



## 37<sup>th</sup> FIDH Congress from 6 to 10 April, 2010 in Yerevan

DRAFT RESOLUTION ON JUSTICE  
(presented by the International Board to the 37<sup>th</sup> FIDH Congress)

**The International Federation for Human Rights (and its member organisations), gathered in its 37th Congress:**

*Recalling* that FIDH is a federation gathering 155 member organisations which have as one of their main objectives the fight against impunity for gross human rights violations and international crimes and seeking redress of the victims of such crimes,

*Taking into consideration* that the right to an effective remedy before an independent judicial body is a fundamental right recognised in international law (see, e.g., Universal Declaration of Human Rights, art. 8; Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, G.A. Res. 60/147, U.N. Doc. A/Res/60/147 (Dec. 16, 2005); International Covenant for Civil and Political Rights, art. 2(3); International Convention on all Forms of Racial Discrimination, art. 6; Convention against Torture, art. 14; American Convention on Human Rights, art. 25; European Convention for the Protection of Human Rights and Fundamental Freedoms, art. 13),

*Recalling* that the rights of victims to truth, justice and reparation are well established in international and customary law,

*Acknowledging* the experience gathered by FIDH (and its member organisations) in the use of national, regional and international justice mechanisms in support of victims of human rights violations and international crimes in their fight for justice,

*Acknowledging* that justice has a deterrent effect and constitutes a significant step towards guaranteeing the non repetition of violations and crimes,

*In light* of the Review Conference of the Statute of the International Criminal Court (ICC) to be held in Kampala, Uganda in May-June 2010 and *considering* that the ICC represents one of the most significant steps forward in the history of the fight against impunity at the global level, but that its resources are insufficient and the cases in which it intervenes are very limited taking into consideration the dimension of the crimes committed in different regions of the world which could fall under its jurisdiction,

*Taking into account* that the States which have ratified the Convention against Torture and the Geneva Conventions are under the obligation to implement the universal jurisdiction mechanism and that, instead of moving forward, some States have significantly weakened this commitment through amendments to their domestic legislation,

*Considering* that during the last decade of the wrongly called “war against terrorism”, the number of war crimes affecting the civilian population in an indiscriminate manner has increased, and that such crimes remain unpunished,

*Recognising* the key role that human rights defenders play in the fight against impunity,

*Taking into account* that the lack of willingness of states to end impunity manifests itself in different ways, ranging from failures to investigate or deriding prosecutions for serious international law violations as a matter of politics rather than justice to mock trials, undue delays in proceedings or assertions of immunity,

*Convinced* that there is a need to reinforce the capacity of national justice systems to fight against impunity and provide an effective remedy to victims,



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1. RECALLS its commitment to the fight against impunity for gross human rights violations and international crimes, including those committed by non-state actors;
2. RENEWS its commitment to support victims, including victims of gender-based violence, in their search for truth, justice and reparations;
3. DECIDES to intensify its work before national courts and to continue its activities before regional and international judicial bodies with the aim to enhance the capacity of the former;
4. DECIDES to increase its commitment to crime prevention and promote the deterrent effect of justice;
5. REAFFIRMS its commitment in the documentation and denunciation of human rights violations and international crimes, as well as of the existing impunity of perpetrators, and in advocacy, including through litigation to challenge the capacity of national justice systems with the aim of enhancing it;
6. DECIDES to continue to act towards strengthening the investigative, punitive and preventive role that the ICC must play wherever crimes falling under its jurisdiction are committed, and CALLS UPON all States to reinforce their commitment and support to the ICC, as well as to contribute to the Trust Fund for Victims;
7. URGES all States which are involved in the fight against terrorism, to strictly and fully respect human rights and international humanitarian law in any circumstance and with regard to all persons, communities and peoples, by ensuring that any violation of those obligations will give rise to disciplinary and criminal prosecutions, and by committing to provide reparations to the victims;
8. REAFFIRMS its commitment to defend and promote universal jurisdiction so that victims' right to justice can be guaranteed above the economic and diplomatic interests of States;
9. REAFFIRMS its determination to reinforce the capacities of the Legal Action Group (GAJ) as a tool for its member organisations to be used in their fight against impunity for human rights violations, including international crimes, by promoting its development to more regions with the aim to facilitate its member organisations' access to legal experts and in order to promote sharing of expertise across organisations in order for them to make more and better use of national judicial systems in the fight against impunity and access to a remedy;
10. DECIDES to reinforce the links between the FIDH International Secretariat and the member organisations, as well as among the members of the same region and between different regions with the aim of sharing experiences as to how to overcome obstacles to obtain justice and contributing to the development of common strategies and good practices.