



Basic Course on Complaints



Activity No.1 (one hour):

- **Welcoming statement by the Director General, Dr. Ahmed El Mufti.**
- **Briefing about Khartoum International Centre for Human Rights (KICHR) and its activities (See the Information Note):**
 - Courses
 - Awareness-raising series
 - Advisory services, studies and designing and executing workshops.
- Introducing the technical and administrative staff and the administrative arrangements.
- **Distributing and filling of the pre-course questionnaire (See Annex 1) .**
- **Distribution of documents.**
- **Human rights' sources:**
 - Instruments (international and regional), resolutions of the Commission on Human Rights and reports of its mechanisms and the resolutions of the UN General Assembly
 - National legislation
 - Guidelines on the form and content of reports to be submitted by States Parties
 - General comments and general recommendations adopted by human rights treaty bodies
 - Concluding observations and recommendations issued by the treaty bodies after consideration of reports submitted by the States.
 - Resolutions adopted by treaty bodies when considering complaints.
- **Training methodology: participatory:**

Presentation: 40 minutes

Questions and answers: 20 minutes

Activity No. 2 (90 minutes):

- **Historical background about human rights:**

First: Development of human rights before World War 1:

- Human rights and freedoms during the Greek and Roman times
- Separation of powers
- Codification in the 19th century (bilateral agreements)
- Minority rights
- League of Nations

Second: Exceptions to sovereignty

- Humanitarian interventions
- Human rights conventions

- Exceptions by the charter of the league of Nations
- States responsibility
- Humanitarian law
- **The international human rights system:**
 - First: The Charter of the United Nations signed in Sanfranciso conference on 26 June 1945
 - Prohibition of the use of force
 - Tolerance
 - Universality
 - Equality between men and women
 - Non-discrimination on the basis of race, sex, language or religion
 - Self-determination
 - International cooperation in the social and economic fields
 - Second: International human rights instruments (see Annex 2)
 - Third: International monitoring and follow-up mechanisms:
 - Charter-based
 - Treaty-based
 - Fourth: regional systems for human rights (see Annex 3)

Presentation: 60 minutes

Questions and answers: 30 minutes

Activity No. 3 (150 minutes):

- **Overview of the international and regional human rights standards (see activities 3-16 of the First Course).**

Presentation: 40 minutes

Questions and answers: 20 minutes

Working groups: 40 minutes

Plenary reports: 50 minutes

Activity No. 4 (150 minutes):

- **Overview of the international humanitarian law standards (see activity No. 17 of the First Course).**

Presentation: 40 minutes

Questions and answers: 20 minutes

Working groups: 40 minutes

Plenary reports: 50 minutes

Activity No. 5 (150 minutes):

- **Overview of the national human rights and humanitarian law standards (see activities No. 3-17 of the First Course).**

Presentation: 40 minutes

Questions and answers: 20 minutes

Working groups: 40 minutes

Plenary reports: 50 minutes

Activity No. 6 (150 minutes): National institutions having competence to consider complaints.

- **Higher administrative authorities.**
- **Ministry of Justice.**
- **Courts.**
- **The Public Service and Employees Justice Chamber.**
- **Constitutional Court.**
- **Public Grievance and Corrections Board.**
- **Advisory Council for Human Rights.**
- **Human Rights and Public Duties Committee at the National Assembly.**
- **Non-Governmental Organizations (NGOs).**

Presentation: 40 minutes

Questions and answers: 20 minutes

Working groups: 40 minutes

Plenary reports: 50 minutes

Activity No. 7 (150 minutes): International mechanisms for complaints:

- **Resort after exhaustion of local remedies.**
- **International courts: if there is an evidence of criminal charge:**
 - Yugoslavia Tribunal
 - Rwanda Tribunal
 - International Criminal Court
- **Charter-based mechanisms:**
 - General Assembly (Third Committee)
 - Security Council
 - Ecosoc
 - Commission on Human Rights established on 21 June 1946 (started with 18 members)
 - Sub-Commission established in February 1947 (its title was changed recently)
 - Other mechanisms and programmes of the Commission on Human Rights (Thematic Rapporteurs, Country Rapporteurs, Advisory and Technical Assistance Programmes)
 - ECOSOC resolution (1235) dated 6 June 1967: Procedures that the Human Rights Commission on Human Rights follow-up communications about human rights violations sent by individuals and NGOs
 - ECOSOC resolution (1503) dated 27 May 1970:
 - Confidential procedures authorizing the Sub-Commission to appoint a working group to study complaints revealing a consistent pattern of gross and reliably attested violations.
- **Treaty-based mechanisms :**

