

A conference presented by the IBA War Crimes Committee



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IBA Annual Conference on International Criminal Law War and Justice



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21 April 2018

Peace Palace, The Hague, the Netherlands

Topics include:

- Terrorism, armed conflict and permissible use of force
- The International Criminal Court activation of the jurisdiction on aggression: strategic and substantive consideration
- Is truth the first casualty of war
- Is the future of international criminal law domestic?



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UP TO 6¼ CPD/CLE
HOURS AVAILABLE*

Programme

Conference Co-Chairs

Federica D'Alessandra *Harvard University, New York; Co-Chair, IBA War Crimes Committee*
Gregory Kehoe *Greenberg Traurig, Tampa; Co-Chair, IBA War Crimes Committee*

Saturday 21 April

0800 – 1800 **Registration**

0900 – 0915 **Introductory remarks**

Federica D'Alessandra *Harvard University, New York; Co-Chair, IBA War Crimes Committee*

Gregory Kehoe *Greenberg Traurig, Tampa; Co-Chair, IBA War Crimes Committee*

0915 – 1000 **Keynote speech**

To be announced

1000 – 1115

Terrorism, armed conflict and permissible use of force

How have the fight against terrorism, the introduction of unmanned aerial vehicles (also known as drones) and the activities of non-state armed groups in combat operations changed rules of engagement in war theatres, and what does international law say concerning permissible use of force? Through discussion of international jurisprudence, a state's understanding of customary international law as evidenced by their state practice and opinio juris, and doctrinal and scholarly views, this panel will offer an informed discussion on the fundamental question of whether expansive interpretations of the concept of self-defence or emerging relaxations of the rules of engagement are taking root among the international legal community and on what the status of international law is on the subject.

Session Chair

Gregory Kehoe *Greenberg Traurig, Tampa; Co-Chair, IBA War Crimes Committee*

Speakers

Col Christian de Cock *Legal Adviser, Military Planning and Conduct Capability (MPCC) Command Group, European External Action Service (EEAS), Brussels*

Tristan Ferraro *Senior Legal Adviser, International Committee of the Red Cross, Geneva*

Dr Krisztina Huszti-Orban *Senior Legal Adviser to the United Nations Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, Geneva*

Guénael Mettraux *Judge, Kosovo Specialist Chambers, The Hague*
H E Amb Bogdan Aurescu *Ambassador of Romania to The Netherlands, Presidential Advisor for Foreign Policy to the President of Romania, Member of the United Nations International Law Commission, The Hague*

1115 – 1145 **Coffee/tea break**

1145 – 1300

The ICC activation of the jurisdiction on aggression: strategic and substantive consideration

In 2017, the International Criminal Court (ICC) was scheduled to activate its jurisdiction over the Crime of Aggression, meaning that for the first time since the end of World War II, the waging of aggressive wars in violation of the United Nations Charter might return to be a justiciable offence, calling for individual criminal liability. Controversy remains concerning both the definition contained in the ICC statute, as well as its jurisdictional regime. Will the ICC activate its jurisdiction and what will the consequences be for the maintenance of international peace and security? What will be the institutional, substantive, and procedural obstacles that the ICC will face in exercising its jurisdiction over the crime of aggression? With the insight of prominent judges and international legal practitioners, this panel will engage in both strategic and substantive considerations on these subjects.

Session Chair

Federica D'Alessandra *Harvard University, New York; Co-Chair, IBA War Crimes Committee*

Speakers

Athaliah Molokomme *Former Attorney General of Botswana, Botswana Ambassador and Permanent Representative to the United Nations in Geneva, Botswana*

Sheryn Omeri *Cloisters Chambers, London*

Navanethem Pillay *Commissioner, International Commission Against the Death Penalty, Former UN High Commissioner for Human Rights, Former Judge, International Criminal Court, Durban*

Christian Wenaweser *Permanent Representative of Liechtenstein to the United Nations, New York*

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Saturday continued

1300 – 1400 **Lunch**

1400 – 1415 **Update from the IBA Hague Office**

Aurélie Roche-Mair *Director, The Hague Office, International Bar Association, The Hague*

1415 – 1430 **IBA War Crimes Committee update on IBA Inquiry on Crimes Against Humanity in North Korea Political Prisons**

Navanethem Pillay *Commissioner, International Commission Against the Death Penalty, Former UN High Commissioner for Human Rights, Former Judge, International Criminal Court, Durban*

1430 – 1545

Is truth the first casualty of war?

