

Just Access Annual Report
2020-2021



Table of contents

.....

Director's Statement.....	3
Mission Statement.....	4
Team.....	7
Achievements.....	8
Institutional Corruption	
Transitional Justice	
International Criminal Law	
Business & Human Rights	
Abuse of Rights / Processes	
Advocacy & Strategic Litigation.....	13
Media.....	15
Cooperation.....	17
Geographical Range.....	18
Revenue, Expenses, Personnel.....	19
Summarizing Year 1 /Projects in the pipeline.....	20

Director's Statement

Just Access was founded in July 2020 to channel and combine our personal commitments to do something for those who are less fortunate. The most effective tool for this purpose that is available to us, average global citizens, is the law. Based on a belief in law's potential to give the impulse for solidarity its real-world effect, Just Access has sought and continues to seek to advocate and find new ways to grant and guarantee access to justice for all.

We look back on our first year with pride and a promise. Readers of this Annual Report will, I think, see that we have put our resources to effective use. They may also get the sense that we, a German NGO secure in the enjoyment of our collective and individual rights, are more privileged than so much of the world today. We are proud of our first year, and keenly aware that this is only the beginning. I hope that after you read this Report, you'll get in touch and join in our promise to do far more in the years to come.

Faithfully,

Dr. Mark Somos

BA MPhil (Cantab), LLM (Sussex), AM PhD (Harvard), PhD (Lugd.Bat.)

Mission Statement

Too many individuals and groups around the world today are denied access to justice. Such access is vital for making human rights effective and securing human dignity. Especially those in a situation of vulnerability - such as women, children, minorities, migrants or detainees - face excessive impediments and difficulties in claiming their rights and accessing justice. They are often even unaware of the possibility of enforcing their rights internationally.

For these reasons, Just Access intends to provide legal assistance and representation for victims of human rights abuses, as well as to counter injustice through legal action. Our organisation specialises in the field of public international law, so that legal action will be carried out mainly at the international level, before human rights treaty bodies. One of the main aims of Just Access is to help protecting and enforcing the rights contained in international treaties.

By enforcing the rights of the victims, Just Access also intends to expose and highlight situations of structural injustice. Therefore, through individual and collective legal action, we will seek to use and create remedies that address structural situations of human rights infringements. Thus, the objective is to be able to change patterns of systemic abuses and improve the implementation of human rights standards in the relevant legal orders. We seek justice not only for some individuals directly affected by human rights violations, but for all those in similar circumstances. One way to achieve this is to initiate and develop strategic litigation that allows holding state actors accountable for their human rights infringements.

Our volunteers from the legal profession work to defend the rights of vulnerable and marginalised individuals and groups, in particular their right to an equal and non-discriminatory access to impartial justice. For this purpose, we also focus on the independence of the judiciary worldwide. Just Access intends to empower vulnerable groups by increasing their knowledge of international law and international justice, as well as by providing them with information about access to courts and other bodies.

Just Access fulfills these objectives through different means, such as international and domestic litigation, development of legal strategies, legal research and training, as well as cooperation with international bodies and non-governmental organisations. Our main form of engagement is through legal action before international bodies, such as the UN Human Rights Council and other UN treaty bodies and special procedures, as well as before regional human rights courts. Just Access assists and represents victims of human rights violations before these bodies free of charge. In this regard, we focus especially on the most vulnerable and disempowered victims, as well as on those cases that reveal wide-spread problems that lead to systemic human rights abuses in the corresponding state.

Another potential field for legal action are domestic courts, as it is necessary to hold accountable not only state actors, but also individual perpetrators of human rights abuses. In order to bring these individuals before justice, we will resort to the domestic criminal law systems of their home states or third states that allow for universal jurisdiction.

Another mechanism by which Just Access intends to improve the protection and enforcement of human rights around the world is legal research and investigation. In this respect, we write legal opinions concerning ongoing cases before international bodies or in relation to state reports by UN treaty bodies. For this purpose, our organisation will apply for special consultative status before the ECOSOC.

Finally, the last axis of our work concerns legal training and education, especially for individuals and communities who lack access to educational resources. Such legal training and education is focused on international law and access to international justice, and it is directed both at legal professionals and the general public. We organise seminars and conferences for human rights activists, legal practitioners, potential victims and students in order for them to gain the knowledge about their rights and their enforcement at the international level. For the same reason, Just Access cooperates with other NGOs, as well as with academic institutions and international legal bodies.

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Team



Lucas Sánchez,
Head of International Litigation



Dr. Mark Somos, Director



Rudrani Banerjee,
Legal Fellow



Dr. Lukas Ley,
Head of Research



Sara Cvetanovska,
Head of Administration



Milan Tahraoui, Legal Fellow



Simona Ross,
Senior Legal Fellow



Marketa Klicova,
Head of Design

Achievements

I.

