

INTERNATIONAL
NUREMBERG
PRINCIPLES
ACADEMY

Program

Nuremberg Forum 2019

The Nuremberg Principles beyond the International Criminal Court: A Common Ground for Accountability

18–19 October 2019

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





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Nuremberg Forum 2019

The Nuremberg Principles beyond the International Criminal Court: A Common Ground for Accountability

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Welcome Address

On behalf of the International Nuremberg Principles Academy, we would like to welcome you to the Nuremberg Forum 2019 entitled “The Nuremberg Principles beyond the International Criminal Court: A Common Ground for Accountability”. This conference reflects on the options for reinforcing the global fight against impunity by analyzing accountability efforts for mass atrocities and the current landscape of international criminal law next to the efforts made by the world’s first permanent international criminal court.

On 11 December 1946, the United Nations General Assembly unanimously adopted Resolution 95 (I), which asserted the principles of international law recognized by the Charter of the International Military Tribunal and its judgment. The Nuremberg Principles were subsequently formulated by the United Nations International Law Commission in 1950. At that time, the creation of an international criminal jurisdiction vested with the power to judge and punish persons who disturbed international public order was perceived to be one of the key options to address mass atrocities. Unfortunately, this desire was not fulfilled until the end of the 20th century. More than 70 years after their formulation, the Nuremberg Principles are still the lighthouse that reflects basic elements that should be respected by domestic and international legal systems dealing with international crimes.

International criminal law continues to undergo changes in relation to the options used for ensuring accountability at both the international and national levels. Nevertheless, the global fight against impunity remains unfulfilled and sometimes uncertain. In a regularly changing world, the capabilities of accountability mechanisms may be challenged on the basis of the scope of their mandates, their jurisdictional limits, geopolitics, resource constraints, and lack of cooperation, just to name a few. For the advancement of the goals of different accountability mechanisms, we deem it relevant to analyze alternative and complementary measures for achieving accountability for the core crimes under international criminal law.

We consider this conference as an opportune platform to critically discuss and identify actionable ideas and recommendations for the future of international criminal law. By examining the current landscape of active accountability mechanisms and how they interact with each other, this conference will explore the path ahead for international criminal law, with the aim of generating new ideas and solutions for strengthening measures for holding perpetrators of international crimes accountable.

We are greatly honored by the presence of high-level experts including judges, prosecutors, scholars, and practitioners who will exchange ideas to shape the field of international criminal law and to ensure that no perpetrators of international crimes remain unpunished.

We are extremely grateful to all participants for their contributions and support of our efforts towards proffering effective solutions for the attainment of sustainable peace, justice, and security, and for strengthening the rule of law worldwide.

Klaus Rackwitz
Director
International Nuremberg Principles Academy

Dr. Viviane Dittrich
Deputy Director



Morning Session

9.30–10.00

Opening Remarks

Klaus Rackwitz, Director, International Nuremberg Principles Academy

Dr. Navi Pillay, President, Advisory Council of the International Nuremberg Principles Academy; former High Commissioner, United Nations High Commission for Human Rights; former Judge, International Criminal Tribunal for Rwanda and International Criminal Court

Dr. Christophe Eick, Chairperson, Foundation Board of the International Nuremberg Principles Academy; Ambassador, Legal Adviser and Director-General for Legal Affairs, Federal Foreign Office of Germany

Dr. Thomas Dickert, President, Higher Regional Court of Nuremberg

Nasser Ahmed, City Councilor, City of Nuremberg, representing the Lord Mayor of the City of Nuremberg

10.00–10.45

Keynote Address

Prof. Leila Nadya Sadat, James Carr Professor of International Criminal Law and Director of the Whitney R. Harris World Law Institute, Washington University in St. Louis; Special Adviser on Crimes Against Humanity, Office of the Prosecutor of the International Criminal Court

10.45–11.15

Coffee Break

11.15–12.45

Panel I: Common Elements for Criminal Accountability

Chair:

Katya Salazar, Executive Director, Due Process of Law Foundation

Speakers:

Prof. Christoph Safferling, Professor of Criminal Law, Criminal Procedure, International Criminal Law, and Public International Law, Friedrich-Alexander-Universität Erlangen-Nürnberg

Dixon Osburn, Adjunct Fellow, Halifax International Security Forum

Prof. Chantal Meloni, Professor of International Criminal Law, University of Milan

12.45–14.00

Lunch

Afternoon Session

14.00–16.00

Panel II: The Endeavors of the International Community

Chair:

Prof. Jennifer Trahan, Clinical Professor, New York University

Speakers:

Dr. Serge Brammertz, Chief Prosecutor, United Nations International Residual Mechanism for Criminal Tribunals

Prof. Dire Tladi, Professor of International Law, University of Pretoria

Ambassador Stephen J. Rapp, Distinguished Fellow, United States Holocaust Memorial Museum

16.00–18.00

Optional: Visit to the Memorium Nuremberg Trials

19.30

Reception by the City of Nuremberg Given by the Lord Mayor
in the Historic Town Hall, Rathausplatz 2, 90403 Nürnberg



Morning Session

9.00–10.30 **Panel III: Addressing Impunity through Hybrid Mechanisms**

Chair:

Eric Witte, Senior Project Manager for National Trials of Grave Crimes, Open Society Justice Initiative

Speakers:

Toby Cadman, Co-founder, The Guernica Group

Delphine K. Djiraibé, Chief Attorney, Public Interest Law Centre

Prof. David Scheffer, Mayer Brown and Robert A. Helman Professor of Law, Northwestern University

Judge Ivana Hrdličková, President, Special Tribunal for Lebanon

10.30–11.00 **Coffee Break**

11.00–12.30 **Panel IV: Achieving Prosecutions at the Domestic Level**

Chair:

Prof. Charles Villa-Vicencio, Emeritus Professor of Religious Studies, University of Cape Town

Speakers:

Edmund Chinonye Obiagwu, Chair, Nigerian Coalition for the International Criminal Court

