



The Historical Origins of International Criminal Law

Seminar 1

co-organized by

the Centre for International Law Research and Policy,
Peking University International Law Institute, City University of Hong Kong,
and the European University Institute (Department of Law),

in Hong Kong on 1 and 2 March 2014.

What are the main historical origins of international criminal law as a discipline of international law? The above-listed seminar co-organisers seek to explore and crystallise the sub-discipline of history of international criminal law by bringing together leading experts from around the world for two two-day seminars on this topic, the first taking place on 1-2 March 2014 and focusing mostly on the period up to the World War II trials. Papers presented at these seminars (and some additional papers) will be published in two comprehensive volumes (*Historical Origins of International Criminal Law: Volume I and Volume II*) analysing the trials, treaty provisions, national laws, declarations or other acts of States, and publications that constitute the significant building blocks of contemporary international criminal law, and why that is so.

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. The present 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. It is an antithesis to the Kenya-ICC debacle which has consumed so much attention in 2013 and early 2014.

The call for seminar papers met with an overwhelming response, persuading the organisers to hold two seminars and publish two volumes. Below you find the detailed programme for the first of these seminars. The second seminar – to be held in New Delhi on 29 and 30 Novem-

ber 2014 – will have a similar number of speakers, many of whom responded to the original call for papers. This follow-up seminar focuses 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. Together, these two seminars, and the two volumes published based on them, provide us with a holistic and critical understanding of international criminal law's history and foundations.

The Hong Kong seminar is the 2014 LI Haopei Seminar.¹ The purpose of the LI Haopei Lecture Series is to honour the international law service and contributions of the late Judge LI Haopei (1906-1997), a distinguished Chinese jurist, diplomat and academic. Judge LI was a leading authority on international law. From 1963 to 1993, he was concurrently Legal Adviser to the Ministry of Foreign Affairs of China and Professor of International Law at Peking University. Judge LI became China's main representative at international conferences and tribunals. From 1993 to 1997, he was a Member of the Permanent Court of Arbitration. In the same period, he served as Judge at the Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia and Rwanda. Professor David Cohen will give the distinguished 2014 LI Haopei Lecture.

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).

Registration:

As the number of available seminar seats is limited, those interested in participating in the seminar should send an e-mail message to bolton@fichl.org before 20 February 2014. Those registered will receive an e-mail confirmation. Participation is without cost, but non-speakers cover their own travel and accommodation expenses.

¹ See <http://www.fichl.org/li-haopei-lecture-series/>. It is CILRAP's department 'Forum for International Criminal and Humanitarian Law' ('FICHL') that created and co-ordinates the LI Haopei Series. The Series Co-Directors are Professor LING Yan and Professor Morten Bergsmo.

Programme

on Saturday, 1 March 2014, 08:30–18:30:

Session 1:

Introducing the Seminar and Its Subject-Matter

Chair: Assistant Professor *YI Ping*²

08:30 Registration and tea

09:00 *Introductory statements*:³

- Assistant Professor Mark D. Kielsingard⁴ (City University of Hong Kong)
- Acting Dean and Professor of Law LIN Feng⁵ (City University of Hong Kong)
- Geoffrey Robertson QC⁶ (Doughty Street Chambers)

09:30 *The Seminar Theme and Its Relevancy*, by Professor Morten Bergsmo⁷ (Peking University Law School; Director, CILRAP)

² **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.

³ A seminar group photography will be taken after the opening of the seminar.

⁴ **Mark D. Kielsingard** is an Assistant Professor of Law at City University of Hong Kong and was formerly a trial attorney in the United States. He holds a JSD in international criminal law, an LL.M. in international human rights law, a J.D. and a B.A. He is licensed to practice in the United States and before the International Criminal Tribunal for former Yugoslavia. His research consists of criminal law (international, comparative and domestic) and human rights issues (broadly defined), and he teaches criminal law and human rights law courses at both the undergraduate and post-graduate levels. Dr. Kielsingard authored the book 'Reluctant Engagement: US Policy and the International Criminal Court' published by Martinus Nijhoff, won the 2013 Myres S. McDougal Prize from the Society of Policy Scientists for the best policy-oriented article of 2013, and is a former recipient of the Marie Curie Scholarship to Leiden University. Dr. Kielsingard taught the anchor course for the prestigious Chinese judge LL.M. program at City University of Hong Kong and is one of a panel of experts preparing a whitepaper for the Hong Kong legislature for implementation of universal suffrage in the Chief Executive elections for 2017.

⁵ **LIN Feng** is the Acting Dean and Professor of Law at City University of Hong Kong. He is also the Director of the Centre for Chinese and Comparative Law, City University of Hong Kong and a barrister (HKSAR). He holds a doctorate from Peking University, a LL.M. from Victoria University of Wellington, and a LL.B. from Fudan University.

⁶ **Geoffrey Robertson QC** is founder and joint head of Doughty Street Chambers. He has had a distinguished career as a trial and appellate counsel, an international judge, and author of leading textbooks. He has argued many landmark cases in media, constitutional and criminal law, in the European Court of Justice; the European Court of Human Rights; the Supreme Court (House of Lords and Privy Council); the UN War Crimes courts; the World Bank's International Centre for Settlement of Investment Disputes (ICSID) and in the highest courts of many commonwealth countries. Geoffrey has, as a jury advocate, appeared in many criminal trials at the Old Bailey and libel trials in the High Court. He has appeared in several hundred reported cases in the Court of Appeal (both civil and criminal divisions) and in judicial reviews in the High Court, and in subsequent appeals. He has a large advisory practice, for clients including governments, media corporations, NGO's and local councils.

⁷ **Morten Bergsmo** is Visiting Professor, Peking University Law School; Director, Centre for International Law Research and Policy (CILRAP); and ICC Consultant and Co-ordinator of the ICC Legal Tools Project. He was formerly Visiting Professor, Georgetown University (2010-12); Visiting Fellow, Stanford University (2010-13); Senior Researcher, University of Oslo, Faculty of Law (2010-12); Fernand Braudel Senior Fellow, European University Institute (2011 Spring); 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

09:45 **2014 LI Haopei Lecture:**

Taking an Historical Approach to International Criminal Law, by Professor David Cohen⁸ (University of Hawaii and Stanford University)

10:30 *Chinese Law and Legal Traditions in the Spring and Autumn Periods of China's History and International Criminal Law*, by Judge LIU Daqun⁹ (Appeals Chamber of the International Criminal Tribunals for the Former Yugoslavia and Rwanda)

11:00 Tea break

Session 2:

Investigating Origins:

Going Beyond Conventional Historical Narratives of International Criminal Law

Chair: Assistant Professor Mark D. Kielsgard

11:15 Presentations:¹⁰

- **Keynote:**¹¹ *Trial of Charles I*, by Geoffrey Robertson QC (Doughty Street Chambers)
- *Chinese Confucianism and Traditional Humanism as an Historical Origin of International Criminal Law*, by ZENG Siqi, SHI Bei and ZHANG Qi¹² (Peking University)

er, 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).

