Atrocity Crimes Litigation Bi-Annual Review Symposium

An examination, through moderated discussions, of the jurisprudence and practice of tribunals and domestic courts investigating and prosecuting atrocity crimes during the last several years, as well as efforts to achieve accountability for the Syrian and South Sudan atrocities.

Friday, 25 May 2018
Le Méridien Grand Hotel
Bahnhofstraße 1-3
Nuremberg, Germany
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9:00–12:30

WELCOME ADDRESS
Viviane Dittrich, Deputy Director, International Nuremberg Principles Academy

MODERATOR’S GREETING
David Scheffer, Professor and Director, Center for International Human Rights (CIHR); Northwestern Pritzker School of Law

MORNING PANEL
Fatou Bensouda, Prosecutor, ICC
Xavier-Jean Keïta, Principal Counsel, Office of Public Counsel for the Defence, ICC
Caroline Buisman, Defence Counsel, ICC
Katrina Gustafson, Senior Appeals Counsel, Office of the Prosecutor of the Mechanism for International Criminal Tribunals (MICT)
David Schwendiman, former Prosecutor, Kosovo Specialist Chambers & Specialist Prosecutor’s Office (KSC-SPO)
Ivana Žanić, Coordinator, Legal Team, Humanitarian Law Center
Carsten Stahn, Professor of International Criminal Law and Global Justice, Leiden University

12:30–13:30

LUNCH
13:30–17:00

AFTERNOON PANEL

Nicholas Koumjian, International Co-Prosecutor, Extraordinary Chambers in the Courts of Cambodia (ECCC)

Norman Farrell, Prosecutor, Special Tribunal for Lebanon (STL)

Natalie von Wistinghausen, Defence Counsel, STL

Catherine Marchi-Uhel, Head, 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)

Wolfgang Kaleck, General Secretary, European Center for Constitutional and Human Rights (ECCHR)

Dixon Osburn, Executive Director, Center for Justice and Accountability (CJA)

Stephen Rapp, Robert F. Drinan, S.J., Visiting Professor of Human Rights, Georgetown University; Global Prevention Fellow, Simon-Skjodt Center for the Prevention of Genocide

Andrew Clapham, Professor of International Law, Graduate Institute Geneva

Carsten Stahn, Professor of International Criminal Law and Global Justice, Leiden University

17:00–18:00

RECEPTION
Dr. Viviane Dittrich
Dr. Viviane Dittrich is Deputy Director of the International Nuremberg Principles Academy. She 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 IMT (Nuremberg). Her research interests lie at the intersections of politics and international law, focusing on international organizations, international criminal law and the politics of memory. Dr. Dittrich is also Visiting Fellow at the Centre for International Studies at the London School of Economics and Political Science (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. After studies in France, England and the United States (Wellesley College) she received a 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.

Amb. David Scheffer
David Scheffer is the Mayer Brown/Robert A. Helman Professor of Law and Director of the Center for International Human Rights at Northwestern University Pritzker School of Law. He was the first U.S. Ambassador at Large for War Crimes Issues (1997-2001) and led the U.S. delegation in U.N. negotiations on the International Criminal Court during the Clinton Administration. He was Senior Adviser and Counsel to the U.S. Permanent Representative to the United Nations (Dr. Madeleine Albright) and served on the Deputies Committee of the National Security Council during the first term of the Clinton Administration. He was the U.N. Secretary-General’s Special Expert on U.N. Assistance to the Khmer Rouge Trials from 2012 to 2017. Scheffer was one of Foreign Policy Magazine’s “Top Global Thinkers of 2011,” won the Berlin Prize in 2013, and is author of the award-winning All the Missing Souls: A Personal History of the War Crimes Tribunals (Princeton, 2012). His forthcoming book is The Sit Room: In the Theater of War and Peace (Oxford, 2018).

