

**THE ARAB COURT OF HUMAN RIGHTS IN LIGHT OF GLOBAL AND REGIONAL
STANDARDS AND EXPERIENCES**

Tunis, 8-9 April 2015

CONFERENCE AGENDA

Wednesday, 8 April 2015

8:30 – 9:00 **Registration of participants**

9:00 – 9:20 **Welcome addresses and introductory remarks**
International Commission of Jurists (ICJ)
Legal Agenda

9:20 – 10:20 **First session: the process of establishing international human rights courts and mechanisms, guarantees of independence and their role in ensuring access to justice for victims of human rights violations (Part I)**

The session will provide a broad overview of each of the regional human rights courts, including the processes through which they were established, guarantees for their independence and the extent to which these courts are able to secure their key functions of providing effective remedies and reparation for victims of human rights violations. The session will also assess the process of establishing the Arab Court and the guarantees of independence provided for by the Arab Court Statute

African Court of Human and Peoples' Rights
Justice Fatsah Ouguergouz, Judge of the African Court of Human and Peoples' Rights and ICJ Commissioner

European Court of Human Rights
Justice Stefan Trechsel, former President of the European Commission of Human Rights, ad litem judge of the International Criminal Tribunal of the former Yugoslavia and ICJ Commissioner

Inter-American Court of Human Rights
Federico Andreu, South American Representant of the ICJ

UN treaty body communication mechanisms
Ian Seiderman, Legal and Policy Director of the ICJ

10:20 – 10.40 **Coffee Break**

The cost of this meeting has been met with support from the Open Society Foundation - Arab Regional Office. This meeting comes under the auspices of the Open Society Foundation's support to civil society organizations on the reform of the Arab League, through which they are coordinating with Relevant institutions, including joint activities on the Arab Court of Human Rights.

10:40 – 12:30 **First session (Part II)**

The process of drafting and adopting the Arab Court Statute
Isam Abdin Al-Haq, Palestine

Selection and appointment process and conditions of tenure for Arab Court judges
Marwan Tashani, President of the Libyan Organisation of Judges

General debate on the process of establishing the Arab Court in light of regional experiences and required amendments to the Arab Court Statute with a view to enhancing the guarantees of independence of the Arab Court and its judges

12:30 – 14:00 Lunch break

14:00 – 15:30 **Second session: subject matter jurisdiction of the Arab Court**

This session will examine the subject matter jurisdiction of the Arab Court as set out in the Statute in light of global and regional standards and experiences. It will address the obligations on regional human rights courts to construe human rights conventions in a manner that does not conflict with States' other obligations under international law. In so doing, the session will analyse key aspects of the Arab Charter of Human Rights and assess their compliance with international standards.

The subject matter jurisdiction of the Arab Court under the Statute
Mervat Rishmawi, Consultant on the League of Arab States, Open Society Foundations

The subject matter jurisdiction of the African Court, including over universal human rights instruments
Justice Sanji Monageng, former Commissioner and Chairperson of the African Commission on Human and Peoples' Rights, Judge of the International Criminal Court and ICJ Commissioner

General Debate on necessary amendments to the Arab Court Statute with a view to preventing inconsistency or conflict in the application of the Arab Charter or other Arab human rights conventions with any other international legal obligations of States parties

15:30 – 15:50 Coffee break

15:50 – 17:30 **Third session: access to the Arab Court**

This session will assess the access provisions provided for by the Arab Court Statute in light of regional experiences. It will also examine how the challenges for ensuring adequate access rights have been addressed in the African, European and Inter-American system.

Rights of access to the Arab Court as enshrined in the Statute
Mustafa El Hassan, Lawyer, Hisham Mubarak Law Center

Access to the Inter-American Court of Human Rights
Federico Andreu, South American Representant of the ICJ

Transparency and civil society involvement in debates on access to the European Court of Human Rights
Jill Heine, Senior Legal and Policy Adviser, ICJ Legal and Policy Office

General Debate on necessary amendments to the Arab Court Statute with a view to ensuring individuals' access to the Arab Court, removing obstacles that might limit NGOs' access to the Court, and providing for other avenues of access

Thursday, 9 April 2015

9:00 – 11:00 **First session: the admissibility of cases before the Arab Court**

The session will examine admissibility requirements in the Arab Court Statute, including time restrictions and the requirement to exhaust domestic remedies and how these compare to the Conventions and jurisprudence of the European and Inter-American human rights systems.

The exhaustion of local remedies and the Arab Court's discretion to determine admissibility
Said Benarbia, Director of the ICJ MENA programme

Admissibility under the European system
Justice Stefan Trechsel, former President of the European Commission of Human Rights and ICJ Commissioner, ad litem judge of the International Criminal Tribunal of the former Yugoslavia and ICJ Commissioner

Admissibility under the African System
Justice Fatsah Ouguergouz, Judge of the African Court of Human and Peoples' Rights and ICJ Commissioner

General Debate on necessary amendments to the Arab Court Statute with a view to ensuring that the requirement to exhaust local remedies does not have the effect of preventing rights holders from accessing the Arab Court when unable to access an effective remedy in their home states

11:00 – 11:20 Coffee Break

11:20 – 13:00 **Second session: the effectiveness of the Arab Court**

The purpose of this session is to examine additional requirements to ensure the effectiveness of the Arab Court, including the obligations of the host State to provide the necessary guarantees for the Court to operate independently and effectively; the ability for the Court to issue interim, provisional and precautionary measures prior to a judgment where there is an imminent risk of serious or irreversible harm; the protection of all

participants in court proceedings, including victims and witnesses, and how to ensure the effective monitoring and execution of judgments of the Court.

Obligations of the host State under the Statute
Reem Khalaf, Lawyer, Bahrain

Interim, provisional and precautionary measures as a means to bolster the protection of victims
Ian Seiderman, Legal and Policy Director of the ICJ

The protection of victims and witnesses before international courts and mechanisms
Justice Sanji Mongageng, former Commissioner and Chairperson of the African Commission on Human and Peoples' Rights, Judge of the International Criminal Court and ICJ Commissioner

The monitoring of execution of judgments of the European Court of Human Rights
Jill Heine, Senior Legal and Policy Adviser, ICJ Legal and Policy Office

The implementation of decisions of the African Commission and Court at the national level
Ibrahima Kane, African Union Advocacy Director, Open Society Foundations

General Debate on required amendments to the Arab Court Statute with a view to providing for appropriate tools to enhance the effectiveness of the Court, including interim, provisional and precautionary measures, measures to protect victims and witnesses, and a mechanism that supervises the execution of the Court's judgments

13:00 – 14:30 Lunch break

14:30 – 16:00 **Third session: the reform of the Statute and the way forward**

The Arab Court Statute was opened for ratification on 4 November 2014. According to article 33 of the Statute, the latter will enter into force following ratification by seven States. The Statute is said to be "operative" one year after it has come into force. No State has yet ratified it.

The objectives of this session are: i) to collectively reflect on strategies of engagement with the LAS member States and Secretariat on the introduction and implementation of the required reforms to bring the Statute in line with international standards, including those identified in the conference; and ii) assess possible areas of work and engagement with the Court if the Statute is to be ratified without being amended.

16:00 – 16:20 Coffee break

16:20 – 17:20 **Consideration and adoption of the conference declaration**

A draft will be sent to the participants a few days before the conference for inputs and comments

17:20 – 17:30 **Closing remarks**