Wednesday, 22 – Friday, 24 November 2017
22-23 November: Nuremberg Park Plaza Hotel, Bahnhofstraße 5, 90402 Nuremberg, Germany
24 November: Courtroom 600, Palace of Justice, Bärenschanzstraße 72, 90429 Nuremberg, Germany

EJTN- GNS JOINT TRAINING ON THE IMPACT OF REFUGEES IN EUROPE ON THE INVESTIGATION AND PROSECUTION OF CORE INTERNATIONAL CRIMES

[CR/2017/11]
The learning outcomes of this training include (a) an improved understanding of substantive international criminal law, as well as of the most relevant international and national jurisprudence therein; (b) an advanced understanding of criminal liability in this field; (c) knowledge of the practical issues involved in building a case on core international crimes and the ensuing evidentiary challenges; and (d) practical knowledge of the instruments of judicial cooperation within the EU and of the applicable international treaties.

This introductory training will combine lectures with workshops and plenary debriefings aimed at improving the participants’ practical skills, pursuant to a ‘learn-by-doing’ methodology. The event will conclude with a moot court session held at Courtroom 600, where participants will take the role of the prosecution, defence or chamber in solving a practical case based on real facts.

This training will provide participants with the opportunity to learn more about the legal systems and investigative approaches of their colleagues in different EU Member States, and will serve as a platform for the exchange of best practices on the management of complex cases. Participants will be assisted by national and international experts in this field.

Contact: Alina SECRIERU, Project Manager, EJTN
alina.secrieru@ejtn.eu

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**DRAFT PROGRAMME**

**TUESDAY, 21 NOVEMBER 2017**

*OPTIONAL PROGRAMME*

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
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<tbody>
<tr>
<td>15.00-18.00</td>
<td>Arrival of the participants Nuremberg - Meeting of the Masses Documentation Centre Nazi Party Rally Grounds</td>
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<tr>
<td>19.00-21.00</td>
<td>Welcome Dinner at Steichele Restaurant (Kommanditgesellschaft Knorrstraße 2-8, 90402 Nürnberg; 3 min walking from Park Plaza Hotel – <a href="#">map</a>)</td>
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</tbody>
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**WEDNESDAY, 22 NOVEMBER 2017**

*Venue: Park Plaza Hotel Nuremberg - Bahnhofstraße 5, 90402 Nuremberg, Germany*

*Moderator: Matevž PEZDIRC, Head of the Genocide Network Secretariat, Eurojust*

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
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<tr>
<td>08.30-09.00</td>
<td>Registration of the participants</td>
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<tr>
<td>09.00-09.15</td>
<td>Welcome and Introduction to the Programme</td>
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<tr>
<td>09.15-09.30</td>
<td>Presentation of the EJTN</td>
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<tr>
<td>09.30-10.00</td>
<td>Introductory remarks: Refugees in Europe: Implications for the Fight against Impunity for Core International Crimes</td>
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<tr>
<td>10.00-11.00</td>
<td>Introduction to International Humanitarian Law (IHL)</td>
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<tr>
<td>11.00-11.30</td>
<td>Coffee Break</td>
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<tr>
<td>11.30 – 12.45</td>
<td><strong>Substantive International Criminal Law:</strong></td>
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<tr>
<td></td>
<td><strong>War Crimes: A Case Law Focused Outline</strong></td>
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<tr>
<td></td>
<td>• Characterisation of international armed conflict and non-International armed conflict</td>
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<tr>
<td></td>
<td>• Non-state actors</td>
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<tr>
<td></td>
<td>• Protection of civilians</td>
</tr>
<tr>
<td></td>
<td>• Notion of military objective, dual use objects, principle of proportionality</td>
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<tr>
<td></td>
<td>• Prohibited weapons</td>
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<td></td>
<td>• Offences in an international armed conflict</td>
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*Ray MURPHY Irish Centre for Human Rights, National University of Ireland School of Law, Galway, Ireland*

*Preparatory work/ reading materials: Rome Statute and Elements of Crimes.*

*Structure: References to the main international and national case law. Input from participants on domestic legislation and law practice.*
## THURSDAY, 23 NOVEMBER 2017

**Venue:** Park Plaza Hotel Nuremberg - Bahnhofstraße 5, 90402 Nuremberg, Germany  
**Moderator:** Matevž PEZDIRC, Head of the Genocide Network Secretariat, Eurojust

