



15th Assembly of States Parties for the International Criminal Court

Statement by

Justice Without Frontiers

Excellencies, Ladies and gentlemen,

I deliver my speech in Arabic because I belong to an Arab region that has always drawn its letters in poetry, literature, science and in every struggle story. However today, these same letters, are being drawn with the blood of children and women, of men and clerics who became the victims of protracted armed conflicts and wars still ongoing until present. Those victims were unable to find a justice that could criminalize perpetrators and put an end to impunity. They were unable to find a local and international community that could secure their protection or a just and brave Security Council that adopts firm resolutions to eradicate impunity of those who have perpetrated the most atrocious and barbaric crimes. They rather found a schizophrenic selective justice manipulated by politics and international interests.

As you know, most of the Arab states have not joined the Rome Statute of the International Criminal Court for many reasons that might be political or constitutional, or even to escape justice or for the lack of knowledge that might be insufficient in the competencies and prerogatives of this court, on one hand. On the other hand, while conducting a general review of the majority of the laws adopted by the Arab states, we note the absence of legal texts that criminalize genocides, crimes against humanity and the war crimes. There is even no definition related to sexual violence, to gender-based violence and to crimes committed against children. Protection mechanisms aiming at protecting the victims of sexual violence and the children from recruitment during armed conflicts and their exploitation for terrorist acts are also absent which further leads to impunity and prevent criminalization.

In my speech today, I would like to stress on crimes that have been and are being perpetrated against women in some of the armed conflicts and that no human mind can even imagine that they are being carried out in the twenty-first century. In fact, Arab women and girls have faced and are still facing murder and violation crimes, forced pregnancy, trafficking, kidnapping and sexual slavery during wartimes in the Arab region especially in the last few years. In addition to that they have been forced and are still being forced to undertake sex work for no return under illusionary religious pretexts which makes many among them commit suicide, contract sexually transmitted infections or become psychologically ill. Violence that women are subject to, goes beyond these limits. In fact, women who have faced violation and forced pregnancy might be later subject to domestic and social violence which makes them exposed to sexual and psychological violence and put them at risk of being murdered under the pretext of committing honor crimes.

It is worth noting that we have lately witnessed early marriages or sham marriages of adolescents especially refugees which put these girls at risk of being abused on different levels. This in turn, is considered as an index of human trafficking indicators, unfortunately not criminalized by any law that forbids the marriage of adolescents.

Children who became the victims of armed conflicts are denied their right to live, to access education and healthcare, and to enjoy their childhood as the rest of them in the entire world. Some of them have been exploited and abused to work in begging, in forced labor, in slavery, in sexual works and terrorist activities. All the above mentioned is considered as an index of human trafficking indexes.

In terms of victims who have been indirectly affected and who are rarely mentioned, such as the Civil Defense, the Red Cross, jurists and investigators and others---, they are deprived of legal regulations that protect them on the moral and psychological level. This makes them exposed to psychological damages, thus negatively affecting their familial, social, and professional life and sometimes pushing them to radicalization.

Therefore, allow me to ask you Excellencies to place justice and access to justice in the Arab region in the heart of your governmental agendas. As I also ask you to adopt strategies that could include the participation of the Arab countries in taking initiatives directly or indirectly related to putting an end to impunity. Allow me further, to ask your embassies in these countries to urge the Arab governments to work on amending their national laws to secure the protection of victims and to implement punishment for the most barbaric crimes as well as to encourage them to join the International Criminal Court. In this context, I ask you to coordinate the cooperation with the civil society organizations to elaborate programs directly related to helping victims resort to justice and further, to spread the culture of eradicating impunity and to create an adequate ground to join the Rome system for the International Criminal Court.

I allow myself again, to ask your Excellencies to work on finding a broader definition to the sexual violence against children, women, men, and minorities during the armed conflicts, to further

work on determining the human trafficking indicators and to implement the adequate mechanisms to investigate in these crimes and protect the victims. I also ask you to share this definition and these mechanisms with the governments of the Arab region and to urge them to amend their laws accordingly.

Last but not least, let me tell you that I have been recently hearing in the international criminal court hallways that some countries are considering to withdraw from the Rome Statute which made me raise questions about the reasons of their consideration. Don't you know that this would guarantee impunity for the perpetrators of the cruelest crimes? The victim, consequently, will be twice a victim: firstly victim of these crimes and secondly victim of your withdrawing decision. You are here to make history, the history of ending impunity. I ask you to believe me that this history will always remember the criminal as a criminal and the victim as a victim.

Finally, I would like to thank you for your attention as I reiterate the importance of being all united around justice and the Rome Statute as well as the initiatives aiming at ending impunity. Justice is not the responsibility of one individual, it is rather the responsibility of the international community as a whole. Let us always remember that laws have been found to be at the service of humans but not the other way around.

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