



Fédération internationale des ligues des droits de l'Homme

International federation of human rights

Federacion internacional de los derechos humanos

الفدرالية الدولية لحقوق الانسان

in coordination with



## The International Criminal Court and the Iraqi Special Tribunal: Access to justice and place of victims

Amman, Jordan  
27-28 May, 2005

### Conclusion Report

The International Federation for Human Rights (FIDH), in coordination with the International Institute for Human Rights Law, the Coalition for the International Criminal Court, the Amman Center for Human Rights Studies and Mizan organized a round table on the International Criminal Court in Amman, Jordan from 27 to 28 May 2005 with the participation of 19 Iraqi lawyers and experts representing 11 Iraqi organizations concerned with Human Rights.

The opening session started with welcoming speeches delivered by the Head of the United Nations Assistance Mission for Iraq (UNAMI), Mr. John Pace, the Vice-President of the International Federation for Human Rights, Mr. Raji Al Sourani, the representative of the International Institute for Human Rights Law in Chicago, Judge Khaled Mohey Eddin, and the former Minister of Human Rights in Iraq, Mr. Bakhtiar Amine.

During the first session, Judge Khaled Mohey Eddin presented the International Criminal Court tackling the question of its jurisdiction in respect to its structure, functions, place and time limits, the role of the Security Council with regard to the Court proceedings, and the main legal rules applied by the Court.

For his part, Mr. David Boyle analyzed in his presentation the details of the crimes falling within the jurisdiction of the Court, as well as the forms of each of these crimes.

Mrs. Amal El Basha, Liaison Officer of the International Coalition for the ICC (CICC) for Middle east and North Africa, talked about crimes of sexual violence, especially those perpetrated against women, and the way the Rome Statute of the Court deals with these crimes.

Judge Khaled Mohey Eddin also presented the means, obstacles and solutions for the application of the Rome Statute on both regional and international levels.

During the second session, Mrs. Amal Basha presented the role played by national and regional coalitions for the International Criminal Court, and the role of the international coalition for the Court around the world, and especially in the Arab region.

Mrs. Stephanie David, FIDH Program officer for Middle East and North Africa, took up the opposing position of the United States to the International Criminal Court, the American laws and the bilateral treaties signed in

this respect.

Judge Dr. Mohammed Tarawnih tackled the position of Jordan regarding the International Criminal Court and the steps taken by the Kingdom towards the ratification of the Rome Statute .

During the third session, which took place in the morning of the second day, Mr. David Boyle and Mr. Sebastien Bourgoïn, FIDH international justice program assistant, gave a presentation on the witnesses and victims' rights before the Court as provided for in the Statute.

Mr. David Boyle and Mr. Sebastien Bourgoïn also presented the challenges and the practical situations related to the participation of victims in the trials conducted before the Court.

Mr. Lutz Oette, project coordinator for REDRESS, talked about the means of compensation to victims traumatized in Iraq. He also tackled the possible ways and forms of compensation in the period of transitional justice in Iraq.

Hassan Chaaban, lawyer and member of the Organization for democracy and human rights in Iraq, handled the issue of the victims' rights in the Iraqi law and in the statute of the Iraqi Special Tribunal established for judging the symbols of the former Baath regime. He also analyzed the positive and negative sides of the Iraqi Special Tribunal's law.

In the closing session, the participants discussed the mechanisms proposed for the formation of a National Iraqi Coalition for the International Criminal Court. The International Federation for Human Rights, the International Institute for Human Rights Law, and the Coalition for the International Criminal Court committed themselves to provide consultations as well as logistic and technical support to the Iraqi Coalition when created. They also agreed to participate in the first conference, which will be held by the Iraqi Coalition in Baghdad within three months after its creation.

All the participants agreed on the following:

1. Thanking the International Federation for Human Rights, the International Institute for Human Rights Law, the Coalition for the International Criminal Court, the Amman Center for Human Rights Studies and Mizan for organizing, sponsoring and hosting this round table as well as providing support for the Iraqi civil society.
2. Confirming the necessity for Iraq to join the international consensus in supporting the International Criminal Court in its course towards achieving international justice by ending the impunity for the perpetrators of the most heinous international crimes, and providing compensation to the victims of these grave violations of human rights.
3. Advocating for broader support of the International Criminal Court, the first permanent and neutral international judicial institution with jurisdiction over individuals who commit the most heinous international crimes. As a result, the participants acknowledged the importance of creating a National Iraqi Coalition for the ICC. They consequently agreed that the "Amman 2005" meeting be considered as the nucleus of the Coalition provided that it would be followed up in Baghdad through an open meeting that would take place one month after the return date. By the end of this Baghdad meeting, the participants would announce the creation of a National Iraqi Coalition for the ICC with the following objectives:
  - Raising awareness on the International Criminal Court within the Iraqi civil society, by holding seminars on a regular basis with the objective of sensitizing academics, Human Rights' activists, NGO's.
  - Lobbying the Iraqi government to join the International Criminal Court and to ratify the Rome Statute as soon as possible so that Iraq catches up with international criminal justice.
  - Cooperating with other national coalitions for the ICC as well as with the International coalition for the ICC.
  - Training the institutions of the civil society on Human Rights' issues, thus enabling them to point out any violations perpetrated at the national level.