A panel discussion on recent international incidents, such as the recent Syrian Sarin gas attacks, the Russian invasion of Ukraine and others, where rival claims as to the truth concerning circumstances deflect attention from the tragedy experienced by civilians. The discussion will cover political and legal consequences of the instrumentalisation of truth itself and those bodies entrusted with finding such truth, and the problem that 'a lie gets halfway around the world before the law has time to put its trousers on'. Justice has a duty to prevent manipulation of its procedures to suit the ends of war and this panel will explore in what ways this duty can and should be enforced.

Session Chair

Steven Kay QC *9 Bedford Row Chambers, London; Member, IBA War Crimes Committee Advisory Board*

Speakers

Philipp Ambach *Chief Victim Participation and Reparation Section, International Criminal Court, The Hague*

Fidelda Donlon *Registrar, Kosovo Specialist Chambers, The Hague*

John Hocking *Former, ICTY-IMCT Registrar, The Hague*

Wayne Jordash QC *Doughty Street Chambers, London*

Howard Morrison *Judge, International Criminal Court, The Hague*

1545 – 1615 **Coffee/tea break**

1615 – 1730

Is the future of international criminal law domestic?

At 20 years on from the signing of the Rome Statute, with the winding down of the UN International Criminal Tribunals and the emergence of calls for new hybrid or special criminal tribunals (for ISIS, for Syria) and the proliferation of attempts to bring war crimes, crimes against humanity and genocide cases before domestic courts, this panel will analyse the challenges and obstacles that criminal justice currently faces at the international level, and whether the future of international justice lies on an international, hybrid or domestic trajectory.

Session Chair

Jens Dieckmann *Becher & Dieckmann Rechtsanwälte, Bonn; Co-Vice Chair, IBA War Crimes Committee*

Speakers

Michelle Jarvis *Deputy Head, United Nations International Impartial Independent Mechanism for Syria, The Hague; Co-Vice Chair, IBA War Crimes Committee*

Kimberly Prost *Judge-Elect, International Criminal Court, The Hague*

Stephen Rapp *Sonia and Harry Blumenthal Distinguished Fellow for the Prevention of Genocide, US Holocaust Memorial Museum, Non-Resident Fellow, Hague Institute for Global Justice, Former US Ambassador-at-large for Global Criminal Justice, Former Prosecutor, Special Court for Sierra Leone, The Hague*

James Stewart *Deputy Prosecutor Elect, International Criminal Court, The Hague*

Christine van den Wyngaert *Judge, International Criminal Court, Judge, Kosovo Specialist Chambers, The Hague*

1730 – 1800 **Concluding remarks**

1800 – 1900 **Drinks reception**

Peace Palace

The IBA, its officers and staff accept no responsibility for any views expressed, presentations or materials produced by delegates or speakers at the Conference.

Continuing Professional Development/Continuing Legal Education

*The number of CPD/CLE hours available may vary depending on the rules applied by the members' bar association/law society on time recording criteria.

For conference delegates from jurisdictions where CPD/CLE is mandatory, the IBA will provide a Certificate of Attendance for the conference. Subject to CPD/CLE requirements, this can be used by conference delegates to obtain the relevant number of hours' accreditation.

A CPD/CLE Certificate of Attendance is available to conference delegates on request. Please ask at the IBA conference registration desk for information on how to obtain the certificate.

The organisers may at any time, with or without giving notice, in their absolute discretion and without giving any reason, cancel or postpone the conference, change its venue or any of the other published particulars, or withdraw any invitation to attend. In any case, neither the organisers nor any of their officers, employees, agents, members or representatives shall be liable for any loss, liability, damage or expense suffered or incurred by any person, nor will they return any money paid to them in connection with the conference unless they are satisfied not only that the money in question remains under their control but also that the person who paid it has been unfairly prejudiced (as to which, decision shall be in their sole and unfettered discretion and, when announced, final and conclusive).

Information

Date

21 April 2018

Venue

Peace Palace
Carnegieplein 2
2517 KJ The Hague
Netherlands
Tel: +31 70 302 4242
www.vredespaleis.nl

Language

All working sessions and conference materials will be in English.

