

The Legacy of the International Criminal Tribunal for the former Yugoslavia and the Nuremberg Principles

5-6 May 2017





# The Legacy of the International Criminal Tribunal for the former Yugoslavia and the Nuremberg Principles

Friday 05 May 13:45-14:15 Welcoming remarks

Klaus Rackwitz (International Nuremberg Principles Academy) Carmel Agius (International Criminal Tribunal for the former Yugoslavia)

### 14:15–16:00 From the Nuremberg Principles to Judicial Action – the Creation of the ICTY

- The UNSC's first-ever court established under Chapter VII the best of all options? Juan Antonio Yáñez-Barnuevo (former Spanish Ministry of Foreign Affairs)
- · Comparative look at ad hoc and hybrid courts and the ICC: new advances David Tolbert (International Center for Transitional Justice)
- International courts and tribunals non-political? Philipp Ambach (International Criminal Court)
- · The ICTY Registry: building best practices for international justice John Hocking (International Criminal Tribunal for the former Yugoslavia) Moderator: Serge Brammertz (International Criminal Tribunal for the former Yugoslavia/ United Nations Mechanism for International Criminal Tribunals)

16:00-16:30

Coffee break

#### 16:30-18:00 From an International Tribunal to Domestic Jurisprudence

- · Outreach: from a minimalist approach through the 'awakening' to a sophisticated outreach strategy
- Carmel Agius (International Criminal Tribunal for the former Yugoslavia)
- · The transition of trials to states on the territory of the former Yugoslavia and the acceptance of the ICTY in the region and its long-term impact

Milan Petrović (Serbian War Crimes Prosecutor's Office) Ivan Crnčec (Croatian Ministry of Justice) Emira Hodžić (Court of Bosnia and Herzegovina)

Moderator: John Hocking (International Criminal Tribunal for the former Yugoslavia)

## Saturday of May 08:45-10:15 The Evolution of the Substantive and Procedural Criminal Law (I)

- "Dabo tibi ius sine omni facto" The strange role of a judge at the ICTY, factually and legally in the hands of the parties
- Wolfgang Schomburg (former International Criminal Tribunal for the former Yugoslavia)
- · A merger of different legal systems or the birth of a unique procedural system? Michelle Jarvis (International Criminal Tribunal for the former Yugoslavia)
- The role of the law making of the ICTY judges Dagun Liu (International Criminal Tribunal for the former Yugoslavia/United Nations Mechanism for International Criminal Tribunals)

Moderator: Kai Ambos (Georg August University Göttingen/Kosovo Specialist Chambers)



#### 10:30-12:00 The Evolution of the Substantive and Procedural Criminal Law (II)

- · Joint criminal enterprise, individual and command criminal responsibility Fausto Pocar (International Criminal Tribunal for the former Yugoslavia)
- · ICTY and the new law on genocide Carsten Stahn (Grotius Institute, Leiden University)
- · Sexual enslavement and rape as crimes against humanity; nexus between rape and ethnic cleansing

Olympia Bekou (University of Nottingham)

Moderator: Astrid Reisinger Coracini (Salzburg Law School)

12:00-12:45

Lunch

### 12:45-14:15 The Prosecution - the "Engine" of the Court

- · Art. 18 ICTY-Statute and the choice of cases a sole prerogative with no checks and balances?
- Serge Brammertz (International Criminal Tribunal for the former Yugoslavia/ United Nations Mechanism for International Criminal Tribunals)
- Prosecuting Heads of States how "stable" is the ICTY's legacy of perpetuating the Nuremberg Principles?