Institutional corruption

From its inception, **institutional corruption** and how it shapes and affects the discourse and practice of public international law has been one of the focal points in the journey of Just Access. **Anti-corruption** is a long-running focus for the work of Dr. Mark Somos, Just Access' Director, who served as Research Director for a large-scale research project on institutional corruption at the **Edmond J. Safra Center at Harvard Law School**, where he supervised over 150 distinct projects on anti-corruption and developed and delivered teaching modules on corruption at three universities (Harvard, MIT and Tufts). Ms. Simona Ross, another Just Access member, was a core research fellow at the same institution.

Through several analyses, seminars and writings, the idea has been to amplify and emphasize on the notion of access to justice and corruption as being inversions of each other. Corruption is being increasingly perceived as a direct **abuse of human rights** as it impedes and obstructs the absolute basic avenues through which a person can have access to justice.

Members and contributors at Just Access have been able to expound on this further through their scholarly contributions for the Just Access blog post and through their engagement with other members of the academic and social sector fraternity through paper presentations at seminars, talks and drawing from prior work experiences.

Not only were critical and timely issues such as the '**revolving door phenomenon**' and '**double hatting**' within the spectrum of **judicial corruption** examined, the **independence and accountability of state human rights committees** in light of corruptive influences within the UN infrastructure was also scrutinized.

Just Access intends to continue making further incisions on the discourse through its interactions, explorations and advocacy.

II.

Transitional justice

One of the roles of civil society in transitional justice is often to amplify the ongoing issues and sufferings of victims and survivors in **conflict and post-conflict societies** and to assist them in securing means of access to justice. An inevitable goal of these processes, inter alia, is to highlight the obligations and responsibilities of states and international organizations towards holding the perpetrators of such horrific acts of impunity accountable and strengthening the **rule of law**.

Just Access, through its advocacy and collaborations, has managed to bring the plight of many such victims and survivors to the forefront. Be it the **ongoing Yemeni conflict** and the international law violations on account of the de facto regime of the Houthis and other terrorist operations, the egregious military coup by the Tatmadaw in **Myanmar**, or the **crimes against humanity** and other war crimes committed by the **ISIL in Syria and Iraq**, members and contributors at Just Access have not only attempted to examine the application of various components of public international law but have also managed to sustain pressure on international organizations through their advocacy.

III.

International criminal law

International criminal law plays an extremely vital role in securing **transitional justice**. Through its processes and infrastructure of investigation and prosecution of crimes and atrocities such as war crimes, genocide, crimes against humanity, etc., it creates avenues for access to transitional justice, among other things.

In addition to **strategic and representative interventions** before relevant UN bodies, members and contributors at Just Access have **examined** the mechanisms of making referrals before the International Criminal Court (ICC), establishment of **regional or ‘hybrid’ tribunals** and exercising **universal jurisdiction** by states in response to the raging humanitarian crisis of **victims of ISIL** and the consequent challenges in exercising these mechanisms and procedures.

IV

Business & Human Rights

Perpetrators and enablers of human rights violations have always found sustained support in large **multinational corporations**. The existence of a mutually profitable commercial relationship between an oppressive state machinery and a large multinational corporation has become one of the greatest adversaries to democratic and judicial processes. Such relationships have inevitably led to grave atrocities and human rights violations across several conflict and post conflict states such as the **military clampdown** in Myanmar.

The **economic facilitation and incentivization** of the Tatmadaw in Myanmar can be directly linked to some of the most well-documented human rights violations as has been publicized by the **UNHRC IFFM report** and subsequently analyzed by Just Access in one of its **detailed reports** on the responsibility of **non-state actors**.

In addition to demonstrating the direct adverse impact of certain businesses on human rights in Myanmar, another aspect that has been investigated and highlighted by Just Access is the **reliance of Tatmadaw on the narcotics industry** as one of the supplementary sources of revenue and some recommendations on how such reliance can be restricted through **international obligations** of both Myanmar and some third states such as China and Thailand.

V.

Abuse of Rights/Processes

Just Access' efforts to highlight the misuse of EU's **accession procedural rules by Bulgaria against North Macedonia** was received positively both in the academic community as well as by the media. While cognizant of the complex socio-political backdrop of North Macedonia's relationship with the EU, Greece and Bulgaria, Just Access has managed to shed light on the impropriety of Bulgaria's political conduct towards North Macedonia both under international law as well as under EU accession rules.

