

**CICC MIDDLE EAST AND NORTH AFRICA  
REGIONAL STRATEGY MEETING  
SANA'A, YEMEN  
AUGUST 13-14, 2005  
SANA'A INTERNATIONAL HOTEL**

**CHECK AGAINST DELIVERY**

**STATEMENT OF WILLIAM R PACE  
CONVENOR  
COALITION FOR THE ICC (CICC)**

Note: Due to need for consecutive interpretation Mr. Pace will not recite all portions of this statement.

Madame Minister, Ambassadors, Distinguished Parliamentary representatives, Delegates, representatives of the media, and others.

On behalf of the Coalition for the International Criminal Court (CICC) and our more than 2000 member organizations, I am honored and pleased to participate in this important regional meeting and seminar. I am sorry I cannot address you in your beautiful language.

It is very good to be in Yemen. I was privileged to see some very beautiful parts of your country yesterday.

I wish to thank Amal Basha, Sisters Arab Forum, for the hard work in organizing this meeting, and to FIDH for co-sponsoring this event with CICC.

The CICC is one of the most important authors of a 'new diplomacy' in international affairs – initiatives by global civil society campaigns – from the south and north – in partnership with like-minded governments from the south and north – and with international organizations – to work to advance international law and organization beyond what is possible through normal 'consensus' processes.

The ICC represents an achievement for another globalization – for while we hear globalization described almost exclusively in terms of trade, finance and information – there has been another process of globalization advancing for the last century – the globalization of human rights, democracy, justice and the rule of law.

The Rome Statute of the ICC is a great advance in international law and organization – one of the most important in the last 100 years. It represents a concrete statement by the larger international community that it wants the 21<sup>st</sup> century to be less, violent, destructive, and war-ridden than the 20<sup>th</sup> – which was the worst in all history.

The CICC is a global campaign of non-governmental organizations of civil society. Civil society organizations from 150 nations, from all regions, and increasingly from almost all sectors – human rights, international law, women's, children's, humanitarian, victims' organizations, peace groups, faith organizations, bar associations, academic legal experts, and many more.

The CICC has begun its 11<sup>th</sup> year and continues to expand throughout the world.

The CICC structures for operation and service benefit its largest members, such as the international human rights NGOs such as FIDH, AI, HRW, and simultaneously benefits national and regional and grassroots NGOs.

It is not too great an exaggeration to say the ICC was established by the CICC in partnership with most of the world's democracies.

However, the main opposition to the ICC has come from the most powerful government with the most powerful military – a military that is stationed in more than 100 nations [including Yemen[?]]. Other powerful governments with large militaries also have not accepted the Rome Statute; and many non-democratic nations have not signed or ratified the new treaty and system of international justice.

The vote for the Rome Statute was 120 yes, 7 no. Three of the no votes were the USA, China, and Israel. The other four were Arab nations from MENA.

The ICC nevertheless restrains these governments – for the RS applies to crimes committed in the territories of all nations that have ratified which now includes more than ½ of all nations in the world [99 of 191].

The ICC will, we believe, be a great tool for peace and for the development of just law in international affairs.

The ICC will deter terrible crimes and prevent conflicts. When conflicts cannot be prevented it will reduce the conflicts.

The ICC will save millions of lives in the coming decades.

It will help nations settle conflicts. The ICC and international justice will aid in settling conflicts; it will aid in reconciliation and in the processes of rebuild nations torn apart by conflicts; and it will help in the transformation of these societies to civil law and governance.

Thus, the ICC addresses 'root causes' of war and conflict. The RS, the ICC and the new system of international criminal justice represents one of the most beneficial peace, security, human rights ...and development investments in the world.

The economic and social benefits of the RS and ICC are largely ignored – but international justice is the least costly and perhaps the most beneficial investment in the conflict prevention, peace and security spectrum. For every massive crime prevented, for every mass murder stemmed, for every school or hospital not destroyed, for every road or utility plant not bombed, for every thousand persons left unemployed by wars, for every family not orphaned, for every community not displaced---the prevention and reduction of crimes against humanity by the ICC can be a major contribution to development and peace in our world.

[The ICC will cost less annually than the budget of a small city hospital in most developed countries; less than one bomber; less than one hour of one year's global military expenditure.]