Elies van Sliedregt (Leeds University)

- The prosecutorial strategy since Nuremberg: lessons learned and challenges Brenda Hollis (Residual Special Court for Sierra Leone)
- Moderator: Peter Wilkitzki (former German Federal Ministry of Justice)

14:15-14:30

Coffee break

#### 14:30-16:00 **Defence**

- · From national practice to international proceedings challenges for the defence
- Christopher Gosnell (Counsel practicing before international tribunals)
- · Equality of arms the principle and the reality Branko Lukić (Association of Defence Counsel Practising Before the ICTY and Representing Counsel Before the MICT)
- Self-defence of accused persons fair trial or the contrary? Colleen Rohan (9 Bedford Chambers)

Moderator: Stefan Kirsch (Counsel practicing before international tribunals)



# The Legacy of the International Criminal Tribunal for the former Yugoslavia and the Nuremberg Principles





Carmel A. Agius

**Carmel A. Agius** has been serving as the President of the International Criminal Tribunal for the Former Yugoslavia (ICTY) since November 2015. Judge Agius was first elected to the ICTY in 2001, and presided over several cases in Trial Chamber II. He has been a Judge of the Appeals Chamber of both the ICTY and the International Criminal Tribunal for Rwanda since 2010, and was elected Vice-President of the ICTY in November 2011. Judge Agius served as Vice-President for four years before being elected President.

Judge Agius has chaired the Rules Committee of the ICTY since 2003, and has served as a member of the Tribunal's Bureau for many years. In 2010 and 2011, he coordinated the drafting of the Rules of Procedure and Evidence for the Mechanism, which were accepted by the United Nations Security Council and adopted by the judges of the Mechanism. Prior to being elected to the ICTY, Judge Agius was a Senior Judge in the Court of Appeal of Malta and the Constitutional Court of Malta, and was Acting Chief Justice on several occasions. In 1992 he served on the Rule Making Board in the Malta Courts of Justice.



Philipp Ambach

**Philipp Ambach** is Chief of the Victims Participation and Reparations Section in the Registry of the International Criminal Court (ICC). Previously, he worked in the Presidency of the ICC as the President's Special Assistant for more than five years. In 2015, Mr. Ambach temporarily worked as a team leader and legal officer in the Registry of the ICC as part of a restructuring exercise. Before his tenure at the ICC, Mr. Ambach held for four years legal positions in the Appeals Chamber of the ICTY, ICTR, as well as in the Registry of the ICTY. Nationally, Mr. Ambach has been accepted at the Cologne Public Prosecutor's Office. He holds a PhD in international criminal law of Free University of Berlin, specializing on international (ized) hybrid tribunals. He has authored a number of publications on various topics in the area of international criminal, as well as humanitarian law and regularly gives guest lectures on ICL/IHL topics at various universities, academic institutions and summer schools.



Kai Ambo

Kai Ambos is since May 2003 the holder of the Chair of Criminal Law, Criminal Procedure, Comparative Law and International Criminal Law at the Georg-August-University Göttingen, Germany. He is also Head of the Department of "Foreign and International Criminal Law," Institute of Criminal Law and Justice at the University Göttingen. He served as a Judge at the Provincial Court (Landgericht) of Lower Saxony in Göttingen from 24 March 2006 to 7 February 2017 (from January 2015 to 30 September 2015 delegated to the Appeals Court [Oberlandesgericht] Braunschweig); with his appointment as Judge at the Kosovo Specialist Chambers (KSC), The Hague, on 7 February 2017 he took leave from this judicial position. Judge Ambos is also since December 2013 Director of the Centro de Estudios de Derecho Penal y Procesal Penal Latinoamericano (CEDPAL) of Georg-August-Universität Göttingen. He is List Counsel at the International Criminal Court and Life Member of Clare Hall College, University of Cambridge, UK. His main research lies in criminal law and procedure, comparative law, international criminal law with a regional focus on Latin America, Portugal, Spain and Eastern Europe. He has various publications in English, French, German, Italian, Portuguese and Spanish in these areas, e.g. a three volume Treatise of International Criminal Law (OUP 2013-2016) and a textbook on European Criminal Law (CUP 2017).