Additionally, with respect to access to processes in pursuit of access to justice, Just Access has taken a detailed and discerning look at the **recently launched initiative by the UN OHCHR** for facilitating victims of human rights violations to submit complaints online via a **uniform complaint procedure**. Although this is a very laudable and timely initiative that makes the process of making a formal complaint less cumbersome and more user-friendly, several practical limitations of such a mechanism cannot be overlooked. Our research also makes several recommendations to overcome some of these limitations while centering victims and their priorities.

Advocacy & strategic litigation

Comments accepted by the UN

-Yemen ICCPR

Just Access, jointly with the Maat for Peace, Development and Human Rights, filed a submission to the 130th Session of the Human Rights Council in the context of the review of Yemen under the International Covenant on Civil and Political Rights in August 2020. The submission was accepted, published on the relevant UN website, and will become part of the record of Yemen's ICCPR review.

Just Access sees this as a new option in international criminal law because the accepted submission focuses on the Houthis, the non-state armed group described by the UN as the “**de facto authority**”, and not on the recognised Government of Yemen.

-Qatar (UN-GANHRI)

Just Access successfully made a submission before the United Nations' Global Alliance of National Human Rights Institutions towards re-accreditation of the Qatari National Human Rights Committee (QNHRC).

-EC comments

Just Access has attempted be on a vigilant lookout for request for comments by the EC on various matters of civil society engagement. Just Access is mindful of its responsibilities as a civil society organization advocating for rights of victims and survivors and looks forward to utilizing any opportunity that influences laws and policies impacting said victims and survivors.

On the **2021 EU Justice Scoreboard initiative**, Just Access submitted its feedback on the specific point of ‘accessibility’ and it can be viewed in detail **here**.

On another occasion, Just Access offered its support and detailed feedback on EC’s initiative to include ‘hate speech’ and ‘hate crimes’ in the list of EU crimes. While the detailed feedback can be accessed **here**, the primary focus of Just Access was to draw the EC’s attention to the activities of extremist civil society organisations engaged in hate speech and hate crimes and to deprive such organizations from their sources of funding.

Media

-BBC

On 24 February 2021, the BBC interviewed and cited Just Access' Director about the first judgment by the **Higher Regional Court in Koblenz** on crimes against humanity perpetrated in Syria. The **principle of universal jurisdiction** is one of the key aspects that Just Access focuses and aims to expand on in order to bring perpetrators of international crimes to justice. Dr Somos' full statements for the BBC read,

"Tomorrow's decision will enter the history books. Critics say that the accused, Eyad A., was a low-ranking intelligence officer who acted on superior orders and would have risked his life if he disobeyed; that he willingly cooperated with German authorities as a witness to the Syrian regime's crimes against humanity and against Anwar R., and that his statements are now unfairly used against him. Critics also say that this exercise in universal jurisdiction at the complex intersection between politics and international law is too little, too late, and that it's reputation laundering as Germany risks little by not turning a blind eye to the Syrian regime's crimes against humanity while it fails to take a similar stance against equally horrifying atrocities committed by Iran or Qatar, states that are also active in Syria. These are important points, but the trial is already a net positive. The victims were given a voice; the Caesar photos and other evidence of horrendous state torture on a mass scale were publicly discussed; and the legal record will continue to serve in a range of future cases, from sanctions to international tribunals. Post-conflict societies cannot stabilise without justice. It is precious even if the practical means of obtaining it are, by design, open to criticism. Tomorrow's decision will be in history books - hopefully as a footnote in a fuller and better record of justice seen and done."

-Deutsche Welle

On 23 March, 2021, our research on the abuse of EU's accession procedural rules by Bulgaria against North Macedonia was translated and integrally published as an exclusive in the weekend edition of the oldest newspaper in North Macedonia 'Nova Makedonija'. This was the mostly viewed news on the **Macedonian edition of the Deutsche Welle** for two days and also received significant attention in other regional publishing outlets. This historically complex and sensitive issue not only received positive media attention in North Macedonia but was also captured by the **Bulgarian media**.

-Social Media

Just Access is continuously striving to increase its visibility and engagement, amplify like-minded voices, highlight critical issues and reach out to a wider audience and is therefore active on social media on **Twitter, Facebook** and **LinkedIn**.

Cooperation

-CICC member

Just Access successfully joined the Coalition of the International Criminal Court in June of 2021. Since then, it has been an extremely enriching experience to be able to witness the extent of civil society engagement and collaboration and be part of a concerted effort towards demanding accountability for serious crimes through both national and international mechanisms.