⁸ **David Cohen** is Professor Law at the University of Hawaii, Professor in the Graduate School at UC Berkeley, WSD HANDA Visiting Professor of Human Rights and International Justice at Stanford University, and Distinguished Visiting Fellow at the Hoover Institution at Stanford University. The former Ancker Distinguished Professor for Humanities at UC Berkeley and Professor of Law and Social Thought, University of Chicago, he holds an honorary doctorate, University of Zurich, Faculty of Law. As Director of WSD HANDA Center for Human Rights and International Justice at Stanford University (encompassing the War Crimes Studies Program) and the Asian International Justice Initiative at the East-West Center, he directs human rights, rule of law, and international criminal law training, capacity building, outreach, and trial monitoring projects in Indonesia, Cambodia, Bangladesh, Timor Leste, Sierra Leone, and Rwanda. He has served as Expert Advisor to the Commission on Truth and Friendship of Indonesia and Timor Leste and is currently Advisor to the Human Rights Resource Center for ASEAN, engaged in research projects on the rule of law, women's and children's rights, and business and human rights in ASEAN. His publications focus on war crimes trials and international criminal law issues from WWII to today. Professor Cohen holds a J.D. degree from the UCLA School of Law and a Ph.D. in classics/ancient history from Cambridge University.

⁹ **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.

¹⁰ Unless otherwise indicated in the programme, each panel presentation is limited to 15 minutes, with 10 (sometimes 15) minutes left at the end of the session for questions and discussion.

¹¹ This keynote presentation is scheduled to last 30 minutes.

¹² The three speakers are presenting a common paper. **ZENG Siqi** is currently a Juris Master candidate in public international law at Peking University Law School. She is also enrolled in the Lund University Raoul Wallenberg Institute's Master of Human Rights programme. She serves as an editor of the website of the Research Centre for Human Rights and Humanitarian Law of Peking University. She also holds a degree in English Literature from Jinan University (JNU), and in 2011, was awarded the First Prize Scholarship of Excellent Graduate of JNU. **SHI Bei** is currently a Master candidate in international law at Peking University Law School. She is also enrolled in the Lund University Raoul Wallenberg Institute and PKU Law Human Rights Center's Human Rights Master Program. She has participated as a team member in the national round of the 2013 Philip C. Jessup International Law Moot Court Competition, and won the prize of 'Best Oralist'. She passed the National Judicial Examination of China (national bar examination) in 2011 and got an LL.B. degree from Southwest University of Political Science and Law in 2012. **ZHANG Qi** is currently a Master candidate in international law at Peking University Law School. She holds a Master of Human Rights from Lund University, Sweden. In 2012 she was awarded the Peking University Second Freshmen Scholarship. From 2010 to 2011, she was an exchange student at the School of

- *The Inquisition as a Root of International Criminal Law*, by Assistant Professor Dov Jacobs¹³ (Leiden University)

12:25 Lunch

Session 3:

A Critical Examination of Investigatory and Prosecutorial Efforts after World War I

Chair: Professor LING Yan¹⁴

13:25 Presentations:

- *The 1919 Paris Peace Conference and the Allied Commission: Challenging Sovereignty through Supranational Criminal Jurisdiction*, by Dr. Jackson N. Maogoto¹⁵ (University of Manchester)
- *German Aggression and the Stillbirth of International Criminal Law at the Paris Peace Conference*, by Dr. Kirsten E. Sellars¹⁶ (National University of Singapore)
- *Putting Wilhelm II of Hohenzollern to Trial; But for What? A Criminal Law Perspective*, by Professor Paulus Mevis (Erasmus University of Rotterdam) and Professor Jan Reijntjes (University of Curaçao)¹⁷

Law, Renmin University of China. She holds a Bachelor of Laws from the School of Law, University of International Business and Economics. She serves as Research Secretary at the Research Centre of International Law, Peking University.

¹³ **Dov Jacobs** is an Assistant Professor in International Law at the Grotius Centre. Previously, he was a postdoctoral researcher at the University of Amsterdam, a Ph.D. Researcher at the European University Institute in Florence and a lecturer in Public International Law at the University Roma Tre. He holds degrees in Law from King's College in London, Paris I Panthéon-Sorbonne and Paris II Panthéon Assas and a degree in Political Science from Sciences Po, Paris. He is currently a member of the editorial board of the Leiden Journal of International Law and the senior editor of international law of the European Journal of Legal Studies. Dov Jacobs regularly comments on international law issues on his blog, Spreading the Jam. He has published extensively in the field of international law and international criminal law.

¹⁴ **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.

¹⁵ **Jackson Nyamuya Maogoto** holds a Bachelor of Laws with First Class Honours from Moi University (Kenya); three postgraduate degrees from the University of Cambridge (Masters in Law with Honours), University of Technology Sydney (Masters in Law) and University of Melbourne (Doctorate in Law). In addition he holds postgraduate certificates (covering the fields of tertiary teaching, leadership and communication, project management and global sustainability) from several Australian universities. Jackson is currently a senior lecturer at the University of Manchester. He is the author of six books, several book chapters and more than three dozen refereed articles in general and specialist Australian, American, European and African journals. His professional affiliations include: American Society of International Law, Asian Society of International Law, Australia and New Zealand Society of International Law, etc.

¹⁶ **Kirsten E. Sellars** is currently Research Fellow at the Centre for Asian Legal Studies at the National University of Singapore's Faculty of Law. She focuses on Asian perspectives on public international law, with a particular interest in international aggression and uses of force, international criminal law, and law of the sea. Her route into academia began with journalism, having written on international affairs and other issues for newspapers and publications including *The Times*, *Guardian*, *New Statesman*, *Spectator*, and *Los Angeles Times*. Her first book, *The Rise and Rise of Human Rights*, was nominated in the *New Statesman* as one of 2002's books of the year, and was translated into Korean as *In-gwon Geu Wiseon-eui Yeoksa* (tr. Seung-hoon Oh), (Eunhaengnamu, 2003). Her latest book, *Crimes Against Peace and International Law*, has just been published by Cambridge University Press.

