**We are trying to standardize a few things across entries:**

* **What kind of a tribunal is and where it gets its authority from, including (if applicable) when it entered into force?**
* **What kinds of issues does it address?**
* **What kinds of remedies does it offer?**
* **How, very basically, are complaints initiated? Who can issue them?**

**Notes:**

* **We have tried to avoid “States parties” and instead use “governments that have ratified the treaty” or other applicable language.**
* **We try to use one link from the body itself and, if possible, one link from another organization that explains it well. It would be good to use relevant links from the CCIJ site itself if they are relevant.**
* **Also, it would eventually be good to have a link to a story from the CCIJ’s Story site that describes a client’s engagement with a particular mechanism, is such a story exists.**
* **In some cases I have found passages cut and pasted from other websites. It is hard for those of us editing to figure out when people have done so. If you wrote a mechanism description, please ensure that it is not plagiarized.**

**Civil Lawsuit in Canada**

Individuals may be able to file a civil lawsuit in a Canadian court under certain circumstances. Civil lawsuits are different from criminal proceedings. A civil lawsuit addresses a dispute between two private parties, whereas in a criminal trial the government acts as a prosecutor to hold an individual or organization to account for breaking the law. In a civil lawsuit, there is no possibility of a criminal sentence. A civil lawsuit is generally brought to seek monetary compensation for wrongdoing. The victim can sue a person, government or company that she or he believes is responsible for the wrongdoing. If the victim wins the case, the losing party may be required to pay financial damages to compensate the victim for lost income or property, to account for suffering that has been caused, or to act as a financial penalty to deter such behaviour in the future.

To initiate a civil lawsuit, a person whose rights have been violated must submit a pleading to a Canadian court that has the legal authority to settle the dispute with the person or organization accused of causing a harm. There are restrictions on who can have legal standing as a complainant, and limitations on who can be sued. There have been very few civil lawsuits in Canada having to do with torture, war crimes and other international human rights violations. One reason is because foreign governments and individual government officials usually have legal immunity in Canadian courts and thus lawsuits against them are often dismissed. Unless the Supreme Court of Canada changes this situation in an upcoming ruling, or Parliament changes the law, the option of a civil lawsuit may only be available against individuals who had no connection to a government or against corporations.

For basic information on criminal and civil suits in Canada, see <http://www.justice.gc.ca/eng/csj-sjc/just/08.html>.

For examples of civil suits that CCIJ has been involved with, see suits against the government of Iran on behalf of [Zahra Kazemi](http://www.ccij.ca/programs/cases/index.php?WEBYEP_DI=10) and [Houshang Bouzari](http://www.ccij.ca/programs/cases/index.php?WEBYEP_DI=5), and against [Anvil Mining on behalf of the Canadian Association against Impunity](http://www.ccij.ca/programs/cases/index.php?WEBYEP_DI=14),

**Immigration Penalties in Canada**

In some cases, people suspected or convicted of committing serious human rights abuses can be prevented from entering Canada or forced to leave the country. Where the Canadian government has reasonable grounds to believe a person has committed or was complicit in war crimes, crimes against humanity, or genocide, it may bar the person’s entry to Canada or force his or her departure. Such people may have their Canadian citizenship revoked, be deported from Canada, be extradited to a foreign state or be surrendered to an international tribunal to face a criminal trial. They may also be denied refugee protection. The Canadian Boarder Services Agency (CBSA), sometimes with the assistance of the Department of Citizenship and Immigration (CIC), conducts investigations against suspects, and refers cases to the Immigration and Refugee Board (IRB) for a determination about whether a person should be permitted to enter or remain in Canada.

