



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
UNICEF

www.iadllaw.org

September 2012

Office of IADL President

Jeanne Mirer
113 University Place, 8th Floor
New York, New York 10003
United States

IADL Permanent Representatives to the United Nations

Prof. Lennox Hinds, Permanent Representative New York
Evelyn Dürmayer, Permanent Representative Vienna
Micòl Savia, Permanent Representative Geneva

TABLE OF CONTENTS

REPORT ON U.N. ACTIVITIES IN NEW YORK.....	2
REPORT ON U.N. ACTIVITIES IN VIENNA	9
REPORT ON U.N. ACTIVITIES IN GENEVA	10
UPCOMING U.N. EVENTS AND CONFERENCES	14
ANNEXES.....	18

REPORT ON U.N. ACTIVITIES IN NEW YORK

CONGRATULATIONS TO HUMAN RIGHTS NOW (HRN)

ECOSOC granted consultative status to HRN in July 2012. HRN, an international organization based in Japan, was founded by former IADL Representative Kazuko Ito and Mari Inoue in 2010. It is committed to achieving, protecting and promoting the human rights of people worldwide, with a special focus on the Asian countries. HRN has lobbied with various countries since early 2011 to attain its status.

IADL's President, and Permanent and Alternate Representatives in New York have offered guidance in this process. HRN's website is <http://hrn.or.jp/eng/activity/area/japan/>.

PRESENTATION BY PRESIDENT JOENSEN OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (ICTR) ON 4 JUNE 2012 AT THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK

President Joensen discussed some of the recent legal developments at the ICTR, including the controversial Rule 71bis. This rule permits a Trial Chamber, upon the Prosecution's request, to preserve evidence relating to an indictment for future trials in special, closed depositions. This applies whether or not the arrest warrant has been executed. The Accused, who is a fugitive, is not present, cannot instruct the defence attorney. Acknowledging that the ICTR is mandated to prosecute both sides of the conflict, Joensen explained that the RPF has not been prosecuted because the Trial Chamber has not received indictments from the Prosecution; this one-sidedness presents difficulties for reconciliation.

The event was sponsored by the African Affairs Committee and other international committees. Alternate Representative Beth Lyons attended.

SECURITY COUNCIL IMPLEMENTES RESIDUAL MECHANISM

At its June meeting, the SC implemented its previous decision on 22 December 2010, to establish the Residual Mechanism for the Criminal Tribunals. This mechanism, which went into effect on 1 July 2012, is governed by Statute (available in Press Release SC/10141, 22 December 2010). Its President is Judge Theodor Meron, who is also the ICTY President. The remaining tasks of the Tribunals will be transferred to the Residual Mechanism. The ICTR is scheduled to complete all judicial work by the end of 2014. At least five cases had been transferred under Rule 11bis to Rwanda, as well as cases of suspects. Three cases of fugitives (Kabuga, Mpiranya and Bizimana) for whom evidence was preserved under Rule 71bis, are slated for trial by the Residual Mechanism upon their arrest. The ICTY may continue its trials beyond the completion date of December 2014. The Arusha branch of the RM opened on 1 July 2012 and also houses the Archives.

President Joenson emphasized the importance of finding countries to accept those persons who have been acquitted, or have completed their sentences. These individuals are now living in “safe-houses” in Arusha. A number of SC members supported the urgency of the request to re-locate acquitted persons.

In contrast to prior meetings, the remarks of the Rwandan representative, Mr. Gasana, were measured and did not include attacks on defence counsel. No doubt the reason is the recent legal

victories transferring cases to Rwanda. By the end of June, eight cases of apprehended Accused and fugitives were transferred to Rwanda for trial. In addition, the representative re-iterated Rwanda’s request to relocate the Archives to Kigali. The provisional minutes of the meeting are available at www.un.org under Security Council (Meetings); document S/PV.6782. Alternate Representative Beth Lyons attended the meeting.

IADL PRESIDENT CALLS FOR THE IMMEDIATE RELEASE OF THE FOUR ICC STAFF MEMBERS HELD IN LIBYA

IADL President Jeanne Mirer, in a letter dated 11 June 2012, called on the Libyan government to ensure that the privileges and immunities of the ICC staff members, including one Defence attorney, who were on a visit, ordered by the ICC and arranged with the Public Prosecutor, to Saif Al-Islam Gaddafi, to be respected.

The delegation of four was detained on 9 June, and subsequently released on 2 July 2012, after pressure from the U.N. as well as bar associations, diplomatic efforts involving Ambassadors from the countries of the detained persons – Australia, Spain, Russia and Lebanon and at the end, an apology in Libya from the ICC President and a promise from the ICC to investigate the incident.

According to the press, Melinda Taylor, the defence attorney, is accused of spying and breaching state security. It was unclear, at the time of the release, whether she would have to return to Libya to face charges.

This incident calls to mind the Peter Erlinder case in Rwanda and the need to ensure the internationally guaranteed rights of attorneys, especially Defence counsel. In the Libya case, however, the governments of the detainees and the UN Security Council aggressively lobbied for their release.

IADL BUREAU MEMBER MARIO JOSEPH ADDRESSES MEETING ON HAITI AT THE U.N. CHURCH CENTRE ON 9 APRIL 2012

Haiti: Law in the Time of Cholera: UN Peacekeeping, Cholera and Human Rights focused on the criminal negligence and responsibility of the U.N. in triggering the cholera epidemic which has infected at least half a million Haitians and killed more than 7,000 since October 2010.

The event was organized by Global Policy Forum and Institute for Justice and Democracy in Haiti (IJDH). It was co-sponsored by Center for Constitutional Rights, IADL, Mennonite Central Committee, Presbyterian Ministry at the U.N. and United Methodist Women. Other speakers included Brian Concannon, Jr., Director of IJDH and an NLG member; Mario Joseph, Bureau des Avocats Internationaux and IADL Bureau Member, Dr. Evan Lyon, M.D., expert on cholera in Haiti and Abby Goldberg, New Media Advocacy Project.

Joseph represents some 5000 cholera victims and families who have petitioned the U.N. for accountability and compensation for the cholera

introduced by U.N. peacekeepers (see Annex). He explained the U.N.'s failure to set up a claims commission, as required by the SOFA between the U.N. and Haiti, and the future plans to file suit in either Haiti, the U.S. or Europe, if the U.N. continued not to respond.

Dr. Lyon traced the cholera outbreak in Haiti to Nepali peacekeeping troops stationed there, and emphasized the need for clean water infrastructure to be installed in the country. Goldberg presented a brief media spot detailing the outbreak of cholera in Haiti and the legal case against the UN, and urged those present to disseminate it as widely as possible.

IADL Alternate Representative Beth Lyons and IADL intern Christopher Roberts attended

CIVIL SOCIETY DISCUSSES HUMAN RIGHT TO PEACE, 22 MARCH 2012

The Civil Society Consultation on the Human Right to Peace, co-organized by the Spanish Association on International Human Rights Law, the International Observatory of the Human Right to Peace, the World Council of Churches, and the Institute for Global Leadership, provided a forum for discussion and recommendations on the Human Rights Council Advisory Committee draft declaration on the right to peace. Constituents debated whether to encourage the Advisory Committee to adopt a stronger declaration or to allow some dilution to increase the chances that the declaration would be adopted, with the majority of speakers pushing for a stronger declaration. Alternate

Representative Claire Gilchrist attended the meeting.

55TH SESSION OF THE COMMISSION ON THE STATUS OF WOMEN, 22 FEBRUARY – 4 MARCH 2012 AT U.N. HEADQUARTERS

This year the CSW focused on the empowerment of rural women and their role in poverty and hunger eradication and developmental challenges. The main themes expressed in the discussion involved access to water, education, healthcare, and banking, availability of micro-loans, reduction in violence against women, and improving land rights.

Delegations described different ways in which their countries have made strides to improve the status of women, specific methods of implementation of these policies, and areas that still require attention. The delegation of Burundi announced that since 2005 the country offers free education to women, is currently establishing a free healthcare system, provides microloans for rural women, and has increased the presence of women in government to the present rate of 30%. However, the delegation expressed that women still have problems accessing banking and other institutions. The delegation of Rwanda explained that land titles are now registered to husband and wife and the names of children are also included in the legal registry to ensure inheritance. In Rwanda land titles may also be used as collateral for loans. Bolivia also described how married women are included on land titles to guarantee inheritance. Additionally, Bolivia described programs to assist agricultural

production such as loans for quinoa growers (a grain like seed that is a pillar of the Bolivian diet).

Many delegations expressed the need for more research on differentials of land ownership, access to banking, markets and government positions in order to better address the issues that rural women encounter. The discussion on the role of rural women will also be an important topic at the upcoming Conference on Sustainable Development in Rio de Janeiro.

CSW 55: Panel Discussion on “Rural Empowerment through Modern Consensus Building Strategies”

This discussion was hosted by Lawyers Without Borders in conjunction with a team of lawyers from Shearman and Sterling, LLP. Using an allegory from the children’s book *Click, Clack, Moo*, the panel discussed four critical mediation skills, including (1) interests and position; (2) active listening; (3) leveraging and coalition building; and (4) neutrality in mediation. The story of farm animals building a coalition to leverage for improved working conditions proved a perfect segue into real word examples of successful mediations.

The panelists spoke about coalition building during the August Meeting in eastern Nigeria, an annual event among women that often addresses and seeks resolution of issues of importance to women in local communities. At one meeting, attendees sought to address widowhood practices that led to gender-based violence against widows. Attendees understood that women were pivotal in maintaining widowhood practices and wanted to end

violence against women by women. They sought outspoken male leaders to join their coalition as champions of widowhood practice reform. By conferring titles to these men within their organization, they won them to their cause and together were able to work toward meaningful reform. The compromises made during this period were enshrined into law and significantly improved the status of widows in the region. The story of successes during the August Meeting demonstrates how seeking alliances with key constituencies can create powerful coalitions that catalyze meaningful reform in rural communities.

However, not all of the panel's real world examples ended happily. In discussing the importance of an impartial mediator, the panel described instances in Kisii, Kenya in which the traditional method of seeking elders as mediators led to bias and corruption. Because those seeking mediation paid what they could to elders in exchange for their services, solicitors with more money secured results in their favor, thus undermining any system of fairness and justice.

Responses to the workshop were positive. Those present appreciated the use of allegory and interactive presentation to convey the importance of mediation skills in overcoming issues that plague communities.

IADL interns Emily Freeborn and Jessica Rofé attended these events.

REPORTS ON RIO+20 ACTIVITIES

Preparatory Meeting for the United Nations Conference on Sustainable Development, 21 March 2012

This meeting presented an opportunity for states to negotiate the text of the Zero Draft Outcome Document concerning sustainable development before the Rio +20 Conference on 20-22 June 2012 in Brazil.

The themes of the document include poverty eradication, rural development, gender equality, education, food security, and social inclusion. The general consensus was that the language used should focus on action and implementation instead of overall general principles.

Much of the discussion involved clarifying key terms like "sustainable" and "green economy," as well as ensuring that the document addressed methods for creating sustainable economies. Representatives also discussed the economic implications of adopting sustainable measures and the infrastructural frameworks necessary to make this kind of development possible.

Repetitiveness was a main concern of many delegations, which resulted in consolidation of numerous sections. The nuances of language, for example, "we commit to the following" versus "we support the following" were also debated. Lastly, deciding whether or not to include language focusing on specific groups of people was a point of contention; such as whether to point out the needs of Sub-Saharan Africa in the section on poverty eradication.

IADL interns Emily Freeborn and Jessica Rofé attended the Preparatory Meeting.

"RIO minus 20: A CALL FOR GLOBAL GRASSROOTS ACTION"

IADL was represented by Andrew Reid, Esq. who also represented the NLG at the Rio+20 and People's Summit.

The United Nations Conference on Sustainable Development, also known as Rio+20, was held in Rio de Janeiro, Brazil from June 13 to June 22. The Conference was a 20-year follow-up to the historic 1992 Earth Summit which resulted in landmark treaties on the environment including the Rio Declaration on Environment and Development, Agenda 21, and the Convention on Biological Diversity. However, rather than extending the gains made at the Earth Summit, Rio+20 has been widely condemned as an abject failure and a missed lifetime opportunity. Although attended by some 190 heads of state and dignitaries and more than 50,000 people from over 180 nations, the developed nations at the Conference abandoned their responsibilities and forced their regressive report, "The Future We Want," upon the body, ignoring the years of efforts by the 13,000 participating NGOs. . . Andrew's full report appears in the Annex.

11TH SESSION OF THE PERMANENT FORUM ON INDIGENOUS ISSUES, 7 - 18 MAY 2012, NEW YORK

The lively conference filled with the vibrant colors and textures of traditional indigenous attire focused on concerns unique to indigenous peoples throughout the world such as limited access to the political and economic process, vulnerability to poverty, land

displacement, and environmental disasters, etc. Delegations including Mexico and Guatemala expressed the need for indigenous peoples to have more rights with regard to land displacement advocating for rights to approve any land displacements and to allow for return to indigenous lands where appropriate. In addition to the focus on land rights other concerns expressed include rights to food and food sovereignty, education, and improving representation in government. Education was a large focus due to the higher illiteracy rates within many indigenous populations and education is viewed as an essential pipeline to increase involvement in the political process and to increase economic progress.

IADL intern Emily Freeborn attended the forum on 14 May.

ICC NEWS

PAN-AFRICAN DELEGATION TO THE ICC, 18 JUNE 2012

As a follow-up to the International People's Tribunal on War Crimes and Violations of International Law held in January 2012 at Columbia University School of Law, in New York, the delegation delivered a petition to the ICC Prosecutor, Ms. Bensouda, on 18 June 2012. The petition demanded that the ICC prosecute the U.S., Britain, France, Italy Canada and NATO for war crimes and crimes against humanity committed in Libya, Haiti, Ivory Coast, and the U.S.

The Pan-African delegation was led by the International Association Against Torture (IAAT) and the

December 12th Movement International Secretariat.

A conference, “**International Criminal Court: Ending NATO’s Immunity for War Crimes and Crimes Against Humanity in Africa and Its Diaspora,**” was held at Erasmus University in The Hague, following the petition’s presentation. Conference issues included: Is the ICC a weapon in a Western campaign to recolonize Africa and the African people? Do NATO’s “peacekeepers” have immunity for war crimes and other violations of international law? An African Perspective on the ICC, global justice and the media’s role.

Conference speakers included Roger Wareham, International Secretary-General for IAAT; Minister Akbar Muhammad, international affairs specialist, Nation of Islam; David Comissiong, President of the Clement Payne Movement; Mireille Fanon-Mendes, President of the Frantz Fanon Foundation and member of the U.N. Working Group of Experts on People of African Descent; and Richard Harvey, international legal specialist and IADL member. (conference flyer in Annex)

Permanent Representative to the U.N. Lennox Hinds, who served as the Presiding Judge of the International People’s Tribunal, facilitated the delegation’s activities in The Hague.

UPCOMING ACTIVITIES

The 11th Session of the Assembly of States Parties (ASP) will be held in The Hague, 14-22 November 2012. The deadline for registration is 24 October 2012.

