



Integrity in International Justice¹

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*

Programme

Saturday, 1 December 2018

09:00 **Opening Session:**

Remarks by Conference Chair, Klaus Rackwitz²

1. Fatou Bensouda:³
The Legal Requirement of Individual Integrity and the Prosecution of International Crimes
2. Erik Møse:⁴
Reflections on Integrity in International Criminal Justice and Regional Human Rights Courts
3. Marc Perrin de Brichambaut:⁵
The Importance of Integrity in International Justice
4. Morten Bergsmo:⁶
Integrity as Safeguard Against the Vicissitudes of Common Justice Institutions

¹ The picture is of Sir Thomas More as painted by Hans Holbein the Younger (1527).

² **Klaus Rackwitz** is Director of the International Nuremberg Principles Academy. He has formerly worked for the International Criminal Court, Eurojust, and the German judiciary.

³ **Fatou Bensouda** is Prosecutor of the International Criminal Court, where she previously served as Deputy Prosecutor.

⁴ **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.

⁵ **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.

⁶ **Morten Bergsmo** is Director of the Centre for International Law Research and Policy (CILRAP).

10:50 Tea and coffee

11:20 **Part I: Meaning of Integrity**⁷

*Chair: Martin Sørby*⁸

5. Emiliano J. Buis:⁹
Greek and Roman Pre-Christian Notions of 'Integrity'
6. Hanne Sophie Greve:¹⁰
Christian Sources and Reflections on Integrity in Justice
7. Adel Maged:¹¹
Primary Islamic Sources on Integrity in Justice
8. Gunnar M. Ekeløve-Slydal:¹²
Sir Thomas More and Integrity in Justice
9. Hans A.V. Corell:¹³
The Dag Hammarskjöld Legacy and Integrity in International Civil Service

12:45 Lunch

13:45 **Part I** continues:

10. Juan Carlos Botero Navia:¹⁴
Towards a Global Understanding of Integrity in Justice
11. Olympia Bekou:¹⁵
Integrity Standards in the Statutes of International Criminal Jurisdictions

15:15 Tea and coffee

⁷ There will be 60 minutes for discussion at the end of Part I.

⁸ **Martin Sørby** is Ambassador of Norway to the Netherlands. He was previously director for international criminal and humanitarian law at the Norwegian Foreign Ministry.

⁹ **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.

¹⁰ **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).

¹¹ **Adel Maged** is Vice President of the Court of Cassation of Egypt and Honorary Professor of Law, Durham University.

¹² **Gunnar M. Ekeløve-Slydal** is Lecturer at the University of South East Norway and Deputy Secretary General, Norwegian Helsinki Committee.

¹³ **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.

¹⁴ **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.

¹⁵ **Olympia Bekou** is Professor at the University of Nottingham and Deputy-Director of the Case Matrix Network (CILRAP).

15:45 **Part II: Awareness and Culture of Integrity**¹⁶

Chair: Hanne Sophie Greve

12. Brigid Inder:¹⁷

Conformity, Leadership and the Culture of Integrity

13. Christopher B. Mahony:¹⁸

Integrity, Indebtedness and Great Power Instrumentalization of International Criminal Justice Personnel

14. William H. Wiley:¹⁹

Truthful Communication as a Precondition to Integrity in International Justice

15. Andrew T. Cayley:²⁰

Decency as a Prerequisite of Integrity in International Justice

16. Payam Akhavan:²¹

From Empathy to Equity: Reflections on Integrity and Institution-Building

17:00 Tea and coffee

17:30 **Part II** continues:

17. Marina Aksenova:²²

The Role of Aesthetics in Furthering Integrity

18. Julija Bogoeva:²³

Only the Best Should Prosecute and Judge in International Justice

¹⁶ There will be 60 minutes for discussion at the end of Part II.

¹⁷ **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.

¹⁸ **Christopher B. Mahony** is CILRAP Research Fellow and Political Economy Adviser at the Independent Evaluation Group at the World Bank.

¹⁹ **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).

²⁰ **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.

²¹ **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.

²² **Marina Aksenova** is Professor of Comparative and International Criminal Law at IE University, Madrid, CILRAP Research Fellow, and Director of CILRAP's new Art and International Justice Initiative.

²³ **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.