Links:

<http://www.justice.gc.ca/eng/cj-jp/wc-cdg/part.html>

For information on these issues and the *Immigration and Refugee Protection Act* see <http://cbsa.gc.ca/security-securite/wc-cg/wc-cg2011-eng.html>

For an example of a case CCIJ was involved with resulting in exclusion from refugee protection, see: <http://www.ccij.ca/programs/cases/index.php?DOC_INST=9>

**Canadian Criminal Prosecutions**

Individuals present in Canada who are alleged to have committed international crimes may be prosecuted in Canadian courts. Criminal prosecutions are undertaken by Canada’s Department of Justice, which includes a specialized War Crimes Program. International crimes, including genocide, crimes against humanity and war crimes, are all crimes in Canada regardless of where they were committed. Prosecutions of international crimes are rare in Canada, however. Only two prosecutions have been brought under the *Crimes Against Humanity and War Crimes Act* since its enactment in 2000, both for people accused of involvement in the 1994 genocide in Rwanda. Désiré Munyaneza was convicted of genocide, war crimes and crimes against humanity, and Jacques Mungwarere was acquitted of the charges against him for genocide and crimes against humanity.

War Crimes Program: [http://justice.gc.ca/eng/cj-jp/wc-cdg/succ-real.html](http://justice.gc.ca/eng/cj-jp/wc-cdg/succ-real.html" \t "_blank)

For more information on the *Crimes Against Humanity and War Crimes Act*: [http://www.international.gc.ca/court-cour/war-crimes-guerres.aspx?lang=eng](http://www.international.gc.ca/court-cour/war-crimes-guerres.aspx?lang=eng" \t "_blank)

For information about the criminal prosecution of Jacques Mungwarere, see:<http://www.ccij.ca/programs/index.php?DOC_INST=2>

For information about the criminal prosecution of Désiré Munyaneza, see: <http://www.ccij.ca/programs/cases/index.php?WEBYEP_DI=12>

**International Criminal Court (ICC)**

Located in The Hague in the Netherlands, the ICC is the first permanent international criminal tribunal. It was established to prosecute individuals accused of committing the gravest international crimes, including war crimes, crimes against humanity, genocide and aggression. In addition to determining criminal guilt or innocence, the ICC can order reparations to victims, and can provide assistance to some victims in countries where it operates through its Trust Fund for Victims.

The ICC is governed by an international treaty called the *Rome Statute*. Over 120 countries have ratified the treaty, which means that they contribute to the ICC’s budget and accept its jurisdiction over their citizens and over acts that happen on their territory. The ICC can also receive the legal authority to investigate any situation when authorized by the UN Security Council (as happened in the cases of Sudan and Libya, which are not parties to the *Rome Statute*). Most European, Latin American and African countries have joined the ICC, as well as Canada and Japan. Non-members include the United States, China, Russia, India and most Middle Eastern countries.

The ICC’s Prosecutor can launch investigations at the behest of state parties, the UN Security Council, or on her own initiative. For that reason, people can submit information to the Prosecutor about possible crimes. The ICC is intended to be a court of last resort, meaning that it will not act on cases that are already subject to genuine judicial proceedings at the national level. The ICC is also limited to crimes that occurred after July 1, 2002, the day the *Rome Statute* entered into force. Since it was created, the ICC has opened investigations concerning alleged crimes in eight countries, all of them in Africa.

For more information on the ICC and on current cases, see: [http://www.icc-cpi.int/EN\_Menus/ICC/Pages/default.aspx](http://www.icc-cpi.int/EN_Menus/ICC/Pages/default.aspx" \t "_blank) and http://www.iccnow.org.

For information about submitting a complaint to the Prosecutor, see <http://www.icc-cpi.int/en_menus/icc/structure%20of%20the%20court/office%20of%20the%20prosecutor/siac/Pages/default.aspx>.

**Extraordinary Chambers in the Courts of Cambodia (ECCC)**

The ECCC, also known as the Khmer Rouge Tribunal, is a hybrid initiative between the Cambodian government and the United Nations. The ECCC has a legal mandate to prosecute senior leaders and those most responsible for atrocities committed during the Khmer Rouge regime between 17 April 1975 and 7 January 1979. To date the ECCC has completed one criminal prosecution and is currently working on a second. While there are plans to prosecute two further cases, the identities of the accused in those matters have not been made public, and there are some questions about whether or not the cases will proceed. The ECCC is currently accepting applications for victims to participate in these latter two cases.

