



WASEDA University
Waseda Law School



Historical Origins of International Criminal Law

Seminar 2

co-organised by

the Centre for International Law Research and Policy,
NALSAR University of Law, O.P. Jindal Global University,
Peking University International Law Institute, Waseda University Law School,
European University Institute (Department of Law),
Asian-African Legal Consultative Organization, and
Indian Society of International Law

in Delhi on 28, 29 and 30 November 2014.

This is the second of two seminars on the main historical origins of international criminal law as a discipline of public international law. The co-organisers – the Centre for International Law Research and Policy¹, NALSAR University of Law, O.P. Jindal Global University, Peking University International Law Institute, the European University Institute (Department of Law), Waseda University Law School, Asian-African Legal Consultative Organization, and the Indian Society of International Law – seek to explore and crystallise the sub-discipline of history of international criminal law by focusing this second seminar on foundational doctrinal elements and post-World War II institutional developments, with the aim of situating them historically and analysing their contributions to international criminal law. This builds on the first seminar in Hong Kong on 1 and 2 March 2014.

The papers presented at these seminars (and some additional papers) will be published in three comprehensive volumes (*Historical Origins of International Criminal Law: Volumes 1, 2 and 3*), which will analyse the trials, treaty provisions, national laws, declarations or other acts of States, and publications that constitute significant building blocks of contemporary international criminal law, and why that is so.

¹ The Centre acts through its department 'Forum for International Criminal and Humanitarian Law' ('FICHL') in this seminar.

By pursuing focused research and discourse on the history of international criminal law, the organisers aspire to generate new knowledge, broaden the common hinterland to international criminal law, and further consolidate this relatively young discipline of international law. Such consolidation is becoming increasingly important and entails several challenges. Lateral consolidation normally aims to broaden consensus among States on the content, nature and importance of substantive principles of international criminal law and how they relate to state policies on criminal justice and foreign affairs. This project seeks vertical consolidation – an increased awareness and knowledge of the historical and intellectual foundations of international criminal law and its social function – which can strengthen the quality, independence, and viability of criminal justice for core international crimes in diverse and rapidly changing social contexts. This research project aims to construct common ground and transcends the disagreements surrounding the International Criminal Court, the exercise of universal jurisdiction, the immunity of State officials, as well as the tension between peace processes and criminal justice in transitions.

The call for papers met with an overwhelming response, persuading the organisers to hold two seminars and publish three volumes. Below you find the detailed programme for the second of these seminars. Together, these two seminars, and the three volumes published based on them, provide us with a holistic and critical understanding of international criminal law's history and foundations.

This research project is co-ordinated by Assistant Professor YI Ping (Peking University Law School), Professor Morten Bergsmo (Peking University Law School), and Assistant Professor CHEAH Wui Ling (National University of Singapore), in close co-operation with Assistant professor ZHANG Binxin (Xiamen University and PKU-CILRAP Research Fellow) and Professor Susan Lamb (O.P. Jindal Global University).

Programme

*on Friday, 28 November 2014, 18:30–21:30,
The Imperial Hotel, Delhi,*

*co-hosted by the Indian Society of International Law,
Centre for International Law Research and Policy,
Royal Norwegian Embassy in Delhi,
Delegation of the European Union to India,
and Parliamentarians for Global Action
in co-operation with the conference co-organisers*

18:30 **Special Lecture:**

- *Introduction* by President Dr. E.M.S. Natchiappan² (Indian Society of International Law)
- *Special Lecture* by Professor Claus Kreß³ (University of Cologne)

19:15 **Presentation of the 2014 M.C. Bassiouni Justice Award**

- *Presentation* by Serge Brammertz⁴ (Chief Prosecutor, International Criminal Tribunal for the Former Yugoslavia) and President Dr. E.M.S. Natchiappan
- *Remarks* by Ambassador João Gomes Cravinho⁵ (Delegation of the European Union to India)

19:30 **Dinner-reception** for invited guests

² Dr. **E.M.S. Natchiappan** is the President of the Indian Society of International Law; Senior Advocate, Supreme Court of India; Member of Parliament (Rajya Sabha, since August 2004). He was formerly Minister of State for Commerce and Industry; Member, Thirteenth Lok Sabha (1999-2004); member of several parliamentary committees; and has been Whip of the Congress Party. He has authored several publications. He is a member of Parliamentarians for Global Action.

³ **Claus Kreß** (Dr. jur. Cologne; LL.M. Cantab.) is Professor for Criminal Law and Public International Law. He holds the Chair for German and International Criminal Law and he is Director of the Institute of International Peace and Security Law at the University of Cologne while he rejected calls to the University Regensburg and the Max-Planck-Institute for International, European and Regulatory Procedural Law in Luxembourg. His prior practice was in the German Federal Ministry of Justice on matters of criminal law and international law. Since 1998 he has been representing Germany in the negotiations regarding the International Criminal Court. He was member of the Expert Group on the German Code of Crimes under International Law (2000/2001) and he acted as War Crimes Expert for the Prosecutor General for East Timor (2001), as Head of the ICC's Drafting Committee for the Regulations of the Court (2004) and as a sub-coordinator in the negotiations on the crime of aggression. Claus Kreß is co-editor of several law journals, including the Journal of International Criminal Justice. He is Life Member of Clare Hall College at the University of Cambridge and Member of the Academy of Sciences and Arts of Northrhine-Westfalia.

⁴ **Serge Brammertz** is the chief Prosecutor of the ICTY. Formerly, he was the Commissioner of United Nations International Independent Investigation Commission into the murder of the former Prime Minister Rafik Hariri, a post he held from January 2006 until the end of 2007; Deputy Prosecutor of the International Criminal Court, in charge of the Investigations Division of the Office of the Prosecutor when the investigations of crimes committed in Uganda, the Democratic Republic of Congo and Darfur were initiated; head of the Federal Prosecution of the Kingdom of Belgium where he supervised numerous investigations and trials related to cases of organised crime, terrorism and violations of international humanitarian law; from 1997 to 2002, as a national magistrate, he was in charge of co-ordinating at the national and international level investigations in the fields of international drug trafficking and trafficking of human beings; during this period, he also worked for the European Commission, the Council of Europe and the International Organisation for Migration as an expert on these and related issues; from 1989 to 1997, he served as Deputy Prosecutor, then Chief Deputy Prosecutor at the Court of First Instance in Eupen (Belgium), before becoming Deputy to the Prosecutor-General at the Liège Court of Appeal. He was a professor of law at the University of Liège and an author on organised crime and international co-operation in criminal matters who has published extensively in European and international academic journals. He holds a law degree from the University of Louvain-la-Neuve, a degree in Criminology from the University of Liège and a Ph.D. in international law from the Albert Ludwig University in Freiburg, Germany.

⁵ Ambassador **João Gomes Cravinho** is Head of the Delegation of the European Union to India since late 2011. He was formerly Secretary of State for Foreign Affairs and Cooperation, Government of Portugal (2005-2011) and Lecturer in International Relations, Faculty of Economics, University of Coimbra, Portugal (1995-2005). He has held a number of international consultancies. He holds a D.Phil. from the University of Oxford, and M.Sc. (Econ) and B.Sc. (Econ) degrees from London School of Economics.

