



INTERNATIONAL  
NUREMBERG  
PRINCIPLES  
ACADEMY

**CILRAP:** Centre for International  
Law Research and Policy

## Integrity in International Justice

co-organized by  
the Centre for International Law Research and Policy  
and the International Nuremberg Principles Academy

in the Peace Palace, The Hague  
1-2 December 2018



Dear participants of the Integrity Conference,

We are pleased to welcome you to the international expert conference *Integrity in International Justice*. The topic concerns the integrity of individuals who serve or interact with international justice institutions. Individual integrity within international courts affects the institutional reputation, culture, independence and quality of work. But the emphasis of this project is not on institutional integrity, but on the requirement of individual integrity or high moral character. We kindly draw your attention to the concept note for the conference – the policy brief *Revisiting Integrity in International Justice* (<http://toaep.org/pbs/>) – which explains this focus and the background of the project.

Following the opening keynotes, the program is organized in six parts. Part I (*Meaning of Integrity*) considers integrity from a normative perspective, along the following structure: a) Greek/Roman, Christian and Islamic perspectives, b) two possible standard-bearers of integrity (Sir Thomas More and Dag Hammarskjöld), c) a reflection on the universality of the standard, and d) the expression of the standard in the statutory frameworks of the international criminal jurisdictions.

Part II (*Awareness and Culture of Integrity*) addresses integrity from the perspectives of a) individual awareness of the standard and its importance, b) motivation and will to integrity, c) individual preconditions to an institutional culture of integrity, and d) the problem of indebtedness. Whereas Part I analyses the normative dimensions of integrity down to the statutory level, Part II is concerned with how we as individuals relate to and interact with the standard.

Part III (*The Role of States*) considers measures that states can take to enhance individual respect for the integrity standard and to foster a culture of integrity in international organizations, with a focus on international justice organizations.

Part IV (*The Role of International Justice Institutions*) focuses in some detail on what international courts themselves can do to enhance individual integrity and nourish cultures of integrity within the institution. This includes protection of whistle-blowers, inquiries, codes of conduct and ethics charters, suppression of sexual misconduct, strengthening of internal oversight mechanisms, and use of contempt procedures.

Part V (*Integrity and the Lens of Cases*) seeks to offer perspectives on individual integrity through the work on relevant criminal cases, or through the analysis of specific cases that tested individual integrity.

The final Part VI (*Independence and Integrity*) zooms in on the particular integrity problems caused when direct or indirect pressure is brought to bear on the independence of international justice. It concerns the tension between the integrity and independence principles, while recognizing that the emphasis throughout the project is on individual integrity.

There is a sense that multilateralism is under growing pressure. However uncomfortable, an environment of increased scrutiny provides a welcome opportunity to revisit the role of the individual in international justice institutions. Focusing on the standard and practice of integrity is an open-ended necessity for international justice institutions facing the common challenge of professionalization. This conference is forward-looking, but it invites open, frank discussion.

The main outcome of this project is an anthology of conference papers called *Integrity in International Justice*, which will be published in 2019. Additionally, a film and podcast of each lecture will be made available online. Concrete proposals that may come out of the conference will also be communicated to relevant institutions by the organizers.

We thank you for your participation in this project, and we hope you will benefit from the conference deliberations.

Klaus Rackwitz  
Director  
International Nuremberg  
Principles Academy

Morten Bergsmo  
Director  
Centre for International  
Law Research and Policy

09:00 **Opening Session:**

Remarks by Conference Chair, Klaus Rackwitz<sup>1</sup>

1. Fatou Bensouda:<sup>2</sup>  
*The Legal Requirement of Individual Integrity and the Prosecution of International Crimes*
2. Erik Møse:<sup>3</sup>  
*Reflections on Integrity in International Criminal Justice and Regional Human Rights Courts*
3. Marc Perrin de Brichambaut:<sup>4</sup>  
*The Importance of Integrity in International Justice*
4. Morten Bergsmo:<sup>5</sup>  
*Integrity as Safeguard Against the Vicissitudes of Common Justice Institutions*