Prof. Carsten Stahn
Carsten Stahn is Professor of International Criminal Law and Global Justice at Leiden University and Programme Director of the Grotius Centre for International Legal Studies (The Hague). He has previously worked as Legal Officer in Chambers of the International Criminal Court (2003–2007) and as Research Fellow at the Max Planck Institute for Comparative Public Law and International Law (2000–2003).
He obtained his PhD degree (summa cum laude) from Humboldt University Berlin after completing his First and Second State Exam in Law in Germany. He holds LL.M. degrees from New York University and Cologne/Paris I (Panthéon-Sorbonne). He has published 11 books and over 70 articles/essays in different fields of international law and international justice. His most recent works in international criminal justice include The Law and Practice of the International Criminal Court (OUP, 2015), Contested Justice (CUP, 2015) and a forthcoming textbook (Critical Introduction to International Criminal Law) with CUP. He is Editor of the Leiden Journal of International Law and the Criminal Law Forum and Correspondent of the Netherlands International Law Review.

**Dr. Fatou Bensouda**

Dr. Fatou Bensouda is Prosecutor of the International Criminal Court (ICC), having assumed office in 2012, the first woman to have assumed the role. Between 1987 and 2000, Dr. Bensouda was successively Senior State Counsel, Principal State Counsel, Deputy Director of Public Prosecutions, Solicitor General and Legal Secretary of the Republic, and Attorney General and Minister of Justice, in which capacity she served as Chief Legal Advisor to the President and Cabinet of The Republic of The Gambia. Her international career began at the UN International Criminal Tribunal for Rwanda, where she worked as a Legal Adviser and Trial Attorney before rising to the position of Senior Legal Advisor and Head of the Legal Advisory Unit (2002 to 2004), after which she joined the ICC as the Court’s first Deputy Prosecutor.

She is the recipient of numerous awards, including the distinguished *ICJ International Jurists Award* (2009), the 2011 *World Peace Through Law Award* presented by the Whitney Harris World Law Institute, the American Society of International Law’s *Honorary Membership Award* (2014), the *XXXV Peace Prize* by the United Nations Association of Spain (2015), and the *Praeis Elit Award* (2015). Dr. Bensouda has been listed by Time magazine as one of the 100 most influential people in the world (2012 & 2017); by the New African magazine as one of the “Most Influential Africans;” by *Foreign Policy* as one of the “Leading Global Thinkers” (2013), and by *Jeune Afrique* as one of 50 African women who, by their actions and initiatives in their respective roles, advance the African continent (2014 & 2015).

**Xavier-Jean Keïta**

Xavier-Jean Keïta joined the ICC in 2007 as Principal Counsel for the Defence Office (OPCD). He has practiced law for more than 33 years as a member of the Senegal Bar and with the Appeals Court of Paris. Mr. Keïta was a founding member of the International Criminal Bar and the CIFAF (Africa). He has chaired the first lawyers’ union of France (FNUJA), the Commission Admission of the French Bar National Council.
(CNB), and the International Human Rights Commission, together with SOS Avocats of International Association of Young Lawyers (AIJA). He is also an active member of the International Conference of French-speaking Bar Associations (CIB). He is an international law expert (member of the French Institute of International Law Experts, IFEJI) and is a qualified Mediator. Mr. Keïta was also a first-instance Judge at the International Organisation of La Francophonie of the OIF Complaints Board. He has been appointed as Duty Counsel for Germain Katanga and Narcisse Arido, assisted in the first appearances for Jean-Pierre Bemba, Laurent Gbagbo, and Aimé Kilolo, and was appointed as Counsel for Saif Gaddafi for 18 months. Mr. Keïta has lectured and presented around the world, published broadly, and commented on Art 67 RS in Commentaire du Statut de Rome (July 2012) and Art 55 RS in Comentários ao Estatuto de Roma (Oct 2014). Mr. Keïta is an elected Member of the Executive Council of the International Criminal Court Bar Association (ICCBA) and the current Secretary.

Dr. Caroline Buisman
Dr. Caroline Buisman is a member of the Amsterdam and New York Bar and practices domestic and international criminal and human rights law. She has over fifteen years of experience researching and practicing international criminal law at the ICC, ICTY, ICTR and the SCSL and has published widely on this subject. She is Counsel for Germain Katanga (DRC) at the ICC, and was also Counsel for Joshua Arap Sang (Kenya) until May 2016. She has been involved in investigations in Sierra Leone, Rwanda, Kenya, Democratic Republic of Congo, Uganda and Kosovo. She has an LL.M. from Columbia University (New York), a Masters of Law from Leiden University (Netherlands) and a Ph.D. from Brunel University (United Kingdom). She regularly teaches and participates in expert panels in the area of international criminal justice.