If you are interested in attending the ASP on behalf of IADL, please contact the New York office no later than 13 October 2012.

LECTURE BY SOUTH AFRICAN MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT, 19 JULY 2012, AT THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK

His Excellency, Mr. Jeffrey Radebe outlined the main principles governing the evolution of the South African Constitution and the transformation of the judiciary since 1994. He emphasized judicial independence, access to legal services, gender equality. Approximately 600-650 petitions are submitted to the Constitutional Court each year. He emphasized that moves for African regional courts, such as ACPHR, to include criminal jurisdiction, should not diminish the role of the ICC.

Alternate Representative Beth Lyons attended the lecture.

OTHER ACTIVITIES

IADL Alternate Representative Claire Gilchrist assisted in training and logistics for interns during this period. IADL Alternate Representative Beth Lyons has started recruiting additional interns for the new school year starting September 2012.

REPORT ON U.N. ACTIVITIES IN VIENNA

CONGRATULATIONS ON THE RE-BIRTH OF THE IADL *REVIEW OF CONTEMPORARY LAW*

The first issue of the new series of the IADL *Review*, edited by Permanent Representative Evelyn Durmayer, has been produced and will soon be available on the IADL website. The *Review's* Cover and Table of Contents are in the Annex.

The *Review* focuses on the **IADL Conference on the 60th Anniversary of the Stockholm Appeal**, which was held in Paris in June 2010. The issue includes an historical recollection of the daughter of Frederic Joliot Curie, the French physicist who initiated the Appeal, calling for a ban on nuclear weapons, as well as articles on the World Peace Council, which released the Appeal and the struggle to prohibit nuclear weapons and promote general disarmament.

The second issue of the *Review*, **Lawyering for the People**, is being prepared. The third issue will concentrate on military bases.

Please send any questions and contributions to the Editor.

VIENNA ALLIANCE OF NGOS ON CRIME PREVENTION AND CRIMINAL JUSTICE, 23 AUGUST 2012

The meeting discussed preparations for the upcoming 6th Session of the Conference of the Parties to the U.N. Convention Against

Transnational Organized Crime (CTOC/COP), which will take place in Vienna, 15-19 October 2012.

Side events on small arms, victims of organized crime and NGO participation in U.N. treaty monitoring systems are currently planned. Other topics may include issues related to the implementation of the Trafficking Protocol.

IADL Permanent Representative Evelyn Durmayer participated in the meeting.

21ST COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

IADL Permanent Representative Evelyn Durmayer, and IADL colleagues from Belgium, Great Britain and Japan, participated in **Violence Against Migrant Woman and Children in Prison and Detention**, sponsored by the NGO Committee on the Status of Women, held on 27 April in Vienna (announcement in Annex). This was a side-event during the 21st Commission on Crime Prevention and Criminal Justice. IADL Alternate Representative Lilian Hofmeister arranged an evening discussion with experts on the topic of quotas for women.

Evelyn Durmayer and Lilian Hofmeister, representing the NGO Committee on the Status of Women and the IADL, also met with the South African Ambassador in Vienna, His Excellency Mr. X.M. Mabhongo, who agreed to assist in one of the NGO Committee meetings later this year.

REPORT ON U.N. ACTIVITIES IN GENEVA

IADL has increased its visibility at the Human Rights Council under the leadership of Permanent Representative Micol Savia, working with colleagues from JALISA, AAJ and other IADL associations and friends. Below are reports from the **20th Session of the Human Rights Council** in June 2012. Attachments listed are found in the Annex.

AGENT ORANGE

IADL's main activity during the 20th session of the HRC has been Agent Orange. IADL submitted a written statement on "the right to health for the Vietnamese victims of Agent Orange" (attachment n. 2), mainly based on the results of the International People's Tribunal of Conscience held in Paris in 2009.

IADL also delivered an oral statement during the General Debate under Item 4, calling the attention of the Council to this very important issue (attachment n. 3).

On June 26, IADL organized a side event at the Palais des Nations on the Vietnamese victims of Agent Orange. VAVA President, General Nguyen Van Rinh and External Affairs Director Mr. Nguyen Minh Y traveled to Geneva, and were introduced at the side event (attachment n. 4). IADL President Jeanne Mirer also spoke. IADL President Emeritus Jitendra Sharma was on the program but could not attend.

On June 26, at a community meeting co-sponsored by CETIM, both Vietnamese leaders gave presentations; the meeting was well-attended by representatives of the social movements in Geneva (attachment n. 5). IADL is grateful to CETIM for its support.

Permanent Representative Micol Savia met with the Special Rapporteur on the Human Right to Health, and discussed the Agent Orange work. The Rapporteur suggested that IADL also meet with the Special Rapporteurs on Transnational Corporations and Human Rights, and on Chemical Waste.

EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS

The Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, presented his annual report (A/HRC/20/22) to the HRC. This year, the thematic section of the report focused on the right to life of journalists "who play a crucial role in ensuring a society that takes informed decisions" and who are "killed at an alarming rate by State and non-State actors."

The Special Rapporteur highlighted "that two thirds of the deaths of journalists occur outside armed conflict" and that "the most common profile of a journalist killed is that of a local as opposed to foreign correspondent, covering political or corruption issues for a local newspaper or a radio station." Mr. Heyns called attention to the fact that "impunity is a major, if not the main, cause of the high number of journalists killed every year."

The Special Rapporteur also presented three follow-up reports on country visits, which have been in place since 2006, specifically in the Democratic Republic of the Congo, Colombia and the United States of America.

The follow-up report on the mission to the U.S. analyzed steps taken by the U. S. in implementing the recommendations made by the former Special Rapporteur following his visit to the country in 2008. Mr. Heyns underlined that no significant improvement has been made in three priority areas: due process in the imposition of the death penalty; transparency in law enforcement, military and intelligence operations; and accountability for potentially unlawful deaths in the Government's international operations.

In particular, he expressed serious concerns about the practice of targeted killings operations. Mr. Heyns "like his predecessor, is seriously concerned that the practice of targeted killing [as justified by the United States] could set a dangerous precedent, in that any Government could, under the cover of counter-terrorism imperatives, decide to target and kill an individual on the territory of any State if it considers that said individual constitutes a threat."

IADL, together with the American Association of Jurists (AAJ), submitted a written statement to support and elaborate on the findings of the Special Rapporteur regarding U.S. targeted killings policy. IADL, recalling that it has opposed target killing policy for many years and that in 2005 IADL

lawyers filed an *amicus* brief with the Israeli Supreme Court addressing Israel's policy of target killings, agreed that "this precedent is not only dangerous but also, the claimed right by any country, especially a country like the United States with its massive military might, to target a person for death based on a suspicion of terrorism undermines international law most particularly International Human Rights law." IADL and AAJ called on the international community to heed the Special Rapporteur's warning regarding the dangerous precedent and end targeted killing. (attachment n. 6).

On June 21, the American Civil Liberties Union (ACLU) organized a side event on "Human rights in the United States of America: Extra-judicial executions." The Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on human rights and counter-terrorism participated in the meeting. Both experts expressed their intention to work on this very important issue during the forthcoming years. IADL Permanent Representative Micol Savia attended the side event.

VIOLENCE AGAINST WOMEN

The Special Rapporteur on violence against women, Mrs. Rashida Manjoo, presented her report on the country visit she made to Italy. During her visit, our colleagues of the Italian Association of Democratic lawyers (Giuristi Democratici), and in particular Barbara Spinelli, actively participated in her work and provided lots of information.

Giuristi Democratici (GD) is an

active members of the CSO Italian platform “30 YEARS CEDAW: Work in Progress,” a network of organizations and experts engaged on women’s rights which has a formal dialogue with the Italian Institutions. GD coordinated the CSO Platform for the drafting and the presentation of the first Italian Shadow Report in the 49th CEDAW session in 2011 in N.Y. to the U.N. CEDAW Committee. GD, jointly with the CSO Platform, started a campaign to raise awareness among women of their rights and to train institutions and professionals for the application of CEDAW and to use national and international procedures to prevent femicide and to protect women’s rights.

IADL intervened in the Interactive Dialogue with the Special Rapporteur and delivered an oral statement on the grave question of femicide in Italy (attachment n. 7) urging the Italian government to fully implement the recommendations made by the Mandate holder. IADL also submitted a written statement on the same subject (attachment n. 8).

On June 25, IADL, together with other associations working in the field, co-sponsored a side event on **Violence Against Women**. Barbara Spinelli intervened in the panel, speaking about femicide in Italy and Europe (attachment n. 9).

IADL President, Jeanne Mirer, had a long talk with Barbara Spinelli and discussed the possibility of creating a Working Group on gender issues within IADL. Barbara Spinelli indicated her total availability to work on the subject.

CHOLERA EPIDEMIC IN HAITI

IADL submitted a written statement on the cholera epidemic in Haiti (attachment n. 10). In this statement, IADL “requested the Human Rights Council to consider recommending:

- expand the mandate of the Special Rapporteur on Human Rights in Haiti to be able to include the issue of the origin of the cholera epidemic;
- but nonetheless, the United Nations ensure that any victim of cholera in Haiti is provided an effective mechanism for enforcing his or her rights to compensation, including access to a Standing Claims Commission or national court system, and
- the United Nations respect the Haitian people’s recognized human right to water by providing the comprehensive clean water and sanitation infrastructure necessary to control the cholera epidemic.”

IADL supports the case filed by the Bureau des Avocats Internationaux and the Institute for Justice and Democracy in Haiti on behalf of 5000 victims of cholera in Haiti.

The Independent Expert on the situation of human rights in Haiti, in his report, underlined that “At the end of 2011, almost 514,000 cases of cholera had been registered and just over 6,900 persons had died since the beginning of the epidemic.”

On the origins of the epidemic, the Mandate holder affirmed that: “The public controversy over who was

responsible for introducing the strain of cholera to Haiti is growing. Complaints registered by the families of victims are increasing, and the number of persons who request certificates of cholera infection at health-care establishments is constantly rising. The Independent Expert has neither the authority nor the mandate to offer an opinion on the origin of the disease. However, he wishes to point out that silence or denial will do nothing to promote a good understanding of the activities of MINUSTAH in a context marked by several distressing episodes of sexual assault in which MINUSTAH military personnel have allegedly been implicated.”

MALVINAS ISLANDS

IADL co-sponsored an oral intervention with AAJ expressing serious concerns about the U.K.’s constant refusal to dialogue over the Malvinas Islands and the growing militarization of the area. In particular, the two associations called the attention of the Council to the continuous oil exploration activity in the Argentine continental shelf, authorized unilaterally by the U.K., in clear violation of Argentina’s territorial integrity and sovereignty and of several U.N. resolutions (attachment n. 11).

HUMAN RIGHT TO PEACE

During the 20th session of the HRC, IADL continued its work on the Human Right to Peace. IADL, together with the American Association of Jurists (AAJ), submitted a written statement welcoming the work of the Advisory Committee on the codification of the

human right to peace and recalling that peace is the primary goal of the United Nations. IADL and AAJ urged Members States to carefully consider the Advisory Committee Draft Declaration and to engage, without delay, in a transparent and open process, involving the civil society, toward the adoption of a Declaration on right to peace (attachment n. 12).

IADL delivered, as well, an oral statement on the issue during the General Debate under Item 5 (attachment n. 13). On this subject IADL cooperated closely with the Spanish Society for International Human Rights Law and with our colleagues from the Japanese Sssociation of Democratic Lawyers (JALISA). IADL Permanent Representative Micol Savia participated in the informal meetings convened during the session by Cuba, as a sponsor Member State, on the draft resolution on Right to Peace.

On 5 July 2012, the HRC adopted the resolution “Promotion on the Right to Peace” which established an intergovernmental working group mandated to negotiate a draft U.N. declaration on the right to peace. Support for the resolution came from 34 African, Caribbean and Asian States. The Western and Eastern European States abstained (12). The United States cast the sole vote against the resolution. The first working group meeting will be held before the March 2013 HRC session in Geneva.

CUBAN FIVE NEWS

The U.N. Special Rapporteur on the Independence of Judges and Attorneys, Ms. Gabriela Knaul,

expressed her concern about the “supposed lack of access to all available evidence and documentary records” and the fact that the *habeas corpus* appeals filed by the Defendants might be considered “by the same justice previously in charge of the cases.” She warned of the implications of this on an “impartial outcome” of the judicial process. These concerns were communicated in a letter to American authorities. The letter is included in her Report to the 20th Session of the HRC, and is included in the Communications section.

IADL MOURNS THE PASSING OF PROFESSOR CARLOS VARGAS PIZARRO, A STALWART FIGHTER FOR THE HUMAN RIGHT TO PEACE, ON 12 AUGUST 2012 IN COSTA RICA

LEGAL VICTORY FOR RIGHT TO PEACE IN COSTA RICA CASE

On 3 August 2012, Costa Rica’s Supreme Court, rejecting the challenge by the Attorney General, affirmed the Administrative Tribunal’s declaration in 2011 that former President Arias’ “forbidden weapons” Decree was illegal. The annulled Decree authorized any police chief in Costa Rica to deploy heavy weapons with no declaration of a state of emergency, even in peaceful demonstrations. Congratulations to IADL member Luis Roberto Zamora Bolanos on this legal victory!

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 by Beth Lyons, and formatted by Emily Freeborn, with assistance from Claire Gilchrist. Reports were contributed by Evelyn Durmayer, Emily Freeborn, Claire Gilchrist, Beth Lyons, Jeanne Mirer, Andrew Reid, Christopher Roberts, Jessica Rofe and Micol Savia.