Prof. Maria Louise Mallinder, Professor of Law, Queen's University Belfast

Judge Eduardo Cifuentes Muñoz, President of the Appeals Chamber, Special Jurisdiction for Peace

Judge Mike J. Chibita, Director, Office of the Director of Public Prosecutions of Uganda

12.30–13.30 **Lunch**

Afternoon Session

13.30–15.00 **Panel V: Combatting Impunity through Universal Jurisdiction**

Chair:

Katherine Gallagher, Senior Staff Attorney, Center for Constitutional Rights

Speakers:

Clémence Bectarte, Coordinator of the Litigation Action Group, International Federation for Human Rights

Christian Ritscher, Head of the War Crimes Unit, Office of the Federal Public Prosecutor General of Germany

Wolfgang Kaleck, Secretary General, European Centre for Constitutional and Human Rights

Prof. Alejandro Chehtman, Associate Professor, Universidad Torcuato Di Tella

15.00–15.15 **Short Break**

15.15–16.45 **Panel VI: Practical Implications going Forward**

Chair:

Sareta Ashraph, Barrister, Garden Court Chambers

Speakers:

Wayne Jordash QC, Managing Partner, Global Rights Compliance LLP

Prof. Alette Smeulers, Professor of Criminal Law and Criminology of International Crimes, University of Groningen

Prof. Cécile Aptel, Director of Policy, Strategy, and Knowledge, International Federation of the Red Cross and Red Crescent Societies

Dr. Anna Myriam Roccatello, Deputy Executive Director and Director of Programs, International Center for Transitional Justice

16.45–17.00 **Closing Remarks**

Dr. Viviane Dittrich, Deputy Director, International Nuremberg Principles Academy

Opening Remarks

Klaus Rackwitz

Director, International Nuremberg Principles Academy

Klaus Rackwitz studied law at the Universität zu Köln and was appointed as a judge in 1990, where he presided over criminal and civil cases at courts of first instance and at courts of appeal. He was one of the first judges in Germany heading a task force, which was established to improve the use of computers in the judicial work of judges and prosecutors. Mr. Rackwitz's experience in modern technology for courts led to his engagement in the Advance Team of the International Criminal Court (ICC) in The Hague in 2002. Subsequently, from January 2003 until September 2011, he served as the Senior Administrative Manager of the Office of the Prosecutor of the ICC. From 2011 to September 2016, he served as Administrative Director of Eurojust, the European Union's Judicial Cooperation Unit. He has previously worked in the field of IT law and has lectured for several years on civil law, commercial law, and IT law at the Universität zu Köln, Heinrich-Heine-Universität Düsseldorf and the Technische Akademie Wuppertal. Since March 2013, he is a member of the Supervisory Board of The Hague Institute for Innovation of Law, an advisory and research institute for the justice sector.

Dr. Navi Pillay

President, Advisory Council of the International Nuremberg Principles Academy; former High Commissioner, United Nations High Commission for Human Rights; former Judge, International Criminal Tribunal for Rwanda and International Criminal Court

Dr. Navi Pillay served as High Commissioner for Human Rights at the United Nations from 2008 to 2014. Apart from that, she has championed many human rights issues with which she herself had direct experience, having grown up as a member of the non-white majority under the Apartheid regime in South Africa. After studying law in Natal, South Africa, Dr. Pillay worked on behalf of the victims of racial segregation as a criminal defense lawyer and as an activist for the anti-Apartheid movement. Later, Dr. Pillay earned a Master's degree under a graduate program at Harvard Law School. In 1988, she became the first South African to be awarded the degree of Doctor of Juridical Science at Harvard Law School. In 1995, after the end of Apartheid, she was appointed to the Supreme Court of South Africa as a limited term judge. In the same year, she was appointed as Judge to the International Criminal Tribunal for Rwanda (ICTR), where she served for a total of eight years, including four years as President. Later she served at the ICC for five years. Dr. Pillay is the co-founder of Equality Now, an international women's rights organization.

Dr. Christophe Eick

Chairperson, Foundation Board of the International Nuremberg Principles Academy; Ambassador, Legal Adviser and Director-General for Legal Affairs, Federal Foreign Office of Germany

Dr. Christophe Eick is the Chairperson of the Foundation Board of the International Nuremberg Principles Academy (Nuremberg Academy). In July 2018, Dr. Eick was appointed Legal Adviser and Director-General for Legal Affairs, Federal Foreign Office. He studied law, completing the first state exam in 1986 (Bonn) and the second state exam in 1990 (Cologne). He obtained an LL.M. at McGill University in 1987 and a Ph.D. at the University of Bonn in 1993. Dr. Eick joined the German Federal Foreign Office in 1993 and since then held different positions: Deputy Head of Mission, German Embassy of Trinidad and Tobago; Permanent Mission of Germany to NATO; Deputy Head and subsequently Head of Division of Public International Law; Minister Plenipotentiary for Political Affairs and Security Council Political Coordinator, Permanent Mission of Germany to the United Nations; Minister, Deputy Head of Mission, German Embassy in Beijing; and Director for Human Rights, International Development and Social Affairs, German Federal Foreign Office.



Dr. Thomas Dickert

President, Higher Regional Court
of Nuremberg

Dr. Thomas Dickert is the President of the Higher Regional Court of Nuremberg. He represents the Free State of Bavaria in the Foundation Board of the Nuremberg Academy. From 2011 until April 2018, he was Head of the Department of Budget, Construction, IT, Organization, Security and Statistics at the Bavarian State Ministry of Justice. Prior to this position, Dr. Dickert held several other positions at the Bavarian State Ministry and at different courts in Bavaria, including the Higher Regional Court of Munich and the Regional Court of Ingolstadt. He studied law at the Universität Regensburg and did his legal traineeship in Regensburg.