How to register

Register online by **13 April 2018** at www.ibanet.org/conferences/conf884.aspx and make payment by credit card, to avail of the ten per cent online registration discount or complete the attached registration form and return it to the Conference Department at the IBA together with your bank transfer / cheque payment. You should receive emailed confirmation of your registration within five days; if you do not then please contact confs@int-bar.org.

Fees

Online and hard copy registrations received:

	until 13 April
IBA member	€100
Non-member*	€100
Young lawyers (under 30 years)	€80

* By paying the non-member fee, we welcome you as a delegate member of the IBA for the year in which this conference is held, which entitles you to the following benefits:

- 1) Password access to certain parts of the IBA website.
- 2) Receipt of *IBA E-news* and access to online versions of *IBA Global Insight*.
- 3) Pay the member rate for any subsequent conference registrations for this calendar year.

If you would like to become a full or general member of the IBA, which includes membership of one Committee or more – and inclusion in and access to our membership directory – we encourage you to do so now in order to register for this conference at the member rate. Find full details of how to join at www.ibanet.org.

A reduced rate is offered to lawyers who are over the age of 65, have been an IBA member for more than 20 years and are no longer practising law.

Full payment must be received in order to obtain your Conference documentation.

Fees include:

- Attendance at all working sessions
- Conference materials, including any available speakers' papers submitted to the IBA before 11 April 2018.
- Access to the above Conference working materials from the IBA website (www.ibanet.org) approximately seven days prior to the conference
- Access to mobile delegate search application
- Lunch on Saturday 21 April 2018
- Tea and coffee during breaks
- Invitation to Drinks reception on Saturday 21 April 2018

Please note that registrations are not transferable.

Unauthorised Accommodation Agents

It has been brought to our attention that there are multiple companies contacting past attendees, claiming to represent the IBA, offering 'assistance' with registration and hotel bookings.

List of participants

In order for your name to appear in the list of participants, which will be distributed at the conference, your registration form must be received by **13 April 2018** at the latest.

Mobile delegate search application

All registered delegates will receive a printed list of participants at the Conference; however delegates are now also able to use the mobile delegate search. This application has been developed to aid networking by giving delegates instant access to an up-to-date list of their fellow attendees, and comes with the added benefit of a built-in messaging service. All registered delegates with an internet or Wi-Fi-enabled device will have access, using their IBA username and password. Simply visit: m.ibanet.org/conf884.

Registration confirmation

All documentation regarding your attendance at the Conference can now be obtained from the IBA website. Upon receipt of your payment for the Conference, a confirmation email will be sent containing instructions on how to download the documents. Registration confirmation will not be distributed by post.

Photography and filming

Certain sessions and/or social functions may be photographed and/or filmed and some of this content may be used for future IBA marketing materials, member communications, products or services. Should you have any concerns with regard to this, or do not wish to be featured in any of these materials please contact the IBA Marketing Department at ibamarketing@int-bar.org.

Promotional literature

Please note that no individual or organisation may display or distribute publicity material or other printed matter during the Conference, unless by prior arrangement with the IBA. Organisations and companies wishing to discuss promotional opportunities should contact the IBA Sponsorship Department at sponsorship@int-bar.org.

They are operating by cold-calling and spamming companies whose names have appeared on previous List of Participants, Programmes and Sponsorship recognition. The only Accommodation Agent the IBA works with is Judy Lane ICS. Judy Lane ICS do not contact delegates on behalf of the IBA without delegates making initial contact. Please ignore any communication that does not come directly from the IBA or Judy Lane ICS.

Payment of registration fees

Euro: by cheque or bank draft, drawn on a euro zone bank and converted at the current rate of exchange and in favour of the International Bar Association.

OR by bank transfer to the IBA bank account number 550/00/06570631 (Sort Code 56-00-03) at the National Westminster Bank, St James's & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom or SWIFT address NWBKGB2L, IBAN GB58NWBK60721106570631. **Please ensure that a copy of the bank transfer details is attached to your registration form.**

Pounds sterling: by cheque drawn on a UK bank and in favour of the International Bar Association. Please send to: 4th Floor, 10 St Bride Street, London EC4A 4AD, United Kingdom.