UPCOMING UN EVENTS & CONFERENCES

September – December 2012

September 2012

- UNCTAD, Working Party on the Strategic Framework and the Programme Budget, sixty-second session (Technical Cooperation) Geneva 3 - 5 September
- Advisory Committee on Administrative and Budgetary Questions New York 4 September - 14 December
- Committee on Conferences, substantive session New York 4 - 10 September
- Executive Board of UNDP/UNFPA/UNOPS, second regular session New York 4 - 10 September
- States Parties to the International Covenant on Civil and Political Rights, thirty-second meeting New York 6 September
- Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, Geneva 10 - 14 September

seventeenth session			
- Human Rights Council, twenty-first session	Geneva	10 - 28 September	
- IAEA, Board of Governors	Vienna	10 - 14 September	
- States Parties to the Convention on Cluster Munitions, third meeting	Oslo	11 - 14 September	
- UNESCO, Executive Board, 190th session	Paris	11 - 28 September	
- UNICEF, Executive Board, second regular session	New York	11 - 14 September	
- Conference of the States Parties to the Convention on the Rights of Persons with Disabilities, fifth session	New York	12 - 14 September	
- Committee on the Rights of Persons with Disabilities, eighth session	Geneva	17 - 28 September	
- Committee on the Rights of the Child, sixty-first session	Geneva	17 September - 5 October	
- IAEA, General Conference, fifty-sixth session	Vienna	17 - 21 September	
- ICAO, Committee, one hundred and ninety-seventh session	Montreal	17 September - 5 October	
- UNCTAD, Trade and Development Board, fifty-ninth session	Geneva	17 - 28 September	
- General Assembly, sixty-seventh session**	New York	18 September - December	
- IFAD, Executive Board, one hundred and sixth session	Rome	20 - 21 September	
- High-level meeting of the General Assembly on the rule of law at the national and international levels	New York	24 September	
- IAEA, Board of Governors	Vienna	24 September	
- Committee on the Elimination of Discrimination against Women, Working Group on Communications under the Optional Protocol to the Convention, twenty-fourth session	Geneva	25 - 28 September	
- Comprehensive Nuclear-Test-Ban Treaty Organization, Working Group A, forty-second session	Vienna	26 - 28 September	
- UNEP, Committee of Permanent Representatives, one hundred and twentieth meeting	Nairobi	26 September	
- UNRWA, Advisory Commission (1 day)	Amman	September	
- UNESCO, General Conference	Paris	September/October	

October 2012

- Commission on Narcotic Drugs, Heads of national drug law enforcement agencies, Latin America and Caribbean region, twenty-second session	Santiago or a capital in the region	1 - 5 October
- Committee on the Elimination of Discrimination against Women, fifty-third session	Geneva	1 - 19 October
- Human Rights Council, intersessional forum on economic, social and cultural rights (Social Forum), fifth session	Geneva	1 - 3 October
- UNCITRAL, Working Group II (Arbitration and Conciliation), Vienna fifty-seventh session	Vienna	1 - 5 October
- UNHCR, Executive Committee, sixty-third session	Geneva	1 - 5 October
- United Nations Staff Pension Committee	New York	1 October
- WIPO, Assemblies of Member States	Geneva	1 - 9 October
- Working Group on Discrimination Against Women in Law and in Practice, Fifth session	Geneva	1 - 5 October
- Committee on the Rights of the Child, pre-sessional	Geneva	8 - 12 October

working group, sixty-second session			
- Human Rights Committee, pre-sessional Working Group on Geneva Communications, one hundred and sixth session	Geneva	8 - 12 October	
- Human Rights Council, Intergovernmental Working Group on Effective Implementation of the Durban Declaration and Programme of Action, tenth session	Geneva	8 - 19 October	
- Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, forty-seventh session	New York	12 October	
- Boards of Governors of the World Bank Group and the International Monetary Fund, annual meeting	Washington D.C.	12 - 14 October	
- Committee of Experts on International Cooperation in Tax Matters, eighth session	Geneva	15 - 19 October	
- Conference of the Parties to the United Nations Convention against Transnational Organized Crime, sixth session	Vienna	15 - 19 October	
- Human Rights Committee, one hundred and sixth session	Geneva	15 October - 2 November	
- United Nations Voluntary Fund for Victims of Torture, Board of Trustees, thirty-sixth session	Geneva	15 - 19 October	
- Committee on the Elimination of Discrimination against Women, pre-sessional working group	Geneva	22 - 25 October	
- Comprehensive Nuclear-Test-Ban Treaty Organization, Preparatory Commission, thirty-ninth session	Vienna	22 - 24 October	
- Human Rights Council, Working Group on the Universal Periodic Review, fourteenth session	Geneva	22 October - 5 November	
- Committee of Permanent Representatives to UN-Habitat, forty-sixth meeting	Nairobi	24 October	
- States Parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, fourth meeting	Geneva	25 October	
- Commission on Narcotic Drugs, Heads of National Drug Law Enforcement Agencies, Asia and the Pacific, thirty-sixth session	Bangkok	29 October - 2 November	
- Committee against Torture, forty-ninth session	Geneva	29 October - 23 November	
- ICAO, Council, one hundred and ninety-seventh session	Montreal	29 October - 16 November	
- Nineteenth United Nations Regional Cartographic Conference for Asia and the Pacific	Bangkok	29 October - 2 November	
- UNCITRAL, Working Group IV (Electronic Commerce), forty-sixth session	Vienna	29 October - 2 November	
November 2012			
- ILO, Governing Body and its committees, three hundred and sixteenth session	Geneva	1 - 16 November	
- United Nations System Chief Executives Board for Coordination, second regular session	New York	2 November	
- Commission on Crime Prevention and Criminal Justice, Expert Group meeting on Cybercrime, second session	Vienna	5 - 7 November	
- Committee on Enforced Disappearances, third session	Geneva	5 - 9 November	
- IMO, Council, one hundred and ninth session	London	5 - 9	

- Investments Committee**	New York	November 5 November
- UNCITRAL, Working Group VI (Security Interests), twenty-second session	Vienna	5 - 9 November
- WFP, Executive Board, second regular session	Rome	5 - 9 November
- Committee against Torture, Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, eighteenth session	Geneva	12 - 16 November
- Committee on Economic, Social and Cultural Rights, forty-ninth session	Geneva	12 - 30 November
- Group of Governmental Experts to review the operation and further development of the Register of Conventional Arms, first session	Geneva	12 - 16 November
- Sixth 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	12 - 13 November
- UNCTAD, Trade and Development Commission, fourth session	Geneva	12 - 16 November
- United Nations Pledging Conference for Development Activities	New York	12 November
- Conference of the States Parties to the United Nations Convention against Corruption, Implementation Review Group of the United Nations Convention against Corruption, resumed third session	Vienna	14 - 16 November
- Fourteenth 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	Geneva	14 November
- Human Rights Council, Working Group on Arbitrary Detention, sixty-fifth session	Geneva	14 - 23 November
- 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, annual meeting	Geneva	15 - 16 November
- Commission on Narcotic Drugs, Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East, forty-seventh session	A capital in the region	19 - 23 November
- UNCTAD, Working Party on the Strategic Framework and the Programme Budget, sixty-third session	Geneva	19 - 23 November
- UNIDO, Industrial Development Board, fortieth session	Vienna	20 - 22 November
- Conference of the States Parties to the Convention on the Prohibition of Chemical Weapons, seventeenth session	The Hague	26 - 30 November

December 2012

- Committee on Economic, Social and Cultural Rights, pre-sessional working group, fiftieth session	Geneva	3 - 7 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, seventeenth session	Geneva	3 - 7 December
- States parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti personnel Mines and on Their Destruction, twelfth session	Place to be determined	3 - 7 December
- Subcommittee of Experts on the Transport of Dangerous Goods, forty-second session	Geneva	3 - 11 December

- UNCITRAL, Working Group I (Procurement), twenty-second session	Vienna	3 - 7 December
- United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, Board of Trustees, seventeenth session	Geneva	3 - 7 December
- Ad Hoc Committee of the General Assembly for the Announcement of New York Voluntary Contributions to UNRWA		4 December
- Human Rights Council, Forum on Business and Human Rights	Geneva	4 - 5 December
- Commission on Crime Prevention and Criminal Justice, reconvened twenty-first session	Vienna	7 December
- Commission on Narcotic Drugs, reconvened fifty-fifth session	Vienna	7 December
- IFAD, Executive Board, one hundred and seventh session	Rome	10 - 14 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	10 - 14 December
- UNCITRAL, Working Group III (Online Dispute Resolution), twenty-sixth session	Vienna	10 - 14 December
- United Nations Board of Auditors, forty-second special session**	New York	10 - 11 December
- Ad Hoc Committee of the General Assembly for the Announcement of Geneva Voluntary Contributions to the Programme of the United Nations High Commissioner for Refugees		11 December
- Independent Audit Advisory Committee, twentieth session**	New York	12 - 14 December
- Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals, twenty-fourth session	Geneva	12 - 14 December
- UNEP, Committee of Permanent Representatives, one hundred and twenty-first meeting	Nairobi	13 December
- Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labeling of Chemicals, sixth session	Geneva	14 December
- States Parties to the Convention on the Rights of the Child, fourteenth meeting**	New York	18 December
- Committee of Permanent Representatives to UN-Habitat, forty-seventh meeting	Nairobi	19 December

ANNEXES

(number of pages in parentheses)

U.N. Activities in New York

- IADL Letter from President Mirer for Release of ICC Staff Members (1)
- Petition for Relief on behalf of Haitian Petitioners (3)
- Full Reports from Rio 20+ and CSW (5)

U.N. Activities in Vienna

- IADL *International Review of Contemporary Law*, Cover and Table of Contents (2)
- Side event on Violence against Migrant Women and Children (1)

U.N. Activities in Geneva

- Report of IADL Permanent Representative in Geneva to Bureau (4)
- IADL written statement on Agent Orange (4)
- IADL oral intervention on Agent Orange (3)
- IADL side-event on Agent Orange at Palais des Nations (1)
- IADL/ CETIM community meeting on Agent Orange (1)
- IADL written statement on Target Killings (4)
- IADL oral intervention on Femicide (1)
- IADL written statement on Femicide in Italy (4)
- IADL/GD/other organizations side event on Violence against Women (2)
- IADL on Cholera Epidemic in Haiti (3)
- IADL/AAJ oral intervention on Malvinas Islands (2)
- IADL/AAJ written statement on Right to Peace (4)
- IADL oral intervention on Right to Peace (2)

* * *

Announcement for African-American International Conference on the ICC (1)

ASSOCIATION INTERNATIONALE DES JURISTES DEMOCRATES
INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS
ASOCIACION INTERNACIONAL DE JURISTAS DEMOCRATAS
МЕЖДУНАРОДНАЯ АССОЦИАЦИЯ ЮРИСТОВ ДЕМОКРАТОВ

國際民主法律家連合
رابطة الحقوقيين الديمقراطيين العالمية

Rue Belliard 211210 Brussels, Belgium Tel./Fax: (322) 223.33.10 website: <http://www.iadl.org>

Office of the President
113 University Place, 8th Fl.
New York, New York 10003
212-473-8700
president@iadl.org

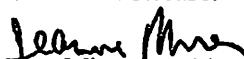
**THE INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS CALLS FOR
THE IMMEDIATE RELEASE OF THE FOUR INTERNATIONAL CRIMINAL COURT
STAFF MEMBERS HELD IN LIBYA**

The International Association of Democratic Lawyers (IADL), a non-governmental organization in consultative status with ECOSOC, joins the President of the International Criminal Court, Judge Sang-Hyun Song, the International Criminal Bar and others in requesting the immediate release of the four staff members of the ICC, currently being held in Libya. We concur with ICC President Song that "these four international civil servants have immunity when on an official ICC mission." We join in his "call [to] the Libyan authorities to immediately take all necessary measures to ensure their safety and security and to liberate them."

The IADL is particularly concerned that this mission was, as the ICC has stated, "in part . . . a privileged visit by the Office of the Public Counsel for the Defence, currently appointed to represent Mr. Gaddafi in the case brought against him. The delegation also included members of the ICC Registry with the view of discussing with Mr. Gaddafi the option to appoint counsel of his own choosing."

This underscores the importance of defence counsel in implementing the right of fair trial, including the right of accused persons to have confidential meetings with their lawyers.

The IADL calls upon Libya to ensure that the privileges and immunities of all four of the staff members of the International Criminal Court are fully respected, and to arrange for their safe and immediate release.


Jean Mirer, President
International Association of Democratic Lawyers

11 June 2012

PETITION FOR RELIEF

**Chief, Claims Unit
MINUSTAH Log Base, Room No. 25A
Boulevard Toussaint Louverture & Clercine 18
Tabarre, Haiti**

Cc: Office of the United Nations Secretary-General

I. INTRODUCTION

1. In October 2010, cholera broke out in the Artibonite region of Haiti. According to Haiti's *Ministère de la Santé Publique et de la Population*, the disease has infected over 457,582 people and claimed over 6,477 lives as of October 2011. This request for relief and reparations is filed on behalf of over 5,000 victims of cholera in Haiti, who are the petitioners in this matter (hereinafter "Petitioners"). The cholera outbreak is directly attributable to the negligence, gross negligence, recklessness and deliberate indifference for the health and lives of Haiti's citizens by the United Nations ("UN") and its subsidiary, the United Nations Stabilization Mission in Haiti ("MINUSTAH").

2. Numerous studies, including those of the UN itself; the United States-based Centers for Disease Control and Prevention; the Harvard Cholera Group; Dr. Renaud Piarroux, whose report the Haitian and French governments commissioned; the Wellcome Trust Sanger Institute in Cambridge, England; and the International Vaccine Institute in Seoul, Korea, have documented that the *Vibrio cholerae* virus was introduced to Haitian waters by MINUSTAH personnel deployed to Haiti from Nepal. Until MINUSTAH's actions incited the cholera outbreak, Haiti had not reported a single case of cholera for over 50 years.

3. The sickness, death, and ongoing harm from cholera suffered by Haiti's citizens are a product of the UN's multiple failures. These failures constitute negligence, gross negligence, recklessness, and deliberate indifference for the lives of Haitians. First, the UN failed to screen troops for cholera infection prior to deployment from Nepal, a country where cholera is endemic and which had just reported a surge in infections. Second, it failed to maintain its sanitation facilities and waste disposal at the Mirebalais camp in Haiti, allowing contaminated human waste to run into the Meille River, a tributary of the Artibonite River. The Artibonite River is Haiti's longest and most important river; it is a critical source of water for tens of thousands of Haitians who rely on it for drinking, bathing, washing clothes, and irrigation. Third, it failed to conduct accurate water quality tests in the camp and allowed testing equipment to fall into disrepair, thereby maintaining unsanitary and highly infectious conditions. Fourth, it failed to take immediate corrective action to properly address the outbreak of disease, a product of the UN's own failures, willfully delaying investigation and obscuring discovery of the outbreak's source.

4. The UN has acted to deny Petitioners timely access to information about the source of the cholera outbreak and access to a means for remedy. On May 4, 2011, the UN-appointed Independent Panel of Experts released a report, which in conjunction with numerous other investigations, established that the actions of the UN and MINUSTAH caused the cholera outbreak. The Independent Panel's report documents that until publication, the source of cholera in Haiti was a "topic of debate" and that "a definitive determination of the source of the 2010 cholera outbreak in Haiti has been lacking." Prior to the UN report's release, the UN thus retained exclusive control of information that would have allowed the Petitioners and the public to identify MINUSTAH as the source of the outbreak. In addition, the UN has failed to establish a standing claims commission as required by the Status of Forces Agreement ("SOFA"). Under

3. The sickness, death, and ongoing harm from cholera suffered by Haiti's citizens are a product of the UN's multiple failures. These failures constitute negligence, gross negligence, recklessness, and deliberate indifference for the lives of Haitians. First, the UN failed to screen troops for cholera infection prior to deployment from Nepal, a country where cholera is endemic and which had just reported a surge in infections. Second, it failed to maintain its sanitation facilities and waste disposal at the Mirebalais camp in Haiti, allowing contaminated human waste to run into the Meille River, a tributary of the Artibonite River. The Artibonite River is Haiti's longest and most important river; it is a critical source of water for tens of thousands of Haitians who rely on it for drinking, bathing, washing clothes, and irrigation. Third, it failed to conduct accurate water quality tests in the camp and allowed testing equipment to fall into disrepair, thereby maintaining unsanitary and highly infectious conditions. Fourth, it failed to take immediate corrective action to properly address the outbreak of disease, a product of the UN's own failures, willfully delaying investigation and obscuring discovery of the outbreak's source.

