

The Legacy of the International Criminal Tribunal for the former Yugoslavia and the Nuremberg Principles

Nuremberg, 05 and 06 May 2017

Nuremberg Palace of Justice, Courtroom 600
Bärenschanzstraße 72, 90429 Nuremberg/Germany

Agenda

Friday 05 May

Welcoming remarks (13:45 – 14:30)

1) From the Nuremberg Principles to Judicial Action – the Creation of the ICTY (14:30-16:00)

- The UNSC's first-ever court established under Chapter VII – the best of all options?
- Comparative look at *ad hoc* and hybrid courts and the ICC: new advances
- A non-political Court?

2) From an International Tribunal to Domestic Jurisprudence (16:30-18:00)

- Outreach: from a minimalist approach through the 'awakening' to a sophisticated outreach strategy
- The transition of trials to states on the territory of the former Yugoslavia?
- The acceptance of the ICTY in the region and its long-term impact

Saturday 06 May

3) The Evolution of the Substantive and Procedural Criminal Law (I) (08:45-10:15)

- The many definitions of and the additions to the law: the principle of non-retroactivity since Nuremberg
- A merger of different legal systems or the birth of a unique procedural system?
- Advances and new procedural regimes and their influence on subsequently established Courts and Tribunals

4) The Evolution of the Substantive and Procedural Criminal Law (II) (10:30-12:00)

- Individual and command criminal responsibility; interpretation of crimes against humanity
- ICTY and the new law on genocide
- Sexual enslavement and rape as crimes against humanity; nexus between rape and ethnic cleansing

5) The Prosecution – the “Engine” of the Court (12:45-14:15)

- Art. 18 ICTY-Statute and the choice of cases – a sole prerogative with no checks and balances?
- Prosecuting Heads of States - how “stable” is the ICTY's legacy of perpetuating the Nuremberg Principles?
- The prosecutorial strategy since Nuremberg: lessons learned and challenges.

6) Defence (14:30-16:00)

- From national practice to international proceedings – challenges for the defence lawyers
- Equality of arms – the principle and the reality
- Self-defence of accused persons – fair trial or the contrary?

Closing remarks (16:00-16:20)