10:50 **Tea and coffee**11:20 **Part I: Meaning of Integrity<sup>6</sup>**

Chair: Martin Sørby<sup>7</sup>

5. Emiliano J. Buis:<sup>8</sup>  
*Greek and Roman Pre-Christian Notions of "Integrity"*
6. Hanne Sophie Greve:<sup>9</sup>  
*Christian Sources and Reflections on Integrity in Justice*
7. Adel Maged:<sup>10</sup>  
*Primary Islamic Sources on Integrity in Justice*
8. Gunnar M. Ekeløve-Slydal:<sup>11</sup>  
*Sir Thomas More and Integrity in Justice*
9. Hans A.V. Corell:<sup>12</sup>  
*The Dag Hammarskjöld Legacy and Integrity in International Civil Service*

12:45 **Lunch**

- 1 **Klaus Rackwitz** is Director of the International Nuremberg Principles Academy. He has formerly worked for the International Criminal Court, Eurojust, and the German judiciary.
- 2 **Fatou Bensouda** is Prosecutor of the International Criminal Court, where she previously served as Deputy Prosecutor.
- 3 **Erik Møse** is Judge of the Supreme Court of Norway. He was previously Judge of the European Court of Human Rights, and President of the International Criminal Tribunal for Rwanda.
- 4 **Marc Perrin de Brichambaut** is Vice President of the International Criminal Court. He was previously Secretary-General of the Organisation for Cooperation and Security in Europe, and Legal Adviser of the Foreign Ministry of France.
- 5 **Morten Bergsmo** is Director of the Centre for International Law Research and Policy (CILRAP).
- 6 There will be 60 minutes for discussion at the end of Part I.
- 7 **Martin Sørby** is Ambassador of Norway to the Netherlands. He was previously director for international criminal and humanitarian law at the Norwegian Foreign Ministry.
- 8 **Emiliano J. Buis** is Professor at the Facultad de Derecho and the Facultad de Filosofía y Letras, Universidad de Buenos Aires, and holds several teaching and research positions at other academic institutions in Argentina.
- 9 **Hanne Sophie Greve** is Vice President of the Gulating Court of Appeal, Norway, and a member of the International Commission against the Death Penalty. She was formerly Judge at the European Court of Human Rights, and a member of the UN Commission of Experts for the Former Yugoslavia established pursuant to UN Security Council Resolution 780 (1992).
- 10 **Adel Maged** is Vice President of the Court of Cassation of Egypt and Honorary Professor of Law, Durham University.
- 11 **Gunnar M. Ekeløve-Slydal** is Lecturer at the University of South East Norway and Deputy Secretary General, Norwegian Helsinki Committee.
- 12 **Hans A.V. Corell** is the former Under-Secretary-General for Legal Affairs and the Legal Counsel of the United Nations, Ambassador and Under-Secretary for Legal and Consular Affairs in the Swedish Ministry for Foreign Affairs, Chief Legal Officer of the Swedish Ministry of Justice, and a judge in Sweden.



13:45 **Part I continues:**

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10. Juan Carlos Botero Navia:<sup>13</sup>  
*Towards a Global Understanding of Integrity in Justice*

11. Olympia Bekou:<sup>14</sup>  
*Integrity Standards in the Statutes of International Criminal Jurisdictions*

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15:15 **Tea and coffee**

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15:45 **Part II: Awareness and Culture of Integrity<sup>15</sup>**

Chair: Hanne Sophie Greve

12. Brigid Inder:<sup>16</sup>  
*Conformity, Leadership and the Culture of Integrity*

13. Christopher B. Mahony:<sup>17</sup>  
*Integrity, Indebtedness and Great Power Instrumentalization of International Criminal Justice Personnel*

