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Addendum*

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Annex III

Inauguration Ceremony

1. Roberto Bellelli, President of the Military Tribunal of Turin

Mister Undersecretaries of State to the Foreign Affairs and Justice, representatives of the Region, the Province and the City, mister Presidents and representatives of the UNICRI, the international and internationalized Tribunals, foreign and Italian authorities in the room, ladies and gentlemen,

It is an honour to welcome you all at the inauguration of this Conference on International Criminal Justice, so widely participated by delegations of States, International Organizations, judiciary, counsel, Academy and students.

I wish to sincerely thank you all for having responded so enthusiastically to the call for this Conference.

The Minister of Defence addresses you all his wishes for a fruitful work.

I wish to thank particularly all the Institutions and national, local and international Entities which contributed in a number of ways to making this Conference possible by answering with enthusiasm to its project. The joint efforts of all is representative of the shared reasons, principles and values on which international criminal justice is based upon.

The Turin Conference intends to represent a concrete high profile endeavour for promoting and advancing international instruments on peace and justice, in an institutional and democratic universal framework.

Turin is the natural venue for the Conference, as it is seat to important international institutions, as ILO (International Labour Organization), UNSSC (UN System Staff College) and, in particular, UNICRI (Interregional Institute for the Research on Crime and Justice) that, together with the Faculty of Law of the University of Turin, has established a Master in international criminal law.

The Conference aims at:

- (a) strengthening consensus among States and practitioners on international criminal justice, through the presentation in concrete terms of its principles, structure, and activities,
- (b) drawing from international Tribunals, and through the dialogue with some of the main experts in the field, the contributions of international criminal justice in particular over the last 10 years, as to facilitate the settlement of the Legacy of the Tribunals, that will close their activities in the next years,
- (c) contributing to the preparation of the Review Conference of the Rome Statute of the International Criminal Court, to be held in 2010, particularly with regard to the assessment of the results achieved in the elaboration of the definition of the crime of aggression.

To achieve these objectives, the Conference has been opened to all States, also with the participation of the most prominent representatives of all forms of international and internationalized criminal justice: the International Criminal Court (ICC), the international Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR), the Special Court for Sierra Leone (SCSL), the Extraordinary Chambers in the Courts of Cambodia (ECCC), the United

Nations Interim Administration Mission in Kosovo (UNMIK), and the War Crimes Chamber in Sarajevo (WCC).

Therefore, the Conference is articulated in a first part, dealing with the establishment and functioning of the Tribunals and of the International Criminal Court, indulging on the possible contents of the Review Conference of the Rome Statute. In particular, some of the most relevant political and legal issues emerged during the discussions for the elaboration of the definition of the crime of aggression will be dealt with in this segment.

The second part of the Conference will allow the Organs of international and internationalized criminal justice to directly present the good practices and case law which characterized the last ten years of their activities. This debate, also thanks to the contribution of scholars and other practitioners, will represent an useful basis for the consolidation of the experience of the international Tribunals.

The armed conflicts and authoritarian regimes which trouble contemporary history have determined and continue to cause unimaginable atrocities and sufferings to the civilian populations.

The violation of the apparently most elementary rules that humanity established to regulate the use of force by States, both during armed conflicts (international humanitarian law) and in time of peace (human rights), translates into the commission of the most serious crimes of concern to the international community as a whole.

The punishment of genocide, crimes against humanity and war crimes left to the action of States might lead to the impunity of those most responsible, because of the absence or weakness of the Rule of Law, or for domestic political reasons of the territorial or nationality State, or because they are exempted from national justice in order to maintain occasional international compromises.

The ascertainment of judicial truth for those most responsible for the most serious international crimes is an essential element in the social reconciliation process, needed to censure a lasting peace in a conflict area and, therefore, international peace and security.

In order to ensure the timely punishment of those most responsible for the most serious acts of genocide, crimes against humanity and war crimes, the international community has established over time various forms of super national criminal justice, the first experiences being the Tribunals of Nuremberg and Tokyo, established by the winning Powers of the World conflict.