¹⁷ The two speakers will present a common paper. **Paulus Mevis** and **Jan Reijntjes** are both professor for criminal law and criminal procedure at the Erasmus University of Rotterdam and the University of Curaçao respectively. They both come from the Netherlands, the State that refused the surrender of Wilhelm II for prosecution under the Versailles Treaty. They are both engaged in a project undertaken by the Erasmus University in Rotterdam and the Dutch Study Centre for the First World War, in which legal and historical experts search for the answer to the question for what crimes Wilhelm could have been prosecuted under the law of 1914-1918. Professor Mevis has published in Dutch language 'De berechting van Wilhelm II' ('Prosecuting Wilhelm II'), in which he addresses some of the questions that are illuminated above. Professor Reijntjes has published on international criminal law (especially mutual assistance), developed a course on international criminal law in English and did some teaching on human rights in China, on invitation of the Chinese Public Prosecution Service.

- *The Istanbul and Leipzig Trials: Myth or Reality*, by Professor Joseph Rikhof¹⁸ (University of Ottawa)
- *Law as Farce: On the Miscarriage of Justice at the German Leipzig Trials — the Llandovery Castle Case*, by Dr. Wolfgang Form¹⁹ (University of Marburg)
- *Through the Looking Glass: 24 April and the Ottoman Empire*, by Regina Paulose (Attorney), Ronald Rogo (Lecturer, University of Nairobi) and Lina Laurinaviciute (Chief Specialist, National Courts Administration of the Republic of Lithuania)²⁰

15:05 Tea break

Session 4:
The Inter-World War Period and Before Nuremberg and Tokyo
*Chair: Marina Aksenova (EUI Department of Law)*²¹

15:20 Presentations:

- *Hitherto and No Further: Explaining the Genesis of the Crime of Aggressive War in International Relations*, by Anatoly Levshin²² (University of Oxford and Princeton University)

¹⁸ **Joseph Rikhof** is a part-time professor at the University of Ottawa. He has received a BCL from the University of Nijmegen in the Netherlands; a LL.B. degree from McGill University in Canada; a Diploma in Air and Space Law, also from McGill University and a Ph.D. from the Irish Center for Human Rights. He teaches the course International Criminal Law at the University of Ottawa. He is Senior Counsel, Manager of the Law with the Crimes against Humanity and War Crimes Section of the Department of Justice, Canada. He was a visiting professional with the International Criminal Court in 2005 while also serving as Special Counsel and Policy Advisor to the Modern War Crimes Section of the Department of Citizenship and Immigration between 1998 and 2002. He has written over 30 articles as well as his book, *The Criminal Refugee: The Treatment of Asylum Seekers with a Criminal Background in International and Domestic Law*, exploring these research interests, and has lectured on the same topics around the world.

¹⁹ **Wolfgang Form** (Dr. Phil., Dipl. Pol.) studied political science, sociology, social- and economic history, and public law in Marburg, and received his doctoral degree on political criminal justice during National Socialism in Germany from the University of Marburg. In 2003, he co-founded the International Research and Documentation Center for War Crimes Trials, Marburg, and has been its project co-ordinator since. From 1992, he has been lecturer in political science and peace and conflict studies at the University of Marburg, and Member of the Austrian Research Center for Post-War Trials Advisory Board. His main fields of research are political criminal and military justice, history of international criminal law, peace and conflict studies, and local and regional history of National Socialism. Among his publications are 'Politische NS-Justiz in Hessen', 2 vol., Marburg, 2005; 'Justice 30 Years Later? The Cambodian Special Tribunal for the Punishment of Crimes against Humanity by the Khmer Rouge', Nationalities Papers, Vol. 37, Issue 6, 2009, pp. 889-923; and 'National Socialism, Holocaust, Resistance and Exile 1933-145 Online', Saur, 2006 (co-editor).

²⁰ **Ronald Rogo** will present a common paper of the three persons. He is a Lecturer at the University of Nairobi, and a Partner at Rogo & Associates. He holds a Master of Laws in International Crime and Justice (LL.M.) from the United Nations Interregional Crime and Justice Research Institute (UNICRI), Turin, Italy. He also holds a Master of Arts (MA) on Organizational Leadership from Eastern University and a Bachelor of Laws (Honours) from University of Nairobi. **Regina Paulose** holds a LL.M. in International Crime and Justice from the University of Torino/UNICRI (2012) and Juris Doctorate from Seattle University (2004). She is an attorney in the USA. She is a former Prosecutor in Arizona and Washington state. She is the creator and co-founder of A CONTRARIO ICL, a blog community devoted to international criminal justice issues (www.acontrarioicl.com). She is the author of 'Beyond the Core: Incorporating Transnational Crimes into the Rome Statute' in *Cardozo Journal of International and Comparative Law* (Fall 2012) and co-author of 'A Road Well Traveled: Religion, Just War, and the Rome Statute' in *A38 Journal of International Law* (July 2013). **Lina Laurinaviciute** is Chief Specialist of International Relations Division of the National Courts Administration of the Republic of Lithuania. She holds a Master of Laws in International Crime and Justice (LL.M.) from the United Nations Interregional Crime and Justice Research Institute (UNICRI), Turin, Italy.

²¹ **Marina Aksenova** is a Ph.D. Researcher, Law Department, European University Institute, Florence, Italy. She represents the European University Institute (Department of Law) at the seminar, as one of its institutional co-organizers. She has worked as a legal assistant for the defence at the ICTY and as arbitration associate in the Moscow office of White & Case LLC. Her research focuses on modes of participation in international criminal law and, in particular, on the concept of complicity. She has a Master's Degree in Criminal Justice from the University of Oxford, an LL.M. in Public International Law from Amsterdam University, and a BA (hons) in law from the International University in Moscow. She is admitted to practice in law in Russia.

- *Before Nuremberg: Considering the Work of the United Nations War Crimes Commission of 1943-1948*, by Dr. Daniel Plesch and Shanti Sattler (SOAS, University of London)²³
- *The Impact of the United Nations War Crimes Commission: Debates Within its Legal Committee and the Concept of Crimes Against Humanity*, by Dr. Kerstin von Lingen²⁴ (Heidelberg University)
- *Late Republican China and the Development of International Criminal Law – China's Role in the United Nations War Crimes Commission in London and Chongqing*, by Anja Bihler (Heidelberg University)²⁵
- *Founding Nuremberg: Innovation and Orthodoxy at the London Conference*, by Dr. Kirsten Sellars (National University of Singapore)

²² **Anatoly Levshin** is a doctorate student of political science at Princeton University and a graduate student of international relations at University of Oxford. He holds a Bachelor of Arts in Political Studies from Queen's University. Among other academic prizes, he was awarded the Parker D. Handy Prize Fellowship in Public Affairs by Princeton University (2013-2014) and a doctoral fellowship from the Social Sciences and Humanities Research Council of Canada.