We are here in Yemen to discuss how to advance the RS and the ICC in the Middle East and N. African region. The RS and the ICC must succeed in Africa and in this region. We must go beyond making speeches and talking. We must go beyond political leaders who promise support but do not deliver government action. We must work harder than ever with the remaining

governments to achieve their support. Recently, a UN official commented that in the Sudan and elsewhere 90% of the organizations and workers in peace operations are NGOs. It will be the same for the ICC. We do not have voting powers of governments, but we have the power of our beliefs, of our members.

Civil society organizations have helped lead this historic initiative for more than a decade – I am sure our colleagues in this region will lead in securing their nation’s accession to the RS. I am here to offer the support of two thousand other civil society organizations to our MENA colleagues. And minister Amat Al-Alim Al-Soswah, I offer this support to you and your government and other governments.

To see the happiness and hope in the eyes of so many Yemeni children yesterday was an inspiration.

We must make war less ruinous in their lives.

We must not fail.

Thank you very much Shuk-ran [sp]

Note: Due to consecutive interpretation, Mr. Pace will not recite his entire statement. Please check with Mr. Pace or CICC officials regarding any other quotes or parts of this statement.

*MENA Regional Strategy Meeting August 13-14, 2005. Sana'a, Yemen.*  
*Statement by Anjali Kamat, CICC Outreach Liaison for the Middle East, North Africa,*  
*and Europe.*

صباح الخير سيدات و سادة  
انه لي شرفني في هذا اليوم وهذا اللقاء الهام أن أشكركم جميعاً حضوركم كما أتوجه بالشكر الخاص لصديقة العزيزة  
رئيسة منتدى الشقائق العربي أستاذة أمل الباشا و جميع العاملين و المتطوعين في المنتدى لجهودهم المبذولة من أجل انعقاد هذا  
اللقاء.

Good morning and welcome to the first regional strategy meeting on the ICC in the Middle East and North Africa. It is my great pleasure to speak to you today on behalf of the Coalition for the International Criminal Court, a dynamic and diverse network of over 2000 NGOs in 150 countries around the world working together to ensure a fair, effective and independent ICC. We are especially grateful to Amal Basha all of the staff and volunteers at Sister's Arab Forum as well as FIDH for helping make this event happen.

This year marks the 10<sup>th</sup> anniversary of the Srebrenica, where some 8,000 Muslims, mostly men and boys, were systematically hunted down and killed. The intervening 10 years, however, saw the realization of the most ambitious and revolutionary project to codify international criminal law – the establishment of the International Criminal Court, which represents humanity's best hope for ending impunity for those who commit the gravest human rights violations: war crimes, genocide and crimes against humanity. A progressive strengthening of international justice mechanisms have occurred beginning in the 90s through the present, by the creation of *ad hoc* UN tribunals for the former Yugoslavia and Rwanda, as well as alternative mechanisms for social reconciliation, such as national truth and reconciliation commissions and "hybrid" domestic-international tribunals. The establishment of the world's first independent and permanent ICC in July 2002 was a momentous step in the struggle to ensure the protection and promotion of fundamental human rights.

As is often mentioned, the 20<sup>th</sup> century has been the bloodiest and most war-torn in all of recorded history. Yet, today, 5 years into the 21<sup>st</sup> century, and, speaking of some of the events in just this region, we have been witness to the long and incredibly violent war and occupation of Iraq, to genocide of staggering proportions in Darfur, to the worsening and cementing of the brutal military occupation of Palestine, and to the strengthening of draconian emergency laws and the *de facto* legitimization of torture across the region to collaborate with the so-called global "war on terror" – all of these, in direct contravention to the principles of international law and respect for human rights. As we stand at the early years of the new century, the bloody wars and violent conflicts persist, and the perpetrators of these most heinous crimes against humanity continue to enjoy full impunity.

