

## CHAPTER 9: MOVING FORWARD

Parties and other stakeholders, including international organisations and civil society, need to further explore ways in which to enhance the capacity of national jurisdictions to investigate and prosecute serious crimes of international concern. As the above examples demonstrate, civil society has been at the forefront of this endeavour by not only encouraging and assisting states that decide to prosecute these crimes, but also by holding them to account using domestic courts when they fail to do so. Moving forward, civil society must continue and expand its efforts in this regard, bearing in mind some of the unexpected challenges that have emerged thus far.

One concrete measure that will enable civil society to better assist prosecutions of international crimes is to increase the capacity of organisations to collect and analyse information regarding international crimes. As Sidorenko notes:

*“Civil society and other non-State actors within a State are able to play an important role in collecting and disseminating information about international crimes which may be used in future investigations and prosecutions, thus creating internal pressure within a State to treat allegations of human rights violations seriously. NGOs are likely to be closest to the area where atrocities occur and are arguably free from State-centric bias. A legal empowerment approach to positive complementarity should include the provision of technical expertise to NGOs so as to enable them to collect evidence that may be used in the prosecution of core international crimes.”<sup>1</sup>*

Not only can such information be vital to future domestic prosecutions, it can also be submitted to the prosecutor of the ICC with a view to instigating an investigation where the ICC has jurisdiction and when the national authorities are not fulfilling their role. The Zimbabwe Torture Docket was an example of the former, where information collected by CSOs was handed over to South Africa’s NPA for the purposes of prosecution. Training for civil society organisations in terms of relevant information, as well as domestic legal requirements for evidence-collection, will assist future efforts of a similar nature.

### Endnotes

1. A Sidorenko “Legal Empowerment: Capacity Building in Core International Crimes Prosecutions through Technology Applications” FICL, 113-114.

## Civil Society: The Possibilities are Endless

Every country is different and depending on the context civil society initiatives will vary. Below is an overview of where civil society assistance may be of value.