Programme

on Saturday, 29 November 2014, 09:00–19:00,
The Imperial Hotel, Delhi:

09:00 *Introductory statements:*

- Professor Morten Bergsmo⁶ (Peking University Law School; Director, CILRAP)
- Justice Manepalli Narayana Rao Venkatachaliah⁷ (former Chief Justice of India)
- Judge LIU Daqun⁸ (Appeals Chamber, International Criminal Tribunals of the Former Yugoslavia and Rwanda)
- Prof. Dr. Rahmat Mohamad⁹ (Asian-African Legal Consultative Organization)
- Dr. E.M.S. Natchiappan (Indian Society of International Law)

⁶ **Morten Bergsmo** is Visiting Professor, Peking University Law School; Director, CILRAP; and ICC Consultant and Co-ordinator of the ICC Legal Tools Project. He was formerly Visiting Professor, Georgetown University (2010-12); Senior Researcher, University of Oslo, Faculty of Law (2010-12); Fernand Braudel Senior Fellow, European University Institute (2011 Spring); Visiting Fellow, Stanford University (2010-13); Visiting Scholar, UC Berkeley (2010 Spring); Senior Researcher, PRIO (2006-09); Special Adviser to the Office of the Director of Public Prosecution of Norway (2007-08); Senior Legal Adviser and Chief of the Legal Advisory Section, ICC Office of the Prosecutor (2002-05); Co-ordinator of the establishment of the ICC Office of the Prosecutor (2002-03); Legal Adviser, ICTY (1994-2002); and Legal Adviser, UN Commission of Experts for the Former Yugoslavia established pursuant to Security Council resolution 780(1992) (1993-94). He represented the ICTY during the UN negotiation process to establish the ICC (1996-2002). He founded and directs the Centre for International Law Research and Policy.

⁷ Justice **Manepalli Narayana Rao Venkatachaliah** (b. 1929) entered the general practice of the law in 1951 at Bangalore after obtaining university degrees in science and law. He worked in the chambers of his father Shri.M.Narayana Rao, a leading advocate of Bangalore who was also the first Principal of the Government law college, Bangalore. Justice Venkatachaliah was appointed Judge of the High Court of Karnataka in 1975 and later as Judge of the Supreme Court of India in 1987. He was appointed Chief Justice of India in February 1993 and held that office till his retirement in October 1994. Justice Venkatachaliah was appointed Chairman of the National Human Rights Commission in 1996 and held that office till October 1999. He was nominated Chairman of the National Commission to Review the Working of the Constitution in March 2000, presenting its report to the Government of India in March 2002. He was conferred 'Padma Vibhushan' on 26 January 2004 by the Government of India. He has been associated with a number of social, cultural and service organisations. He was the Founder President of the Sarvodya International Trust. He is the Founder Patron of the Society for Religious Harmony and Universal Peace New Delhi. He was Tagore Law Professor of the Calcutta University and delivered the Tagore Law Lectures. He was Chairman of the Committee of the Indian Council for Medical Research to draw-up 'Ethical Guidelines for Bio-Genetic Research Involving Human Subjects'. Justice Venkatachaliah is the President of the Indian Institute of World Culture. He was formerly Chancellor of the Central University of Hyderabad. He is currently Chancellor of the Sri. Sathya Sai University. He is the recipient of doctorates, academic distinctions, and honors from several universities and organisations.

⁸ **LIU Daqun** is Judge at the Appeals Chamber of the ICTY and ICTR (having been a Judge at the ICTY since 2000). He has been Director both of the Private International Law Division, the Law of the Sea Division and the International Law Division of the Treaty and Law Department, Ministry of Foreign Affairs of China, and Deputy Director-General of that Department. He has taught law at Peking University, the Chinese Academy of Social Sciences, China University of Political Science and Law, and Wuhan University. He has participated in numerous delegations of the Chinese Government, including as Deputy Head and Chief Negotiator of the Chinese Delegation to the Rome Conference on the establishment of the ICC. He has been Ambassador to Jamaica.

⁹ Prof. Dr. **Rahmat Mohamad** of Malaysia is the fifth Secretary-General of the Asian African Legal Consultative Organization (AALCO). Prior to his appointment as Secretary-General of AALCO, he was the Deputy Vice-Chancellor of Research and Innovation, Universiti Teknologi MARA, Malaysia and held the position of professor of international law since 2003 at the Faculty of Law at Universiti Teknologi MARA. Pursuant to the Putrajaya Declaration of Revitalizing and strengthening the Asian African Legal Consultative Organization made at the 48th Session in 2009, he has worked tirelessly towards reaffirming the importance and relevance of AALCO in the field of international law and to place it on strong financial footing to continue effectively fulfilling its role. He also revitalised the organisation by creating Eminent Persons Group (EPG) comprising of eminent international law practitioners and jurists whose core mission is to guide the Secretary General of AALCO as regards the direction of the organisation and ascertaining challenges in the international legal order that AALCO can help resolve. Rahmat Mohamad has published books as well as serving as the Editor-in-chief for several AALCO publications and journals.

Session 1:
Keynote Presentations

Chair: Ambassador Narinder Singh¹⁰ (Indian Society of International Law)

- 09:45 *Asian-African Perspectives on the International Criminal Court*, by Prof. Dr. Rahmat Mo-hamad (Asian-African Legal Consultative Organization)
- 10:15 *The Rise of International Prosecution Services and Their Importance for International Criminal Law*, by Serge Brammertz¹¹
- 10:45 *Katyn and Nuremberg*, by Professor William Schabas¹² (Middlesex University)
- 11:15 Tea break

¹⁰ Ambassador **Narinder Singh** is the Secretary-General of the Indian Society of International Law; Member, International Law Commission (since 2007); and Member, Eminent Persons Group (EPG), AALCO. He formerly served in the Legal and Treaties Division of Ministry of External Affairs, Government of India (1984-2012, Head of the Legal and Treaties Division since 2002, and retired as Additional Secretary and The Legal Adviser in 2012); Legal Adviser to the Permanent Mission of India to the United Nations (1998-2002), Agent for India in the Bay of Bengal Maritime Boundary Arbitration (Bangladesh vs. India); Co-Agent for India in the Kishenganga Arbitration under the Indus Waters Treaty (Pakistan vs. India); Vice President, Meeting of States Parties to the UN Convention on Law of the Sea (2001); Vice President, UNIDROIT Diplomatic Conference on Intermediated Securities (September 2009); Vice-Chairman, Ad Hoc Committee on Jurisdictional Immunities of States and their Property (2002); President of Asian African Legal Consultative Organisation (2006 and 2008); Member of the Group of Coordinators of the Meetings of Legal Advisers of the Member States of the United Nations (2002-2011); Vice-Chairman, Drafting Committee, IAEA Diplomatic Conference on Amendment to the Convention on Physical Protection of Nuclear Material (4-8 July 2005); Chairman, BIMSTEC Joint Working Group on Counter Terrorism (October 2008); OPCW Roster of Experts for providing legal assistance on matters relating to the Chemical Weapons Convention; and Chairman, SAARC Meeting on Promotion and Protection of Investments and Arbitration (March 2004).

