible returns to Turkey under EU-Turkey Deal
- Returns to Greece begin from Germany and other European States
- Detention of 28 nationalities in accelerated procedure

1. INHUMAN AND DANGEROUS CONDITIONS IN MORIA CAMP
Living conditions in Moria camp have become unbearable over the past month as a dramatic increase in arrivals coincides with a deterioration in the weather and inadequate provision of food, shelter, healthcare and hygiene. Between the 1st and 26th of September 2017, 2,238 people risked their lives crossing the Mytilene Strait from Turkey to Lesvos, while during September 2016, 1068 people made this journey. Authorities have given estimates that the number of new registrations is over 200 people per day, which is the highest since March 2016. Moria camp is now at over double its capacity: at least 4,831 people are living in a camp equipped to accommodate no more than 1,800. In recent days, tents – which are fundamentally unfit for winter weather or long term accommodation – have been flooded from the rain.

Clients visiting the Legal Centre report that summer camping tents are crammed into every available space in Moria to accommodate new arrivals, that there are up to 20 people housed in containers meant for 5, that access to water gets cut off for days at a time, that there is no access to healthcare, that there are particularly vulnerable individuals – heavily pregnant women, people in wheelchairs, survivors of sexual, psychological, physical violence and torture, unaccompanied minors and pregnant minors – among those living in conditions unfit for human habitation; that there is widespread despair and mounting unrest.

In the winter of 2016-2017, in similarly crowded and inhumane conditions at least five people died in the cold in Moria Camp. When questioned about plans for ‘winterization’ of the camp for the approaching winter, a UNHCR representative responded that one solution would be increased returns to Turkey. Return to Turkey of asylum seekers violates the basic tenets of rights guaranteed to refugees and is clearly not a solution to the inhumane treatment that asylum seekers currently face in Lesvos.

The current reception conditions in Lesvos are in abject violation of the provisions of the Recast Reception Conditions Directive 2013/33/EU, Recital 11 of which demands “Standards for the reception of applicants that will suffice to ensure them a dignified standard of living”, and Article 17(2) of which mandates: “Member States shall ensure that material reception conditions provide an adequate standard of living for applicants, which guarantees their subsistence and protects their physical and mental health. Member States shall ensure that that standard of living is met in the specific situation of vulnerable persons, in accordance with Article 21, as well as in relation to the situation of persons who are in detention.”

In the face of the deplorable violation of these requirements that current conditions constitute, removing geographical restrictions amounts to a binding legal obligation under Article 7(1) of the Reception Conditions Directive since the assigned area of Lesvos does not allow sufficient scope for guaranteeing access to all benefits under the Directive: “Applicants may move freely within the territory of the host Member State or within an area assigned to them by that Member State. The assigned area shall not affect the unalienable sphere of private life and shall allow sufficient scope for guaranteeing access to all benefits under this Directive.”

Legal Centre Lesvos therefore calls on Greek and EU authorities to immediately remove geographical restrictions placed on applicants for international protection and permit free movement to mainland Greece, where other European states must respect relocation programs so that the minimum reception conditions required to safeguard human dignity can be met. The current situation in Moria only compounds the already well-
documented fact that reception conditions under the Common European Asylum Procedure are being systematically violated in Lesvos.

Photo credit: Lesvos Solidarity – Pikpa Facebook

2. AFGHAN COMMUNITY PROTEST
On Monday 28th August, the Afghan refugee community in Lesvos marched from Moria to Sappho’s Square Mytilene, protesting their confinement to the island for what in many cases has been over a year. Protesters wore T-shirts with their asylum status – “no decision” – and their dates of arrival in Greece marked in red pen – like the red stamp on International Protection
Applicant documents that signifies geographical restriction to Lesvos. The protest echoed the demands of both the Afghan community protests in Athens the prior week, and the collective protests in Moria held on 17th and 18th of July. The Afghans participating in the protest issued the following statement:

“Today Afghan refugees are protesting our imprisonment on Lesvos. Many of us have been here for over a year trapped on this island, and we are still waiting for decisions. We join the struggle of protests held on 17 and 18 of July, and demand that the right to freedom of movement be granted for asylum seekers who have been here since 2016. We also join the call of Afghan refugees who protested last week in Athens, and call on Greece to halt all deportations of Afghans. From the recent massacres of unarmed civilians in Mirzaolang in northern Afghanistan, in which children, women, and elderly were ruthlessly killed, to the daily suicide bombings across the country, to the reckless US drone strikes in Nangarhar, Afghan Asylum Seekers in Greece say — Afghanistan is not a safe country, and all deportation should stop.”

