



International Peace Research Institute, Oslo  
Institutt for fredsforskning



DEN NORSKE  
HELINGSFORSKOMITÉ

## The evolving role of NGOs in international criminal justice

An international seminar organised by the

### Forum for International Criminal Justice and Conflict<sup>1</sup>

at the initiative of the Norwegian Helsinki Committee and PRIO.

*Menneskerettighetshuset (Human Rights House), Tordenskioldsgate 6B (2<sup>nd</sup> floor), Oslo  
Monday 2 October 2006 12:00 – 16:00*

NGOs have played a critical role in the creation and work of the internationalised criminal jurisdictions such as the International Criminal Court (ICC) and the *ad hoc* Tribunals for the former Yugoslavia and Rwanda (ICTY and ICTR). First, the NGOs demanded government action in response to the reports of serious violations of international humanitarian law in Bosnia and Herzegovina in 1992. The UN Security Council proceeded to establish the Commission of Experts for the former Yugoslavia (UNSC resolution 780(1992)) and then the ICTY. The NGOs continued to demand international accountability for alleged atrocities in Rwanda, Kosovo, East Timor and Sierra Leone, in addition to their standing calls for criminal justice in Cambodia and Iraq. The NGOs came to play an historic role in the ICC negotiations 1995-2002, through the umbrella 'Coalition for the International Criminal Court' (CICC) as well as some resourceful NGOs within the CICC, notably Amnesty International, Human Rights Watch and the Lawyers Committee for Human Rights. In addition to observing closely the negotiations and extensive lobbying of delegations, NGOs produced a number of high quality papers on issues being negotiated.

Furthermore, the NGOs have been giving the institutions continuous life support in the form of assistance in administrative and budgetary processes (e.g. by trying to ensure that they are adequately staffed), by highlighting state obligations to co-operate (e.g. in connection with arrests and transfers), and by generating media attention around the institutions and current issues. The NGOs are also assisting states with implementing legislation and contributing to the universalisation of the ICC.

This distinguished record has given the NGOs considerable moral authority in international criminal justice, as the field consolidates and faces new challenges. The ICC is now firmly established and the work of the other internationalised criminal jurisdictions is well underway. The ICC complementarity principle gradually shifts attention to the national level. There are growing expectations that the NGOs play roles beyond birth and life support for the internationalised criminal justice institutions. Some in their constituencies call for renewed focus on the rights of the accused, a preoccupation of NGOs at the national level for years. Others point to the unique victims' participation and reparation regimes in the ICC and expect the NGOs to articulate the rights and fundamental interests of victims in what may represent a paradigmatic shift in international criminal justice. Others again recall the basic obligation of NGOs to monitor or watch the way public institutions exercise power, also internationalised criminal justice mechanisms. They opine that the convergence of values protected by the human rights movement and international criminal justice should not blind the NGOs to this responsibility now that international criminal justice has come of age. Others yet again suggest that the NGOs should focus on playing a role in the judicial processes of international criminal justice, where appropriate. The purpose of this Seminar is to discuss these different perspectives on the role of NGOs in the changing field of international criminal justice.

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<sup>1</sup> A debate forum open to individuals interested in issues concerning international criminal justice and conflict, started as an informal initiative under the ENI Programme of PRIO (by its Senior Researcher Morten Bergsmo, in consultation with Dr. Jo Stigen, Department of Public and International Law, University of Oslo). The Forum aims to identify and facilitate debate on key issues in international criminal justice and conflict, including accountability-related measures other than criminal justice, and to bring together practitioners, government officials, NGO representatives, academics, students and others with an interest in this emerging field of practice and research. The Forum will not take positions on issues. Information about the Forum and its activities can be found at [www.prio.no/ficjc/](http://www.prio.no/ficjc/), and requests to be placed on the e-mail invitation list of the Forum can be sent to [ficjc@prio.no](mailto:ficjc@prio.no) (with name, functional title and e-mail address). Suggestions for topics and issues to be addressed by the Forum, feedback on its activities, or offers of assistance can be sent to the same e-mail address.

