

## Making the Rights Choices, remembering our friend Chris Hall (1946-2013)



*Chris Hall taking the floor at the PGA-Chatham House meeting on the ICC and the UN Security Council, London, 16 March 2012.*

“Making the right choices” was the title of the most important series of publications that a civil society organisation, Amnesty International under the direction of Chris Hall, prepared on the law-making process that led to the adoption of the Rome Statute of the International Criminal Court (ICC). “Making the right choices” also describes the life and advocacy approach of Chris Hall, the person who contributed more than anyone else, within the framework of civil society, to the drafting of the Rome Statute and to the very conception and realization of the idea of an International Criminal Court.

I heard Chris’s name for the first time in 1993 in London. I was a law student preparing my JD thesis at the library of the British Institute for International and Comparative Law in the quest of a publication or commentary on the recently adopted UN Security Resolution establishing the ICTY. I was told, “go to Amnesty International and try to speak with Chris Hall. He is the real expert on international criminal justice.” At the time, mistakenly believing that only academic research would have been useful to understand legal processes, I decided not to search for Chris.

Two years later, in August 1995, I attended for the first time, as a member of the European Law Students’ Association (ELSA), the UN Ad Hoc Committee for the establishment of an ICC that took place in New York. The Ad Hoc Committee had the mandate to discuss the provisions, options and possible alternatives to the Draft Statute for an ICC elaborated by the International Law Commission (ILC) in 1993-94. It was a three weeks event that brought me to work in team with Chris and taught me a big lesson on the role of civil society in international law making. I had the privilege to join Chris and a few other NGO representatives in the working sessions of that Committee and in challenging side meetings with representatives of States.

During these meetings, Chris emerged with a calm energy, extensive knowledge of the intricacies of negotiations and solid arguments grounded always in law. With his energy, wisdom and commitment, Chris was able to refute diplomatic scepticism, including the calculations made by some legal advisors of leading nations, that adopting the Statute would have taken at least 20 to 25 years, that in light of divergent national positions task was too complex and that no legal precedents existed. Chris always listened, took notes, smiled and then delivered powerful reasons on why, and above all how diplomats could make the right choices. Our advocacy, thanks to Chris' contribution, was powerful. It silenced those boycotting progress and those fearful of the consequences, and it empowered those negotiators who wanted to move things further.

In that session of the UN Ad Hoc Committee, and from then on, Chris showed how a representative of civil society could know more and better the history and prospective application of a given provision in international law, and how powerful that knowledge was to give hope to victims of human rights violations. His advocacy became our advocacy, and our vision prevailed as the Rome Statute was adopted only 3 years after that Ad Hoc Committee session, when the UN General Assembly of 1995 created a Preparatory Committee with the specific mandate to re-draft the 1994 ILC text according to which the Court would have been completely controlled by the UN Security Council.

In Rome, not only did we achieve a permanent Court, but also an independent one, with an independent Prosecutor. And this crucial element in the architecture of Court gave us hope that the Rome Statute would be universally supported. So, from 17 July 1998, date of the adoption of the Rome Statute, Chris continued his restless work in ensuring that the spirit and the idea of the Statute would be realized and its integrity preserved. He became a close advisor to the Parliamentary Campaign for the Ratification and Implementation of the Rome Statute of Parliamentarians for Global Action (PGA). And the international justice team that Chris led has been an essential partner in all our endeavours, from Tokyo to Mexico City, from Pretoria to The Hague, from Manila to Buenos Aires. We had long telephone conversations and we spent hours at the margins of the Salzburg School on International Criminal Law to comment on draft legislations of countries like South Africa, Canada, Italy, Nigeria, DRC and Georgia. We worked together to ensure that the Commonwealth Model on the ICC of 2005 would be revised and that its text, as it actually does since 2011, would ensure the effective cooperation with the ICC and wider jurisdictional protection of individuals against international crimes. We compared extensive notes on the flaws and progresses on implementing legislation, and the useful commentaries on legislation produced by the Amnesty International team have been indispensable resources for Lawmakers committed to the fight against impunity. We benefitted from Chris's principled legal approach within the Steering Committee and the thematic teams of the Coalition for the ICC, thus ensuring that our positions as civil society is progressive and pragmatic at the same time, but always in line with the goals and principles of the Rome Statute.

Only last year, Chris joined us at the first meeting that PGA organized with Chatham House, in London, convening experts from Government, civil society, international organizations, the academia and the MPs to discuss the pivotal theme of the relationship between the UN Security Council and the ICC. He was the first to take the floor in the open debate, setting the bar for a coherent discussion and an outcome that would have impeded any other participant to characterise the ICC as yet another policy-tool in the hands of the States.

As the ICC and the fight against impunity continue to face important challenges against those sceptics who favour power over law, or interests over principles, and as civil society continues to work recalling our common mission, providing sound legal advice and appealing to governments to make the right choices, the

leadership of Chris Hall will be greatly missed. His teaching and living example will always remain in the hearts and minds of those who had the privilege to work with him.

For new generations of lawyers practising in the field of international justice, and students graduating in international legal studies, Chris' and Amnesty International's work on international law should remain a point of legal, academic and advocacy reference. As his work remains enshrined in the Rome Statute and its preamble's goal, "*to put an end to impunity for the most serious crimes of concern to the International Community as a whole*", we shall remain committed to protect the integrity of the Statute, thus honouring Chris' life and legacy.

Our thoughts are with his family, his wife and children, from the other family he created with so much love and dedication to a great cause.

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*New York, 29 May 2013.*