Following or even during the most recent conflicts or serious and widespread violations of human rights, the United Nations intervened by establishing international criminal Tribunals or lending assistance to States, in order to allow the exercise of national jurisdictions.

With the international Tribunals for the former Yugoslavia (1993) and Rwanda (1994), it was chosen an international substitutive intervention, depriving those States having jurisdiction under ordinary criteria from the prosecution over those responsible for international crimes committed during those conflicts.

However, in other cases and depending on the rule of law situation in the interested States, resort was made to hybrid Tribunals, established by agreement with interested States and the UN, as for the Special Court for the Sierra Leone (2002), the Special Panels for the serious crimes committed in Timor Leste (2000), the Extraordinary Chambers in the Courts of Cambodia (2006).

Finally, other forms of internationalization of national justice were provided where a reduced international presence appeared to be sufficient to ensure compliance with appropriate standards of justice, as for the establishment of the War Crimes Chamber of Sarajevo (2004) or in the mixed panels in Kosovo (2000).

Common feature of all the said forms of international or internationalized jurisdiction is the establishment through a UN Security Council Resolution or negotiation between the UN and relevant States, in order to prosecute crimes committed on a limited territory and within a specific timeframe, and, as such intended to exhaust their activities over time.

With the 1998 Rome diplomatic conference for the establishment of an International Criminal Court, some 120 States decided to create a jurisdiction which, differently from the forms of international justice limited in time and space, has a permanent and theoretically universal nature.

The principle of complementarity allows the Court to step in to prosecute and punish those who bear the greatest responsibility for the most serious conducts of genocide, crimes against humanity or war crimes in any situation where the States Parties of the ICC or, upon decision of the Security Council, even a non-State Party are unwilling or unable to do justice at the national level. Since the ICC concretely began its activities (2002), its Prosecutor has already performed investigations and, in some instances, the Court even began trials in cases concerning the Democratic Republic of Congo, Uganda (both of them being States Parties), but also, upon UNSC decision, on Darfur/Sudan.

However, not only the temporal perspectives and the extension of jurisdiction have changed with the establishment of the ICC. Over all, for the first time an international judge has been established before the commission of the crimes falling under its jurisdiction, thus representing a deterrent against the commission and continuation of the crimes.

The UN Secretary General himself has recently acknowledged the first deterrent effects resulting from the action of the Office of the Prosecutor of the ICC.

Therefore, the shift from a perspective of an exclusively repressive role of the judiciary to an also preventive function strengthens the role of the ICC as concurrent body in the maintenance and restoration of international peace and justice.

The assertion of the ICC authority, independently both from its constituting States and from the UN and, therefore, from the UNSC, has been since and is still subject to strict scrutiny by some States.

However, the first steps of the new institution have already shown that the most radical criticism on the risk of its activities being politicized are unfounded, as was demonstrated by the UN entering into a Relationship Agreement with the ICC, by the referral of the jurisdiction on the crimes committed in Darfur, as well as by having the Court itself accepted to have the Special Court for Sierra Leone hold the Charles Taylor trial in its premises in The Hague.

Over the next years, a crucial change will take place in the mechanisms of international criminal justice. While the ICC is already strengthening its role and structure, the closing down of the other forms of international justice is foreseen sometime between 2008 (Sierra Leone) and 2010 (Tribunals for the Former Yugoslavia and Rwanda).

The Tribunals will leave a multifaceted Legacy.

On the one hand, it should be ensured for the benefit of local populations, victimized by the conflicts and abuses which led to the establishment of the Tribunals, both the preservation of the historical results of trials, as a complementary means for maintaining social stability, as well as a visible sign of the solution of the conflict in the rule of law. This could be achieved, e.g., through the future use of the premises where the Tribunals were hosted.

Furthermore, issues which will remain open and need to be managed through instruments still to be identified include those of a jurisdictional (e.g. possible revision of trials, sentence enforcement proceedings, or the handling of protected witnesses), as well as administrative nature (e.g., the archive and pension regime).

