



Program

International Nuremberg
Principles Academy
Nuremberg Forum 2017

10 Years after the Nuremberg Declaration on Peace and Justice “The Fight Against Impunity at a Crossroad”

20–21 October 2017

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



INTERNATIONAL
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Nuremberg Forum 2017

10 Years after the Nuremberg Declaration on Peace and Justice “The Fight Against Impunity at a Crossroad”

Welcome Address

by Klaus Rackwitz

On behalf of the International Nuremberg Principles Academy, I would like to personally welcome you to the 2017 Nuremberg Forum entitled “10 Years after the Nuremberg Declaration on Peace and Justice ‘The Fight Against Impunity at a Crossroad’”.

In June 2007, high-ranking United Nations mediators, practitioners in the fields of transitional justice, criminal law and development, together with civil society representatives from all parts of the world met in Nuremberg for a ground-breaking conference entitled “Building a Future on Peace and Justice”. The conference was organized by the Governments of Finland, Germany and Jordan as well as civil society organizations, including the International Center for Transitional Justice, and focused on possible synergies and tensions between peace, justice, security and development. Following the conference, a group of international experts working under the auspices of Óscar Arias, then President of Costa Rica, drafted and presented the “Nuremberg Declaration on Peace and Justice” that was brought to the attention of the United Nations General Assembly in 2008 (and included in UN Document A/62/885) and later of the ICC Review Conference in 2010.

Ten years later, several trends can be observed: mechanisms that apply international criminal law have multiplied and a considerable wealth of judicial practice has accumulated; at the same time, the global political context has changed, new crises have unfolded, and some fundamental tenets, spelled out in the Nuremberg Principles, are still not generally accepted. Notably this includes the need to promote peace, security, justice and development in tandem, and the need to involve victims in the quest for peace and justice as the fundament for societal efforts to deal with the past and to achieve well-being for all.

The aim of the 2017 Nuremberg Forum is to not only highlight the topical relevance of the Nuremberg Principles and the 2007 Nuremberg Declaration but to do so in a comprehensive manner in a series of panels, inter alia focusing on transitional justice, the rights and needs of victims, reconciliation, the development-justice nexus and political impediments to peace and justice. The final two panels look at the past, present and future and address the interface between peace and justice. It is also planned that a post-conference publication will capture the important discussions highlighted throughout the conference.

To organize a conference of this magnitude requires dedication, commitment and tireless work starting from creating a detailed program, reaching out to experts in the field, coordinating the logistics all the way to managing the post-conference publication. I would like to particularly thank the International Center for Transitional Justice for its strong engagement and contribution in preparing and participating in this conference. We are also honored by the presence of the President of the International Criminal Court, and grateful that she accepted to deliver a keynote speech marking this crossroad.

Finally, I would like to also thank the speakers and moderators and all guests for your participation in the 2017 Nuremberg Forum in the historic Courtroom 600, the birthplace of international criminal law, and the ideal setting to discuss important questions of justice and peace and evaluate and renew our commitments in the fight against impunity.

Klaus Rackwitz

Director of the International Nuremberg Principles Academy

Morning Session

9.00–9.20

Opening Remarks

Guido Hildner, Director of Public International Law at the Federal Foreign Office
Navanethem Pillay, President of the Nuremberg Academy's Advisory Council; formerly United Nations High Commissioner for Human Rights, International Criminal Tribunal for Rwanda and International Criminal Court
Christian Schmidt, Federal Minister of Food and Agriculture

9.20–9.50

Key Note Address

Silvia Fernández de Gurmendi, President of the International Criminal Court

9.50–10.15

Coffee Break

10.15–11.30

Panel 1: The Nuremberg Declaration on Peace and Justice Today

Speakers:

Navanethem Pillay (Nuremberg Academy's Advisory Council; formerly United Nations High Commissioner for Human Rights, International Criminal Tribunal for Rwanda and International Criminal Court)
David Scheffer (Northwestern University, Center for International Human Rights)
David Tolbert (International Center for Transitional Justice)

Moderator: **Christian Much** (retired German diplomat; former Interim Director of the Nuremberg Academy)

11.30–13.00

Panel 2: Justice, Prevention and the Fight Against Impunity

Speakers:

Chandra Sriram (University of East London): The relationship between transitional justice and security
Viviane Dittrich (Nuremberg Academy): The relationship between peace-building and justice
Susanne Buckley-Zistel (University of Marburg): The acceptance of the Nuremberg Principles in non-western societies

Moderator: **Christoph Safferling** (University of Erlangen-Nuremberg)

13.00–14.00

Lunch

Afternoon Session

14.00–15.30

Panel 3: Forgotten Voices: Catering to the Needs of Victims

Speakers:

Anita Ušacka (formerly International Criminal Court): The fight for accountability and fight against impunity for international crimes
Sarah Kasande (International Center for Transitional Justice): The role of victims in the international system of criminal justice

Fiona McKay (Open Society Justice Initiative): Changes in victims' rights in the last 10 years
 Moderator: **Philipp Ambach** (International Criminal Court)

15.30–16.00

Coffee Break

16.00–17.30

Panel 4: Reconciliation

Speakers:

Betty Murungi (formerly Kenya Truth, Justice and Reconciliation Commission): The role of truth in reconciliation
Alison Smith (No Peace Without Justice): Demobilization, disarmament and reintegration in the African context
Velma Šarić (Post-Conflict Research Center): Reconciliation amidst competing conflict narratives
 Moderator: **Elena Baylis** (University of Pittsburgh)

Morning Session

9.00–10.30

Panel 5: Development in the Service of Transitional Justice

Speakers:

Marieke Wierda (Ministry of Foreign Affairs, The Netherlands): Stabilization, development and transitional justice

Christopher Mahony (Centre for International Law Research and Policy): The international agenda for enabling justice, rule of law and the satisfaction of basic needs through development programs

Samuel Emonet (Justice Rapid Response): Assistance to ailing national judiciaries

Moderator: **Eduardo Toledo** (Nuremberg Academy)

10.30–12.00

Panel 6: Political Impediments to the Fight Against Impunity

Speakers:

Serge Brammertz (United Nations Mechanism for International Criminal Tribunals): The politics of international justice

Maria Camila Moreno (International Center for Transitional Justice): Transitional justice in divided societies

Athalia Molokomme (Botswana Permanent Mission to the UN in Geneva): The Rome Statute and regional politics

Moderator: **Martin Klingst** (DIE ZEIT)

12.00–13.00

Lunch Break

Afternoon Session

13.00–16.30

Panel 7 and 8: Peace and Justice

13.00–14.30

Lessons Learned

Speakers:

Richard Dicker (Human Rights Watch): Analyzing and managing the justice-peace interface
Nicola Palmer (King's College London): Rwanda

Gerald Gahima (formerly War Crimes Chamber of the Court of Bosnia and Herzegovina; former Prosecutor General of Rwanda): Bosnia and Herzegovina

Michael Hartmann (formerly United Nations Assistance Mission to Afghanistan): Afghanistan

Moderator: **Mark Kersten** (Wayamo Foundation)

14.30–15.00

Coffee Break

15.00–16.30

Current Challenges

Speakers:

Nelson Camilo Sánchez León (Dejusticia): Colombia

Patryk Labuda (Graduate Institute Geneva): Central African Republic

Radwan Ziadeh (The Arab Center Washington D.C.): Syria

Kelly Case (Inclusive Security): South Sudan

Moderator: **William Pace** (Coalition for the International Criminal Court)

16.30–17.00

Closing Remarks

Navanethem Pillay, President of the Nuremberg Academy's Advisory Council; formerly United Nations High Commissioner for Human Rights, International Criminal Tribunal for Rwanda and International Criminal Court

Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights (video message)

Klaus Rackwitz, Director of the Nuremberg Academy



Opening Remarks

Dr. Guido Hildner
Federal Foreign Office, Germany

Dr. Guido Hildner is Director of Public International Law at the German Foreign Office in Berlin. Prior to taking up this position, Dr. Hildner held a number of positions in the German Diplomatic Service. Over the years, he has worked at the German Foreign Office, both in Bonn and Berlin, and abroad in Embassies in Sri Lanka, Lebanon, Russia, at the Mission to the United Nations in New York and at the Delegation to NATO in Brussels. From 2003 to 2006 he worked for the International Criminal Court in The Hague.

