

**INTERNATIONAL CRIMINAL COURT**

# **CHALLENGES FOR GLOBAL JUSTICE IN THE ASIAN CONTEXT**

Presented by:  
Singapore Management University  
(School of Law),  
The Kingdom of the Netherlands, and  
the Coalition for the International  
Criminal Court

**3 & 4 October 2018 | SMU School of Law SR 3.10**

# 02 Overview

Recognising the 20th anniversary of the Rome Statute, and the sixteenth operational year of the International Criminal Court, it is timely to review the achievements of international criminal justice and the challenges ahead.

International criminal law has become an established feature of public international law jurisprudence. International criminal trials have advanced the end to impunity, and the work of the ICC and the international tribunals before it have arguable satisfied many on the legitimate aims of vast victim communities. That said, the prosecution of global crimes has not been without criticism.

There is much interest across South East Asia in the sentiments expressed by the Preamble to the Rome statute. Not all nations have chosen to become member states of the ICC. The reasons for a somewhat uneven accession in Asia and the Pacific reflect differing attitudes to the most appropriate methods for addressing global crime. Even so there is general agreement that the aspirations for international criminal justice should be energetically advanced, perpetrators must not go unpunished, and victims need protection from harm.

8.00 -  
8.45 AM

*Registration &  
Coffee*

12.30 -  
1.45 PM

*Lunch*

9.00 -  
9.30 AM

*Welcome*

Dean, Law School, SMU -  
*Associate Professor Goh Yihan*

Message from The Ambassador of the  
Kingdom of the Netherlands,  
*Her Excellency Ms. Margriet Vonno*

1.45 -  
4.00 PM

*Session Three*

**Panel on Modes of Responsibility and Case Selection**

**Presentation 1 - *Fabricio Guariglia*** (Director of  
Prosecutions, Office of the Prosecutor, ICC)

*The Selection of Cases by the Office of the Prosecutor  
of the International Criminal Court'*

Discussing criteria for selection and  
prioritization of cases, including nature,  
impact, gravity and other relevant  
factors as laid down in OTP's case  
selection policy.

**Presentation 2 - *Professor Mark Findlay*** (SMU)

**Collective Modes of Liability in International Criminal Law**

Discussing secondary participation and  
collective responsibility (JCE, non-JCE  
membership, co-perpetration, command  
responsibility)

Moderator - *Nicholas Koumjian* (ECCC)

Commentators - *Cheah Wui Ling* (NUS)  
*Eliana Teresa Cusato* (NUS)

9.30 -  
11.00 AM

*Session One*

**Keynote Address - *Judge Chang-ho Chung***  
(Trial Division, International Criminal Court)

*'Achieving Efficiency and Effectiveness  
in the trial at the ICC'*

Moderator - *Professor Mark Findlay* (SMU)

Q&A

11.00 -  
11.15 AM

*Coffee Break*

11.15 AM -  
12.20PM

*Session Two*

**Panel on Jurisdiction and Admissibility**

**Presentation - *Rod Rastan***  
(Legal Advisor, Office of the Prosecutor, ICC)

*'Key developments in the ICC's jurisdiction  
and admissibility regime'*

The discussion will include recent developments at  
the ICC, including the recent jurisdictional ruling  
by a Pre-trial Chamber in relation to the *Rohingya*  
situation, as well as the article 15 request made by  
the OTP for authorization to investigate in the  
*Afghanistan* situation, and the recent litigation  
before the ICC Appeals Chamber in relation to  
head of state immunity in the *Bashir* case.

Moderator - *Ernesto Braam*  
(Embassy of the Netherlands)

Commentator - *TBA*

Q&A

9.00 –  
10.45 AM

*Session Five*

**Panel on International Co-operation and Mutual Legal Assistance in the Context of international/Transnational Crimes**

**Presentations** - *Lionel Yee* (Deputy Attorney General, AGC, Singapore)  
*Rod Rastan* (ICC)

Discussing general questions of International cooperation, problems with accession, and the domestication of international crimes, inter alia

Moderator – Professor Simon Chesterman (NUS)

Commentators – *Sashini Jayawardane* (Associate External Relations and Cooperation Officer, ICC Registry)

*Ryan Mitchell* (CUHK)

Q&A

1.15 –  
2.45 PM

*Session Seven*

**Panel on Legal, Evidentiary and Procedural Challenges for the Effective Prosecution of International Crimes**

**Presentation** - *Nick Koumjian*  
(International Co-Prosecutor, ECCC)

Moderator - *Lionel Yee* (AGC)

Commentators - *Judge Chung Chang-Ho* (ICC)  
*Fabricio Guariglia* (ICC)  
*Professor David Cohen*  
(Stanford University)

Q&A

2.45 –  
3.00 PM

*Closing Remarks*

12.15 –  
1.15 PM

*Light Lunch*

3.00–  
4.30 PM

*Drinks Reception*  
**Book Launch**

10.45 AM  
–  
12.15 PM

*Session Six*

**Roundtable: Rights, Responsibility and Redress for Victims of International Crimes**

Discussing the existing experience for victim redress in international and national mechanisms, as well as any special needs in Asia, and local capacity building

**Presentations** – *Usha Kulasegaran*  
(Bar Council Human Rights Committee/  
Malaysian Coalition for the ICC)

*Bhatara Ibnu Reza* (IMPARSIAL/  
Indonesian Coalition for the ICC)

*Beni Ye* (Open Society Justice Initiative)

Moderator – *Professor David Cohen*  
(Stanford University)

Commentator - *Ernesto Braam*  
(Embassy of the Netherlands)

Audience participation in the roundtable experience and suggestions for enhancing legitimate victim interests.



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Ministry of Foreign Affairs of the  
Netherlands

COALITION  
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