The protesters camped in Sappho Square, waiting for the Greek Authorities respond to their demands. After police threats, harassment and detention of community leaders, two days after their protest began a representative of the European Asylum Support Office in Lesvos and the Commander of Lesvos Police met with the protesters. The representative of EASO reportedly promised them that the following Tuesday decisions would be issued for Afghans who had been waiting in Lesvos since 2016, so they decided to end their sit-in. The following Tuesday 5th September, representatives of the Afghan community were again told by EASO officials that they must wait for decisions. The community attempted to meet with the Greek Minister of Immigration Policy – Ioannis Mouzalas – when he visited Moria Camp on 6 September, but he refused to meet with any refugees. They also submitted a letter to the Regional Greek Asylum Office, EASO, and the Greek Ministry of Migration on 7 September 2017, with two simple demands – first, the issuance of decisions and granting freedom of movement throughout Greece for all asylum seekers who arrived in Lesvos in 2016; and second, an end to all deportations to Afghanistan and Turkey. To date this letter remains unanswered and Afghan asylum seekers remain in limbo on Lesvos.
3. ANTI-FASCIST DEMONSTRATION IN MYTILENE

On Monday 18th September, Αντιφασιστικός Συντονισμός Λέσβου (Lesvos Antifa) organised a march through Mytilene to: “make it clear once again that any right-wing fascist logic has no place on the island of Lesvos”. The demonstration formed part of co-ordinated anti-fascist actions across Greece, commemorating four years since the anti-fascist rapper Pavlos Fyssas (Killah P) was murdered on 18 September 2013 by fascist George Roupakia, who worked for and publically supported Golden Dawn – the fascist party that currently holds 17 seats in Greek parliament. At the time, Fyssas’ murder sparked a wave of anti-fascist resistance across Greece and Europe. It is now central to ‘the biggest trial of fascist criminality since Nuremberg’, in which members of the Golden Dawn party leadership stand accused of directing criminal violence including Fyssas’ murder and other violent street attacks perpetrated by fascists against migrants and leftists, including against a group of Egyptian migrants and members of a communist-affiliated trade union. Proceedings in this politically charged trial began again at the beginning of September. While a ruling on the Golden Dawn party that casts it as institutionally criminal would be significant, in a post about resistance on September 18th, Αντιφασιστικός Συντονισμός Λέσβου (Lesvos Antifa) was careful to highlight the limitations of this form of justice in the struggle against fascism; by tracing the connections between fascist ideology, the state and the violent logic of borders:
“Fascism has historically never been institutionally fought by state mechanisms, as it is the most violent and oppressive form of capitalism. And that is because it is the state that builds fences and minefields at the border, evacuates the occupations of migrants, creates concentration camps, attacks those who organise resistance “from the bottom”, i.e. the same subjects that are the target of the fascists.”
“In contrast to this, our world is that of equality and solidarity, and we are willing and prepared to do everything we can to defend it.”

Photo credit: Αντιφασιστικός Συντονισμός Λέσβου Facebook

4. EU CO-ORDINATOR OF THE EU-TURKEY STATEMENT MEETS WITH RESISTANCE ON HIS VISIT TO LESVOS

On Thursday 21st September, Mr. Maarten Verwey, EU coordinator for implementation of the EU-Turkey Statement, traveled to Lesvos and met with authorities in Moria Camp, Karatepe Camp, and the Mytilene mayor’s office. He did not, however, meet with any of the individuals best placed to brief him on the impact of the EU-Turkey Statement: the refugees and asylum seekers who know all too well how refugees are treated in Turkey, and as a consequence of the ‘deal’, have been trapped on Lesvos for months and years living in inhumane and degrading conditions in perpetual fear of deportation.