Dr. Navanethem Pillay
Advisory Council of the Nuremberg Academy; formerly United Nations High Commissioner for Human Rights, International Criminal Tribunal for Rwanda and International Criminal Court

South African jurist Dr. Navi Pillay served as the High Commissioner for Human Rights at the United Nations from 2008 to 2014. Aside 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, she 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 non-white South African to be awarded the degree of Doctor of Juridical Science at Harvard Law School. In 1995, after the end of Apartheid, Dr. Pillay was appointed to the Supreme Court of South Africa as a limited-term judge. In the same year, she was appointed as a judge to the International Court for Rwanda, where she served for a total of eight years, including four years as President. Later she served on the International Criminal Court in The Hague for five years. Dr. Pillay plays an active role in numerous human rights organizations. Among other roles, she is the co-founder of "Equality Now", an international women's rights organization. She is also President of the Advisory Council of the International Nuremberg Principles Academy.

Mr. Christian Schmidt
Federal Minister of Food and Agriculture, Germany

Christian Schmidt is Federal Minister of Food and Agriculture. From December 2013 to February 2014, Christian Schmidt was Parliamentary State Secretary to the Federal Minister for Economic Cooperation and Development. In the eight years prior to that, the trained lawyer held the same office at the Federal Ministry of Defence. Mr. Schmidt was born in 1957 in Oberzenn.

Key Note Address

President
Silvia Fernández de Gurmendi
International Criminal Court

Prior to joining the International Criminal Court, Judge Fernández de Gurmendi was the Director General for Human Rights at the Ministry of Foreign Affairs of Argentina, where she acted as a representative of her country in cases before the Inter-American Commission of Human Rights and the Inter-American Court of Justice. She also represented Argentina before other human rights bodies and advised on transitional justice issues related to the prevention of genocide and other international crimes. She played a leadership role in the creation and setting up of the International Criminal Court as President on the Working Group on Criminal Procedure and Vice-President of the Committee of the Whole at the Rome Conference. She was also instrumental in the negotiations of the complementary instruments of the Rome Statute as chair of the Working Group on Rules of Procedure and Evidence and the Working Group on Aggression. Judge Fernández de Gurmendi's academic experience includes professorships of international criminal law at the Universities of Buenos Aires and Palermo and as an assistant professor of international law at the University of Buenos Aires. She has published a number of national and international publications related to the ICC including, amongst others, the role of the Prosecutor, criminal procedure, and the definition of victims. She holds a Law Degree from the University of Cordoba, Argentina, a Masters in Public Law from the University of Limoges, France, and a Ph.D. in Law from the University of Buenos Aires, Argentina. In 2007, along with other practitioners, diplomats and academics, she was one of the co-authors of the Nuremberg Declaration on Peace and Justice.



Panel 1: The Nuremberg Declaration on Peace and Justice Today

Following the “Building Peace and Justice” conference held in June 2007, a group of international experts working under the auspices of Óscar Arias, then President of Costa Rica, drafted and presented the Nuremberg Declaration on Peace and Justice (Declaration) that was brought to the attention of the United Nations General Assembly in 2008 (and included in UN Doc. A/62/885) and later of the ICC Review Conference in 2010. The Declaration contains definitions, principles and recommendations in light of a holistic view on issues of peace and justice. The Declaration aspired to guide those involved at the local, national and international levels in all phases of conflict transformation, including mediation, post-conflict peace-building, development, and the promotion of transitional justice and the rule of law. With regard to ending impunity, the Declaration held that there is an emerging norm under international law according to which the most serious crimes that concern the international community as a whole must not go unpunished and that their effective prosecution must be ensured. As a minimal application of this principle, amnesties must not be granted to those bearing the greatest responsibility for genocide, crimes against humanity and serious violations of international humanitarian law. With regard to peace-making, the Declaration recognized the imperative to end fighting and suffering, but demanded that peace negotiations build the foundation for both peace and justice.

Ten years later, it is pertinent to ask whether these aspirations have become a reality. Important questions remain: Have peace-builders, mediators, development agents and practitioners of transitional justice embraced a holistic view and addressed and implemented tenets of the Declaration? Has the proliferation of justice mechanisms (ranging from international and hybrid tribunals to specialized national jurisdictions) contributed to more sustainable peace? Has the acceptance of such mechanisms grown among affected population and among public opinion in general? With regard to the Declaration, the panel will analyze the progress achieved in view of the interplay of theory and practice and address the persisting shortcomings and challenges in light of the “bigger picture”.

Speakers

Dr. Navanethem Pillay

Advisory Council of the Nuremberg Academy; formerly United Nations High Commissioner for Human Rights, International Criminal Tribunal for Rwanda and International Criminal Court

South African jurist Dr. Navi Pillay served as the High Commissioner for Human Rights at the United Nations from 2008 to 2014. Aside 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, she 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 non-white South African to be awarded the degree of Doctor of Juridical Science at Harvard Law School. In 1995, after the end of Apartheid, Dr. Pillay was appointed to the Supreme Court of South Africa as a limited-term judge. In the same year, she was appointed as a judge to the International Court for Rwanda, where she served for a total of eight years, including four years as President. Later she served on the International Criminal Court in The Hague for five years. Dr. Pillay plays an active role in numerous human rights organizations. Among other roles, she is the co-founder of “Equality Now”, an international women’s rights organization. She is also President of the Advisory Council of the International Nuremberg Principles Academy.

Professor David Scheffer

Northwestern University, Center for International Human Rights

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 US Ambassador at Large for War Crimes Issues (1997–2001) and the UN Secretary-General’s Special Expert for United Nations Assistance to the Khmer Rouge Trials (2012–2017). He led the US delegation to the UN talks establishing the International Criminal Court during the 1990s. Professor Scheffer authored the award-winning book *All the Missing Souls: A Personal History of the War Crimes Tribunals* (2012). He received the Berlin Prize in 2013 and was named one of Foreign Policy Magazine’s “Top Global Thinkers” in 2011.

Mr. David Tolbert

International Center for Transitional Justice

David Tolbert is the President of the International Center for Transitional Justice (ICTJ). Previously, he served as Registrar (Assistant Secretary-General) at the Special Tribunal for Lebanon and prior to that he was Assistant Secretary-General and Special Expert on United Nations Assistance to the Khmer Rouge Trials. From 2004 to 2008, Mr. Tolbert served as Deputy Chief Prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY). He had previously been the Deputy Registrar of the ICTY and at an earlier time served at the ICTY as Chef de Cabinet to President Gabrielle Kirk McDonald and Senior Legal Advisor Registry, serving a total of nine years at the ICTY. From 2000 to 2003, Mr. Tolbert held the position of Executive Director of the American Bar Association’s Central European and Eurasian Law Initiative, which operates rule-of-law development programs throughout Eastern Europe and the former Soviet Union. He also held the position of Chief of the General Legal Division of the United Nations Relief Works Agency in Vienna, Austria, and Gaza. Mr. Tolbert frequently lectures and makes public appearances on international justice issues. He also represented the ICTY in the discussion leading up to the creation of the ICC and the Rome Conference and served as an expert to the ICC Preparatory Committee Inter-Sessional meetings.

Moderator

Mr. Christian Much

Retired, former German Diplomat; former Interim Director of the Nuremberg Academy

Christian Much is a retired German diplomat and jurist. He studied law and anthropology in Hamburg and Freiburg. After passing the Second Juridical State Examination he worked as a lawyer in Paris before embarking on a diplomatic career at the German Foreign Office. In his diplomatic career, he was posted to the Middle East, Hungary and Central America, as well as at the headquarters of the Federal Foreign Office, between 1982 and 1992. Between 1992 and 2008, he worked twice at the Permanent Mission of Germany to the United Nations in New York and in Geneva, as well as in the Foreign Office in Berlin where his main focus laid on United Nations’ topics. From 2005 to 2008, he was Head of Section for Global Issues and Governance in the Foreign Office. In this capacity, he conceived and organized the international conference “Building a Future on Peace and Justice” (Nuremberg, June 2007). From 2008 to 2010, he was the Head of the Embassy’s Cultural Department in Rome. From 2010 to 2013 he was Consul General in Naples, before he took up his duties as German Ambassador to Libya from 2013 to 2016. Christian Much retired in 2016. From May to September 2017, he exercised the role of the Interim Director of the Nuremberg Academy during the absence of Klaus Rackwitz.