14. William H. Wiley:<sup>18</sup>  
*Truthful Communication as a Precondition to Integrity in International Justice*

15. Andrew T. Cayley:<sup>19</sup>  
*Decency as a Prerequisite of Integrity in International Justice*

16. Payam Akhavan:<sup>20</sup>  
*From Empathy to Equity: Reflections on Integrity and Institution-Building*

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17:00 **Tea and coffee**

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17:30 **Part II continues:**

17. Marina Aksenova:<sup>21</sup>  
*The Role of Aesthetics in Furthering Integrity*

18. Julija Bogoeva:<sup>22</sup>  
*Only the Best Should Prosecute and Judge in International Justice*

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19:00 The conference ends for the day, and the speakers proceed to the nearby residence of the Norwegian Ambassador for dinner.

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13 **Juan Carlos Botero Navia** is Associate Professor at the Pontificia Universidad Javeriana School of Law in Bogota, Colombia. He was formerly the World Justice Project's Executive Director and Rule of Law Index Director, and Chief International Legal Counsel at the Colombian Ministry of Commerce.

14 **Olympia Bekou** is Professor at the University of Nottingham and Deputy-Director of the Case Matrix Network (CILRAP).

15 There will be 60 minutes for discussion at the end of Part II.

16 **Brigid Inder** OBE, currently Advisor and Senior Consultant, was formerly Founding Executive Director of the Women's Initiatives for Gender Justice and Special Advisor on Gender to the Prosecutor of the International Criminal Court.

17 **Christopher B. Mahony** is CILRAP Research Fellow and Political Economy Adviser at the Independent Evaluation Group at the World Bank.

18 **William H. Wiley** directs the Commission for International Justice and Accountability since 2011. He was formerly with the Department of Justice of Canada war crimes programme (1997–1999), ICTY and ICTR (2000–2003), ICC (2003–2005), and Iraqi High Tribunal (2006–2008).

19 **Andrew T. Cayley** CMG QC FRSA is Director of Service Prosecutions of the United Kingdom. He was International Co-Prosecutor of the ECCC from 2009 to 2013; Senior Prosecuting Counsel at the ICC from 2005 to 2007; Senior Prosecuting Counsel and Prosecuting Counsel at the ICTY from 1996 to 2005; and Defence Counsel at the ICTY and SCSL from 2007 to 2009.

20 **Payam Akhavan** is Professor of International Law at McGill University in Montreal, Canada, and a Member of the Permanent Court of Arbitration at The Hague. He previously served the ICTY and the UNHCHR, and has appeared as counsel before the International Criminal Court, the International Court of Justice, the European Court of Human Rights, and the Supreme Courts of Canada and the United States.

21 **Marina Aksenova** is Professor of Comparative and International Criminal Law at IE University, Madrid, CILRAP Research Fellow, and Director of the new Art and International Justice Initiative.

22 **Julija Bogoeva** is a former Research Officer at the ICTY Office of the Prosecutor, and one of the founders of an independent news agency in Belgrade. For a number of years, she was the leading journalist on the ICTY for readers in the former Yugoslavia. She holds a law degree (*summa cum laude*) from the University of Belgrade.



09:00 **Part III: The Role of States<sup>23</sup>**Chair: Viviane Dittrich<sup>24</sup>19. Karl Theodor Paschke:<sup>25</sup>*On the Efforts to Uphold Standards of Integrity Through the Work of the United Nations Internal Oversight Services*20. Dieneke de Vos:<sup>26</sup>*Recent Developments in Ethics Standard-Setting and Mechanisms in the UN*21. Marta Hirsch-Ziembinska:<sup>27</sup>*Integrity and the Work of the European Ombudsman*22. Devasheesh Bais:<sup>28</sup>*Towards Greater Independence in International Justice: Lessons from the Indian Collegium System of Judicial Appointments*10:30 **Tea and coffee**10:45 **Part IV: The Role of International Justice Institutions<sup>29</sup>**

