



**EALDH** Europäische Vereinigung von Juristinnen und Juristen für Demokratie und Menschenrechte in der Welt e.V.

**EALDH** European Association of Lawyers for Democracy and World Human Rights

**AEJDH** Asociacion Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo

**AEJDH** Association Européenne des Juristes pour la Démocratie et les Droits de l'Homme dans le Monde

**AEGDU** Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i Diritti dell'Uomo nel Mondo

---

Professor Bill Bowring, President (London)  
Professeure Monique CHEMILLIER- GENDREAU, Présidente d'honneur (Paris)  
Thomas SCHMIDT (Rechtsanwalt) Secretary General (Duesseldorf)

## **JOINT DECLARATION OF THE EALDH AND IADL: WORLD TRIBUNAL ON IRAQ**

On 24-26 June 2005 Fabio Marcelli, of the Italian Democratic Lawyers, and a member of the Administrative Council of EALDH, and Deputy Secretary General of IADL, participated in the World Tribunal on Iraq, a private initiative in the tradition of the Russell Tribunal and Permanent Peoples Tribunal. The WTI took place in Istanbul, Turkey. A Jury of Conscience from 10 different countries heard the testimonies of 54 members of the Panel of Advocates who came from across the world, including Iraq, the United States and the United Kingdom. The session in Istanbul was the culmination of commissions of inquiry and hearings held around the world over the past two years. Sessions on different topics related to the war on Iraq were held in London, Mumbai, Copenhagen, Brussels, New York, Japan, Stockholm, South Korea, Rome, Frankfurt, Geneva, Lisbon and Spain. EALDH and IADL have played leading roles in a number of WTI events.

It will be recalled that Professor Bill Bowring, President of EALDH and former Treasurer of IADL, was the Chair of the Inquiry into Alleged Commission of War Crimes by Coalition Forces in the Iraq War in 2003, which took place in London on 8-9 November 2003, and reported in April 2004. The Inquiry was organised by Phil Shiner, of Peacerights and Public Interest Lawyers, and a member of the Haldane Society of Socialist Lawyers, who also took part in WTI in Istanbul. The Inquiry's conclusion, that there sufficient cause and evidence for the International Criminal Court Prosecutor to investigate members of the UK Government for breaches of the ICC Statute in relation to war crimes committed during the Iraq conflict and occupation in 2003, is now the subject of a preliminary investigation by the ICC Prosecutor. Furthermore, on 18-19 June 2004 the IADL participated in the International Peoples Tribunal on the Aggression Against Iraq at the Humboldt University in Berlin, for which Professor Lennox Hinds drafted an indictment. Prof Bowring and leading members of WTI participated in the hearing.

And on 27 June 2004 Prof Bowring participated in the International Criminal Tribunal for Iraq (ICTI) public hearing in Nagoya, Japan. The WTI's Jury of Conscience established the following charges against the Governments of the UK and US, based on the UN Charter, the Geneva Conventions, and other legal instruments:

- Planning, preparing, and waging the supreme crime of a war of aggression in contravention of the United Nations Charter and the Nuremberg Principles.
- Targeting the civilian population of Iraq and civilian infrastructure. Using disproportionate force and indiscriminate weapon systems.
- Failing to safeguard the lives of civilians during military activities and during the occupation period thereafter.

---

President  
Professor Bill BOWRING (Barrister)  
Metropolitan University,  
Human Rights & Social Justice Research Institute  
Ladbroke House,  
62 – 66 Highbury Grove, LONDON N5 2AD  
PHONE 0044 – 20 – 7133-5132  
FAX 0044 – 20 – 7133-5311  
EMail: b.bowring@londonmet.ac.uk

Secretary General

Thomas SCHMIDT, Rechtsanwalt  
Platanenstrasse 13  
D - 40233 - DUESSELDORF  
FON: + 49 - (0)211 - 444 001  
MOBILFON: + 49 - (0)172 - 68 10 888  
FAX: + 49 - (0)211 - 444 027  
eMail: [secretary.general@EALDH.de](mailto:secretary.general@EALDH.de)  
www.EALDH.de

- Using deadly violence against peaceful protestors. Imposing punishments without charge or trial, including collective punishment.
- Subjecting Iraqi soldiers and civilians to torture and cruel, inhuman, or degrading treatment. Re-writing the laws of a country that has been illegally invaded and occupied.
- Wilfully devastating the environment.
- Actively creating conditions under which the status of Iraqi women has seriously been degraded.
- Failing to protect humanity's rich archaeological and cultural heritage in Iraq.
- Obstructing the right to information, including the censoring of Iraqi media.
- Redefining torture in violation of international law, to allow use of torture and illegal detentions.

The EALDH and IADL place on record their support for the work of the WTI, and make the following recommendations for their members and for all progressive lawyers:

1. To urge the Prosecutor of the ICC to complete his investigation into the evidence of war crimes committed by the members of the UK government in the invasion and occupation of Iraq, including crimes committed by virtue of joint enterprise with the government of the United States.
2. To give full support to Phil Shiner and Public Interest Lawyers, and other lawyers in their courageous initiatives in the UK courts on behalf of Iraqi victims of the actions of the UK.
3. To urge all progressive lawyers to take concrete steps at every opportunity to declare the illegality of the invasion and ongoing occupation of Iraq, to seek effective remedies for the wrongs suffered by the people of Iraq and all other victims of the aggression, and to investigate and prosecute all crimes committed during the invasion and occupation.
4. To lobby for the immediate completion of the Statute of the ICC so as to make provision for the crime of aggression, and to make the crime of aggression to cover the actions of the UK (with the US) from 2002 onwards.
5. To campaign for the immediate withdrawal of all foreign forces from Iraq, laying the basis for the restoration of full Iraqi sovereignty and the drafting of a new democratic constitution.
6. To urge all democratic Iraqis to ensure, following the end of occupation, to ensure the full implementation of the UN human rights treaties already ratified by Iraq (ICESCR, ICCPR, CERD, CEDAW, CRC), and to ratify as soon as possible the UN Convention Against Torture, making all necessary additional declarations and ratifications to enable Iraqis to complain to UN treaty bodies.
7. To urge the United Nations to demand an end to the occupation, to give maximum support to creating democracy and rebuilding Iraq's economy when the occupation ends, and to encourage Iraq to claim in full for the damage suffered during the invasion and occupation.

July 2005