“National, regional and international mechanisms to combat impunity and ensure accountability under international law”

*International Conference in Doha, Qatar, on 14-15 April 2019*

*Conclusions and recommendations*

The international conference on “National, regional and international mechanisms to combat impunity and ensure accountability under international law” was organized on 14 and 15 April 2019 in Doha by the Qatari National Human Rights Committee (NHRC) in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), the European Parliament (EP) and the Global Alliance of National Human Rights Institutions (GANHRI).

The conference brought together more than 200 governmental and non-governmental organizations and international experts. The conference aimed at discussing national, regional and international mechanisms to combat impunity for gross violations of human rights law and serious violations of international humanitarian law, and to ensure accountability. Towards this end, the participants took stock of the relevant international law principles, in particular the 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, and the Updated Set of Principles for the protection and promotion of human rights through action to combat impunity.
The participants emphasized that the duty of every State under international law to respect and to secure respect for human rights requires taking effective measures to combat impunity.\(^1\) In this context, they reiterated that States should incorporate norms of international human rights law and international humanitarian law into their domestic law, or otherwise implement them in their domestic legal system; adopt appropriate and effective legislative and administrative procedures and other appropriate measures that provide fair, effective and prompt access to justice; make available adequate, effective, prompt and appropriate remedies, including reparation; and ensure that their domestic law provides at least the same level of protection for victims as required by their international obligations.

The participants stressed that in cases of gross violations of international human rights law and serious violations of international humanitarian law amounting to crimes under international law, States have the duty to investigate and, if there is sufficient evidence, the duty to submit to prosecution the person allegedly responsible for the violations and, if found guilty, the duty to punish her or him. Remedies for such violations include the victim’s rights to equal and effective access to justice; adequate, effective and prompt reparation for harm suffered; as well as access to relevant information concerning violations and reparation mechanisms.

The participants discussed how these principles are being applied in practice by sharing experiences of international, regional and national mechanisms, including the role of national human rights institutions, in advancing these principles and in enhancing accountability. The participants emphasized that achieving accountability and ending impunity must be a priority for the international community.

As justice is closely linked to sustainable peace and development, accountability should not be sacrificed or neglected during peace negotiations, since impunity fuels grievances, leading to reoccurrence of violations and crimes as well as possibly a renewal of armed conflict.

In order to close the impunity gap, action should focus, *inter alia*, on understanding the needs of specific groups, such as minorities, women, youth, internally displaced persons and refugees, in order to reduce the obstacles to their access to justice and to understand the impact of crimes on them. By way of example, women are often the first victims of international crimes, in fact they are often specifically targeted because they are women. Moreover, conflict-related violence against women oftentimes is rooted in pre-existing systematic discrimination. Women

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\(^1\) “Impunity” means the impossibility, *de jure* or *de facto*, of bringing the perpetrators of violations to account – whether in criminal, civil, administrative or disciplinary proceedings – since they are not subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims (E/CN.4/2005/102/Add.1).
are disproportionately affected by the breakdown in infrastructure and services during armed conflict, they continue being victimized after the signature of peace agreements and women victims are stigmatized long after the end of armed conflicts. These circumstances need to be understood in order to overcome challenges to access to justice, but also to deliver genuine accountability and reparations addressing the harm caused.

In that context and throughout the conference, the participants made the following recommendations to various stakeholders.

**States should:**

- Join the Rome Statute system and accede to all human rights treaties, including the International Covenant on Civil and Political Rights as well as its first optional protocol on individual communications.
- Incorporate the Rome Statute crimes into their domestic laws and establish absolute jurisdiction for international crimes, irrespective of whether the suspect is in custody or in the territory of the State.
- Encourage coalitions of like-minded States and civil society organizations to enhance the debate in the General Assembly on accountability.
- Enhance political accountability by advocating for an end to arms sales, in particular in conflict contexts.
- Support institutions contributing to the responsibility to protect in order to enhance accountability at the national level.
- Eliminate obstacles in civil claims related to human rights violations and international crimes, including with regard to statutes of limitation, State immunity, etc.
- Create joint investigative teams of prosecutors from different countries and enhance international cooperation with regard to evidence sharing, extradition and mutual legal assistance.
- Ensure that war crimes investigations remain free from any political pressure.
- Ensure that the creation and sustainability of investigative mechanisms are less dependent on member states’ political interests.
- Create archives to preserve information and evidence.
- Ensure transparency and access to information as well as create space for community media to support access to information.
- Promote access to information through restorative justice in setting up agreed upon truth and reconciliation commissions as well as learn from traditional justice, which is
restorative and collective, and adapt to local conditions with participation of all stakeholders.

- Develop a list of national remedies available to victims and ensure its public dissemination, including to other States in order to promote international cooperation.
- Organise events at the national, regional and international levels for victims to tell their stories and raise public awareness.
- Empower victims to access and participate in truth, justice and reconciliation processes.
- Provide support to victims to access justice and remedies in a language they understand, including in local languages of their country of origin.
- Ensure support to all victims regardless of their affiliations.
- Support victims’ organisations and advocates, and include human rights activists in proceedings.
- Establish a research centre in the Middle East and North Africa region allowing for exchanges of experiences and lessons learned in promoting accountability, bringing the knowledge available within OHCHR and of international experts in order to shape practical and technical recommendations.

All national, international and regional mechanisms should:

- Work towards the establishment of an international observatory that would focus on preventing violations, ensuring accountability and combatting impunity, notably through advice and support to intergovernmental and non-governmental organizations.
- Establish a working group to collect good practices and submit an assessment of existing national, regional and international mechanisms to combat impunity and ensure accountability.
- Ensure a victim-centred approach to investigating and prosecuting international crimes, and focus on redress and reparations, including through assistance.
- Uphold that the victim’s right to remedies places emphasis on the agency of victims, including by:
  a. giving victims access to information as to their rights and available mechanisms,
  b. establishing the needs of victims through consultation,
  c. seeking consent of the victims at different stages,
  d. ensuring victim participation in accountability mechanisms,
e. ensuring the protection and safety of victims, and
f. compensating victims or their families.

- Identify victims of core international crimes and the harm they have suffered with a view of offering assistance, moral and material reparation, irrespective of criminal proceedings.
- Ensure that women and minority groups participate in public consultations aimed at developing, implementing and assessing reparations programs.
- Ensure that the approach to reparations is multidisciplinary and has a multigenerational dimension that recognizes transgenerational victims.
- Ensure that any compensation is effective, easily accessible and proportional.
- Enhance and strengthen the mandate of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, in order to create an open forum for victims to express their views.
- Instead of the term “victims”, use alternative terms such as “survivors”, which empower them and give them a voice.

Civil society should:

- Advocate in the multilateral context for international crimes to be discussed frankly with a view to exercising concerted pressure on States beyond the confines of Realpolitik.
- Raise awareness amongst States of the need for compensating victims beyond criminal justice.
- Invest a considerable percentage of transitional justice efforts geared towards funding victims’ organisations and providing these victims with direct assistance.

The participants of the conference expressed their gratitude and appreciation to the Qatari National Human Rights Committee and the State of Qatar for hosting the conference. All relevant stakeholders are encouraged to implement these recommendations. The participants are also encouraged to utilize these recommendations in their work and advocacy efforts to combat impunity and ensure accountability under international law.