4. The UN has acted to deny Petitioners timely access to information about the source of the cholera outbreak and access to a means for remedy. On May 4, 2011, the UN-appointed Independent Panel of Experts released a report, which in conjunction with numerous other investigations, established that the actions of the UN and MINUSTAH caused the cholera outbreak. The Independent Panel's report documents that until publication, the source of cholera in Haiti was a "topic of debate" and that "a definitive determination of the source of the 2010 cholera outbreak in Haiti has been lacking." Prior to the UN report's release, the UN thus retained exclusive control of information that would have allowed the Petitioners and the public to identify MINUSTAH as the source of the outbreak. In addition, the UN has failed to establish a standing claims commission as required by the Status of Forces Agreement ("SOFA"). Under

the SOFA, the claims commission is the forum that has jurisdiction to hear civil claims of Haitians injured by MINUSTAH's actions. The UN has yet to establish this commission, leaving victims without a clear route to seek accountability and relief.

5. The conduct of the UN and MINUSTAH has caused severe injury to and death of the country's citizens. In this petition and others to follow, the victims seek effective remedy. They seek a fair and impartial hearing. They seek monetary compensation for their losses. They also seek redress in the form of the UN's commitment to prevent the further spread of cholera in Haiti. To this end, the victims request that the UN, in partnership with the Government of Haiti, fund and establish a comprehensive sanitation, potable water, and medical treatment program to protect Haitians' health and lives. Finally, they seek a public acknowledgement by the UN and MINUSTAH of responsibility for the cholera outbreak and its associated harms. Such recognition will signal to the Haitian people and the world that the UN honors accountability in principle and in practice.

6. The response of the UN to this request for relief is vital to the UN's integrity in promoting human rights around the world. A failure to provide relief for the harm the UN's failures have exacted on hundreds of thousands of Haitians struck by cholera would undermine the credibility of the MINUSTAH mission and the UN as a whole. UN accountability in the present case is imperative. The UN is a unique global leader. It leads in setting human rights standards, in reaffirming the dignity and worth of all people, and in ensuring justice. Today, Petitioners simply ask the UN to live up to the noble ideals it promotes. They ask the UN to be accountable to the Haitian people. In doing so, the UN will encourage other actors to hold themselves accountable to those they have harmed, whether intentionally or accidentally. As the visionary for a just world, the UN must address the claims the Petitioners state herein.

RIO minus 20: A CALL FOR GLOBAL GRASSROOTS ACTION

The United Nations Conference on Sustainable Development, also known as Rio+20, was held in Rio de Janeiro, Brazil from June 13 to June 22. The Conference was a 20-year follow-up to the historic 1992 Earth Summit which resulted in landmark treaties on the environment including the Rio Declaration on Environment and Development, Agenda 21, and the Convention on Biological Diversity. However, rather than extending the gains made at the Earth Summit, Rio+20 has been widely condemned as an abject failure and a missed lifetime opportunity. Although attended by some 190 heads of state and dignitaries and more than 50,000 people from over 180 nations, the developed nations at the Conference abandoned their responsibilities and forced their regressive report, “The Future We Want,” upon the body, ignoring the years of efforts by the 13,000 participating NGOs.

Particularly outraged were the developing nations and NGOs representing the interests of the poor, women, and small farmers. Any mention of reproductive rights and population control in the final report was vetoed by the Vatican. Addressing the assembly, Cuban President Raul Castro referred back to a statement given by Fidel Castro to the Earth Summit twenty years earlier – that “an important biological species is at risk of disappearing due to the rapid and progressive liquidation of its natural living conditions: humanity” and noted that “what could have been considered alarmist, today constitutes an irrefutable reality.” Kumi Naidoo, Executive Director of Greenpeace International, called the 53-page report the “longest suicide note in history.” Bolivian President Evo Morales told the delegates that “capitalism is a form of colonialism” and that “commercializing natural resources is a form of colonizing southern countries, which carry on their shoulders the responsibility to protect the environment, which was destroyed by the north.” Prominent activist Vandana Shiva carried with her 100,000 signatures from India which she handed to UN Secretary-General Ban Ki-moon in support of the Universal Declaration on the Rights of Mother Earth. She decried the Conference as an undesirable U-turn in the midst of global environmental crisis. “It will be remembered for offering a bailout for a failing economic system through the ‘green economy’ – a code phrase for the commodification and financialisation of nature. ... This is the last contest between a life-destroying worldview of man’s empire over earth and a life-protecting worldview of harmony with nature and recognition of the rights of Mother Earth.”

Addressing the opening of the high level segment of Rio+20, the NGO “major groups” representative exposed the failure of the draft report and presented a protest petition from civil society, “The Future We Don’t Want.” <http://www.ipetitions.com/petition/the-future-we-dont-want/>. Near the end of the Conference, hundreds outraged delegates from civil society “Occupied” Rio+20 with a vocal general assembly at the delegates entrance and staged a mass walk-out surrendering their badges with chants of “The Future We Want Is Not Here!” The

walk-out followed a mass demonstration of some 80,000 protestors against the summit fiasco a few days earlier.

Many of the demonstrators came from a two-week long “alternative” People’s Summit, also hosted by the Brazilian government, that drew tens of thousands of progressive activists from around the world to do what the governments at Rio+20 were not – discussing in hundreds of workshops and meetings real problems and real solutions to our global environmental crisis. Using the People’s Summit as a platform and the internet, the People’s Summit opened up to civil society the drafting of “sustainability treaties” and issued a final declaration of solidarity and mass grass-roots action. <http://www.sustainabilitytreaties.org> and <http://rio20.net/en/propuestas/final-declaration-of-the-people%E2%80%99s-summit-in-rio-20>.

The Rio+20 Major Group on Children and Youth issued the following closing statement to the assembled world leaders in response to the UN report:

I want you to imagine a generation that has been damned, imagine children deprived of a world without war, imagine a community where human beings are slaves to fellow beings and where disease and hunger are the order of the day. That is the future we warned you of in 92 and that future, is today.

If these sheets of paper are our common future, then you have sold our fate and subsidised our common destruction.

Where was our voice, the voice of our children and grandchildren in this? How can you listen to them in the future if you did not show the will to create the space now.

We have one planet. Our being, our thinking, and our action should not be constrained by national boundaries but by planetary ones. You failed to liberate yourself from national and corporate self-interest and recognise our need to respect a greater more transcendental set of boundaries.

We came here to celebrate our generation. We have danced, and dreamed, and cried on the streets of Rio and found something to believe in. You have chosen not to celebrate with us.

(Calmly-change of pace) You were supposed to show leadership. It was not just your job merely to seek consensus. It was your job to commit, show ambition and to lead. You have failed.

You have worked hard to close a deal. So, if any of you think this document is the ambitious, action-oriented outcome you said you wanted please stand up.

If you are unable to stand up, then you must be unwilling to move forward.

So we will move forward for you.

We know this:

We need intergenerational cooperation.

We need innovation and creativity.

We need to embrace the values of sustainability, equity, justice and respect for human rights.

We need to recognise that material resources are finite, but human potential is not.

So get out of our way and..

We will create strong global institutions

We will create new paradigms of wealth and prosperity

We will act as the voice for future generations, one(that you so wilfully ignored.

We will stand united beyond borders and bridge the national interests that divide us

We will implement what you have not.

We are moving forward decisively with action. We are not deterred.

--Rio de Janeiro, Brazil - June 22, 2012

Andrew Reid attended the Rio+20 and the People's Summit for the IADL and the National Lawyers Guild.

Emily Freeborn
3/22/12

Report for Commission on the Status of Women

I attended of the Commission on the Status of Women (CSW) at the United Nations in New York on March 5, 2012. This year the CSW focused on the empowerment of rural women and their role in poverty and hunger eradication and developmental challenges. The main themes expressed in the discussion involved access to water, education, healthcare, and banking, availability of micro-loans, reduction in violence against women, and improving land rights.

Delegations described different ways in which their countries have made strides to improve the status of women, specific methods of implementation of these policies, and areas that still require attention. The delegation of Burundi announced that since 2005 the country offers free education to women, is currently establishing a free healthcare system, provides microloans for rural women, and has increased the presence of women in government to the present rate of 30%. However, the delegation expressed that women still have problems accessing banking and other institutions. The delegation of Rwanda explained that land titles are now registered to husband and wife and the names of children are also included in the legal registry to ensure inheritance. In Rwanda land titles may also be used as collateral for loans. Bolivia also described how married women are included on land titles to guarantee inheritance. Additionally, Bolivia described programs to assist agricultural production such as loans for quinoa growers (a grain like seed that is a pillar of the Bolivian diet).

Many delegations expressed the need for more research on differentials of land ownership, access to banking, markets and government positions in order to better address the issues that rural women encounter. The discussion on the role of rural women will also be an important topic at the upcoming Conference on Sustainable Development in Rio de Janeiro.

IADL intern Jessica Rofé attended the panel discussion, "Rural Empowerment through Modern Consensus Building Strategies" hosted by Lawyers Without Borders in conjunction with a team of lawyers from Shearman and Sterling, LLP. Using an allegory from the children's book *Click, Clack, Moo*, the panel discussed four critical mediation skills, including (1) interests and position; (2) active listening; (3) leveraging and coalition building; and (4) neutrality in mediation. The story of farm animals building a coalition to leverage for improved working conditions proved a perfect segue into real world examples of successful mediations.

The panelists spoke about coalition building during the August Meeting in eastern Nigeria, an annual event among women that often addresses and seeks resolution of issues of importance to women in local communities. At one meeting, attendees sought to address widowhood practices that led to gender-based violence against widows. Attendees understood that women were pivotal in maintaining widowhood practices and wanted to end violence against women by women. They sought outspoken male leaders to join their coalition as champions of widowhood practice reform. By conferring titles to these men within their organization, they won them to their cause and together were able to work toward meaningful reform. The compromises made during this period were enshrined into law and significantly improved the status of widows in the region. The story of successes during the August Meeting demonstrates how seeking alliances with key constituencies can create powerful coalitions that catalyze meaningful reform in rural communities.

However, not all of the panel's real world examples ended happily. In discussing the importance of an impartial mediator, the panel described instances in Kisii, Kenya in which the traditional method of seeking elders as mediators led to bias and corruption. Because those seeking mediation paid what they could to elders in exchange for their services, solicitors with more money secured results in their favor, thus undermining any system of fairness and justice.

Responses to the workshop were positive. Those present appreciated the use of allegory and interactive presentation to convey the importance of mediation skills in overcoming issues that plague communities.

International Review of Contemporary Law

New series: Vol. 1, No 1
February 2012



Revue Internationale de Droit Contemporain

Nouvelle série: n. 1
Février 2012

In Commemoration of the 60th Anniversary of
the Stockholm Appeal the International Association of
Democratic Lawyers invites you to participate

INTERNATIONAL CONFERENCE To Continue the Battle to Permanently **PROHIBIT NUCLEAR WEAPONS AND ALL WEAPONS OF MASS DESTRUCTION**



April 23-24, 2010 • Paris, France

Edited by the

International Association of Democratic Lawyers
Editée par
I'Association Internationale des Juristes Démocrates

Table of Contents - Table des matières

Table of Contents - Table des matières.....	1
From the Editor, by Evelyn Dürmayer	2
De l'éditrice, par Evelyn Dürmayer	3
The Stockholm Appeal	4
Appel de Stockholm.....	4
Declaration of the International Conference to Celebrate the 60th Anniversary of the Stockholm Appeal: 1950-2010.....	5
Message from the Mayor of Hiroshima, by Tadatoshi Akiba	6
Developing a Strategy for the Future: The Non Proliferation Treaty, Disarmament, Conversion and Beyond, by Jeanne Mirer	7
L'arme nucléaire est criminelle, par Roland Weyl.....	11
Message to the Conference from the World Peace Council, by Iraklis Tsavdardis	13
Message d'un représentant d'ATTAC, par Nils Andersson	16
The Nuclear Non-Proliferation Treaty and the Elimination of Nuclear Weapons, by John Burrough.....	18
Message de Florence Castandet.....	24
Le désarmement, un principe du droit de la paix, par Gavril Iosif Chiuzbaian	26
Message de Ben Cramer.....	29
L'évolution des préoccupations internationales concernant ledésarmement, par Nicoleta Diaconu	32
Le point de vue de la République Populaire Démocratique de Corée par Association Coréenne des Juristes Démocrates.....	44
Message de Daniel Lagot.....	46
Message de Bernadette Lucet.....	48
Elimination of Nuclear Weapons and Weapons of Mass Destruction, Part of the Human Right to Peace, by Prof. Osamu Niikura	50
Un monde libéré des armes nucléaires est possible, par Gisèle Noublanche.....	53
Message de Adeline Prouteau.....	56
Le désarmement, un principe du droit de la paix, par Gavril Iosif Chiuzbaian	57
Les menaces nucléaires israéliennes au Moyen-Orient, par Mohamed Tay	60
Going Further, by Roberto Zamora	62
Non à la guerre oui au bonheur. 60 ans après l'appel de Stockholm. Un livre posthume de Monique Picard-Weyl, par Adda Bekkouche.....	66
Témoignage de Hélène Langevin-Joliot.....	69
Historical Documents – Documents Historiques	73
Le Droit International et les armes atomiques D.N. Pritt 1950 (Fac similé).....	73
Le second aspect criminel du bombardement d'Hiroshima et Nagasaki Masaë Shiina, juriste japonais. Revue Internationale de Droit Contemporain 1986 n° 2 (Fac similé)	81



NGO Committee on the Status of Women, Vienna

Invitation to the Side-event

21st Commission on Crime Prevention and Criminal Justice

April, 27th 2012, at 13.00 h in room M3 VIC

Violence against Migrant Women and (their) children in Prison and Detention

Women,in particular migrant women, be they from other continents or migrating within associations of states,free trade zones or the European Union face different problems than men when detained by the authorities.

According to the UN Convention that aims at putting an end to all forms of violence against women,not only physical violence and sexual abuse,but also degrading treatment,violent language,inadequate translation facilities, degrading prison conditions and lack of training facilities should be examined.

Furthermore the various concerns and coping techniques of women with small children in penitentiaries, should be discussed, including visiting opportunities,rooming-in, and psychological assistance and therapy.

The conclusions from the panel experts should be the basis for proposals by the NGO community to Member States and relevant UN offices to initiate a process of problem mitigation and benchmarking with the goal of ameliorating the situation and avoiding violations of human rights.

Panelists:

Titi Molaba, Deputy Head of Mission, South Africa

Katharina Beclin, Ass. Prof. for Criminology, University of Vienna

Sieglinde König,Psychologist, Penitentiary for female offenders,Schwarzau

Roberta Zelenka,Language Trainer, Penitentiary for female offenders,Schwarzau

Rachel Brett, Quaker United Nation Office, Geneva

Moderator: Marlene Parenzan (BPW)

REPORT FROM IADL PERMANENT REPRESENTATIVE IN GENEVA NICOL SAVIA

(1)

EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS

At the 20th session of the Human Rights Council the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, presented his annual report (A/HRC/20/22). This year, the thematic section of the report focused on the right to life of journalists, “who play a crucial role in ensuring a society that takes informed decisions” and who are “killed at an alarming rate by State and non-State actors”.

