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ENCOURAGEMENT OF UNIVERSAL ACCEPTANCE OF HUMAN RIGHTS INSTRUMENTS

Written statement submitted by the International Federation
of Human Rights, a non-governmental organization in
consultative status (category II)

At the present time, in this world where wholesale violations of human rights are, more often than not, at once the cause and the effect of international or internal armed conflicts, whether recognized as such or not, we feel it is appropriate to recall the complementarity of the system established by the conventions and covenants on human rights and the conventions and protocols on humanitarian law, which in their different but not exclusive ways have one and the same object - man, and one and the same goal - the protection of man.

In the knowledge that the situations to which we refer have in general as their legal framework the state of emergency, as authorized by article 4 of the Covenant on Civil and Political Rights, it is appropriate to reaffirm, as is done in General Assembly resolution 2675 (XXV), and as is clearly indicated in the preparatory work on the Covenant, that the safeguards provided by international law in the event of exceptional circumstances are fully applicable in periods of armed conflict. It is also appropriate to recall that the measures taken as required by the exigencies of such emergency situations must not be inconsistent with **other** obligations under international law.

As far as internal conflicts in particular are concerned, Governments regularly invoke either a state of war to avail themselves of the right of derogation, or a de facto war situation, to try to justify transgression against the irreducible rights guaranteed by the Covenant, without in doing so having recourse to the provisions of humanitarian law which would enable them, perfectly logically, to meet the specific national danger proclaimed, while providing protection in keeping with the threat affecting the community.

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The extension of this protection should be emphasized, particularly in regard to the question of prisoners and judicial safeguards.

Internal conflicts represent the most dangerous period for human rights, the period, as Karl Vasak puts it, when humanitarian law and international law on human rights are like two crutches which the human being is obliged to use for his support to escape the consequences of the conflict.

Accession by States to the instruments of humanitarian law thus calls for attention equal to and simultaneous with that given to the ratification of instruments on human rights. If it were otherwise, the system might well be hamstrung.

Consequently, the INTERNATIONAL FEDERATION OF HUMAN RIGHTS requests the Sub-Commission to add to the list of the instruments which it reviews annually in accordance with its resolution I B (XXXII) of 5 September 1979, the 1977 Additional Protocols I and II to the 1949 Geneva Conventions.