The ECCC has an innovative mandate for victim participation, allowing individuals to file complaints before the ECCC, as well as apply to participate as civil parties in the proceedings. While there is no mandate for financial compensation to individual victims, civil parties can request collective and moral reparations in cases where a defendant is found guilty. These have included public memorials and education programs.

For information on the ECCC, see the tribunal’s website (<http://www.eccc.gov.kh/en/>) and the Cambodia Tribunal Monitor (<http://www.cambodiatribunal.org>).

For more information about victim participation at the ECCC, see: <http://www.eccc.gov.kh/en/victims-support>

**The War Crimes Chamber at the Court of Bosnia and Herzegovina (WCC)**

The War Crimes Chamber in the Court of Bosnia and Herzegovina was established in 2002 and commenced operations on 9 March 2005. The WCC was created as part of an initiative to transfer cases from the International Criminal Tribunal for the former Yugoslavia (ICTY) to the national jurisdiction and thereby relieve the backlog of cases at the ICTY, help rebuild the judicial system in Bosnia and Herzegovina, and promote reconciliation by bringing accountability for war crimes. Unlike the ICTY, the WCC is not an *ad hoc* internationaltribunal and does not have a time-limited existence. It operates in accordance with the Criminal Code and Criminal Procedure Code of Bosnia and Herzegovina.

The WCC is currently conducting trials of lower to mid-level suspects for war crimes committed in the territory of the former Yugoslavia since 1991. Cases before the WCC may be initiated by the ICTY and then transferred to the WCC, or through investigation by the State Prosecutor of Bosnia and Herzegovina.

Links:

<http://www.sudbih.gov.ba/?jezik=e>

<http://www.trial-ch.org/en/resources/tribunals/hybrid-tribunals/war-crimes-chamber-in-bosnia-herzegovina.html>

**European Court of Human Rights (ECHR)**

The ECHR is a permanent international court based in Strasbourg, France. It rules on complaints from individuals and governments concerning alleged violations of the civil and political rights set out in the *European Convention on Human Rights*, which entered into force on 3 September 1953. Victims need not be a citizen of a country that has ratified the Convention, but rather the alleged violation must have been committed by a ratifying country. Individuals can file complaints at the ECHR after they have pursued legal remedies in their home country. Complaints must be filed within six months of a final decision from a domestic court. Furthermore, complaints that are incompatible with the Convention or its Protocols cannot be heard.

The process is conducted in writing, and in the initial stage, the victim does not need to be represented by a lawyer (but a lawyer is necessary once the government accused of a violation has been notified). An application may be considered by a single judge, a Committee (3 judges) or a Chamber (5 judges). Decisions from a Chamber can be further referred to a Grand Chamber (17 Judges). Judgements of the ECHR are binding and enforced by the Committee of Ministers of the Council of Europe, and have led governments to alter their legislation and administrative practices, as well as pay compensation in a wide range of areas. A total of 93,397 applications were decided in 2013.

Links:

<http://www.echr.coe.int/Pages/home.aspx?p=home>

<http://www.echr.coe.int/Pages/home.aspx?p=applicants&c>

**The African Commission on Human and Peoples' Rights (ACHPR)**

Individuals and NGOs may bring complaints to the ACHPR alleging violations of the rights listed in the *African Charter on Human and Peoples’ Rights*, an international treaty that entered into force on 21 October 1986. All African countries have ratified the Charter with the exception of South Sudan. Communications alleging a human rights violation are addressed to the Secretariat of the ACHPR, located in Banjul, The Gambia, where they are registered. A majority of commissioners decide that the ACHPR should officially consider the complaint. The ACHPR will then determine whether the victims have already attempted to obtain redress from a national court or tribunal and whether it was submitted in a reasonable amount of time.

If the complainant’s application is admitted by the ACHPR, a written response from the concerned government will be solicited. In rare cases, the complainant and the responsible government will provide oral argument. When it has made its judgment, the ACHPR will issue its recommendations, which set out actions to be taken by the government to remedy the violation.