The Special Rapporteur highlighted “that two thirds of the deaths of journalists occur outside armed conflict” and that “the most common profile of a journalist killed is that of a local as opposed to foreign correspondent, covering political or corruption issues for a local newspaper or a radio station”. Mr. Heyns called the attention on the fact that “impunity is a major, if not the main, cause of the high number of journalists killed every year”.

The Special Rapporteur presented as well three follow-up reports on country visits, which has been in place since 2006 specifically in the Democratic Republic of the Congo, Colombia and the United States of America.

The follow-up report on the mission to the U.S. analyzed steps taken by the United States in implementing the recommendations made by the former Special Rapporteur following his visit to the country in 2008. Mr. Heyns underlined that no significant improvement has been made on three priority areas as: due process in the imposition of the death penalty; transparency in law enforcement, military and intelligence operations; and accountability for potentially unlawful deaths in the Government’s international operations.

In particular he expressed serious concerns about the practice of targeted killings operations. Mr. Heyns “like his predecessor, is seriously concerned that the practice of targeted killing [as justified by the United States] could set a dangerous precedent, in that any Government could, under the cover of counter-terrorism imperatives, decide to target and kill an individual on the territory of any State if it considers that said individual constitutes a threat.”

IADL, together with the American Association of Jurists (AAJ), submitted a written statement to support and elaborate on the findings of the Special Rapporteur regarding U.S. targeted killings policy. IADL, recalling that it has opposed target killing policy for many years and that in 2005 IADL lawyers filed an *amicus* brief with the Israeli Supreme Court addressing Israel’s policy of target killings, agreed that “this precedent is not only dangerous but also, the claimed right by any country, especially a country like the United States with its massive military might, to target a person for death based on a suspicion of terrorism undermines international law most particularly International Human Rights law”. IADL and AAJ called the international community to heed the Special Rapporteur’s warning regarding the dangerous precedent and end targeted killing. (attachment n. 1).

On June 21th, the American Civil Liberties Union (ACLU) organized a side event on “Human rights in the United States of America: Extra-judicial executions”. At the meeting participated the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on human rights and counter-terrorism. Both experts expressed their intention to work on this very important issue during the forthcoming years. IADL Permanent Representative attended the side event.

VIOLENCE AGAINST WOMEN

The Special Rapporteur on violence against women, Mrs. Rashida Manjoo, presented her report on the country visit she did in Italy. During her visit, our colleagues of the Italian association of

democratic lawyers (Giuristi Democratici), and in particular Barbara Spinelli, participated actively in her work, giving her lots of information.

Giuristi Democratici (GD) is an active members of the CSO Italian platform “30 YEARS CEDAW: work in progress”, a network of organizations and experts engaged on women’s rights that has a formal dialogue with the Italian Institutions. GD coordinated the CSO Platform for the drafting and the presentation of the first Italian Shadow Report in the 49 CEDAW session in 2011 in NY, to the UN CEDAW Committee. GD jointly with the CSO Platform started a campaign to raise awareness among women of their rights and to train institutions and professionals for the application of CEDAW and to use national and international procedures to prevent femicide and to protect women’s rights.

IADL intervened in the Interactive Dialogue with the Special Rapporteur delivering an oral statement on the grave question of femicide in Italy (attachment n. 2) urging the Italian government to fully implement the recommendations made by the Mandate holder. On the same subject IADL submitted a written statement (attachment n. 3)

On June 25th IADL, together with other associations working in the field, co-sponsor a side event on violence against women. Barbara Spinelli intervened in the panel speaking about femicide in Italy and Europe (attachment n. 4).

IADL President, Jeanne Mirer, had a long talk with Barbara Spinelli discussing the possibility to create within IADL a Working Group on gender issues. Barbara Spinelli gave her total availability to work on the subject.

AGENT ORANGE

IADL main activity during the 20th session of the HRC has been Agent Orange. IADL submitted a written statement on “the right to health for the Vietnamese victims of Agent Orange” (attachment n.5), mainly based on the results of the International People's Tribunal of Conscience held in Paris in 2009.

IADL also delivered an oral statement during the General Debate under Item 4, calling the attention of the Council on this very important issue (attachment n. 6).

IADL organized a side event on the Vietnamese victims of Agent Orange. VAVA President, General Nguyen Van Rinh and External Affairs Director Mr. Nguyen Minh Y traveled to Geneva, and were introduced at the side event (attachment n. 7). On June 26, at a community meeting co-sponsored by CETIM, both Vietnamese leaders were giving a conference; the meeting was well-attended by representatives of the social movements in Geneva (attachment n. 8).

The Permanent Representative met with the Special Rapporteur on the Human Right to Health, and discussed the Agent Orange work. The Rapporteur suggested that IADL also meet with the Special Rapporteurs on Transnational Corporations and Human Rights, and on Chemical Waste.

HUMAN RIGHT TO PEACE

During the 20th session of the HRC, IADL continued its work on the Human Right to Peace. IADL, together with the American Association of Jurists (AAJ) submitted a written statement welcoming the work of the Advisory Committee on the codification of the human right to peace and recalling that peace is the primary goal of the United Nations. IADL and AAJ urged Members States to carefully consider the Advisory Committee Draft Declaration and to engage, without delay, in a

transparent and open process, involving the civil society, toward the adoption of a Declaration on right to peace (attachment n. 9).

IADL delivered as well an oral statement on the issue during the General Debate under Item 5 (attachment n. 10). On this subject IADL cooperated closely with the Spanish Society for International Human Rights Law and with our colleagues from the Japanese association of democratic lawyers (JALISA). IADL Permanent Representative participated in the informal meetings convened during the session by Cuba, as a sponsor Member State, on the draft resolution on Right to Peace.

On 5 July 2012, the HRC adopted the resolution “Promotion on the Right to Peace” which established an intergovernmental working group mandated to negotiate a draft U.N. declaration on the right to peace. Support for the resolution came from 34 African, Caribbean and Asian States. The Western and Eastern European States abstained (12). The United States cast the sole vote against the resolution. The first working group meeting will be held before the March 2013 HRC session in Geneva.

CHOLERA EPIDEMIC IN HAITI

IADL submitted a written statement on the cholera epidemic in Haiti (attachment n. 11). The Independent Expert on the situation of human rights in Haiti, in his report, underlined that “At the end of 2011, almost 514,000 cases of cholera had been registered and just over 6,900 persons had died since the beginning of the epidemic” (IADL supports the case filed by the Bureau de Avocats Internationaux and the Institute for Justice & Democracy in Haiti on behalf of 5000 victims of cholera in Haiti).

On the origins of the epidemic, the Mandate holder affirmed that: “The public controversy over who was responsible for introducing the strain of cholera to Haiti is growing. Complaints registered by the families of victims are increasing, and the number of persons who request certificates of cholera infection at health-care establishments is constantly rising. The Independent Expert has neither the authority nor the mandate to offer an opinion on the origin of the disease. However, he wishes to point out that silence or denial will do nothing to promote a good understanding of the activities of MINUSTAH in a context marked by several distressing episodes of sexual assault in which MINUSTAH military personnel have allegedly been implicated”.

In its written statement IADL “requested the Human Rights Council to consider recommending:

- expand the mandate of the Special Rapporteur on Human Rights in Haiti to be able to include the issue of the origin of the cholera epidemic;
- but nonetheless, the United Nations ensure that any victim of cholera in Haiti is provided an effective mechanism for enforcing his or her rights to compensation, including access to a Standing Claims Commission or national court system, and
- the United Nations respect the Haitian people’s recognized human right to water by providing the comprehensive clean water and sanitation infrastructure necessary to control the cholera epidemic”.

MALVINA ISLANDS

IADL co-sponsored an oral intervention with AAJ expressing serious concerns about the UK constant refusal to dialogue over Malvinas Islands and the growing militarization of the area. In particular, the two associations called the attention of the Council on the continuous oil exploration activity authorized unilaterally by the UK in the Argentine continental shelf in clear violation of Argentina’s territorial integrity and sovereignty and of several UN resolutions. (attachment n. 12)

CUBAN FIVE NEWS

The U.N. Special Rapporteur on the Independence of Judges and Attorneys, Ms. Gabriela Knaul, expressed her concern about the “supposed lack of access to all available evidence and documentary records” and the fact that the *habeas corpus* appeals filed by the Defendants might be considered “by the same justice previously in charge of the cases.” She warned of the implications of this on an “impartial outcome” of the judicial process. These concerns were communicated in a letter to American authorities. The letter is included in her Report to the 20th Session of the HRC, and is included in the Communications section.

United Nations

A/HRC/20/NGO/69



General Assembly

Distr.: General
14 June 2012

English only

Human Rights Council

Twentieth session

Agenda item 4

Human rights situations that require the Council's attention

Written statement submitted by the International Association of Democratic Lawyers – IADL, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 June 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The human right to health for the Vietnamese victims of Agent Orange

August 10, 2011 was the 50th anniversary of the beginning of the spraying of defoliating herbicides in Vietnam. This spraying lasted from 1961 to 1971 and affected approximately 12% of the land area of Vietnam. It is estimated that almost 5,000,000 people were exposed to these chemicals and today there are many “hot spots” in Vietnam where the soil and environments are still contaminated with these chemicals including dioxin.

The most common herbicide was known as Agent Orange. It was given its name from the colour of the orange-striped barrels in which it was shipped, Agent Orange is a 50:50 mixture of two chemicals 2,4,5-T and 2,4-D, it was manufactured for the U.S. Department of Defense primarily by Monsanto Corporation and Dow Chemical. The 2,4,5-T used to produce Agent Orange was later discovered to be contaminated with 2,3,7,8-tetrachlorodibenzodioxin, an extremely toxic dioxin compound. Vietnam estimates 400,000 people were killed or maimed, and 500,000 children born with birth defects. Indeed, given the contamination of many areas, birth defects are appearing in children and grandchildren of people exposed to Agent Orange.

The United States used these chemicals without having tested them until after they were used and suppressed as study for several years which showed the toxic properties of these chemicals.

Despite the suffering of hundreds of thousands of people in Vietnam and the on-going threat to their human right to health and reparation, and even though the United States Government now compensates United States Veterans who were exposed to Agent Orange in the amount of \$1.52 billion a year, the international community has not made any pronouncements on the need to address the on-going human tragedy in Vietnam. IADL believes it is time for the Human Rights Council to consider this issue.

The International Association of Democratic Lawyers (IADL) has been addressing the plight of the Vietnamese victims of Agent Orange. In 2009 IADL sponsored an International People’s Tribunal of Conscience in Support of the Vietnamese Victims. The Panel of Judges included: Judge Juan Guzman from Chile who was appointed to prosecute Augusto Pinochet, Marjorie Cohn, professor of International Law in the United States, Retired Judge Claudia Morcom, from the United States, Gavril Chuizbaian, former Justice Minister from Romania, Jitendra Sharma, Sr. Advocate in the Indian Supreme Court, Shoji Umeda, attorney from Osaka, and Professor Adda Bekkouche from Algeria.¹

Portions of the Tribunal’s Executive Summary of the findings are set forth below

The tribunal received evidence and testimony from 27 people including victims and expert witnesses. The testimony from the victims was very compelling and the testimony of the experts tied the damages that these victims suffered to their exposure to Dioxin. Testimony also described the extent of the spraying, the millions of persons exposed, the jungles and forests destroyed and families devastated.

After examining the evidence the Tribunal found that the United States Government and the Chemical manufacturers were aware of the fact that Dioxin, one of the most dangerous chemicals known to man, was present in one of the component parts of Agent Orange; yet they continued to use it and in fact suppressed a study which showed in 1965 that Dioxin

¹ The full Judgment of the Tribunal appears at: <http://www.iadllaw.org/en/node/469>.

caused many birth defects in experimental animals. It was not until the results of that study were released by a leak from concerned citizen that the use of Agent Orange was stopped.

The tribunal found specifically:

1. That the evidence presented to the Tribunal has established that during the war of USA against Vietnam, from 1961 to 1971, military forces of the United States sprayed chemical products which contained large quantities of Dioxin in order to defoliate the trees for military objectives.
2. That the chemical products which were sprayed caused damages to the people, the land, the water, the forest, the ecology and the economy of Vietnam that this Tribunal can categorize as:
 - direct damages to the people: The illnesses produced directly to the people who have been exposed to Dioxin include cancer, skin disorders, liver damage, pulmonary and heart diseases, defects to reproductive capacity, as well as nervous disorders;
 - indirect damages to the children of those exposed to Dioxin, including severe physical deformities, mental and physical disabilities, diseases and shortened life spans;
 - damages caused to the land and forests, water supply, and communities. The forests and jungles in large parts of southern Vietnam have been devastated and denuded, and may either never grow back or take 50 to 200 years to regenerate. Animals which inhabited the forests and jungles have become extinct, disrupting the communities which depended on them. The rivers and underground water in some areas have also been contaminated. Dioxin will persist in the environment for many years; and
 - erosion and desertification necessarily will change the environment contributing to warming the planet and the dislocation of crop and animal life.

The tribunal also found:

1. That the US war in Vietnam was an illegal war of aggression against a country seeking national liberation: the illegality is based on Articles 2(3) and 2(4) of the Charter of the United Nations which require countries to peacefully resolve their disputes. The massive spraying of Agent Orange/Dioxin on the southern part of Vietnam and the massive bombardment of the northern part of Vietnam clearly demonstrates that the United States violated the UN Charter mandate to refrain from the use of force in international relations.
2. That the Nuremberg Principles define a war of aggression as a crime against peace punishable under international law.
3. That the use of Dioxin was a war crime because it was a poisoned weapon outlawed both in customary international law and by the Hague Convention of 1907. [Hague Convention 23(a)]. Violations of the customs and laws of war are considered war crimes under Principle VI b of the Nuremberg Principles. The Chemical companies knew how their Dioxin- laced products would be used in Vietnam; yet they continued to manufacture and supply these agents with very high levels of Dioxin to the US government. By providing poison weapons the companies were complicit in the war crimes committed by the US government.
4. That the use of Dioxin was a crime against humanity as defined by VI c of the Nuremberg Principles, because it constituted an inhuman act done against a civilian population in connection with a crime against peace and war crimes.

5. That the use of illegal weapons in an illegal war has caused the devastation described above. These crimes have produced so much pain, suffering and anguish to at least 3 to 4 million people and their families. The effects of these crimes will be felt for generations to come; and

6. That the time has come to provide an adequate remedy to the Vietnamese victims of Agent Orange and their families and to repair as much as possible the environment of Vietnam.

Thus the tribunal finds:

- that the United States Government is guilty of the offenses listed above and determines that the damage to the environment of Vietnam can be defined as "ecocide";
- that the Chemical companies who were charged in the summons and complaint are guilty of complicity in the offenses listed above; and
- that the United States Government and the Chemical companies which manufactured and supplied Agent Orange must fully compensate the victims of Agent Orange and their families. The US Government and the Chemical companies must also repair the environment to remove the contamination of Dioxin from the soil and the waters, and especially from the "hot spots" around former US military bases.