²³ The two speakers will present a common paper. Dr. **Daniel Plesch** is Director of the Centre for International Studies and Diplomacy, SOAS University of London, and directs the Centre's War Crimes Project. He is the author of 'America, Hitler and the UN', 'The Beauty Queen's Guide to World Peace' and 'A Case to Answer'. He read history at Nottingham and obtained professional qualifications in social work and public administration from Bristol in 1979 and 1980. He then worked for non-governmental organisations focused on the abolition of nuclear weapons. In 1986 he founded the British American Security Information Council (BASIC) and directed it from Washington, D.C. until 2001, when he became the Senior Research Fellow at the Royal United Services Institute for Defence and Security Studies in London. Academic posts since 1988 include Honorary Visiting Research Fellow at the Department of Peace Studies at Bradford University, Research Associate at Birkbeck College, University of London and Senior Visiting Research Fellow at Keele University. Outside academia, he has acted as consultant and advisor to the UK and US governments, the BBC, CNN, Sky News, Kroll Security International, Oxfam, the Foreign Policy Centre and Greenpeace. He was the independent advisor to the UK government's department of constitutional affairs on the implementation of the Freedom of Information Act. **Shanti Sattler** is deputy director of the War Crimes Project, CISD, SOAS, University of London. She holds a Master of Arts in International Studies and Diplomacy, with Distinction, from the University of London, School of Oriental and African Studies, London, UK. She also holds a Bachelor of Arts in International Relations and Peace and Justice Studies (with Honors) from Tufts University, Medford, Massachusetts.

²⁴ **Kerstin von Lingen** is Independent Research Group leader and Postdoctoral Researcher/Lecturer of History at Heidelberg University within the Cluster of Excellence at Heidelberg 'Asia and Europe in a Global Context'. The group is entitled: 'Transcultural Justice: Legal Flows and the Emergence of International Justice within the East Asian War Crimes Trials, 1946-1954'. Von Lingen is the author of 'Kesselring's last battle. War Crimes Trials and Cold War Politics, 1945-1960', University of Kansas Press, 2009, and the editor of the volume 'Kriegserfahrung und nationale Identität in Europa' ('Memory of War and National Identity in Europe after 1945'), Schoeningh, 2009. Her book on Nazi War Criminals Protection through Allied Intelligence Services ('Allen Dulles, the OSS and Nazi War Criminals: The Dynamics of Selective Prosecution') has been published 2013 with Cambridge University Press.

²⁵ **Anja Bihler** is currently a Ph.D. candidate in Chinese Studies under university scholarship in Heidelberg University, Germany. She holds a Magister Artium in Chinese Studies, Economics and Law from Ludwig-Maximilians-University (LMU), Munich, Germany. In 2012, she was a member of the Jessup Moot Court Team representing the LMU Institute for International Law. She is pursuing her Ph.D. within the research group 'Transcultural Justice' at the Cluster of Excellence 'Asia and Europe in a Global Context' at Heidelberg University.

Session 5:

A Broader Interdisciplinary Analysis of Nuremberg's Record and Legacy
*Chair: Rune Jensen (Minister Counsellor, Royal Norwegian Embassy in Beijing)*²⁶

16:45 Presentations:

- *The Nuremberg Legacy in the Historical Development of International Criminal Law*, by David S. Koller²⁷ (United Nations (Department of Management))
- *Language Discrepancies in the Nuremberg Judgement and their Significance*, by Guido Acquaviva²⁸ (Special Tribunal for Lebanon)
- *The Nuremberg Trial Film Project – Promoting International Criminal Law*, by Axel Fischer²⁹ (University of Marburg)

17:45 Discussion

19:30 Dinner

²⁶ **Rune Jensen** is Minister Counsellor at the Royal Norwegian Embassy in Beijing since August 2010. He holds a Diplom, M.A., in Politologie and Japanologie from Freie Universität Berlin. He has held various positions in the Norwegian Foreign Ministry since 1997, including as Assistant Director General in the Section for Security Policy and North America, and has also served at the Royal Norwegian Embassy in Tokyo and the Permanent Delegation of Norway to NATO in Brussels.

²⁷ **David Koller** is Legal Officer, United Nations (Department of Management). He was previously a legal officer at the Appeals Chamber of the International Criminal Court. He holds a JD from the New York University School of Law (*cum laude*) and was awarded the Dean's Scholarship. Since 2004, he is a member of the Bar of the State of New York. He has published in the areas of public international law and international criminal law.

²⁸ **Guido Acquaviva** works as Chef de Cabinet in the Office of the President of the Special Tribunal for Lebanon. Prior to his appointment at the STL, he worked for about six years at the International Criminal Tribunal for the former Yugoslavia (ICTY), assisting judges and coordinating drafting teams of associate legal officers during pre-trial, trial, and appellate proceedings. He also served for one year as a Legal Officer in the Office of the ICTY President. His education includes an LL.M. in international and comparative law from Tulane Law School (Fulbright scholar) and a Ph.D. in international relations from the University of Padova. He is a member of the faculty of the LL.M. in International Criminal Law and Crime Prevention (University of Turin and UNICRI) and a lecturer at the Bynkershoek Institute (The Hague). Acquaviva serves as a co-chair of the Editorial Committee of the Journal of International Criminal Justice. He has published widely on matters related to international criminal law as well as public international law in general.

²⁹ **Axel Fischer** specialises in media and literary studies, after being employed in the fields of marketing, public relation and culture management. He became a research fellow at the universities of Wuppertal und Marburg (both Germany). As a member of the International Research and Documentation Center for War Crimes Trials ICWC at the University of Marburg he is engaged with the film footage produced on the occasion of the International Military Tribunal in Nuremberg for the last four years. Since February 2012, he is responsible for the research project 'The U.S. American film-project on the Nuremberg Trials: A contribution to the political culture of Post War-Germany'.