Finally, the legacy of the case law developed by the Tribunals, as well as the investigation and cooperation practices, and prosecution techniques of the Offices of the Prosecutors will represent a precious contribution, both for advancing criminal law and for those who, also at a national level and especially in the fullest affirmation of the principle of complementarity of the international permanent jurisdiction, will have to perform investigations and tackle prosecutions of similar complexity and sensitiveness.

The first Review Conference of the Rome Statute of the ICC will also take place in 2009-2010. The Review Conference might also be called to an assessment of the legacy of the Tribunals, but it will certainly have the primary task to try to make possible the actual exercise of jurisdiction on the crime of aggression, already included in the jurisdiction of the Court.

In this regard, the negotiation to reach a generally acceptable definition of the individual crime of aggression - i.e. the criminal liability of who, being a civilian or a military in a leadership position, can play the decisive role in triggering an act of aggression by a State against another State -, have come to a phase where a political decision on the core issue is needed: whether an individual can be prosecuted before the ICC for a conduct amounting to an act of aggression, even when the Security Council had not previously decided on the responsibility of the State for the act of aggression.

In conclusion, the Tribunals and international Courts have since contributed and will in future contribute even more to the enforcement of the principle of international legality.

However, the strategic support of States and civil society, through various forms of cooperation and assistance, is a vital need for international criminal justice, as the effectiveness of its action is based on the consensus of the international community and public opinion.

In particular, States should enhance their efforts to participate to the Rome Statute of the International Criminal Court and support the functioning of a strong, permanent, independent and theoretically universal Court, representing a concrete response to the demand of justice coming from the victims of the most serious crimes that deeply shock the humanity.

2. Senator Gianni Verneti, Under Secretary of State to the Ministry of Foreign Affairs

On behalf of the Minister for Foreign Affairs, I wish to welcome the representatives of Governments, Organizations and Organs of international justice who are present here, today, to participate into the Conference on International Criminal Justice.

No better venue could have been chosen for this event: Turin has the advantage of hosting important institutions of the United Nations family, and namely UNICRI, the

International Training Centre of the International Labour Organization (ILO), and the United Nations System Staff College (UNSSC).

These institutions, together with other initiatives locally undertaken and promoted, qualify this City as a centre of global importance in the fields of international criminal law and of training.

I wish to thank particularly the President of the Military Tribunal of Turin, Roberto Bellelli, whose well known competence and professionalism in international criminal law allowed him to gather on the project of this conference all relevant international, national and local institutions.

The Italian Government strongly supports this Conference, in line with its traditional commitment for the protection of Human Rights and for strengthening international justice, as witnessed by the leading role played by Italy in the establishment of the International Criminal Court, whose Statute was adopted as outcome of the 1998 Rome Diplomatic conference.

The Rome Statute represented a turning point in a process started in the aftermath of WWII and which accelerated since the 1990', with the ad hoc Tribunals for the Former Yugoslavia and Rwanda and, more recently, with the establishment of the special jurisdictional organs for Sierra Leone, Timor Leste and Cambodia.

In this regard, we welcome the participation into this Conference, among the others, of the representatives of international jurisdictions.

The Turin Conference will represent an important opportunity for analysing the results achieved by international criminal justice in the last years, but also and over all to shed light on the road ahead.

It will be fundamental to facilitate the widest support to strengthen the various international judicial instances in this field and, in particular, the International Criminal Court.

The vision of the Court supported by Italy is that of a strong, credible and independent institution, provided with the instruments crucial to ensure not only its repressive role but also to perform a deterrent functions on the most serious crimes against humanity.

We understand that the Court will contribute to the development of international criminal customary law through its case law, and that it will also provide States Parties with an important incentive to adapt its domestic legal system to the higher principles and standards in the field.

For these reasons, Italy has been longley committed, together with the other Member States of the European Union, in promoting the universality of the jurisdiction of the International Criminal Court, through the participation of those States that, for different reasons, still have reservations on the Court. We do believe that the provisions contained in the Rome Statute, including the rigorous criteria for the selection of judges, offer ample safeguards for the impartiality and independence of the Court.