Mr. Verwey visited Lesvos just a few weeks after the European Commission issued its Seventh Report on the Progress made in the implementation of the EU-Turkey Statement. As in previous reports, the European Commission recommends increased returns to Turkey, and notably omits information on conditions for non-Syrian refugees who are deported to Turkey under the “readmission” scheme despite clear evidence that Turkey systematically violates the rights of refugees returned from Greece.

The report also echoes previous recommendations by the European Commission to increase security, decrease risk of absconding, and recommends that Greece consider returning to Turkey vulnerable individuals and individuals applying for family reunification within European States under the Dublin III Regulation. It also recommends keeping vulnerable individuals restricted to the Greek islands throughout the asylum process. Until now, the Greek State has not returned to Turkey any individuals whose Dublin applications for transfer to a second European State have
been accepted, and the Greek Asylum Service has granted freedom of movement throughout Greece to individuals who they find to be vulnerable. The European Commission putting continued pressure on Greece to refuse entry to even the most vulnerable refugees exposes their intention to prioritise maintaining Fortress Europe above respect for international human rights protections and basic humanity.

Local actors and refugees will continue to denounce, organize and protest against the EU-Turkey Statement and its devastating impact on the lives of individuals and families seeking protection in Europe.

5. LEGAL CENTRE LESBOS LEGAL UPDATES
   - FAMILY REUNIFICATION
   The Legal Centre has had good news in the case of a client we have been representing for nearly a year. After rejecting the application twice, Germany has finally accepted an application for family reunification under the discretionary and dependency provisions of Articles 16 and 17 of the Dublin III Regulation 604/2013 thanks to the coordinated efforts of the Legal Centre team. The chances of success in such cases are vanishingly slim, particularly in light of Germany’s recent suspension of family reunification procedures. As such, we are very happy to announce that the client will soon travel to be reunited with her daughter and grandchildren in Germany. The case serves as an example of why it is always worth fighting to do everything possible de jure, irrespective of the de facto collapse of some parts of the applicable European legal framework.

   - MORIA 35
   The preliminary hearing procedure in the case of the Moria 35 has been ongoing for two months due to the Greek state’s failure to provide Bambara and Wolof language translators for four defendants. While this preliminary procedure is unconcluded, the 30 defendants interrogated by the judge in July and ordered detained awaiting trial, remain incarcerated in prisons in Chios and Athens despite a lack of credible evidence against them. However, the delay has contributed to a victory in the case of one of the four defendants. While it is the obligation of the State to provide
interpreters, on 29th September 2017 the Wolof speaking defendant himself provided an interpreter and agreed to be interrogated. At conclusion of his interrogation and on application by the criminal defence team co-ordinated by the Legal Centre, the court ordered that he be released with restrictive measures awaiting trial. The defense team argued that because of his health conditions, his residence in Moria Camp, lack of any criminal history, and the fact that he has been duly reporting to authorities and showing up to court each week for two months, he should not be detained awaiting trial. Both the public prosecutor and judge agreed. The court still has not provided a Bambara translator for the remaining three defendants, which means the preliminary procedure remains unconcluded, and all 35 continue to wait for a trial date to be set.

6. GENERAL LEGAL UPDATES

- DECISION OF GREEK COUNCIL OF STATE SETS DANGEROUS PRECEDENT FOR FORCIBLE RETURNS TO TURKEY UNDER EU-TURKEY DEAL

On 22nd of September, the Greek Council of State Plenary – Greece’s highest administrative court – ruled that Turkey is a safe country. By a vote of 13 to 12, the court decided not to refer the question as to whether Turkey can be considered a “safe third country” for determination by the European Court of Justice. If the ruling is enforced, the applicants in this case will be the first to be officially forcibly returned to Turkey on the basis that it is a safe third country since the EU-Turkey Statement of March 2016: setting an extremely dangerous precedent. The concept of a ‘safe third country’ for the purposes of the Common European Asylum System is set out in Article 38 of the Recast Asylum Procedures Directive 2013/32/EU, which lists five principles that competent authorities must be satisfied that applicants for international protection will be treated in accordance with:

