



## Paving the way to justice: the role of civil society in documenting international crimes

Side Event at the 22<sup>nd</sup> Session of the ICC Assembly of States Parties

11 December 2023 | 13:15 – 14:45 EST | Conference Room 11, UNHQ

Hosted by REDRESS, the International Federation for Human Rights (FIDH), DIGNITY, Al-Haq, Al Mezan Center for Human Rights, and the Palestinian Centre for Human Rights (PCHR)

*Sponsored by Denmark, Netherlands, and the UK*

### Background

- Civil society organisations play a vital role in holding States and individuals accountable for violations of international law and human rights worldwide. They also provide crucial support for victims' rights to justice, truth, and reparation. Through their documentation efforts, civil society organisations are able to advocate for international criminal accountability, memorialise the suffering of victims, and provide critical information to their local communities. Civil society organisations are also particularly well-placed to understand and monitor their own local context, obtain information and potential evidence when it is still fresh, document patterns of violations, and identify linkage. In response to the important work of civil society organisations, governments that perpetrate serious human rights violations have engaged in a variety of efforts to shut them down, including through the imposition of strict organisational registration requirements, limiting access to victim and witness populations, and criminalising their work. As a result, international support for civil society organisations engaged in documentation efforts is more important than ever.
- The International Criminal Court (ICC) has consistently acknowledged that civil society organisations played a key role in advocating for its creation and CSOs continue to perform important work as intermediaries with local communities. Civil society organisations are often physically and culturally closer to local communities affected by international crimes, so they are particularly well-placed to support the work of the ICC through in-country fact-finding and contact with intermediaries, witnesses and victims. Thus, potentially relevant information and evidence from civil society can be instrumental in persuading the ICC or domestic prosecutors to begin preliminary or formal investigations into international crimes, as well as in influencing the United Nations to establish commission of inquiries or other documentation mechanisms. This typically includes direct engagement with – and interviews of – often highly traumatised individuals; establishing and opening referral pathways; and gathering and preserving

documentary evidence. Such important steps, which can generate robust documentation, have the power to influence prosecutorial strategies. For instance, in June 2014, the Office of the Prosecutor of the ICC re-opened investigations into the responsibility of United Kingdom military officials for war crimes in Iraq as a result of NGO documentation. Evidence from civil society can also be particularly important during reparations proceedings, as exemplified in the *Lubanga* case on reparations for crimes committed in the Ituri province in the Democratic Republic of Congo.

- Civil society organisations have a particularly important role in documenting human rights abuses and international crimes in situations that receive less international attention, be it for political or practical reasons. For example, the work of civil society organisations in Belarus, Libya or Sudan, among many others, has been crucial both for raising awareness of atrocities in real time and for collecting information and potential evidence to be used in future accountability efforts. It has also been critical to sustain momentum and keep working on situations that originally received attention but were later overlooked. Voices from these situations are vital to any discussion on documentation by civil society.
- We would like to thank Denmark, the United Kingdom and the Netherlands for their support in hosting this event.

#### Aim of Side Event

- REDRESS, FIDH, and DIGNITY will host a side-event at the 22<sup>nd</sup> Assembly of States Parties (ASP) on the central role of civil society in documenting human rights violations, in particular in countries where options for formal investigations are limited or impaired. The event will take place during the ASP, which will be held from 4-14 December 2023 at the United Nations Headquarters (UN HQ) in New York, NY, USA.
- The side-event will take the form of a panel discussion, the main aims of which will be:
  - to highlight the important role of civil society in documenting atrocities for international criminal accountability;
  - to provide examples of where civil society organisations have provided invaluable assistance to the ICC in its work, for example by operating in spaces where the ICC cannot;
  - to provide an overview of the challenges faced by civil society in its documentation efforts;
  - to provide a platform for civil society organisations engaged in documentation efforts to share their work and best practices;
  - to discuss the impact of the [ICC OTP and Eurojust Guidelines](#) on ongoing civil society documentation efforts;
  - to identify ways to enhance and improve collaboration between formal investigative bodies and civil society organisations to achieve maximum impact; and
  - to explore the enabling factors for strong and successful collaboration.
- To accomplish these goals, we will invite its civil society partners in Belarus, Libya, Palestine, Sudan, Syria, and Ukraine to participate as panellists, as well as the ICC Office of the Prosecutor.
- The discussion will take place in Conference Room 11, on 11 December 2023 from 13:15-14:45.

## Agenda

- 13:15-13:25            Opening remarks: Dr Bahia Tahzib-Lie Ambassador and Deputy Permanent Representative of the Kingdom of the Netherlands to the United Nations in New York
- 13:25-14:40            Panel Discussion moderated by Mazen Darwish, FIDH Secretary General and General Director of the Syrian Center for Media and Freedom of Expression (SCM), **Syria**
- **Sudan:** Mossaad Mohamed Ali (African Centre for Justice and Peace Studies)
  - **Palestine:** Giulia Marini, Al Mezan Center for Human Rights
  - **Libya:** Merna Nasralla, Lawyers for Justice in Libya
  - **Belarus:** Tatsiana Ziniakova, Human Constanta
  - **Ukraine:** Gennadiy Tokarev, Kharkiv Human Rights Protection Group
  - **ICC OTP:** Fabio Rossi, External Relations Adviser, ICC Office of the Prosecutor
- 14:40-14:45            Closing remarks by Julie Bardèche, Legal Advisor, REDRESS