

In 2018, the international criminal justice community commemorates 20 years of the adoption of the Rome Statute of the International Criminal Court. Building on his participation at the Rome Conference in 1998, the late Professor Otto Triffterer founded the Salzburg Law School on International Criminal Law, Humanitarian Law and Human Rights Law (SLS), which held its 20th Anniversary Session this August. To celebrate both occasions, SLS will convene a 'Twentieth Anniversary Symposium: The Sound of ICL' in Salzburg on 18 and 19 October 2018. Organized in cooperation with the Austrian Federal Ministry of Foreign Affairs, the Symposium is one of the official 20th anniversary celebration events of the Austrian EU Presidency.

## **DRAFT**

### **Twentieth Anniversary Symposium: The Sound of ICL**

#### **THURSDAY, 18 October 2018**

09.30 – 10.00 Coffee & Registration

10.00 – 10.30 Opening & Welcome

**Dr. Astrid Reisinger Coracini**, Director of the Salzburg Law School on International Criminal Law, Humanitarian Law and Human Rights Law

**Prof. DDr. DDr.h.c. Johannes Michael Rainer**, Dean of the Law Faculty, University of Salzburg

**Dr. Konrad Bühler**, Director, Department for International Law, Austrian Federal Ministry for Europe, Integration and Foreign Affairs

**Prof. Dr. Kurt Schmoller**, Professor of Criminal Law and Criminal Procedure, University of Salzburg

**Mr. Tobias Triffterer**, Executive Director of the Salzburg Law School on International Criminal Law, Humanitarian Law and Human Rights Law (1999-2004)

10.30 – 12.30 First Session: From Rome to The Hague

*Of constructive ambiguities and 'diplomatic mules': Codification and application of the Rome Statute of the International Criminal Court*

Session chair: **Dr. Astrid Reisinger Coracini**

**Prof. Roger Clark**, Board of Governors Professor, Rutgers University School of Law; member of the Samoan delegation at the Rome Conference

**Judge Silvia Fernández de Gurmendi**, Former Judge and President of the International Criminal Court; member of the Argentine delegation at the Rome Conference

**Prof. Gerhard Hafner**, Emeritus Professor of International Law, University of Vienna; member of the Austrian delegation at the Rome Conference

**Prof. Charles Garraway**, Fellow, Human Rights Centre, University of Essex; Former Vice President, International Humanitarian Fact-finding Commission; member of the UK delegation at the Rome Conference

***Additional speaker pending confirmation***

12.30 – 13.30 Lunch

13.30 – 15.30 Second Session: The Dogmatic Foundations of ICL

*International criminal law, a branch of international law, the subject of which is criminal law*

Session chair: **Prof. Roger Clark**

- ***International core and treaty crimes revisited – Links between transnational organized crimes and corruption and crimes under international law***

**Ms. Candice Welsch**, Chief, Implementation Support Section, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime

- ***Judicial law-making and the clash of legal cultures in substantive international criminal law***

**Prof. Elies Van Sliedregt**, Professor of International and Comparative Criminal Law, University of Leeds

- ***Unfit for Purpose! Prosecuting hate propagandists before international criminal courts and tribunals and the element of causality saga***

**Prof. Mohamed Elewa Badar**, Professor of Comparative and International Criminal Law and Islamic Law, Northumbria University, Newcastle, UK

- ***Responsibility of commanders and the role of general principles to determine individual guilt***

**Dr. David Donat Cattin**, Secretary-General, Parliamentarians for Global Action; Clinical Assistant Adjunct Professor, Center for Global Affairs, New York University; member of the ELSA delegation at the Rome Conference

15.30 – 16.00 Coffee Break

16.00 – 18.00 Third Session: Immunities

*Only one word of those in power would have been enough to end all atrocities.*

Session chair: **Prof. Kirsten Schmalenbach**, Professor of International Law, University of Salzburg

- ***The origins of the irrelevance of official capacity in the ‘public arraignment of Kaiser Wilhelm II’***

**Prof. William A. Schabas**, OC MRJA, Professor of International Law, School of Law, Middlesex University, Professor of International Criminal Law and Human Rights, Leiden University; delegate of the International Centre for the Reform of Criminal Law at the Rome Conference and member of the Steering Committee, NGO Coalition for the Establishment of an ICC

- ***Exception to the customary law rule on head of state immunity***

**Judge Daniel N. Nsereko**, Judge at the Special Tribunal for Lebanon; Former Judge at the International Criminal Court; Professor of Law, University of Botswana at Gaborone; Expert Consultant to the NGO Coalition for the Establishment of International Criminal Court (CICC) at the Rome Conference

- ***The impact of Security Council referrals on the law of inter-state immunities***

**Prof. Flavia Lattanzi**, Professor of International Law, LUISS-Guido Carli University Rome; former ICTR and ICTY Judge; member of the Italian delegation at the Rome Conference

- ***Legal and policy considerations against the removal of Head of State immunity via Security Council Resolution***

**Mr. Manuel Ventura**, Associate Legal Officer, Chambers, Special Tribunal for Lebanon

**19.30 Conference Dinner** upon invitation of the Austrian Federal Minister for Europe, Integration and Foreign Affairs, Dr. Karin Kneissl

