



## PROGRAM

ICLN Annual Conference 2003

# THE COMPLEMENTARITY REGIME OF THE ICC

17-19 December 2003

Peace Palace, The Hague, The Netherlands



*Including sessions on:*  
Evidence and Forensics  
International legal Cooperation  
Defence Lawyer's point of view on complementarity



Supported by the Netherlands Ministry of Foreign Affairs

## COMPLEMENTARITY IN THE ICC REGIME – PEACE PALACE

DECEMBER 17- 18: THE COMPLEMENTARITY REGIME OF THE ICC



DECEMBER 19: 3 BREAK-OUT SESSIONS – NETHERLANDS CONGRESS CENTRE

### Session 1

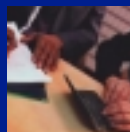
Evidence & Forensics



Netherlands Forensic  
Institute

### Session 2

International Legal  
Assistance



Vera Institute of Justice and  
Center for International  
Legal Cooperation

### Session 3

Defence Lawyer's  
point of view on  
complementarity



International  
Criminal Bar

## *Personal statements on the International Criminal Court*

I believe, as you do, that the creation of the ICC represents a critical milestone in the evolution of the international human rights law. The European Union strongly supports the ICC. The Principles of the Rome Statute, as well as those governing the court, are fully in line with the principles and objectives of the Union.

**Chris Patten**, EU  
Commissioner on External  
Affairs

I know that the worst-case analysis of this is that American soldiers could be subject to whimsical or politically motivated charges, but the honest truth is, the United States intends to operate under international law. We helped to build international law. And we've got to find a way to work with this court and bring it around and make whatever modifications need to be made to it.

**Wesley K. Clark**, United States  
presidential candidate and  
former NATO Supreme  
Commander

Complementarity is a cornerstone of the system created by the Rome Statute. Complementarity gives States the primary responsibility for prosecuting international crimes. The ICC will only intervene where States are unwilling or unable genuinely to investigate or to prosecute. For complementarity to function it is imperative that States introduce legislation prohibiting genocide, crimes against humanity and war crimes.

**Phillipe Kirsch**, President of  
the International Criminal  
Court

THE CURRENT STATUS OF THE INTERNATIONAL CRIMINAL COURT

- 9.00 **Registration and coffee**
- 9.30 **Introduction of the Conference**  
*Chair: Roy S. Lee, Colombia Law School, former Executive Secretary of the Rome Conference*
- 9.45 **The ICC, the EU and the Rule of International Law**  
*Piet Hein Donner, Minister of Justice, The Netherlands*
- 10.15 **The Challenges Facing the International Criminal Court**  
*Elizabeth Odio Benito, Second Vice-President of the International Criminal Court*
- 10.45 **Questions and answers**
- 11.00 *Break*
- 11.30 **Complementarity in practice**  
*Luis Moreno Ocampo, Chief Prosecutor of the International Criminal Court*
- 12.00 **The ICC and its relation to military peacekeeping missions**  
*Debate between the audience, the speakers and invited Permanent Representatives to the United Nations.*
- 12.30 **Questions and answers**
- 12.45 *Lunch*

THE FRAMEWORK OF COMPLEMENTARITY

- 13.45 **The Complementarity Regime of the ICC**  
*Mauro Politi, Judge of the International Criminal Court*
- 14.15 **Statement on the process of negotiations on Article 17**  
*John T. Holmes, former Director of the UN Criminal and Treaty Law Division, Canadian Ambassador in Jordan*
- 14.45 **Questions and answers**
- 15.00 *Break*
- 15.30 **International lawyer's reflections on the legal standards contained in Article 17**  
*Michail Wladimiroff, International Lawyer*
- 16.00 **Broader implications of the system of complementarity**  
*Elizabeth Wilmshurst, Former Deputy Legal Adviser to the Foreign and Commonwealth Office, United Kingdom*
- 16.30 **Panel discussion:**  
**Prospects for the functioning of the ICC in light of complementarity**  
Introduced and chaired by: **William R. Pace, Convenor of the CICC**
- 17.30 **Reception at the Entrance Hall of the Peace Palace**  
Hosted by the Municipality of The Hague