Olympia Bekou

Olympia Bekou is Professor of Public International Law at the University of Nottingham and Head of the International Criminal Justice Unit at the Nottingham Human Rights Law Centre. A qualified lawyer, Olympia specialises in international criminal law. She has developed particular expertise in national implementing legislation for the ICC, as well as in developing new methodologies that aim to enhance the efficiency and effectiveness of international criminal justice processes. In recent years Olympia has been a fellow of the Max Planck Institute for Foreign and International Criminal Law in Freiburg, Germany, and she has also held visiting positions at the TC Beirne School of Law, University of Queensland, Australia, the University of Nantes, France, and Istanbul Bilgi University, Turkey. Olympia has provided research and capacity





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building support for 63 States, through intensive training to more than 75 international government officials and drafting assistance to Samoa (with legislation enacted in November 2007), Fiji and Jamaica and has been involved in training the Thai Judiciary. She has also undertaken capacity building missions in post-conflict situations such as Uganda, the DRC and Sierra Leone. She is Deputy Director of the Case Matrix Network and a member of the Advisory Board and Editor of the Forum of International Criminal and Humanitarian Law. Olympia is responsible for the National Implementing Legislation Database (NILD) of the ICC Legal Tools Project and has researched and taught extensively worldwide. In 2014, she was awarded the University of Nottingham Knowledge Exchange and Innovation Award for Societal Impact in Social Sciences for her work "Fighting Impunity through Technology: Strengthening the Capacity of National and International Criminal Justice Institutions to Investigate and Prosecute the Most Serious International Crimes". In 2015–2016 Olympia was recognised as an Impact Leader as part of ESRC's impact leaders programme.



Serge Brammertz

**Serge Brammertz** was appointed by the United Nations Security Council to serve as Chief Prosecutor of the International Criminal Tribunal for the former Yugoslavia on 28 November 2007. He assumed his duties on 1 January 2008. He was reappointed by the Security Council on 14 September 2011.

Dr. Brammertz has served for more than a decade in senior positions charged with investigating and prosecuting grave international crimes. Prior to his current appointment, in January 2006 United Nations Secretary-General Kofi Annan appointed him as Commissioner of the United Nations International Independent Investigation Commission into the assassination of former Lebanese Prime Minister Rafik Hariri, a post he held until the end of 2007. Previously, in September 2003 he was elected by the Assembly of State Parties as the first Deputy Prosecutor of the International Criminal Court. In that capacity, he was in charge of establishing the Investigations Division of the Office of the Prosecutor, and initiated the first ICC investigations in Uganda, the Democratic Republic of Congo and Darfur.

Prior to his international appointments, Dr. Brammertz was first a national magistrate then the head of the Federal Prosecution of the Kingdom of Belgium. In addition, he also worked for the European Commission, the Council of Europe and the International Organisation for Migration as an expert on these and related issues.

From 1989 to 1997, he served as Deputy Prosecutor, then Chief Deputy Prosecutor at the Court of First Instance in Eupen (Belgium), before becoming Deputy to the Prosecutor-General at the Liège Court of Appeal. Dr. Brammertz is currently a member of the Executive Committee of the International Association of Prosecutors, and previously served as Chairman of the European Judicial Network. He has published and lectured widely on the investigation and prosecution of complex crimes, European and international police and judicial cooperation in criminal matters, international humanitarian law, organized crime, terrorism and judicial capacity building. He was a professor of law at the University of Liège until 2002.

Dr. Brammertz holds a law degree from the University of Louvain-la-Neuve, a degree in Criminology from the University of Liège and a PhD in international law from the Albert Ludwig University in Freiburg, Germany, where his thesis was on the topic "Cross-border Police Cooperation".



Ivan Crnčec

Ivan Crnčec is currently the Assistant Minister at the Ministry of Justice of the Republic of Croatia involved with the Directorate for European Affairs, International and Judicial Cooperation, a position he has held since 2014. Previously, Ivan Crnčec acted as the Assistant Minister at the Directorate for the Organization of the Judiciary and was, amongst other positions held within the Ministry of Justice, the Director of the Criminal Law Directorate from 2010 until 2012. In 2009 he acted as the Head of Sector for the Cooperation with the International Criminal Courts (the ICTY, ICC and the ICJ). Since 2010, Ivan Crnčec has been extensively involved in the drafting procedures of various legislative acts at the national level. Ivan Crnčec holds a law degree obtained at the Law Faculty in Zagreb and has completed his bar examination in 2004.