¹¹ **Serge Brammertz** is the chief Prosecutor of the ICTY. Formerly, he was the Commissioner of United Nations International Independent Investigation Commission into the murder of the former Prime Minister Rafik Hariri, a post he held from January 2006 until the end of 2007; Deputy Prosecutor of the International Criminal Court, in charge of the Investigations Division of the Office of the Prosecutor when the investigations of crimes committed in Uganda, the Democratic Republic of Congo and Darfur were initiated; head of the Federal Prosecution of the Kingdom of Belgium where he supervised numerous investigations and trials related to cases of organised crime, terrorism and violations of international humanitarian law; from 1997 to 2002, as a national magistrate, he was in charge of co-ordinating at the national and international level investigations in the fields of international drug trafficking and trafficking of human beings; during this period, he also worked for the European Commission, the Council of Europe and the International Organisation for Migration as an expert on these and related issues; from 1989 to 1997, he served as Deputy Prosecutor, then Chief Deputy Prosecutor at the Court of First Instance in Eupen (Belgium), before becoming Deputy to the Prosecutor-General at the Liège Court of Appeal. He was a professor of law at the University of Liège and an author on organised crime and international co-operation in criminal matters who has published extensively in European and international academic journals. He holds a law degree from the University of Louvain-la-Neuve, a degree in Criminology from the University of Liège and a Ph.D. in international law from the Albert Ludwig University in Freiburg, Germany.

¹² **William A. Schabas** is Professor of international law at Middlesex University in London. He also has appointments at the National University of Ireland Galway, where he is Professor of human rights law and Chairman of the Irish Centre for Human Rights; at the Chinese Academy of Social Sciences as honorary professor; Kellogg College of the University of Oxford as visiting fellow; and at the Université du Québec à Montréal as professeur associé. Professor Schabas is a 'door tenant' at the chambers of 9 Bedford Row, London. He is editor-in-chief of Criminal Law Forum, the quarterly journal of the International Society for the Reform of Criminal Law. He is President of the Irish Branch of the International Law Association and chair of the International Institute for Criminal Investigation. From 2002 to 2004, he served as one of three international members of the Sierra Leone Truth and Reconciliation Commission. He has worked as a consultant on capital punishment for the United Nations Office of Drugs and Crime, and drafted the 2010 report of the Secretary-General on the status of the death penalty (UN Doc. E/2010/10). He was named an Officer of the Order of Canada in 2006 and elected a member of the Royal Irish Academy in 2007. In 2011 he received its Gold Medal in the Social Sciences. He has been awarded the Vespasian V. Pella Medal for International Criminal Justice of the *Association internationale de droit pénal*.

Session 2:

Expanding the Historical and Geographical Landscape of International Criminal Law (Part 1)

Chair: Ambassador Narinder Singh

11:30 Presentations:¹³

- *The Laws of Manu*, by Professor Manoj Kumar Sinha¹⁴ (Director, Indian Law Institute)
- *An Ancient Precedent of Ius Post Bellum: The Complex Interplay between Reconciliation and International Criminal Justice in Classical Greece*, by Associate Professor Emiliano J. Buis¹⁵ (University of Buenos Aires)
- *War Crimes Courts and Prize Courts Precedents*, by Shavana Musa¹⁶ (Tilburg University)

12:30 Lunch

Session 3

Expanding the Historical and Geographical Landscape of International Criminal Law (2)

Chair: Ambassador Narinder Singh

13:15 Presentations:

- *The Trials of Charles I, Col. Wirz, and Pol Pot: Why Historic Cases Are Often Forgotten*, by Jens Iverson¹⁷ (University of Leiden)

¹³ Unless otherwise indicated in the programme, each panel presentation is limited to 15 minutes, with 15 or 20 minutes at the end of each session for questions and discussion.

¹⁴ **Manoj Kumar Sinha** is Director of the Indian Law Institute in Delhi (a centre for advanced socio-legal research), on leave from his position as Professor of Law, WB National University of Juridical Sciences, Kolkata, India. He was Visiting Professor at the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Lund, Sweden (2004-05). He served the Indian Society of International Law as its Director (2006-09). In 2007, he was elected Secretary of All India Law Teachers Congress (AILTC) (re-elected in 2009, 2011 and 2013). He holds a doctorate in international law from Jawaharlal Nehru University, an LL.M. from the University of Nottingham, and an LL.B. from the University of Delhi, and has attended the 29th session of the International Institute of Human Rights in Strasbourg, France. He has recently authored, edited and co-edited books such as 'Business and Human Rights' (2013); 'Implementation of Basic Human Rights' (2013), 'International Criminal Law and Human Rights' (2010); 'International Law: Issues and Challenges' (2009); 'International Criminal Law: Issues and Challenges' (2009); 'Global Governance, Human Rights and Development' (2009); 'Human Rights and Good Governance: National and International Perspectives' (2008); 'Right to Health in the Context of HIV/AIDS in India and Africa' (2007); 'Enforcement of Economic, Social and Cultural Rights: International and National Perspectives' (2006); 'Humanitarian Intervention by the United Nations' (2002); and 'Basic Documents on International Human Rights and Refugee Laws' (2001).

¹⁵ **Emiliano J. Buis** is Associate Professor of public international Law, international humanitarian law and the Origins of international law in Antiquity, and teaches both at graduate and postgraduate levels at the University of Buenos Aires Law School, the Central University (UNICEN), and the School of National Defence, Argentina. He is Lecturer in Ancient Greek Language and Literature at the Faculty of Philosophy and Literature (University of Buenos Aires), where he is also in charge of a Seminar on 'Political Conceptions of Greek Texts' at the Master's Degree in Classical Studies. He is a lawyer (Concentration in Public International Law) (*summa cum laude*), BA in Classics (*summa cum laude*), University of Buenos Aires (UBA); LL.M. in National Defence (National Ministry of Defence, Argentina); Master II Recherche in Ancient History and Anthropology (Université de Paris I Panthéon-Sorbonne); Ph.D. in Classics at the University of Buenos Aires (*summa cum laude*) with a dissertation on the poetics of Athenian law in Aristophanes. He is currently a short-term Fellow at the Center for Hellenic Studies (Harvard University) with a project on the legal aspects of Eupolis' comic fragments.

¹⁶ **Shavana Musa** is a Doctoral Researcher and Lecturer at the Department of Public Law, Jurisprudence and Legal History. Her research consists of a comprehensive investigation into the right to reparation for private persons, who have suffered bodily or material damage during war, in peace-making processes. Shavana also teaches courses on world legal systems, international legal history and international law.

¹⁷ **Jens Iverson** is a Researcher for the 'Jus Post Bellum' project and an attorney specializing in public international law. A member of the California Bar, the Thurston Society, and the Order of the Coif, he received his Juris Doctor (*cum laude*) from the University of California, Hastings, and his Bachelor of Arts from Yale University. He has worked extensively with the Cambodian Genocide Program, the Documentation Centre of Cambodia, and the Coalition for the International Criminal Court. Additionally, he has worked or consulted for the American NGO Coalition for the ICC, the Alameda County Public Defender, the Center for Gender and Refugee Studies, and the American Civil Liberties Union's National Prison Project, as well as His Honor Judge Sterling Johnson Jr. of the Eastern District of New York. As the co-founder of a human rights clinic, he helped represent the former Prime Minister of Haiti in a successful petition to the Inter-

- *International Criminal Law's 'Oriental Pre-Birth': The 1893-1900 Trials of the Siamese, Ottomans and Chinese*, by Associate Professor Gregory S. Gordon¹⁸ (Chinese University of Hong Kong)
- *The Dawn of the Accountability Impulse: An Examination of the European-Ottoman 'Crimes Against Humanity' Trials of 1861*, by Lecturer Benjamin E. Brockman-Hawe¹⁹ (University of North Dakota)
- *The Role of Civil Society and Peoples' Tribunals: Shedding Light on Lesser Known Crimes and Victims*, by Associate Professor Tina Dolgopol²⁰ (Flinders University)

Session 4:

Investigating the Origins of the Core International Crimes²¹

Chair: Assistant Professor CHEAH Wui Ling²² (National University of Singapore)

14:30 Presentations:

- *Retaliation, the Lieber Code and the Origins of International Criminal Law*, by Patryk I. Labuda²³ (Max Planck Institute for Comparative Public Law and International Law)

American Commission on Human Rights which ultimately resulted in a landmark ruling requiring Haitian prison reform. He has practiced at the International Criminal Tribunal for the former Yugoslavia for over three years on both the Popović *et al.* and Plić *et al.* cases.

