

International Criminal Law in Practice

2003

A TRAINING COURSE FOR LEGAL PROFESSIONALS
FOCUSING ON THE INTERNATIONAL CRIMINAL COURT

16-20 June 2003
The Hague, The Netherlands



in cooperation with:



*International Association
of Prosecutors*



SCIENCE ALLIANCE
Networking in Science, Research & Consultancy



*International Criminal
Defence Attorney Association*



Salzburg Law School
on International Criminal Law

Introduction & Outline

The establishment of the International Criminal Court in July 2002 has sparked a revolution in the prosecution of human rights violators. Since then, developments have been rapid and comprehensive. Judges have been elected and installed, a prosecutor is in the process of being elected, rules of procedure and evidence have been set, elements of crimes have been agreed upon and numerous other unprecedented processes have taken place.

The training course *International Criminal Law in Practice* will focus on these developments and how they shape the practice of the International Criminal Court. Participants will gain theoretical knowledge on the regime of the ICC, and the day-to-day practical implications of this framework. Not merely providing an academic debate, the training will provide a balanced mix of theory and practice. International academic experts and renowned practitioners from various backgrounds will communicate their latest expertise.

International Criminal Law Network

People with an interest in *international criminal law* are invited to become a member of ICLN for € 95,- a year. 275 persons decided to join ICLN during the first 11 months of its existence. Member services include:

- Discounts on conferences and courses of ICLN and its partners
- Monthly newsletter, including calendar of activities
- Free entrance at *1st Wednesday*, the monthly networking event
- Reductions on recent literature and publications
- Annual Membership Directory

ICLN Advisory Board

- Prof. Antonio Cassese
- Mr. Wim Deetman
- Prof. John Dugard
- Prof. Roy Lee
- Prof. Gerard Strijards
- Prof. Otto Triffterer
- Prof. Michail Wladimiroff



ICC judges, 11 March 2003

Certificate and educational credits

All participants who finish the 5 day training course will be awarded a certificate. For Dutch Lawyers: participation in this training course provides educational credits on the basis of "Besluit Aanmerken als Opleiding" in light of the "Permanente Opleiding Advocatuur". For more information please contact the Netherlands Bar Association, ms. F van der Grinten.

ICLN's Mission

Facilitating professional and social interaction between academics, policymakers and legal professionals in international criminal law

Contact

Koninginnegracht 22
2514 AB - The Hague
The Netherlands
email: info@icln.net
website: www.icln.net
T: +31 70 362 65 79
F: +31 70 362 97 68

Monday 16th of June 2003

STATE OF THE ART: ADVANCED INTRODUCTION INTO THE ICC REGIME

- 9:00 *Registration*
- 9:30 *Word of Welcome*
Michail Wladimiroff, Counsellor in (International) Criminal Law, former Amicus Curiae in the Milosevic Case, former Professor of Economic Criminal Law, President of ICLN
- 9:45 *The Framework for International Legal Cooperation, and new national jurisdictions*
Antonio Cassese, Professor of International Law, University of Florence, Former President of the ICTY
- 11:15 *Break – coffeeltea*
- 11:30 *Some remarks on the use of ICTY and ICTR jurisprudence*
Morten Bergsmo, Senior Legal Adviser “International Law”, International Criminal Court
- 12:45 *Lunch*

NATIONAL COMPETENCES AFTER THE ESTABLISHMENT OF THE ICC

- 13:45 *Implementation of the Rome Statute: developing necessary national competences and capacities: Common Law vs Civil Law perspective*
Common Law: *Roy Lee*, executive secretary Rome Conference, Professor of International Law, Columbia law School, New York
Civil Law:
- 15:15 *Break – coffeeltea*
- 15:30 *National experiences with universal jurisdiction: the Belgian case*
Christine van den Wijngaert, Professor of International Law, University of Antwerp. Ad Hoc Judge on the ICJ Congo vs Belgium case
- 16:30 *Implications of truth commissions on the prosecution*
John Dugard, Professor of International Law, Leiden University, member of the International Law Commission
- 17:30 *End of day I*
- 18:00 *ICLN Annual Reception in ‘Sociëteit De Witte’,*
keynote: *Phillipe Kirsch*, President ICC



