



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/Sub.2/1989/NGO/7
14 August 1989

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-first session
Agenda item 9 (b)

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES:
QUESTION OF HUMAN RIGHTS AND STATES OF EMERGENCY

Written statement by the International Law Association,
a non-governmental organization in consultative status
(category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

1. The International Law Association's Committee on the Enforcement of Human Rights Law has been concerned with the important issue of the protection of human rights in states of emergency since 1978. In 1984, the International Law Association (ILA) adopted the "Paris Minimum Standards of Human Rights Norms in a State of Emergency". In August 1988, the biennial conference of the ILA, held in Warsaw, approved the Committee's second interim report on states of emergency, and it is anticipated that a final report will be presented to the 1990 ILA conference in Australia.

2. Copies of the 1988 report have been provided to the Special Rapporteur named pursuant to Economic and Social Council resolution 1985/37 and to other members of the Sub-Commission. The Committee is fully supportive of the important work of the Special Rapporteur, and it will continue to support his

efforts in preparing the annual list of countries with states of emergency. In addition, the Committee will continue to explore the possibilities of undertaking a pilot comprehensive data-gathering project or the establishment of a states of emergency data centre, possibly through co-operation with other non-governmental organizations.

3. As noted in the Committee's report and the submissions thus far by the Special Rapporteur, analysis of states of emergency and their impact on human rights is extremely complex. It remains difficult to compile accurate information on de jure and de facto states of emergency and similar measures, and the International Law Association would encourage greater attention to such data-gathering by the United Nations Centre for Human Rights as well as by non-governmental organizations. The observations and recommendations presented by the Special Rapporteur in his 1989 report (E/CN.4/Sub.2/1989/30/Add.2) properly emphasize the need for legislative or judicial control over the declaration of a state of emergency, as well as the need to maintain procedural guarantees such as habeas corpus. It is to be hoped that future reports will enable the Sub-Commission to devote greater attention to the general problem of protecting human rights during states of emergency, and that the information contained in the list prepared by the Special Rapporteur will be useful to the Sub-Commission in its consideration of the question of the violation of human rights and fundamental freedoms in all countries.
