

Intellectuals see faults in war crimes tribunal treaty

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Fifty years after the birth of the international declaration of human rights, third world countries were still lagging behind due to double standards by international organisations, according to lawyers, politicians and clerics yesterday.

“Let none of you think that on the conclusion of two days of extensive pursuit of human rights in July, that the international criminal court succeeded in achieving a person’s obvious right, his right to live,” said Chibli Mallat, a professor of law.

Mallat was referring to the July 17 decision by over 100 countries to create the first permanent war crimes tribunal.

“A sweeping adoption of the treaty is in itself not enough to make sure the process (of the court) will achieve its aim in closing the door against a dominant force in the history of nations; that of a double-edged international law,” he said.

Mallat was speaking at the end of a two-day conference on human rights organised by the imam Sadr centre for research and studies at the Commodore hotel in Hamra.

But Mallat insisted that there was hope, quoting a koranic verse that warns “God will not change people’s situation unless they change themselves”.

Mallat said the introduction of the 128-article treaty focuses on governments and people and not individuals.

“One of the treaty’s characteristics is that it doesn’t differentiate between crimes resulting from civil wars and those from international conflicts,” he said.

However, Mallat said the biggest problem involved the specialised articles.

He said that prominent legal figures have succeeded in preventing the UN security council from paralysing the court and allowed the general prosecutor to act independently. However, by limiting the filing of complaints or accusations to the country to which the accused belongs, or a signatory country of the treaty, the court would be prevented from dealing with mass murders.

Professor of international law Shafik Masri said the understanding of human rights since 1948 had been related to a set of personal rights for the individual.

“However, with the increasing membership of Third World countries in the UN, the idea progressed from an individual level to a popular social level,” he said.

But during the 1993 international meeting on human rights in Vienna, “rich northern countries” concentrated on the individual aspect of human rights while the “poor southern countries” blamed the north for exploitation and feudalism, Masri said.

Masri added that organisations belonging to northern countries, such as the European Union, sympathised with individual human rights while organisations belonging to southern countries emphasised people’s rights.

Masri said the Arab League did not refer to human rights in its by-laws because it was established in 1945, three years before the declaration.

“Although that was the League’s excuse, it hasn’t issued a statement or law or even a recommendation referring to the rights of Arab people,” he said.

Adnan Hussein, who is a professor of international relations, discussed hypocrisy in international behaviour regarding human rights.

“The issue is no longer limited to the framework of national laws but has taken an international legal aspect after the interference in the affairs of some countries under the excuse of protecting these rights,” Hussein said.

Hussein cited the UN security council decisions during the Iraqi invasion of Kuwait in 1990, and the sanctions on Cuba. “Where are these decisions when it comes to the continuous Israeli violations of international law? Israel’s presence in itself is a violation of international principles,” he said.