¹⁸ **Gregory S. Gordon** is Associate Professor of the Chinese University of Hong Kong Faculty of Law. He was Director of the University of North Dakota Center for Human Rights and Genocide Studies. He earned his Bachelor of Arts degree (*summa cum laude*) and Juris Doctor at the University of California at Berkeley. He then served as law clerk to U.S. District Court Judge Martin Pence (D. Haw.). After a stint as a litigator in San Francisco, he worked with the Office of the Prosecutor for the International Criminal Tribunal for Rwanda, where he served as Legal Officer and Deputy Team Leader for the landmark 'media' cases, the first international post-Nuremberg prosecutions of radio and print media executives for incitement to genocide. For this work, Professor Gordon received a commendation from Attorney General Janet Reno for 'Service to the United States and International Justice'.

¹⁹ **Benjamin E. Brockman-Hawe** is Lecturer with University of North Dakota's School of Law, Department of Political Science and Honors Department. He received his J.D. from Boston University, where he graduated with honours. Between 2009 and 2010, he conducted research for the British Institute of International and Comparative Law, the American Bar Association's Rule of Law Initiative in Kosovo, and the American Society of International Law. He also interned with Trial Chamber II of the Special Court for Sierra Leone as well as the Office of the Prosecutor of the Special Tribunal for Lebanon. Prior to accepting his current position, Benjamin worked as an International Legal Officer in the Appellate Chamber of Section I (International Crimes) of the State Court of Bosnia and Herzegovina, and as an Associate with Bosman Law in New York. His work on international criminal procedure, amnesties, immunities, and state succession has appeared in a variety of American and European law reviews. Most recently, he published 'A Supranational Tribunal for the Colonial Era; The Franco-Siamese Mixed Court' in the OUP edited volume *The Hidden Histories of War Crimes Trials*.

²⁰ **Tina Dolgopol** is an Associate Professor of Law at Flinders University. She has published in the fields of human rights, children's rights and women in armed conflict. Her research interests include women's rights and the international protection of human rights, gender and the International Criminal Court, and the search for redress by the 'Comfort Women'. During December 2000 she was one of the Chief Prosecutors for the Women's International War Crimes Tribunal held in Tokyo. She is a member of the Voices of Women Board of the Department of Education and Children's Services and has served as a Deputy Member of the Medical Board of South Australia. She has a number of academic publications.

²¹ For the purposes of this research project, 'core international crimes' signifies war crimes, crimes against humanity, genocide crimes, and crimes of aggression.

²² **CHEAH Wui Ling** an Assistant Professor at the National University of Singapore (NUS)'s Faculty of Law. She is a qualified lawyer, called to the New York Bar, and has a diploma in arbitration, from Queen Mary, University of London. She holds a LL.B. and LL.M. from the National University of Singapore, a LL.M. from Harvard, and a Diploma from the Academy of European Law, European University Institute. She is Senior Adviser and Editor for the Forum of International Criminal and Humanitarian Law (FICHL) and Torkel Opsahl Academic EPublisher (TOAEP), respectively. Prior to entering academia, she served as a legal officer at Interpol's General Secretariat (Lyon, France), where she specialised in international criminal law and cross-border police co-operation. In 2011, she was a Visiting Professional at the International Criminal Court. Her research and publications focus on public international law, international criminal law, and, more generally, issues of criminal justice.

²³ **Patryk I. Labuda** is a Research Fellow at the Max Planck Institute for Comparative Public Law and International Law in Germany, and a Ph.D. candidate at Graduate Institute of International and Development Studies (since the fall of 2013). He holds a Master's degree in constitutional and international law (LL.M. 2009) from Columbia Law School in New York, the Certificate of Transnational Law (C.D.T. 2003) from the University of Geneva, and a dual degree in law (five-year Magister iuris, 2006) and history (B.A. 2007) from Adam Mickiewicz University in Poland.

- *The Grave Breaches Regime of the Geneva Conventions: Origins, Prospects and Importance for the Development of International Criminal Law*, by GUO Yang²⁴ (International Committee of the Red Cross) and Richard Desgagné²⁵ (International Committee of the Red Cross)
- *At the Origins of Genocide and Crimes Against Humanity*, by Judge Agnieszka Klonowiecka-Milart (Extraordinary Chambers in the Courts of Cambodia) and Sheila Paylan²⁶ (Extraordinary Chambers in the Courts of Cambodia)
- *The Evolution of Persecution as a Crime Against Humanity*, by Helen Brady (International Criminal Court) and Ryan Liss²⁷ (Yale University)

15:45 Tea Break

²⁴ **GUO Yang** is currently Legal Adviser at the Regional Delegation for East Asia of the International Committee of the Red Cross (ICRC). He holds a master's degree in International Law from China University of Political Science and Law. He originally worked as a legal officer in the Treaty and Law Department of the Ministry of Foreign Affairs, People's Republic of China. In this role, he also served as Legal Adviser of the Chinese Delegation to the *Ad hoc* Committee on deliberation of the Optional Protocol to the Convention against Torture; *Ad hoc* Committee on deliberation of the United Nations Convention against Transnational Organised Crime, as well as the 57th and 58th Session of the General Assembly of the United Nations (Third Committee). He joined the ICRC Regional Delegation for East Asia in 2005. As the legal adviser of the Delegation, he is responsible for co-operation with national authorities and academic circles on promotion and implementation of international humanitarian law in this region.

²⁵ **Richard Desgagné** is currently is currently Regional Legal Adviser for East Asia for the International Committee of the Red Cross (ICRC). He joined the ICRC in 2001 as a legal adviser in the ICRC Advisory Service on International Humanitarian Law in Geneva. From 2003 to 2006, he was regional legal adviser for West and Central Africa, and from 2006 to 2008, for Central and Southeast Europe. He holds a law degree (LL.B.) from the University of Montreal, a business administration degree (B.A.) from the University of Quebec (UQAM), a master of laws degree (LL.M.) from McGill University (Montreal), and a Diploma on International Relations (DES) from the Graduate Institute of International Studies (Geneva). He also studied at the Chinese Studies Unit at the University of Geneva (Faculty of Arts). Before joining the ICRC, he worked as a researcher on different projects on international environmental law, human rights and international humanitarian law, and taught European law. He co-authored a book on international environmental law and published several articles on environmental law, human rights and international humanitarian law.