## The Legacy of the International Criminal Tribunal for the former Yugoslavia and the Nuremberg Principles

**Christopher Gosnell** has defended accused before various international tribunals, including

the ICTY, ICC, ICTR, MICT and Special Court for Sierra Leone. He is currently Associate Counsel

proceedings. He formerly worked in the Office of the Prosecutor of the ICTY and in Chambers

was an associate with Simpson Thacher & Bartlett in New York. He has been a lecturer-in-law at Columbia Law School in New York, an adjunct lecturer at the Académie de Droit Inter-

at the ICTR. After starting his legal career as a law clerk at the Supreme Court of Canada, he

national Humanitaire in Geneva, and is the co-editor of "Principles of Evidence in Inter-

national Criminal Justice". He is also the author of articles and book chapters, including

"Damned If You Don't: Liability for Omissions in International Criminal Law," in The Ashgate

for Bosco Ntaganda and Lead Counsel to one of the accused in the Bemba et al. contempt



**Christopher Gosnell** 



John Hocking

Research Companion to International Criminal Law. **John Hocking** was appointed Assistant Secretary-General, Registrar of the International Criminal Tribunal for the former Yugoslavia (ICTY) by the United Nations Secretary-General for two terms, first on 15 May 2009 and again on 15 May 2013. The Secretary-General also appointed him as the first Registrar of the Mechanism for International Criminal Tribunals on 18 January 2012, entrusting him with the startup of the new institution. Until the end of

2016, Mr. Hocking concurrently served as the Registrar of the ICTY and the Mechanism. Mr. Hocking is a long-standing staff member of the ICTY having joined the institution in 1997. He held the position of Deputy Registrar from December 2004 until January 2009 when he became Acting Registrar. Prior to these appointments, he served as the Senior Legal Officer for the Appeals Chambers of both the ICTY and the International Criminal Tribunal for Rwanda. He initially worked as the legal officer on the ICTY's first multi-accused proceedings, the Čelebići trial.

Mr. Hocking has over 25 years experience as a lawyer working in both the domestic and international arena. His prior responsibilities include five years as legal and policy adviser to the Organisation for Economic Co-operation and Development (OECD) in Paris; legal and policy adviser to the Australian Government's national multicultural television and radio broadcaster, the Special Broadcasting Service; legal and policy adviser to human rights barristers and the British Film Institute in London; legal associate to Justice Michael Kirby, former President of the Court of Appeal and Judge of the High Court of Australia; and legal and policy adviser to the Australian Film Commission.

Mr. Hocking has been admitted as a barrister at Lincoln's Inn, London, and a barrister/solicitor with the Supreme Courts of Victoria and New South Wales in Australia. He holds a Master of Law with merit from the University of London (LSE), a Bachelor of Law from the University of Sydney, and a Bachelor of Science (Physiology and Biochemistry) from Monash University in Melbourne, Australia. He has written a number of publications, particularly on issues relating to international humanitarian and criminal law.



Emira Hodžić

**Emira Hodžić** has been serving as the Registrar of the Court of Bosnia and Herzegovina since May 2015. From February 2010 to May 2015 she worked at the Court of Bosnia and Herzegovina as the Head of the Legal Department. She has held the positions of both Legal Advisor and Legal Officer at the Court of Bosnia and Herzegovina in Division I for War Crimes and Division II for Organized Crime, Economic Crime and Corruption. From July 2004 to July 2005 she worked at the Cantonal Court in Sarajevo. She passed the bar exam in 2007 and graduated from the School of Law, University of Sarajevo in 2004.

She is educator for online courses of the Council of Europe for the topic "Transitional justice in BiH" and is external correspondent for the "Pravna Hronika (Legal Chronicle)" journal. She is in charge of monitoring and implementing the "IPA 2012/2013" project at the Court of BiH. She further coordinates on behalf of the Court the drafting responses to questions from within the European Commission Questionnaire for Bosnia and Herzegovina, as part of the European integrations process. In 2014, in cooperation with the AIRE center, she has been working on the





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Plan of Education for Legal Advisors of the Court of BiH in the field of the European Convention on Human Rights and Fundamental Freedoms. In 2014 she has been educator on the topic of "Providing Protective Measures for Witnesses at the Court of BiH according to the Law on the Protection of Witnesses". She has further been member of the Commission for monitoring the implementation of the anticorruption plan of the Court of BiH.



