



ICTY

Legacy

Dialogues

18 December 2017
The Hague, The Netherlands

Looking Back to Move Forward:
Final Reflections on the ICTY

Symposium

Agenda



UNITED NATIONS - NATIONS UNIES
International Criminal Tribunal for the former Yugoslavia
Tribunal Pénal International pour l'ex-Yugoslavie



The ICTY Legacy Dialogues are generously supported by the European Union.



AUSTRIAN
EMBASSY
THE HAGUE



MINISTRY FOR FOREIGN
AFFAIRS OF FINLAND



SCHWEIZER
KONFEDERATION
CONFEDERAZIONE SVIZZERA
CONFEDERAȚIUNEA SVIZERĂ
SUISSE CONFÉDÉRATION



MINISTRY FOR JUSTICE, CULTURE
AND LOCAL GOVERNMENT



Ministry of Foreign Affairs of the
Netherlands



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra
Swiss Confederation



Den Haag



Grotius Centre
for International
Legal Studies

I. Conference Venue

Leiden University, The Hague Campus, Room 2.01, Wijnhaven, Turfmarkt 99, The Hague, The Netherlands.

II. The Agenda

The following schedule and list of presenters may be subject to some last minute adjustments.

8:15-9:00 **Registration**
Entrance Hall

9:00-9:30 **Symposium Inauguration**
Room 2.01

Address by **Saskia Bruines**, Deputy Mayor for Knowledge Economy, International Affairs, Youth and Education, City of The Hague, on *‘Contemporary relevance of international courts and tribunals after the ICTY’*

Remarks by **Judge Carmel Agius**, President of the International Criminal Tribunal for the former Yugoslavia (ICTY)

Remarks by **Carsten Stahn**, Professor of International Criminal Law and Global Justice and Programme Director of the Grotius Centre, Leiden University

9:30-11:00 **Panel I: Discussion on ICTY’s Contribution to International Criminal Courts and Tribunals**
Room 2.01

A defining feature of the ICTY’s work over its 24-year history has been its role in constructing “from the ground up” a set of working practices for the developing field of international criminal law. In breaking new ground as the first tribunal of its kind since the Nuremberg and Tokyo Trials after World War II, the ICTY has accumulated a wealth of practical knowledge and experience which is of significant value to other international criminal courts and tribunals. This panel will provide an opportunity to discuss the Tribunal’s pioneering efforts and practical impact, and to debate the most important lessons that can be learnt by other international criminal courts and tribunals. Following some introductory remarks from the moderator, the panel will address various substantive areas in turn, allowing each panellist to share reflections on how their unique respective experiences with the ICTY were carried forward to other institutions. At the end of the session there will be time for questions from the audience.

Moderator: **John Hocking**, Registrar of the ICTY

Panellists: **Judge Elizabeth Odio-Benito**, Judge at the Inter-American Court of Human Rights, former Judge at the ICTY and the International Criminal Court (ICC)

Colleen Rohan, President of the Association of Defence Counsel Practicing Before International Courts and Tribunals

Mark Harmon, former International Co-Investigating Judge at the Extraordinary Chambers in the Courts of Cambodia and former Senior Trial Attorney at the ICTY Office of the Prosecutor

Martin Petrov, former Chief of Office of the Registrar of the ICTY

11:00-11:15 *Coffee Break*

11:15-12:45 **Panel II: Discussion on ICTY's Contribution to the Region**
Room 2.01

The fundamental – and frank – questions underpinning this panel discussion are: “What is the significance of the Tribunal’s work in the region of the former Yugoslavia?” and “How can other international courts and tribunals best make use of the Tribunal’s experience in dealing with their own affected regions?” It is with these questions in mind that the panel will discuss three distinct elements of the ICTY’s work pertaining to the region. The first of these is the Tribunal’s mandate, namely what it was meant to achieve in the region – and conversely what it was not meant to achieve and never could have achieved, given its nature as a court of law and how to better manage expectations of affected communities. Second, with reference to the experience of the ICTY, the panel will discuss the nature and extent of the contribution that an international court or tribunal is capable of making in creating an historical record and thereby preventing denial of the facts. Finally, the panel will discuss the ICTY’s experience and contribution to the region through cooperation with national authorities and legal systems, referral of cases, enforcement of arrest warrants, and capacity building.