OR by bank transfer to the IBA account number: 13270222 (Sort Code 56-00-03) at the National Westminster Bank, St James's & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom or SWIFT address NWBKGB2L, IBAN GB05NWBK56000313270222. **Please ensure that a copy of the bank transfer details is attached to your registration form.**

Use the exchange rate prevailing at the time of registration.

US dollars: by cheque converted at the current rate of exchange and drawn on a US bank and in favour of the International Bar Association. Please send to: 4th Floor, 10 St Bride Street, London EC4A 4AD, United Kingdom.

OR by bank transfer to the IBA account number: 01286498 (Sort Code 56-00-03) at the National Westminster Bank, St James's & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom. SWIFT address NWBKGB2L, IBAN GB55NWBK60730101286498. **Please ensure that a copy of the bank transfer details is attached to your registration form.**

Use the exchange rate prevailing at the time of registration.

Cancellation of registration

If cancellation is received in writing at the IBA office by 23 March 2018, fees will be refunded less a 25 per cent administration charge. Refunds will be made minus any monies owed to the IBA.

We regret that no refunds can be made after this date. Registrations received after 23 March will not be eligible for any refund of registration fees. Please note that NO exception will be made to this policy. Should you have difficulties in obtaining your visa and are not able to attend the conference this cancellation policy will still apply.

Upon submission of your completed Conference registration form to the IBA you are considered 'registered' pending payment. Please note that as soon as your registration is received the cancellation terms and conditions as indicated will apply.

Provided you have cancelled your registration to attend an IBA conference in accordance with the terms of the 'cancellation of registration' clause included in the 'Information' section of the relevant conference programme, you must then confirm to us in writing at the IBA office as

Online credit card payments: by Visa, MasterCard or American Express.
No other cards are accepted.

PLEASE ENSURE THAT YOUR NAME AND 'CON884HAGUE' APPEAR ON ANY TRANSFER OR DRAFT.

No deductions or withholdings

All fees payable to us by you in accordance with the terms contained in this 'Information' section shall be paid free and clear of all deductions or withholdings whatsoever.

If any deductions or withholdings are required by law to be made from any fees payable to us by you under the terms contained in this 'Information' section you shall pay such sum as will, after the deduction or withholding has been made, leave us with the same amount as we would have been entitled to receive in the absence of any such requirement to make a deduction or withholding.

If we obtain the benefit of any tax credit or other relief by reference to any such deductions or withholdings, then we shall repay to you such amount as, after such repayment has been made, will leave us in no worse position than we would have been had no such deductions or withholdings been required.

Conference sell-outs

The IBA places its conference in venues of a suitable size for the event; however, there are times when our conferences may sell out. Should this happen, prospective delegates will be informed and a waiting list will operate. The waiting list will function on a 'first come, first served' basis, subject to receiving registered delegate cancellations. The IBA will not be liable for any travel or accommodation expenses incurred by an individual who travels to the Conference without a confirmed place at the event.

soon as possible but in no event later than one year (12 calendar months) from the date of any such conference all necessary details to enable any reimbursement owed to you to be paid. We regret that no refunds will be made after the date that is one year (12 calendar months) after the date of the relevant conference.

Travel arrangements and visas

Participants are responsible for making their own travel arrangements. It is recommended that you check your visa requirements with your local embassy or consulate. **We are unable to dispatch visa invitation letters to support your visa application prior to receipt of your registration form and full payment of registration fees.**

Please apply for your visa in good time.

Disabled access

The Peace Palace is wheelchair accessible. Please notify us if you require special assistance.

Hotel accommodation

Below is a list of hotels located near The Peace Palace. Please contact the hotel of your choice directly to find out rates, availability and to make your reservation.

Hilton The Hague

Zeestraat 35, 2518 AA, The Hague
Tel: +31 70 710 7000

www3.hilton.com/en/hotels/Netherlands/Hilton-the-hague-AMSHHHI/index.html

Court Garden Hotel

Laan van Meerdevoort 96, 2517 AR, The Hague
Tel: +31 70 311 4000

www.hotelcourgarden.nl/en

Carlton Ambassador

Sophialaan 2, 2514 JP, The Hague
Tel: +31 70 363 0363

www.carlton.nl/en/hotel-ambassador-the-hague/contact

Best Western Hotel Petit

Groothertoginnelaan 42, 2517 EH, The Hague

www.bestwestern.co.uk/hotels/best-western-hotel-petit-92702



International Bar Association

the global voice of the legal profession

The International Bar Association (IBA), established in 1947, is the world's leading organisation of international legal practitioners, bar associations, law firms and law societies.