The IADL urges the Human Rights Council to ensure that the Special Rapporteur on the Right to Health or any other appropriate Special Rapporteur be assigned to ensure the Council can get the full information about the impact of the use of this weapon of war and to address the right to a remedy for the on-going impact of the use of these weapons.

particular of such "knowing," being that it is based upon a simple, "Yes" or "No" sort of answer, and that the question is asked in such a way as to make it impossible for the person asked to give an answer which is not "Yes" or "No." This is called a "closed" question, and it is the kind of question which is most easily answered.

and the other half of the population, which is the case in the United States, the public sector is not the main employer.

REFERENCES AND NOTES

and 2000 kg/ha, respectively, resulting in 100% conversion of the total available nitrogen at field capacity to plant and the total amount of uptake by plants with each system.

and from 4 to 5 mm. long. The wings are blackish brown, with a few white hairs near the base of the forewings. The antennae are black, with a few white hairs near the base. The legs are black, with a few white hairs near the base. The body is black, with a few white hairs near the base.

On the 1st of July, 1863, the 10th Massachusetts was sent to reinforce the garrison at Fort Sumter, and remained there until the 1st of August, when it was sent to reinforce the garrison at Fort Moultrie.

STATEMENT OF INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS ON ITEM 4.

~~Mr. Nguyen Manh~~

During the Vietnam War in the later part of the last century, (1961-1971) the United States launched a chemical warfare, the largest and longest in the history of mankind by spraying over the country over 80 million litres of toxic herbicides of different kinds, but commonly called Agent Orange. These chemicals contained between 366 and 600 kgs of dioxin that is considered one of the most dangerous toxins ever known.

Agent Orange exposed Vietnamese people and American and other soldiers. However, the Vietnamese people have been subject to the most damage. About 3 million of them have been afflicted with one or several kinds of dangerous diseases including children of the second or third generation have been born with severe deformities. These kinds of injuries have taken away these victims human rights, specifically the right to life, because for them being

alive is worse than being dead and all other human rights are meaningless to them.

Most of the victims of Agent Orange cannot work, and cannot learn. They live in extreme poverty and in pain and agony.

Today, anyone who goes to Vietnam, and goes a little deeper into the countryside will very likely encounter the tragic sight of victims of Agent Orange. It is indeed a public health crisis of our time.

What we want to state now is:

1. During the past decades, while the Human Rights Council, and its predecessor Human Rights Commission, discusses many things about Human Rights, almost neglected is the right to life in general, and the right to life of the Vietnamese Agent Orange Victims in particular. We ask this be changed.
2. While recognizing and compensating the United States Veterans with Agent Orange connected diseases, the

United States government almost ignores the demand of
the Vietnamese victims to admit its responsibility.

3. The victims are arriving at the end of their survival so
we ask you to act immediately..

Thank you.

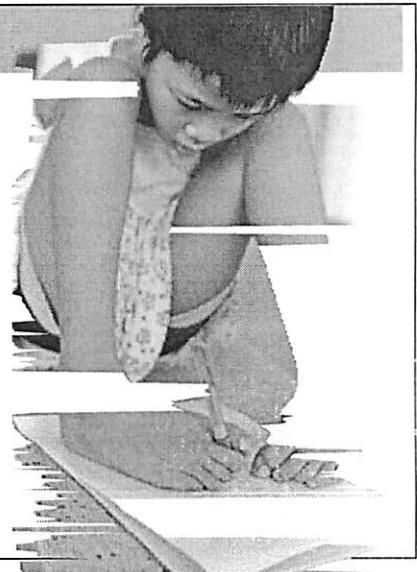
The Legacy of Agent Orange in Vietnam

United Nations Human Rights Council

June 26, 2012

11:00 am – 1:00 pm

Palais des Nations, Geneva
Room VIII



Speakers:

General Nguyen Van Rinh
President
Vietnam Association for Victims of Agent
Orange/dioxin

Jeanne Mirer, Esq.,
President, International Association of
Democratic Lawyers
Co-Chair, International Committee,
National Lawyers Guild (U.S.)

Jitendra Sharma, Esq.
President Emeritus, International
Association of Democratic Lawyers
President, Indian Association of Lawyers

Nguyen Minh Y
Director of International Affairs
Vietnam Association for Victims of Agent
Orange/dioxin

August 10, 2011 was the 50th anniversary of the start of the spraying of Agent Orange and other herbicides in Vietnam by the U.S. government. This spraying lasted from 1961 to 1971 and affected approximately 12% of the land area of Vietnam. It is estimated that almost 5,000,000 people were exposed to these chemicals and today there are many "hot spots" in Vietnam where the soil and environment is still contaminated with these chemicals including dioxin.

Vietnam estimates hundreds of thousands of people were killed or maimed, and about 500,000 children born with birth defects. Indeed, given the contamination of many areas, birth defects are appearing in children and grandchildren of people exposed to Agent Orange.

The use of chemical weapons and its ongoing legacy of death, sickness and eco-side constitutes a serious violation of human rights which the international community should address!

Those responsible for the infliction of pain and suffering upon the Vietnamese people must be held accountable to heal the wounds of war!

For further information, please contact: Micòl Savia micsavia@hotmail.com tel. 0039.333.21.19.674



IADL, International Association of Democratic Lawyers, is a Non-Governmental Organization (NGO) with consultative status to ECOSOC and

L'héritage de l'agent orange au Vietnam

Maison des associations – Rue des Savoises - Genève

Mardi 26 juin 2012 - 20h15

Salle Mendes (sous-sol) – entrée libre

Intervenants :

Général Nguyen Van Rinh

Président

Vietnam Association for Victims of Agent Orange/dioxin

Jeanne Mirer

Présidente de International Association of Democratic Lawyers et Co-présidente de International Committee, National Lawyers Guild (USA)

Jitendra Sharma

Président émérite de International Association of Democratic Lawyers et Président de Indian Association of Lawyers

Nguyen Minh Y

Directeur des Affaires internationales
Vietnam Association for Victims of Agent Orange/dioxin

Le 10 août 2011 marque le 50^{ème} anniversaire du début de l'épandage de l'agent orange et d'autres herbicides au Vietnam par le gouvernement des États-Unis. L'agent orange a été utilisé de 1961 à 1971 et a touché environ 12% de la superficie du Vietnam. On estime que près de 5 millions de personnes ont été exposées à ces produits chimiques. Aujourd'hui il y a encore de nombreux "points chauds" au Vietnam où le sol et l'environnement sont contaminés par ces produits chimiques, y compris des dioxines.

Le Vietnam estime que plusieurs centaines de milliers de personnes ont été tuées ou mutilées, et qu'environ 500'000 enfants sont nés avec des malformations congénitales. Compte tenu de la contamination dans de nombreux endroits, des malformations congénitales apparaissent chez les enfants et petits-enfants des personnes exposées à l'agent orange.

L'utilisation d'armes chimiques et ses conséquences à long terme sème la mort ou la maladie. Cela constitue une violation grave des droits humains à laquelle la communauté internationale se doit de répondre !

Les responsables qui ont infligé douleurs et souffrances au peuple vietnamien doivent être tenus responsables pour guérir les plaies de la guerre !

Co-organisation :

Centre Europe-Tiers Monde (CETIM) : www.cetim.ch

International Association of Democratic Lawyers (IADL) : www.iadllaw.org

Soutiens :

Groupe pour une Suisse sans Armée (Gssa)

Centrale Sanitaire Suisse Romande (CSSR)

United Nations

A/HRC/20/NGO/70



General Assembly

Distr.: General
14 June 2012

English only

Human Rights Council

Twentieth session

Agenda item 3

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Joint written statement^{*} submitted by the International Association of Democratic lawyers – IADL, the American Association of Jurists, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 June 2012]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Target killings: Follow-up visit in the USA by the Special Rapporteur on extrajudicial, summary or arbitrary executions

IADL submits this statement to support and elaborate on the findings of the Special Rapporteur Christof Heyns regarding one aspect of his report: Targeted Killings.

The IADL, since its inception in 1946, has supported the goals of the United Nations Charter in particular the goals “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained..”

IADL has opposed targeted killing for many years. IADL lawyers filed an amicus brief in 2005 with the Israeli Supreme Court when it was addressing the case regarding Israel’s policy of targeted killings. The IADL brief emphasized the violations of the international human rights law, primarily the right to life, when pre-meditated lethal force is used against a person who has not been convicted of any crime.

IADL also questioned whether in the context of the occupation, whether use of lethal force could ever be based on claims of self-defense against a people Israel already occupied and who have a right to self-determination. The Israeli Supreme Court, however, without approving or prohibiting the practice of targeted killing said some targeted killing could be legally permitted (based only on International Humanitarian Law in international conflicts) requiring, *inter alia*, proof that the target was “directly participating in hostilities” against Israel. IADL does not agree with the decision of the Court because it failed to address human rights law or international humanitarian law in the non-international context. Nonetheless, the prior mandate holder (Professor Alston) has commented on the failure of Israel to abide by this decision.¹

Special Rapporteur Heyns “like his predecessor, is seriously concerned that the practice of targeted killing [as justified by the United States] could set a dangerous precedent, in that any Government could, under the cover of counter-terrorism imperatives, decide to target and kill an individual on the territory of any State if it considers that said individual constitutes a threat.”

IADL agrees that this precedent is not only dangerous but also, the claimed right by any country, especially a country like the United States with its massive military might, to target a person for death based on a suspicion of terrorism undermines international law most particularly International Human Rights law, and most notably the right to life. This right is protected in many human rights instruments. Article 6 of the International Covenant on Civil and Political Rights (ICCPR) states: “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” The United States has ratified this Covenant. The ICCPR in Article 14 further guarantees those accused of a crime the right to be presumed innocent and to a fair trial by an impartial tribunal. Targeted killing abrogates these rights.

Since the United States has now placed its policy of targeted killing in the right to self-defense, as the United States is “in and armed conflict with Al-Qaeda as well as the Taliban and associated forces” the illegality of the policy is starkly brought into focus.

¹ See, A/HRC/14/24/Add.6 paragraphs 18-19.

The claim of self-defense now used by the United States to justify its policy of using lethal force against those suspected of being members of Al-Qaeda or the Taliban cannot be countenanced by the international community regardless of their heinous actions.

Self-defense under Article 51 of the United Nations Charter is a narrow exception to the United Nations Charter provisions which prohibit countries from resorting to force or the threat of force in settling international disputes. It is defined as allowing individual or collective action only in the face of an armed attack. To the extent the United States claims the right to kill suspected terrorists or their allies before they act that right is circumscribed by the Caroline case strictures.² While IADL does not oppose legal means to prevent further terrorist attacks, it is a dangerous precedent to allow any country, and in the case of the United States the Chief Executive to be judge jury and executioner of persons suspected of being in Al-Qaeda or the Taliban.³

The United States' resort to ever increasing targeted killings is a direct result of the United States declaring a "War on Terror" after 9/11. Declaring a perpetual war on a tactic and claiming all Al-Qaeda and Taliban are terrorists who may be preemptively killed as a form of self-defense, rather than being arrested and tried for criminal acts in using a law enforcement approach to terrorism, is a product of a powerful military industrial complex in the United States which sees use of force as the first step to resolving disputes rather than a last resort.

The United States began a war in Afghanistan against the Taliban government citing its harboring of the "terrorists" responsible for 9/11. While scholars disagreed whether an attack on Afghanistan was justified "self-defense" after 9/11, the IADL stated the war against the Taliban government, was itself illegal even though IADL did not support the Taliban.⁴ We argued as we argued regarding Iraq, that the attack on the World Trade Center was a criminal act, and did not give the United States license to ignore international law by bombing and invading the country as a whole as such an action stretched the meaning of self-defense in Article 51 of the United Nations Charter beyond recognition.

We posited the right of the United States to demand the government of Afghanistan to arrest and detain for trial those suspected of planning and implementing the 9/11 attacks, and suggested that the United Nations would have had the power to enforce that right if the Afghanistan government did not comply, but we opposed the invasion and believe the rule

² The Caroline case established that in order to use anticipatory self defense, there had to exist "a necessity of self-defense, instant, overwhelming, leaving no choice of means, and no moment of deliberation,' and furthermore that any action taken must be proportional, "since the act justified by the necessity of self-defense, must be limited by that necessity, and kept clearly within it."

³ The drone strikes fall into two categories. Signature strikes where the US will target an area where it believes terrorists are training or living. The other is personality strikes where the US targets a particular person who is believed to be a terrorist. The New York Times on May 29, 2012 addressed the policy as well but did not address any of the legal issues except to say that the President believes that the vetting of the people on the "kill list" (for the personality strikes) done by the executive branch is sufficient due process, and that military age males in the vicinity of "signature" strikes are not civilians. (<http://www.nytimes.com/2012/05/29/world/obamas-leadership-in-war-on-al-qaeda.html>).

⁴ After the 9/11 attacks, the Security Council passed two resolutions, neither of which authorized the use of military force in Afghanistan. Resolutions 1368 and 1373 condemned the September 11 attacks, and ordered the freezing of assets; the criminalizing of terrorist activity; the prevention of the commission of and support for terrorist attacks; the taking of necessary steps to prevent the commission of terrorist activity, including the sharing of information; and urged ratification and enforcement of the international conventions against terrorism.

of law would have been best served if the United States had followed the path of arrest and incapacitation rather than war.

If the international community does not heed the Special Rapporteur's warning regarding the dangerous precedent and end targeted killing, respect for international treaties and law will be further undermined.⁵ The world needs the rule of law and international norms it can count on to apply and regulate the behaviors of people in nations large and small, rich and poor. The United States is not exempt from or above the law.

The American Association of Jurists (AAJ) fully supports and endorsed this statement.

⁵ In the United States the Center for Constitutional Rights and the American Civil Liberties Union brought a case on behalf of Anwar Al-Awlaki's father who wanted to challenge his son's name being on the list of people who were targeted. The court would not entertain the suit not wanting to interfere with military intelligence. Al-Awlaki was killed along with his 16 year old son.

BARBARA STINELLI

(7)

ORAL STATEMENT TO HUMAN RIGHTS COUNCIL
Interactive dialogue with the Special Rapporteur on violence against women

S

Thank you Mrs. President,

The International Association of Democratic Lawyers, along with Giuristi per la Democrazia and the Italian CEDAW Platform welcome the Report of the Special Rapporteur on violence against women on her mission to Italy and the Thematic Report on gender-motivated killings of women.

We are deeply concerned about the underestimation by the Italian Government of its obligation to protect women survived to intimate partner violence and to prevent femicides as a result of this violence.

As noted by CEDAW Committee, in Italy are still persisting "socio-cultural attitudes condoning domestic violence" and the "high number of women murdered by their partner or ex-partner, may indicate a failure of the State authorities to adequately protect the women victims from their partners or ex-partners".

The lack of a gender based collection of data at police and jurisdictional level significantly affects the inability of institutions to predispose adequate policies for the prevention and protection of victims, and as well the inability of media to properly inform on femicide cases.

The implementation of existing law and protection measures is frustrated by the lack of gender approach and coordination by those who should enforce them.

The lack of mandatory training for professionals on how to identify risk factors and to manage with survivors of intimate partner violence increase the risk for women to be revictimized or killed as a result of inadequate protection from previous domestic violence.

