

Speech of His Excellency MP. Khalil Ibrahim Al-Marzooq, MP
(PGA Executive Board)
The 3th Meeting of the Working Group on the Universality of the ICC in the Middle East
and Mediterranean
Parliamentarians for Global Action
16 March 2009

At the outset, His Excellency MP. Khalil Ibrahim Al-Marzooq welcomed the guests from the Gulf and Arab parliaments. He also welcomed the visiting delegation from the Organization of Parliamentarians for Global Action and the experts who accompanied them. The MP stressed that the Kingdom of Bahrain is honored to host the third meeting of the Parliamentarians for Global Action (Working Group on the comprehensiveness of the International Criminal Court in the Middle East and the Mediterranean).

MP. Al-Marzooq pointed out that the theme of this year, which is related to the International Criminal Court is indeed a vital issue, facing many challenges, especially when raised in the Middle East countries with all the complexities involved.

According to his diagnosing to the International Criminal Court issues, MP. Khalil Ibrahim Al-Marzooq reviewed the most notable challenges in specific points, which he outlined in his paper at the meeting.

MP. Al-Marzooq talked about the demand for justice at the global level; and specified the "absolute" justice which is the true concept of justice, being the first challenge of a range of challenges. Justice must be consented by all parties, and verified with an internal conviction and a desire inspired by the belief in the necessity for justice, not through oppression and coercion. The criminal court should reach the concept of the comprehensive justice and the "absolute" to achieve its main goals.

His Excellency explained his conviction that there is no absolute justice except the divine justice, and it would take long to talk about this, as all religions dealt with the divine justice because they stem from the same source, and each of these religions is complementary to the other, all dealt with the human dimension, without bias to gender, race, religion or class, but dealt with it on the basis of equality of all human beings.

And also one of the largest components of the acceptance of the Criminal is part of the "absolute" Justice the voluntary not the constraint, and the interpretation of this concept of justice, and how the international system will reach such a level of justice that is consented by all.

His Excellency talked about the association between justice and confidence, i.e. the confidence in Court, to which applies what applies to the subject of "absolute" justice, that confidence should be voluntary and far away from coercion and subjugation to accept this Court or trust it. The issue of trust is not limited to the court and its fairness, but also falls under the impartiality and professionalism confidence in the court proceedings and its members and all that is related to it.

His Excellency added that there those who look at the issue of trusting the court from another perspective, where some parties fear that they will be faced by the criminal court, and it will contrast with their interests. So confidence in this context is considered a double-edged sword. On one hand they seek the confidence of the court in order to believe in it and cooperate with it, and on the other hand they consider it a source of fear and mistrust, so they hesitate to validate it and join under it.

The third challenge was presented by the MP within the proper understanding of the Criminal Court and its powers and the crimes it covers and the modus operandi in impartiality, confidence and objectivity, and the correct understanding of its rules and procedures and circumstances. His Excellency mentioned that based on reality there is no proper integrated understanding of the Court and the related sub-headings by many States.

Incorrect understanding within the one community leads countries to fear and not join the Criminal Court. Accurate understanding can also be a barrier to accept the court's decision to join and cooperate with it to some countries suffering from violations, even if they were close to what the court can deal with. This increases the reluctance of the ratification process to the Court criminal infested by some countries or the influence of those countries that could be affected.

One of the most important challenges that have been raised previously and will continue to arise, the challenge of overlapping and political interference. The system in the era between the two world wars and beyond was based on the conflict and the dominance approach and overpowering small nations by the victors. Then in another phase the existence of two poles controlling the world and the weaker countries. Then the emergence of a single wild pole. Today we are going to have a polar discussion, but still authoritarian and politicized for the global systems and international issues.

All this contributed to produce a conviction that there is suppression of smaller nations, there are nations which exercise dictatorship in the system of international relations, but claims to spread democracy within the small regions and are held accountable for it, while it is in fact exercise all dictatorship rituals in the international entity system.

This bad impression resulted from the role of States in each era and its most practices, which led to the attachment of the tendentiousness and politicization characteristic of global institutions due to these regulations and policies, when it is supposed to be trying hard to contribute to the creation of a just global solutions, and work to resolve international crises and present matters more neutrally and objectively. For example, the United Nations with all its components. The bad impression thus will move to a larger area in everything related to the UN, including International Criminal Court, which leads to the formation of natural responses on how to accept the court and how to deal with it, and the indecision or motivation to engage in it or promoting it.

