



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]



Network for investigation and
prosecution of genocide, crimes
against humanity and war crimes



With financial support from the Justice
Programme of the European Union



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

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DRAFT PROGRAMME

TUESDAY, 21 NOVEMBER 2017

(OPTIONAL PROGRAMME)

	Arrival of the participants	
15.00-18.00	Nuremberg - Meeting of the Masses Documentation Centre Nazi Party Rally Grounds	Optional programme for participants arriving in Nuremberg before 15:00. NB: Costs incurred with early arrival in order to attend this event <u>will not be reimbursed</u> by the EJTN. Address: Bayernstraße 110 Fee: This visit is kindly offered to EJTN participants by the Nuremberg Academy. Registration required.
19.00-21.00	Welcome Dinner at Steichele Restaurant (Kommanditgesellschaft Knorrstraße 2-8, 90402 Nürnberg; 3 min walking from Park Plaza Hotel – map)	

WEDNESDAY, 22 NOVEMBER 2017

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

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

08:30-09:00	Registration of the participants	
09.00-09.15	Welcome and Introduction to the Programme	Matevž PEZDIRC Head of the Genocide Network Secretariat, Eurojust, The Netherlands
09.15-09.30	Presentation of the EJTN	Alina Secieru Project Manager, EJTN
09.30-10.00	Introductory remarks: Refugees in Europe: Implications for the Fight against Impunity for Core International Crimes	Dr. Viviane Dittrich Deputy Director, International Nuremberg Principles Academy, Germany
10.00-11.00	Introduction to International Humanitarian Law (IHL)	Ray MURPHY Irish Centre for Human Rights, National University of Ireland School of Law, Galway, Ireland Preparatory work: ICRC Brief e-Learning Course
11.00-11.30	Coffee Break	
11.30 – 12:45	Substantive International Criminal Law: War Crimes: A Case Law Focused Outline <ul style="list-style-type: none"> Characterisation of international armed conflict and non-International armed conflict Non-state actors Protection of civilians Notion of military objective, dual use objects, principle of proportionality Prohibited weapons Offences in an international armed conflict 	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.

	<ul style="list-style-type: none"> <i>Offences in a non-international armed conflict</i> 	
12.45-14.00	Lunch	
14.00 – 14.30	<p><i>Substantive International Criminal Law:</i> War Crimes: War Crimes based on Evidence from Open Sources – Recent Developments in EU Member States</p>	<p>Christoph BARTHE Senior Public Prosecutor, Germany</p> <p><u>Structure:</u> Presentation of recent national case law. Input from participants on domestic legislation and law practice.</p>
14.30 – 15.45	<p><i>Substantive International Criminal Law:</i> Crimes against Humanity and the Crime of Genocide: A Case Law Focused Outline</p>	<p>Priya GOPALAN, International Criminal Law, Transitional Justice and Gender Practitioner (former prosecutor, International Criminal Tribunal for the Former Yugoslavia)</p> <p><u>Preparatory work/ reading materials:</u> Rome Statute and Elements of Crimes;</p> <p><u>Structure:</u> References to the main international and national case law. Input from participants on domestic legislation and law practice.</p>
15.45 – 16.15	Coffee Break	
16.15-17.30	<p>Workshop: Introduction to the Case-Study (Identification of crimes; circumstances and contextual elements) <i>3 breakout rooms</i></p>	<p>Group 1 Ray MURPHY</p> <p>Group 2 Maxine MARCUS</p> <p>Group 3 Priya GOPALAN / Christoph BARTHE</p>
17.30 – 17.45	<p>Conclusions of the Workshop and Follow-up by the Participants / Moderators in Workshops <i>Plenary Session</i></p>	Workshop moderators & participants/rapporteurs
17.45	Round up and End of Day 1	
19.30	Official Seminar Dinner at Barfüsser Nürnberg (Hall Pl. 2, 90402 Nürnberg, 6 min walking distance of Park Plaza Hotel, map)	

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	
09.00-09.45	<p>Specifics of Investigating and Prosecuting Conflict-Related Sexual Violence</p>	<p>Priya GOPALAN, International Criminal Law, Transitional Justice and Gender Practitioner (former prosecutor, International Criminal Tribunal for the Former Yugoslavia)</p>
09.45-11.00	<p><i>Substantive International Criminal Law:</i> Modes of Liability and Circumstances Excluding Liability - International and National Perspectives: An International Law Case Law Focused Outline</p> <ul style="list-style-type: none"> <i>General remarks concerning the applicability of national legislations</i> <i>Command Responsibility</i> <i>Justifications and excuses</i> <i>Obedience to superior orders</i> <i>Duress</i> <i>Personal immunity</i> <i>Material immunity</i> <i>Immunity of special missions</i> <i>Other excuses (error in facts and law)</i> 	<p>Maxine MARCUS Transitional Justice Clinic, Institute for International Criminal Investigations (IICI), The Netherlands</p> <p><u>Structure:</u> Brief presentation of the principles on circumstances excluding liability in international criminal law, based on selected cases. Input from participants on domestic legislation and practice, as well as on its conformity, or lack thereof, with the relevant ICL principles.</p>
11.00-11.30	Coffee Break	
11.30-13.00	<p>Workshop: Analysis of the Case-Study (Modes of Liability) <i>3 breakout rooms</i></p>	<p>Group 1 Ray MURPHY</p> <p>Group 2 Maxine MARCUS</p> <p>Group 3 Priya GOPALAN / Christoph BARTHE</p>
13.00-14.00	Lunch	