Panel 2: Justice, Prevention and the Fight Against Impunity

In post-conflict contexts, attempts to address past abuses face considerable challenges. Where institutions are fragile or corrupt, the political, legal and social dynamics are complex and shifting, exacerbated by underlying grievances regarding inequality and marginalization. Moreover, when powerful political actors are implicated in serious crimes, the quest for justice often faces a deep and long-term struggle. Thus, the fight against impunity is an ongoing challenge, particularly when there is a shrinking political will on the international level to support accountability efforts.

Following the United Nations Secretary General's Report in 2004, transitional justice is regarded as an essential part of the United Nations' post-conflict reconstruction and peace-building agenda. In post-conflict settings, criminal justice and other transitional justice measures can contribute to restoring peace in a number of ways, including by establishing individual accountability; contributing to deterring future violations; promoting reconciliation at a societal and/or individual level; providing redress to victims; removing perpetrators from positions of power; restoring trust in state institutions; reinforcing respect for the rule of law; and building capacity through security sector and justice sector reforms.

In certain instances transitional justice measures may be seen to have the potential to destabilize or derail a peace process, especially if they identify perpetrators who may still have a grip on power. Critically, in highly politicized and volatile environments, prosecutorial discretion in criminal proceedings can generate criticisms of selectivity and victors' justice. Some of these dilemmas surfaced inter alia in the former Yugoslavia, Uganda, and more recently in Colombia.

Specifically, it is paramount to focus on how transitional justice efforts take into account several variables including the historical nature of the conflict, the abuses committed by various sides in a conflict, the main protagonists, the security environment as well as the political factors, such as the involvement of international actors and the perceived legitimacy of justice initiatives. Through the lens of transitional justice and peace-building, the panel will discuss transitional justice in terms of opportunities and challenges in post-conflict and fragile contexts.

Speakers

Professor Chandra Sriram
University of East London

Chandra Lekha Sriram is Professor of International Law and International Relations at the University of East London, where she is founder and Director of the Centre on Human Rights in Conflict (www.uel.ac.uk/chrc/). She is the author of numerous books and articles on transitional justice, international criminal law, and conflict resolution and peacebuilding. She is the editor, most recently, of *Transitional Justice in the Middle East and North Africa* (Oxford University Press and Hurst Publishing, 2017) and co-author of *War, Conflict and Human Rights: Theory and Practice 3d ed.* (Routledge, 2017). She recently completed a project as the principal investigator on an Economic and Social Research Council-funded research project on *The Impact of Transitional Justice Mechanisms on Democratic Institution-Building* (www.tjdi.org), which included research in Sierra Leone, Uganda, Chile, Brazil, Germany, Hungary, Japan and South Korea. She is currently directing a project funded by the Folke Bernadotte Academy on rule of law and accountability, gender, and land and property in Colombia.

Dr. Viviane Dittrich
Nuremberg Academy

Dr. Viviane Dittrich is Deputy Director of the International Nuremberg Principles Academy. She has significant experience in multidisciplinary research, higher education and international and national institutions. Her research interests lie at the intersections of politics and international law, focusing on international organizations, international criminal law, and the politics of memory. She has broad teaching and research experience and has published on the notion of legacy and the process of 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). She is a 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. Previously she has been a Visiting Researcher at iCourts (Centre of Excellence for International Courts), Faculty of Law, and University of Copenhagen. After studies in France, England and the United States (Wellesley College) she received an MSc in International Relations from the LSE and a Master's degree from Sciences Po Paris. Viviane Dittrich holds a Ph.D. from the LSE.

Professor Susanne Buckley-Zistel
University of Marburg

Susanne Buckley-Zistel is Professor of Peace and Conflict Studies and Director of the Center for Conflict Studies, Philipps University Marburg in Germany. Her research focuses on issues pertaining to violence, gender and transitional justice. Amongst other publications she has co-edited the volumes *Gender in Transitional Justice* (Palgrave), *Transitional Justice Theories* (Routledge), *Memorials in Times of Transition* (Intersentia) and *Gender, Violence, Refugees* (Berghahn). She has also co-edited the volume *After Nuremberg. Exploring Multiple Dimensions of the Acceptance of International Criminal Justice* of the International Nuremberg Principles Academy.

Moderator

Professor Christoph Safferling
University of Erlangen-Nuremberg

Christoph Safferling (Dr. jur., LL.M.) is Professor of Criminal Law, Criminal Law Procedure, International Criminal Law and Public International Law at the Friedrich-Alexander University Erlangen-Nuremberg, Germany. He is Director of the Research Unit International Criminal Law at the University. Moreover he is the Whitney R. Harris International Law Fellow of the Robert H. Jackson Center in Jamestown N.Y. Since 2012, he is member of the Independent Academic Commission at the Federal Ministry of Justice for the Critical Study of the National Socialist Past. He has been the speaker of the Founding Commission of the International Nuremberg Principles Academy from 2010-2012. His main fields of research are: contemporary legal history, international criminal law and the subjective elements of the crime. He has published several articles and books in the field of criminal law, international law and human rights law, inter alia *International Criminal Procedure* in 2012 and *The Nuremberg Trials: International Criminal Law since 1945* in 2006. Safferling is co-editor of the German Law Journal and the *Revista Internazionale di Diritto Penale*. He studied Law in Munich and London and received his doctoral degree at the University of Munich in 1999.



Panel 3: Forgotten Voices: Catering to the Needs of Victims

International criminal justice processes are, historically, focused on the individual criminal responsibility of the accused, the protection of rights and due process standards, and the prevention and redress of wrongs. With the advent of modern international criminal justice, in particular with the creation of the International Criminal Court, there has been an increasing awareness of the rights of victims, leading to their participation in proceedings and, in some instances, to reparations, compensation and assistance.

At the ICTY and the ICTR, victims appeared primarily in the role of witnesses, even if there was more attention paid to them at the rhetoric level. While there was a “Victims and Witnesses Unit”, these units provided protection and social and psychological support to victim witnesses during their testimony but were limited afterwards. At these ad hoc tribunals, there were also relocation programs available for those witnesses whose life and/or privacy was seriously threatened due to the testimony they provided before the Court. At the ECCC, which followed a more civil law approach in this regard, victims were provided the opportunity to participate as *partie civile* in the proceedings, represented by co-lead counsel (post-Duch trial). This approach allowed victims’ representatives only to access court files and engage in cross examination. Even if this was a paramount, their participation was therefore limited and there was no effective provision for individual reparations.

The Rome Statute has provided a greater role for victims during the proceedings. It has situated them as direct participants during some parts of the proceedings, a right embodied in Article 68 of the Rome Statute. They have to be represented by Counsel; however their concerns and views could be now heard by the Court.

The ICC allows for claims for reparations, either directly from the perpetrator or via the Victims’ Trust Fund. While the ICC’s Trust Fund is an important innovation, challenges and concerns remain. This panel will discuss and assess the evolution of the role of victims in justice proceedings, victim-centered approaches and the challenges ahead.

Speakers

Mrs. Anita Ušacka
Formerly International
Criminal Court

Anita Ušacka was the first elected Judge of the International Criminal Court in 2003, and was the only judge elected from the Eastern European group of State Parties. In 2006, she was re-elected for a nine-year term, where she was assigned to the Trial Division. From 2007 to 2009, she was temporarily attached to the Pre-Trial Division in which she served as a Judge of Pre-Trial Chamber I, the first of the ICC to issue a warrant of arrest for a sitting head of state, in the case of the Prosecutor v. Omar Al Bashir. In 2009, Judge Ušacka was assigned to the Appeals Division where she served for six years. On 1 April 2011, Judge Ušacka became President of the Appeals Division for a one-year term. Prior to her election to the International Criminal Court, Mrs. Ušacka was elected a judge of the Latvian Constitutional Court, where she served upon its creation in 1996 until 2003. In 2002, she had been appointed full professor at the Department of Constitutional Law of Latvia University, where she has been academically affiliated since 1975. In 2006 Mrs. Ušacka obtained an Honorary Doctors of Laws degree from the Lewis & Clark Law School, in Portland, Oregon, US. In 2015, she was awarded the distinction of Honorary Professor in Law of the Universidad San Ignacio de Layola, Peru. In that same year, in recognition of her distinguished career as an international lawyer, she was also awarded a diploma of the Inter American Academy of International and Comparative Law as an Academic and Member of Honor in Lima, Peru.