- ICESCR Committee
- Human Rights Committee (Article 41 of ICCPR)
- CERD Committee (Article 14 of ICCPR)
- CEDAW Committee
- CRC Committee
- CAT Committee (Article 21 of CAT)
- **Inter-State complaints.**

Activity No. 8 (one hour): Remedies for human rights violations:

- **Facts finding.**
- **Analysis of the facts to determine which national law or international conventions have been violated.**
- **Determination of witnesses, documents and evidence substantiating the complaint.**
- **Determination of individuals or groups affected.**
- **Determination of the remedy requested which include:**
 - Cancellation of the administrative decision
 - Convicting or administratively disciplining the person committing the violation
 - Payment of compensation
 - Repeal the law or the regulation
- **Provisional measures pending the final decision.**
- **Determination of the competent body.**
- **Legal aid.**
- **Formal requirements for the complaint (fees, revenue stamp, specific number of copies....etc)**

Presentation: 40 minutes

Questions and answers: 20 minutes

Activity No. 9 (150 minutes):Continuation of the preceding activity:

- **Drafting of a complaint:**
 - The name of the body addressed
 - Genuine and clear statement of facts
 - Determination of the aggrieved person
 - Determination of the time and place of the incident
 - Determination of witnesses and documents that substantiate the violation
 - Objectivity and not using insulting language
 - Non-politicization of issues
 - Determination of the remedy requested
 - Name and address of the complainant
 - Signature of the complaint

Presentation: 40 minutes

Questions and answers: 20 minutes

Working groups on drafting complaints: 40 minutes

Plenary reports: 50 minutes

Activity No. 10 (one hour): Complaints filed by persons other than the aggrieved person:

- **Obtaining correct information:**
 - Communication with all relevant parties to find the facts
 - Contact independent sources and revise the information
 - Collection of evidence
- **Completion of an objective investigation and submission to government institutions to take remedial measures.**
- **Follow-up of remedial measures.**
- **Cooperation and not escalation.**
- **No politicization and no defamation.**
- **Looking for the root-causes of the violations and make recommendations to ensure that it will never happen again.**

Presentation: 40 minutes

Questions and answers: 20 minutes

Activity No. 11 (150 minutes):Interviewing as a mean to gather information:

- **Determination of the individuals to be interviewed:**
 - Witnesses
 - Victims
- **Protection of witnesses.**
- **Keeping the record in safe and secure place.**
- **Translators.**
- **Interview procedure:**
 - Listening with patience
 - Asking understandable questions
 - Using simple language
 - Avoiding Leading questions
 - Distinguishing between information and observations during the interview
- **Assessing credibility of the person interviewed.**

- **Reviewing information and documents against the interview report.**
- **Comparison with reports of specialists.**
- **Clarify information received from the victim, family or friends.**

Presentation: 40 minutes

Questions and answers: 20 minutes

Working groups: 40 minutes

Plenary reports: 50 minutes

Activity No. 12 (150 minutes): Detainees and prisoners' complaints:

- **International human rights instruments for the protection of people in detention or in prison (see Annex 2 , from 34 to 54).**
- **Rights of person during arrest and detention (see Activities Nos. 8-11 of the Fourth Course).**
- **ICRC was established in 1863 as an independent and neutral Swiss private organization. Geneva Conventions of 1949 and the two optional protocols of 1977 granted the ICRC the right to visit detention centers and detainees deprived of their freedom because of war.**

Presentation: 40 minutes

Questions and answers: 20 minutes

Working groups: 40 minutes

Plenary reports: 40 minutes

Activity No. 13 (150 minutes): Complaints of refugees and IDPs living in camps:

- **International instruments relating to refugees (see Annex 2, from 82-86).**
- **See Asylum Regulation Act 1974.**
- **Differentiation between a refugee and IDPs since each of them is governed by a set of different rules.**
- **Refugees or IDPs reaching the camps are suffering from gross violations e.g. leaving one's country leads to violations of the right to personal security and the right to choose residence ...etc**
- **Conditions of the camp:**
 - Method of establishing the camp
 - Location of the camp
 - Administration and control of the camp
- **Rights violated without being aware of the violation:**
 - The right to free movement
 - The right to have a name and nationality
 - Economic, social and cultural rights
- **Special considerations in the camps:**
 - Mixture of ethnic, religious, political and social groups
 - All of them must enjoy their rights
- **Modalities for gathering information:**
 - Interviews for individuals or groups
 - Survey
 - Consultation with relevant UN agencies and NGOs
 - Government statistics
- **Definition of a refugee:**

- Article (1) of the Convention relating to the Status of Refugees 1951.
- **Right of asylum and non-refoulement**
- **Minimum standard for treatment of refugees:**
 - Not to be criminalized
 - Enjoyment of internationally recognized civil rights
 - Non-discrimination
 - The right to resort to courts
 - The right to food and housing
 - Family unity
 - Protection of minors
 - Free correspondence
 - Voluntary return (returnee is the refugee who has returned recently to his country of origin)
- **IDPs are individuals or group of individuals obliged to flee from home and places of residence because of war, public violence, human rights violations, or natural or man made disasters but did not cross international borders**
- **Guidelines for IDPs: Paris Principles (not yet approved).**
- **Rights of IDPs: right to food, housing, adequate living standard, health care, life, personal security and the right to work for adequate compensation.**
- **Monitoring conditions in the camps through visits and interviews.**
- **Mandate of High Commissioner for Refugees:**
 - International protection
 - Seek reasonable solutions
 - Reunification in a secured place

Presentation: 35 minutes
Questions and answers: 20 minutes
Working groups: 40 minutes
Plenary reports: 40 minutes

<i>Group-photo</i>

 : 15 minutes

Activity No. 14 (150 minutes): Childrens' complaints :

- **General overview of the sixth course.**

Presentation: 35 minutes
Questions and answers: 20 minutes
Working groups: 40 minutes
Plenary reports: 40 minutes

<i>Correction of List of participants</i>

 : 15 minutes

Activity No. 15 (150 minutes): Complaints about courts:

- **The basic principles for fair trial stipulated in the ICCPR include:**
 - To be informed of the charge at the time of arrest
 - To be brought promptly before a judge or judicial officer
 - Public hearing before independent, competent and neutral court established by law
 - Time and means to prepare the defence
 - To communicate with a lawyer of one's own choice

- Not to be compelled to confess or to testify against oneself
- Examination of witnesses
- Appeal and pardon
- **Monitoring of courts:**
 - Preparing initial research about the law and facts
 - Interview judges, prosecutors and defence counsels
 - To have the basic documents and review the courts' file
 - Sit in the court to ensure its neutrality
 - Write comments
 - Write a final report with reference to international standards
- **Objectives of monitoring courts:**
 - Preparing impartial and neutral report about the procedures
 - The existence of monitors makes judges and prosecutors know that they will be criticised
 - Prove international concern about the fairness of the procedures
 - The accused person feels assisted
 - Their existence ensure the attainment of Justice

Presentation: 40 minutes

Questions and answers: 20 minutes

Working groups: 40 minutes

Plenary reports: 50 minutes

Activity No. 16 (150 minutes): Elections' complaints:

- **Intervention of UN in elections upon request:**
 - UN organizes and runs elections
 - UN monitors the elections through a representative of the Secretary General to testify to the legitimacy of the elections
 - National institution runs and organizes the elections and requests the UN to monitor
 - National capacity building
- **International standards for free and fair elections:**
 - Elections guarantee political participation
 - Article 21(3) of UDHR
 - Article 25(b) of ICCPR
 - Article (13) of the ACHPR
- **Rights related to elections:**
 - Freedom of expression, opinion and publication
 - Peaceful assembly
 - Freedom of association
- **Objectives of monitoring the elections:**
 - Monitoring preparations precede the elections and the elections campaign
 - Monitor voting
 - Monitor and follow-up the results
- **National legislation governing elections:**
 - 1998 Constitution
 - General Elections Act as amended
 - Prevention of Corrupt Practices Act 1994
- **Other institutions that monitor the elections.**