Finally, I acknowledge that the support that this Conference is aimed at providing to the development of international criminal justice and, in particular, to the organs over which it is based, represents an additional, significant manifestation of the commitment of the international community in the fight against impunity and for the full realization of the human dignity and fundamental individual rights, in safeguard of future generations.

Therefore, enjoy my and the Minister's of Foreign Affairs best wishes for the full success of the Conference.

3. Sergio Deorsola, Deputy President of the Piedmont Region

On behalf of the Region Piedmont and of its President, Honourable Mercedes Bresso, I wish to warmly greet the organizer and the participants to the important meeting which opens today in Turin and will commit you for the whole week. My warmest regards and welcome in Piedmont to the many representative of States.

The issue at stake concerns crucial matters in international law, even beyond international criminal law. In the past century, starting from the Tokyo and Nuremberg trials, we have learnt that Head of States, Governments, military officers and other officials cannot escape accountability before the humanity. However, the Tokyo and Nuremberg trials were held by winners against the defeated ones, and this is objectively a legal and political limit which the recent reflection endeavours to overcome.

The aim is to establish an international community where States voluntarily give up part of their sovereignty in favour of other super-national organisms. In this regard, e.g., Europe insistently requests the former Yugoslavia States to give partly up their sovereignty by surrendering to the international Tribunal in The Hague those accused of genocide and crimes against humanity. It is not an easy question, as a modern State is first of all qualified by the legitimate detention of the monopoly of the use of force. However, the reflection of the second part of the twentieth century has disputed on this very point. A State cannot exert its force without any limit, and might be held accountable when exercising the force in a non legitimate manner. In this respect, the Italian Constitution is highly innovative: in first place, it rejects war as an instrument for the resolution of international disputes; secondly, it provides for the possibility to partly give up its sovereignty in the framework of international treaties.

Here we have the questions and, possibly, a number of answers to the issues raised by the new era. The real challenge is to widen the scope of shared solutions, as to have a limitation of sovereignty accepted by all. In other words, all should accept to be accountable of their actions before the international community.

I understand this as one of the objectives of this Conference, and to this end wish you most sincerely good work.

4. Aurora Tesio, Deputy President of the Province of Turin

I am happy to welcome you all on behalf of the Province of Turin, and of its President, Antonio Saitta. The Region, the Province and the City have together acknowledged today's event as a very important opportunity, and seized it with much interest. As it has been previously recalled, our territory is already seat to important institutional centres, and could also host a training centre specialized on the issues to be dealt with here.

I believe that it is absolutely fundamental, when tackling the many conflicts in the world, to have them not covered by silence. Unfortunately, this happens way too often. Only few information come up in the media, and is perceived by common citizens. I cannot forget the silence which covered the tragic events of Argentina, more than thirty years ago, and strongly believe that we should no longer allow this happen again in the world or, at least, that it goes unpunished. By the same token, we have always to remind us that women and children are the first victims of any conflict.

Therefore, restoring the rule of law in countries which underwent conflicts or non-democratic regimes is one of the most important objectives we have to pursue at the international level.

Accountability is fundamental to overcome dramatic steps of history in many countries: those responsible for crimes against humanity are to be prosecuted and to be held criminally liable. This is a request which I have personally ascertained in contacts held in the Bosnian territory for purposes of international cooperation. Therefore, I understand that the discussions which will be held here are crucial and of the outmost importance, thanks to the firm determination of the President of the Military Tribunal of Turin, Roberto Bellelli, who so much committed himself for making today's meeting a reality.

I wish, therefore, to confirm the commitment of my Administration to continue to be active in this field and, once again, welcome and wish you all successful work and good time in our town.

5. Michele Dell'Utri, Deputy Mayor, City of Turin

The City of Turin welcomes this important international meeting on international criminal justice.