*Entrance hall of the Peace Palace*

COMPLEMENTARITY IN DETAIL: THE PROSECUTION'S PERSPECTIVE

- 9.00 **Overview of the challenges for the prosecution relevant to complementarity**  
*Silvia Fernandez de Gurmendi, Chef de Cabinet, Office of the Prosecutor, International Criminal Court*
- 9.30 **Fact finding, fact analysis and challenges for the prosecution deriving from Article 17**  
*Xabier Agirre, Strategic Analyst, International Criminal Tribunal for the former Yugoslavia*
- 10.00 **The powers of the Prosecutor at the preliminary examination stage**  
*Håkon Friman, Legal Expert Ministry of Justice, Division for Criminal Law Sweden, Member of the Swedish Delegation on the International Criminal Court*
- 10.30 *Questions and answers*
- 10.45 *Break*
- 11.00 **Investigation: role and reliability of non-state parties**  
*Klaus Räckwitz, Senior Info and Evidence Adviser – International Criminal Court*
- 11.30 **Responding to situations: requirements in achieving rapid investigative response in light of victims and witnesses**  
*Carla Ferstman, Director Redress, member of the Council of the International Criminal Bar*
- 12.00 **Final Reflections on the Complementarity Regime**  
*Morten Bergsmo, Senior Legal Adviser – International Law, International Criminal Court*
- 12.30 *Questions and answers*
- 12.45 *Lunch*

COMPLEMENTARITY IN DETAIL: THE NATIONAL PERSPECTIVE

- 14.00 **Implementation of the Rome Statute: Making the national criminal justice system able in-law**  
*Daniel Nsereko, Professor of International Law, University of Botswana, member of the Ugandan delegation of the Assembly of States Parties*
- 14.30 **Obligations to render cooperation and judicial assistance, and the importance of the privileges and immunities agreement**  
*Christopher Hall, Legal Advisor, Amnesty International*
- 15.00 **Part 3 of the Rome Statute, General Principles of criminal law concurring with such principles of criminal law in domestic legal systems?**  
*Otto Triffterer, Professor of Law, University of Salzburg*
- 15.30 *Questions and answers*
- 16.00 *Break*
- 16.15 **Truth and reconciliation commissions and the determination of genuine ability and willingness to carry out an investigation or prosecution**  
*John Dugard, Professor of International Law, University of Leiden, Member of the International Law Commission*
- 16.45 **Prosecution of war crimes in the Former Yugoslavia: issues of cooperation and judicial assistance**  
*Giovanni Grasso, Vice President, State Court on Human Rights, Bosnia Herzegovina*
- 17.15 *Questions and answers*
- 19.00 **Joint dinner in the Steigenberger Kurhaus Hotel (optional)**



'The Kurhaus'

# SESSION 1



## FORENSIC EVIDENCE AND THE ICC: FROM PHYSICAL TRACE TO INDICTMENT

**9.30 Session opening by chair**

*Ton Broeders, Chief Scientist, Netherlands Forensic Institute*

**9.35 Collecting evidence for the ICTY: forensic anthropology in Kosovo**

*George Maat, Professor of Anatomy & Forensic Anthropology, Leiden University Medical Centre & Netherlands Forensic Institute*

**10.05 ICC Rules of Procedure and forensic expertise**

*Klaus Räckwitz, Senior Info and Evidence Adviser – International Criminal Court*

**10.35 Questions and answers**

**10.45 Break**

**11.05 Expanding Forensic Science Horizons**

*Angela Gallop, Chief executive, Forensic Alliance Limited, United Kingdom*

**11.35 The reliability of evidence: can forensic evidence be decisive proof?**

*Ton Broeders, Chief Scientist, Netherlands Forensic Institute*

**12.05 Questions and answers**

**12.30 Lunch**

**13:30 New developments in forensic expertise**

*Three contributions from the Netherlands Forensic Institute*

- **Quick Response Team – Peter de Bruyn**
- **3D-visualisation – Jurrien Bijhold**
- **Biometrics – Arnout Ruifrok**