We urge the Italian Government to fully implement the Recommendations made by the Special Rapporteur on violence against women and particularly:

- To ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence
- To set up an appropriate system of data collection
- To enhance coordination and exchange of information among the judiciary, police, and psychosocial and health operators who deal with violence against women
- To take immediately financial measures in order to prevent shelters from closing;
- To address the legal gap in the area of child custody, including provisions for the protection of women and child victims of domestic violence

Thank you very much.

United Nations

A/HRC/20/NGO/71



General Assembly

Distr.: General
14 June 2012

English only

Human Rights Council

Twentieth session

Agenda item 3

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Written statement submitted by the International Association of Democratic Lawyers – IADL, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 June 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Addressing femicide in Italy^{}**

The International Association of Democratic Lawyers (IADL), along with Giuristi Democratici, Pangea ONLUS, Donne In Rete contro la violenza (D.I.RE),¹ draws the attention of the United Nations Human Rights Council to the alarming trend violations of women's rights in Italy, specially women's right to a life free of violence.

Femicide as a result of intimate partner violence (IPV)

According to the 2010 Eurobarometer survey by the European Commission on VAW, across Italy 91% of respondents think domestic violence is "fairly common" in their country.

Even if the total number of homicides and of female homicides is decreasing, femicides are increasing².

Most part of femicides are intimate femicides, perpetrated by partner or ex-partner.

Out of 10 women killed by their (former) partner, 7-8 had already been facing other forms of violence by those men before being killed, that were denounced by the woman to police forces or social forces.

CEDAW Committee in 2011 expressed his concern about the high number of women murdered by their partner or ex-partner in Italy, and observed that high rates of femicides may indicate a failure of the State party's authorities to adequately protect the women victims from their partners or ex-partners.

Responsibilities of Italian State in preventing femicide and responding to IPV

Italian Government seems to underestimate the due diligence obligation to prevent gender based killing.

The principal obstacle to the realisation of a comprehensive strategy is the institutional lack of awareness of the structural and gender dimension of femicide and IPV and lack of the political willingness to address underlying causes of discriminatory violence against women.

With the new Government³ Minister of Equal opportunities was incorporated into Minister of Labour and there isn't a national institution with its own resources and exclusive competence on women's rights.

^{**} Giuristi Democratici (GD), Pangea ONLUS, Donne In Rete contro la violenza (D.I.RE), NGOs without consultative status, also share the views expressed in this statement

¹ Giuristi Democratici (GD), Pangea ONLUS, D.I.RE are active members of the CSO Italian platform "30 YEARS CEDAW: work in progress", a network of organizations and experts engaged on women's rights that has a formal dialogue with the Italian Institutions. GD coordinated the CSO Platform for the drafting and the presentation of the first Italian Shadow Report in the 49 CEDAW session in 2011 in NY, to the UN CEDAW Committee. GD jointly with the CSO Platform started a campaign to raise awareness among women of their rights and to train institutions and professionals for the application of CEDAW and to use national and international procedures to prevent femicide and to protect women's rights.

² In Italy: during 2006 101 femicides on 181 female homicides; during 2010 127 femicides on 151 female homicides.

³ Composed by unelected technical experts.

Since January 2012 femicides are increasing, no one Ministry made a public declaration to express that violence against violence is socially unacceptable and no action was taken to contrast the phenomenon and disseminate information on available measures to prevent acts of violence against women among the public opinion.

The lack of understanding violence against women issues by professionals, law enforcement personnel and all State actors, increase exponentially the risk for women to be re-victimized or to be killed as a result of previous domestic violence.

The lack of mandatory training of all the professionals on how to identify risk factors and how to manage with survivors of violence against women make possible that laws are differently applied from district to district. . Actually are not available official data on mortality due to gender violence, and still lack a gender based collection of data at the police level and jurisdictional level.

The lack of data significantly affects the inability of institutions to predispose adequate policies for the prevention and protection of survivors of domestic violence, and affects the inability of media to properly represent and inform on femicide cases.

In order to encourage women to seek protection and report the violence they have been suffering, there is a need for sheltering facilities at local level.

The nationwide presence of accessible shelters should respond to the various protection needs of high-risk victims or women belonging to vulnerable categories.

The CEDAW Committee in 2011 C.O. asked Italy to “ensure that female victims of violence have immediate protection, including expulsion of perpetrator from the home, guarantee that they can stay in secure and well-funded shelters, in all parts of the country, and that they have access to free legal aid, psycho-social counselling and adequate redress, including compensation”.

Actually, no measures were taken to address those recommendations.

The Italian State must adopt specific strategies to monitor the risk of domestic violence and to protect women facing multiple forms of discrimination, specially migrant women, Roma and Sinti women, disabled women.

Regarding divorce

One of the most important challenges is to prevent femicide as a result of IPV during/because separation or divorce.

This can be possible with the improvement in the cross over between criminal, civil and family law, strengthening mechanism for better protection of women and children during the separation and divorce phases.

The duration of the divorce proceedings may increase the risk of violence against women, so it urge a reform of the family code, suggested also by CEDAW Committee.

Psychological marital violence is very often not recognised in the Court as a responsibility for separation, because of the difficulty to prove domestic violence through witnesses, and because of the failure by the judges to recognize intimate partner violence.

Because of the law mechanisms, perception of family allowance and payment of alimony is statistically more difficult to women than to men.

Also child custody can be an occasion of re-victimisation. There is any law that explicitly recognize witnessed violence as a reason of exclusion of shared custody. This means that in case of IPV, whether there is a claim or a condemnation, often in the Courts happens that the children are forced to see the violent father. The refusal of the child to meet the

mistreating or abusive father is often interpreted by judges and social services as a psychological conditioning of the child by the mother (Parental Alienation Syndrome).

CEDAW Committee in 2011 express his concern for “reports of suspicion towards claim of child abuse in custody cases, based on the dubious theory of Parental Alienation Syndrome” and called upon Italian State “to evaluate the legal change in the area of child custody through scientific studies, in order to assess its long term effects on women and children, bearing in mind the experience accumulated in other countries on this matter”.

Despite this recommendation, in Parliament is still open the discussion to approve draft bill n. 957, that is a open violation of women and children's rights, as it provide compulsory mediation for shared child custody, even if the woman was victim of intimate partner violence. This bill will not include intimate partner violence or witnessed violence as a reason for exclusion of shared custody. In addition, in violation of CEDAW recommendation, it provides PAS to be included among the reason for the exclusion of shared custody.

It urges the Italian State to ensure that the right to visit and the right to shared custody of a parent do not nullify the right to protection of women and their children.

Recommendations

We call on the Human Right Council to reinforce the obligations of States obligations under international human rights law to prevent and respond to violations occurring in the private sphere.

We call upon Italian State to respect, fulfil and implement the 2011 Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW) and Recommendations of the UN Special Rapporteur on violence against women, Ms. Rashida Manjoo.

We urge Italian State to quickly ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

We remind Italian State of its obligation to exercise its due diligence obligations with regard to violence against women, to prevent, investigate, prosecute, punish and compensate for violence against women as well as provide services for women survivors of VAW including shelters.

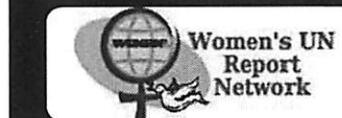
Based on its obligations with regard to IPV and femicide, we urge Italian Government:

- to favour coordination among judiciary, police and psycho-social and health operators involved in protection of women;
- to act immediately to prevent shelters from closing because of the lack of funds;
- to provide to the harmonization of civil and criminal laws concerning the protection of women who are victims of domestic violence and related situation;
- to ensure the child and woman's right to safety within child contact proceeding, also providing in case of domestic violence the prohibition of the perpetrator to seek contact, residency and shared parental responsibility within divorce and separation proceedings;
- to recognize that witnessed violence constitute a form of child abuse;
- to apply methods for monitoring the implementation of legislations;
- to provide victims of domestic violence with safe and prompt access to justice, in order to ensure them available, effective and sufficient remedies and rehabilitation.

UN HUMAN RIGHTS COUNCIL - SESSION 20

ITALY
VIOLENCE AGAINST WOMEN
FEMICIDE
UNSC RESOLUTION 1325
PANEL

June 25, 2012 – 3:00 - 5:00 p.m.
Palais des Nations - Room VIII
Geneva - Switzerland



Sponsors and Co-sponsor:

- * Pangea Foundation Onlus Italy - Italian Member CSO of CEDAW Platform "lavori in corsa"
- * Giuristi Democratici - Italian Member CSO of CEDAW Platform "lavori in corsa"
- * D.I.R.E.- Italian Shelters Network Against Violence - Italian Member CSO of CEDAW Platform "lavori in corsa"
- * International Association of Democratic Lawyers
- * IWRAW AP- International Women's Rights Action Watch Asia Pacific
- * NGO Committee on the Status of Women - Geneva
- * WAVE - Women Against Violence Europe
- * WOW - Worldwide Organization for Women
- * World YWCA
- * WUNRN - Women's UN Report Network

Distinguished Speakers:

- UN Special Rapporteur on Violence Against Women

Ms. Rashida Manjoo - Statement

- CEDAW Committee

Ms. Patricia Schulz - 2011 CEDAW Recommendations to Italy

- WAVE - Women Against Violence Europe

Ms. Hilary Fisher - Council of Europe Convention on Combating Violence Against Women

- International Association for Democratic Lawyers - Giuristi Democratici

Ms. Barbara Spinelli - Femicide in Italy and Europe

- D.I.R.E. - Italian Shelters' Network Against Violence

Ms. Titti Carrano - Italy National Action Plan on Violence Against Women - Monitoring

- CEDAW Platform - UN SC Resolution 1325 & Italy National Action Plan

Ms. Augusta Angelucci, Former UNDP Gender Advisor

- WUNRN-Women's UN Report Network

Ms. Lois A. Herman, Coordinator - Power Point on VAW Italy

Moderator: *Ms. Simona Lanzoni, Project Director - Pangea Foundation - Italy*

United Nations

A/HRC/20/NGO/66



General Assembly

Distr.: General
14 June 2012

English only

Human Rights Council

Twentieth session

Agenda item 10

Technical assistance and capacity-building

Written statement* submitted by the International Association of Democratic Lawyers – IADL, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 June 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The cholera epidemic in Haiti

The IADL has been supporting the rights of the people of Haiti for justice and democracy for many years.

We have issued numerous statements in support of the rights of the Haitian people to self-determination and justice. Many lawyers associated with IADL affiliates have worked closely with lawyers in Haiti to address the needs of the people especially after the devastating earthquake. In October of 2010 a severe cholera outbreak occurred in Haiti which has killed at least 7,000 Haitians and sickened at least a half million others, so far.

IADL supports the case filed by the Bureau de Avocats Internationaux and the Institute for Justice & Democracy in Haiti on behalf of 5000 victims of cholera in Haiti.

According to the Report of the Independent Experts commissioned by the Secretary General of the United Nations to investigate the outbreak, the panel of researchers found, *inter alia*, that:

- the October 2010 cases of cholera were the first in Haiti in nearly a century;
- that the source was in the Meye Tributary system of the Artibonite River;
- that human wastes from the MINUSTAH camp above the Meye river likely leaked into the river in at least two places; and
- the outbreak strains in Haiti are genetically identical, indicating a single source for the Haiti outbreak and the bacteria is very similar, but not identical, to the South Asian strains of cholera currently circulating in Asia, confirming that the Haitian cholera bacteria did not originate from the native environs of Haiti.

Although these findings point to the source of the outbreak being from a member of the Nepalese (South Asian) troops who had recently arrived at the Mirebelais MINUSTAH camp in Haiti, and the admitted failure of the UN contractor to ensure sanitary conditions at the camp, the report concluded “that the Haiti cholera outbreak was caused by the confluence of circumstances as described above, and was not the fault of, or deliberate action of, a group or individual.”

Several subsequent genetic studies have confirmed that the cholera in Haiti came from the cholera strain present in Nepal in October 2010. In April 2010, UN Special Envoy to Haiti Bill Clinton conceded that UN troops were the “proximate cause” of Haiti’s cholera epidemic.

IADL cannot agree that with the report’s conclusions that neither a group nor individual was at fault for this outbreak, based on the findings. Whether there was a “confluence of circumstances” which led to the outbreak or not, the finding that the UN did not ensure that fecal matter did not get into the Meye Tributary there is at least evidence of gross negligence on the part of the United Nations for its practice of allowing troops to have ten days off after testing their stool for disease prior to leaving for Haiti¹, and the failure to ensure adequate waste disposal. The law suit filed on behalf of 5000 victims claims gross negligence on the part of the United Nations leading to massive loss of life and illness. The actions of the United Nations lead to a massive violation of many Haitians’ human rights to life and health.

¹ While the panel report states that no one at the Mirebelais Camp became ill with cholera, it is well known that a person may have been exposed to the bacteria and not get sick.

For this the victims of the outbreak are entitled to an effective remedy. The right to an effective remedy for violations of human rights law is enshrined in many international instruments. These include Article 2(3) of the International Covenant on Civil and Political Rights (ICCPR), Article 8 of the Universal Declaration of Human Rights to name a few.

The IADL requests the Human Rights Council to consider recommending:

- expand the mandate of the Special Rapporteur on Human Rights in Haiti to be able to include the issue of the origin of the cholera epidemic;
 - but nonetheless, the United Nations ensure that any victim of cholera in Haiti is provided an effective mechanism for enforcing his or her rights to compensation, including access to a Standing Claims Commission or national court system, and
 - the United Nations respect the Haitian people's recognized human right to water by providing the comprehensive clean water and sanitation infrastructure necessary to control the cholera epidemic.
-



A
sociedad
socialista
americana

A
mericana de
mártires
americana de
mártires

J
uristas
uristas
uristas
uristas



S

**Asamblea general
Consejo de Derechos Humanos
20mo periodo de sesiones**

Tema 4 : Situaciones de derechos humanos que requieren la atención del Consejo

Debate general

Agradecemos la oportunidad brindada.

Nuestras organizaciones ve con preocupación la negativa del gobierno británico a constituir una mesa de negociación pacífica que pueda alcanzar una solución definitiva al caso colonial en pleno Siglo XXI de las Islas Malvinas. Negativa que, acompañada de una serie de medidas unilaterales de militarización y autorización de licencias de exploración hidrocarburífera, conforman una posición que pone en riesgo la estabilidad y la paz de la región.

Compartimos la preocupación del Gobierno Argentino, América Latina y el Caribe frente a las medidas tomadas por el Reino Unido que implican una militarización creciente del Atlántico Sur.

Llamamos la atención sobre la continuidad de operaciones de exploración de hidrocarburos en la plataforma continental argentina, unilateralmente autorizadas por Gran Bretaña, llevadas a cabo por las compañías Argos Resources, Borders & Southern, Desire Petroleum, Falkland Oil and Gas y Rockhopper Exploration, en violación a la soberanía e integridad territorial de la Argentina, y a lo establecido por resoluciones de las Naciones Unidas y otros organismos internacionales¹, que insta a los dos países a abstenerse de adoptar decisiones unilaterales mientras persista la controversia por la soberanía de las Islas Malvinas.