## **FRIDAY, 19 October 2018**

9.30 – 11.00 Fourth Session: Jurisdiction

*A permanent international criminal court exercising the ius puniendi of the international community as a whole*

Session Chair: **Prof. Gerhard Hafner**

- ***Samaritans and Judges? Reassessing the Legacy of Jean Pictet***

**Dr. Page Wilson**, Senior Lecturer, University of Iceland

- ***From Rome to Kampala and beyond: The Court's activated jurisdiction over the crime of aggression***

**Prof. Don Ferencz**, Convenor, The Global Institute for the Prevention of Aggression; Visiting Professor, School of Law, Middlesex University; Research Associate, Oxford University Faculty of Law Centre for Criminology

- ***The ICC's exercise of jurisdiction on the basis of territoriality: possibilities and limits***

**Ms. Eleni Chaitidou**, Legal Officer at the Pre-Trial and Trial Divisions, ICC

- ***A prudential, policy-based approach to the investigation of nationals of non-states parties***

**Mr. Steven W. Kay Q.C.**, International criminal lawyer, 9 Bedford Row

11.00 – 11.30 Coffee Break

11.30 – 13.00 Fifth Session: Prosecution

*To put an end to impunity for the perpetrators of the most serious crimes of concern to the international community as a whole and thus to contribute to the prevention of such crimes.*

Session Chair: **Prof. Don Ferencz**

- ***Prosecutorial strategies to enhance the efficiency and effectiveness of international prosecutions***

**Mr. Pubudu Sachithanandan**, Senior Trial Attorney, Office of the Prosecutor, International Criminal Court

- ***The Path to Gender Justice: ICC Prosecutions of Sexual and Gender-Based crimes***

**Dr. Yassin Brunger**, Lecturer in Human Rights Law, Queens University of Belfast

- ***Judicial Control over Prosecutorial Discretion in the Rome Statute***

**Dr. Triestino Mariniello**, Senior Lecturer in Law, Director of the Research Unit in "International Justice and Human Rights", Department of Law and Criminology, Edge Hill University, UK

- ***Justice for Hedgehogs or Justice for Foxes?***

**Dr. Maria Varaki**, Lecturer in International Law, Kings College London, War Studies Department

13.00 – 14.00 Lunch

14.00 – 15.30 Sixth Session: Complementarity & Cooperation

*Horizontal and vertical relationships within a system of direct and indirect enforcement mechanisms*

Session chair: **Dr. Konrad Bühler**

- ***Dealing with non-cooperation with the ICC: Towards a holistic approach***

**Prof. Olympia Bekou**, Professor of Public International Law and Head, International Criminal Justice at Human Rights Law Centre, School of Law, University of Nottingham

- ***How to treat Withdrawal Syndrome: no easy fix for the ICC***

**Dr. Dov Jacobs**, Assistant Professor of International Law, Leiden University

- ***The African Union and International Criminal Law: Towards a Panafrican régime?***

**Prof. Philippe Ch.-A. Guillot**, Professor of International Relations French Air Force Academy

- ***Prosecuting past atrocities on national level – experiences in Bangladesh***

**Mr. Tapas Baul**, Barrister-at-Law, Prosecutor, International Crimes Tribunals, Bangladesh

15.30 – 16.00 Coffee Break

16.00 – 17.30 Seventh Session: Legitimacy

*Protecting the highest values of the international community as a whole, peace, security and the well-being of the world*

Session chair: **Prof. Anita Ušacka**, Judge of the International Criminal Court (2003-15)

- ***Juridical and historical functions of international criminal courts***

**Judge Raul Pangalangan**, Judge of the International Criminal Court; member of the drafting committee at the Rome Conference

- ***Legal limits of Security Council veto use in the face of atrocity crimes***

**Prof. Jennifer Trahan**, Clinical Professor, Center for Global Affairs, New York University; Chair, American Branch of the International Law Association, ICC Committee

- ***Towards a linguistic policy for the International Criminal Court?***

**Dr. Gleb Bogush**, Associate Professor of International Law, National Research University Higher School of Economics, Moscow

- ***Rethinking International Criminal Justice in the Context of Legitimacy: The Case of Bosnia and Herzegovina***

**Mr. Nedžad Smilagic**, National Legal Adviser for War Crimes and Rule of Law, Organization for Security and Co-operation in Europe, Mission to Bosnia and Herzegovina

17.30 – 18.00 Concluding Remarks

**Prof. Benjamin Ferencz**, A leading Nuremberg Prosecutor with continuous efforts to enhance international criminal law and its enforcement (via video message)

**Dr. Astrid Reisinger Coracini**

## **SATURDAY, 20 October 2018**

10.00 – 11.30 Walking tour

- ***A culture of remembrance (and ignorance) of Salzburg's national socialist past***

**Ms. Barbara Huber**, Mag.phil., MA, Department of History, University of Salzburg

Registration is required. To join the Twentieth Anniversary Symposium: The Sound of ICL, kindly register online <http://sfs.sbg.ac.at/registration> or email us [Salzburg\\_Law\\_School@sbg.ac.at](mailto:Salzburg_Law_School@sbg.ac.at).

For updates on the academic programme see <http://sfs.sbg.ac.at/alumni> or follow us at <https://www.facebook.com/SLS.ICL.IHL.HRL> and @Salzburg\_ICL.