Programme

on Sunday, 2 March 2014, 09:00-18:15:

08:45 Tea

Session 6:

Examining and Situating Post-World War II Prosecutions in Japan

Chair: Assistant Professor YI Ping

09:00 Presentations:

- *The Tokyo International Military Tribunal – A Show Trial?* by Professor Neil Boister³⁰ (University of Waikato)
- *International Military Tribunals at Tokyo, 1946-1949*, by Associate Professor Yuma Totani³¹ (University of Hawaii)
- *The Great Significance of the Tokyo Trial in the Eyes of the Chinese*, by Professor ZHU Wenqi³² (Renmin University)
- *Decolonizing Justice: Tokyo Trials and the Emergence of New Concepts of International Criminal Law through Encounters between India, East Asia and ‘the West’*, by Assistant Professor Milinda Banerjee³³ (Presidency University, India and Heidelberg University)
- *Prosecuting Japanese War Crimes in Indochina. The Search for Truth at the Tokyo International Military Tribunal and at the French Military Tribunal in Saigon*, by Ann-Sophie Schoepfel³⁴ (Heidelberg University)

³⁰ **Neil Boister** is Professor at Te Piringa Faculty of Law, University of Waikato. In 2012, he was a Visiting Fellow at the Institute for Criminal Law Sciences, Faculty of Law, University of Hamburg and a Visiting Fellow at the Law Department, European University Institute, Florence. In 2011, he served as an invited expert to a Transnational Institute (TNI)/ International Drug Policy Consortium (IDPC) Expert Seminar on the Future of the UN Drug Control Treaties, Prague 25-26 January 2012. He was also, in 2011, an Invited Participant in Open Society Initiative for Southern Africa (OSISA)/and Open Society Foundations Program Without Borders Grand Corruption Roundtable held in Victoria Falls 27-28 November 2011. He serves as a Member of the Editorial Board of the International Journal on Human Rights and Drug Policy and as a Member of the Advisory Board of the New Zealand Yearbook of International Law. He has published extensively in the areas of international criminal law and transnational criminal law.

³¹ **Yuma Totani** is Associate Professor at the University of Hawaii. Born and raised in Japan, she received her B.A. in History of Art from International Christian University (Tokyo, Japan), 1995; M.S. in Politics from the School of Oriental and African Studies, University of London, 1997; and Ph.D. in History from the University of California, Berkeley, 2005. She was a Postdoctoral Fellow at the Edwin O. Reischauer Institute of Japanese Studies, Harvard University, 2005-06. Her research focuses on World War II Pacific-area war crimes trials. Her first book, *The Tokyo War Crimes Trial: The Pursuit of Justice in the Wake of World War II* (Harvard University Asia Center, 2008), assesses the historical significance of the Tokyo trial – the Far Eastern counterpart of Nuremberg – based on a systematic analysis of the trial records. Its Japanese expanded edition (*Tōkyō saiban: dai ni ji taisen go no hō to seigi no tsuikyū*) is translated and edited by the author.

³² **ZHU Wenqi** is currently a Professor of international law; Director of the Institute of International Criminal Law in Renmin University of China; and EC Member of the Asian Society of International Law. He worked in the Appeals Section of the Office of the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia and for Rwanda in 1995-2001. He has published books on international criminal law (2007), China and the international criminal court (2008), and war crimes (2010). His latest book on international criminal procedure law will be published soon.

³³ **Milinda Banerjee** is Assistant Professor, Department of History, at Presidency University, Kolkata. He is also Research Fellow in Junior Research Group ‘Transcultural Justice: Legal Flows and the Emergence of International Justice within the East Asian War Crimes Trials, 1946-1954’, Cluster of Excellence ‘Asia and Europe in a Global Context’, Karl Jaspers Centre for Advanced Transcultural Studies, Heidelberg University, Germany; working title of project: ‘Decolonizing International Law: Radhabinod Pal, Dharmic Justice, and the War Crimes Trial in East Asia’.

³⁴ **Ann-Sophie Schoepfel** is a Ph.D. student in history at the Cluster of Excellence ‘Asia and Europe’, Heidelberg University, and part of the research group ‘Transcultural Justice’ at the Cluster of Excellence ‘Asia and Europe in a Global Context’. She is affiliated with the Graduate Program at Kyoto University, Japan (February–June 2014).

- *Life and Work of Tokyo Trial Prosecutor HSIANG Che-chun*, by XIANG Longwan³⁵ (Center for Tokyo Trial Studies).
- *Professor B.V.A. Röling and the International Law Commission's Work on the Establishment of a Permanent International Criminal Court, 1951-1956*, by Lisette Schouten³⁶ (Heidelberg University)

11:00 Tea break

Session 7:
Beyond Nuremberg and Tokyo:
Post-World War II Prosecutions in China and Southeast Asia
Chair: Judge LIU Daqun

11:15 Presentations:

- *War Crimes Trials in the Domestic Courts of China after World War II*, by Professor LING Yan (China University of Political Science and Law)
- *Chinese War Crimes Trials of Japanese, 1945-1956*, by Dr. Barak Kushner³⁷ (University of Cambridge)
- *The Forgotten Legacy: China's Post-World War II Trials of Japanese War Criminals from 1946 to 1956*, by ZHANG Tianshu³⁸ (China University of Political Science and Law)

She graduated from history (Tübingen University and Aix-en-Provence University) and from legal anthropology (Strasbourg University). She wrote two master's theses dealing with aspects of memory of World War II in East Asia. She was a visiting scholar at Sciences Po Paris, France, where she has taught European history (September 2013 – January 2014). Her Ph.D. project analyses the interaction between war crimes trials policy in Asia and Europe, focusing on the French position at the International Military Tribunal in the Far East and the prosecution of Japanese war crimes at the French Military Court in Saigon (Indochina).

³⁵ **XIANG Longwan** is one of the founders and the honorary director of the Center for Tokyo Trial Studies (CTTS) at Shanghai Jiao Tong University (SJTU). He graduated from the Mathematics Department of Fudan University in 1963 and taught mathematics at Xi'an Jiao Tong University (XJTU) between 1963 and 1984, and at the SJTU since 1984. He paid a two-year visit to Columbia University and MIT as a visiting scholar (1980-82). He used to be a vice chair of the Mathematics Department and the provost at SJTU. He has turned his attention to the Tokyo Trial since 2005. He edited the book 'The Tokyo Trial Chinese Prosecutor Hsiang Che-chun' (2010) and the 'Collected Works of the Tokyo Trial' (2011), and has written more than ten articles on the issue. He also was the honorary chief editor of 'Transcription of the Proceedings of the International Military Tribunal for the Far East'. He is in charge of the sub-project 'The Tokyo Trial and Chinese team'. He is the son of the late Judge HSIANG Che-chun (XIANG Zhejun), associate prosecutor representing China during the Tokyo Trial.