Nasser Ahmed

City Councilor, City of Nuremberg,
representing the Lord Mayor
of the City of Nuremberg

Nasser Ahmed was, prior to running for the City Council in 2014, Chairman of the Jusos in Nuremberg – the Social Democratic Party's (SPD) Youth Division. Since 2015, he is Vice-Chairman of the local SPD. In the City Council of Nuremberg, he acts as a specialist for issues of public transportation and is Senior Advisor to his faction on sports policy. Mr. Ahmed holds a Master's degree in Political Science. Since late 2015, he is doing a Ph.D. at Friedrich-Alexander-Universität Erlangen-Nürnberg, Germany. His dissertation examines the construction of the political perspectives in the work of Michel Foucault and Ernst Jünger.

Prof. Leila Nadya Sadat

James Carr Professor of International
Criminal Law and Director of the
Whitney R. Harris World Law Institute,
Washington University in St. Louis;
Special Adviser on Crimes Against
Humanity, Office of the Prosecutor
of the International Criminal Court

Keynote Address

Professor Leila Nadya Sadat is a renowned human rights expert specializing in international criminal law, public international law, and foreign affairs. As director of the Whitney R. Harris World Law Institute, she is a devoted teacher and award-winning scholar, publishing more than 100 books, articles, and essays. In December 2012, the ICC Prosecutor appointed her as Special Adviser on Crimes against Humanity. Earlier that year she was elected to membership in the United States Council on Foreign Relations. In 2011, she became the first woman to be awarded the Alexis de Tocqueville Distinguished Fulbright Chair in Paris. In 2008, Professor Sadat launched the Crimes against Humanity Initiative, an international effort to study the problem of crimes against humanity and draft a global treaty addressing their punishment and prevention. The draft treaty is currently being debated by the United Nations International Law Commission and governments around the world.

Panel I: Common Elements for Criminal Accountability

In 1945, with the drafting of the Charter of the International Military Tribunal (IMT Charter), crimes against humanity were defined for the first time under international law, whilst a landmark precedent was set for the development of the prohibition of the waging of aggressive war and crimes against peace. The Nuremberg Trial laid the foundation for further developments in the definition of already existing laws on war and the sanction of certain conduct during armed conflicts. In light of their origins, the Nuremberg Principles are an embodiment of the core values of international criminal law and still constitute a relevant source of guidance for different accountability mechanisms, including international criminal tribunals, hybrid courts, national courts, and even quasi-judicial bodies like truth commissions or commissions of inquiry. With further development of international criminal law, significant changes have occurred in the definitions and elements of international crimes, including the adoption of the crime of aggression as a core crime, representing a progression from the definition of crimes against peace; the definition and the recognition of the crime of genocide as one of the core crimes; and the modification of the scope of crimes against humanity to exclude the requirement of a nexus with armed conflict. Nevertheless, impunity remains a reality. In order to reflect on key developments following the adoption of the IMT Charter, Panel I will examine the extent to which the formulation of the Nuremberg Principles in 1950 continues to impact the evolution of the crimes identified to be of general concern to the international community as a whole. The speakers will analyze the evolution of international criminality and the issue of new actors perpetrating crimes. The panel will also discuss the common elements for criminal accountability as well as the challenges that the international community faces in ensuring accountability for the commission of these crimes by non-state actors.

The key questions are, *inter alia*: What has been the major contribution of the Nuremberg Principles in the development of the core crimes under international criminal law? How do the definitions of the core crimes by national jurisdictions reflect the realities of today? What are the contemporary issues that continue to arise in international criminal law in connection with non-state actors?

Chair

Katya Salazar
Executive Director, Due Process
of Law Foundation

Katya Salazar is a Peruvian attorney. She has led Due Process of Law Foundation (DPLF) since 2009. Under her leadership, DPLF created its human rights and natural resources program, addressing the role of international law in the defense of land, territory, and natural resources in the region. She also promoted a deeper involvement of DPLF in the regional discussion on the future of the Inter-American Human Rights system. Before joining DPLF, Ms. Salazar was the Adjunct Coordinator of the Special Investigations Unit of the Truth and Reconciliation Commission of Peru. She was also a member of the Coalition against Impunity (Germany) that filed a criminal complaint against members of the Argentinian military for the disappearance of German citizens during the last Argentinian dictatorship. Ms. Salazar studied law at the Catholic University of Peru and holds a Master's degree in International Public Law from the Universität zu Heidelberg.



Speakers

Prof. Christoph Safferling

Professor of Criminal Law, Criminal Procedure, International Criminal Law, and Public International Law, Friedrich-Alexander-Universität Erlangen-Nürnberg

Professor Christoph Safferling is Professor of Criminal Law, Criminal Procedure, International Criminal Law, and Public International Law at Friedrich-Alexander-Universität Erlangen-Nürnberg. He is Director of the International Criminal Law Research Unit at the University and a member of the Independent Academic Commission at the Federal Ministry of Justice for the Critical Study of the National Socialist Past. He is also the Whitney R. Harris International Law Fellow of the Robert H. Jackson Center in Jamestown. He was the speaker of the Founding Commission of the Nuremberg Academy from 2010–2012. He has published several articles and books in the field of criminal law, international law, and International Human Rights Law (IHRL) and is co-editor of the *German Law Journal* and the *Rivista Internazionale di Diritto Penale*. He studied law in Munich and London and received his doctoral degree at Ludwig-Maximilians-Universität München in 1999.

Dixon Osburn

Adjunct Fellow, Halifax International Security Forum

Dixon Osburn currently serves as Adjunct Fellow at the American Security Project and on the Working Group for the Halifax International Security Forum. He was most recently Executive Director at the Center for Justice and Accountability that seeks to deter torture, war crimes, crimes against humanity, and other severe human rights abuses worldwide. Prior to that, he led the Law and Security program for Human Rights First addressing matters such as Guantanamo and United States torture. Mr. Osburn co-founded and led Servicemembers Legal Defense Network that spearheaded the effort to repeal “don’t ask, don’t tell” policy in the Military of the United States. Mr. Osburn received his Juris Doctorate and Master of Business Administration from Georgetown University and his Bachelor of Arts with distinction from Stanford University.