²⁶ **Sheila Paylan** will present a co-authored paper by two persons. She currently serves as a Legal Officer and Greffier of the Supreme Court Chamber of the ECCC. She has previously worked in the Trial Chambers, Appeals Chamber, and the Office of the President of the International Criminal Tribunal for Rwanda. She is a graduate of McGill University with degrees in both common law and civil law, and holds a postgraduate certificate in international justice from the University of London. **Agnieszka Klonowiecka-Milart** currently serves as an international judge on the Supreme Court Chamber of the ECCC. Prior to her appointment to the ECCC she was UN-appointed international judge on the Supreme Court of Kosovo, adjudicating among other, charges of genocide and war crimes arising from the conflict 1998-1999. Klonowiecka-Milart started her legal career as an Assistant Professor at the Law Faculty of the University in Lublin, Poland. She entered the judiciary in 1991. Since 1998, she has been active on the international rule of law arena, including UN judicial and legal reform programmes in Bosnia and Afghanistan.

²⁷ **Helen Brady** the Senior Appeals Counsel and Head of the Appeals Section at the Office of the Prosecutor of the International Criminal Court (ICC). She also teaches international criminal law in the LL.M. degree programme at Sydney University. Formerly, as Senior Appeals Counsel and Appeals Counsel at the ICTY for 12 years, she represented the Prosecution before the ICTY and ICTR Appeals Chambers on the appeals of some 50 accused persons, and advised on the appeals and trials of another 40 or so accused persons. She has also served as Chef de Cabinet to the President of the Special Tribunal for Lebanon. Following her admission to practice law in 1988, Ms. Brady worked in law firms in Sydney and San Francisco, and was a prosecutor at the Office of the Director of Public Prosecutions in Sydney. As a member of the Australian Government delegation to the Rome Conference and the Preparatory Commission for the International Criminal Court from 1998-2001, Ms. Brady was one of the negotiators and drafters of the Rome Statute for the ICC and its Rules of Procedure and Evidence. She has trained investigators, prosecutors and judges from international and domestic war crimes courts including the Extraordinary Chambers in the Courts in Cambodia and the Court of Bosnia and Herzegovina, and has written and spoken widely on international criminal law and procedure. She holds an LL.M. from Cambridge University and a B.Sc. and an LL.B. (Hons) from the Australian National University. She is admitted as a lawyer in Australia and California. **Ryan Liss** is a Visiting Scholar at the Institute for International Law and Justice at New York University School of Law. He is also pursuing a doctorate in law at Yale Law School, where he studies as a Trudeau Scholar and a Canadian Social Science and Humanities Research Council Doctoral Fellow. He holds degrees from Yale Law School (LL.M.), and the University of Toronto (Hons. B.A. and J.D.). His academic and professional work to date has focused on international criminal law and international human rights law. He has worked with the Office of the Prosecutor of both the ICC and the ICTR, as well as with the Coalition for the ICC (both in New York and at the Kampala Review Conference), the Canadian Centre for International Justice, and the Canadian International Development Agency (as a human rights intern in Manila, The Philippines). While completing his J.D., he acted as an Editor-in-Chief of the Journal of International Law and International Relations.

Session 5:
Origins of Individual Criminal Responsibility and Modes of Liability
Chair: Anuradha Bakshi²⁸ (Asian-African Legal Consultative Organization)

16:00 Presentations:

- *Focus from State to Individual: The Transposition of International Humanitarian Law Into International Criminal Trials Against Individuals*, by Dr. Philipp Ambach²⁹ (International Criminal Court)
- *Individual Criminal Responsibility for Violations of Jus ad Bellum Under Customary International Law: From Nuremberg to Kampala*, by Meagan Wong³⁰ (Cambridge University)
- *The Evolution of Complicity as a Construction for Dealing with Collective Criminality*, by Dr. Marina Aksenova³¹ (Copenhagen University)
- *Conspiracy as a Mode of Common Liability since Nuremberg*, by Dr. Zahra Kesmati³² (Independent Researcher)
- *The Historical Origin of Corporate Criminal Liability for International Crimes: the Legacy of Nuremberg Trials*, by WEI Xiaohong³³ (Renmin University)

²⁸ **Anuradha Bakshi** is currently the Principal Legal Officer of the Asian-African Legal Consultative Organization (AALCO). After completing her education in law from the University of Delhi in 1984, she practiced with an eminent lawyer and a retired Judge of the Delhi High Court until she joined AALCO in 1990. She has worked with both the organisational and substantive matters on the agenda of the Organization, which covers a broad gamut of subjects, including the status and treatment of refugees, the establishment and functioning of the International Criminal Court, extraterritorial sanctions imposed against third parties, and international humanitarian law. She has contributed to various publications of AALCO, such as “A Study on the Statehood of Palestine under International Law” published in 2013.

²⁹ **Philipp Ambach** works in the Presidency of the ICC as the President’s Special Assistant since December 2010. Before that, Mr. Ambach worked for more than three years as a legal officer in the Appeals Chamber of the ICTY, ICTR, as well as in the Registry of the ICTY. Nationally, Mr. Ambach had been accepted at the Cologne Public Prosecutor’s Office prior to his employment with the ICTY. After finishing his law degree at the Humboldt-University of Berlin, Mr. Ambach served his Referendariat at the Regional Court of Düsseldorf. He holds a Ph.D. in international criminal law of Free University of Berlin. He has published a number of articles on various topics in the area of international criminal as well as humanitarian law and regularly gives guest lectures on ICL/IHL topics at various institutions.

³⁰ **Meagan Wong** is a Ph.D. candidate at Leiden University. She spent one year researching for her Ph.D. at Oxford University as a visiting doctoral student (2011-12). She obtained an LL.M. in Public International Law from University College London (UCL) and an LL.B. (Hons.) from Leeds University. She has been called to the Bar of England & Wales (Middle Temple Inn). She was accredited to be part of the Liechtenstein delegation at the 11th session of the Assembly of States Parties to the International Criminal Court, and attended the 8th session in the delegation of the Coalition for the International Criminal Court. She has taught public international law at Sungkyunkwan University (Seoul) where she has designed, organized and lectured several courses (The International Legal System and the United Nations, Case Studies in International Treaties, International Criminal Law, and International Law and the United Nations).

³¹ **Marina Aksenova** is a post-doc at the iCourts, Centre for Excellence for International Courts at the University of Copenhagen. She holds a doctorate in Law from the European University Institute in Florence; a Ms.C. in Criminology and Criminal Justice from University of Oxford; an LL.M. from the University of Amsterdam; and a BA in law from International University, Moscow. She is holder of a doctoral scholarship from the EUI. She has interned at the Extraordinary Chambers in the Courts of Cambodia (Phnom Penh, Cambodia). She has served as Research Assistant for Agency for Fundamental Rights (FRA) Study: ‘Border Police Human Rights Training in the EU’.

³² **Zahra Kesmati** holds a Ph.D. in international law from Allame Tabatabaee University, Tehran, Iran; an LL.M. in international law from Allame Tabatabaee University, Tehran, Iran; a B.A. in Political Science from Tehran University, Tehran, Iran. She previously worked as a Researcher for the Islamic Human Rights Commission (2001-2002). She was selected as a Distinguished Student by Iranian Sciences Ministry 2000 and selected as Distinguish student by Allame University in 2001. She currently works in the Claim Division of International Affairs of National Iranian oil Company.