³⁶ **Lisette Schouten** is a Ph.D. candidate at the Graduate Programme for Transcultural Studies, Heidelberg University, and part of the research group 'Transcultural Justice' at the Cluster of Excellence 'Asia and Europe in a Global Context'. Her research focuses on Dutch war crime trial policy in the Netherland Indies and Japan 1945-1955. She holds a Master of Arts in History in 2009 from Leiden University where she participated in the MA Europaeum Programme in European History and Civilisation (Leiden, Paris, Oxford).

³⁷ **Barak Kushner** teaches modern Japanese history in the Faculty of Asian and Middle Eastern Studies. He was recently awarded a 2012-13 British Academy Mid-Career Fellowship which he used to complete his third book on the post-war adjudication of Japanese war crimes in China, entitled '*Men to Devils and Devils to Men: Japanese War Crimes and Cold War Sino-Japan Relations (1945-1965)*' (forthcoming from Harvard University Press, 2014). He has just launched a five-year European Research Council funded project, 'The Dissolution of the Japanese Empire and the Struggle for Legitimacy in Postwar East Asia, 1945-1965'. This five-year grant will examine the impact of the fall of the Japanese empire in East Asia. Kushner's second book, *Slurp! A culinary and social history of ramen – Japan's favorite noodle soup* (Brill, 2012), analysed food and history within Sino-Japan relations. Kushner's work on the history of *ramen* was awarded the 2013 Sophie Coe Prize for Food History, the longest-running and most generous prize for writing in food history in the English language. In the summer of 2008 he was a visiting scholar at Nanjing University (China) and during 2009 he was a visiting scholar at Waseda University (Japan). He was a 2008 Abe Fellow and conducted research concerning 'Cold War Propaganda in East Asia and Historical Memory'. Previously, Kushner worked in the US Department of State as a political officer in East Asian affairs. As a scholar he has written on wartime Japanese and Chinese propaganda, Japanese media, Sino-Japanese relations, Asian comedy, food history, BC class war crimes, and the Cold War. *The Thought War - Japanese Imperial Propaganda* (Hawaii 2006), Kushner's first book, delved into the history of wartime Japanese propaganda.

- *Post-World War II British Trials in Singapore*, by Assistant Professor CHEAH Wui Ling³⁹ (National University of Singapore)
- *Lessons Learned/Not Learned at Batavia and the Kono Statement*, by Associate Professor Nina H.B. Jørgensen (Chinese University of Hong Kong) and Dr. Danny Friedman (Chinese University of Hong Kong)⁴⁰
- *The Australian War Crimes Trials of the Japanese, 1945-51*, by Dr. Narelle Morris⁴¹ (Curtin University)

13:00 Lunch

³⁸ **ZHANG Tianshu** is presently a Master Candidate of public international law at China University of Political Science and Law. She holds a Bachelor of Laws from Wuhan University. From 2010 to 2011, she was an exchange student at the University of Marburg. In 2012, she was the champion of the 6th Red Cross International Humanitarian Law Moot of China and was also awarded the Best Oralist, Best Memo (Respondent) and the 1st Prize at the 10th Chinese National Round of Jessup International Law Moot Court. She also received the Outstanding Graduate of Wuhan University award in 2012.

³⁹ **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.

⁴⁰ The two speakers will present a common paper. **Nina H. B. Jørgensen** is an Associate Professor in the Faculty of Law at the Chinese University of Hong Kong and is currently Director of the Faculty's Centre for Rights and Justice. She previously worked for eight years in different capacities (prosecution, chambers, defence) at the Special Court for Sierra Leone in Freetown and The Hague, the Extraordinary Chambers in the Courts of Cambodia in Phnom Penh, and the International Criminal Tribunals for the Former Yugoslavia and Rwanda in The Hague and Arusha respectively. She has also worked for the OSCE Office for Democratic Institutions and Human Rights in Warsaw as the legal adviser for tolerance and non-discrimination. Prior to these assignments, she was a post-doctoral research fellow in international criminal law at the University of Leiden, having obtained her D.Phil. from the University of Oxford in 1998. She has a practising certificate as a barrister and is an associate member of Argent Chambers in London. **Danny Friedmann** is a research fellow at the Centre of Rights and Justice at the Chinese University of Hong Kong (CUHK), and is in charge of the 'Batavia War Crimes Tribunal Project', researching the war crime of enforced prostitution. Since 2006, he has been leading a team of volunteers ('Batavia Translation Project') to translate the original transcripts into English. He holds a Ph.D. from CUHK, an LL.M. from the University of Amsterdam, and a BBA from the Nyenrode Business University/McGill University. He has written a book chapter on censorship ('Paradoxes, Google and China - How Censorship Can Harm and Intellectual Property Can Harness Innovation') which was quoted by the Advocate-General of the CJEU. His dissertation ('A Paradigm Shift of the Trademark Logo, Towards Algorithmic Justice') deals extensively with the right to freedom of expression in relation to intellectual property rights.

⁴¹ **Narelle Morris** is a Lecturer at the Curtin Law School, Curtin University, Western Australia. She was formerly a Research Fellow in the Asia Pacific Centre for Military Law at the Melbourne Law School. She is the principal legal researcher on the Australia Research Council-funded project 'Australia's Post-World War II War Crimes Trials of the Japanese: A Systematic and Comprehensive Law Reports Series'. Her next research project, funded by an Australia Research Council DECRA grant for 2014-16, is on the Australian war crimes investigator and jurist Sir William Flood Webb. Her book 'Japan-bashing: Anti-Japanism since the 1980s' was published by Routledge in 2010. She is the author, with Helen Durham, of 'Women's Bodies and International Criminal Law – from Tokyo to Rabaul', in Yuki Tanaka, Tim McCormack and Gerry J Simpson (eds.), 'Beyond Victors' Justice? The Contemporary Relevance of the Tokyo War Crimes Trial', Martinus Nijhoff, 2011. She is also the author of 'Justice for "Asian" Victims: The Australian War Crimes Trials of the Japanese, 1945-51', in Kevin Jon Heller and Gerry Simpson (eds.), 'The Hidden Histories of War Crimes Trials', Oxford University Press, 2013; and 'Unexpected Defeat: The Unsuccessful War Crimes Prosecution of Lt Gen Yamawaki Masataka and others at Manus Island, 1950', in Journal of International Criminal Justice, vol. 11, no. 3 July 2013.