Brenda I. Hollis

**Brenda J. Hollis** has served as Prosecutor of the Residual Special Court for Sierra Leone since January 2014, appointed by the Secretary General of the United Nations. She also acts as Reserve International Co-Prosecutor of the Extraordinary Chambers in the Courts of Cambodia, appointed in April 2015 by the Government of Cambodia. In addition, Ms. Hollis provides services to public and private clients as an Expert Legal Consultant on international criminal law and procedure, and is a member of the Advisory Board of the International Nuremberg Principles Academy. Ms. Hollis was appointed Prosecutor of the Special Court for Sierra Leone (SCSL) in February 2010 and served in that capacity until the SCSL closed its doors in December 2013. From 2007 to 2010, she was the Principal Trial Attorney in the SCSL Office of the Prosecutor, responsible for leading the prosecution of former Liberian President Charles Taylor, which position she held until the appeal in that case was concluded. From 2001 to 2007, Ms. Hollis was an Expert Legal Consultant on international criminal law and procedure. During this period she trained judges, prosecutors and investigators at courts and international tribunals in Indonesia, Iraq and Cambodia. In 2002 and 2003, and again in 2006, Ms. Hollis served as a legal consultant to the Prosecutor of the SCSL. Ms. Hollis held various legal positions in the Office of the Prosecutor of the Criminal Tribunal for the former Yugoslavia (ICTY) from 1994 to 2001, including serving as lead counsel in a number of historic prosecutions. She was co-counsel in the Tadić case, the first litigated case in an international tribunal since Nuremberg and was lead counsel in the preparation of the case against former Serbian President Slobodan Miloŝević until her departure from the ICTY in 2001. Ms. Hollis is a former US Peace Corps volunteer, and retired from the US Air Force with the rank of Colonel.



Stefan Kirsch

**Stefan Kirsch** is a lawyer specialised in criminal law based in Frankfurt am Main. He has been assigned as defence counsel in three cases at the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague and in another case before the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania. His name has been included in the lists of defence counsels at the International Criminal Court (ICC) and the Special Tribunal for Lebanon (STL). He has been Vice-President of the Association of Defence Counsel practising before the ICTY (ADC-ICTY) in 2003/2004.

He is a member of the editorial board of the "International Criminal Law Review" and Lecturer at Johann Wolfgang Goethe-Universität, Frankfurt am Main, Germany.



Dagun Liu

Dagun Liu was elected Vice-President by his peers on 21 October 2015. He was born on 20 September 1950 in China. Judge Liu is a judge in the Appeals Chamber for both the ICTY and ICTR and for the Mechanism for International Criminal Tribunals. He was appointed as an ICTY judge by the United Nations Secretary General in 2000 and re-elected by the General Assembly in 2001 and 2004. From 2001 until 2005, Judge Liu was the Presiding Judge of Trial Chamber I presiding over the Naletilić and Martinović, Blagojević and Jokić, and Halilović cases, amongst others. He is also a member of the Permanent Court of Arbitration and the Institut de Droit International.

Since 2005, Judge Liu has worked on appeals from both the Tribunal and the ICTR where he presided over the Sainović et al case before the ICTY and Gatete case before the ICTR. Judge Liu is a member of the Appeals Chamber in the current ICTY Appeals case Prlić et al. Prior to being elected to the Tribunal, Judge Liu held a variety of positions in the Chinese Foreign Ministry, culminating in his appointment in 1999 as Ambassador of the People's

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Knighthood by the President of the Italian Republic.

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Republic of China to Jamaica and as Permanent Representative of the People's Republic of China to the International Seabed Authority. Judge Liu was also Deputy Head and Chief Negotiator of the Chinese Delegation to the Rome Conference on the establishment of the International Criminal Court.