**14.15 Workshop: criteria for forensic evidence with special reference to the International Criminal Court**

*Experts from:*

- **Netherlands Forensic Institute**
- **Forensic Alliance Limited, United Kingdom**
- **International Criminal Court**

**15.30 Break**

**15.50 Continue workshop**

**17.15 Closure and drinks**



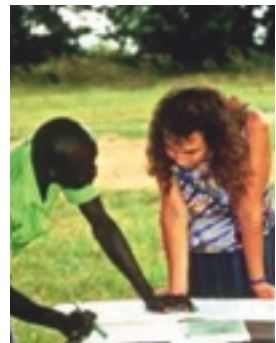
Friday 19 December 2003

## SESSION 2



### INTERNATIONAL SUPPORT FOR NATIONAL LEGAL REFORM

- 9.00 Opening by the co-chairs**  
*Christopher Stone, Director of the Vera Institute of Justice*  
*Kees Kouwenaar, Director of the Center for International Legal Cooperation*
- 9.45 Managing justice sector reform: the case of Vietnam**  
*Eric Vincken, Senior Project Manager & Consultant at CILC*
- 10.05 Do's and don'ts in legal reform projects: speaking from experience**  
*Jean Jacques Heintz, President of the Tribunal de Grande Instance Mulhouse, former deputy registrar of the ICTY*
- 10.25 Discussion**
- 10.55 Break**
- 11.15 Model legislation: a tool for regional cooperation in national legal reform**  
*W.B. Simons, Director of the Institute of East European Law & Russian Studies*
- 11.35 Managing legal reform projects: the case of Georgia**  
*Abdeljalil Taktak, Senior Project Manager & Consultant at CILC*
- 11.55 Discussion**
- 12.30 Lunch**
- 13.30 Demonstration projects as a tool for institutional reform: examples from Russia and Nigeria**  
*Innocent Chukwuma, Director of the Centre for Law Enforcement Education of Nigeria*  
*Todd Foglesong, Senior Associate at Vera and former Director of the Centre for Justice Assistance, Moscow*
- 14.20 Discussion**
- 14.45 Break**
- 15.00 The challenges of sector-wide strategies and the role of domestic NGO's**  
*Speakers invited from the British Department for International Development and EuropeAid*
- 15.40 Discussion**
- 16.00 Closing sessions: reflections from the co-chairs and concluding discussion**  
*Christopher Stone, Director of the Vera Institute of Justice*  
*Kees Kouwenaar, Director of the Center for International Legal Cooperation*



## SESSION 3



### A LAWYER'S VIEW ON COMPLEMENTARITY

- 9.30 Introduction**  
*Michail Wladimiroff, International Lawyer, President of ICLN*
- 9.45 Complementarity: the national perspective**  
*Gerard Strijards, Professor of International Criminal Law, University of Groningen, Senior Legal Advisor Netherlands High Prosecutorial Office*
- 11.00 Break**
- 11.15 Role of the defence counsel in arrest and surrender**  
*Geert Jan Knoops, International Criminal Lawyer, Professor of Criminal Law, University of Utrecht*
- 12.30 Lunch**
- 13.30 Challenging the jurisdiction of the Court**  
*Stephan Kay QC, Barrister, Amicus Curiae in the Milosevic Case*
- 14.30 Investigation and pre-trial**  
*Rodney Dixon / Stephane Bourgon, Defence Council ICTY*
- 15.30 Break**
- 15.45 (Inter)national strategies for lawyers towards complementarity**  
*Carla Ferstmann, Director Redress, member of the council of the International Criminal Bar, United Kingdom*
- 16.30 Addressing practical issues relating to the assignment of the defence counsel**  
*Esteban Peralta Lossilla, Coordinator Defence Counsel, International Criminal Court*
- 17.15 Closure and drink**



## Information & Conditions

### Date, Venue & Language

The conference will run from Wednesday 17th of December until Friday 19th of December 2003. The venue for the conference will be the Peace Palace, Carnegieplein 2, The Hague. The sessions at the 19th of December will take place at the Netherlands Conference Centre (NCC) For more information on the venues please visit [www.vredespaleis.nl](http://www.vredespaleis.nl), or [www.congresscentre.nl](http://www.congresscentre.nl). The conference, as well as all documentation, will be in English..