¹ Entre otras: la Resolución 1514 de la ONU que proclama poner fin rápidamente al colonialismo en todas sus formas y manifestaciones; la Resolución 2065 del 16 de septiembre de 1965 aprobada por la XX Asamblea General de las Naciones Unidas; la Resolución 3160 del 14 de diciembre de 1973 de la Asamblea General de las Naciones Unidas, la resolución 31/49 de la Asamblea General de las Naciones Unidas, cuyo punto 4 "insta a las dos partes a que se abstengan de adoptar decisiones que entrañen la introducción de modificaciones unilaterales en la situación mientras las islas estén atravesando por un proceso recomendado en las resoluciones arriba mencionadas" (Res. 2065 y 3160); la declaración de la XVI Asamblea General de la OEA reunida en Guatemala, en noviembre de 1986, respaldando el comunicado del gobierno argentino, que sostenía que la "zona de exclusión" decretada por Gran Bretaña alrededor de las Malvinas constituye una "amenaza cierta" a la paz; la resolución del Comité Jurídico Interamericano de la OEA, del 4 de febrero de 1987 en Río de Janeiro, en la que ratificó que "la Argentina tiene inobjetable soberanía sobre las islas Malvinas", y calificó como "un acto atentatorio no sólo contra el derecho sino también contra la paz y la seguridad internacionales" la decisión británica de establecer una zona de exclusión pesquera en aguas ubicadas alrededor del archipiélago; la resolución del 1º de marzo de 1988, adoptada en la Reunión Extraordinaria del Consejo Permanente de la OEA realizado en Washington, en razón de las maniobras militares en el Atlántico Sur programadas

Resulta preocupaante la intención de realizar un referéndum entre los colonos de las Islas Malvinas, en una típica expresión colonialista condenada por el derecho internacional:

La persistente negativa de la Gran Bretaña a entablar negociaciones sobre las Islas Malvinas, desoye los requerimientos de las Naciones Unidas, la OEA, el Mercosur, la Unasur, Celac, el Grupo de los 77 más China (131 Estados), las Cumbres Iberoamericanas, así como la misión de buenos oficios del Secretario General de la ONU.

Llamamos al Consejo a exhortar al Reino Unido a sentarse a una mesa de negociación y requerir la suspensión de las medidas unilaterales que atentan contra la soberanía de los recursos y los derechos económicos de la Argentina.

Muchas gracias.

27 Junio 2012

United Nations

A/HRC/20/NGO/68



General Assembly

Distr.: General
14 June 2012

English only

Human Rights Council

Twentieth session

Agenda item 5

Human rights bodies and mechanisms

Joint written statement* submitted by the International Association of Democratic Lawyers – IADL, the American Association of Jurists, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 June 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The human right to peace

The International Association of Democratic Lawyers (IADL), a non-governmental organization of thousands of lawyers and jurists world-wide, welcomes the work of the Advisory Committee on the codification of the human right to peace. IADL thanks as well all the UN Member States and the Human Rights Council which made this development possible and kept this important issue on the international agenda.

The draft Declaration on the human right to peace prepared by the Advisory Committee (A/HRC/220/31) represents a significant improvement in the definition of the content and scope of the right to peace and it represents a major step forward from the Declaration on the Right of Peoples to Peace adopted by the General Assembly in 1984.

The document overcomes the tendency to restrict the Human Right to Peace mainly as a collective right and exclusively in relation to issues such as war and disarmament. Peace is a human right belonging to everyone, individuals and people, without distinctions or discrimination. Peace is not just the absence of war or violence. IADL particularly welcomes the fact that the proposed draft recognizes that "inequality, exclusion and poverty generate structural violence which is incompatible with peace, and therefore, they must be eliminated". The draft includes as well standards of positive actions towards peace in areas such as the rights to development, a healthy environment, the rights of refugees and migrants.

Today millions of people are starving or dying from curable diseases and too many are highly exploited. True peace is not possible in the face of massive poverty, hunger, discrimination, inequality, exclusion and intolerance. Social justice is necessary for there to be peace.

Peace is the primary goal of the United Nations, and a reason for its existence. In the Preamble of the United Nations Charter, the peoples of the world proclaimed their determination to "save succeeding generations from the scourge of war" and to live together in peace with one another as good neighbors.

The first purpose of the UN Charter in Article 1 is "to maintain international peace and security, and to that end, to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace". In pursuit of this purpose, article 2 requires to all Member States to settle their international disputes by peaceful means and to refrain from the threat or use of force in their international relations.

Realizing the goals of the Charter after almost seventy years is still a struggle. While there have been no World Wars, a culture of violence persists. Wars are preemptive and "humanitarian". The killing of civilians is tolerated as collateral damage. Extrajudicial executions are on the rise as technology allows unmanned drones to target groups and individuals. Torture is tolerated, sometimes authorized. War is being privatized through the use of contractors and mercenaries. Public opinion is unfortunately accepting this regression of our legal and political systems, and in so doing undermining the purposes of the United Nations.

Today the threat of the use of force is becoming a common political instrument to interfere with other's right of self-determination. IADL notes with concern that, recently, the major Western powers are poisoning the atmosphere by creating hysteria to wage war against Iran. A few months ago, in total disregard of the UN Charter, "the United States, France and Britain invaded Libya with cruise missiles, stealth bombers, fighter jets and attack jets. Although NATO took over the military operation, which was sold to international

community as part of the “responsibility to protect” civilians, yet the number of civilians killed in this effort remains unknown. But, the “responsibility to protect” doctrine is not enshrined in any international treaty nor has it ripened into a norm of customary international law”.¹ As noted by Mr. Alfred de Zayas during the UN expert workshop on the right of peoples to peace held in Geneva on 15 and 16 December 2009, whether or not there is a responsibility to protect, there is “first and foremost a responsibility to protect humanity from the scourge of war, and most importantly to protect humanity from weapons of mass destruction, including nuclear weapons”.

For the reasons stated in the article referenced in Footnote 1 IADL believes that the wording of Article 2, paragraph 3 of the draft declaration” is too vague and dangerous and should be discussed further in order to avoid any misinterpretation. This paragraph states: “Everyone has the right to be protected from genocide, war crimes, the use of force in violation of international law, and crimes against humanity. If States are unable to prevent these crimes from occurring within their jurisdiction, they should call on Member States and the United Nations to fulfill that responsibility, in keeping with the Charter of the United Nations and international law”.

Since its founding in 1946 and again in its conference of Paris in 2010, IADL has always supported the total elimination of nuclear weapons. The danger to world peace caused by nuclear weapons is so great as to require the global eradication of all of them. IADL therefore agrees with Article 3.3 demanding the elimination of nuclear weapons as part of the elimination of weapons of mass destruction.

While IADL welcomes this draft we are concerned that it does not contain any provision opposing foreign military bases. Members of civil society were unanimous that because the presence of foreign military bases increase tension among the host country and its neighbors a provision prohibiting foreign military bases should be part of the declaration.² Member States should take note of the importance of unilateral efforts towards demilitarization and peace. Cases as Article 9 of the Japanese Constitution and Article 12 of the Costa Rican Constitution are living examples of the positive impact of peace constitutions and de-militarization towards human development, peace and international relations.

IADL also requests Member States to focus attention on a mechanism for monitoring the implementation of this declaration. Article 13, particularly paragraph 6, of the draft Declaration is simple, or rather vague, which says only “The Human Rights Council is invited to set up a special procedure to monitor and respect for and the implementation of the right to peace and to report to the United Nations bodies.” Together with other provisions on roles of States the human right to peace must now contain procedural safeguards. To avoid any conflicts in jurisdictions or any overloaded breakdowns of monitoring mechanism, IADL recommends the Member States to set up working groups with well-coordinated assignments within the network of the Human Rights Council, the United Nations High Commissioner for Human Rights and the office of the High

¹ “The Responsibility to Protect – The cases of Libya and Ivory Coast” by Marjorie Cohn, professor of law at Thomas Jefferson School of law and deputy secretary general of the International Association of Democratic Lawyers. May 15, 2011, e-International Relations, www.e-ir.info

² In Latin America, for example, countries have not waged war against each other for almost four decades now, and certainly none of them plan or have the capacity to invade the United States. Since the elimination of military bases in Argentina, Brazil, Ecuador, Bolivia and Venezuela, the region has reached a sustained period of understanding and diplomatic relations. In East Asia, the maintenance of United States military bases in Japan and Korea are responsible for the high level of tension in the region.

Commissioner. We suggest all State Parties to should be required to make a financial contribution and support toward the monitoring mechanism of the right to peace.

Almost thirty years ago the General Assembly, in resolution 39/11, proclaimed that we, the people of the world, have the “sacred right to peace” and that “the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of each State.” Time has come for Member States to take their responsibility and make the right to peace operative. The right to peace is not a “moral right” or a human “aspiration” it is a human right.

IADL urges Members States to carefully consider the proposed draft declaration and to engage, without delay, in a transparent and open process, involving the civil society, toward the adoption of a Declaration on right to peace, using the one prepared by the Advisory Committee as a model and including the above mentioned express provisions on military bases, nuclear weapons and monitoring program.

The American Association of Jurists (AAJ) fully supports and endorsed this statement.

Item 5. S

The IADL's oral submission on the right to peace

International Association of Democratic Lawyers (IADL)

President Jeanne Mirer

Thank you chairman,

The International Association of Democratic Lawyers welcomes the work of the Advisory Committee on the codification of the human right to peace. The draft Declaration they presented represents a significant improvement in the definition of the content and scope of the right to peace and a major step forward from the Declaration on the Right of Peoples to Peace adopted by the General Assembly in 1984.

The document overcomes the tendency to restrict the Human Right to Peace mainly as a collective right and exclusively in relation to issues such as war and disarmament. Peace is not just the absence of war or violence. The draft includes as well standards of positive actions towards peace in areas such as the rights to development, a healthy environment, the rights of refugees and migrants. These standards reflect the accumulation of two years activities of the Advisory Committee.

Peace is the primary goal of the United Nations, and the major reason for its existence. In the Preamble of the United Nations Charter, the peoples of the world proclaimed their determination to "save succeeding generations from the scourge of war" and to live together in peace with one another as good neighbors. The Preamble to the Universal Declaration of Human Rights also recognizes that the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom justice and peace in the world.

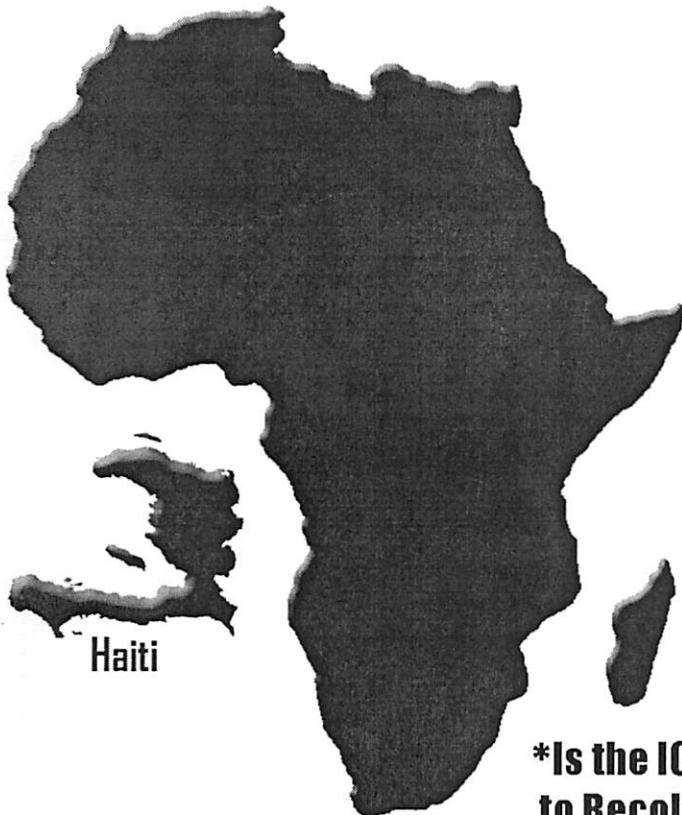
IADL urges Members States to carefully consider the proposed draft declaration and to engage, without delay, in a transparent and open process, involving the civil society, toward the adoption of a Declaration on right to peace, using the one prepared by the Advisory Committee as a model and including the provisions on military bases, nuclear weapons and monitoring program which mentioned in our written statement.

IADL also requests Member States to focus attention on a mechanism for monitoring the implementation of this declaration. Article 13, particularly paragraph 6, of the

draft Declaration is simple, or rather vague. Together with other provisions on roles of States the human right to peace must now contain procedural safeguards. To avoid any conflicts in jurisdictions or any overloaded breakdowns of monitoring mechanism, IADL recommends the Member States to set up open-ended intergovernmental working groups with well-coordinated assignments within the network of the Human Rights Council, the United Nations High Commissioner for Human Rights and the office of the High Commissioner. We suggest that all State Parties should be required to make a financial contribution and support toward the monitoring mechanism of the right to peace.

Wars cause unspeakable damage to people. The right to peace enables people to demand their government directly to prevent or stop war. From this perspective, we should pay more attention to the precedent in countries, which have the right to peace or the right to live in peace in their constitution or jurisprudence. For example in Japan and Costa Rica, ordinary citizens have invoked those rights against violation of these rights in the Courts. They achieved these precedents because of the integration of human rights and peace. There is no legal reason why an enforceable right to peace should be required in country constitutions when the UN Charter itself makes peace a right of all people.

Almost thirty years ago the General Assembly, in resolution 39/11, proclaimed that we, the people of the world, have the "sacred right to peace" and that "the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of each State." Time has come for Member States to take their responsibility and make the right to peace operative. The right to peace is not a "moral right" or a human "aspiration" it is a fundamental human right.



Haiti

African-American International Conference

INTERNATIONAL CRIMINAL COURT: ENDING NATO'S IMMUNITY FOR WAR CRIMES AND CRIMES AGAINST HUMANITY IN AFRICA AND IT'S DIASPORA

[Libya, Haiti, Cote d'Ivoire, Zimbabwe and U.S.]

***Is the ICC a Weapon in a Western Campaign
to Recolonize Africa and African People?**

***Do NATO's "Peacekeepers" have immunity for
War Crimes and Other Violations of International Law?**

***The ICC, Global Justice and the Role Played by the Media:
An African Perspective:**

***Special Video Presentation: ICC & Africa: Dr. Molefi Kete Asante**

Speakers:

- *Roger Wareham (US), attorney, International Secretary-General for International Association Against Torture
- *Minister Akbar Muhammad (US), international affairs specialist Nation of Islam
- *David Comissiong (Barbados), attorney, President of the Clement Payne Movement
- *Mireille Fanon-Mendes (France), President Frantz Fanon Foundation; Member of UN Working Group of Experts on People of African Descent
- *Richard Harvey (UK), attorney, international legal specialist member of the Int'l Assoc. of Democratic Lawyers

MONDAY, JUNE 18, 2012, 2:00 - 5:00 p.m.

International Institute of Social Studies

Erasmus University

Kortenaerkade 12

2518 AX The Hague, Netherlands

Organizational sponsors:

* December Twelfth Movement International Secretariat

* International Association Against Torture

* International Institute of Social Studies/International Relations Committee, Erasmus University