Judge Liu has enjoyed a distinguished academic career. In 1994 he was appointed a Professor of International Law at China's University of Law and Political Science and a Professor at the Centre of Cooperative Innovation and Judicial Civilization of that University in 2013. He regularly lectures across China and internationally on international criminal law. Amongst others, Judge Liu holds positions at the Law School of Wuhan University (since 1997) and China Foreign Affairs University (since 1998).



Branko Lukić

**Branko Lukić** is currently President of the Association of Defence Counsel practising before the ICTY, a position he has held since 2015. He has been repeatedly elected to various Committees of the ADC-ICTY.

He has acted as defence counsel at the ICTY since 1999 and has represented Miroslav Kvocka, Milomir Stakić, Momcilo Gruban, Dragan Jokić, Sreten Lukić and is currently Lead Counsel for General Ratko Mladić who is awaiting judgement in November 2017.

Branko holds a law degree from the University of Belgrade and has been working as a lawyer since 1983, registered with the Bar Chamber in Belgrade. He focuses on international criminal law and domestic criminal law. He also served as a Court Clerk in Ontario, Canada.

Branko regularly presents lectures and seminars at universities across the region of the former Yugoslavia.



Milan Petrović

**Milan Petrović** was born on 6 April 1953 in Lučani, Republic of Serbia. He graduated from the Law Faculty of the University in Belgrade in 1976, and passed his bar exam in 1979. He started his professional career in 1976 at the Municipal Public Prosecutor's Office in Požega, where he served as Deputy Municipal Public Prosecutor.

In 1995, Milan Petrović was elected Deputy District Public Prosecutor at the District Public Prosecutor's Office in Užice. In 2000 he was appointed Deputy Republic's Public Prosecutor at the Office of the Serbian Republic's Public Prosecutor.

Upon the inception of the War Crimes Prosecutor's Office of the Republic of Serbia, Milan Petrović took over the post as Deputy War Crimes Prosecutor at the newly founded institution where he has remained up to the present day. He is currently acting as the Head of the War Crimes Prosecutor's Office.

In the course of his career, Milan Petrović has contributed to a number of professional journals, and (co)authored two books in the area of criminal law. As an active participant in a number of national and international conferences, Milan Petrović has delivered presentations on various topics related to the prosecution of war crimes committed during the 1991–1995 hostilities in the former SFRY territory.



Fausto Poca

**Fausto Pocar** is Professor Emeritus of International Law at the Law Faculty of the University of Milan, where he has also served as Dean of the Faculty of Political Sciences and Vice-Rector.

As of 1 February 2000, he has been a Judge of the International Criminal Tribunal for the former Yugoslavia in The Hague. From 2003, he served as Vice-President and, from 2005 until 2008, as President of the ICTY. Since his appointment, he has served first as a Judge in a Trial Chamber and later in the Appeals Chamber of the ICTY, where he is still sitting, and of ICTR, until its closing in 2015. He was also appointed judge ad hoc to the ICJ in the case Belgium v. Switzerland, 2011, and is a member of the panel of Arbitrators on Outer Space Disputes, Permanent Court of Arbitration.





**Astrid Reisinger Coracini** 

Astrid Reisinger Coracini is Lecturer at the University of Salzburg and Director of the Salzburg Law School on International Criminal Law, Humanitarian Law and Human Rights Law. Her research focuses on sources of international law, the use of force, and international criminal law. Ms. Reisinger Coracini has been a member of the Austrian delegations to the Assembly of States Parties of the International Criminal Court and to the first Review Conference of the Rome Statute of the International Criminal Court. She was a member of the expert group for the implementation of crimes under international law into Austrian criminal law and she serves on the Advisory Board of the Austrian Research Centre for Post War Trials.