These events underline the urgent need to fundamentally strengthen both national and international justice systems to prevent such atrocities in the future. It is the Coalition's belief that the ICC is only one essential part of a broader vision of international justice, where national courts, truth and justice mechanisms, and international Courts complement each other to ensure that victims of the worst violations are never denied justice. Some of these responses to grave human rights violations, including *ad hoc* international tribunals, continue to face criticism, and as the ICC begins investigating its first four cases, the Coalition will remain vigilant in ensuring the ICC lives up to the high expectations placed on it, and is provided the resources to effectively perform its duties. With individual criminal jurisdiction over war crimes, crimes against humanity, and genocide, the innovative and victim-centered ICC has the potential for ending a culture of impunity which has allowed flagrant violators of international human rights and humanitarian law to routinely escape justice.

The history of the Coalition's experiences since it was founded in 1995 as an informal network of mostly human rights organizations supporting the idea of a permanent ICC offers important lessons on collaboration and strategic partnership, in advocating for the universal rule

of law and ending impunity. It also highlights the necessity of both local grassroots and international engagement, and close partnerships between governments, academics and non-governmental organizations. Even after the historic adoption of the Rome Statute in 1998 by an overwhelming majority of countries, few expected an early establishment of the ICC. The treaty effectively challenged earlier concepts of sovereign immunity, which had shielded the powerful from ever facing justice, even when accused of massacring millions of their own citizens. The core crimes in the Statute: war crimes, crimes against humanity, genocide, and especially, the yet undefined crime of aggression, required intense negotiations and made many governments cautious. The treaty faced, and continues to face, vigorous opposition from the world's only superpower, which demanded immunity for American citizens. Yet despite these challenges, and while treaty after treaty was stalled in the UN, from small arms, to the Kyoto Protocol, to the nuclear test ban treaty, the 60 ratifications necessary for the entry into force of the Rome Statute were achieved, and the Statute entered into force in July 2002. The movement's success resulted from a constructive partnership between like-minded governments, NGOs and intergovernmental organizations. Observers have repeatedly said that without the historic leadership of hundreds of non governmental organizations, which offered critical technical expertise, trained each other, shared resources, raised public awareness and created political will in country after country, the ICC may have remained a distant dream.

With more than 2,000 members around the world the Coalition today is a dynamic force representing a broad cross section of global civil society. The Coalition is structured around a Secretariat in New York and The Hague and an international Steering Committee which includes FIDH. It has regional campaign coordination centers on five continents, thematic Caucuses (on issues such as faith, children, victims, and universal jurisdiction) as well as regional and national campaigns for ratification and implementation of the Rome Statute.

Since 1995, the Coalition has provided latest information about ICC developments, created advocacy tools and resources, facilitated the participation of thousands of NGO representatives to the Preparatory Commissions and Assemblies of States Parties and promoted worldwide efforts to establish the Court. The umbrella of the CICC allowed pooling of financial and technical resources, specialization of skills-based roles and avoided the duplication of efforts. Advocacy by Coalition NGOs during the Rome Conference ushered in advances in international law, especially in the areas of gender justice, children's rights and victims' rights. The Coalition worked with governments to insist upon and ensure a transparent process for the election of the Judges and Prosecutor of the ICC, a process traditionally governed by closed internal discussions and mutual agreements between governments, with little consultation with wider civil society. Since the Court's establishment, the CICC monitors its developments and seeks to ensure civil society concerns are heard by the Office of the Prosecutor, the Registry and the Judges.

Today there are 99 States Parties to the Rome Statute, ensuring that over half of the UN member States are now part of this strengthened international justice system. 40 countries, including Algeria, Bahrain, Egypt, Iran, Kuwait, Morocco, Oman, Sudan, Syria, the UAE, and Yemen have signed but have not yet ratified the treaty. Iraq, Lebanon, Libya, Qatar, Saudi Arabia, and Tunisia have not signed the Rome Statute. The Rome Statute has been a resounding success in Europe, Latin America and much of Africa, while the vast majority of countries in the Middle East, North Africa and Asia still remain outside of the Court's jurisdiction. Within the Arab League, only two countries, Jordan and Djibouti, have ratified the Statute.