³³ **WEI Xiaohong** is a doctoral researcher at the law schools of Renmin University of China and Erasmus University Rotterdam. Prior to obtaining her master degree in law at Renmin University of China, she got degrees in English from Henan University and in International Economics and Business from Henan Foreign Trade School respectively. She has experience as team member, organizer, and judge at the national rounds of the Philip C. Jessup International Law Moot Court Competition and the Red Cross International Humanitarian Law Moot Court Competition. She has worked in an international business company and law firm, and taught international law and English at universities in Beijing. She has published and has an interest in interdisciplinary approaches. Her research fields include international law, international

Session 6:
Origins of Individual Criminal Responsibility and Modes of Liability (2)

Chair: Professor LING Yan³⁴

17:30 Presentations:

- *The Evolution of Command Responsibility in International Criminal Law*, by Dr. Chantal Meloni³⁵ (University of Milan)
- *Historical Origins of Superior Responsibility*, by Lecturer Ahmed F. Khalifa³⁶ (Ain Shams University)
- *The Defence of Superior Orders and Other Common Defences in International Criminal Law*, by Associate Professor Hitomi Takemura³⁷ (Aichi University)
- *The Evolution of Sentencing Practice Since Nuremberg*, by Assistant Professor ZHANG Binxin³⁸ (Xiamen University)

19:00 End of first seminar day

criminal law, international humanitarian law and international institutional law. She serves as a member of the Editorial Board of the Forum of International Criminal and Humanitarian Law (FICHL).

³⁴ **LING Yan** is Professor at the Faculty of International Law at China University of Political Science and Law since 2004, Director of its Research Center for International Criminal Law and Humanitarian Law (www.rcicl.org/english/index.asp), and Deputy Director of its Institute of Air and Space Law. She has worked as a legal officer for the ICTR (1998-2004). She is Co-Director of the LI Haopei Lecture Series.

³⁵ **Chantal Meloni** is an Italian criminal lawyer and academic at the University of Milan where she teaches International Criminal Law. She holds a Ph.D. in comparative criminal law from the University of Pavia (Italy). In 2006-07, she worked at the International Criminal Court as Legal Assistant to the judges of Pre-Trial Chamber. In 2010, she was awarded an Alexander von Humboldt fellowship for a research project on 'The protection of the right to life in asymmetrical conflicts' at the Humboldt University of Berlin. In the context of this project she was in Gaza in 2010 with the Palestinian Centre for Human Rights. Her research interests focus on international criminal law, especially on accountability mechanisms, individual responsibility for international crimes, and on the protection of victims of international crimes. She is the author of the volume 'Command Responsibility in International Criminal Law' (T.M.C. Asser, 2010) and of several articles published in international journals and collective volumes. She is also the co-editor of the book 'Is There a Court for Gaza? A Test Bench for International Justice' (T.M.C. Asser/Springer, 2012), which documents the follow up to the U.N. Fact Finding Mission on the Gaza conflict (the 'Goldstone Report').

³⁶ **Ahmed F. Khalifa** is Lecturer of Criminal Law, Ain Shams University, Cairo, Egypt. He obtained his doctorate from University of Poitiers, Faculty of Law and Social sciences, Poitiers; a Master II of Penal law and criminal sciences from University of Poitiers, Faculty of Law and Social sciences; LL.M. from Temple University, Beasley School of Law, Philadelphia, USA; LL.B. from Ain Shams University, Faculty of Law, Cairo, Egypt. He was awarded a doctoral scholarship by Max Planck Institute for Foreign and International Criminal Law for six months. He has served as Legal Consultant in the Security Governance and Counter-Terrorism Laboratory, United Nations Interregional Crime and Justice Research Institute (UNICRI), Italy.

³⁷ **Hitomi Takemura** is an Associate Professor of International Law at the School of Foreign Studies, Aichi Prefectural University in Japan. She received her LL.M in public international law and international criminal law from Leiden University in the Netherlands, an LL.M. in international law from Hitotsubashi University in Tokyo, and her PhD in law at the Irish Centre for Human Rights at the National University of Ireland. She worked as an intern at the Appeal Chamber of the International Criminal Tribunal for Rwanda (July – December 2004), and for the International Criminal Court (March – August 2005).

³⁸ **ZHANG Binxin** is Assistant Professor at Xiamen University Law School and the first PKU-CILRAP Research Fellow. She has previously worked as post-doctoral research fellow at Xiamen Law School, focusing on reparations for victims in international criminal proceedings; as Legal Officer in the International Committee of the Red Cross Regional Delegation for East Asia; and as a trial monitor of the Asia International Justice Initiative Trial Monitoring group, monitoring the Duch case before the Extraordinary Chambers in the Courts of Cambodia. She has interned at the International Criminal Court. She holds a Ph.D. in international law from Renmin University of China. Her main research interest is international criminal law and procedure. She has co-authored a book on war crimes and published several articles and book chapters on issues related to international criminal procedure.

Programme

on Sunday, 30 November 2014, 09:00–17:30,
The Imperial Hotel, Delhi:

Session 7:

Keynote Presentations

Chair: Professor Susan Lamb³⁹ (Jindal Global University Law School)

- 09:00 *Victim Participation, Reparations and Reintegration as Historical Building Blocks of International Criminal Law*, by Professor FURUYA Shuichi⁴⁰ (Waseda University)
- 09:30 *The Continuing Influence of the Nuremberg and Tokyo Procedural Rules in Modern International Criminal Procedural Law*, by Judge David Re⁴¹ (Special Tribunal for Lebanon)

Session 8:

Internationalised Courts

Chair: Assistant Professor YI Ping⁴²

10:15 Presentations:

- **Keynote:**⁴³ *The Contributions of the ICTY and the ICTR to the Discipline of International Criminal Law*, by Judge LIU Daqun

³⁹ **Susan Lamb** is a Professor and Vice-Dean at the Jindal Global Law School following a sixteen-year career with various United Nations justice responses to atrocity crimes in the former Yugoslavia, Rwanda and Cambodia. She served as the Senior Judicial Coordinator to the United Nations Assistance to the Khmer Rouge Trials (UNAKRT) and the Senior Legal Officer to the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) (2009-2013), and the Chef de Cabinet to President Erik Møse and Senior Legal Officer to Trial Chamber I of the ICTR (2005-2008). She has also served in various capacities with the ICTY between 1997 and 2005. Susan Lamb was a Rhodes Scholar and is admitted to practice as a barrister and solicitor of the High Court of New Zealand.

⁴⁰ **FURUYA Shuichi** is Professor of international law at Waseda Law School. He is a full time professor and currently an Associate Dean for Academic and International Affairs, and also a member of the International Humanitarian Fact-Finding Commission since 2012. He graduated from Chuo University Faculty of Law, Tokyo, in 1981, and obtained an LL.M. from Waseda University Graduate School of Law in 1983. He was also a visiting professor of the Netherlands Institute of Human Rights (SIM) at Utrecht University, and a visiting fellow of the Lauterpacht Research Centre for International Law at Cambridge University. He is a Co-Rapporteur of the Committee on Reparation for Victims of Armed Conflict, International Law Association (ILA). He is also a member of Editorial Boards of Netherlands Quarterly of Human Rights and of Japanese Yearbook of International Law. He has published more than 50 articles in English and Japanese on international criminal law and humanitarian law including the topics of reparation for victims of armed conflicts, participation of victims in international criminal justice, and a model statute of *ad hoc* international compensation commissions.