Colleen Rohan

**Colleen Rohan** has been a practicing criminal defence attorney for over 30 years; specialising in her domestic practice in appellate work in serious felony and death penalty cases. Her international practice includes serving as Counsel at the ICTY in Popović et al. (Srebrenica case) and Haradinaj et al. (Kosovo case), and as Senior Legal Consultant to the Standby Counsel team in Prosecution v. Karadžić. She represented witnesses in the Kenya case at the International Criminal Court, ICC staff members and United Nations staff members and has served as counsel in the EULEX war crimes courts in Kosovo. Rohan is a founding member of the International Criminal Law Bureau (ICLB). She is a former President of the Association of Defence Counsel practising before the ICTY (ADC-ICTY). She is past chairman of the ADC-ICTY Disciplinary Council and a current member of the ICTY Disciplinary Board. She was editor of the "Manual on International Criminal Defence ADC-ICTY Developed Practices," sponsored by the United Nations Interregional Crime and Justice Research Institute (UNICRI), published in October 2011 as part of the OSCE War Crimes Justice Project. Her new book "Defence Perspectives on International Criminal Justice" published by Cambridge University Press, is due for release in April 2017. Rohan is also a member of 9 Bedford Row Chambers international practice group in London.



**Wolfgang Schomburg** 

**Wolfgang Schomburg** began his professional career in 1974 as public prosecutor in Berlin (West). He was seconded to the German Federal Prosecutor and German Parliament in Bonn. As of 1984 he served as Judge at the Berlin Regional Court and later as senior public prosecutor in Berlin (West). From 1989–1991 he served as Undersecretary of State at the Senate Justice Department in Berlin. From 1991 to 1995 he worked as a lawyer in Berlin, assisting clients (victims and suspects) in international criminal matters (e.g. in France, Mauritius, the Netherlands, the United States of America and the United Kingdom). After 1995, he worked as Federal Judge at the German Federal High Court in Karlsruhe. Wolfgang Schomburg was elected as Permanent Judge at the ICTY in 2001 and served until 2008.



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From 2003 to 2008, he served as Permanent Judge at the Appeals Chamber of the ICTY and was ex officio appointed as Permanent Judge of the Appeals Chamber of the ICTR. Since Fall of 2009, he has worked as lawyer, mediator and legal advisor on international criminal matters as of-counsel at Ufer-Knauer in Berlin and Munich.

Wolfgang Schomburg has been Professor at Durham University and was conferred Doctor of Civil Law (DCL) h.c. by Durham University in 2013. He has published widely and is since 1983 editor and co-author of the partly bilingual commentary "Internationale Rechtshilfe in Strafsachen – International Cooperation in Criminal Matters," C.H. Beck, Munich.



Elies van Sliedregt

Elies van Sliedregt holds the Chair of International and Comparative Criminal Law at Leeds University (UK) and is Deputy Director of its Centre of Criminal Justice Studies (CCJS). Previously she was Professor of Criminal Law at Vrije Universiteit Amsterdam and Dean of the Faculty of Law from 2011 to 2015. She has held visiting fellowships in Cambridge, Oxford, Bologna, and at the University of New South Wales, Sydney. In 2015, she was the Holding Redlich Fellow at the Castan Center for Human Rights at Monash University Melbourne. At the ICC, she was a visiting professional with Chambers in the Summer of 2010. Van Sliedregt is senior editor of the Leiden Journal of International Law and member of the Royal Holland Society of Sciences and Humanities. She has published extensively in

the field of International, European and domestic criminal law.



Carsten Stahn

Carsten Stahn is Professor of International Criminal Law and Global Justice at Leiden University and Programme Director of the Grotius Centre for International Legal Studies. He has previously worked as Legal Officer in Chambers of the International Criminal Court (ICC) (2003–2008), as Reader in Public International Law and International Criminal Justice at Swansea University (2007-2008) and as Research Fellow at the Max Planck Institute for Comparative Public Law and International Law (2000–2003). He obtained his PhD degree (summa cum laude) from Humboldt University Berlin after completing his First and Second State Exam in Law in Germany. He holds LL.M. degrees from New York University and Cologne - Paris I (Panthéon-Sorbonne).

He is author of "The Law and Practice of International Territorial Administration: Versailles to Iraq and Beyond" (Cambridge University Press, 2008 and 2010), which received the Ciardi Prize 2009 of the International Society for Military Law and the Law of War. He has edited several volumes in the area of international criminal justice and published numerous articles in the areas of Peace and Security, International Courts and Tribunals, Transitional Justice and the Law of International Organisations. He is project leader of a four-year research project on Post-Conflict Justice and Local Ownership, supported by the Netherlands Organization for Scientific Research (NWO).

