

## OUTLINE - EXPERT SEMINAR ‘FACING GROSS VIOLATIONS AND INTERNATIONAL CRIMES’

CICG Geneva, Wednesday 14 May 2014

Draft outline – 07.05.2014

### INTRODUCTION

Together with the Centro di Ateneo per i diritti umani (Human rights Centre) of the University of Padova. Geneva for Human Rights – Global Training (GHR) convenes an Expert Seminar on international criminal law, which shall take place in Geneva on 14 May 2014 under the title: **‘Facing gross violations and international crimes’**. The Seminar will review the UN action regarding gross violations of human rights and international crimes, the struggle against impunity, and the States’ accountability, focusing on the role of the Human Rights Council (*‘HR-Council’*). The present draft outline will evolve to take into account further proposals made by the experts invited, both academics and defenders from the regions.

### GENEVA FOR HUMAN RIGHTS (GHR)

An international training organization contributing to **human rights implementation** inside countries, GHR trains human rights NGOs and defenders from the regions and all those involved in human rights at national level, to empower them in the elaboration and realization of strategies, and in the use of domestic, regional and international procedures.

At each session of the Human Rights Council (*‘HR-Council’*), GHR conducts its Geneva Courses. GHR also gives Courses and briefings in Geneva during the treaty bodies sessions and the UPR Working Group. For several years, GHR holds Expert Seminars, focusing on its **specificity**: the effective use of international human rights standards and mechanisms, the focus on implementation, and the elaboration of human rights strategies.

### GHR EXPERTS SEMINARS IN GENEVA

In a consultation process with NGOs and defenders from the regions, who work under difficult conditions (1997), all demanded the immediate implementation of international human rights standards. They highlighted their priorities to humanitarian law, macroeconomic issues, the struggle against impunity, the protection of defenders. Recently in our working relations with partners, other concerns emerged: the rights of indigenous peoples and violence against women. These specific concerns are priority issues in all GHR Courses.

At the request of its partners, GHR conducts Regional Courses on several of these issues. GHR also convenes **thematic Seminars in Geneva**. So far, GHR Expert Seminars focused on Caste Discrimination (during the Durban Review Conference), International Humanitarian Law (September 2010 and June 2011), Trends in the HR-Council (March 2011), Transitional Justice (September 2011), Minorities (November 2011), Enforced Disappearances (November 2012 and November 2013), Religious Freedom (December 2012), the World Conference (May 2013), Business and Human Rights (June 2013), and the preparation of the World Conference on Indigenous Peoples (March 2014).

For GHR, such Seminars require **two types of expertise**: that of the academic world and UN experts, along with that of victims and defenders, who have this unique capacity to explain the patterns of abuses they suffered and how to surmount them.

### GROSS VIOLATIONS, INTERNATIONAL CRIMES AND THE HR-COUNCIL

The United Nations (UN) has been regularly confronted with situations of gross and massive human rights violations. Since 1946, the UN promoted a common response to war crimes and crimes against humanity and adopted specific conventions on genocide, apartheid, and on the non-applicability of statutory limitations to War Crimes and Crimes Against Humanity. These

concerns increasingly became a feature of the human rights debates in the UN with the adoption of the Convention Against Torture (which includes the principle of universal jurisdiction for the States Parties), and with the creation by the UN of *Ad Hoc and Special Tribunals* following the serious breaches of humanitarian law and large-scale massacres committed during certain conflicts, in particular in the former Yugoslavia, Rwanda, Cambodia, Sierra Leone, Timor Leste.

Gradually, international criminal law (ICL) became part of the deliberations in the Commission on Human Rights and, since 2006, in the HR-Council. ICL proscribes war crimes and international crimes (crimes against humanity, genocide, torture, aggression, terrorism). ICL makes criminally liable those engaging in such conduct. Over the years, the list of international crimes increased, the most recent commonly agreed list being contained in the Rome Statute.

Soon after the World Conference on Human Rights (June 1993), negotiations started to establish a permanent international criminal court (1994-1998). On 17 July 1998, the UN Diplomatic Conference of Plenipotentiaries adopted the Rome Statute of the International Criminal Court. With the ratification of 60 States, the Statute entered into force on 1 July 2002.

More recently, besides the country mandates set-up to monitor the developments in a large number of countries, the HR-Council created Commissions of Inquiry to investigate the crimes committed in certain countries (Libya, Syria, Ivory Coast, DPRK).