Prof. Chantal Meloni

Professor of International Criminal Law, University of Milan

Professor Chantal Meloni is a lawyer and professor at the University of Milan where she teaches international criminal law. She obtained her doctorate in 2006 with a dissertation on superior’s responsibility in international criminal law. She then worked as legal assistant at the ICC in The Hague. Since 2010, she has supported the Palestinian Center for Human Rights and has repeatedly spent several months in Gaza. From 2011 to 2014, she was Alexander von Humboldt Fellow at the Humboldt Universität. Since September 2015, Professor Meloni has been advising the European Centre for Constitutional and Human Rights program on Punishment and Legal Responsibility.

Panel II: The Endeavors of the International Community

As a universal body that brings states together to resolve conflicts and maintain peace worldwide, the United Nations continues to be at the forefront of the development of international law and, more specifically, the field of international criminal law. In the early 1990s, initiatives in the fight against impunity became more ostensible with the establishment of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the ICTR by the United Nations Security Council (UNSC). Other organs of the United Nations have made additional steps in the field, through the establishment of various mechanisms with the aim to counter impunity in specific situations. These include the establishment of commissions of inquiry and fact-finding missions to investigate serious violations of human rights and to maintain international peace in conflict states. As a reflection on the contributions of the United Nations, Panel II analyzes the international community's response to mass atrocities. The discussion will delve into the powers that the UNSC has exercised in the past under Chapter VII of the Charter of the United Nations and critically reflect on avenues for new responses to conflict situations and current challenges to peace. The discussion will then address more recent initiatives and discuss whether and how mechanisms such as commissions of inquiry and fact-finding missions, including the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 (IIIM), can contribute to criminal accountability efforts. Through this overview of United Nations accountability mechanisms, Panel II will examine when and how these mechanisms are relevant to the fight against impunity and whether they are alternative or complementary to other accountability mechanisms.

The key questions are, *inter alia*: To what extent has the UNSC advanced the fight against impunity? What additional roles can the United Nations General Assembly play in the advancement of international criminal law? How do the differences in the mandates and features of commissions of enquiry define their capabilities in the fight against impunity? What are the prospects and practicalities of establishing a more permanent investigative body, instead of *ad hoc* or country-specific mechanisms?

Chair

Prof. Jennifer Trahan
Clinical Professor, New York University

Professor Jennifer Trahan is Clinical Professor at the Center for Global Affairs, New York University, and Director of their Concentration in International Law and Human Rights. She has served as counsel and of counsel to the International Justice Program of Human Rights Watch, Iraq Prosecutions Consultant to the International Center for Transitional Justice, and worked on cases before the Special Court for Sierra Leone and International Criminal Tribunal for Rwanda. She has published two digests on the case law of the ad hoc tribunals, as well as scores of law review articles and book chapters, including on the International Criminal Court's crime of aggression. She also has served as one of the United States representatives to the Use of Force Committee of the International Law Association and is chair of the American Branch of the International Law Association's International Criminal Court Committee. The book she is currently writing *Legal Limits to the Veto in the Face of Atrocity Crimes* is under contract with Cambridge University Press.



Speakers

Dr. Serge Brammertz

Chief Prosecutor, United Nations
International Residual Mechanism
for Criminal Tribunals

Dr. Serge Brammertz has served for more than a decade in senior positions charged with investigating and prosecuting grave international crimes. On 28 November 2007, Dr. Brammertz was appointed as Chief Prosecutor of the ICTY. In 2016, he was appointed to serve concurrently as Chief Prosecutor of the International Residual Mechanism for Criminal Tribunals. From January 2006 to December 2007, he was Commissioner of the United Nations International Independent Investigation Commission into the assassination of former Lebanese Prime Minister Rafik Hariri. Previously, he was the first Deputy Prosecutor of the ICC. Prior to his international appointments, Dr. Brammertz was first a national magistrate and then Head of the Federal Prosecution of the Kingdom of Belgium. He is currently a member of the Executive Committee of the International Association of Prosecutors, and previously served as Chairman of the European Judicial Network.

Prof. Dire Tladi

Professor of International Law,
University of Pretoria

Professor Dire Tladi is Professor of International Law at the University of Pretoria and Extraordinary Professor at the University of Stellenbosch. He is member of the United Nations International Law Commission and its Special Rapporteur on Peremptory Norms of General International Law (*Jus Cogens*). He is also a member of the Institut de Droit International. He is the former Principal State Law Adviser for International Law at the Department of International Relations and Cooperation and Legal Adviser of the South African Permanent Mission to the United Nations in New York. He appeared as Counsel on behalf of South Africa before the ICC in relation to South Africa's non-arrest of the Sudanese President, Omar Al Bashir. He also served as Counsel on behalf of the African Union before the Appeals Chamber of the ICC in relation to Jordan's non-arrest of Al Bashir.

Ambassador Stephen J. Rapp

Distinguished Fellow, United States
Holocaust Memorial Museum

Ambassador Stephen J. Rapp is a Distinguished Fellow at the United States Holocaust Memorial Museum's Center for Prevention of Genocide. He also serves as Chair of the Commission for International Justice and Accountability. From 2009 to 2015, he was Ambassador-at-Large heading the Office of Global Criminal Justice in the United States Department of State. He was previously the Prosecutor of the SCSL from 2007 to 2009, where he led the prosecution of former Liberian President Charles Taylor. From 2001 to 2007, he served as Senior Trial Attorney and Chief of Prosecutions at the ICTR, where he headed the trial team that achieved the first convictions in history of leaders of the mass media for the crime of direct and public incitement to commit genocide. Before becoming an international prosecutor, he was the United States Attorney for the Northern District of Iowa from 1993 to 2001.