The states of the Middle East and North Africa now face an exciting challenge, by choosing to be among the first 100 States Parties to the 21<sup>st</sup> century's newest international institution which offers hope to the victims of the most egregious crimes. Adhering to the Rome Statute enables states to consolidate their commitment to justice and accountability in the future, and strengthen their place internationally as a country which places high values on fundamental human rights. Without ratification, states will not have an opportunity to nominate future judges to the ICC, nor will it be able to vote on the election of future judges and other Court officials, or

take part in the decision-making process shaping the Court. Without representation of countries among the States Parties, Arab and Middle Eastern civil society will lack the critical leveraging power to influence the process that is enjoyed by civil society from States Parties, who are often consulted by their national delegations. Many of the region's governments have expressed concern about the yet undefined crime of aggression in the Rome Statute, as well as a lack of an explicit definition of terrorism. These concerns make it all the more urgent for MENA countries to ratify the Rome Statute, as only state parties can vote on defining the crime of aggression and other treaty provisions at a Review Conference scheduled for 2009.

The Coalition urges Middle Eastern and North African states to accelerate their ratification processes in order to become of the first 100 States Parties to the Court. The UN Secretary General has once again called on states to ratify the Rome Statute as part of the annual UN treaty event held each September. Liberia, Guyana, and Burundi ratified the Rome Statute during last year's treaty event. We hope that Middle Eastern and North African States may consider the possibility of ratifying the Rome Statute simultaneously for the UNSG's treaty event next month.

As part of our ongoing global campaign, the CICC Secretariat will continue to support our members in the region by strengthening existing national coalitions for the ICC in Bahrain, Iraq, Jordan, Morocco, and Yemen, and by encouraging and assisting the formation of national coalitions in the rest of the region. We shall continue to provide updated information and resources for national and regional ICC-related campaigns to our members and national coalitions, as well as ensure regional representation at the Assembly of States Parties and other ICC related intergovernmental and NGO meetings. I very much look forward to hearing your valuable ideas and suggestions for the region as we discuss details of regional and national strategies and specific activities over the next two days.

The creation of world's first permanent judicial mechanism with individual criminal responsibility over war crimes, crimes against humanity and genocide has been hailed as the most significant advance in international law since the creation of the UN. It is my utmost hope that we can continue to work collectively towards the universal ratification and implementation of the Rome Statute in the Middle East and North Africa.

Thank you.

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FIDH presentation/ Stéphanie David

### **The regional FIDH activities pertaining to the ratification of the ICC Rome Statute**

Our activities in the whole region were launched in January 2004 in the framework of a program that is being developed under the responsibility of the International justice desk at the FIDH.

#### **1- First round table organized in Sana'a in January 2004**

Yemen signed the Rome Statute in December 2000. Recent evolutions toward a larger respect of human rights, such as the creation of Ministry of Human Rights and a wider freedom of expression enjoyed by the civil society, had given some kind of hope for a ratification of the Rome Statute in the near future.

On 7/8 January 2004, a round table on the ratification and the implementation of the Rome statute was organized by the FIDH, in collaboration with Sisters' Arab Forum for Human Rights (SAF), the international Coalition for the ICC (based in NY) and the Ministry of Human Rights.

60 lawyers, professors, judges, members of Parliament and representatives of political parties attended the round table.

This event was held in support to the newly created (at the time) of the Yemeni coalition for the ICC that gathers more than 60 NGOs throughout the country. This event was also held just prior to the inter-governemental conference organized by *No Peace without Justice*.

*The participants to the round table decided to work together within the Yemeni Coalition and called the academics and lawyers to be involved and to collaborate with organizations from neighboring countries that support the ratification and the implementation of the Rome Statute.*

*This conference was a very good opportunity to inform the participants on the general characteristics and updates on the ICC, whilst offering a large room for debates and questioning on certain aspects of the statute (like the principle of complementarity/ regional representation/ powers of the prosecutor), the United States' opposition to the ICC, the provisions related to sexual crimes, the provisions related to the victims and reparation.*

*Thanks to the efforts of SAF and the CICC, the round table enjoyed a great media coverage and most of the local newspapers published the final declaration adopted by the participants and urging the Yemeni authorities to ratify the ICC Statute.*

*FIDH and the CICC liaison officer also met with many diplomats and representatives of the Yemeni authorities.*

#### **2- Round table in Bahrain in June 2004:**

The Bahrain Society for human rights and the FIDH organized the second regional round table on the ratification and implomentation of the ICC Statute in Manama, from 2<sup>nd</sup> to 4<sup>th</sup> June 2004, in collaboration with the CICC and with the support of the Ministry of Justice .