⁴¹ **David Re** is a Judge at the Special Tribunal for Lebanon, The Hague. He was formerly international judge, Court of Bosnia and Herzegovina, and trial attorney and senior prosecuting trial attorney, International Criminal Tribunal for the Former Yugoslavia, and barrister and solicitor, Sydney, Australia. He graduated from the University of Sydney, Australia in 1985 and holds bachelor's degrees in arts and law and a master's degree in law. From 1986 to 2001, he worked in Australia as a barrister, a prosecutor, a solicitor in private practice and in criminal law reform research for the Attorney General's Department.

⁴² **YI Ping** is Assistant Professor at Peking University Law School since 2009. She is currently the youngest professor at the School. She was a Research Fellow at the Japan Society for the Promotion of Science in 2007-09. She holds an LL.B. (1996-2000) and LL.M. (International Law) (2000-03) from Peking University Law School. She was a research student at the University of Tokyo Graduate School for Law and Politics in 2003-04, and studied for and obtained LL.M. (2004-06) and LL.D. (2006-09) degrees there. Her doctoral thesis was on the topic 'Between War and Peace: the 'Just War' Concept and its Consequences During the Early Period of International Law Research in Japan' (Torkel Opsahl Academic EPublisher, Beijing, 2013). She was an Exchange Student at the Faculty of Law, Niigata University, Japan (2001-02). She is Chief Editor of Peking University International and Comparative Law Review. Her research interests include the law of war, and the history and theory of international law. She is a Senior Adviser in the Co-ordination of the FICHL, the CILRAP department behind this seminar.

⁴³ This keynote presentation is scheduled to last 30 minutes.

- *ICC Complementarity: Between Novelty, Refinement and Consolidation of International Criminal Law*, by Dr. Patricia Pinto Soares⁴⁴ (UN Human Rights Officer)
- *Acceptance of International Criminal Law in Peace Processes: The Case of the ICC and the Lord's Resistance Army*, by Dr. Mareike Schomerus⁴⁵ (London School of Economics and Political Science)

11:15 Tea break

Session 9:

National Courts

Chair: Professor Claus Kreß

11:30 Presentations:

- *The Eichmann Trial as the Historical Origin of Universal Jurisdiction over Gross Human Rights Offences*, by SETA Makoto⁴⁶ (Waseda University)
- *An Historical Approach to International Criminal Law Through the Lens of Domestic Prosecutions: Judging Massive Human Rights Violations in Argentina*, by Natalia M. Luterstein⁴⁷ (University of Buenos Aires)
- *Peace and Security and the State's Use of Criminal Law and Justice: The Case of Western Germany*, by Hilde Farthofer⁴⁸ (Philipps-University Marburg)
- *Civil Litigation and International Criminal law – the Historical Discourse: Do the Two Go Together Even If Not Intended*, by Itai Apter⁴⁹ (Israeli Ministry of Justice)

12:45 Lunch

⁴⁴ **Patricia Pinto Soares**, a UN Human Rights Officer, holds a doctorate from the European University Institute; a Master of Research in Law (EUI); Postgraduate Course in Economic and European Criminal Law, Faculdade de Direito da Universidade de Coimbra (FDUC); a law degree from Faculdade de Direito da Universidade de Coimbra. Since 2012, she has served as Human Rights Expert/Researcher to MONUSCO (United Nations Organisation Stabilisation Mission in the D.R. Congo). Formerly, she served as a legal officer at the Office of Legal Affairs, Interpol General Secretariat, and has interned at the Extraordinary Chambers in the Courts of Cambodia (ECCC).

⁴⁵ **Mareike Schomerus** is a researcher, consultant, and teacher, working on violent conflict, peace, human security and small arms. She is the Consortium Director of The Justice and Security Research Programme at the London School of Economics and Political Science. Since 2008, she is Deputy Chief Examiner of University of London (External System). She has served on various consultancies. She holds a Ph.D. from LSE (Department of International Development ID); Diploma in Management and Leadership (Level 5), Chartered Management Institute, UK; Postgraduate Certificate in Higher Education (PGCertHE), LSE, UK; MA in Sociology/ American Studies/ German Studies (Distinction), University of Bremen, Germany; M.Sc. in Journalism, Columbia University, New York, USA; Graduate Diploma in American Studies, Smith College, Massachusetts, USA.

⁴⁶ **SETA Makoto** is a doctoral candidate in public international law at Waseda University, Japan. He holds an LL.M. in Public International Law, London School of Economics and Political Science (UK); LL.M. in Public International Law, Waseda University (Japan); LL.B in International Course, Waseda University (Japan). Since 2013, he has been a Research Associate at Waseda University. He has interned at the International Criminal Court. In 2012, he was awarded an academic scholarship by Adachi Mineichiro Memorial Foundation.

⁴⁷ **Natalia Luterstein** is Interim Associate Professor of 'Subjects and Jurisdictions' at University of Buenos Aires, Teaching Assistant in the course 'International Jurisdictions' at Torcuato Di Tella University, Teaching Assistant in the chair of Dr. Hortensia Gutiérrez Posse at University of Buenos Aires, and Teaching Assistant in the course 'Crimes against Humanity and the International Criminal Court' at University of Buenos Aires. She holds an LL.M. in Public International Law from the London School of Economics and Political Science (graduated with Merit) and a law degree from Universidad de Buenos Aires – School of Law (graduated with Honors).

⁴⁸ **Hilde Farthofer** is Research Assistant for the Independent Academic Commission of the German Ministry of Justice for the reappraisal of the NS-past. She is Research Assistant at the Faculty of Law, University of Marburg. She was previously a legal adviser on criminal law and bankruptcy law to the law office of Dr. Elisabeth Bukovc. She holds a *magistra iur.* and doctorate from the University of Salzburg, Austria.

⁴⁹ **Itai Apter** is Director, International Civil Affairs Department for International Agreements and International Litigation, Israel Ministry of Justice. He holds an LL.M. from New York University School of Law and LL.B. from the University of Haifa, Faculty of Law. Prior to his current appointment, he was a Law Clerk at Diplomatic and Civil Law (International Litigation) Department, Office of The Legal Adviser, Israel Ministry of Foreign Affairs, Jerusalem, Israel.

Session 10:
The Development of International Criminal Law: Disciplinary Perspectives
Chair: Assistant Professor CHEAH Wui Ling

13:30 Presentations:

- *Strong and Weak State Reconciliation: How State Self Interest Co-opted Normative Advance in International Criminal Justice*, by Chris Mahony⁵⁰ (University of Oxford)
- *The Contribution of Progress Narratives to the Development of the Discipline of International Criminal Law*, by Barrie Sander⁵¹ (Graduate Institute of International and Development Studies in Geneva)
- *Transitional Justice Delayed or Denied: A Case Study of Indonesia and Southeast Asia*, by Ranyta Yusran⁵² (National University of Singapore)

Session 11:
A Diversity of Actors and Methods
Chair: Professor LING Yan

14:30 Presentations:

- *The Introduction of Demographic Analysis to Prove Core International Crimes as a Paradigmatic Shift*, by Dr. Helge Brunborg⁵³ (Statistics Norway)

⁵⁰ **Chris Mahony**, University of Oxford, is a candidate for a D.Phil. in Politics at Keble College, Oxford and Research Fellow, Centre for International Law Research and Policy. He holds a Bachelor of Commerce degree (B.Com.) and a Bachelor of Laws (LL.B.) degree from the University of Otago, and a Master's degree in African Studies (M.Sc.) from the University of Oxford. He was admitted to the bar of the High Court of New Zealand in 2006 where he appeared for the Crown in criminal and refugee matters. He drafted the recommendations on governance for the Sierra Leone Truth and Reconciliation Commission, and co-authored the 'Historical antecedents to the conflict' chapter. In 2008, he directed the Witness Evaluation Legacy Project at the Special Court for Sierra Leone. He has advised the International Criminal Court, the British and US governments, the International Centre for Transitional Justice, and the Open Society Initiative, on transitional justice and justice sector reform. From 2012 to 2013, he was Deputy Director of the New Zealand Centre for Human Rights Law, Policy and Practice, Faculty of Law, Auckland University.