Tuesday 17th of June 2003

EVIDENCE & INVESTIGATIONS

09:00 *Investigations in war-torn areas: evidence gathering, witnesses and the position of external parties*
Maxwell Nkole, First Commander of Investigations ICTR

10:45 *Break – coffeeltea*

11:00 *The selection of evidence: efficient investigations in a world-wide context*
Xabier Aguirre, Strategic Analyst ICTY



12:00 *Interpretation of forensic evidence in a legal investigation*
Jose P. Baraybar, Head of UNMIK Office on Missing Persons and Forensics, Kosovo
Andrew Cayley, Senior Trial Attorney ICTY

13:15 *Lunch*

ELEMENTS OF CRIMES AND STRATEGIC ISSUES

14:15 *Elements of Crimes: definition, strategic issues and the impact of the Ad Hoc Tribunals – Genocide & Crimes against Humanity*
William Schabas, director Irish Centre for Human Rights, University College Galway, Ireland

15:45 *Break – coffeeltea*

16:00 *Elements of Crimes: definition, strategic issues and the impact of the ad hoc Tribunals – War crimes*
Horst Fischer, Professor of International Humanitarian Law at the Universities of Leiden and Bochum.

17:30 *End of day II*



Wednesday 18th of June

THE ICC IN PRACTICE

Prosecution Perspective

Defence Perspective

Rules of procedure and evidence

Daryl Mundis, Legal Officer, OTP, ICTY

9:00

Defence counsel: codes of conduct and the role of the ICB and ICDA

Jeroen Brouwer, International Criminal Bar Advance Team

Break – coffeeltea

10:30

Break – coffeeltea

The ICC prosecutor and the selection of cases

Morten Bergsmo

10:45

Freedom of choice of defence counsel: the effect of a list

Sam Muller, coordinator ICC advance team

Lunch

12:15

Lunch

Complementarity and issues for the prosecution: admissibility, referral

Gerard Strijards, Professor of International Criminal Law, University of Groningen, senior legal adviser Dutch High Prosecutorial Office

13:15

Complementarity admissibility and referral: defence perspective

Otto Triffterer, Professor of International Criminal Law Salzburg Law School

Break – coffeeltea

14:30

Break – coffeeltea

Pre-trial management: disclosure

Pieter Kruger, Legal Officer, OTP, ICTY

14:45

Defence policies and strategic issues for defence counsel: negotiating with the prosecution and presenting evidence and witnesses

Stephen Kay QC, Barrister, Amicus Curiae in the Milosevic Case

Break – coffeeltea

16:00

Break – coffeeltea

Complementarity and its reasons to take into account national legal traditions in ICC proceedings

Phakiso Mochochoko, Legal Adviser Advance Team ICC, chairman of working group on international judicial cooperation

16:15

Dealing with disclosed evidence: approaches and tactics

Michail Wladimiroff

End of day III

17:45

End of day III

19:00

Thursday 19th of June

THE ICC IN PRACTICE

Prosecution Perspective

Witnesses protection and reparation of victims

Barbara Liliane Ott, Military Prosecutor Switzerland

Break – coffeel/tea

The principle of criminal liability (individual and command responsibility)

Bill Fenrick, Senior Legal Adviser ICTY

Break – coffeel/tea

African perspectives on universal jurisdiction for international crimes

Evelyn Ankumah, Executive Director Africa Legal Aid

Lunch

9:00

10:15

10:30

11:45

12:00

13:15

Defence Perspective

The principle of criminal liability (individual and command responsibility)

Bill Fenrick, Senior Legal Adviser ICTY

Break – coffeel/tea

Defences and Immunities before the ICC: Mental disease and intoxication

Geert Jan Knoops, Defence Counsellor, Professor of International Criminal Law, Utrecht University