### Programme:

- 12:00 *Introduction*, by Gunnar M. Karlsen (Deputy Secretary General, Norwegian Helsinki Committee).
- 12:15 *The relationship between the NGOs and internationalised investigation and prosecution services*, by Richard Dicker<sup>2</sup> (Director, International Justice Program, Human Rights Watch).
- 12:50 *The NGOs and the rights of the defendant in the internationalised criminal process*, by Christopher K. Hall<sup>3</sup> (Senior Legal Adviser, International Justice Project, Amnesty International).
- 13:25 *The NGOs and the role of victims in international criminal justice*, by Carla Ferstman<sup>4</sup> (Director, Redress).
- 14:00 Coffee/tea
- 14:15 *Do the NGOs 'watch' internationalised criminal jurisdictions?*, by Gilbert Bitti<sup>5</sup> (Senior Legal Adviser, Pre-Trial Division, ICC).
- 14:50 *Towards a strategic reorientation of NGOs in international criminal justice?*, by Antoine Bernard<sup>6</sup> (Executive Director, FIDH).
- 15:25 *Discussion and conclusion*

### Registration:

To register, please send an e-mail message before 27 September 2006 to [ficjc@prio.no](mailto:ficjc@prio.no) (with 'Seminar 061002' in the subject field), indicating your wish to register as a Seminar participant. Remember to mention your name, functional title (e.g. 'student' or 'Legal Adviser (MFA)') and e-mail address. Participation is without cost.

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<sup>2</sup> **Richard Dicker**, Director of Human Rights Watch's International Justice Program since the program's beginning in 2001; graduate of New York University Law School, LL.M. from Columbia University. He then spent two years practicing civil rights law in New York. For the past sixteen years, he has worked for HRW, where he first focused on accountability issues in southern Africa and arbitrary detention in China. In 1994-95, Mr. Dicker led HRW's efforts to bring a case before the International Court of Justice charging the government of Iraq with genocide against the Kurds. Starting in 1995, he directed HRW's multi-year campaign to establish the ICC. He represented HRW in the ICC negotiations. He has led advocacy efforts urging the creation of effective domestic accountability mechanisms in the DRC and the former Yugoslavia. He has made several visits to those states to meet with officials and NGOs. Richard Dicker's views appear frequently in the press on international justice issues.

<sup>3</sup> **Christopher K. Hall**, Columbia College in New York City (1972); University of Chicago Law School (1978); Associate at Fried, Frank, Harris, Shriver & Jacobson in New York City (1978 to 1982) (extensive *pro bono* litigation on behalf of Haitian and Cuban refugees); Instructor (1982-1983) and Adjunct Professor (1983-1984) at the University of Miami School of Law from 1982 to 1984; Associate at Kurzban, Kurzban & Weinger in Miami (1983-1984); Assistant Attorney General of the State of New York (1984-1990); Legal Adviser (1990 to 2004) and Senior Legal Adviser, International Justice Project (since 2004), International Secretariat, Amnesty International, London.

<sup>4</sup> **Carla Ferstman** is the Director of REDRESS, an organization which supports survivors' efforts to obtain justice and reparation. She is the informal coordinator of the NGO Coalition for an International Criminal Court's Victims' Rights Working Group, and is a member of the British Foreign and Commonwealth Office's Expert Panel on Torture. She originally practiced as a criminal law barrister in Canada and has worked on human rights and post-conflict issues for the past 11 years. She has an LL.B. from the University of British Columbia and an LL.M. from New York University.

<sup>5</sup> **Gilbert Bitti**, Senior Legal Adviser to the Pre-Trial Division, ICC; Member of the French Delegation during the ICC negotiations in the Ad Hoc Committee (1995), Preparatory Committee (1996-1998), Rome Conference (1998) and Preparatory Commission (1999-2002); Counsel of the French Government before the European Court of Human Rights (1993-2002); former Professor assistant at the Faculty of Law in Paris.

<sup>6</sup> **Antoine Bernard** has been Executive Director of FIDH since 1995. Having completed his DEA in public international law in 1988, he was a consultant for legal research centres at the Faculty of Law in Paris and for the UN Centre for Human Rights. He was Associate Professor 1993-1999 at the Institute of Doctorate Studies of the Faculty of Law in Paris. Since 2005 he has been Associate Professor at Paris II-Panthéon/Assas, and he is also co-organiser of the ENA training in Democratisation and Human Rights. He has published extensively in the area of international law.