The fight against impunity, the right to a remedy and reparation, the absolute necessity of dealing with the past, and the lack of accountability in many States policies constitute basic concerns in the HR-Council.

### AIMS OF THE EXPERT SEMINAR

The Expert Seminar 'Facing gross violations and international crimes' shall examine the UN response to gross and massive human rights violations and to international crimes. It shall review the work of the HR-Council, in particular the focus on the fight against impunity, the right to compensation for victims, on the accountability of the States (priority to the domestic efforts in investigation, prosecution and reparations), and the creation of Commissions of Inquiry. It shall also analyze the work of the International Criminal Court (ICC). Specific aims are:

- to sensitize those participating in the HR-Council on the human rights standards, mechanisms and procedures regarding gross human rights abuses and international crimes, and the States obligations regarding impunity and accountability;
- to review the basic international provisions regarding international crimes, in particular the universal jurisdiction and the non-applicability of statutory limitations;
- to sensitize participants on the elements of (international) criminal law already contained in many resolutions adopted by the HR-Council;
- to share experience and expertise on the recent developments regarding the struggle against impunity at (national and) international criminal law, the efforts to strengthen mechanisms for transitional justice, and the action of the International Criminal Court;
- to share experience on the obstacles to the implementation of states accountability, both at domestic and at international levels;
- and to discuss recommendations for future action and initiatives.

The Seminar does not intend to adopt formal conclusions, but to hopefully identify constructive ideas, avenues, food for thought for future reflections and actions.

### DRAFT PROGRAMME

The Expert Seminar will take place in Geneva on Wednesday 14 May 2014. Location will be confirmed soon. As it is the tradition in GHR Expert Seminars, this Seminar will have two segments: a public meeting (afternoon meeting) with free entrance; and a private brainstorming (and dinner) with the Experts of the Seminar, diplomats, civil servants and several civil society organizations to exchange views on future perspectives.

GHR will organize this Seminar jointly with the Centro di Ateneo per i diritti umani (Human rights Centre) of the University of Padova.

## Public session - CICG, Geneva

On the basis of the confirmations received until the 7<sup>th</sup> May 2014

### First part: International Criminal Law – focus on torture and enforced disappearances (13.30 - 15.30)

12.00: Lunch with Experts

13.00: Registration, welcome, coffee

#### **1. International Criminal Law** (13.30 – 14.30)

- Welcome by the co-Chairs Prof. Paolo De Stefani, Human Rights Centre, Padova University and Mr. Adrien-Claude Zoller, President GHR.
- *Gross violations and international crimes. Universal jurisdiction and the non-applicability of statutory limitations* by the co-chairs.
- **Key-note addresses:**
  - *Role of the Convention Against Torture* (Prof. Claudio Grossman, President of the Committee Against Torture).
  - *Enforced Disappearances* (Prof. Olivier de Frouville, member of the WGEID).
- Questions, answers.

#### **2. Roundtable – Priorities of States** (14.30 – 15.30)

- H.E. Alberto D'Alotto, Ambassador of Argentina (TBC), H.E. Mr. Mothusi Bruce Rabasha Palaj, Ambassador of Botswana (TBC), H.E. Dr. István Lakatos, Human Rights Ambassador of Hungary, H.E. Ms. Patricia O'Brien, Ambassador of Ireland, H.E. Mr. Maurizio Enrico Luigi Serra, Ambassador of Italy.
- Diplomats from France and Mexico.
- Questions, answers.

(Tea & coffee break)

### Second part: States Accountability and victims (16.00 – 18.00)

#### **3. States accountability to victims and transitional justice** (16.00 – 16.45)

- **Key-note address:** Ms. Lucie Viersma, OHCHR.
- *Preventing genocide* (Marialaura Marinozzi, Budapest Centre for the International Prevention of Genocide and Mass Atrocities)
- *Principles on the Right to Remedy and Principles against Impunity* (ICJ, invited).
- Questions, answers.

#### **4. Actions and obstacles on States accountability to victims** (16.45 – 17.45)

- *NGOs actions based on the principle of universal jurisdiction* (Bénédict De Moerloose, TRIAL, Geneva).
- *Difficulties of a prosecution at the international level* (Andreas Schueller, ECCHR, Berlin).
- Questions, answers.

#### **5. Concluding remarks** (17.45 – 18.00)

- *Comments by the Experts present.*
- Concluding remarks by the co-Chairs of the Seminar.

### **The private brainstorming session**

will take place from 20.00 to 22.00, in a nearby Restaurant.