Panel III: Addressing Impunity through Hybrid Mechanisms

Accountability for international crimes can be ensured by mechanisms created by international organizations, regional organizations or by states. These mechanisms could also be created by an international organization alongside a state in instances where states require international assistance in order to investigate and prosecute. For example, national jurisdictions may lack the capacity to provide accountability for international crimes, there may be no willingness to prosecute or there might be no political support for prosecutions. In such instances, hybrid and internationalized courts may become options for justice and can play a relevant role in the fight against impunity. These include the Iraqi High Tribunal, the Special Criminal Court in the Central African Republic, the Special Panels of the Dili District Court, and the War Crimes Chamber in Bosnia and Herzegovina. Regardless of their particularities, these mechanisms combine national and international elements at varying degrees in relation to the composition of the bench, applicable law, jurisdiction or founding documents. The creation of hybrid mechanisms is essential, with the aim to build sustainable peace and prevent the recurrence of conflict and mass violations. Panel III will reflect on the different factors that contribute to or hinder the work of hybrid and internationalized jurisdictions. Using as examples the SCSL, the Kosovo Specialist Chambers and Specialist Prosecutor's Office, the ECCC, the Extraordinary African Chambers, and the Special Tribunal for Lebanon (STL), among others, this panel will assess the work, impact, composition, and legal framework of these mechanisms. It will then delve into lessons learned and potential challenges and obstacles to be considered when addressing accountability through domestic jurisdictions with international elements.

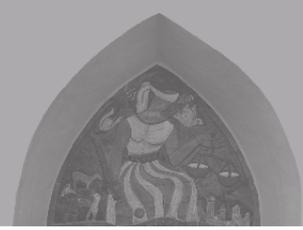
The key questions are, *inter alia*: What are the limits and scope of the jurisdiction of existing hybrid and internationalized accountability mechanisms? How did the Extraordinary African Chambers contribute to the advancement of the field of international criminal law? What are the main achievements of the ECCC? Regarding its personal jurisdiction for international crimes, has the STL created new avenues for the field of international criminal law?

Chair

Eric Witte

Senior Project Manager for National Trials of Grave Crimes, Open Society Justice Initiative

Eric Witte is the Senior Project Manager on National Trials of Grave Crimes for the Open Society Justice Initiative. Prior to joining the Open Society Foundations, he served as External Relations Adviser to the President of the ICC. Before that, he served as political adviser to the prosecutor of the SCSL, where he developed strategies for bringing then-fugitive former Liberian president Charles Taylor into the court's custody. He also worked at the Coalition for International Justice in Washington, D.C., on the political strategy leading to the arrest of former Serbian president Slobodan Milošević and his transfer to the ICTY. Having published widely on international justice, Mr. Witte has authored and co-authored several Justice Initiative publications, including *Options for Justice: A Handbook for Designing Accountability Mechanisms for Grave Crimes* (Open Society Foundations, 2018), and *Undeniable Atrocities: Confronting Crimes Against Humanity in Mexico* (Open Society Foundations, 2016). Mr. Witte has an M.A. in Political Science from the Universität Regensburg.



Speakers

Toby Cadman

Co-founder, The Guernica Group

Toby Cadman is an international law specialist, Co-founder of the Guernica Group, and Joint Head of Chambers at Guernica 37 International Justice Chambers. He has extensive experience in the fields of public international law, war crimes, human rights, terrorism, and extradition law. Mr. Cadman's particular area of expertise is international legal obligations and the United Nations system of protection. In 2018, Mr. Cadman was ranked in Chambers and Partner United Kingdom Guide *Spotlight Table for International Crime* as an experienced practitioner who is highly regarded for his experience advising on complex cases. Specializing in international humanitarian law (IHL), he has represented numerous individuals charged with war crimes and is often entrusted to lead inquiries into genocide and acts of terrorism.

Delphine K. Djiraibé

Chief Attorney, Public Interest Law Centre

Delphine K. Djiraibé is a Chadian lawyer and Chief Attorney with the Public Interest Law Centre. She is also National Coordinator of the Follow-up Committee on Peace and Reconciliation Initiative and a Trustee of the Center for International Environmental Law. After the overthrow of Hissène Habré, the plight of victims of the Habré regime motivated her to become a human rights activist and co-founder of the Chadian Association for the Promotion and Defense of Human Rights. Ms. Djiraibé studied in Congo-Brazzaville at Université Marien Nguabi de Brazzaville. She is also a graduate of the Human Rights Advocacy Program and obtained an LL.M. in Human Rights and International Law from Columbia University. BBC News has described her as "one of Chad's most prominent human rights lawyers". In 2004, she was awarded the Robert F. Kennedy Human Rights Award for her work.

Prof. David Scheffer

Mayer Brown and Robert A. Helman Professor of Law, Northwestern University

Professor David Scheffer is Mayer Brown and Robert A. Helman Professor of Law at Northwestern University Pritzker School of Law in Chicago. He was the first United States Ambassador at Large for War Crimes Issues (1997-2001), and was the United Nations Secretary-General's Special Expert on United Nations Assistance to the Khmer Rouge Trials (2012-2018). He is the author of *All the Missing Souls: A Personal History of the War Crimes Tribunals* (Princeton University Press, 2012), and *The Sit Room: In the Theater of War and Peace* (Oxford University Press, 2019).

Judge Ivana Hrdličková

President, Special Tribunal for Lebanon

Judge Ivana Hrdličková, was appointed as a Judge of the Appeals Chamber of the STL in November 2012. She was elected STL President on 19 February 2015 and has served in that role since 1 March 2015. She obtained her Juris Doctor in Procedural Law, from Charles University in Prague, where she later completed her Ph.D. in International Law focusing on the relationship between international and Islamic law. Throughout her career, Judge Hrdličková has developed specializations in criminal justice, transitional justice, rule of law, and human and women's rights. She has lectured extensively on these topics with particular emphasis on Islamic Law perspectives and has participated in various transitional justice and rule of law initiatives in the Euro Mediterranean region, including as an expert trainer to Tunisian and other judges and serving as a Legal Expert for the Council of Europe.

