



Societal Reintegration of Victims of Core International Crimes

A seminar on the occasion of the tenth anniversary of
the entry into force of the Statute of the International Criminal Court,

organized by the Forum for International Criminal and Humanitarian Law,
with support from the Royal Norwegian Ministry of Foreign Affairs,
in co-operation with the University of Oslo (Faculty of Law, Norwegian Centre for Human Rights),

7 June 2012, 09:00-12:45, Oslo.

The Statute of the International Criminal Court (ICC) is more progressive than the legal frameworks of other international criminal jurisdictions with regard to victims' participation and reparations. These features of the ICC have received much attention from States, civil society and academia. The mandate of the ICC Trust Fund for Victims to assist victims is also important given the time it takes to possible conviction and reparations. Providing victims a role in the criminal justice process anchors the process more explicitly in their sense of justice. Offering victims the possibility of reparations gives justice a second leg to stand on. Both victims' participation and reparations seek primarily to address the negative consequences of past wrongdoings.

But participation in criminal proceedings may have little if any effect on the reintegration of victims in society. In some cases it may even be an obstacle to their reintegration, or it may lead to their relocation or the cementation of their displacement. Reparations may assist victims during the process of transition that societal reintegration entails, but only to a limited extent. Full reintegration involves more: it requires a return to work or education, the housing market, family structures, civil society engagement, and social inclusion. The process has a significant socio-psychological dimension. Societal reintegration requires a much broader spectrum of normalization in the lives of victims than victim participation, assistance and reparations, and is therefore more complex and challenging.

The tenth anniversary of the entry into force of the ICC Statute on 1 July 2012 provides an important opportunity to look beyond the Statute's progressive regimes for victim participation, assistance and reparations. The point is not to criticize these achievements. But the ICC States Parties and friends of the Court should transcend the temptation to self-congratulate, and focus on work yet to be done. Better societal reintegration of victims of core international crimes stands out as one of the central challenges in the years to come, especially for national actors who face the needs of the overwhelming majority of victims of atrocities. Much attention has been devoted to the narrower issue of reparations. Societal reintegration requires a broader approach, which places the victims at the heart of the analysis.

This seminar considers some of the main issues raised by the reintegration into society of victims of core international crimes. What are the concrete needs of victims for successful reintegration? What are the relevant limitations of the current ICC mandates regarding victim participation, assistance and reparations? How far does the responsibility of the international community extend? Is there a need for national regulation to foster the societal reintegration of victims of core international crimes? These are common challenges for international and domestic criminal jurisdictions, including for legislators, departments of justice, health and immigration, and, especially at the local level, civil society actors and relevant health professionals. The seminar directs attention to the enduring interest of numerous victims affected by serious violations of international criminal law: the return to a more normal life. This concern should be a guiding principle for all those interested in transitional criminal justice.

Programme:

- 08:45 Registration
- 09:00 ***Introduction to the Seminar topic***, by Professor Morten Bergsmo¹ (Peking University Law School)
- 09:05 ***Victims, Criminal Justice in Transitions, and Reconciliation***, by Gry Larsen² (State Secretary, Norwegian Ministry of Foreign Affairs)
- 09:25 ***The Role of the Office of the Prosecutor in Bringing Justice and Accountability to Victims and Affected Populations***, by Fatou Bensouda³ (Deputy Prosecutor and Prosecutor-Elect, International Criminal Court)
- 10:05 ***In the Shadow of Criminal Justice for Atrocities: Reparations and Societal Reintegration of Victims***, by Professor M. Cherif Bassiouni⁴ (DePaul University)
- 10:45 Break
- 11:00 ***Ways to Enhance Societal Reintegration of Victims***, a panel discussion chaired by Ambassador Anniken Ramberg Krutnes⁵ (Norwegian Ambassador to the Netherlands):

