

Forum Justica e Libertades is a Portuguese, non-governmental organization (a civil rights' association) whose main statutory objectives are the defence of fundamental rights, civil rights and liberties.

In order to fulfill these goals several activities are held that range from education, information and media intervention (we recently edited a "Guide of the citizen's rights) to legal aid, that can assume effective support during criminal (and sometimes civil) procedures.

Amongst our main concerns are the issues connected to the defence of human dignity in all its implications; therefore we feel very honoured and wish to thank the organisers for the invitation to participate at this Conference.

It is truly with great satisfaction that we have been accompanying the evolution of the United Nations' positions, as well as those from several governments, NGO's and other institutions towards the establishment of a permanent International Criminal Court.

In fact, we believe this permanent court to be of the utmost importance:

1) It is clearly a court for the 21st century: we are talking about the protection of the deepest and most precious values of mankind condemning crimes such as genocide, serious violations of humanitarian law, crimes against humanity, aggression and others¹ which is profoundly related to our strongest beliefs and feelings;

2) A permanent International Criminal Court will be, in our opinion, quicker, cheaper and more effective than the *ad hoc* tribunals;

a) Quicker since it will work permanently: channels of communication will be created, with updated information; staff will be more prepared not only technically but also and especially in

* *Forum Justica e Libertades, Portugal.*

¹ Crimes defined or made punishable by treaties.

what concerns material conditions (security, lodgement, etc.); nowadays it takes at least one year for an *ad hoc* tribunal to be set up; there must be political will, then a location must be found, prepared people must be hired ... in this process and during this time, information, evidence, testimonies could be lost. **A prompt justice is a better justice.**

b) At the same time, if one has to repeat this settlement process every time there is a conflict that requires international criminal justice intervention, one will be unnecessarily and repeatedly spending money (for instance when renting buildings and hiring personnel).

c) It will also be more effective: it will play a dissuading role, since there will be a very serious pressure on judging and punishing the above mentioned crimes whenever States are incapable or unwilling to do so.

When governments or individuals know that policies and acts will be justified at an international forum, additional elements contribute to their decision-making process.

Besides, staff will create and develop a very specific type of law - international criminal law, enriched by other experiences and decisions, in a continuous flood of interpretations and case-law. However, this only happens with the appropriate amount of work; **a court that is scarcely used cannot make a mark.**

In this area, we have a lot to learn and gain from the experience and good work of the existing permanent courts (European Court of Human Rights, UN International Court);

2d) In a relatively short period of time the European Court of Human Rights has established substantial jurisprudence. The Human Rights Committee and even the Inter-American Court of Human Rights are influenced by the European Court decisions, their value being also present in a number of cases related to the American Convention of Human Rights (1969), most of all, and because the European Convention is considered the most highly developed scheme of international human rights protection, the European Court has great potential in building up a "law of human rights". **That role could in future belong to an International Criminal Court.**

3. The establishment of an International Criminal Court will oblige countries to a serious commitment, since they will all contribute to it financially and materially (location, human resources).

4. And finally, it will constantly produce judicial and social information: it will draw people's attention to its work and to the

problems it deals with; it will certainly lead the way into a more serious condemnation of the “core crimes”.

Consequently, the international community will be more attentive and demanding in what relates to international criminal justice, peace itself does not calm our conscience any longer. It is now time for the international law, for the defence of fundamental rights and the Universal Declaration of Human Rights.

As a final word, as an NGO preparing ourselves to transmit (and receive) information whenever asked and needed, we are open and looking forward to a tighter cooperation with the International Criminal Court always respecting, of course, the independence and sovereignty of its magistrates and the secrecy of the matters discussed.