



## Military v. Civilian Criminal Justice for Core International Crimes

A seminar organized by the

**Forum for International Criminal and Humanitarian Law**

in co-operation with the Norwegian Centre for Human Rights (University of Oslo)  
and the Peace Research Institute Oslo (PRIO)

on Monday 23 August 2010 13:00–15:00, at NCHR, Cort Adelers gate 30, 0254 Oslo.

A considerable number of states have seen investigations and prosecutions of war crimes, crimes against humanity and genocide (core international crimes) during the past decades. The level of preparedness for such prosecutions differs between countries. In terms of *national legislation criminalizing such conduct*, some states prosecute the cases on the basis of ordinary crimes in the national criminal code (for example, as regular murder rather than murder as a crime against humanity), whereas other states have imported the core international crimes into their national criminal law. In terms of *national institutional capacity*, many states have no specialized units or mechanisms to investigate, prosecute and adjudicate core international crimes cases, whereas other states have dedicated institutional arrangements or at least investigative and legal expertise available for such cases. But this last cluster of countries is not a coherent group: some states have military courts and prosecution and investigation services responsible for core international crimes cases; other states have a purely civilian criminal justice mechanism; and a third group of states have military elements in their system, such as military investigators, prosecutors or jury participation, often depending on whether there is an armed conflict or not.

Many international lawyers assume that there is a decisive historic shift away from military to civilian criminal justice for core international crimes. Is that correct? What is the factual comparative basis for such an assumption? Furthermore, what are the strengths and weaknesses of various military components in criminal justice for atrocities? How does this assessment differ between the perspectives of military lawyers, civilian public prosecutors, international humanitarian law experts, and those advocating national implementation of international humanitarian law? Can states that have reduced the military components in their criminal justice for atrocities mechanisms (such as the Netherlands and Norway) learn something from the solutions and practices of states that have stronger military justice elements for such crimes (such as Israel, the United Kingdom and the United States) – and *vice versa*? These are among the questions that will be discussed at this seminar.

Seminar participation is free. To register, please send an e-mail message to [info@fichl.org](mailto:info@fichl.org) by Saturday 21 August 2010, indicating your wish to register as a seminar participant. For more information about the Forum, please see [www.fichl.org](http://www.fichl.org).

### Programme:

- 13:00 **Introduction**, by Professor Nils A. Butenschøn (Director, Norwegian Centre for Human Rights).
- 13:05 **A global overview of national investigations and prosecutions of core international crimes**, by Joseph Rikhof (Senior Counsel at the Crimes against Humanity and War Section of the Canadian Department of Justice; Part-time Professor, International Criminal Law, University of Ottawa).
- 13:40 **Strengths and weaknesses of military components in criminal justice for core international crimes**, by Arne Willy Dahl (Judge Advocate General of Norway; President, International Society for Military Law and the Law of War).
- 14:10 **Comments by** Dr. juris Terje Einarsen (University of Bergen; Judge, Gulating Court of Appeals), Nobuo Hayashi (Researcher, PRIO), Mads Harlem (Head of International Law Unit, Norwegian Red Cross), and Annika Jones (Ph.D. candidate, University of Nottingham), followed by discussion.