Session 8:
Beyond Nuremberg and Tokyo:
Post-World War II Prosecutions in Europe (I)
Chair: Assistant Professor Fozia Nazir Lone⁴²

14:00 Presentations:

- **Keynote:**⁴³ *Post-World War II Danish and Norwegian Trials*, by Professor Ditlev Tamm⁴⁴ (University of Copenhagen)
- *Control Council Law No. 10 and the German Supreme Court for the British Zone*, by Christian Pöpken⁴⁵ (University of Marburg)
- *GUILTY OF GETTING INTO WAR OR PREVENTING PEACE – THE FINNISH TRIAL IN 1945-1946*, by Immi Tallgren⁴⁶ (University of Helsinki)
- *Soviet War Crimes Trials Policy in the Far East: the Trial at Khabarovsk (1949)*, by Valentyna Polunina⁴⁷ (Heidelberg University)

⁴² **Fozia Nazir Lone** holds a doctorate and LL.M. from the University of Aberdeen (United Kingdom) and LL.B. from the Kashmir University (India). She teaches public international law and tort law at the City University of Hong Kong Law School. Some of her publications include: ‘Counter Piracy in the Indian Subcontinent: The Indian Perspective’, in Gwenaëlle Proutiere-Moulion: ‘Piracy in Comparative Perspective: Problems, Strategies, Law’ (France/UK: A. Pedone & Hart), August 2012, pp. 129-150; ‘Rule of Law: Tort Law Perspective’, in G. Wang (eds.): ‘The Rule of Law: A Comparative Perspective’, City University of Hong Kong Press, Hong Kong; ‘Uti Possidetis Iuris’, Oxford Bibliographies Online: International Law, Oxford University Press, 2012; T. Carty and F.N. Lone (2011): ‘Some New Haven International Law Reflections on China, India and Their Various Territorial Disputes’, *Asia Pacific Law Review*, Vol. 19, No 1, 2011; ‘The Creation Story of Kashmiri People: The Right to Self-Determination’, *Denning Law Journal*, Vol. 21, 2009, pp. 1-25; ‘From ‘Sale to Accession Deed’ - Scanning the Historiography of Kashmir 1846-1947’, *History Compass*, History, 7/6 (2009): 1496–1508; and ‘Extraterritorial Human Rights Violations and Irresponsible Sovereign Financing’, in Juan Pablo Bohoslavsky and Jernej Letnar Čerňič: ‘Human Rights and Sovereign Financing’, Hart Publications (forthcoming). She has also worked as a human rights activist with the NGO Centre of Law and Development and with the South Asian Forum for Human Rights (Kathmandu, Nepal).

⁴³ This presentation is scheduled to last 30 minutes.

⁴⁴ **Ditlev Tamm** is a Professor at the University of Copenhagen. He graduated in law from the University of Copenhagen in 1970. He has been employed in the Danish Ministry of Justice and since 1973 been attached to the Law Faculty of the University of Copenhagen. Since 1978 he has been in charge of the chair of legal history as an ordinary professor of the history of law. He holds a doctorate of and is a member of the Royal Danish Academy of Sciences of several other Danish academic associations. He has been a member of the board of the *Max-Planck-Institut für europäische Rechtsgeschichte* in Frankfurt; is a member of the *Instituto di Investigaciones de la Historia del Derecho* in Buenos Aires and of the *Instituto Instituto Internacional de Historia del Derecho Indiano*; of the French *Société d'Historie de Droit* and the International Academy of Comparative Law. He is honorary doctor at the University of Helsinki. He has lectured in English, French, German, Italian and Spanish at several European and Latin American Universities. He has a working knowledge of Classical languages and Russian. 1994-95 he was guest professor at the University of Kiel. He has been awarded the Sartou Medal for Law 2004-05. He is a regular legal advisor to the Danish Department of Family Law and has served as chairman of several official commissions and boards. He is the Danish representative in the International Committee on the History of Universities and is currently preparing a history of the law in a cultural perspective.

⁴⁵ **Christian Pöpken** is currently pursuing his doctorate studies at the Seminar for Modern History. His project is entitled: ‘The German Supreme Court and its Jurisdiction over Crimes against Humanity’. He previously studied History, Political Science and Media Science at the University of Marburg. Since 2011, he has been awarded a scholarship from the Friedrich-Ebert-Foundation.

⁴⁶ **Immi Tallgren**, LL.D., is a post-doctoral research fellow at the Erik Castrén Institute of International Law and Human Rights, University of Helsinki; Chercheuse associée, Facultés universitaires Saint-Louis, Séminaire interdisciplinaire d'études juridiques (SIEJ), Bruxelles. Since her graduation in law in 1993, she has combined experience as an international law practitioner at government or international organisations level (Europol Legal Affairs Unit, European Space Agency Legal Department and Director General's Office) with academic activities (University of Helsinki, Ludwig-Maximilian Universität, Toulouse I, Humboldt Universität, MPI Freiburg, etc). She was a delegate in the ICC negotiations from 1995 to 1999. She defended her doctoral thesis *A Study of “the International Criminal Justice System” – What everybody knows?* (Helsinki University Press) in 2001. She teaches and publishes on international criminal law, international co-operation in criminal matters, and human rights.

⁴⁷ **Valentyna Polunina** is a Ph.D. candidate at the Graduate Programme for Transcultural studies at Heidelberg University where she is working on her Ph.D. project: ‘*Soviet War Crimes trials policy in Far East and the contribution towards international law: Aron Trainin's law school and the Trial at Khabarovsk (1949)*’. She is pursuing her Ph.D. within the research group ‘Transcultural Justice’ at the Cluster of Excellence ‘Asia and Europe in

Session 9:
Beyond Nuremberg and Tokyo:
Post-World War II Prosecutions in Europe (II)
Chair: Associate Professor Surya Deva⁴⁸

15:30 Presentations:

- **Keynote:**⁴⁹ *Stepping outside Nuremberg's Halo: the Supreme National Tribunal of Poland and the History of International Criminal Law*, by Professor Mark A. Drumbl⁵⁰ (Washington and Lee University)
- *The Role of the Supreme National Tribunal of Poland in the Development of Principles of International Criminal Law*, by Dr. Patrycja Grzebyk⁵¹ (University of Warsaw)
- *Post-World War II Trials conducted in Central and Eastern Europe*, by Dr. Veronika Bílková⁵² (Charles University)

a Global Context' at Heidelberg University. She holds a magister in International Relations from Kiev State University and a master in Peace and Conflict Studies from Marburg University where she worked as a student research assistant in the International Centre for the Research and Documentation of War Crimes Trials. She is the author of 'Die Rahmenbedingungen der Erlassung von Amnestiegesetzen in Argentinien nach der Militärjunta (1976-1983)' in: *Transitional Justice in Argentina. Ein Zeitalter der Gerichtsverfahren und Amnestien* (Editura ALTIP Alba Julia, 2008) and the co-author of *Holocaust, Auschwitz und die Vergangenheitspolitik der UdSSR* (in publishing process).