This event was attented by 40 people among which representatives of NGOs from Bahrain, United Arab Emirates and Saudi Arabia, representatives from the MOJ, the parliament as well as international and regional experts.

In 1999, the King of Bahrain engaged in a series of reforms including

- the abrogation of State security law and the state of emergency laws

- pardons and amnesties leading to the release of political detainees and the return of some exiled political opponents.

Those measures allowed a new opening mindset in the country with the beginning of a dialogue between the authorities and representatives of the civil society.

Moreover, in ratifying the Convention Against Torture, the Convention on the Rights of the Child, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention of the Elimination of All Forms of discrimination against Women and the Convention of the Elimination of All Forms of Racial Discrimination, Bahrain is committed to support many principles of international law included in the Rome Statute that the kingdom signed on 11 December 2000.

However, a decree (Decree 56 promulgated in 2002), clarifying the General Amnesty law N°10 of 200, organizes the impunity for those responsible for crimes of torture. Even if this decree does not in itself constitute an obstacle to the ratification of the Rome Statute, the participants to the round table acknowledged that its abrogation would uphold the spirit of the Rome Statute.

The main questions raised during the workshop were mainly related to the immunity of the Head of state, the necessity to amend the penal code in order to include the crimes falling under the jurisdiction of the ICC.

The participants also talked about the measures to be taken in order to ensure the respect of the obligation to cooperate with the ICC.

The recommendations adopted at the end of the round table were calling :

- the Arab States to ratify the Rome Statute and to refuse the conclusion of bilateral immunity agreements (BIA) with the US.
- the strengthening of national judiciaries in order for them to have jurisdiction on international crimes in an independent and impartial manner
- the creation of a national coalition for the ICC in Bahrain as well as for a sub-regional coalition for the Gulf countries
- for including the ICC issue in the EU/ GCC dialogue.

That round table was the first event of this type ever organized in Bahrain. For most of the participants, this constituted the first initiation to the new judicial system set up by the Rome Statute.

It was clear from the talks with the authorities that there was a rather positive political climate towards ratification despite some strong political resistance influenced by Saudi Arabia and the United States.

### **3- Third activity in Rabat, Morocco- September 2004:**

FIDH organized from 1 to 3<sup>rd</sup> of September 2004 a round table on « *the fight against impunity, the Moroccan Equity and reconciliation Commission and the ICC* » in collaboration with the OMDH/ AMDH and FVJ, with the support of the CICC.

The Minister of Justice, the Ambassador of Netherlands (at the time heading the EU), the president of the permanent HR commission of the Arab League and the president of the IER participated in the opening ceremony.

Morocco engaged, with the creation of the Equity and Reconciliation Commission, in the first transitional justice process in the region.

The mandate of this institution created in January 2004 is to find a global remedy to the grave violations perpetrated in Morocco since 1956 and to formulate recommendations and proposals in order to guarantee the non repetition of those violations in the future.

In this framework, the ratification of the ICC Statute appears to be a complementary tool to fight against impunity and to prevent and punish the most heinous crimes that could be perpetrated in the future.

In October 2004, Morocco, that signed the Rome Statute in September 2000, was the CICC target country for the ratification campaign of the Rome Statute.

The first day of the round table was designed to the study of the definition of crimes within the ICC, the general principles, the functioning and the rights of victims. An assessment on the ratification and the implementation of the Rome Statute at the international and local level was made, taking the example of Jordan.

The second day of the conference was dedicated to the ICC in the Moroccan context and its articulation with the IER, as well as to the elaboration of strategies on ratification and implementation of the ICC in Morocco.

That round table has also been the opportunity to strengthen FIDH cooperation with the International Human Rights law Institute, de Paul university (Chicago).

A final declaration was adopted (l' « Appel de Rabat »), calling the Kingdom of Morocco to ratify the Statute and to harmonize its legislation with the Statute; it also called for the creation of a coalition for the ICC in Morocco.

#### **4- Round table in Tunis, April 2005**

It was organized in partnership with the Tunisian League for Human Rights, the International Human rights law Institute of De Paul university and the CICC on 23/24 April 2005.

The round table gathered roughly 50 participants, among which human rights defenders in Tunisia, representatives of Women associations, lawyers, academics, the bar association, judges and national and international experts, namely the president of the International Bar Association, Mr. Paul-Albert Iweins.