(a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;
(b) there is no risk of serious harm as defined in Directive 2011/95/EU
(c) the principle of non-refoulement in accordance with the Geneva Convention is respected;
(d) the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected; and
(e) the possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention

The Legal Centre has consistently denounced the EU-Turkey deal for its hypocritical, politically expedient reliance on the notion that Turkey – not even a signatory of the 1968 protocol to the Refugee Convention – can be considered a ‘safe third country’, given overwhelming evidence that each of five principles listed above are systematically violated by Erdogan’s repressive authoritarian regime. Indeed, the Greek Council of State’s decision came just as Amnesty International released a report documenting the heightened risk of violations of the principle of non-refoulement for refugees in Turkey since the state of emergency was put in place.

- RETURNS TO GREECE BEGIN FROM GERMANY AND OTHER EUROPEAN STATES

The Legal Centre is concerned at recent moves made by Germany, the UK, the Netherlands, and other European states to resume returning refugees to Greece under the Dublin Regulation, which provides that the first European member state an asylum seeker enters is responsible for the examination of her application for international protection. Transfers back to Greece have been suspended since 2011, when decisions of the European Court of Human Rights and the Court of Justice of the European Union found that returns to Greece would amount to
violations of the prohibition of inhuman or degrading treatment or punishment (Article 3 ECHR, Article 4 European Charter) in combination with the right to an effective remedy (Article 13 ECHR, Article 47 EC), due to systematic deficiencies in asylum procedures and reception conditions. As systematic violations of these standards continue and conditions deteriorate, any European country returning refugees to Greece will risk acting in violation of non-derogable human rights.

- **DETENTION OF 28 NATIONALITIES IN ACCELERATED PROCEDURE**

The Legal Centre condemns the policy being used by Greek authorities that keeps applicants for international protection from countries with “low rates of recognition” detained for the duration of their asylum procedure, which is also accelerated. This policy is in violation of international human rights law: amounting to discrimination on the basis of nationality, arbitrary deprivation of liberty, and precluding the right to effective access to procedures and effective remedy. The policy also violates procedural requirements of EU and Greek law, which explicitly prohibit holding people in detention for the sole reason that they have applied for international protection. Detention is only exceptionally permitted for limited time periods as a measure of last resort, under the specific circumstances set out in Article 46 of Greek Law 4375, which **must be individually assessed in every case.** The disturbing assumptions underlying this manifestly unlawful policy should be evident from the fact that a police circular describing the policy on 18th June 2016 termed people from “low rate of recognition” nationalities as “economic profile”, as opposed to “refugee profile” applicants.
LAWYERS’ LETTER RELEASED AT UNITED NATIONS NUCLEAR BAN NEGOTIATIONS

Yesterday at the United Nations, the International Association of Lawyers Against Nuclear Arms (IALANA) released a Lawyers’ letter on the abolition of nuclear weapons in conjunction with UN negotiations on a treaty to prohibit nuclear weapons.

The letter has been endorsed by over 400 lawyers, law professors, attorneys, judges, law students and other legal professionals, including the Rt Hon Geoffrey Palmer (former Prime Minister of New Zealand and Ad Hoc Judge of the International Court of Justice), Prof Herta Däubler-Gmelin (Former Minister of Justice of Germany), Richard Falk (Professor emeritus of international law at Princeton University and Senior Vice President, Nuclear Age Peace Foundation), Phon van den Biesen (Counsel before the International Court of Justice in Bosnia’s Genocide case and The Marshall Islands’ Nuclear Disarmament Cases), Peter Weiss (Constitutional law expert and pioneer of the universal jurisdiction principle for international crimes), Prof Emilie Gaillard (French legal expert in rights of future generations) and the Hon Matt Robson (former New Zealand Minister of Courts and Minister of Disarmament and Arms Control).

The letter welcomes the UN negotiations, highlights the current illegality of the threat and use of nuclear weapons under general international law, laments the fact that nuclear-armed States are failing to recognise that illegality, and supports its codification in a multilateral prohibition agreement.