⁵¹ **Barrie Sander** is a Ph.D. Candidate in International Law at the Graduate Institute of International and Development Studies (IHEID) in Geneva, and acts as Teaching Assistant on the LL.M. in International Law at IHEID and at the Geneva Academy of International Humanitarian Law and Human Rights. He is co-founder of Just Innovate, an educational initiative whose mission is to inspire and facilitate student social innovation. In 2014, he will act as academic mentor on the innovative law and entrepreneurship programme, LawWithoutWalls. Previously, he acted as Law Fellow at LawGives, a Stanford-based start-up platform that helps lawyers find *pro bono* and paying clients tailored to their expertise. Prior to his Ph.D., Sander qualified as a Solicitor of England and Wales at Herbert Smith LLP (now Herbert Smith Freehills LLP), and has been at the International Criminal Tribunal for the former Yugoslavia, Permanent Court of Arbitration, and the EU Delegation to the UN in New York. He has acted as legal adviser to the African Prisons Project in Uganda and to the Liberian Ministry of Justice on prison reform. Barrie studied Law at Jesus College, Cambridge University and earned a Public International Law LL.M. (*cum laude*) at Leiden University.

⁵² **Ranyta Yusran** is a Research Fellow at the Centre for International Law at the National University of Singapore. She holds an LLM in International Human Rights Law from Lund University, Sweden, where she received a full scholarship from Raoul Wallenberg Institute of Human Rights and Humanitarian Law, and a Bachelor of Law degree in Public International Law from University of Indonesia. Prior to joining CIL, Ranyta has worked as a researcher and program manager at the Legal Aid Center of the Indonesian Bar Association, as a judicial assistance law clerk at the Office of the Prosecutor, ICC, and as a researcher and consultant at the Directorate of Law and Human Rights of the Ministry of National Development Planning in Indonesia.

⁵³ **Helge Brunborg** is a Senior Research Fellow in Statistics Norway. He has previously worked for the International Criminal Tribunal for the former Yugoslavia (ICTY) as a demographer/statistician (1997-98 and later as a Consultant). He pioneered the use of statistics and demography in the investigations and prosecutions of the international criminal tribunals. He has served as an expert witness in a number of ICTY trials. He holds a Ph.D. in Economics/Demography from University of Michigan and a Cand. Oecon. from the University of Oslo. He is Chair of the Panel on the Demography of Armed Conflict, International Union for the Scientific Study of Population. He has worked as a special adviser on data and analysis issues in numerous countries in Africa, Asia and Europe. He has also published a book and several articles on issues related to the demography of armed conflict.

- *The Historical Contribution of International Fact-Finding Commissions*, by Dr. Mutoy Mubiala⁵⁴ (Office of the UN High Commissioner for Human Rights)
- *International Co-operation in Combating Core International Crimes: The Historical Contribution of INTERPOL and Cross-Border Policing*, by Yaron Gottlieb⁵⁵ (Interpol)
- *The History of the International Association of Penal Law, 1924-1950: Conservative, Progressive, or Neither?*, by Associate Professor Mark A. Lewis⁵⁶ (City University of New York)
- *Courting Justice, Norming Rights: The Transnational Roots of International Accountability*, by Dr. James Burnham Sedgwick⁵⁷ (Acadia University)

Session 12:

Knowledge Biases and Deficits in the History of International Criminal Law: General Discussion with Emphasis on Research Agenda

Chair: Assistant Professor CHEAH Wui Ling

16:00 Remarks by panellists and open discussion:

- Judge LIU Daqun
- Professor Claus Kreß
- Professor FURUYA Shuichi
- Judge Agnieszka Klonowiecka-Milart
- Judge David RE
- Dr. Helge Brunborg

17:30 Conclusion of seminar

⁵⁴ **Mutoy Mubiala**, since 1994 to date, has been: Human Rights Officer, Office of the UN High Commissioner for Human Rights, Geneva (Desk Officer for more than 15 countries in West, Southern and Central Africa, from 1994 to 2007, and for Cameroon, Congo, Equatorial Gabon and Sao Tome et Principe, from 2012 to present); Coordinator for West Africa, from 2008 to 2010; and Chief a. i., of the Africa Section II, from January 2011 to February 2012). He co-ordinated the establishment of the UN Centre for Human Rights and Democracy in Central Africa, based in Yaoundé (Cameroon), from March 2001 to March 2002. He holds a Ph.D. in International Relations, Graduate Institute of International Studies, Geneva; Graduate Diploma in International Relations, Graduate Institute of International Studies, Geneva; Diploma, with distinction and merits (*cum laude*), Geneva International Peace Research Institute (1988); and Licence en Droit (Master Degree in Law), Law Faculty, University of Kinshasa.

⁵⁵ **Yaron Gottlieb** is Senior Counsel at the Office of Legal Affairs, Interpol, General Secretariat, Lyon. He holds an LL.M. degree from New York University School of Law and LL.B. degree (*magna cum laude*) from the Hebrew University of Jerusalem – Faculty of Law. He is also currently pursuing his doctorate at the University of Amsterdam. He is a Visiting Professor in the LL.M. and Postgraduate Diploma in International and European Law programme at Jean Moulin University Law School - Faculté de Droit. TBC.

⁵⁶ **Mark A. Lewis** is an Associate Professor of European History at the City University of New York, College of Staten Island. He is the author of *The Birth of the New Justice: The Internationalization of Crime and Punishment, 1919-1950* (Oxford University Press, 2014), which won the Wiener Library's Fraenkel Prize in 2013 for the best book manuscript in contemporary history. His most recent article, "The Failure of the Austrian and Yugoslav Police to Repress the Croatian Ustaša in Austria: 1929-1934," was published in the *Austrian History Yearbook* (2014). He is also the co-author of *Himmler's Jewish Tailor* (Syracuse University Press, 2000), an oral history about Jacob Frank, a Polish Jew who survived the ghetto in Lublin, Poland as well as several other Nazi-run labour and concentration camps. He received his Ph.D. in European history from the University of California, Los Angeles (2008), an M.A. with Distinction in European History from UCLA (2004), and a B.A. with Honours and Distinction in Modern Thought in Literature from Stanford University (1990).

⁵⁷ **James Burnham Sedgwick** teaches at History and Classics Department, Acadia University. He holds a Ph.D. from University of British Columbia, History (2012); M.A. from University of Canterbury, History (2004); B.A. from Acadia University, History (2002). Among others, he was awarded in 2008 Graduate Fellowship, Law Foundation of British Columbia and in 2010, Graduate Research and Writing Fellowship, Department of History, University of British Columbia.