### 08.45–09.00
Registration of the participants

**Priya GOPALAN,** International Criminal Law, Transitional Justice and Gender Practitioner (former prosecutor, International Criminal Tribunal for the Former Yugoslavia)

### 09.00–09.45
Specifics of Investigating and Prosecuting Conflict-Related Sexual Violence

**Maxine MARCUS**  
Transition Justice Clinic, Institute for International Criminal Investigations (IICI), The Netherlands

### 09.45–11.00
Substantive International Criminal Law: Modes of Liability and Circumstances Excluding Liability - International and National Perspectives: An International Law Case Law Focused Outline

- General remarks concerning the applicability of national legislations
- Command Responsibility
- Justifications and excuses
- Obedience to superior orders
- Duress
- Personal immunity
- Material immunity
- Immunity of special missions
- Other excuses (error in facts and law)

**Priya GOPALAN,** International Criminal Law, Transitional Justice and Gender Practitioner (former prosecutor, International Criminal Tribunal for the Former Yugoslavia)

### 11.00–11.30
Coffee Break

### 11.30–13.00
Workshop: Analysis of the Case-Study (Modes of Liability)  
3 breakout rooms

**Group 1 Ray MURPHY**  
**Group 2 Maxine MARCUS**  
**Group 3 Priya GOPALAN / Christoph BARTHÉ**

### 13.00–14.00
Lunch

**Christoph BARTHÉ** Senior Public Prosecutor, Germany

**Structure:** Presentation of recent national case law. Input from participants on domestic legislation and law practice.

**Priya GOPALAN,** International Criminal Law, Transitional Justice and Gender Practitioner (former prosecutor, International Criminal Tribunal for the Former Yugoslavia)

**Preparatory work / reading materials:**  
Rome Statute  
Elements of Crimes

**Structure:** References to the main international and national case law. Input from participants on domestic legislation and law practice.

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### Thematic Sections

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<th>Time</th>
<th>Title</th>
<th>Speaker(s)</th>
<th>Preparatory work / reading materials</th>
<th>Structure</th>
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<tr>
<td>12.45–14.00</td>
<td>Lunch</td>
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<tr>
<td>14.00–14.30</td>
<td>Substantive International Criminal Law: War Crimes: War Crimes Based on Evidence from Open Sources – Recent Developments in EU Member States</td>
<td>Christoph BARTHÉ, Germany</td>
<td>Rome Statute, Elements of Crimes</td>
<td>Presentation of recent national case law. Input from participants on domestic legislation and law practice.</td>
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<tr>
<td>15.45–16.15</td>
<td>Coffee Break</td>
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<tr>
<td>16.15–17.30</td>
<td>Workshop: Introduction to the Case-Study (Identification of crimes; circumstances and contextual elements) 3 breakout rooms</td>
<td>Group 1 Ray MURPHY, Group 2 Maxine MARCUS, Group 3 Priya GOPALAN / Christoph BARTHÉ</td>
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<tr>
<td>17.30–17.45</td>
<td>Conclusions of the Workshop and Follow-up by the Participants / Moderators in Workshops Plenary Session</td>
<td>Workshop moderators &amp; participants / rapporteurs</td>
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<tr>
<td>17.45</td>
<td>Round up and End of Day 1</td>
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<td>19.30</td>
<td>Official Seminar Dinner at Barfüsser Nürnberg (Hall Pl. 2, 90402 Nürnberg, 6 min walking distance of Park Plaza Hotel, map)</td>
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</table>
Challenges in Dealing with Foreign Cultures
- Recognising and analysing intercultural challenges
- Better understanding of cultural differences
- Influencing factors in the criminal process
- Response and integration into the criminal process

Evidentiary Challenges in Core International Crime Cases in Domestic Proceedings

Coffee Break

Practical Issues in International Crime Cases
- Building a case
- Geography, site visits, missions
- Names and spelling, time and dates
- General challenges, preparation, relation to local authorities
- Location of the hearing, setting the hearing room
- Use of psychologist, witness protection, use of interpreter
- Instructions to the witness prior to the questioning
- Challenges during the questioning, language issues
- How to account for the hearing
- Using expert witnesses
- The position of the defense during the hearings

Guided Tour of Nuremberg’s Rock-Cellars below the Old Town, followed by Dinner (Altstadthof Brewery, Bergstr. 19; 20 min walking from Park Plaza Hotel – map)