He is ICC editor of the Leiden Journal of International Law, Executive Editor of the Criminal Law Forum and Correspondent of the Netherlands International Law Review. His work has been cited in the jurisprudence of the ICC, the ICJ and the European Court of Human Rights.



**David Tolbert** 

**David Tolbert** was appointed President of the International Center for Transitional Justice in March 2010. He previously served as Registrar of the Special Tribunal for Lebanon and prior to that was Assistant Secretary-General and special expert to the United Nations Secretary-General on United Nations Assistance to the Khmer Rouge Trials.

From 2004 to 2008, Mr. Tolbert served as Deputy Chief Prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY). He had previously been the Deputy Registrar of the ICTY and at an earlier time served at the ICTY as Chef de Cabinet to





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President Gabrielle Kirk McDonald and Senior Legal Adviser, Registry, serving a total of nine years at the ICTY.

From 2000 to 2003, Mr. Tolbert held the position of Executive Director of the American Bar Association's Central European and Eurasian Law Initiative, which manages rule-of-law development programs throughout Eastern Europe and the former Soviet Union. He also held the position of Chief at the General Legal Division of the United Nations Relief Works Agency in Vienna, Austria, and Gaza. In addition, Mr. Tolbert taught international law and human rights at the post-graduate level in the United Kingdom and practiced law for many years in the United States.

David Tolbert was Jennings Randolph Senior Fellow at the United States Institute of Peace and served as a member of the American Society of International Law Task Force on the United States Policy towards the International Criminal Court during 2008 and 2009. He has a number of publications on international criminal justice, the ICTY, and the ICC, in the Harvard Human Rights Journal, The Fletcher Forum of World Affairs, and other journals and books.



Peter Wilkitzki

Peter Wilkitzki passed both German State Exams in Law in Nuremberg. He was assistant teacher at the University Erlangen-Nuremberg and served as Judge and Prosecutor in Nuremberg. Since 1973 he worked in the Federal Ministry of Justice (Bonn/Berlin), from 2000 to 2006 as Head of its Criminal Law Department. His responsibility included the process of drafting and implementing the Statutes of ICTY, ICTR and ICC. After retiring from the Ministry he was appointed Professor at the University of Cologne.



**Juan Antonio** Yáñez-Barnuevo

Juan Antonio Yáñez-Barnuevo is a career diplomat who has been active from 1967 to 2012 and who served as Ambassador of Spain. He is a member of the Permanent Court of Arbitration (The Hague) and arbitrator and conciliator of the United Nations Convention on the Law of the Sea (New York). Furthermore, he is a member of the Board of Trustees and the Executive Commission of the Elcano Royal Institute of International Affairs (Madrid). During his long diplomatic career, he has notably been State Secretary for Foreign Affairs from 2010 to 2011, in charge of political affairs. The Ambassador Permanent Representative to the United Nations in New York from 1991 to 1996 and from 2004–2010, in both cases representing Spain in the Security Council, where he took an active part in the creation of the ICTY and the ICTR. He has served as Ambassador at large for international criminal justice matters (1997–2005) and also Head of the Legal Office in the Foreign Ministry (2002–2004), a period in which he was closely involved in the creation and launching of the International Criminal Court. He has been principal foreign policy adviser to the Prime Minister Felipe González (1982–1991), a period during which he actively participated in the process leading to Spain's accession to the European Union and other European and Atlantic institutions. He has further acted as the Deputy Permanent Representative to the Council of Europe in Strasbourg (1978–1982), when Spain joined the European Convention on Human Rights. Ambassador Yáñez-Barnuevo holds a Law Degree from Madrid University and an International Law Diploma from Cambridge University, having also pursued specialized studies at the Hague Academy of International Law, the Madrid School for International Civil Servants and the Spanish Diplomatic School.

## International Nuremberg Principles Academy

Egidienplatz 23
90403 Nuremberg, Germany
Tel +49 (0)911 231-10379
Fax +49 (0)911 231-14020
info@nurembergacademy.org