Recommendations are not themselves legally binding. However, they are submitted to the African Union’s Assembly of Heads of State and Government. If adopted, they become legally binding. Although the Charter does not specifically provide a mandate to the ACHPR to grant remedies, the ACHPR has taken on this power. In the past, it has given declaratory judgements (affirming that a right has been infringed), monetary damages, and other forms of non-monetary relief (such as suggested amendments to rights-infringing laws).

The ACHPR website: [http://www.achpr.org/](http://www.achpr.org/" \t "_blank)

The Communications procedure: [http://www.achpr.org/communications/procedure/](http://www.achpr.org/communications/procedure/" \t "_blank)

Information on the African regional human rights system from the International Justice Resource Center: <http://www.ijrcenter.org/regional/african/>

**The Committee on the Rights of the Child (CRC)**

The CRC is a United Nations body of experts that monitors the implementation of the *Convention on the Rights of the Child*, an international treaty that entered into force on 2 September 1990. The CRC also monitors the implementation of the two Optional Protocols to the Convention; one concerns the involvement of children in armed conflict, and the other concerns the sale of children, child prostitution and child pornography. The CRC’s Optional Protocol regarding individual complaints came into force on April 14, 2014. Children under the age of 18 can now submit written complaints to the UN committee if they have suffered abuses or mistreatment at the hands of countries that ratified this Protocol. Individual complaints can only be made after seeking and failing to get redress from the responsible government. Individuals must make their complaint within a year of a decision from a domestic court or tribunal. If the CRC decides that it will consider a complaint, the responsible government will be given the opportunity to respond to the allegations. The CRC will then issue its views and recommendations.

Links:

<http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIntro.aspx>

[https://treaties.un.org/doc/source/signature/2012/CTC\_4-11d.pdf](file:///\\amnesty.ca\doc\source\signature\2012\CTC_4-11d.pdf)

**The Committee Against Torture (CAT)**

The CAT is a United Nations body that may consider alleged violations of the rights set out in the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, an international treaty that entered into force on 20 June 1987.

Complaints may be brought by individuals, or third parties on behalf of individuals, against the 67 countries (as of April 2014) that have ratified the Convention and accepted the CAT’s authority to hear such complaints. Victims must first pursue legal remedies in the country alleged to be responsible for the human rights violation, although an exception to this rule exists where domestic remedies are unreasonably prolonged or unlikely to bring effective relief to the victim. Individual complaints are referred to the Working Group on Complaints, which consists of three to five committee members. If they decide that the complaint warrants consideration from the CAT, it will then be examined on its merits in closed meeting. The individual complainant and a representative from the accused country may be allowed to attend the proceedings and provide clarifications at this stage. The proceedings will conclude with the Committee expressing its views on the case, in writing, to the parties involved.

Link:

<http://www.ohchr.org/en/hrbodies/cat/pages/catindex.aspx>

http://www.ohchr.org/Documents/Publications/FactSheet17en.pdf

**The Human Rights Committee (HRC)**

The HRC is a United Nations body created to monitor compliance with the *International Covenant on Civil and Political Rights* (ICCPR), an international treaty that entered into force on 23 March 1976. The ICCPR covers a wide range of civil and political rights and prohibits certain actions by the 168 countries that are parties to it (as of April 2014). They include, among other things, the prohibition of serious crimes such as arbitrary killings by security forces, genocide, slavery, and torture.

Individuals can lodge complaints against countries for allegedly violating their rights, provided that the country has ratified the First Optional Protocol to the ICCPR. As of April 2014, this Protocol has been ratified by 117 countries. Victims must first attempt to seek justice in the country where the alleged rights violation took place, but there are exceptions to this rule where legal redress in national courts are unavailable, ineffective, or unduly prolonged.

Individual complaints are initially assessed by the Chairperson of the Working Group on Communications. Only complaints that meet the standards for admissibility are transmitted to the government accused of a violation to obtain its views. At the second stage, the complaint is forwarded to the Working Group on Communications, a panel of five human rights experts who consider petitions in two sessions annually. The Working Group on Communications can dismiss a complaint, seek more information, or make recommendations to the Working Group on Situations for further consideration. Finally, the Committee will express its views and recommendations on the situation to the individual and the country concerned.