If we look at the global system represented of two sections, the section of all States governed by the UN Systems, and the second section representing the same states and its internal systems, we will find that those states who are paying lip service to democracy and human rights and justice in the internal systems of the States, are engaged in the worst forms of dictatorship in the upper layer the global system. While some governments oppress their people and delete democracy and

violate human rights and politicize the judiciary, leading countries in the global system are no less a violating to the rights of other States and the absence of full democracy and the politicization of the international judiciary!

Some countries suffer from issues related to human right, the absence of democracy or aggression, and other issues that must be dealt with more effectively and impartially. However major countries as they seek their own interests first present reports on human rights, democracy, justice, and attacks on their allies totally different that reality, reports that stem from the UN organizations are not free from political interference and overlapping.

His Excellency also referred to the greatest challenge for countries and how they deal with major issues, as there are countries who have not signed on the International Criminal Court, and some countries requested bilateral protection agreements because they are not motivated by the Court, including the United States, which fears the influence of the Court, which effects the understanding of the court and its efforts to achieve justice. Despite the positive news regarding the United States change of policy towards the Court, His Excellency is still not optimistic towards the reactions of other countries to this new policy because this change might be perceived by some countries that the court would be subject to more politicization than what is seen now through the mechanism of the Security Council. This shows how the bad impression regarding the politicized global system and double standards impacts the acceptance and trust of the criminal court.

The challenges posed by the realities of the Middle East are no less when it comes to the political dimension, we must not forget the political relations with other countries, and the political status of countries in the Middle East and the problems within the political entity. There are a number of internal differences and conflicts between the countries themselves on leadership and centralization at the axis of moderation. This may not stimulate the acceleration of the acceptance of the International Criminal Court.

We must not forget the various Arab systems, such as the Gulf Cooperation Council, Arab League of Arab States, the Arab Union and Islamic Conference Organization and other systems that may be imposed some institutional or moral obligations on countries that may have taken the lead in a positive step. This is one of the questions and challenges that may impede cooperation and the speed of interaction with the International Criminal Court individually.

There are also many countries plagued with internal issues like the absence of democracy, human rights, the independence of the judiciary and the fear of politicization of the Court in the future to influence these countries to have certain political concessions, especially without the impartiality or politicization of the court, despite the fact that These internal problems are not within the jurisdiction of the court, according to the Rome Statute of the Court's jurisdiction.

One of the major challenges in this region and is the number of major issues in the Middle East, including the central Palestinian issue, with all its complications and relations to the region's countries and the large and small countries of the world and how they deal with the issue, with regard to the issue of Arab rights and lands on the one hand, and on the other hand the aggression by Israel, compared to the legitimate act of resistance when Arabs defend themselves by

primitive defense means such as Qassam and Katyusha missiles, they are preserved as equal in the rankings of major war crimes of using prohibited weapons, weapons of mass destruction. The Palestinian people are defending their case and there is no protection for them, however, they are described as terrorists and are branded characteristics by the Israeli enemy. The issue of liberation movements is very significant and should be considered in all aspects to reach an equitable formula for all parties. The case itself is a great challenge to the Criminal Court and the Middle East entity and Arab countries in particular.

As in the world system the situation applies to the criminal court, either the Arab countries submit do nothing, or go for the other option and have their own prominent entity that decides how to deal with others, the limits of dealing, and how others deal with them. His Excellency also paid tribute to Arabic reconciliation, which must be considered because it's the objective of every Arab.

His Excellency put a set of questions that should be taken into account, the most important one is whether this Court came support the people or to support of the governments, and what governments and what people the court is working to intimidate or hold accountable, and who decides about cooperation, joining in and stimulating, and bear the responsibility for the proper understanding and correction of the court, Is it the people or governments? And how effective is the people representation of the Arab and Islamic countries, and the choices of the peoples, is it subordinate to the official organizations and institutions or the people representatives, or the parties and parliaments? The answer to that is of particular focus and must be examined and reviewed.

In conclusion, MP Al- Marzooq stated that if people and governments did not work to assist themselves, a strong Arab entities, or an elected representative as strong Arab entities, elected or truthfully represented by its people, Arab countries will never assume the positions that imposes respect of other countries, and no one will contribute to support the Arab countries if these countries did not take initiative. The challenge is great and needs support and effective action for it to succeed.

It is illogical to oppose and boycott the International Criminal court for the mere feeling that there is no justice, credibility and neutrality, and this is a kind of negative opposition. We must face the other option, which is positive opposition, to participate and change and to give space for decision-making in that entity, due to the urgent need for the presence of international justice on all standards, this justice may be faced with challenges that could make this court a place of trust, justice and acceptance.