

Military tribunals need stronger regulation, says UN expert on the independence of the judiciary

NEW YORK (28 October 2013) – The United Nations Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, called for stronger regulation of military tribunals and urged Member States to promptly adopt the draft principles governing the administration of justice through military tribunals.

Military tribunals continue to raise serious concerns in terms of access to justice, impunity for past human rights abuses, independence, impartiality and respect for the fair trial rights of the accused, the expert noted in her latest report* to the UN General Assembly.

“Military tribunals should function in accordance with the principles of integrity and independence of the judiciary, which are preconditions for democracy and the rule of law. Irrespective of their military status, these tribunals must be an integral part of the general judicial system,” the human rights expert insisted.

“It is also essential to ensure that military tribunals are compatible with human rights standards, including the respect of the right to a fair trial and due process guarantees,” Ms. Knaul said.

In her report, the expert noted that the UN draft principles governing the administration of justice through military tribunals are “an important initiative to help States regulate the establishment and functioning of military tribunals, with the aim of guaranteeing their independence, objectivity and impartiality.”

“I again would like to recommend that these principles be promptly considered and adopted by the Human Rights Council and endorsed by the General Assembly,” the Special Rapporteur underscored.

(*) Check the report: <http://www.ohchr.org/EN/Issues/Judiciary/Pages/Annual.aspx>

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Gabriela Knaul took up her functions as UN Special Rapporteur on the independence of judges and lawyers on 1 August 2009. In that capacity, she acts independently from any Government or organization. Ms. Knaul has a long-standing experience as a judge in Brazil and is an expert in criminal justice and the administration of judicial systems.

Learn more, log on to: <http://www.ohchr.org/EN/Issues/Judiciary/Pages/IDPIndex.aspx>

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Check the UN Basic Principles on the Independence of the Judiciary: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/IndependenceJudiciary.aspx>

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