Let me first thank President Bellelli for having conceived this meeting, that he also implemented in all its scientific, administrative and operative aspects.

I am convinced that this meeting is the most numerous one in the field, after the Rome diplomatic conference, which in 1998 led to the establishment of the International Criminal Court. Today, some 100 States are present here, together with judges, practitioners, NGOs, UN organizations and others.

The City of Turin is honoured to host this Conference, as part of Turin being a town of excellence in industry, culture, and Italian history. In fact, although for a short period, Turin was the first capital of Italy. In more recent history, Turin has also represented the starting point in the fight against terrorism of various kind and, therefore, it is directly involved in crucial law enforcement.

We hope that this will be the first of many meetings, which might also take place annually to make, through Judge Bellelli and the other authorities present today, Turin present in the international arena in support of international criminal justice.

History heads towards the establishment of organizational structures to handle globally conflicts which countries are not able to manage at the local level.

Therefore, meetings like this are welcome, likewise any concrete and operative results which might support and strengthen the International Criminal Court.

The City of Turin welcomes and thanks all participants. I also hope that beside working hours, you might find also time to discover our wonderful town.

6. Doris Buddenberg, Officer-in-Charge, United Nations Interregional Institute for the Research on Crime and Justice (UNICRI)

Excellencies, distinguished representatives from international, national and local authorities, ladies and gentlemen, colleagues,

First of all I would like to express my most deep gratitude to the President of the Military Tribunal of Turin, Mr. Roberto Bellelli, for having taken the initiative of this Conference on International Criminal Justice and for having involved in its organization the United Nations Interregional Crime and Justice Research Institute (UNICRI), the Turin-based Institute of the United Nations mandated to implement action-oriented analysis and technical cooperation activities in the field of crime prevention and criminal justice.

We have been extremely honored to support, together with many other institutions and entities, the efforts of the Tribunal of Turin, of its President and his collaborators, towards the organization of this Conference, and we are very grateful to the city of Turin for being, once again, an important frame for the organization of a major event.

This Conference – which gathers together the highest-level representatives of the international tribunals, the scientific community and the civil society - is an important occasion to raise awareness on the accomplishments achieved by the international tribunals and at the same time on the impact that the work of the tribunals has had on the development of international criminal law.

We also believe that this event can be a precious opportunity to discuss about the further development of international criminal law and of international tribunals.

We should not forget that efforts towards an effective prosecution of crimes under international law, such as war crimes, crimes against humanity and genocide, have a long history and that all of us are contributing with our efforts, at different levels, to a long and some time tortuous historical process.

A first example of prosecution of the today's defined crimes under international law can be traced in 1474, when at Breisach, Germany, 27 judges of the Holy Roman Empire sentenced for violation of the "laws of God and Humankind" Peter von Hagenbach, found guilty for having allowed his soldiers to abduct and kill innocent civilians and seize their lands.

It is important to look at the historical process before the 1998 Rome Conference in order to understand where we are and which goals are still to be accomplished.

There are several milestones behind the creation of the ICC and the current features of international criminal law. The Treaty of Versailles, even without leading to the creation of any international tribunal, gave a unique boost towards the development of the concept of the individual responsibility for war crimes, while the Tribunal of Nuremberg and the subsequent 1946 "Affirmation of the Principles of International Law Recognized by the Charter of the Nuremberg Trial" led to the definition of the crimes which are today envisaged by the Rome Statute.

The Tribunals for the crimes committed in the former Yugoslavia and in Rwanda, if compared to the Tribunal of Nuremberg or the one of Tokyo, represent another important step forward since, besides having a clearer international nature, their action cover crimes committed both all the parties involved in the conflict.

The ICC, while embracing this approach, expands its action beyond any specific territorial or temporal limit. The latest goal of the *ad hoc* tribunals, having a well-defined *ratione loci* and *temporis*, was to contribute to the re-establishment and maintenance of peace; the latest goal of the ICC is justice itself, being peace a highly desirable consequence of this.