Presentation: 40 minutes

Questions and answers: 20 minutes

*Working groups: 40 minutes
Plenary reports: 50 minutes*

Activity No. 17 (one hour): Complaints concerning demonstrations and public meetings:

- **Intrnational standards for the use of force by law enforcement officials:**
 - General Assembly resolution No 169/34 for the year 1979 : " to do their duties and in undertaking their responsibilities the law enforcement officials should promote and protect human rights of all"
 - Basic principles for the use of force and firearms by law enforcement officials 1995 (see Annex 2, No. 43)
- **Naional standards:**
 - Criminal law
 - Criminal Procedures Act
 - Police Forces Act
 - National Security Forces Act.

Presentation: 40 minutes

Questions and answers: 20 minutes

Activity No. 18 (two hours): Work of UN monitors during armed conflicts

:

- **Monitors duties:**
 - Not to recognize the armed groups
 - Transparency in dealing with government and opposition
 - Impartiality
 - Assessing security conditions when contacting the two warring parties
 - Not to intervene in the work of other humanitarian organisations
 - Explain the mandate and reasons to stay
 - Promote human rights
 - Gather evidence acceptable to the parties
 - Open channels for dialogue between the two warring parties
- **Human rights and humanitarian law during armed conflicts:**
 - Article 4 of ICCPR
- **Factors affecting monitoring during armed conflicts:**
 - Fear prevents individuals from complaining about human rights violations
 - During war and internal disturbances human rights violations are likely to happen
 - National NGOs gathering informatin are targeted by governments
 - Fear that the media will report human rights violations
 - Information about violations might not be reliable
 - Misunderstanding of local languages
 - Communicatons are not available
 - Impossibility of monitoring by field visits
- **Monitor might intervene to resolve conflict.**
- **Basic elements in mediating:**
 - Is mediation part of the mandate
 - Is there any governmental, non-governmental or customary machinaries to resolve the conflict?
 - Can the monitor revive governmental or social machinaries to resolve the conflict?
 - Ensure having the necessary information to resolve the problem

- Do they have ability and time to mediate?
- Organize a meeting for the warring parties to exchange ideas
- Diplomacy in dealing with the problem
- Conflict resolution should be according to international human rights law

- **Principles applied for UN human rights and field officers:**

First: Historical background:

- In 1945 the Advisory Council for International Civil Work issued a report on code of conduct
- In 1994 the General Assembly adopted a convention about protection of UN and similar organizations' officials
- In 1995 the peace-keeping operations department issued general guidelines for peace-keeping forces

Second: Code of Conduct for UN employees:

- Being aware of human rights standards
- Respect local populations and their traditions and cultures
- Cross line relations
- Respect human rights
- Non-discrimination
- Application of UN principles
- Perform their mandate
- Respect the UN Charter
- Objective conduct
- Encourage cooperation
- Abstention from public statements on official issues
- Abstention from and combat corruption and cheating

Thirdly: Legal guarantees:

- Conventions on Privileges and Immunities of UN 1946
- Security Conventions of UN 1994
- Bilateral agreements

Fourthly: Security for human rights field operations:

- Public security conditions
- Appointment of security officers
- Instructions for security officers
- Definition of monitors
- Radio communication
- Security at office and home
- Leadership
- Uniform and restrictions on conduct
- Restrictions on movement
- Health

Fifthly Property:

- Property of UN
- Private property.

Presentation: 30 minutes

Working groups: 40 minutes

Plenary reports: 50 minutes

Activity No. 19 (two hours):

- **Final examination.**

Activity No. 20 (one hour):

- **Plenary discussion.**

Activity No. 21 (one hour):

- **Course evaluation:**
 - Objectives: improving the technical and administrative aspects and the time frame of the course
 - Distribution and filling of post-course questionnaire (see Annex 4)

Activity No. 22 (one hour):

- **Presentation of certificates.**
- **Distribution of group-photos.**
- **Closing statement by the Director General, Dr. Ahmed El Mufti.**