Moderator: **David Scheffer**, Professor of Law at Northwestern University and former United States Ambassador at Large for War Crimes Issues

Panellists: **Aleksandar Kontić**, former Legal Officer, Immediate Office of the ICTY Prosecutor

Lord Paddy Ashdown, former High Representative for Bosnia and Herzegovina

Nerma Jelačić, Deputy Director, Commission for International Justice and Accountability and former Head of Communications, ICTY

Hrvoje Klasić, Assistant Professor at the Department of History, University of Zagreb

Jelena Krstić, Outreach and Fundraising Director, Humanitarian Law Center

12:45-14:15 *Lunch Break*

Screening Premiere: Final ICTY Documentary “No Room for Denial”
Introductory Remarks by ICTY Registrar John Hocking

14:15-16:15 **Panel III: Discussion on ICTY's Contribution to International Criminal Law**
Room 2.01

The Tribunal has made enormous contributions to the development of international criminal law and international humanitarian law, not only through its jurisprudence but also its procedure and practice. In many ways, it was tasked with “filling the gaps” in its own Statute, as well as in the international community’s understanding of certain crimes and modes of criminal liability. These contributions can be broadly organised into three sub-topics. First, the ICTY has been a pioneer in defining modes of criminal responsibility. Second, the Tribunal has fleshed out the elements of several crimes under international law, clarifying various definitions and the factual scenarios in which they apply. Third, the ICTY has made significant achievements in relation to international criminal procedure. For each sub-topic, two panel members will have a moderated discussion contrasting different aspects of these contributions to international criminal law.

Moderator: **Patricia Sellers**, Special Advisor for Gender to the Office of the Prosecutor of the ICC and Visiting Fellow, Kellogg College, Oxford University

Panellists: **Judge Alphons Orie**, Judge of the Mechanism for International Criminal Tribunals (Mechanism) and former ICTY Judge

Göran Sluiter, Professor of International Criminal Law and Procedure, University of Amsterdam

Judge Fausto Pocar, *ad hoc* Judge at the International Court of Justice and former Judge and President of the ICTY

William Schabas, Professor of International Criminal Law and Human Rights, Leiden University

Catherine Marchi-Uhel, Head of the International Impartial and Independent Mechanism on Syria and former Head of ICTY Chambers

Steven Hill, Legal Adviser and Director of Legal Affairs at the North Atlantic Treaty Organization (TBC)

16:15-16:30 *Coffee Break*

16:30-18:00 **Closing Session on the Future of International Criminal Justice**
Room 2.01

Whereas the first three panel discussions of the day will consider the Tribunal's contributions to international criminal courts and tribunals, the former Yugoslavia, and international criminal law, this final part of the symposium programme will focus on the universality of the Tribunal's work. Each speaker will deliver a short but emphatic statement on the importance of international criminal courts and tribunals – particularly in today's political climate – and the significance of the ICTY's work on a global level. This panel event will be an opportunity for speakers to offer ideas and reflections that may serve as inspiration for the future, going beyond the field of law. This will be a truly inspirational and impactful end to the day's events, and a fitting way to conclude the last ever symposium to be hosted by the Tribunal.

Moderator: **Karim A. A. Khan QC**, President of the ICC Bar Association

Panellists: **Judge Christoph Flügge**, Judge of the Mechanism and former ICTY Judge

Judge Theodor Meron, President of the Mechanism and former Judge and President of the ICTY

Diane Orentlicher, Professor of International Law, Washington College of Law, American University

Judge Silvia Fernández de Gurmendi, President of the ICC

Serge Brammertz, Prosecutor of the ICTY and the Mechanism

18:00-20:00 **Reception**
Foyer, ground floor

III. Logistical Information

Further details, such as those relating to media are available at the following website: www.icty.org. For more information please contact the Tribunal at ICTYlegacydialogues@un.org.