Links:

Official Site of the HRC: http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIntro.aspx

FAQs: http://www2.ohchr.org/english/bodies/petitions/individual.htm

For an example of a complaint that CCIJ assisted to file before the HRC, see: http://www.ccij.ca/programs/cases/index.php?DOC\_INST=23

**Working Group on Enforced or Involuntary Disappearances (WGEID)**  
   
The United Nations WGEID was established 29 February 1980 with a mandate to " examine questions relevant to enforced or involuntary disappearances of persons." The WGEID can consider cases whether or not the government that is allegedly responsible has ratified any particular treaty, and can even consider cases where no national case has been attempted. In order to be examined by the WGEID, reports of disappearances must be submitted in writing. Cases of disappearances can be submitted by relatives of disappeared themselves, or by organizations acting on their behalf (with prior consent of the relatives).

The WGEID also has the power to take certain actions in urgent circumstances, such as when people have been recently arrested or detained or are believe to be at risk of disappearance. In these cases, the Minister of Foreign Affairs of the concerned country is contacted by the WGEID through the most direct rapid means available.  
   
Links:  
   
Official website  
[http://www.ohchr.org/EN/Issues/Disappearances/Pages/DisappearancesIndex.aspx](http://www.ohchr.org/EN/Issues/Disappearances/Pages/DisappearancesIndex.aspx" \t "_blank)  
   
How to use the WGEID  
[http://www.ohchr.org/Documents/Issues/Disappearances/how\_to\_use\_the\_WGEID.pdf](http://www.ohchr.org/Documents/Issues/Disappearances/how_to_use_the_WGEID.pdf" \t "_blank)  
   
Form to submit a communication on a victim of an enforced disappearance  
[http://www.ohchr.org/Documents/issues/Disappearances/Communication\_form\_E.doc](http://www.ohchr.org/Documents/issues/Disappearances/Communication_form_E.doc" \t "_blank)

**The Committee on Enforced Disappearances (CED)**  
   
The CED is a United Nations body made up of independent experts that monitor the implementation of the *International Convention for the Protection of All Persons from Enforced Disappearance*, an international treaty that entered into force on 23 December 2010. The CED considers complaints from individual about alleged violations of the Convention, provided that the country allegedly responsible for those violations has recognized the competence of the CED to do so. By April 2014, only 17 countries had accepted the CED’s legal authority. Complaints must be submitted in writing and must relate to a disappearance which took place after the Convention’s entry into force. Additionally, the victim must have attempted to seek justice in the country responsible for the alleged disappearance.

Once the CED has received a complaint which meets the requirements for admissibility, it will contact the government of the country concerned and request that it investigate the matter. Any complaint received from the country regarding the whereabouts of a disappeared person will be communicated to the individual who filed the complaint. Cases will be closed once the exact whereabouts of a disappeared person have been determined. At that stage, the claim may be brought before another United Nations mechanism, if further violations of the disappeared person’s rights have been uncovered.   
Links:  
   
Official website of the CED  
[http://www.ohchr.org/EN/HRBodies/CED/Pages/CEDIndex.aspx](http://www.ohchr.org/EN/HRBodies/CED/Pages/CEDIndex.aspx" \t "_blank)  
   
Model complaint form  
[http://tbinternet.ohchr.org/\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCED%2fBRD%2f7147&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCED%2fBRD%2f7147&Lang=en" \t "_blank)

Fact sheet

http://www.ohchr.org/Documents/Publications/FactSheet6Rev3.pdf

**The Committee on the Elimination of Racial Discrimination (CERD)**

The CERD is a United Nations body was established to supervise the implementation of the *International Convention on the Elimination of All Forms of Racial Discrimination*, an international treaty that entered into force on 4 January 1969. The CERD can consider complaints from individuals or groups of individuals claiming to be victims of any of the rights set forth in the Convention. In order for the individual complaints to be considered, the individual or group of individuals must first seek justice within the country where the abuse occurred. However, there is an exception to this rule in the cases when the application of domestic remedies is unreasonably prolonged or unlikely to bring effective relief. The complaint should be submitted within six months after all available domestic remedies have been exhausted.