Panel IV: Achieving Prosecutions at the Domestic Level

Even before the formulation of the Nuremberg Principles by the International Law Commission in 1950, the responsibility of states to investigate and prosecute international crimes at the domestic level had started to gain recognition. In light of their primary jurisdictional powers for crimes under international law, national jurisdictions play a central role in the enforcement system of international criminal law. For instance, a national court may be better placed to obtain evidence and national authorities would be able to arrest perpetrators more easily than international tribunals relying on cooperation from national authorities. However, the reality shows that prosecutions of international crimes under national jurisdictions do not always materialize. In post-conflict or transitional states with weak judicial systems, prosecutions could be unduly prolonged. In other situations, prosecutorial measures, which are established to prosecute a past event, may be hindered by difficulties in establishing accountability against specific perpetrators that retain power because they could obtain amnesties and pardons. This panel will address prosecution of international crimes under national jurisdictions, excluding the extraterritorial application of national law and the exercise of universal jurisdiction. The panel will delve into the important role that states play in holding perpetrators accountable for mass atrocities in their own territories. It will then describe lessons learned and critically analyze potential challenges and obstacles that should be considered when addressing accountability at the domestic level.

The key questions are, *inter alia*: What are the legal bases for exercising jurisdiction over international crimes in national courts? How can the accountability gaps created by amnesties and pardons be addressed through the influence of international law and the Nuremberg Principles? What are the unique features and capabilities of the Special Jurisdiction for Peace in relation to other national accountability mechanisms? What are the major achievements of the International Crimes Division in Uganda regarding the prosecution of international crimes in the country?

Chair

Prof. Charles Villa-Vicencio
Emeritus Professor of Religious
Studies, University of Cape Town

Charles Villa-Vicencio is Emeritus Professor at the University of Cape Town and Visiting Professor in the Conflict Resolution Program at Georgetown University in Washington, D.C. Formerly the founding Executive Director of the Institute for Justice and Reconciliation in Cape Town, he was earlier the National Research Director of the South African Truth and Reconciliation Commission. Prior to this, he was Professor of Religion and Society at the University of Cape Town. He has authored and edited several publications, including *Walk with us and Listen: Political Reconciliation in Africa* (Georgetown University Press, 2009), and *The Provocations of Amnesty: Memory, Justice, and Impunity* (Co-edited with Erik Doxtader) (Institute for Justice and Reconciliation, 2003).



Speakers

Edmund Chinonye Obiagwu
Chair, Nigerian Coalition for the
International Criminal Court

Edmund Chinonye Obiagwu is a criminal defence lawyer, called to the Nigerian Bar in 1992, and an expert in criminal law, human rights, mediation, and justice reform. He is the Chairman of the Nigeria Coalition for the ICC, National Coordinator of Legal Defence and Assistance Project, and partner at the law firm of Obiagwu & Obiagwu. He is also the Chair of the Human Rights Agenda Network, comprising of non-governmental organizations working on human rights in Nigeria, and headed the National Working Group on the Reform of Criminal Justice Administration in Nigeria from 2007 to 2010. He has personally litigated over 125 death penalty cases at trials and appeals, including legal challenge of mandatory death penalty and arbitrary execution warrants in Nigeria.

Prof. Maria Louise Mallinder
Professor of Law, Queen's
University Belfast

Professor Maria Louise Mallinder is Professor of Law at Queen's University Belfast. She has longstanding expertise in transitional justice in Northern Ireland and has conducted fieldwork in several transitional countries. Her monograph *Amnesties, Human Rights and Political Transitions: Bridging the Peace and Justice Divide* (Hart Publishing, 2008) was awarded the 2009 Hart SLSA Early Career Award and was jointly awarded the 2009 British Society of Criminology Book Prize. In addition, she led the team that drafted the Belfast Guidelines on Amnesty and Accountability and has created a database of over 650 amnesties. Professor Mallinder is a Fellow of the Academy of Social Sciences and a member of the Royal Irish Academy Ethical, Political, Legal and Philosophical Studies Committee. She is also the Chair of the Committee on the Administration of Justice, a human rights non-governmental organization in Northern Ireland, and a member of the Institute for Integrated Transitions Law and Peace Practice Group.

Judge Eduardo Cifuentes Muñoz
President of the Appeals Chamber,
Special Jurisdiction for Peace

Judge Eduardo Cifuentes Muñoz is the President of the Chamber of Appeals of the Special Jurisdiction for Peace in Colombia since March 2018. Judge Cifuentes Muñoz has served the Colombian government and judiciary in several capacities: Director of the Legal Department of the National Exchange Commission (1980–1982), Justice of the Constitutional Court (1991–2000), and Ombudsman (2000–2003). From 2003 to 2005, Judge Cifuentes Muñoz headed the Division of Human Rights of the United Nations Educational, Scientific and Cultural Organization. He graduated as a lawyer from the Universidad de los Andes, where he was also a professor for over 15 years and worked as Dean of the Law School (2005–2011).

Judge Mike J. Chibita
Director, Office of the Director of
Public Prosecutions of Uganda

Judge Mike J. Chibita commenced duty as Director of Public Prosecutions in Uganda on 14 October 2013. At the time of his appointment, he was the Deputy Head of the Land Division at the High Court. Judge Chibita obtained his Bachelor's Degree in Law from Makerere University in 1988, followed by a Diploma in legal practice from the Law Development Centre the next year. He holds a Master's degree in International and Comparative Law from the University of Iowa. His other previous roles include: Lecturer in International Relations and African History at North Western College in the United States (1993); State Attorney, Attorney Generals Chambers (1994); Personal/Legal Assistant to the Attorney General (1995–1996); and Private Secretary/Legal Affairs to His Excellency the President (1996–2003). Since 2013, he has been President of Advocates Africa. He is also a member of Advocates International Global Council.

Panel V: Combatting Impunity through Universal Jurisdiction

The ability of states to exercise their jurisdiction for the prosecution of international crimes under universal jurisdiction offers a complement to national and international accountability efforts. This type of jurisdiction provides decentralized means of investigating and punishing crimes when the states with primary jurisdiction, or other international mechanisms, do not have the ability or intention to investigate and prosecute such crimes. In triggering universal jurisdiction, non-governmental organizations have become a pivotal force in conducting investigations in the territories where the crimes occurred, advocating for prosecutions against perpetrators, and rallying behind victims to represent their interests. Information obtained from private investigative bodies can form the bedrock for such cases, especially due to the high cost of investigating crimes committed outside a country's territory. Although private investigations generally provide support to prosecutions by international criminal tribunals, they are particularly instrumental in universal jurisdiction cases since they share invaluable information and assist the state machinery throughout the process. Regardless of the support provided by civil society organizations, and some inter-governmental organizations, many states have adopted legislation to exercise universal jurisdiction with significant limitations. Panel V will therefore discuss the controversies and practicalities of exercising extraterritorial criminal jurisdiction and universal jurisdiction, in order to ascertain new avenues that can be used to strengthen national initiatives to fight against impunity for international crimes. The panel will also provide an overview of the scope of universal jurisdiction from a comparative perspective and the ongoing cases in Germany.

