



International colloquium

The problem of impunity Causes, manifestations and solutions

Laico Hotel in Tunis and videoconference, 22-23 November 2022

Setting and context

The seventh annual colloquium of the National Authority for the Prevention of Torture (INPT) focuses this year on the problem of impunity¹. The focus is not only on the essence of impunity, but also on its causes, manifestations, and repercussions on the future of human rights.

A quarter of a century after the adoption of the "Joinet Principles"², pioneers in the fight against impunity, it is to this scourge that our colloquium addresses. Emphasis is placed not only on the very essence of impunity, but also on its causes, its manifestations, and its repercussions on the future of human rights.

It is clear that 25 years after the "Joinet Report", which was annexed by a *"Set of Principles for the protection and promotion of human rights through action to combat impunity"*, sanctions have still not been taken against the perpetrators of atrocities, outrages, and abuses in different countries of the world. However, it is up to the states concerned to prevent or put an end to such human rights violations and to prosecute the perpetrators, while rendering justice to the victims.

Indeed, Principle 18 entitled *"Duties of States in the field of justice"* states that *"impunity constitutes a breach of the obligations of States to investigate violations, to take adequate measures with regard to the perpetrators of such violations, in*

¹ - Impunity refers to someone or something that is exempt from punishment. It is often defined as a denial of justice or as someone who does not risk punishment for his or her wrongdoing.

² - *Louis Joinet*, a French expert appointed in 1992 as Special Rapporteur to prepare a study on the question of impunity for human rights violations. In 1997, he submitted his revised final report (E/CN.4/Sub.2/1997/20/Rev.1) containing in annex II a *"Set of Principles for the protection and promotion of human rights through action to combat impunity"*.

particular in the field of justice, to ensure that they are prosecuted, tried and sentenced to appropriate penalties, to provide effective remedies and reparation to the victims, and to take all necessary measures to prevent the recurrence of such violations".

In international human rights law, impunity refers to the failure to bring perpetrators of human rights violations to justice, which in itself constitutes a denial of the victims' right to justice and reparation. As such, impunity constitutes a double hardship for victims.

A government that claims to be democratic, but abdicates to impunity, leaves its citizens with a future of corruption and profound immorality, rendering the very notions of democracy and social peace meaningless.



NPMs have a strategic role to play in addressing the problem of impunity because of their significant and unique powers, in accordance with existing laws, including access to all places of deprivation of liberty, to all records and information in those places, and to follow the progress of persons deprived of their liberty and thereby identify the violations of their rights.

Moreover, NPMs are called upon not only to monitor violations in places of deprivation of liberty, but also to denounce practices fuelled by impunity. This being said, the major challenge for NPMs is to contribute substantially to the consecration of human rights and the dissemination of their culture.

The 7th INPT International Colloquium focuses on the various aspects of the problem of impunity, including its causes and manifestations, but also its negative effects on the realisation of human rights. The colloquium is also an opportunity for NPMs to collectively reflect on possible solutions to this problem and to exchange know-how and good practices in the fight against impunity.

INPT findings and perspective

We often find that the violence that begins at the moment of a forceful arrest continues during detention. The recurrent use of torture and other forms of ill-treatment during custodial interrogations is often aimed at forcing suspects to testify against themselves or others for offences they have not necessarily committed.

Moreover, the beneficial effects of the strengthening of legislation and safeguards against torture are not being felt, due to wide gaps in implementation. A number of fundamental safeguards are routinely violated in police custody, including the right of the family to information from the moment of arrest, the right to the presence of a

- Innovative approaches in relation to country specificities: What strategies have NPMs developed to address impunity?

Topics for discussion

- Impunity: essence and causes.
- Impunity: manifestations and repercussions.
- Approaches to combating impunity.
- Strategies for the protection of human rights in places of deprivation of liberty.
- Good practices of NPMs and lessons learned.
- Networking opportunities to address impunity collectively.

Useful information

- **Venue and duration:** The conference will be held in a hybrid format, face-to-face in Tunis and virtually via an electronic platform. It will last two days: 22 and 23 November 2022.
- **Languages of the conference:** Arabic, French and English.
- **Parallel activities:**
 - Fair of publications of the INPT and its partners.
 - Signature of a cooperation agreement with the NCPLHR (Libya).