In order to contribute to the promotion and dissemination of international criminal law and humanitarian law, UNICRI has included relevant modules on the international criminal justice in its Master of Laws, an international post-graduation course organized in the latest years with the collaboration of the University of Turin.

Stepping forward in this field, we are taking concrete steps to undertake, upon request, capacity building activities in support Member States' efforts to prosecute crimes under international law, as well as to provide legal advisory services, actions to intensify international cooperation and training for magistrates and investigating officials.

In this connection, I feel that UNICRI Headquarters and the city of Turin could be a possible favorable location for the organization of courses of excellence both for magistrates dealing with crimes under international law in their respective countries or willing to improve their knowledge on the functioning of the international tribunals.

By so doing, UNICRI will follow its traditional approach to technical cooperation which envisages, *inter alia*, the involvement of Member States that like Italy have relevant experience on the topics tackled, other relevant international and regional organizations and, useless to say, the scientific community and the civil society.

Last but not least and in the spirit of cooperation and progress, I wish success to this Conference, thank the President and wish you a fruitful exchange of knowledge. Thank you.

7. Fausto Pocar, President of the International Criminal Tribunal for the former Yugoslavia

Authorities, colleagues and friends,

It's a great honour to address the opening session of this distinguished Conference on International Criminal Justice, organised and convened by the President of the Military Tribunal of Turin. It is in particular, my distinct pleasure to take part in a Conference where the case law of the International Criminal Tribunal for the former Yugoslavia ("ICTY") will no doubt play a significant role.

Let me recall that the creation of the ICTY in 1993, by the United Nations Security Council, marked the first time since the establishment of the Nuremburg and Tokyo International Military Tribunals, following World War II, that an international criminal tribunal was created to prosecute perpetrators of mass atrocities. The International Military Tribunals' legacy of individual responsibility for war crimes, crimes against humanity and crimes against peace committed in the Second World War at the international level provided the foundation for the establishment nearly fifty years later of the ICTY. The creation of the ICTY, however, marked a series of important firsts for the United Nations. Never before had the Security Council acted under Chapter VII of the UN Charter to create a subsidiary judicial body under its auspices, as a means of enforcing respect for international law, in particular international humanitarian law. Additionally, this was the first time that the Security Council decided on the establishment of an international tribunal as an effective measure to deter the commission of crimes, bring those responsible to justice and contribute to the restoration and maintenance of peace and security.

This Conference will undoubtedly underscore some of the core achievements attributed to the Tribunal. Let me just briefly say that the ICTY's central mission has been to combat impunity and impose personal accountability on perpetrators of war crimes, crimes against humanity and genocide. In other words, persons, who committed horrific crimes, regardless of rank or status, are no longer able to absolve themselves of the duties that law imposes and from the responsibility which it entails. Past failures to punish perpetrators of such crimes, especially persons in position of authority, only served as a signal to future leaders that they would also enjoy impunity.

The ICTY has developed and continues to develop and effectively enforce an entire body of international humanitarian law governing conflict situations put into place following World War II, including the Geneva Convention of 1949, which had never before been applied in an international court. It is worth recalling that there existed very little jurisprudence at the time the Tribunal began its work upon which it could rely as precedent for determining the elements of crimes under the full body of international humanitarian law it was tasked with applying. Some guidelines were provided by the interpretation of the fourth Hague Convention and Regulations on the laws of war as well as the International Military Tribunal's Charter during the Nuremberg trials. However, in many instances the Tribunal had to determine the elements of a number of crimes under customary international law, often providing a detailed and thorough examination of the laws' formation. As a result, the Tribunal has developed a rich body of jurisprudence, both substantive and procedural, which will be indispensable for the future enforcement of international humanitarian law in other jurisdictions.

Let me close by saying that notwithstanding the considerable challenges faced by the Tribunal, its successful functioning and its considerable achievements demonstrate that international criminal justice is indeed feasible. Serious violations of international humanitarian law can be effectively prosecuted in international courts. As the Tribunal winds down (its closing is foreseen in the next few years) and as international criminal justice transitions to a new phase, the institutional experience and jurisprudence of the ICTY leaves behind an important legacy that will help pave the way for future international criminal tribunals, as well as national courts to enforce international humanitarian law and end impunity for war crimes, crimes against humanity and genocide.