Ms. Sarah Kasande
International Center for
Transitional Justice (Uganda)

Sarah Kihika Kasande is the Head of Office of the Uganda program of the International Center for Transitional Justice (ICTJ). She is an Advocate of Courts of Judicature in Uganda and has extensive experience and training in gender and the law, international law, transitional justice and constitutional law. She has over nine years of experience working in the field of human rights and transitional justice. She has provided technical support to state and non-state actors in the areas of international criminal justice, transitional justice and gender justice. She has worked closely with the Justice Law and Order Sector in Uganda to support the development of the National Transitional Justice Policy, she also works closely with the International Crimes Division of the High Court of Uganda, to support the establishment of frameworks that will ensure the effective investigation and prosecution of international crimes, and the protection of victims’ rights. Prior to joining the ICTJ, Ms. Kasande served as a Senior Program Officer with the Uganda Association of Women Lawyers (FIDA Uganda), where she worked to promote access to justice for vulnerable women and children.

Ms. Fiona McKay
Open Society Justice Initiative

Fiona McKay is a British lawyer currently working with the International Justice programme of the Open Society Justice Initiative, based in London. Until 2015 she was Chief of the Victims Participation and Reparations Section at the International Criminal Court in The Hague. Prior to that she worked for a number of human rights organizations, specializing in seeking legal remedies for victims of human rights violations.

Moderator

Dr. Philipp Ambach
International Criminal Court

Dr. Philipp Ambach is the Chief of the Victims Participation and Reparations Section in the Registry of the International Criminal Court (ICC). Prior to that, he worked for more than six years in the Presidency of the ICC as the President’s Special Assistant. During that time, and with special leave from the Judiciary, he also participated as a Legal Officer in the reorganization of the ICC Registry as one of the two team leaders (2015). Before that, Dr. Ambach worked for four years as an Associate Legal Officer in the Appeals Chamber of the ICTY, ICTR, as well as in the Registry of the ICTY. After finishing his Master’s degree in law at the Humboldt-University of Berlin and subsequent employment at the Regional Court of Düsseldorf, Dr. Ambach was accepted at the Cologne Public Prosecutor’s Office as prosecutor. He holds a Ph.D. in international criminal law from the Free University of Berlin. Dr. Ambach has published a number of contributions on various topics in the area of international criminal as well as humanitarian law. He regularly lectures on ICL/IHL topics at various institutes.



Panel 4: Reconciliation

In the aftermath of massive human rights abuses, victims may struggle to coexist with perpetrators or to trust state institutions; also, perpetrators often find it difficult to reintegrate back into society. Reconciliation processes aim to build or repair relationships at various levels and the very social fabric of societies that have been heavily disrupted and where governance structures and the rule of law are fragile or non-existent. In these contexts, reconciliation can have different meanings and different objectives. As part of the transitional justice processes in general, national and local contexts determine what reconciliation means, which relationships are to be restored, and how much progress is made.

Critically, when transitional justice mechanisms are being created, discussed and implemented in an inclusive manner involving all parties, they may meaningfully contribute to reconciliation at both the individual and collective level. Confronting potentially harsh and uncomfortable truths in the aftermath of conflict may be a prerequisite to achieving long-term reconciliation that is based on the respect of the rights and is rooted in values of democracy and peaceful coexistence. In the short-term, however, some mechanisms, like criminal trials or truth commissions, can also generate the opposite effect and further polarize societies that are already fractured, particularly if these mechanisms face criticisms of selectivity, political interference and contested legitimacy.

Drawing on experiences from *inter alia* Bosnia and Herzegovina, Kenya, Sierra Leone and other Africa countries, panelists will discuss the challenges and opportunities for reconciliation before, during and after transitional justice processes in those conflicts.

Speakers

Mrs. Betty Murungi
Formerly Kenya Truth, Justice
and Reconciliation Commission

Betty Kaari Murungi is a lawyer with nearly thirty years of broad experience in the practice of law at the national, regional and international levels; and ten years experience in the management and governance of non-governmental and non-profit organisations. Mrs. Murungi was educated at the University of Nairobi and the Kenya School of Law. In 2005, she spent a year as a visiting fellow at the Harvard Law School's Human Rights Program researching local transitional justice mechanisms. Mrs. Murungi has been an integral player in emerging jurisprudence of international criminal law and international humanitarian law as pertains to gender crimes; experience in transitional justice processes, women's human rights, constitutionalism, governance and social justice philanthropy. She co-founded the Urgent Action Fund-Africa. She served as Vice Chairperson and Commissioner to the Kenya Truth Justice and Reconciliation Commission and as the Africa representative on the Board of Directors of the Trust Fund for Victims at the International Criminal Court (2009–2013). Among other awards, Mrs. Murungi was honored by the President of Kenya with the national award of Moran of the Burning Spear for her distinguished service to the country in the field of Human Rights. She is also a recipient of the International Peace Advocate Award by Cardozo Law School New York.

Ms. Alison Smith
No Peace Without Justice

Alison Smith is the Legal Counsel and Director of the International Criminal Justice Program for No Peace Without Justice, having formerly worked as the Country Director in Sierra Leone for the same organization. In addition, she served as the chief legal adviser to the Vice President of Sierra Leone on the Special Court and international humanitarian law. She has acted as international legal adviser to a number of clients including the Tibetan Government in Exile, Kosovar politicians and has worked with No Peace Without Justice and UNICEF on the production of a book on international criminal law and children. Since 2000, she has worked as a legal adviser to the Government of Thailand during the United

Nations Preparatory Commissions for the establishment of an International Criminal Court and during the first sessions of the Assembly of States Parties. Ms. Smith worked in Kosovo as an international legal officer for the International Crisis Group's Humanitarian Law Documentation Project, which gathered statements from victims and witnesses of violations of international humanitarian law in Kosovo. Prior to that, she was a researcher at the Kennedy School of Government's Carr Centre for Human Rights Policy at Harvard University. From March to June 2013, she was on temporary special leave of absence, as acting Head of Office and Senior Legal Adviser to the Special Court for Sierra Leone, to assist with the completion and wrap-up of its work. Ms. Smith is an Australian barrister and holds a Master's Degree in International Law from the Australian National University.

Ms. Velma Šarić
Post-Conflict Research Center

Velma Šarić is a researcher, journalist, peacebuilding expert and human rights defender from Sarajevo, Bosnia and Herzegovina. Ms. Šarić is the Founder and President of the Post-Conflict Research Center, the Founder and Editor-in-Chief of Balkan Diskurs, and Project Manager of the War Art Reporting and Memory (WARM) Foundation, Sarajevo Branch. As a researcher and producer she has worked on numerous publications and films about the 1992–1995 Bosnian war, including *Uspomene 677*, *In the Land of Blood and Honey* by Angelina Jolie, and *I Came to Testify* and *War Redefined* from the PBS series *Women, War & Peace*. Ms. Šarić has held fellowships at both Columbia University in New York and the Robert Bosch Foundation. As part of her fellowship with the Robert Bosch Foundation, she attended the Alliance for Historical Dialogue and Accountability Fellowship Program. In 2014 Ms. Šarić and the Post-Conflict Research Center were awarded the Intercultural Innovation Award by United Nations Secretary-General Ban Ki Moon, United Nations Alliance of Civilizations (UNAOC) and the BMW Group. In 2016, Ms. Šarić attended the Vital Voices' Global Ambassadors Program in London and is currently the only Bosnian to be a part of the VV100 – a Vital Voices group of 100 most engaged and visionary women of the Vital Voices Global Leadership Network.