The nuclear-armed states and their closest allies have refused to participate in the negotiations and will almost certainly not sign the treaty. However, the letter notes that despite this, ‘the nuclear ban treaty effort constitutes an important affirmation of the norms against nuclear weapons’. Further, adoption and implementation of the treaty “will be a major step towards negotiation of a comprehensive agreement on the achievement and permanent maintenance of a world free of nuclear arms.”

The lawyers’ letter reinforces key points being made by IALANA to the UN negotiations, including through interventions and working papers (See
A/CONF.229/2017/NGO/WP.12 Selected Elements of a Treaty Prohibiting Nuclear Weapons, Submitted by International Association of Lawyers Against Nuclear Arms;
A/CONF.229/2017/NGO/WP.13 Withdrawal Clauses in Arms Control Treaties: Some Reflections about a Future Treaty Prohibiting Nuclear Weapons, Submitted by International Association of Lawyers Against Nuclear Arms (IALANA);
A/CONF.229/2017/NGO/WP.37 Prohibitions and the Preamble: Further Comments. Submitted by International Association of Lawyers Against Nuclear Arms and

John Burroughs, Executive Director of the Lawyers’ Committee on Nuclear Policy (UN office of IALANA), noted at the launch of the letter that whether to include a prohibition of the threat of
use of nuclear weapons is a contested issue in the negotiations on a nuclear ban treaty. He stated that:

‘…while existing law does apply to threats in all circumstances – aggression, self-defense, particular operations and situations during an armed conflict – its application is complicated and not spelled out comprehensively in the UN Charter and in IHL treaties. Inclusion of a prohibition of threat of nuclear weapons in the convention would therefore provide desirable clarity, confirming the illegality of threat under existing law, which should also be declared in the preamble.’

Mr Burroughs also noted that it is the threat of use of nuclear weapons that is central to their possession, not the use of nuclear weapons which has not happened in wartime since 1945. As such ‘The inclusion of an explicit prohibition of threat of use of nuclear weapons, and, if deemed appropriate, of security doctrines providing for use of nuclear weapons, accordingly would advance the achievement of complete nuclear disarmament.’

Commander Robert Green (Royal Navy, ret.) supported Mr Burroughs on the need to include a prohibition on threat of use of nuclear weapons in the treaty.

“Nuclear deterrence, far from providing security, promotes insecurity through stimulating hostility, mistrust, nuclear arms racing and proliferation. What is more, because of these realities and its insoluble credibility problem, it is highly vulnerable to failure. As for extended nuclear deterrence, far from providing a so-called ‘nuclear umbrella’ to non-nuclear US allied states, it acts as a ‘lightning rod’ attracting insecurity to them, because any use of nuclear weapons by the US on their behalf would inevitably escalate to all-out nuclear war… nuclear deterrence is a vast protection racket by a US-led organised crime syndicate, who use it as a counterfeit currency of power, and whose principal beneficiary is the military-industrial complex.”

“This is why the ban treaty must prohibit threat of use, and include language explaining what that means…. The fact that the currently deployed UK Trident submarine is described as on ‘deterrent patrol’, despite being at days’ notice to fire with no assigned target, confirms this need.”

The lawyers’ letter also calls for implementation of well-known measures to reduce nuclear dangers and facilitate nuclear disarmament, including ending nuclear sharing, in which Belgium, Germany, Italy, Netherlands, and Turkey host US nuclear bombs, and ratification of the Comprehensive Nuclear Test Ban Treaty by hold-out states, including China, India, Pakistan, and the United States, to bring it into legal force.

The letter’s relevance goes beyond the current negotiations, and IALANA will keep the letter open for additional endorsers from members of the legal community. Sign on at https://www.ialana.info/lawyers-letter/
RESOLUTION OF THE CONFEDERATION OF LAWYERS OF ASIA AND PACIFIC ON MILITARY THREATS TO THE KOREAN PENINSULA AND NORTHEAST ASIA

The Confederation of Lawyers of the Asia and Pacific (COLAP) express grave concern on pronouncements of the President of the United States that the military option will be used against nuclear weapons and missile testing by the Democratic Peoples Republic of Korea. The threat of a possible nuclear attack or conventional bombing of nuclear facilities, will impact the Korean Peninsula, the whole of North East Asia, affecting China, Russia, Japan, US troops and the US Pacific coastline, with serious effects to the global economy.