¹ **Morten Bergsmo** is Visiting Professor, Peking University Law School (2012-13); Visiting Professor, Georgetown University; Researcher, University of Oslo, Faculty of Law; Visiting Fellow, Stanford University; and ICC Consultant and Co-ordinator of the ICC Legal Tools Project. He was formerly Fernand Braudel Senior Fellow, European University Institute (2011 Spring); Visiting Scholar, UC Berkeley (2010 Spring); Senior Researcher, PRIO (2006-09); Special Adviser to the Office of the Director of Public Prosecution of Norway (2007-08); Senior Legal Adviser and Chief of the Legal Advisory Section, ICC Office of the Prosecutor (2002-05); Co-ordinator of the establishment of the ICC Office of the Prosecutor (2002-03); Legal Adviser, ICTY (1994-2002); and Legal Adviser, UN Commission of Experts for the Former Yugoslavia established pursuant to Security Council resolution 780(1992) (1993-94). He represented the ICTY during the UN negotiation process to establish the ICC (1996-2002). He founded and directs the CMN (www.casematrixnetwork.org) and the FICHL.

² **Gry Larsen** is State Secretary in the Norwegian Ministry of Foreign Affairs. She is a career politician of the Norwegian Labour Party, who has held several key positions in the Party and its youth branch during the last 20 years. She holds a B.A. from the University of Oslo. She has international experience from, *inter alia*, Uganda, Namibia and Kenya.

³ **Fatou B. Bensouda** is a Gambian lawyer, former government civil servant, international criminal law prosecutor and legal adviser. She has been a Deputy Prosecutor in charge of the Prosecutions Division of the International Criminal Court since 2004. In December 2011, she became the consensus choice to serve as the second Prosecutor of the ICC, to be sworn in on 15 June 2012. Bensouda has previously served as Solicitor-General of Gambia, as well as Attorney-General and Minister of Justice, advising both the President and Cabinet of the Gambia. She has held positions of Legal Adviser and Trial Attorney at the International Criminal Tribunal for Rwanda (ICTR). She has considerable experience in national criminal prosecutions, diplomatic work and company management.

⁴ **M. Cherif Bassiouni** is one of the founders of international criminal law. Originally from Egypt, he is Distinguished Research Professor of Law at DePaul University, where he has taught since 1964, and the President of the International Human Rights Law Institute (since 1990). He is also the President of the International Institute of Higher Studies in Criminal Sciences, Siracusa, Italy (since 1988) and the Honorary President of the International Association of Penal Law (President 1989-2004) and holds the position of non-resident Professor of Criminal Law at the University of Cairo (since 1996). He was a Guest Scholar at the Woodrow Wilson International Center for Scholars in Washington, D.C. in 1972, Visiting Professor of Law, New York University Law School in 1971 and Fulbright-Hays Professor of International Criminal Law, the University of Freiburg, Germany in 1970, and is a frequent lecturer at universities in the U.S. and abroad. His legal education was in Egypt, France, Switzerland and the United States. In addition, he received several honorary degrees. He is the author of more than 30 and editor of more than 45 books on international criminal law, comparative criminal law, human rights, and U.S. criminal law; and the author of more than 240 articles published in law journals and books in the U.S. and other countries, many of which have been cited by international and national courts. He is a member of the FICHL Advisory Board.

⁵ **Anniken Ramberg Krutnes** is Ambassador of Norway to the Netherlands. She was formerly Director General, Department of External and Internal Services, Ministry of Foreign Affairs (2008); Deputy Director General, Section for Treaty Law and Law of the Sea, Legal Department, Ministry of Foreign Affairs (2006-08); Deputy Director General, Section for Energy and Marine Resources, Trade Department, Ministry of Foreign Affairs (2004-06); Advisor, Section for Trade Law, Legal Department, Ministry of Foreign Affairs (2002-04); First Secretary of Embassy, Norwegian Delegation to the Council of Europe, Strasbourg (2000-02); Second Secretary of Embassy, Norwegian Embassy in Madrid (1997-2000); and Foreign Service Trainee (1994-1997). She holds, *inter alia*, a Master of