Moderator

Professor Elena Baylis
University of Pittsburgh

Professor Elena Baylis is an expert in post-conflict justice. Her scholarship focuses on the intersections between international criminal law and rule of law initiatives, the role of transnational networks, and the interactions between international, national, and sub-national institutions and communities. Her recent research concerns donor support for funding transitional justice and the relationships between hybrid courts and national justice systems. She has conducted field research and worked on legal education/rule of law initiatives in several post-conflict states, including Kosovo, Ethiopia, and the Democratic Republic of Congo. Professor Baylis is a Project Expert for the Hybrid Justice Project, co-sponsored by the Rockefeller Foundation, the Wayamo Foundation and the London School of Economics' Institute of Global Affairs. She is also the Vice Chair for Rule of Law, for the American Bar Association International Law Section, and the Secretary/Treasurer for the International Criminal Law Interest Group of the American Society of International Law. Her research has been commissioned by the International Center for Transitional Justice and the U.S. Institute of Peace. Before joining the University of Pittsburgh, Professor Baylis taught at Mekelle University Law Faculty in Ethiopia as a Visiting Assistant Professor from the University of Alabama Law School. She also practiced civil litigation and advised clients on foreign policy matters with Shea & Gardner in Washington, D.C. and clerked for Judge Mariana Pfalezer of the U.S. District Court for the Central District of California. Professor Baylis is a graduate of Yale Law School, where she was awarded the Raphael Lemkin Prize for the best paper on international human rights. She earned her B.A. *summa cum laude* from the University of Oregon Honors College.



Panel 5: Development in the Service of Transitional Justice

There is increased sensibility and attention given to addressing the root causes of conflict and social and economic grievances, as well as supporting institutional reform processes which allow for socio-economic development, thus allowing the nexus of justice and development to come into sharper relief. Supporting accountability for past atrocities, in contexts where the state is failing and where alleged perpetrators still detain powers, programs advancing a justice agenda might have a higher potential to generate a negative shift in the internal political dynamics. Donors may choose to support programs where impact is more easily measurable and to avoid a negative impact, it is important to understand how investment could help strengthen societies after conflicts.

The last ten years witnessed major changes and trends at a policy level that could contribute to more effective synergies between the distinct, yet complementary, transitional justice and development cooperation programs. The World Bank's World Development Report entitled "Conflict, Security and Development" (2011) linked transitional justice to security and development for the first time. Additionally, the "New Deal for Engagement in Fragile States" (2011) set out in its five peace-building and state-building objectives that justice and good governance are paramount to traditional aid development goals. Moreover, in an unprecedented approach, the New Deal placed the onus to engage with the obstacles to pursuing these goals and the risks associated with working in unstable and fragile contexts on donors.

Beginning in 2011, the International Center for Transitional Justice, the United Nations Development Programme, the ICC focal points for Complementarity, and Denmark, South Africa, and Sweden held a series of high level meetings on "Supporting Complementarity at the National Level", allowing international and national justice actors and development practitioners to discuss ways to strengthen cooperation between development and rule of law actors in order to support domestic systems investigating serious crimes.

In 2015, the adoption of the Sustainable Development Goals (SDGs) helped to solidify a framework for understanding and advocating the value and fit of transitional justice within broader international development policies. In particular, SDG 16 incorporates peace and justice as explicit and related development goals, emphasizing the importance of the rule of law, access to justice and inclusive institutions.

The panel will discuss how development actors and agencies can integrate support for judicial mechanisms and other transitional justice programs in their agendas, what factors affects their decision to engage in transitional justice processes and how they determine the specific initiatives that they will support.

Speakers

Ms. Marieke Wierda
Ministry of Foreign Affairs,
The Netherlands

Marieke Wierda is a Dutch lawyer, born and raised in Yemen and educated in the UK and the US, and specialized in transitional justice. In her current capacity as Rule of Law Coordinator for the Dutch Ministry of Foreign Affairs, she is involved in discussions about hybrid tribunals in CAR and South Sudan. Ms. Wierda has 20 years experience in transitional justice, starting with the International Criminal Tribunal for the former Yugoslavia (1997–2000), and then joining the International Center for Transitional Justice where she worked for a decade (2001–2011). She worked extensively on transitional justice in Sierra Leone, Uganda, Lebanon and Afghanistan. From 2007 she was appointed Criminal Justice Director and was based in Beirut (2007–2009) and Kabul (2009–2010). In 2011, she was an advisor to a UN Panel of Experts appointed by the Secretary General to advise on accountability for the final phases of the conflict in Sri Lanka. In October 2011, after the Revolution in Libya she joined the United Nations Support Mission (UNSMIL) as the Transitional Justice Advisor. She is the author of many book chapters and articles on international criminal law and transitional justice, including a book on *International Criminal Evidence*, co-authored with Judge Richard May. Currently, she is working on her Ph.D. with Dr. Carsten Stahn, on the Impact of the International Criminal Court in situation countries, including Uganda, Libya, Afghanistan and Colombia.

Dr. Christopher Mahony
Centre for International
Law Research and Policy

Dr. Christopher Brian Mahony is Research Fellow at the Centre for International Law Research and Policy. He is also Strategic Policy Advisor at the UNDP (where he was formerly Rule of Law, Justice, Security and Human Rights Advisor), Visiting Research Fellow at Georgetown University Law Center and Political Economy Advisor at the Independent Evaluation Group at the World Bank. He was admitted to the bar of the High Court of New Zealand in 2006 where he appeared for the Crown in criminal and refugee matters. In 2003, he drafted the recommendations on governance and corruption for the Sierra Leone Truth and Reconciliation Commission and co-authored the "*Historical antecedents to the conflict*" chapter. In 2008, he directed the design of Sierra Leone's witness protection programme. From 2012 to 2013, he was Deputy Director of the New Zealand Centre for Human Rights Law, Policy and Practice, Faculty of Law, Auckland University. He holds Bachelor of Commerce (B.Com.) and of Laws (LL.B.) degrees from the University of Otago, and a Master's in African Studies (M.Sc.) and a D.Phil. in Politics from the University of Oxford.

Mr. Samuel Emonet
Justice Rapid Response

Samuel Emonet is a Swiss lawyer by profession with an LL.M. in European Law from the University of Bremen, Germany. In October 2000, he joined the Protection Department of the International Committee of the Red Cross (ICRC) where he worked for more than 15 years in long-term field missions in Afghanistan, Rwanda, Iraq, Georgia, Lebanon and Mali. In parallel, he took part in emergency deployments at the onset of the crisis in Georgia (2008), Kyrgyzstan (2010) and Libya (2011) to setup the ICRC's early humanitarian response. He joined Justice Rapid Response (JRR) as the Director of Operations in May 2016. He oversees the activities of the organization, including the rapid deployment of criminal justice professionals from the JRR roster to support the international community in their investigation of core human rights violations.

Moderator

Mr. Eduardo Toledo
Nuremberg Academy

Eduardo Bernabé Toledo is currently working as Senior Legal Officer International Criminal Law at the International Nuremberg Principles Academy. He specializes in international and European criminal law and his areas of expertise include business, human rights and corporate liability. In 2015–2016, he contributed to the project created by the Corporate Accountability Working Group of the International Network for Economic, Social and Cultural Rights (New York) alongside the International Federation of Human Rights (Paris), documenting "Ten key proposals for the Treaty" focusing on corporate liability. In 2013–2014, he collaborated with the Unión de Afectados por las operaciones de Texaco – Ecuador, Xumek, Argentina. and the Transnational Institute, Netherlands and presented a communication before the International Criminal Court to denounce the operations of the Texaco Oil Company (today Chevron Corp.) and its persons in charge. Mr. Toledo's previous work experience includes provision of legal advice regarding litigations at both international and national level. He is about to defend his Ph.D. at the Université Paris I Panthéon-Sorbonne, focusing on the forms of liability within Article 25 of the Rome Statute. He also lectures at the Master Program of Criminal Law and Criminal Sciences at the Universidad Nacional de Cuyo, Argentina and acts as a referee for the International Journal of Human Rights and Businesses at the Centre of Human Rights and Business of the Federal University of Juiz de Fora, Brazil.



