

# **THE INTERNATIONAL ORGANIZATION FOR THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (EAFORD)**

**5 route des Morillons, CP 2100. 1211 Geneva 2, Switzerland**

**Telephone: (022) 791.67.27 Fax: (022) 788.62.33 e-mail: info@eaford.org**

## **Sub-Commission on the Promotion and Protection of Human Rights**

### **Fifty - sixth session (26 July - 13 August 2004)**

#### **Item 3: Administration of Justice**

It is not news to most that human suffering all around the world is the result of racism, degradation, violations of human rights and violent international conflicts. These are anticipated consequences whenever there is lack of justice.

There is no peace without justice. Yes Mr. Chairman, no peace without justice as in the case of the massive destruction, humiliation and oppression taking place for over 50 years in the Occupied Palestinian Territories. It is these unjust, tyrant and oppressive realities and policies, as well as the cruel and heavy-handed ones enforced by the United States on central Asian nations like Iraq and Afghanistan that clearly prove there can be no peace without justice.

Conflicts between people whether individuals, groups or states, under various circumstances, is a natural phenomenon that has existed since the beginning of creation. Man managed to find solutions for his challenging and often time dangerous nature by using his mind, wisdom and experience.

Ever since mankind's beginnings, arbitration started between small tribes and developed into impressive judicial systems of courts and judges in every town, city and country. Throughout history, human experience has proven that the logic of domination and force, with the sense of superiority, sooner or later could not provide peace and security even for the powerful themselves.

Therefore, even if the question sounds naive to some, we have the right to ask, if peace and security could never be achieved by force, and if humanity has introduced judicial systems within the national borders of every State, why then has humanity failed at enforcing an international court to resolve conflicts and disputes between groups and states? The course of history urges us that humanity should reach and fulfill this goal someday, or else a nuclear tragedy might occur ending life on this planet.

Mr. Chairman,

As non-governmental organizations counting on the distinguished experts who are meeting with us today, we reiterate the necessity of a strong and effective International Court of Justice that is fully capable of implementing and spreading the rules of justice among various human groups and nations.

The present International Court of Justice and the newly formed International Criminal Court are two great strides along the right path. However, presently neither one is able to

achieve justice in its broad sense, justice which is fundamental to peace on earth.

The role of the International Criminal Court has been compromised and hampered because of U.S. insistence to exclude American servicemen from complying with its rulings year after year.

The work of the United Nations' International Court of Justice and its ability to be effective has been restricted. These restrictions take away so much of its powers that the International Court of Justice is rendered as and deemed to be a paralyzed body.

This is evident in the total disregard and opposition from the States in question to the recent decision of the International Court of Justice concerning the wall of racism in Palestine.

The International Court of Justice lacks the power to execute its rulings through international troops assigned for this purpose, or through ordering a termination of international relations, which can pressure the violating party into compliance and adherence to court rulings.

It is our responsibility, Mr. Chairman, and the responsibility of the experts in this meeting today to bring forth this issue with diligence and persistence until we remove these constraints from the International Court of Justice. It is the high standing court of humanity's aspiration which might be the only hope to the ultimate realization of justice and, therefore, to securing peace. So, will we see to it that this is done?

**EAford**

**10 August 2004**