Break – coffeel/tea

Defences and Immunities before the ICC: Self-defence, necessity, and duress

Stéphane Bourgon, Defence Counsel ICTY

Lunch

PREPARATION SIMULATION EXERCISE

14:15 **Introduction of the exercise & coaches of the participants**

Moderator

Roy Lee

Coach Judges

Andrew Cayley, ICTY

Coach Prosecutor

Daryl Mundis, ICTY

Coach Defence Counsel

Otto Triffterer

Coach Victims Counsel

Barbara Liliane Ott

15:00 **Break – coffeel/tea**

15:15 **Preparation of the exercise**

17:30 **End of Day IV**



President Kirsch's inauguration

Friday 20th of June

SIMULATION EXERCISE:
A HYPOTHETICAL CASE BEFORE THE INTERNATIONAL CRIMINAL COURT
DEVELOPED BY PROF. R.S. LEE, COLUMBIA LAW SCHOOL

09:00	<i>Last preparation Exercise</i>
09:30	<i>Begin Simulation Exercise</i>
11:00	<i>Coffee break</i>
11:15	<i>Resume Exercise</i>
12:30	<i>Lunch</i>
13:30	<i>Resume Exercise</i>
15:00	<i>Coffee break</i>
15:15	<i>Resume Exercise</i>
17:00	<i>Closing Remarks / Distribution of Certificates / Evaluation</i>
17:30	<i>Closing Reception</i>



Every participant in the course will receive a framed drawing of the Milosevic Case, by Norman MacDonald

The simulation exercise will be a hypothetical ICC case involving jurisdiction issues, interpretation of United Nations resolutions and bilateral agreements, and application of war crimes and crimes against humanity. Participants will act as either Judges, Prosecutors, Defence Counsel or Victims Counsel in arguing the issues involved. Relevant materials will be distributed in advance to facilitate preparation.

The simulation exercise is developed and conducted by Professor Roy S. Lee, Executive Secretary of the Rome Conference, Professor of International Law at Columbia Law School.

A different simulation exercise developed by Professor Lee at the previous ICLN training course was evaluated with an 8.5 (to a scale of 1 to 10), and was highly appreciated for its interactive nature.



Information & Conditions

Date, Venue & Language

The course will run from Monday 16th of June till Friday 20th of June 2003. The venue for the training course will be the Netherlands Congress Centre, Churchillplein 10, The Hague. For more information on the venue please visit www.congresscentre.nl. The course will be taught in English. All documents will also be provided in English.

Hotels

Park Hotel ****
Molenstraat 53
2513 BJ The Hague
Tel: +31-70-362 24 73
Single room € 115,- / Double € 145,-

Delta Hotel***
Anno Paulownastraat 8
2518 BE The Hague
Tel.: +31-70-362 49 99
Single room € 65,-

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

More information is available at: www.accomline.com, or via ICLN at info@icln.net

Registration procedure

All persons who wish to participate in the course 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. Alternatively, participants may register via the website of ICLN, www@icln.net. Registrations can only be made for the complete course program. Upon registration participants shall indicate their preference with regard to the separate sessions, either prosecution or defence perspective. In addition, participants choose a group for the simulation exercise, either prosecution, judges, defence or victims council.

Registration fee (all amounts excluding 19% VAT)

The registration fee for participation in the course is €1095,-. The registration fee for ICLN members is € 975,- and members of IAP and ICDA have a discounted rate of € 1045,-. The fee includes admittance to the course and ICLN annual reception as well as extended course documents, lunches and refreshments. The capacity of the course is limited.

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 course 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, or 14 days prior to the course, contact the secretariat.

Cancellations

Cancellations made in writing before Monday the 2nd of June 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 2nd of June, 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 course.

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 course.

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



SCIENCE ALLIANCE
Networking in Science, Research & Consultancy