The key questions are, *inter alia*: What have been the key achievements and challenges regarding the exercise of universal jurisdiction in Europe? How do organizations that conduct private investigations contribute to the investigative process and prosecution of national cases? What standards and values from the Nuremberg Principles provide lessons for strengthening the exercise of universal jurisdiction today? What are the relative factors that facilitate or hinder the exercise of universal jurisdiction, as opposed to other general extraterritorial jurisdiction?

Chair

Katherine Gallagher
Senior Staff Attorney, Center
for Constitutional Rights

Katherine Gallagher is a Senior Staff Attorney at the Center for Constitutional Rights where she works on cases involving United States foreign officials and torture, other war crimes, and cases involving private military corporations and torture at Abu Ghraib. She has been a Vice-President on the International Board of the International Federation for Human Rights since 2010, is a member of the Editorial Committee of the *Journal for International Criminal Justice*, and is Adjunct Professor of Law at the City University of New York (CUNY) School of Law. She previously worked at the ICTY from 2001–2006; as a Legal Advisor for the Organization for Security and Cooperation in Europe in Kosovo; and with the SCSL in Freetown. She graduated from New York University with a joint M.A. in Journalism and Middle East Studies and from the CUNY School of Law.

Speakers

Clémence Bectarte

Coordinator of the Litigation Action Group, International Federation for Human Rights

Clémence Bectarte is a French qualified lawyer registered with the Paris Bar. Since 2008, she coordinates the Litigation Action Group (LAG) of the International Federation for Human Rights, a global network of practicing lawyers, magistrates, and legal experts working on a pro bono basis in support of victims of grave human rights violations. The LAG currently represents over 1,200 victims in around 100 cases relating to violations committed in 45 countries. Ms. Bectarte is specialized in criminal law and procedure, as well as IHRL and IHL. She represents both victims and the International Federation for Human Rights as a civil party in cases including in France, Mali, and Senegal or before the ECCC. She graduated from Sciences Po in Paris and holds an M.A. in International Human Rights and Humanitarian Law from the Université Paris II Panthéon-Assas.

Christian Ritscher

Head of the War Crimes Unit, Office of the Federal Public Prosecutor General of Germany

Christian Ritscher was a founding member of the War Crimes Unit at the Office of the Federal Public Prosecutor General in 2009, and is currently the Head of the War Crimes Unit S4 in that office. He was leader of the prosecution team in the war crimes trial at the Higher Regional Court of Stuttgart against the President and the Vice-President of the Rwandan-Congolese militia *Forces Démocratiques de Libération du Rwanda*. He is a member of the Steering Board of the EU Network for investigation and prosecution of genocide, crimes against humanity, and war crimes. Mr. Ritscher was also a judge and prosecutor in different positions at the District Courts of Aschaffenburg/Bavaria and of Munich, and in the division of prosecution of espionage and international crimes and the Appeals Division of the Office of the Federal Public Prosecutor General. He holds a law degree from the Universität Passau.

Wolfgang Kaleck

Secretary General, European Centre for Constitutional and Human Rights

Wolfgang Kaleck is the founder and General Secretary of the European Centre for Constitutional and Human Rights (ECCHR) in Berlin. Together with partners around the world, ECCHR challenges human rights violations through legal action. Mr. Kaleck also represents whistleblower Edward Snowden in Europe. As an author he has published *Law versus Power* (OR Books, 2018), *Unternehmen vor Gericht* (co-author with Miriam Saage-Maaß, Verlag Klaus Wagenbach, 2016), and *Double Standards: International Criminal Law and the West* (Torkel Opsahl Academic EPublisher, 2015). He was recently awarded the Max Friedlaender Prize by the Bavarian Lawyer's Association (Bayerischer Anwaltverband) and the Bassiouni Justice Award from the Centre for International Law Research and Policy.

Prof. Alejandro Chehtman

Associate Professor, Universidad Torcuato Di Tella

Professor Alejandro Chehtman is Professor of Law at Torcuato Di Tella Law School and Fellow at the Argentine National Research Council. He works on public international law, international criminal law, IHL, and constitutional law, with special interest in philosophical and empirical issues. His work has appeared in leading peer-reviewed journals, such as the *European Journal of International Law*, *Journal of International Criminal Justice*, *Leiden Journal of International Law*, *Law & Philosophy*, and *Legal Theory*. His book, *The Philosophical Foundations of Extraterritorial Punishment*, 2010 was published by Oxford University Press. He has held fellowships and visiting positions at Harvard Kennedy School, University College London, the London School of Economics and Political Science (LSE), the University of Girona, the University of Genoa, and Free International University for Social Studies Guido Carli.

Panel VI: Practical Implications going Forward

As part of the birth of modern international criminal law, the IMT Charter and the Nuremberg Principles were created with the objective to fight against impunity for crimes committed during (or as a consequence) of an armed conflict. Subsequently, the field evolved to include the crimes committed outside armed conflicts and in peace times. Over time however, factors such as globalization, the eruption of new forms of conflict, the digital era, and a seeming contestation of multilateralism have brought a change in this paradigm. Unfortunately, some of these challenges remain unaddressed in the rules and practice of international criminal tribunals, and other mechanisms, at both national and international levels. With the aim to reflect on the changes needed, Panel VI will delve into the way forward for different accountability mechanisms in the fight against impunity and describe possible scenarios for the evolution of the field. The panel will also examine plausible avenues for creating positive interactions between the different mechanisms in place to ensure consistencies in the approaches used to pursue accountability for mass atrocities. With the intention of exploring new ways to achieve sustainable peace through justice, the panel will focus on the main objectives of the conference to bring forward recommendations and suggestions, and look into the future of the field of international criminal law. The key questions are, *inter alia*: What key lessons can be drawn from the accountability mechanisms towards a more effective system? What are some of the plausible solutions to general challenges in ensuring accountability, such as cost of proceedings, length of proceedings, jurisdictional limitations, and the general acceptance of international criminal law? What is the status of peace agreements in international criminal law today and in light of the Nuremberg Principles? How can the system of international criminal law be used to ensure accountability for new and emerging forms of criminality?