Recalling that in 2001 the President of the United States before attacking Afghanistan, in words alien to civilized diplomatic discourse declared that North Korea, Iran and Iraq were an ‘Axis of Evil’, and seven small countries including Iraq, Libya, Syria, Somalia and Lebanon were militarily targeted, though they did not possess nuclear weapons, with millions killed and the infrastructure of some these countries for life and livelihood destroyed in serial wars; the Right to Peace pronounced by the United Nations having been violated by successive Imperialist wars, the Confederation of Lawyers for the Asia and Pacific condemns the military threats of the government of the United States to one more country.

The United States government, a leading NATO power itself is in violation of the Nuclear Non-Proliferation Treaty 1970, having the largest nuclear weapons arsenal; US military doctrine supports nuclear pre-emptive and first strike and use of nuclear weapons “on targets that can withstand non-nuclear attack”. Micro- Nukes three times more lethal than the bombs dropped on Hiroshima and Nagasaki are categorized as Conventional Ordnance with decisions for use delegated to US field Commanders and the United States has been waging low intensity nuclear war using Depleted Uranium munitions on countries attacked.

Whereas we call upon all concerned governments to immediately resume negotiations, the recent unprovoked attack on Syria by the United States using Tomahawk Cruise Missiles; the announcement that the US government is not bound by a multilateral agreement entered into with Iran on a similar issue, does not inspire confidence in the Democratic Peoples Republic of Korea facing discriminatory sanctions, threatened by US troops stationed in South Korea in the Republic of Korea, from military exercises including the recent military exercise named “Decapitation”; from US nuclear submarines in the sea around the Korean Peninsula and based for decades in Japan, opposed by the Japanese people as a violation of Article 9 of the Constitution of Japan. Of immediate concern is the potentially Expeditionary force led by the Aircraft Carrier USS Carl Vinson armed with missiles and nuclear weapons armed submarines positioned in the region. A French aircraft carrier has arrived in the sea off the Korean Peninsula and Japanese Navy destroyers have also participated in the military exercises.
As a confidence building measure necessary for resumption of dialogue the Confederation of Lawyers for Asia and the Pacific urge that the discriminatory sanctions imposed by the Security Council and by other governments on the Democratic Peoples Republic of Korea be immediately lifted. Sanctions have adversely impacted the weakest sections of society in North Korea, namely children, women and the aged in violation of International Humanitarian Law.

We urge that the Expeditionary force must be immediately withdrawn as its deployment is in violation of International Law. The dismantling of THAAD anti-ballistic missile system being presently installed by the United States in the Republic of Korea in violation of public opinion in South Korea, is vital to restore peace and normalcy on the Korean Peninsula and in North East Asia.

North and South Korea were one country divided by US invasion and occupation, leaving bitter historical memories including of earlier colonial rule in both Koreas. The United States after decades is still at war with the Democratic Peoples Republic of Korea having never signed a Peace Treaty nor paid reparations. We urge the governments and peoples of both the Democratic Peoples Republic of Korea and the Republic of Korea to fraternize and commence bilateral negotiations to resolve their fratricidal differences in a spirit of brotherhood and friendship, which trade and sharing of resources will assist, despite the two differing political systems. Belligerent rhetoric for war on all sides must cease.

Reference:

Jun Sasamoto, Secretary General
UPCOMING UNITED NATIONS EVENTS AND CONFERENCES

If you are interested in a particular United Nations event, but cannot personally attend, you can watch it on WEBTV from the United Nations. You can sign up at webtv.un.org/subscribe to receive daily/nightly schedules of events to be webcasted.

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<td>Preparatory meeting for the intergovernmental conference to adopt a global compact for safe, orderly and regular migration</td>
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The IADL United Nations Activities Bulletin is prepared under the direction of the Permanent Representative to the United Nations in New York, Professor Lennox S. Hinds. This issue was edited by Aaron Ogletree