-MAAT

The Maat for Peace, Development and Human Rights, based out of Cairo, Egypt, has been a close ally, collaborator and supporter of Just Access in several of its initiatives, some of which have already been detailed in Sec. 2 of this Report. Additionally, Dr. Somos is frequently involved with MAAT in co-organizing critical seminars and talks bringing together several scholars and activists. One such recent event concluded in July 2021 was jointly organized by both MAAT and Just Access on “Protecting Human Rights on the Internet: The Role of Government, Business and Civil Society”, in light of the 47th session of the UNHRC. Our Director offered a detailed comment focusing on HRC Resolution 38/7 and it can be accessed [here](#).

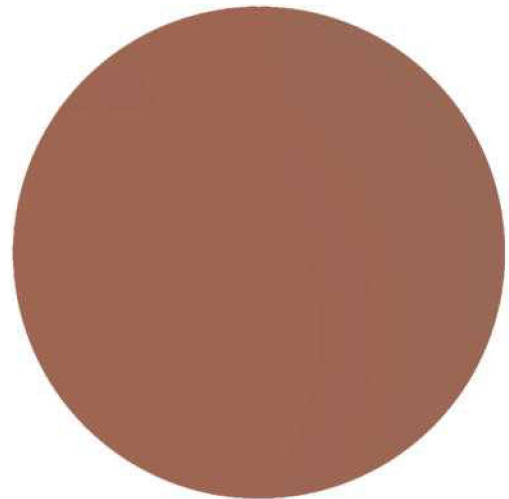


E.U. / Yemen / Qatar / Iraq / Thailand / Myanmar / Syria / Macedonia

Revenue, Expenses, Personnel

Revenue

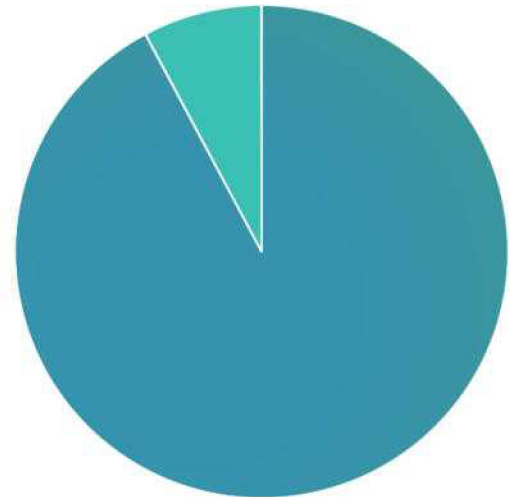
Donations: 100%



Expenses

Personnel Expenses: 92.19%

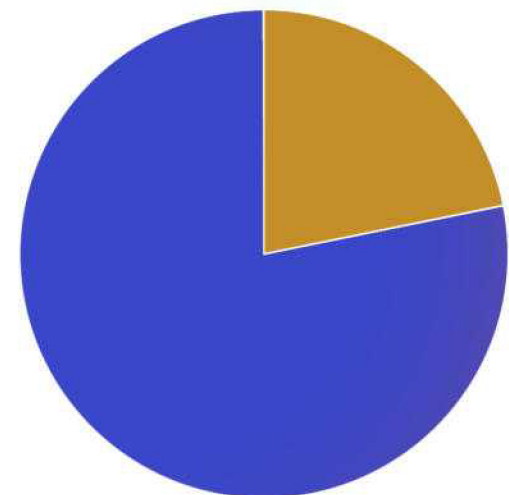
Other Expenses: 7.81%



Personnel

Volunteers: 76%

Employees: 24%



Summarizing year I / Projects in the pipeline

It has been Just Access' roadmap to build relevant competencies, mobilize resources through both advocacy and scholarship, liaise with other civil society organizations and join international organizations in pursuit of some of the goals mentioned in the mission statement. Therefore, on the completion of its first year, Just Access commemorated the occasion by releasing an **E-Book** which contains a compilation of all its analyses originally published as blogposts written by various members and contributors at Just Access. The objective was not just to make all the writings more accessible with a **freely downloadable option** but also as an **integrated resource pool** for such diverse issues and themes relating to access to justice.

Just Access is committed to continuing its mission along the same lines. At Just Access, the focus for the 2nd year will be to branch out to explore newer themes and topics within the access to justice spectrum through its analyses and research.

Just Access further intends to generate additional teaching/training and learning modules through **designing podcasts**, hosting talks, organizing seminars, collaborating with scholars and activists.

Just Access also hopes to increase its engagement and establish connections with other civil society organizations for collaborations on both projects and grants. Just Access intends to **expand and diversify** its avenues for funding for its 2nd year and the team is already taking positive and concrete steps towards that end through making application for EC grants and reaching out to private and public foundations for partnership within Europe.