⁴⁸ Dr. **Surya Deva** is an Associate Professor at the School of Law of City University of Hong Kong. His primary research interests lie in business and human rights, corporate social responsibility, Indo-Chinese constitutional law, international human rights, globalisation, and sustainable development. He has published widely in these areas. Deva's recent and forthcoming books include 'Socio-Economic Rights in Emerging Free Markets: Comparative Insights from India and China' (editor) (Routledge, forthcoming in 2014); 'Confronting Capital Punishment in Asia: Human Rights, Politics, Public Opinion and Practices' (co-edited with Roger Hood) (Oxford University Press, 2013); 'Human Rights Obligations of Business: Beyond the Corporate Responsibility to Respect?' (co-edited with David Bilchitz) (Cambridge University Press, 2013); and 'Regulating Corporate Human Rights Violations: Humanizing Business' (Routledge, 2012). Deva has also prepared two major reports on 'Access to Justice: Human Rights Abuses Involving Corporations' (concerning India and China) for the International Commission of Jurists, Geneva. He is the Faculty Editor of the City University of Hong Kong Law Review, and sits on the Editorial Board of the Netherlands Quarterly of Human Rights and the Vienna Journal on International Constitutional Law.

⁴⁹ This presentation is scheduled to last 30 minutes.

⁵⁰ **Mark Drumbl** is the Class of 1975 Alumni Professor at Washington & Lee University, School of Law, where he also serves as Director of the University's Transnational Law Institute. He has held visiting appointments on the law faculties of Oxford University (University College), Université de Paris II (Panthéon-Assas), Vanderbilt University, University of Ottawa, Trinity College-Dublin, University of Western Ontario, and University of Illinois College of Law. In 2010, Professor Drumbl was appointed Visiting Scholar and Senior Fellow, at the University of Melbourne, Faculty of Law; Visiting Professor, Centre for Applied Philosophy and Ethics (Charles Sturt University/Australian National University) and Parsons Visitor, Faculty of Law, University of Sydney. Professor Drumbl's research and teaching interests include public international law, global environmental governance, international criminal law, post-conflict justice, and transnational legal process. His work has been relied upon by the Supreme Court of Canada, the United Kingdom High Court, United States Federal Court, and the Supreme Court of New York in recent decisions.

⁵¹ **Patrycja Grzebyk** is Assistant Professor at the University of Warsaw, Poland. She graduated from Law (Faculty of Law and Administration, University of Warsaw) and International Relations (Faculty of Journalism and Political Science), University of Warsaw. Her main fields of research are: international humanitarian law, international criminal law, use of force, and human rights law. She is an author of over 30 articles and of a monograph on 'Criminal Responsibility for Crime of Aggression' awarded the Manfred Lachs award (published by WUW 2010 and updated version by Routledge 2013). She was awarded a scholarship of the Foundation of Polish Science and of the Ministry of Science and Higher Education. She has lectured at the Polish School of International Humanitarian Law (Polish Red Cross) and Human Rights Schools organized by the Helsinki Foundation. She serves as deputy director of the Network on Humanitarian Assistance at the University of Warsaw since 2012.

⁵² **Veronika Bílková** is, since 2012, a member of the Council of Europe European Commission for Democracy Through Law (Venice Commission) on behalf of the Czech Republic. She holds a Ph.D. in International Law from Charles University, Prague. She also holds a doctorate degree in Political Science and International Relations. Since 2000, she has served as an expert of the Czech Red Cross. She also serves as the chair of the editors'

- *The Legacy of Hungarian People’s Tribunals – Ideology or Justice*, by Dr. Tamás Hoffmann⁵³ (Corvinus University of Budapest and Institute for Legal Studies of the Hungarian Academy of Sciences)

17:00 Tea break

**Session 10:
Discussion and Closing of Seminar I**

Chair: Judge LIU Daqun

17:15 Panel with general or concluding remarks by:

- Professor David Cohen
- Judge Agnieszka Klonowiecka-Milart⁵⁴
- Professor Mark Drumbl
- Professor Ditlev Tamm
- Professor Neil Boister
- Assistant Professor CHEAH Wui Ling

board of the journal *Mezinárodní politika* (International Politics). She has published in the areas of public international law, international criminal law, international humanitarian law, and human rights.

⁵³ **Tamás Hoffmann** is Senior Lecturer, Corvinus University of Budapest, and a Research Fellow at the Institute for Legal Studies of the Hungarian Academy of Sciences. He holds a Ph.D. from the International Law Department, Eötvös Loránd University of Sciences, Budapest, and has a LL.M. in Public International Law from King’s College, University of London and a Diploma in International Humanitarian Law, ICRC, Geneva. From 2012 to 2015, he holds a Bolyai János Research Fellowship (Hungarian Academy of Sciences). He is the holder of a Research Excellence Award (Corvinus University of Budapest) and Chevening Award (UK Foreign and Commonwealth Office).

⁵⁴ **Agnieszka Klonowiecka-Milart** currently serves as an international judge on the Supreme Court Chamber of the Extraordinary Chambers of the Courts of Cambodia (‘ECCC’), a hybrid tribunal for international crimes committed during the period of the Khmer Rouge, 1975–1979. Prior to her appointment to the ECCC she was U.N. international judge on the Supreme Court of Kosovo, adjudicating among others, charges of genocide and war crimes arising from the conflict 1998–1999 in the former Yugoslavia. Judge Klonowiecka-Milart started her legal career as an Assistant Professor at the Law Faculty of the university in Lublin, Poland. She entered judiciary in 1991 and since was several times seconded to the Ministry of Justice to work on harmonization of Polish laws with international standards. Since 1998, she has been active on the arena of transitional justice, including U.N. judicial and legal reform programmes in Bosnia and Herzegovina and Afghanistan.