The round table was closed by the adoption of a final declaration (l' « Appel de Tunis »), resulting from the debates. Thus, the participants urged the Tunisian Government to:

- join without further delay the ICC Statute, in order for Tunisia to stand among the first hundred State parties to the Rome Statute
- abstain, while joining, to make use of the declaration provided for in article 124 of the ICC Statute allowing a State to refuse the jurisdiction of the ICC, during 7 years, over war crimes perpetrated by Tunisian nationals
- denounce the bilateral immunity agreement with the US
- harmonize the Tunisian legislation with the ICC Statute.

Furthermore, the participants to the round table promised to endeavour to establish a favorable climate for joining the ICC and called for the creation of a Coalition for the ICC in Tunisia.

#### **5- ICC and Iraq- Round table in Amman, Jordan :**

In partnership with the International Human rights Law institute (De Paul University), the CICC, the Amman center for Human Rights Studies and Mizan, the FIDH organized on 27/28 May 2005 a round table on the ICC and the Iraqi Special Tribunal : Access to justice and place of victims.

Regarding the current security conditions in Iraq, this event could not be organized in the country. Therefore, the participants gathered in Amman, Jordan.

19 Iraqi lawyers and experts, representing 11 Iraqi Human Rights organizations made it out of Iraq and attended the round table in Amman.

Also participated the chief of UNAMI and the former HR Minister in Iraq, Mr. Bakhtiar Amine. Iraq did not sign the Rome Statute. Nevertheless, on 15 february 2005, tje Cabinet of the interim government adopted Order n°20, announcing the decision to join the Statute. On 1<sup>st</sup> of march, the Interim Government canceled that decision without any further explanation. The provisional authorities established on 28 April 2005, did not yet take a stand on the ICC.

On 10 december 2003, the Statute of the Iraqi Special Tribunal was adopted by the Iraqi Governing Council.

Participants to the round table examined and discussed the characteristics of both jurisdictions and the options that would allow the participation of victims to the IST and the implementation of mecanisms ensuring their protection .

The participants agreed upon a certain number of recommendations, and declared themselves in favour of Iraq joining the ICC;

Moreover, they decided to take the necessary measures for the creation of an Iraqi Coalition for the ICC as soon as possible.

#### **6- Round table in Turkey- June 2005:**

The FIDH, together with its member organizations in turkey, the HRA and the FHRT organized, in collaboration with the ICC, a round table on the ratification and the implementation of the Rome Statute, in Ankara on 16 and 17 June 2005, gathering 35 participants (NGOs, academics and representatives of Turkish authorities (MoJ/ MFA), and the Ambassador of The Netherlands representing the European Union.

Turkey did not sign the Statute. Nevertheless, prior to the opening of the negotiations to join the EU (starting in October 2005), the Turkish Authorities expressed their will to join the ICC Statute as soon as possible. They even started to work (since february 2005) on the harmonization of the Turkish legislation with the ICC Statute.

The first day of the workshop was dedicated to the presentation of the ICC and to the main issues in Turkey 's joining.

The second day was dedicated to the definition of a strategy for the national coalition to elaborate an action plan in communication and lobbying.

The Turkish coalition for the ICC was created in september 2003, after a regional seminar organized by the FIDH on « post september 11 era and subsequent attempts to suspend human rights and international humanitarian law in South and East of the Mediterranean » in which a full day was dedicated to the ICC.

The participants to the June round table agreed on a action plan in four parts:

- strategy towards civil society
- strategy towards fundraising
- strategy towards media
- strategy towards Government and members of parliament

The participants further agreed on enlarging the Turkish national coalition to other members: NGOs, women associations, academics, magistrates, unions etc) and on a wider information dissemination about the activities of the coalition in the civil society but also in the media.

The coalition will be in close contact with the Government on the decisions made and the steps taken in view of ratifying the Statute.

The Coalition will pay great attention to the working group on the implementation legislation.

And then, the coalition decided to develop its exchanges with the EU delegation in Turkey in order for the EU to encourage the State to ratify and with the Parliament in order to mobilize parliamentarians on issues related to the ratification and the implementation of the Rome Statute.

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