Panel 6: Political Impediments to the Fight Against Impunity

Justice mechanisms, transitional justice entities and commissions with various mandates contribute to the fight against impunity. Nonetheless, bringing alleged perpetrators of international crimes before a court or tribunal or holding them accountable through other judicial mechanisms is often shaped by complex political dynamics at the national, regional and international level. At the international level, the prevailing power structures and the politics of the United Nations, especially veto powers vended within the Security Council voting system, can cause delays, and often have resulted in an impasse. Moreover, at the national level, various factors may delay or derail accountability, including political self-interests, lack of capacity or willingness to arrest alleged perpetrators, dynamics of denial, vengeance and politics of memory.

Over the last ten years, the number and variety of transitional justice mechanisms has increased, and justice-related issues have found their way on to the agenda of an increasing number of civil society organizations, governments and development organizations working in the post-conflict context. At the same time, a trend towards securitization is observable. Old and new authoritarian leaders are occupying some of the political front benches, and some important States have either announced to withdraw their signature from, or never signed nor ratified, the Rome Statute. Political fault lines have (re-)emerged within the United Nations Security Council and within or between regional actors.

Against this backdrop, panellists will examine the interplay of law and politics and explore how the Nuremberg Principles stand today and what can and should be done so they continue to be a landmark in the quest for sustainable peace.

Speakers

Dr. Serge Brammertz
United Nations Mechanism for
International 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 by the United Nations Security Council to serve as Chief Prosecutor of the International Criminal Tribunal for the former Yugoslavia. Dr. Brammertz was subsequently appointed by the Security Council to serve concurrently as Chief Prosecutor of the Mechanism for International Criminal Tribunals in 2016. 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 International Criminal Court. Prior to his international appointments, Dr. Brammertz was first a national magistrate then the head of the Federal Prosecution of the Kingdom of Belgium. Dr. Brammertz is currently a member of the Executive Committee of the International Association of Prosecutors, and previously served as Chairman of the European Judicial Network. He has published and lectured widely.

Mrs. Maria Camila Moreno
International Center for
Transitional Justice (Colombia)

Maria Camila Moreno is a Colombian anthropologist, specializing in land use planning at the University of Havana. She has worked with ethnic communities on issues related to collective rights. Since 1999 she worked in the formulation, implementation and evaluation of human rights public policies with emphasis on vulnerable populations. She has been invited to participate as a lecturer and speaker at national and international seminars on internal displacement, human rights and transitional justice. Mrs. Moreno has

experience working in public institutions, such as the Presidency, the Ombudsman Office and the General Prosecutor Office and in international agencies such as the Inter-American Institute for Human Rights, the Swedish International Development Agency, UNHCR and UNDP. She has also worked as a researcher on internal displacement and public policy, DDR (disarmament, demobilization and reintegration), human rights and prisons, access to justice in Colombia, political participation of indigenous people and transitional justice. Since July 2011, she is the Head of Office in Colombia of International Center for Transitional Justice (ICTJ). ICTJ in Colombia has been involved in the negotiation between FARC and the Colombian Government, providing technical assistance and advice to both parties to the negotiation table, especially about the transitional justice issues.

Dr. Athalia Molokomme
Botswana Permanent Mission
to the UN in Geneva

Dr. Athalia Molokomme obtained her Bachelor of Laws degree from the University of Botswana and Swaziland in 1981, and a Masters in Law from Yale Law School, USA in 1983. She obtained a Ph.D. in Law at Leiden University, the Netherlands, in 1991. She has taught law at the University of Botswana for more than 15 years, and researched and published extensively in the fields of family law, women and law, customary law and employment law. Dr. Molokomme has served on several boards, commissions and professional organisations at national, regional and international levels, and is a founding member of several human rights organizations. From July 1998, she was founding head of the Gender Unit at the Secretariat of the Southern African Development Community (SADC), until May 2003 when she was appointed judge of the High Court of Botswana. In October 2005, she was appointed to the position of Attorney General of the Republic of Botswana, whose main constitutional task is Principal Legal Advisor to the Government of Botswana. In this role, she also represented the Government in various national, regional and international bodies. Dr. Molokomme qualified as an international arbitrator in 2016 and is now a Fellow of the Chartered Institute of Arbitrators in London. Since May 2017, H.E. Ms. Molokomme has been the Permanent Representative of Botswana to the United Nations office in Geneva and Ambassador to Switzerland.

Moderator

Mr. Martin Klingst
DIE ZEIT

Martin Klingst is a senior political correspondent with DIE ZEIT in Berlin. Before, he served as his paper's bureau chief in Washington DC (2007–2014) and as DIE ZEIT's senior political editor in Hamburg (1998–2007). Mr. Klingst studied law in Freiburg, Geneva and Hamburg and worked for the Institute of International Affairs at the University of Hamburg. In 2006, he was a fellow at the Center for European Studies at Harvard University, where he lectured on the German reform process, terrorism and civil rights, and Europe's engagement in the Middle East. Before assuming his position with DIE ZEIT in 1996, Mr. Klingst worked as a journalist for the North German Public Broadcasting Corporation NDR and the weekly paper *Deutsches Allgemeines Sonntagsblatt*. He wrote on domestic topics as well as on international affairs and human rights issues. He covered the Balkan wars, the Israel-Palestine conflict and the refugee crisis in 2015 and 2016. In 2013, he was honored with the George F. Kennan editorial award. In 2016, his book *Menschenrechte* (Human Rights) was published by Reclam.



Panel 7 and 8: Peace and Justice

Peace negotiations are increasingly seen as a more complex exercise than discussions between warring parties: they often include representatives of various sectors of society directly affected by the conflict, including victims. These processes have multiple and often competing objectives, e.g. putting an end to conflicts; addressing on-going humanitarian crises; proposing viable solutions for the underlying causes of conflicts and finding ways to address the needs of victims. Yet the prospect of dealing with egregious violations of human rights and international humanitarian law committed in conflicts frequently represents a profound challenge for states and societies. In those scenarios, transitional justice tools are seen as viable options to answer victims' quest for justice; or, in settings where significant political constraints exist, some states address the crimes committed during the conflict through different types of national criminal justice mechanisms.

The following questions remain topical: Which particular contextual factors influence the inclusion or exclusion of justice-related issues, such as the focus on international law or the political dynamics among the different actors? Does the exclusion of justice related issues from negotiations or an agreement negatively or positively affect broader peace process? To what extent can it be said that transitional justice approaches have been and are important or essential to the durability of the peace process?

The first panel will focus on case studies where the question of justice formed a significant part of the post-conflict context. It will raise questions on substance, process and participation and review how the adopted processes have played out in the respective settings.

The second panel will discuss the challenges, options and implications from different approaches taken when addressing justice related questions in ongoing peace-building processes.

Lessons Learned

Speakers

Dr. Nicola Palmer
King's College London

Dr. Nicola Palmer is a senior lecturer in criminal law at King's College London. She is the author of *Courts in Conflict: Interpreting the Layers of Justice in Post-Genocide Rwanda* (OUP, 2015) and recently guest edited a special issue of the Canadian Journal of Law and Society on the methods used to formulate, implement and assess transitional justice processes. Nicola was previously the Global Justice Research Fellow at St Anne's College, Oxford and convenor of the Oxford Transitional Justice Research (OTJR) network. She received her DPhil in law from the University of Oxford in 2011. Prior to this, she worked at the United Nations International Criminal Tribunal for Rwanda, following her undergraduate in law and economics at Rhodes University, South Africa. Her broad research interests are in international criminal law, transitional justice, central African studies and legal anthropology.