This Conference will be devoted to the assessment of the achievements of international courts, including, not only the ICTY, but also of its sister institution, the ICTR, and the other international mixed jurisdictions that have been established in the last decade. This collective reflection will undoubtedly provide a solid basis from which to assess the current status and future development of the international criminal legal system. So, I wish all possible success to the Conference, in the interest of international criminal justice.

Thank you for your attention.

8. Erik Møse, President of the International Tribunal for Rwanda

Your Excellencies, dear colleagues, ladies and gentlemen,

On behalf of The International Criminal Tribunal for Rwanda I would like to congratulate the organizers of the Conference on International Criminal Justice. The ICTR is represented by six persons, including its President, Prosecutor and Registrar, as well as other representatives of the Prosecution and the Registry. We come from our main seat in Arusha, Tanzania, and from our Investigation Unit in Kigali, the capital of Rwanda.

I cannot recall any other international meeting where the ICTR has been so well represented. But this should come as no surprise, given the importance of this particular

Conference. It will certainly make a contribution to the development of international criminal justice. All international criminal tribunals are here, irrespective of their legal basis and of whether they can be characterized as international, mixed or hybrid. They include persons from the judiciary, the prosecution and the registry. Other key actors in the field of international justice are also present, representing the diplomatic community, academia, civil society and NGOs. The participants have unique experience and institutional knowledge

All essential topics will be discussed: the foundations of the legal system, its achievements, its challenges, and new developments. In brief, the program covers the past, the present and the future.

The ICTR representatives look forward to making a contribution, to disseminate knowledge about what we have done so far, and to be inspired by the interventions of other participants. We would like to express our warmest thanks to the organizers of this Conference and to the City of Turin, and wish you the best of success. Thank you.

9. René Blattmann, Vice President of the International Criminal Court

Vice President Blattman welcomed the format of the Conference, its organizers and all participants to the Conference, to which President Philippe Kirsch was unfortunately unable to assist personally. He praised the Conference program, where the history and all crucial issues of international criminal justice were dealt with, taking advantage of the convening of all international and internationalized tribunals. As a permanent actor in the field, the ICC itself has a keen interest in fully participating to the proceedings and take advantage of the discussions on the different subjects.

10. Chea Leang, National Co-Prosecutor, Extraordinary Chambers in the Courts of Cambodia

Ladies and Gentlemen, *buongiorno*, greetings from Cambodia,

On behalf of the staff of the Extraordinary Chambers in the Courts of Cambodia, I sincerely thank Judge Roberto Bellelli, the Military Tribunal of Turin, the Italian government and other donors for your kind invitation to us to participate here - in beautiful Torino. I, along with our Deputy Co-Prosecutor William Smith, am very happy to be here – to learn, and to share our experiences as we approach the commencement of judicial proceedings to try the senior leaders and most responsible individuals for horrific atrocities occurring in Cambodia 30 years ago.

We are the newest members of the international criminal law community. It is unfortunate, however, that the crimes we shall prosecute occurred much before any of the international criminal tribunals were even contemplated. We have a heavy burden to discharge – in a short time, with the attention of the justice-seeking Cambodian people, and indeed the world focused on our court. It is essential, therefore, that we undertake our mandate guided by the various other international judicial institutions established in the recent past. Our participation in this conference - which assembles under one roof, the accumulated wisdom in this field – will no doubt be very beneficial to us.

Ours is the most recent, and to my mind the boldest, experiment to bring international justice closest to the victim population. There is already an immense excitement and interest in the way we will eventually marry the Cambodian law and practice with the internationally recognized standards of justice and due process. To that end, the system of coequal prosecutors and investigating judges, one national and one international, to my mind, is an important step in that direction. It highlights how important it is to build genuine relationships

based on co-operation and understanding between representatives of the national court and the international community to achieve effective decision making.