Chair: Klaus Rackwitz

23. Jan Fougner:<sup>30</sup>*On Whistle-Blowing and Inquiry in Public Institutions*24. Salim A. Nakhjavani:<sup>31</sup>*Code of Ethics and Ethics Charter*25. FAN Yuwen:<sup>32</sup>*Reconstructing Integrity Standards in International Criminal Justice: From Common Minimum Standards to a Proposal on Model Code of Conduct*26. Matthias Neuner:<sup>33</sup>*International Jurisprudence on Sexual Harassment*27. Karim A.A. Khan:<sup>34</sup>*Integrity and the Limits of Internal Oversight Mechanisms*28. Cyril Laucci:<sup>35</sup>*The Wider Policy Framework of Ethical Behaviour*29. Shannon E. Fyfe:<sup>36</sup>*Integrity and Prosecutorial Ethics in International Criminal Justice*13:00 **Lunch**

23 There will be 30 minutes for discussion at the end of Part III.

24 **Viviane Dittrich** is Deputy Director of the International Nuremberg Principles Academy. She is Visiting Fellow at the Centre for International Studies at the London School of Economics and Political Science (LSE), and an Honorary Research Associate at Royal Holloway, University of London.25 **Karl Theodor Paschke** is a former Under-Secretary-General for Internal Oversight Services, Director General for Personnel and Management of the German Foreign Office, and Ambassador-at-Large of that Office.26 **Dieneke de Vos** is Integrity Lead with Oxfam Novib (as of December 2018). She was formerly Ethics Officer with the UN Ethics Office (until November 2018), and has worked for the International Criminal Court, the Women's Initiatives for Gender Justice, the International Federation for Human Rights, and the UN Development Programme.27 **Marta Hirsch-Ziembinska** is Head of Complaints and Inquiries Unit, Head of ICT and the Principal Legal Adviser of the European Ombudsman. Formerly, she worked in the Polish Diplomatic Service for ten years.28 **Devasheesh Bais** is Advocate at the High Court of Madhya Pradesh, India, and Fellow at the Centre for International Law Research and Policy (CILRAP).

29 There will be 30 minutes for discussion at the end Part IV.

30 **Jan Fougner** is Partner in the Norwegian law firm Wiersholm (whose employment practice he leads), and Professor at BI Norwegian Business School. He has led a number of high-profile inquiries involving problems of integrity (including in the police) and is an expert on whistle-blowing.31 **Salim A. Nakhjavani** is Professor at the School of Law of the University of the Witwatersrand, Advocate of the High Court of South Africa, and a member of the Johannesburg Bar. He has previously worked for the ECCC and the ICC (where he wrote the Draft Code of Conduct of the Office of the Prosecutor).32 **FAN Yuwen** is Research Fellow within the Research Group "The International Rule of Law – Rise or Decline?" based in Humboldt-Universität zu Berlin, and CILRAP Research Fellow.33 **Matthias Neuner** is Trial Counsel, Office of the Prosecutor, Special Tribunal for Lebanon. Previously, he was Trial Attorney at the Office of the Prosecutor, International Criminal Tribunal for the Former Yugoslavia for almost ten years.34 **Karim A.A. Khan QC**, Assistant Secretary-General, is Special Advisor and Head of the UN Investigative Team for Accountability of Da'esh/ISIL (UNITAD). Previously, he has been engaged as counsel in cases before the ICC, ICTY, ICTR, Special Court for Sierra Leone, Extraordinary Chambers in the Courts of Cambodia, and the Special Tribunal for Lebanon. He has worked for the ICTY, ICTR and the Crown Prosecution Service of England and Wales.35 **Cyril Laucci** was Legal Advisor in the Registry of the International Criminal Court from 2009 to 2015.36 **Shannon E. Fyfe** is Assistant Professor at the Institute for Philosophy and Public Policy, Philosophy Department, George Mason University.