Dr. Gerald Gahima
Formerly War Crimes Chamber of the Court of Bosnia and Herzegovina; former Prosecutor General of Rwanda

Dr. Gerald Gahima's professional and academic background provides an exceptional blend of expert knowledge and practitioner experience on issues relating to justice sector reform and access to justice, human rights, transitional justice and post-conflict reconstruction. Dr. Gahima has had a distinguished career in private legal practice, public service and international development. Since his leaving of private practice, he held several senior level positions in government, including Deputy Minister of Justice and Public Service, Attorney General and Deputy Chief Justice, at a critical time in Rwanda's recent history. Through this time, he gained exceptional experience of leading the

rebuilding of Rwanda's public service and justice system from the ground. He was instrumental in the formulation and implementation of policies on civil service reform, the promotion of the rule of law and accountability for the genocide. Dr. Gahima has further had the unique experience of organizing and supervising domestic prosecutions of genocide and other serious international crimes (in total over 135,000 genocide suspects and the prosecution of more than 5000 genocide cases during his tenure as Rwanda's Attorney General). Since leaving the government service in Rwanda, Dr. Gahima was involved in the establishment and served as a judge of the War Crimes Chamber of the State Court of Bosnia and Herzegovina. He also worked for the Australian Agency for International Development in their Asia Pacific programs and did consulting work with several donors bodies, including the United Nations and the World Bank on these and other issues. Dr. Gahima continues to work as a practitioner, and as a scholar and frequently lectures on matters relating to transitional justice and post-conflict reconstruction.

Mr. Michael Hartmann
Formerly United Nations Assistance Mission to Afghanistan

Michael E. Hartmann, Director of UNAMA's Rule of Law in Afghanistan from 2013 to June 2017, is now US Institute of Peace's grantee writing a Special Report on the Anti-Corruption Justice Center. He led UNAMA advocacy resulting in the 2017 Penal Code's incorporation of all Rome Statute crimes. He was Advisor to the Attorney General of Afghanistan for US State/INL Bureau-JSSP, and UNODC's Criminal Justice Programme Manager, in 2005–2010. International prosecution work in national courts included Senior Crown Prosecutor/war crimes coordinator, Australia's Solomon Islands RAMSI mission 1.4 years (2012–13), and UNMIK international prosecutor for Kosovo (2000–2005), investigating/prosecuting genocide, war crimes, terrorism, corruption, rape and ethnic hate crimes trials, and appeals before the Kosovo Supreme Court. In Bosnia, he was team leader, UNMIBH's Judicial System Assessment Programme, country representative for UNODC's anticorruption project in 1998-2000, and in 1997 advised the Ministry of Justice drafting group on Criminal Procedure and Penal Code revision as part of an expert team with the Council of Europe. In 2003, he was Senior Fellow in residence at the US Institute of Peace, and in 1996 Senior Fulbright Scholar, Law, in Pakistan. Mr. Hartmann was an Assistant District Attorney in San Francisco, prosecuting sexual assault and murder, 1983–1998.

Moderator

Dr. Mark Kersten
Wayamo Foundation

Dr. Mark Kersten is a Fellow based at the Munk School of Global Affairs, University of Toronto, and the Deputy Director of the Wayamo Foundation. His research and work focus on: the effects of judicial interventions by the International Criminal Court (ICC) on conflict, peace and justice processes; capacity-building and domestic accountability for international crimes; and the nexus between mass atrocities and transnational organized crimes. In 2011, Dr. Kersten founded the blog Justice in Conflict, which regularly publishes articles on the challenges of pursuing transitional justice in the context of ongoing violent political conflicts. He has taught courses on genocide studies, the politics of international law, diplomacy, and conflict and peace studies at the London School of Economics, SOAS, and the Trudeau Centre for Peace, Conflict, and Justice. In 2016, Oxford University Press published Dr. Kersten's book *Justice in Conflict – The Effects of the International Criminal Court's Interventions on Ending Wars and Building Peace*. Dr. Kersten has previously been a Research Associate at the Refugee Law Project in Uganda, and as researcher at Justice Africa and Lawyers for Justice in Libya in London.



Panel 7 and 8: Peace and Justice

Current Challenges

Speakers

Dr. Nelson Camilo Sánchez León
Dejusticia

Dr. Nelson Camilo Sanchez León is a Colombian lawyer and legal scholar who teaches at the National University of Colombia and is a member of Dejusticia, the Center of Studies in Law, Justice and Society, based in Bogotá. He received an LL.M. from Harvard Law School and obtained his Ph.D. from Universidad Nacional, Bogotá. His research interests include human rights in the Inter-American System, transitional justice, the social and legal condition of the internally displaced population in Colombia, and the Colombian peace process. He has published many essays and papers on those subjects, including recently “*Could the Colombian Peace Accord Trigger an ICC Investigation on Colombia?*,” “*Justicia para la paz*” (Justice for Peace), and “*Corporate Accountability, Reparations, and Distributive Justice in Post-Conflict Societies.*”

Mr. Patryk Labuda
Graduate Institute Geneva

Patryk I. Labuda is a Ph.D. Candidate at the Graduate Institute of International and Development Studies in Geneva and a Teaching Assistant at the Geneva Academy of International Humanitarian Law and Human Rights. Before returning to academia, Mr. Labuda worked in the Democratic Republic of Congo, Sudan and South Sudan. Mr. Labuda’s research lies at the intersection of international criminal law, transitional justice, peacekeeping and legal history. In addition to his Ph.D., which examines the relationship between international criminal tribunals and domestic judicial reform, he is studying the ongoing transitional justice processes in the Central African Republic and South Sudan.

Dr. Radwan Ziadeh
The Arab Center Washington D.C.

Dr. Radwan Ziadeh is a Senior Analyst at the Arab Center – Washington D.C. He is also the Founder and Director of the Damascus Center for Human Rights Studies in Syria (www.dchrs.org); and co-founder and executive director of the Syrian Center for Political and Strategic Studies in Washington, D.C. Since the Syrian uprising which started in March 15, 2011 he was involved in documenting the ongoing human rights violations in Syria and testified at the UN Human Rights Council in Geneva twice and in front of the Tom Lantos Human Rights Commission in the U.S Congress. He was named “Best Political Scientist Researcher in the Arab World” by Jordan’s Abdulhameed Shoman Foundation in 2004. In 2009 he was awarded the Middle East Studies Association (MESA) Academic Freedom award in Boston. In 2010, he accepted the Democracy Courage Tributes award on behalf of the human rights movement in Syria, given by the World Movement for Democracy in Jakarta, Indonesia. He wrote more than twenty books in English and Arabic, his most recent book is *Syria’s Role in a Changing Middle East: The Syrian-Israeli Peace Talks* (2016) from I.B.Tauris.

Ms. Kelly Case
Inclusive Security

As Deputy Director of Africa Programs, Kelly Case leads Inclusive Security’s work in South Sudan and Sudan with the goal of advancing the engagement of women in peace processes between and within the two countries. In this role, Ms. Case is responsible for building the capacity of the Taskforce on the Engagement of Women, a strategically selected group of 20 leaders from both countries working together to advocate for women’s inclusion in bilateral and national peace processes. She also leads the Institute’s advocacy efforts with key policymakers working in both countries – including the US Administration and the African Union – to ensure policies reflect women’s priorities. Previously, Ms. Case worked for the American Red Cross’s Investigative Fraud Unit where she pursued cases of waste and abuse in the aftermath of Hurricane Katrina. She subsequently became Special Assistant to the president of humanitarian services, also at Red Cross. Ms. Case has worked in Palestine with Palestinian and Israeli youth on programs that promoted reconciliation and in the Great Lakes region of Africa on sustainable development and equal access to education. She holds a master’s degree in conflict analysis and resolution from George Mason University and a bachelor’s degree in psychology and art history from Lafayette College.

Moderator

Mr. William Pace
Coalition for the International
Criminal Court

Mr. Pace is the Executive Director of the World Federalist Movement-Institute for Global Policy. He has served as the Convenor of the Coalition for an International Criminal Court since its founding in 1995 and is a co-founder and steering committee member of the International Coalition for the Responsibility to Protect. He has been engaged in international justice, rule of law, environmental law, and human rights for the past 30 years. He previously served as the Secretary-General of the Hague Appeal for Peace, the Director of the Center for the Development of International Law, among other positions. He is the President of the Board of the Center for United Nations Reform Education. He is the recipient of the William J. Butler Human Rights Medal from the Urban Morgan Institute for Human Rights. Mr. Pace has authored numerous articles and reports on international justice, international affairs and UN issues, multilateral treaty processes, and civil society participation in international decision-making.