The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of more than 80,000 individual lawyers and more than 190 bar associations and law societies spanning over 170 countries.

Inspired by the vision of the United Nations, the IBA was founded in the same spirit, just before the Universal Declaration of Human Rights was proclaimed in 1948.

The IBA covers all practice areas and professional interests, providing members with access to leading experts and up-to date information, enabling them to better represent their clients' interests.

Through its various committees, fora and task forces, the IBA facilitates the exchange of information and views among its members as to laws, practices and professional responsibilities relating to the practice of law around the globe.

War Crimes Committee overview

The IBA's War Crimes Committee is the only IBA committee of its kind focused specifically on atrocity crimes, and international criminal law and practice. Over the past fifteen years, there has been tremendous growth and development in this field of law. This new Committee provides a forum for the very diverse group of practitioners and scholars involved in this area of law.

The Committee endeavours to provide IBA members with comprehensive and reliable information and resources on international criminal law. It also provides lawyers, international agencies and tribunals with an unparalleled and easily accessible network of contacts and, in turn, is directly involved with the IBA's ongoing programme in support of international, ad hoc and domestic war crimes tribunals.

The Committee works alongside the IBA Human Rights Institute and the IBA Human Rights Law Committee to promote justice around the world, and uphold the principle of accountability.

Contact information

International Bar Association

4th Floor, 10 St Bride Street, London EC4A 4AD, United Kingdom

Tel: +44 (0)20 7842 0090 Fax: +44 (0)20 7842 0091

Email: member@int-bar.org www.ibanet.org

Registration form



IBA Annual Conference on International Criminal Law War and Justice

21 April 2018, Peace Palace, The Hague, the Netherlands

Please read the 'Information' section before completing this form and return it together with your bank transfer or cheque to the Conference Department at the address overleaf.

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PERSONAL DETAILS *(Please attach your business card or write in block capitals)*

Title _____ Given name _____ Family name _____

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IBA Membership number *(if applicable)* _____ Date of birth _____

Firm/company/organisation _____

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SPECIAL DIETARY REQUIREMENTS

If you have special dietary requirements, due to allergen intolerances, medical, religious reasons or a life choice, please specify the requirement below. The IBA is unable to cater for dietary requirements other than for the above reasons.

Please tick box if you have allergen intolerances and specify _____

Please state all other dietary requirements clearly, i.e. I am a vegetarian; I do not eat red meat.

Disclosure of dietary information denotes you have agreed to the IBA sharing this information with relevant third parties who are providing catering on our behalf.

REGISTRATION FORMS AND FEES RECEIVED:	until 13 April	amount payable
IBA member	€100	€
Non-member*	€100	€
Young lawyers (under 30 years)	€80	€

TOTAL AMOUNT PAYABLE €

***JOIN THE IBA TODAY AND REGISTER FOR THIS CONFERENCE AT THE IBA MEMBER RATE.
PLEASE FIND THE MEMBERSHIP APPLICATION FORM AT WWW.IBANET.ORG.**

**FULL PAYMENT MUST BE RECEIVED IN ORDER TO PROCESS YOUR REGISTRATION.
PLEASE NOTE THAT REGISTRATIONS ARE NOT TRANSFERABLE.**

METHODS OF PAYMENT

By credit card

Register online at www.ibanet.org/conferences/conf884.aspx and make immediate and secure payment by credit card

Note: please do not send your credit card details on the registration form or within an email or fax.

By bank transfer and cheque/draft

Please send me an invoice.

I enclose a cheque/draft for the total amount payable.

I have transferred to the IBA bank account the total amount payable and have attached a copy of the bank transfer details.



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GB05NWBK56000313270222. **Please ensure that a copy of the bank transfer details is attached to your registration form.**

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If you are agreeable to passing on your details, please tick this box If you do **not** wish to receive IBA information and materials, please tick this box

Your details will however be included in the list of participants.

PLEASE SEND THE COMPLETED FORM TO INTERNATIONAL BAR ASSOCIATION:

Conference Department

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