Links:

Official CERD website

[http://www.ohchr.org/en/hrbodies/cerd/pages/cerdindex.aspx](http://www.ohchr.org/en/hrbodies/cerd/pages/cerdindex.aspx" \t "_blank)

Model Complaint Form for an Individual Communications under the convention

[http://www2.ohchr.org/english/bodies/docs/annex1.pdf](http://www2.ohchr.org/english/bodies/docs/annex1.pdf" \t "_blank)

**Committee on the Elimination of Discrimination against Women (CEDAW)**

Established in 1982, CEDAW is a United Nations body that consists of experts on women’s rights from around the world. It monitors implementation of the *Convention on the Elimination of Discrimination against Women*, an international treaty which addresses the basic human rights of women that entered into force on 3 September 1981. In 1999, the General Assembly of the United Nations adopted an Optional Protocol to the Convention that allows individuals to make complaints to the CEDAW. Complaints against countries that have ratified this Optional Protocol must be submitted in writing and cannot be anonymous. In order for the individual complaints to be considered, the individual or group must first seek justice within the country where the abuse occurred, unless that process is unreasonably prolonged or unlikely to bring effective relief. There is no time limitation for bringing claims.

Links:

Committee on the Elimination of Discrimination against Women

[http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Introduction.aspx](http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Introduction.aspx" \t "_blank)

A model form for the submission of communications to the Committee on the Elimination of Discrimination against Women:

[http://www.un.org/womenwatch/daw/cedaw/opmodelform.html](http://www.un.org/womenwatch/daw/cedaw/opmodelform.html" \t "_blank)

**Committee on Economic, Social and Cultural Rights (CESCR)**

The CESCR may consider complaints about violations of the rights set out in the *International Covenant on Economic, Social and Cultural Right*s, an international treaty that entered into force on 3 January 1976. Complaints may be brought by individuals, groups of individuals, or third parties on behalf of individuals, provided that a country has ratified the Optional Protocol to the Covenant. Complainants must have first pursued legal remedies in the country where the alleged violation took place, and the communication should be filed within one year of the final decision from a domestic court or tribunal. When examining complaints, the CESCR will consider the reasonableness of the steps taken by the government in question to implement the rights set forth in the Covenant. In doing so, the CESCR will bear in mind that there a re a range of policies that a government may adopt to implement these rights.

Links:

<http://www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx>

<http://www.ohchr.org/Documents/Publications/FactSheet16rev.1en.pdf>

<http://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/IndividualCommunications.aspx#ICESCR>

**The Inter-American Commission on Human Rights**

Any individual, group of persons, or organization can bring a complaint to the Inter-American Commission on Human Rights for violations of the *American Convention on Human Rights* and the *American Declaration on the Rights and Duties of Man*, as well as other Inter-American human rights conventions. The alleged violation must have been committed by a government that has ratified the relevant convention, and all member states of the Organization of American States (OAS) are responsible for upholding the rights in the *American Declaration on the Rights and Duties of Man*.

Complaints brought to the Commission are called “petitions”. When a petition is received, a preliminary evaluation is conducted.  This evaluation concludes with one of three results: a decision to open the petition for processing, a decision to request additional information, or a decision not to process the petition. If a petition is admitted for processing, the Commission analyzes the parties’ allegations and writes a report.  The report may include recommendations to a government to restore rights that have been violated, to prevent the same violations from occurring again, or to provide reparations to victims. The IACHR can also ask a government to take urgent precautionary measures to prevent irreparable harm to a person or persons. If the state fails to comply with the Commission’s recommendations it can refer the case to the Inter-American Court of Human Rights, a separate body that can make legally binding decisions.

Links:

The Commission website: <http://www.oas.org/en/iachr/>

Informational brochure about filing complaints: <http://www.oas.org/en/iachr/docs/pdf/HowTo.pdf>

Information on the Inter-American human rights system from the International Justice Resource Center: <http://www.ijrcenter.org/regional/inter-american-system/>