Closing Remarks

Dr. Navanethem Pillay

President of the Nuremberg Academy's Advisory Council; formerly United Nations High Commissioner for Human Rights, International Criminal Tribunal for Rwanda and International Criminal Court

South African jurist Dr. Navi Pillay served as the High Commissioner for Human Rights at the United Nations from 2008 to 2014. Aside 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, she 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 non-white South African to be awarded the degree of Doctor of Juridical Science at Harvard Law School. In 1995, after the end of Apartheid, Dr. Pillay was appointed to the Supreme Court of South Africa as a limited-term judge. In the same year, she was appointed as a judge to the International Court for Rwanda, where she served for a total of eight years, including four years as President. Later she served on the International Criminal Court in The Hague for five years. Dr. Pillay plays an active role in numerous human rights organizations. Among other roles, she is the co-founder of "Equality Now", an international women's rights organization. She is also President of the Advisory Council of the International Nuremberg Principles Academy.

Prince Zeid Ra'ad Al Hussein

United Nations High Commissioner for Human Rights (video message)

Zeid Ra'ad Al Hussein assumed his functions as United Nations High Commissioner for Human Rights on 1 September 2014, after being selected by the UN Secretary-General and approved by the General Assembly. He is the sixth High Commissioner to have been appointed since the Office of the UN High Commissioner for Human Rights was established in 1993.

A veteran multilateral diplomat, Zeid Ra'ad Al Hussein was previously Jordan's Permanent Representative to the UN in New York, a post he held twice (from 2000 to 2007, and again from 2010 to 2014). In between, he served as Jordan's Ambassador to the United States of America (2007–2010). In January 2014, he was President of the UN Security Council.

Zeid Ra'ad Al Hussein has considerable experience in the areas of international criminal justice, international law, UN peacekeeping, post-conflict peace-building, international development, and counter-nuclear terrorism.

He played a central role in the establishment of the International Criminal Court (ICC), chairing the complex negotiations over the elements of individual offences amounting to genocide, crimes against humanity and war crimes, and in September 2002, he was elected as the first President of the Assembly of States Parties to the Rome Statute of the ICC. Subsequently, in 2009–10, he chaired the closing stages of the intricate negotiations over the crime of aggression – identified by the International Military Tribunal at Nuremberg as that "supreme international crime" which were successfully concluded, with a consensus agreement, in Kampala in June 2010.

Zeid Ra'ad Al Hussein represented Jordan before the International Court of Justice (ICJ) in 2004 and 2009, and also represented his country on the issue of Nuclear Security following the 2010 Washington Summit, which initiated a concerted international effort to blunt the threat of nuclear terrorism.

He also has extensive knowledge of peacekeeping. He served as a political affairs officer in UNPROFOR, in the former Yugoslavia, from 1994 to 1996. In 2004, following allegations of widespread abuse by UN peacekeepers, Kofi Annan appointed him as Advisor to the Secretary-General on Sexual Exploitation and Abuse. His report, produced in 2005, provided, for the first time, a comprehensive strategy for the elimination of Sexual Exploitation and Abuse in UN Peacekeeping Operations.

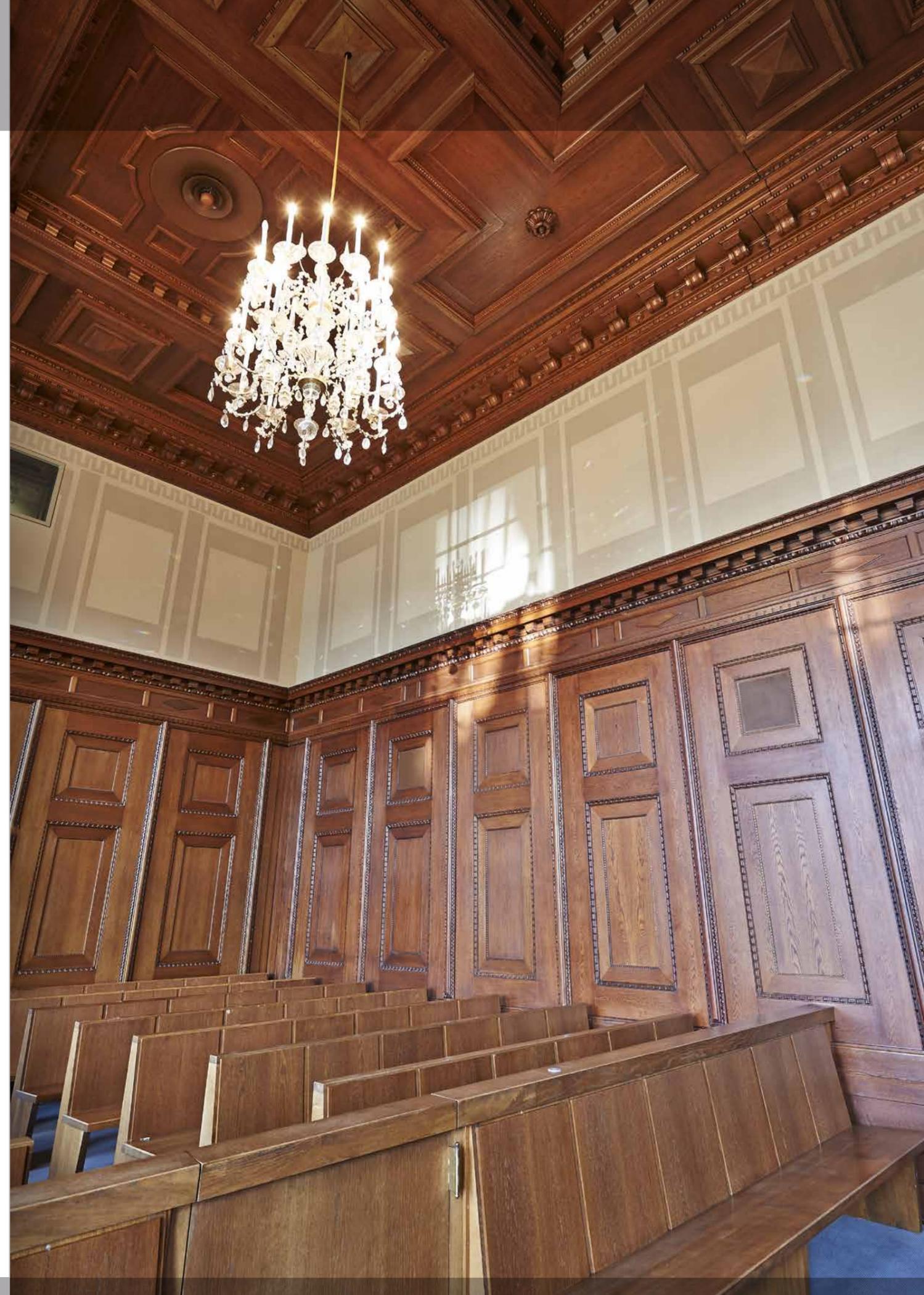
Zeid Ra'ad Al Hussein holds a Bachelor of Arts from Johns Hopkins University and a Doctorate in Philosophy from Cambridge University.

Mr. Klaus Rackwitz

Director of the Nuremberg Academy

Klaus Rackwitz, a German jurist, studied law at the University of Cologne, and upon graduation 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 judicial work of judges and prosecutors. From 1996 until 2002, he worked at and later headed the Division for information technology in the Ministry of Justice of North Rhine-Westphalia. Mr. Rackwitz's experience in modern technology for courts led to his engagement in the Advance Team of the International Criminal Court 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, responsible for all administrative and support matters (information management, evidence handling and storage, language services etc). From 2011 until September 2016 he served as Administrative Director of Eurojust, the European Union's Judicial Cooperation Unit which supports the EU Member States in the fight against serious cross-border crimes like terrorism, cybercrime, trafficking of human beings and other serious crimes. As the legal representative of the organization he was in charge of all managerial and administrative matters supporting the casework of the National Members. 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 Universities of Cologne and Düsseldorf and the Technical Academy of Wuppertal. Since March 2013, he is a member of the Supervisory Board of HiIL (The Hague Institute for the Internationalisation of Law), an advisory and research institute for the justice sector.

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