Katrina Gustafson
Katrina Gustafson has been with the ICTY/MICT Office of the Prosecutor since 2005. In that time she has worked on numerous ICTY/MICT trials and appeals, most recently, the trial and appeal of Radovan Karadžić. Before joining the ICTY, Ms. Gustafson worked as an attorney for the law firm Shearman & Sterling and as clerk to Justice Iacobucci of the Supreme Court of Canada. Ms. Gustafson holds a Bachelor’s Degree in Law from the University of British Columbia and a Master’s Degree in Law from New York University. She has published and lectured widely in international criminal law.
David Schwendiman

On 01 September 2016, David Schwendiman was appointed Specialist or Chief Prosecutor of the Specialist Prosecutor’s Office created by Kosovo law in 2015 and tasked with investigating and prosecuting war crimes and crimes against humanity investigated by a Special Investigative Task Force ("SITF") established by the European Union in 2011. Mr. Schwendiman left the Specialist Prosecutor position on 31 March 2018.

Prior to accepting appointment as the Specialist Prosecutor, Mr Schwendiman led the SITF. He replaced Ambassador Clint Williamson in May 2015.

Mr. Schwendiman previously served as the Kabul-based Assistant Special Inspector General/Director of Forward Operations for the U.S. Special Inspector General for Afghanistan Reconstruction ("SIGAR"), a post he assumed in February 2014. Before that, Mr. Schwendiman served as the U.S. Department of Justice (DOJ) Attaché at the United States Embassy in Kabul, Afghanistan, beginning in 2011.

From 2006 through 2009, Mr. Schwendiman served as an international prosecutor in the Special Department for War Crimes of the Prosecutor’s Office of Bosnia and Herzegovina. From November 2007 to the end of 2009, he served as Deputy Chief Prosecutor and Head of the Special Department for War Crimes.


Mr. Schwendiman graduated from the University of Utah College of Law in 1976. He has been Adjunct Professor there since 1994.

Ivana Žanić

Ivana Žanić graduated from the Faculty of Law, University of Belgrade where she obtained her Bachelor’s degree. In 2014 she got her Master’s degree from the Faculty of Political Science in Belgrade, Department of International Humanitarian Law and Human Rights. Her thesis “Command Responsibility in Jurisprudence of International Criminal Tribunals” received great feedback and positive reviews. The following year she passed the Bar Exam. Since 2012 she has been working at the Humanitarian Law Center in Belgrade on various positions dealing with criminal justice and procedure with emphasis on pursuing war crimes perpetrators and systematic human rights violations during the Balkan conflicts. In April 2018 Ms. Žanić was promoted to the position of the Coordinator of the Legal Team at the HLC.
Nicholas Koumjian
Nicholas Koumjian is the International Co-Prosecutor at the Extraordinary Chambers in the Courts of Cambodia. That court is currently awaiting judgment following the trial of Nuon Chea, former number two in the Khmer Rouge hierarchy, and Khieu Samphan, the former head of state. From 2007-2013, Mr. Koumjian was Trial Counsel and Senior Appeals Counsel for the prosecution of Charles Taylor, former President of Liberia for crimes in Sierra Leone. He previously served as Chief Prosecutor for the UN-staffed and funded Serious Crimes Unit in East Timor and worked as Trial Lawyer at the International Criminal Tribunal for the former Yugoslavia (ICTY), the State Court of Bosnia and Herzegovina and the International Criminal Court (ICC).

Norman Farrell
Norman Farrell currently holds the position of Prosecutor at the Special Tribunal for Lebanon (STL) to which he was appointed in March 2012. Prior to that, he was Deputy Prosecutor at the International Criminal Tribunal for the former Yugoslavia (ICTY).

Mr. Farrell has worked internationally since 1996, with extensive experience in international humanitarian law and international criminal law. Prior to 1996 he was Crown Counsel at the Crown Law Office – Criminal, Attorney General of Ontario.

As Head of the Appeals Section and Senior Appeals Counsel from 2002–2003 at the International Criminal Tribunal for Rwanda (ICTR) he regularly represented the Prosecutor before the ICTR Appeals Chamber, including on the appeal of the Prime Minister of Rwanda from his conviction for genocide. He held the same post at the ICTY from 2002–2005. From 2005-2008 he was appointed Principal Legal Officer at the Office of the Prosecutor at the ICTY. Previously, he worked as Legal Advisor at the International Committee of the Red Cross.