14.00-14.45	Challenges in Dealing with Foreign Cultures <ul style="list-style-type: none"> • <i>Recognising and analysing intercultural challenges</i> • <i>Better understanding of cultural differences</i> • <i>Influencing factors in the criminal process</i> • <i>Response and integration into the criminal process</i> 	Maxine MARCUS Transitional Justice Clinic, Institute for International Criminal Investigations (IICI), The Netherlands <u>Structure:</u> 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 <u>Structure:</u> Brief presentation of the applied means of proof and legal as well as practical Issues concerning legal reasoning in ICL domestic proceedings, based on real case examples.
14.45-15.45	Evidentiary Challenges in Core International Crime Cases in Domestic Proceedings	
15.45-16.15	Coffee Break	
16.15-17.30	Practical Issues in International Crime Cases <ul style="list-style-type: none"> • <i>Building a case</i> • <i>Geography, site visits, missions</i> • <i>Names and spelling, time and dates</i> • <i>General challenges, preparation, relation to local authorities</i> • <i>Location of the hearing, setting the hearing room</i> • <i>Use of psychologist, witness protection, use of interpreter</i> • <i>Instructions to the witness prior to the questioning</i> • <i>Challenges during the questioning, language issues</i> • <i>How to account for the hearing</i> • <i>Using expert witnesses</i> • <i>The position of the defense during the hearings</i> 	Maarten VAN DER VLUGT Prosecutor's Office, International Crimes Unit, The Netherlands
17.30	Round-up and End of Day 2	
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FRIDAY, 24 NOVEMBER 2017		
<u>Venue:</u> Courtroom 600, Palace of Justice, Bärenschanzstraße 72, 90429 Nuremberg, Germany		
Moderator: Matevž PEZDIRC, Head of the Genocide Network Secretariat, Eurojust		
08.15	Departure of Bus Shuttle from Park Plaza Hotel to the Palace of Justice	
09.00-10.00	International Cooperation: Mutual Legal Assistance and Extradition within the EU, with non-EU MS and International Courts – Theoretical and Practical Considerations <ul style="list-style-type: none"> • <i>EU convention 2000 on mutual assistance in criminal matters between the EU Member States</i> • <i>European Arrest Warrant</i> • <i>European Investigation Order</i> • <i>Joint Investigation Teams</i> • <i>Torture Convention</i> • <i>Extradition</i> • <i>Establishing ad hoc cooperation</i> • <i>Eurojust</i> • <i>Europol</i> • <i>EASO and 1F Exclusion Network</i> • <i>Cooperation with NGOs and International Actors (UN, ICRC)</i> 	Christine GÖDL Department of International Law, Ministry of Justice, Austria <u>Structure:</u> 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).
10.00-10.30	The Role of the Genocide Network Secretariat (GNS) in Supporting and Assisting Investigations and Prosecutions of Core International Crimes	Matevž PEZDIRC Head of the Genocide Network Secretariat, Eurojust, The Netherlands
10.30-11.00	Coffee Break	
11.00-12.30	Moot Court: <ul style="list-style-type: none"> • <i>Opening of the session by the Chamber</i> • <i>Oral arguments by the Prosecution</i> • <i>Oral arguments by the Defence</i> 	Participants and moderators/speakers: Christine GÖDL Ray MURPHY Maarten VAN DER VLUGT

12.30-13.00	<ul style="list-style-type: none"> • <i>Deliberation by the Chamber</i> 	Maxine Marcus
	Knowledge Assessment, Evaluation and Closing Words	Alina SECRIERU , Project Manager, (EJTN), Brussels, Belgium Matevz PEZDIRC Head of the Genocide Network Secretariat, Eurojust, The Netherlands
	Departure of participants and end of Day 3	
13.00	Optional Visit of the Exhibition ‘Memorium Nuremberg Trials’ <i>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.</i>	Optional programme for participants with late flights or extending their stay in Nuremberg. <u>NB:</u> Costs incurred with late departure in order to attend this event <u>will not be reimbursed</u> by the EJTN. <u>Address:</u> Palace of Justice, Bärenschanzstraße 72, 90429 Nuremberg <u>Fee:</u> 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

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