14:00 **Part V: Integrity and the Lens of Cases<sup>37</sup>**

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Chair: Karim A.A. Khan

30. Teresa McHenry:<sup>38</sup>

*Reflections on Integrity in the Prosecution of Cases*

31. Mohamed Salah Eleiwa A. Badar:<sup>39</sup>

*The Disqualification of Judge Frederik Harhoff*

32. Gregory S. Gordon:<sup>40</sup>

*Measuring Integrity in Post-Conviction Proceedings*

33. Antonio Angotti, Basil Saen and Shan Patel:<sup>41</sup>

*Individual Integrity and Independence of Judges: The Case of Judge Akay*

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15:30 **Tea and coffee**

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15:45 **Part VI: Independence and Integrity<sup>42</sup>**

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Chair: Ivana Hrdličková<sup>43</sup>

34. Richard J. Goldstone:<sup>44</sup>

*Prosecutorial Language, Integrity and Independence*

35. Christopher Staker:<sup>45</sup>

*Integrity and the Inevitably Political Exposure of International Criminal Justice*

36. David Donat-Cattin:<sup>46</sup>

*Integrity and the Maintenance of Independence in International Criminal Justice*

37. Adedeji Adekunle:<sup>47</sup>

*Integrity and Independence: Common Standards and Uneven Cost of Implementation*

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17:15 **Concluding remarks**

by Gregory S. Gordon, Hans Corell, Richard J. Goldstone, Teresa McHenry, Ivana Hrdličková and Klaus Rackwitz.

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18:00 **The conference ends.**

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37 There will be 30 minutes for discussion at the end of Part V.

38 **Teresa McHenry** is the head of the Human Rights and Special Prosecutions Section within the Criminal Division of the U.S. Department of Justice. She was formerly Senior Trial Attorney at the ICTY.

39 **Mohamed Salah Eleiwa A. Badar** is Professor at Northumbria University, Newcastle, UK. He served as Senior Prosecutor and Judge in Egypt from 1997 to 2006. He recently served as Senior Expert for Euromed Justice IV.

40 **Gregory S. Gordon** is Professor at the Faculty of Law of the Chinese University of Hong Kong, and CILRAP Research Fellow.

41 **Antonio Angotti** is Attorney in Florence, Italy, and Fellow of the Centre for International Law Research and Policy (CILRAP). **Basil Saen** is with Allen & Overy LLP in Brussels. **Shan Patel** is an M.Sc. candidate at the LSE.

42 There will be 30 minutes for discussion at the end of Part VI.

43 **Ivana Hrdličková** is President of the Special Tribunal for Lebanon.

44 **Richard J. Goldstone** is a retired Justice of the Constitutional Court of South Africa. He served as the first Chief Prosecutor of the International Criminal Tribunals for the Former Yugoslavia and Rwanda.

45 **Christopher Staker** is Barrister at 39 Essex Chambers, and has been counsel in cases before the International Court of Justice, International Tribunal for the Law of the Sea, ICTY, Special Court for Sierra Leone, and European Court of Human Rights. Previously, he has been Principal Legal Secretary at the International Court of Justice; Deputy Prosecutor of the Special Court for Sierra Leone; Senior Appeals Counsel at the ICTY; and Counsel Assisting the Solicitor-General of Australia. He originally trained as a diplomat with the Australian Department of Foreign Affairs.

46 **David Donat-Cattin** is Secretary-General of Parliamentarians for Global Action (PGA), and Adjunct Assistant Professor of International Law at New York University (NYU) Center for Global Affairs.

47 **Adedeji Adekunle** is Senior Advocate of Nigeria, and Director General and Professor of the Nigerian Institute of Advanced Legal Studies. He has previously served as the Federal Government expert delegate, and as Special Adviser to Nigeria's Attorney General and Minister of Justice. He also served as Secretary of the 2004 Law Revision Committee.

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The picture is of Sir Thomas More as painted by Hans Holbein the Younger (1527).

