CHAPTER NINE

THE PROTECTION METHODS OF HUMAN RIGHTS FIELD OFFICES

Bertrand G. Ramcharan

Introduction

Human rights field offices are on the cutting edge of human rights protection. They are a significant new addition to the armoury of international protection—as William O’Neill has demonstrated in the preceding chapter. Protection, however, is a difficult and challenging business. How is it done in practice? What are the good practices that can be identified in the operations of the field offices to date? There is little in the literature on this issue of methods of protection. That will be the subject of this chapter.

Fortunately, there is public documentation that gives a good window into the methods of protection in use by some of the human rights field offices. Of particular significance in this regard are the reports submitted on their operations to the Commission on Human Rights and reports of the Secretary-General to the Security Council. In 2004, for example, reports were submitted to the Commission on Human Rights on the operations of field offices of the Office of High Commissioner in Cambodia and Colombia and on the operations of human rights sections of United Nations peace operations in Timor Leste and Sierra Leone. The coverage of these reports gives a reasonable idea of the protection role and methods of these four operations. It is instructive to look at this coverage.

I. Range of Activities of Human Rights Field Offices

A. Cambodia

The report on the OHCHR field office in Cambodia provides information on general objectives, the protection of human rights through monitoring, investigation and reporting; election-related activities; the issue of impunity; land rights; human rights in development, including economic, social and cultural rights; the rule of law framework; the activities of a
regional office in Battambang; treaty reporting obligations and implementation of recommendations made by treaty monitoring bodies; educational, technical assistance and public information programmes; assistance to the Special Representative of the Secretary-General on human rights in Cambodia; and cooperation and coordination with the United Nations system, donors and the diplomatic community. As will be seen later in this chapter, the protection-related activities are quite substantial.

The report on the activities of the OHCHR field office in Colombia covers the national context and dynamics of the internal armed conflict; state policies and follow-up of international recommendations; breaches of international humanitarian law by armed actors; the human rights situation; the situation of particularly vulnerable groups; and has various annexes, one of them giving ‘Representative Cases of human rights violations and breaches of international humanitarian law’. Without a doubt, it is a major protection document in and of itself, for Colombians.

B. Sierra Leone

The report on Sierra Leone covers the human rights situation in Sierra Leone and the Human Rights Activities of the United Nations in Sierra Leone. As far as the UNAMSIL Human Rights Section is concerned, it provides information on its activities in the districts, monitoring of the courts, police stations and prisons. It also provides information on issues of training; capacity-building, technical cooperation and advocacy; the national human rights commission and the Office of the Ombudsman; the Truth and Reconciliation Commission; and the Special Court. Significant protection activities by the UNAMSIL Human Rights Section are related, as will be seen later in this chapter.

C. Timor Leste

The report on Timor Leste covers the justice system, prisons, the national police, the defence forces, the ombudsman, accession to international human rights instruments, the Commission for Reception, Truth and Reconciliation, the investigation and prosecutions of serious crimes, the Ad Hoc Human Rights Tribunal, women, children, refugees and illegal immigrants, and separated Timorese children. The investigation and prosecutions of serious crimes is particularly instructive.

The documentation on these four situations is ample. There is additional information available on other field offices of OHCHR in the Annual Appeals for voluntary contributions issued by the Office of High Commissioner for Human Rights. These provide information, for example on OHCHR field