- ***Facing the Challenge of Societal Reintegration of Victims: the Limits of Victim Participation, Assistance and Reparations***, by Pieter de Baan⁶ (Executive Director, Secretariat, ICC Trust Fund for Victims)
- ***The Concrete Needs of Victims who Seek Societal Reintegration***, by Jasminka Džumhur⁷ (Ombudswoman for Human Rights of Bosnia and Herzegovina)
- ***Health Needs of Victims during their Societal Reintegration***, by Associate Professor Nora Sveaass⁸ (University of Oslo)
- ***Where Does International Responsibility to Support Victims End and National Responsibility Begin?***, by Cyril Laucci⁹ (Legal Officer, Legal Advisory Services Section, Registry, International Criminal Court)
- ***Is There a Need for National Regulations to Promote Societal Reintegration of Victims of Core International Crimes?***, by Gilbert Bitti¹⁰ (Senior Legal Adviser, International Criminal Court)

12:30 Concluding remarks, by Ambassador Anniken Ramberg Krutnes and Professor Morten Bergsmo

Laws (University of Oslo, 1999), a Master in International Management (CEMS-Master, Università Luigi Bocconi, Milan, 1994), and a Master of Science in Economics and Administration (Norwegian School of Economics and Business Administration (NHH), Bergen, 1993).

⁶ **Pieter de Baan** is Executive Director of the Secretariat of the Trust Fund for Victims at the International Criminal Court. He was formerly in management and consulting positions at the Royal Tropical Institute (Amsterdam), ARCADIS Group, and SNV Netherlands Development Organisation. He also advised Amnesty International on setting up a trial observation routine concerning the International Criminal Tribunal for the former Yugoslavia.

⁷ **Jasminka Džumhur** was appointed Ombudswoman for Human Rights of Bosnia and Herzegovina in December 2008, and since May 2010, she has been a Member of the UN Working Group for Enforced and Involuntary Disappearances. She has extensive experience from Bosnia and Herzegovina with the victimization of women during and after armed conflict. She has worked for the Office of the High Commissioner for Human Rights, the International Commission on Missing Persons and has been a consultant for several international and national organizations such as the Danish Refugee Council, the International Crisis Group, OSCE, UNDP, UNICEF, UNIFEM, USAID, and the Soros Foundation on issues involving elimination of gender-based violence, trafficking in human beings, and human rights protection. She is one of the founders of the Women Association Medica in Zenica and the Center for Legal Aid for Women Zenica. Ms. Džumhur holds a law degree from the Faculty of Law of the University of Sarajevo, and a Master in criminology. She has worked in several companies and served as Judge and President of the Minor Offense Court in Zenica.

⁸ **Nora Sveaass** is Associate Professor at the Department of Psychology at the University of Oslo. She is a member of the UN Committee against Torture. She is a clinical psychologist, and was for many years senior psychologist at the Psycho-social Centre for Refugees at the University of Oslo. She is chair of the Human Rights Committee of the Norwegian Psychology Association and is the Director of Health and Human Rights Info.

⁹ **Cyril Laucci** is a Legal Officer in the ICC Registry Legal Advisory Services Section. He holds a Ph.D. in Law from the Universities of Aix-en-Provence and Geneva and is a qualified lawyer, specialized in international law in the Bar of Marseilles (France). He has taught international humanitarian law and international criminal law since 1996. Before joining the ICC, he worked as a Legal Adviser in Chambers for the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone and the International Criminal Tribunal for the former Yugoslavia, and as Regional Legal Adviser for Europe for the ICRC. He is the author of several publications in the fields of international humanitarian and criminal law, in particular an annual Series of *Annotated Digests of the International Criminal Court* in English and French (six issues to date).

¹⁰ **Gilbert Bitti** is Senior Legal Adviser to the Pre-Trial Division of the International Criminal Court (ICC). He has been a 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). Before that, he was Counsel to the French Government at the European Court of Human Rights (1993-2002). He is also a former Assistant Professor at the Faculty of Law in Paris. Bitti is the author of numerous publications on the ICC and he speaks regularly at academic conferences on international criminal justice.