### Hotels

Park Hotel \*\*\*\*  
Molenstraat 53  
2513 BJ The Hague  
Tel: +31-70-362 43 71  
Single room € 115,-

Delta Hotel\*\*\*  
Anno Paulownastraat 8  
2518 BE The Hague  
Tel.: +31-70-362 49 99  
Single room € 70,-

Strandhotel\*\*\*  
Gevers Deynootweg 1344  
2586 JJ Scheveningen  
Tel.: +31-70-354 01 93  
Single room € 80,-

Hotel Sebel\*\*  
Zoutmanstraat 40  
2518 GR The Hague  
Tel.: +31-70-3459200  
Single room € 65

### Registration procedure

All persons who wish to participate in the conference must register in advance. Participants are requested to complete the enclosed registration form and return it to Science Alliance by fax or regular mail. Each participant should use a separate form. A letter of confirmation and an invoice will be sent upon receipt of the registration form. Registrations can only be made for the complete conference program. Upon registration participants shall indicate their preference with regard to the sessions of the third day.

### Registration

The registration fee for participation in the conference is € 695,- for members of ICLN. The registration fee for non- ICLN members is € 795,-. Members of the International Association of Prosecutors and the International Criminal Bar have a discounted rate of € 745,-. The fee includes admittance to the conference and the reception as well as extended conference documents, lunches and refreshments (all amounts excluding 19% VAT)

**On behalf of Netherlands Ministry of Foreign Affairs ICLN offers a special discount rate for residents from countries listed in the United Nations List of Least Developed Countries (LDC). The price is € 195 for ICLN members and € 295 for non-members. For more information regarding the list of LDC's please visit [www.un.org/ohrls](http://www.un.org/ohrls)**

### Conditions of registration and payment

The registration form constitutes a legally binding agreement, which obliges persons who register to pay the stated amounts and the non-revocable administration fee of € 95,-. Payment must be made and received in full, prior to the event. Participation in the conference requires payment. The organisation cannot be held responsible for the non-arrival of registration information. If you have not received a confirmation of your registration 14 days after you made the registration, please contact the secretariat. NB: CHEQUES WILL NOT BE ACCEPTED.

### Cancellations and non-attendance

Cancellations made in writing before Monday the 27th of November will be accepted. In this case the obligation to pay is lifted, and if payment has already been made the money will be refunded, albeit minus an administrative charge of € 95, (excl. 19% VAT). Cancellations made after the 27th of November or non-attendance of the event, for whatever reason, DO NOT revoke the obligation to pay the registration fees, and thus no refunds will be made. However, ICLN welcomes substitute delegates if the secretariat is notified prior to the conference.

### Visa

The organisation does not arrange visa. We advise you to arrange visa at least five weeks prior to departure.

### Travel information

Directions to the Peace Palace:

Public transport: tram 17, bus 4 (Central Station); tram 8 (Station "Hollands Spoor")

By car: follow the "VREDESPALEIS" signs.

Directions to the Netherlands Congress Centre

Public transport same as Peace Palace, later stop

For more information, visit [www.congresscentre.nl](http://www.congresscentre.nl)

### Insurance

The organisation does not accept any liability for personal injuries or for loss and/or damage to the personal belongings of the participants, either during or as a result of the conference.

### Contact

For further information on the conditions or any queries you might have please contact the organization:

Science Alliance

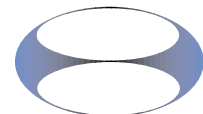
Ms Helian Ophorst – Conference manager

Koninginnegracht 22, 2514 AB The Hague

Tel.: +31-70 3588060

Fax: +31-70 3584475

Email: [h.ophorst@science-alliance.nl](mailto:h.ophorst@science-alliance.nl)



SCIENCE ALLIANCE

*Netwerken in wetenschap, onderzoek en advies*