He has a Master of Laws (LL.M) from Columbia University in New York, and was admitted to the Law Society of Upper Canada, Ontario in 1988. He earned his law degree (LL.B) in 1986 and obtained a Bachelor of Arts (B.A. Hon) in 1982.

Natalie von Wistinghausen
Since being called to the Berlin Bar, Natalie von Wistinghausen specializes in criminal defense as a trial advocate and has acquired wide-ranging legal experience in domestic and international legal criminal work. She was admitted to the List of Counsel at the ICC, the ICTR and the STL. Before the ICTR, she was Legal Assistant in the defense team of Justin Mugenzi and in Germany, she was Lead
Counsel through all the stages of the proceedings in the case against Onesphore Rwabukombe who was accused of charges relating to the Rwandan genocide. Besides her domestic work in Germany, she was assigned in 2016 to protect the interests and rights of the accused Hassan Hussein Oneissi in the ongoing in absentia proceedings of The Prosecutor v. Ayyash et al. She is also Officer of the War Crimes Committee (WCC) of the International Bar Association (IBA).

Catherine Marchi-Uhel

Catherine Marchi-Uhel was appointed by the Secretary-General as Head of the IIIM on 3 July 2017. She took up her official duties on 8 August 2017.

Previously, Ms. Marchi-Uhel had served as Ombudsperson for the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning ISIL (Da‘esh), Al-Qaida, and associated individuals, groups, undertakings and entities. Before that, she was Head of Chambers at the International Criminal Tribunal for the former Yugoslavia (ICTY). Ms. Marchi-Uhel has also served as a full-time international judge at the Pre-Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) and was Senior Legal Officer with the ICTY Appeals Chamber. From July 2014 to April 2015, Ms. Marchi-Uhel was seconded to the United Nations Mission in Liberia (UNMIL) as Principal Rule of Law Officer, advising the Special Representative of the Secretary-General and the Deputy Special Representative of the Secretary-General for Rule of Law on justice and security matters.

Ms. Marchi-Uhel became a member of the French judiciary in 1989 and served as juge du siège at the Tribunal de Grande Instance de Coutances, being specially in charge of cases involving juveniles. She was later seconded to the French Ministry of Foreign Affairs, Legal Affairs Division, Human Rights Section before joining the United Nations.

Ms. Marchi-Uhel studied law at the Université Paris I — Panthéon Sorbonne and at the Université de Caen Basse-Normandie. She was an auditeur de justice at the Ecole Nationale de la Magistrature.

Wolfgang Kaleck

Wolfgang Kaleck founded the European Center for Constitutional and Human Rights (ECCHR) together with other internationally renowned lawyers in Berlin in 2007. He has served as General Secretary and Legal Director of the organization since its foundation.

Mr. Kaleck previously worked as a criminal law attorney at law firm Hummel.Kaleck.Rechtsanwälte, which he co-founded in 1991. Since 1998 he has been an advocate for the Koalition gegen Straflosigkeit (Coalition against Impunity) which fights to hold Argentinian...
military officials accountable for the murder and disappearance of German citizens during the Argentine dictatorship. Between 2004 and 2008, he worked with the New York Center for Constitutional Rights (CCR) to pursue criminal proceedings against members of the US military, including former Secretary of Defense Donald Rumsfeld. Mr. Kaleck is a member of the Centre of European Law and Politics at the University of Bremen (ZERP), the Forum for International and Criminal and Humanitarian Law (FICHL), the lawyers collective CCAJAR in Columbia and Mexican non-governmental organization ProDESC.

Mr. Kaleck has lectured extensively in Latin America, India, China and the Philippines. His most recent publications include Unternehmenvor Gericht. Globale Kämpfe für Menschenrechte (Taking Corporations to Court: Global Struggles for Human Rights), and Mit Recht gegen die Macht - Unser weltweiter Kampf für die Menschenrechte (Using Law against Power - Our Worlwide Fight for Human Rights) (Verlag Klaus Wagenbach).