During this conference I hope we have many opportunities to interact and discuss on these and other interesting issues crucial to the success of our tribunal. We hope to receive all your support and assistance to make sure that justice, which has eluded the Cambodian people for so long is finally served – and to erase the notion of impunity that seems to have been associated with some of the worst crimes of the last century. Grazie.

11. Amelie Zinzius, Representative for the Special Court for Sierra Leone

Good morning Justice Bellelli, my Lords, your Excellencies, colleagues, ladies and gentlemen,

On behalf of the President of the Special Court, Justice George Gelaga King, I would first like to thank the organizers for extending an invitation to the Special Court to attend this Conference. Unfortunately Justice King could not be here today. The dates of the ninth Plenary meeting of the Judges of the Special Court, over which President King is presiding, coincides with those set for this Conference. Justice King sends his sincerely regrets for not being able to attend this remarkable venue, as he is not only a great supporter of these types of events but as President of the Special Court and Sierra Leone national himself, he is proud of the Special Court's creation and mandate, and he is passionate about the Court's achievements.

The Special Court for Sierra Leone has been defined as an innovative institution from the outset, its mandate, structure, functions and completion strategy was conceived so much differently from its sisters *ad hoc* Tribunals. The location of the Special Court in Sierra Leone, its funding scheme based on voluntary contributions, its expands of outreach or legacy programmes, are just a few examples of the Special Court's innovative elements. Additionally, the nature of the evidence presented before the Court in relation to crimes never prosecuted in front of any other criminal tribunal, for instance the recruitment of child soldiers and forced marriages, as well as key decisions on the immunity of Heads of States and the validity of pardons granted to combatants, have given the SCSL a genuine opportunity to contribute to the development of international criminal law.

Of course with innovations comes its load of challenges. During its four years existence, the Special Court has been confronted with a number of difficulties, for today's Conference offers a unique occasion to share the lessons of the Special Courts as well as its accomplishments.

I trust it will become apparent from these wick presentations as the SCSL does not only clearly embody the international community's efforts to strengthen the rule of law and to fight against impunity but also in many respects offers a model to be followed.

Again on behalf of the Justice King, thank you to the organisers of this Conference for this opportunity.

12. Senator Alberto Maritati, Under Secretary of State to the Minister of Justice

The establishment of mechanisms of international criminal justice, included the International Criminal Court, has as a pre-requisite the need of cooperation by States, as an International Court has no self-authoritative powers and cannot impose its decisions over States.

The cooperation relationship between States and the Court stands on a different footing than the traditional international cooperation, as the purpose of cooperation with the Court is not the realization of a State's prerogative but rather the achievement of values common to the humanity, which have been struck by the most serious conducts alarming the international community as a whole.

Italy was among the first States in ratifying the Rome Statute establishing the ICC (by Law 12.7.1999, No. 232), and is ready to immediately cooperate with the Court, although a specific legislation on cooperation has not yet been adopted.

To this end, general rules of the code of criminal procedure can be immediately applied, in particular the general provision under Article 696, according to which - in conformity with the residual nature of the code's provisions - extraditions, rogatories, effects of foreign criminal decisions (traditional and principal instruments of judicial cooperation) fall under the rule of international conventions binding upon the State and, obviously, of relevant provisions of general international law.

The cooperation with the ICC is not an exception to this system and, in particular, there is no doubt that, by ratifying the Statute, Italy has accepted the mechanism under Part IX, which provide the obligation for States Parties to cooperate with the Court. However, the peculiarity of the relationship between the jurisdiction of the State and the international one requests that, to put the relationship between the State and the Court on a safe ground, some implementing legislation should be introduced.

In this regard, I am happy to inform you that a draft Government bill to implement the Rome Statute, in particular as far as judicial cooperation in concerned, will be soon presented to the Parliament.

Therefore, I am confident that Italy will ensure full cooperation to the Court in the fight against impunity for genocide, war crimes, and crimes against humanity.