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

Sunday, 2 December 2018

09:00 **Part III: The Role of States**²⁴

*Chair: Viviane Dittrich*²⁵

19. Karl Theodor Paschke:²⁶

On the Efforts to Uphold Standards of Integrity Through the Work of the United Nations Internal Oversight Services

20. Dieneke de Vos:²⁷

Recent Developments in Ethics Standard-Setting and Mechanisms in the UN

21. Marta Hirsch-Ziembinska:²⁸

Integrity and the Work of the European Ombudsman

22. Devasheesh Bais:²⁹

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**³⁰

Chair: Klaus Rackwitz

23. Jan Fougner:³¹

On Whistle-Blowing and Inquiry in Public Institutions

²⁴ There will be 30 minutes for discussion at the end of Part III.

²⁵ **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.

²⁶ **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.

²⁷ **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.

²⁸ **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.

²⁹ **Devasheesh Bais** is Advocate at the High Court of Madhya Pradesh, India, and Fellow at the Centre for International Law Research and Policy (CILRAP).

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

³¹ **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.

24. Salim A. Nakhjavani:³²
Code of Ethics and Ethics Charter
25. FAN Yuwen:³³
Reconstructing Integrity Standards in International Criminal Justice: From Common Minimum Standards to a Proposal on Model Code of Conduct
26. Matthias Neuner:³⁴
International Jurisprudence on Sexual Harassment
27. Karim A.A. Khan:³⁵
Integrity and the Limits of the ICC Internal Oversight Mechanism
28. Abraham Joseph:³⁶
Contempt of Court and the Maintenance of Integrity in International Justice
29. Shannon E. Fyfe:³⁷
Integrity and Prosecutorial Ethics in International Criminal Justice

13:00 Lunch

14:00 **Part V: Integrity and the Lens of Cases**³⁸

Chair: Karim A.A. Khan

30. Teresa McHenry:³⁹
Reflections on Integrity in the Prosecution of Cases
31. Mohamed Salah Eleiwa A. Badar:⁴⁰
The Disqualification of Judge Frederik Harhoff

³² **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).

³³ **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.

³⁴ **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.

³⁵ **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.

³⁶ **Abraham Joseph** is a Ph.D. candidate in international criminal law from National Law School of India University, Bangalore, and Assistant Professor, School of Law, Ansal University, Gurgaon.

³⁷ **Shannon E. Fyfe** is Assistant Professor at the Institute for Philosophy and Public Policy, Philosophy Department, George Mason University.

³⁸ There will be 30 minutes for discussion at the end of Part V.

³⁹ **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.

⁴⁰ **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.

32. Gregory S. Gordon:⁴¹
Measuring Integrity in Post-Conviction Proceedings
33. Antonio Angotti, Basil Saen and Shan Patel:⁴²
Individual Integrity and Independence of Judges: The Case of Judge Akay

15:30 Tea and coffee

15:45 **Part VI: Independence and Integrity**⁴³

*Chair: Ivana Hrdličková*⁴⁴

34. Richard J. Goldstone:⁴⁵
Prosecutorial Language, Integrity and Independence
35. Christopher Staker:⁴⁶
Integrity and the Inevitably Political Exposure of International Criminal Justice
36. David Donat-Cattin:⁴⁷
Integrity and the Maintenance of Independence in International Criminal Justice
37. Adedeji Adegunle:⁴⁸
Integrity and Independence: Common Standards and Uneven Cost of Implementation

17:15 Concluding remarks by Gregory S. Gordon, Hans Corell, Richard J. Goldstone, Teresa McHenry, Ivana Hrdličková and Klaus Rackwitz.

18:00 The conference ends.

⁴¹ **Gregory S. Gordon** is Professor at the Faculty of Law of the Chinese University of Hong Kong, and CILRAP Research Fellow.

⁴² **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.

⁴³ There will be 30 minutes for discussion at the end of Part VI.

⁴⁴ **Ivana Hrdličková** is President of the Special Tribunal for Lebanon.

⁴⁵ **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.

⁴⁶ **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.

⁴⁷ **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.

⁴⁸ **Adedeji Adegunle** is Senior Advocate of Nigeria, and Director General and Professor of the Nigerian Institute of Advanced Legal Studies. He has previously served the Federal Government expert delegate, and Special Adviser to Nigeria's Attorney General and Minister of Justice. He also served as Secretary of the 2004 Law Revision Committee.