In recognition of his “tenacious and intrepid commitment for the victims of state and non-state violence”, the German PEN Centre awarded Mr. Kaleck the 2014 Hermann Kesten Prize. On 15 October 2016, the Association of Democratic Lawyers (Vereinigung Demokratischer Juristinnen und Juristen – VDJ) in Germany presented the Hans Litten Prize to Mr. Kaleck and ECCHR Vice Legal Director Dr. Miriam Saage-Maaß.

In June 2017, Mr. Kaleck was awarded the honorary prize for services to human rights by the Bruno Kreisky foundation.

Dixon Osburn
C. Dixon Osburn is Executive Director of the Center for Justice and Accountability, an international NGO based in San Francisco that represents survivors of atrocity crimes in transnational litigation.

Mr. Osburn has 25 years of legal and political advocacy experience. He was Co-Founder and Executive Director of Servicemembers Legal Defense Network which spearheaded the effort to repeal “Don’t ask, don’t tell.” He served as Director of the Law & Security program for Human Rights First where he led efforts to align U.S. counterterrorism policies with the rule of law, including Guantanamo, torture and armed drones. He currently serves as Adjunct Fellow at the American Security Project, on the Working Group for the Halifax International Security Forum.

He received his JD/MBA from Georgetown University and his AB with distinction from Stanford University.
Stephen Rapp

Stephen J. Rapp served as US ambassador-at-large for global criminal justice from 2009 to 2015. In that role he coordinated US government support to international criminal tribunals, including the International Criminal Court, as well as to hybrid and national courts responsible for prosecuting persons charged with genocide, war crimes, and crimes against humanity. He was credited with arranging for the United Nations Commission of Inquiry and other prosecutorial authorities to gain access to a cache of 55,000 photos documenting torture by the Assad regime. From 2007 to 2009, Ambassador Rapp served as Prosecutor of the Special Court for Sierra Leone, where he led the prosecution of former Liberian President Charles Taylor. His office achieved the first convictions in history on crimes against humanity charges for sexual slavery and forced marriage and for attacks on peacekeepers and recruitment and use of child soldiers as violations of international humanitarian law. From 2001 to 2007, he served as Senior Trial Attorney and Chief of Prosecutions at the International Criminal Tribunal for Rwanda, where he led the trial team that achieved the first convictions in history against leaders of the mass media for the crime of direct and public incitement to commit genocide. Ambassador Rapp is currently serving in an advisory capacity as a roving Ambassador for the Simon-Skjodt Center for the Prevention of Genocide pursuing justice and accountability on Syria. He received a B.A. from Harvard College and a J.D. from Drake University Law School.

Andrew Clapham

Andrew Clapham is Professor of International Law at the Graduate Institute of International and Development Studies, which he joined in 1997. He was the first Director of the Geneva Academy of International Humanitarian Law and Human Rights (2006 - 2014). Mr. Clapham teaches international law, human rights law, and the laws of war. His current research focuses on war. He is Associate Member of Matrix Chambers in London. In 2014 he was nominated by Switzerland as Arbitrator under the UN Law of the Sea Convention. He has been a member of the UN Commission on Human Rights in South Sudan since October 2017. He has produced a 7th edition of Brierly’s Law of Nations (2012). He is the co-editor with Paola Gaeta of the Oxford Handbook of International Law in Armed Conflict (2014) and co-editor with Paola Gaeta and Marco Sassoli of The 1949 Geneva Conventions: A Commentary (2015).
The Center for International Human Rights (CIHR), housed at Northwestern Pritzker School of Law’s Bluhm Legal Clinic, provides a comprehensive range of doctrinal courses on the norms and mechanisms of international human rights law, international criminal law, and international humanitarian law, as well offering clinical experiences for students interested in the protection of human rights globally and projects researching and addressing emerging human rights and international criminal law norms and related issues.

www.law.northwestern.edu/legalclinic/humanrights

The International Nuremberg Principles Academy is a non-profit foundation dedicated to the promotion of international criminal law and human rights. It is located in Nuremberg, the birthplace of modern international criminal law. The mission of the Nuremberg Academy is to promote the universality, legality and acceptance of international criminal law. The foundation’s main fields of activity include interdisciplinary and applied research, specialized capacity building for practitioners of international criminal law, and human rights education with an international reach. The Nuremberg Academy was founded by the German Foreign Office, the Free State of Bavaria and the City of Nuremberg in 2014.

www.nurembergacademy.org