FRIDAY, 24 NOVEMBER 2017
Venue: Courtroom 600, Palace of Justice, Bärenschanzstraße 72, 90429 Nuremberg, Germany
Moderator: Matevž PEZDIRC, Head of the Genocide Network Secretariat, Eurojust

08.15-09.00
Departure of Bus Shuttle from Park Plaza Hotel to the Palace of Justice

International Cooperation: Mutual Legal Assistance and Extradition within the EU, with non-EU MS and International Courts – Theoretical and Practical Considerations
- EU convention 2000 on mutual assistance in criminal matters between the EU Member States
- European Arrest Warrant
- European Investigation Order
- Joint Investigation Teams
- Torture Convention
- Extradition
- Establishing ad hoc cooperation
- Eurojust
- Europol
- EASO and 1F Exclusion Network
- Cooperation with NGOs and International Actors (UN, ICRC)

Structure: Presentation of legal and practical issues of international cooperation. Input from participants on practical experience in this field. EJTN’s trainings on EU judicial cooperation in cross-border criminal cases (MLA and EAW simulations).

Christine GÖDL Department of International Law, Ministry of Justice, Austria

10.00-10.30
The Role of the Genocide Network Secretariat (GNS) in Supporting and Assisting Investigations and Prosecutions of Core International Crimes

Structure: Introduction to the principles of self-perception and the perception by others in foreign cultures; the aims of the judicial process

Christoph BARTHE Senior Public Prosecutor, Germany

10.30-11.00
Coffee Break

11.00-12.30
Moot Court:
- Opening of the session by the Chamber
- Oral arguments by the Prosecution
- Oral arguments by the Defence

Participants and moderators/speakers:
Christine GÖDL
Ray MURPHY
Maarten VAN DER VLUGT

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Guided Tour of Nuremberg's Rock-Cellars below the Old Town, followed by Dinner (Altstadthof Brewery, Bergstr. 19; 20 min walking from Park Plaza Hotel – map)
Deliberation by the Chamber

Knowledge Assessment, Evaluation and Closing Words

Maxine Marcus

Alina SECRIERU, Project Manager, (EJTN), Brussels, Belgium
Matevz PEZDIRC Head of the Genocide Network Secretariat, Eurojust, The Netherlands

12.30 - 13.00

Departure of participants and end of Day 3

Optional Visit of the Exhibition ‘Memorium Nuremberg Trials’
The exhibition informs visitors about the background, progression and repercussions of the Nuremberg Trials. Selected historical exhibits such as parts of the original dock, as well as historical audio tapes and films, convey a vivid impression of the trials.

Optional programme for participants with late flights or extending their stay in Nuremberg.
NB: Costs incurred with late departure in order to attend this event will not be reimbursed by the EJTN.
Address: Palace of Justice, Bärenschanzstraße 72, 90429 Nuremberg
Fee: This visit is kindly offered to EJTN participants by the Nuremberg Academy. Registration required.
Suggested restaurants near the Palace of Justice: Lederer-Kulturbrauerei (Sielstraße 12) and Brauerei Schanzenbräu (Adam-Klein-Str. 27)

LIST OF SPEAKERS AND ORGANIZERS

Dr. Christoph BARTHE Senior Public Prosecutor at the German Federal Court of Justice, Germany; Judge at the Kosovo Specialist Chambers/The Hague, Germany
Dr. Viviane DITTRICH Deputy Director, International Nuremberg Principles Academy, Germany
Christine GÖDL Judge, Department of International Law, Federal Ministry of Justice, Austria
Priya GOPALAN Former Domestic Litigator (United Kingdom), Prosecutor (International Criminal Tribunal for the Former Yugoslavia), and Gender Adviser, UN Investigation on Sri Lanka (Office of the High Commissioner for Human Rights, Geneva), Switzerland
Maxine MARCUS International Prosecutor and Expert in Transformative Justice, Transitional Justice Clinic, Institute for International Criminal Investigations (IICI), The Netherlands
Ray MURPHY Interim Director, Irish Centre for Human Rights, National University of Ireland School of Law, Galway, Ireland
Matevz PEZDIRC Head of the Genocide Network Secretariat, Eurojust, The Netherlands
Alina SECRIERU European Judicial Training Network, Brussels, Belgium
Daniel TATOMIR Genocide Network Secretariat, Eurojust, The Netherlands
Maarten VAN DER VLUGT Prosecutor, Public Prosecutor’s Office, International Crimes Unit, The Netherlands