Chair

Sareta Ashraph

Barrister, Garden Court Chambers

Sareta Ashraph is a barrister specialized in International Criminal Law and IHL. Until August 2019, she was based in Iraq as the Senior Analyst on the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh. In 2017, Ms. Ashraph was part of the start-up team of the IIIM. From May 2012 to November 2016, she served as the Chief Legal Analyst on the United Nations Commission of Inquiry on Syria; Immediately prior to this, she occupied the same position on the Commission of Inquiry on Libya. In 2010 and 2011, she was the Legal Adviser to the ICC Defence Office. From 2004 to 2009, Ms. Ashraph was Defence Co-Counsel before the SCSL. She is an Associate Member of Garden Court Chambers (London), and is called to the Bar of England and Wales, as well as the Bar of the Republic of Trinidad and Tobago.



Speakers

Wayne Jordash QC

Managing Partner, Global Rights Compliance LLP

Wayne Jordash QC is a world-leading expert in IHL and IHRL, regularly advising governments, including the Ukrainian, Bangladeshi, Libyan, Serbian, and Vietnamese governments, on their compliance with IHL and IHRL. He also specializes in the provision of consultancy services in the area of business and human rights due diligence. He provided advisory services regarding the Rwandan Government's Tea Corporation's activities and associated IHL violations in Rwanda during the 1994 genocide, and the use of forced labor as a crime against humanity in the extractive industry in Sierra Leone during the 1991–2002 civil war. His recent work includes acting as a key expert in the Council of Europe's business and human rights program and partnering with the Foreign and Commonwealth Office of the United Kingdom to operationalize the United Nations Guiding Principles on Business and Human Rights in the Bangladesh garment industry.

Prof. Alette Smeulers

Professor of Criminal Law and Criminology of International Crimes, University of Groningen

Professor Alette Smeulers is Professor of Criminal Law and Criminology of International Crimes at the law faculty of the University of Groningen and at the University College Groningen. In 2003, she received her Ph.D. in International Criminal Law at Maastricht University. She worked at Maastricht University for 11 years, first as a Ph.D. candidate, then as a Lecturer in Criminal Law, and from 2001 as Assistant Professor in International Criminal Law. From 2006–2011, she worked at Vrije Universiteit University Amsterdam, where she initiated and set up the Master in International Crimes and Criminology now renamed International Crimes, Conflict and Criminology and the Amsterdam Centre of Interdisciplinary Research on International Crimes and Security, in 2012 renamed the Centre of International Criminal Justice. In 2011, she was appointed Professor in International Criminology at Tilburg University and as of 2014 she works in Groningen. In her research, she takes an interdisciplinary approach and studies perpetrators of international crimes and the international criminal justice system.

Prof. Cécile Aptel

Director of Policy, Strategy, and Knowledge, International Federation of the Red Cross and Red Crescent Societies

Professor Cécile Aptel is the Director of Policy, Strategy, and Knowledge at the International Federation of the Red Cross and Red Crescent Societies, where she manages international humanitarian programs. She is also Visiting Professor at Harvard University and an Extraordinary Professor at the Centre for Human Rights of Pretoria University. She has over 20 years of experience in international affairs, working primarily with the United Nations, managing legal and policy programs, notably at the United Nations High Commissioner for Human Rights, ICTY, ICTR, the International Independent Investigation Commission, and the UN Internal Oversight Services. Professor Aptel has also worked for the European Union, think-tanks, and non-governmental organizations, including the ICTJ, where she established and directed the Program on Children and Transitional Justice. She was awarded the Jennings Randolph Senior Fellowship by the United States Institute of Peace in 2010.

Dr. Anna Myriam Roccatello

Deputy Executive Director and Director of Programs, International Center for Transitional Justice

Dr. Anna Myriam Roccatello is the Deputy Executive Director and Director of Programs of the ICTJ, and she teaches transitional justice at the University of Milano-Bicocca. She joined ICTJ in 2013 after working for the United Nations for 13 years. When serving at the United Nations Department of Peacekeeping Operations, she gained considerable experience in criminal prosecution, mutual legal assistance, and judicial reforms. She subsequently worked as Senior Policy Officer at the Organization for the Prohibition of Chemical Weapons focusing on States Parties' compliance and accountability for their obligations, and later as the Senior Legal Adviser of the United Nations Office for West Africa. Dr. Roccatello is an Italian lawyer who qualified and practiced in Italy and the United Kingdom. She obtained law degrees from the Université de Strasbourg and the University of Turin. She completed her Ph.D. studies in European Law at the University of Milan.



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Closing Remarks

Dr. Viviane Dittrich

Deputy Director, International
Nuremberg Principles Academy

Dr. Viviane Dittrich is Deputy Director of the International Nuremberg Principles Academy. She is also a Visiting Fellow at the Centre for International Studies at the LSE, and Honorary Research Associate at Royal Holloway, University of London. Previously, she has been Visiting Researcher at iCourts (Centre of Excellence for International Courts), University of Copenhagen. Dr. Dittrich has broad teaching and research experience and has published on the notion of legacy and legacy building at the international criminal tribunals. Drawing on extensive field research, her work comparatively investigates the ICTY, ICTR, SCSL, ECCC, ICC, and the International Military Tribunal (Nuremberg). After studies in France, England, and the United States (Wellesley College), she received an M.Sc. in International Relations from the LSE and a Master's degree from Sciences Po Paris. She holds a Ph.D. from the LSE.

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