

# THE HUMAN RIGHTS ACCOUNTABILITY MECHANISMS OF INTERNATIONAL ORGANIZATIONS

International organizations are becoming increasingly powerful. Today, they affect the lives of individuals across the globe through their decisions and conduct. Consequently, international organizations are more capable of violating the human rights of individuals. But how can they be held to account for such violations?

This book studies the procedural mechanisms that may hold international organizations to account for their human rights violations. It establishes a general framework for identifying, analyzing, and assessing the accountability mechanisms of international organizations. This general framework is then applied to three distinct cases: the EU's Common Security and Defence Policy missions, refugee camp administration by the UNHCR, and detention by the International Criminal Court.

The overall conclusion is that none of the existing accountability mechanisms across the three cases fulfill the normative requirements set out in the general framework. However, there are significant variations between cases, and between different types of accountability mechanisms.

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# The Human Rights Accountability Mechanisms of International Organizations

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To my grandfather, Rolf Øby, peaceeper in the DANOR Battalion, UNEF II (1957–1958)





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# **Abbreviations**

ACHPR African Charter of Human and People's Rights

AFSJ Area of Freedom, Security and Justice (European Union)

AG Advocate General

AHRLR African Human Rights Law Reports
ASEAN Association of Southeast Asian Nations

ASP Assembly of States Parties to the Rome Statute

CAT Convention Against Torture CCO Chief Custody Officer

CETS Council of Europe Treaty Series

CFR Charter of Fundamental Rights of the European Union CFSP Common Foreign and Security Policy (European Union)

CJEU Court of Justice of the European Union

CoE Council of Europe

CRPD Convention on the Rights of Persons with Disabilities

CSDP Common Security and Defence Policy

CUP Cambridge University Press

DARIO Draft Articles on the Responsibility of International

Organizations

DARS Draft Articles on the Responsibility of States for Internationally

Wrongful Acts

ECHR European Convention for the Protection of Human Rights and

Fundamental Freedoms

EComHR European Commission of Human Rights

ECtHR European Court of Human Rights EEAS European External Action Service EPSO European Personnel Selection Office

ESA European Space Agency

EU European Union

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EUR Euro (currency)

HRRP Human Rights Review Panel (EULEX Kosovo)
IACtHR Inter-American Court of Human Rights

ICC International Criminal Court

ICCPR International Covenant on Civil and Political Rights

ICESCR International Covenant on Economic, Social and Cultural

Rights

ICJ International Court of Justice

ICTR International Criminal Tribunal for Rwanda

ICTY International Criminal Tribunal for the former Yugoslavia

IGO Inspector General's Office (UNHCR)
ILC International Law Commission
ILO International Labour Organisation

ILOAT Administrative Tribunal of the International Labour

Organisation

IMF International Monetary Fund IO International Organization

IOM Independent Oversight Mechanism
 MoU Memorandum of Understanding
 NATO North Atlantic Treaty Organization
 NGO Non-Governmental Organization
 OAS Organization of American States

OIOS Office of Independent Oversight Services (United Nations)

OJ Official Journal (of the European Union)

OLAF European Anti-Fraud Office

OPCON Operational Control
OPLAN Operation Plan
OUP Oxford University Press

PCIJ Permanent Court of International Justice

PSC Political and Security Committee of the Council

(European Union)

RoC Regulations of the Court (International Criminal Court)
RoR Regulations of the Registry (International Criminal Court)
RPE Rules of Procedure and Evidence (International Criminal

Court)

SOFA Status of Forces Agreement SOMA Status of Mission Agreement TEU Treaty on European Union

TFEU Treaty on the Functioning of the European Union

UDHR Universal Declaration of Human Rights



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# List of Abbreviations xxxix

UN United Nations

UNAT United Nations Appeals Tribunal UNDT United Nations Disputes Tribunal

UNESCO United Nations Educational, Scientific and Cultural

Organization

UNHCR United Nations High Commissioner for Refugees

UNMIK United Nations Mission in Kosovo UNTS United Nations Treaty Series

