

## SALZBURG LAW SCHOOL on International Criminal Law Fourth Summer Session, Sunday 4 – Friday 16 August 2002

### New Dimensions of Terrorism Challenging International Criminal Law?

The two week course on international criminal law, international humanitarian and human rights law consists of approximately 25 *lectures*, 45 min. each, in general in the morning, 9.00 - 13.00, with time for discussion (including a coffee break) and *practical units*, in general in the afternoon, 14.00 - 17.00, of workshops, case studies closing with reports and discussion in plenary.

Speakers are internationally acknowledged scholars in these fields, for instance Roger S. Clark, New Zealand/Rutgers, USA, Benjamin B. Ferencz, Former Prosecutor at Nuremberg, New York, Gerhard Hafner, Member of the ILC, Vienna, Nicholas N. Kittrie, Washington, Flavia Lattanzi, Rome, William B. Schabas, Ireland, Otto Triffterer, Salzburg, and H.E. Sharon Williams, Canada, judge ad litem, ICTY, Prof. Dr. Zhu Wen-qi, Peking, Dr. David Donat-Cattin, Rom, Dr. Michael Cottier, Freiburg/Switzerland, as well as outstanding legal practitioners, for instance, Prof. Michail Wladimiroff, Defense Council ICTY and amicus curiae in the case of Prosecutor v. Milosevic, together with Steven Kay, Queen's Council Barrister, England, LCol. William K. Lietzau, U.S. Marine Corps, Col. Charles Garraway, Directorate of British Army Legal Services.

The *first* week is dedicated mainly to at present most disputed issues, like the new international terrorism challenging international criminal law, punishability of terrorist attacks as core crimes and the US Guantanamo Statute with its special military commissions, as well as the US claim to grant immunity for their soldiers on UN peace keeping missions at least for one year (Security Council Resolution 1422 from 12 July 2002). All these issues are set into the general framework of international criminal law, humanitarian law and human rights law as expressed in particular in the Rome Statute and exercised by its indirect and direct enforcement mechanisms.

These lectures and workshops are the basis, on which the drafts of the Preparatory Commission from June 2000 for Elements of Crimes, as well as Rules of Procedure and Evidence, for the definition of aggression and the "conditions under which the Court shall exercise jurisdiction with respect to this crime", dealt with at the Preparatory Commission in July 2002, are presented and discussed. The lectures and workshops include also questions of ratification and implementation of the Rome Statute into the domestic legal systems. Each presentation will be introduced with reference to the overall context of the Fourth Summer Session by Prof. Otto Triffterer.

A social programme is available for the evenings as well as the afternoon without academic programme and the weekend.

### **ACADEMIC PROGRAMME**

Due to the availability of some lecturers their presentations had to be anticipated regardless whether they fit at the respective day precisely into the systematic content of the Course.

If necessary, additional changes will be announced on a day to day basis.

#### **SUNDAY, 4 August 2002, 15.00 - 22.00**

**Welcome and registration** of participants and lecturers at the Hotel Kolpinghaus, Adolf - Kolping - Straße 10, Ph.: xxxx or xxxx (Tobias Triffterer, Executive Director)

Lectures will take place at the Law Faculty (in the Old Town), Churfürststrasse 1, Toskana Trakt, Room HS 209 (Plenary), Workshops HS 208, 209 and 213; exact locations and schedule of additional workshops will be announced later.

The cafeteria of the Faculty of Law, Salzburg is located directly besides the lecture hall.

**MONDAY, 5 August 2002**

**10.00 a.m., Alte Aula, Universitätsbibliothek, Hofstallgasse 2-4** (opposite the "Festspielhaus")

**Opening Ceremony** Fourth Summer Session, SLS on International Criminal Law:

Welcome: **President of Salzburg University**, Prof. Dr. Heinrich Schmidinger

**10.30 a.m. Key note speaker: Prof. Roger Clark, New Zealand/Rutgers, USA**

***Finalizing the Elements of the Crime of Aggression for Triggering the Exercise of the Jurisdiction of the ICC***

**11:30 a.m. New Dimensions of Terrorism Challenging International Criminal Law?**

Introduction into the academic programme, Prof. Otto Triffterer

**12.00 a.m. Reception, Foyer Alte Aula**

**Lunch:** 13.00 - 14.00, Cafeteria

**First Session: 14.00 - 17.00, HS 209 and 208 (with coffee break 15:00-15:30)**

***Reports from the 10<sup>th</sup> Session of the Preparatory Commission, July 2002:  
The Situation Shortly Before the Meeting of the First Assembly of States Parties 1  
– 10 September 2002 New York***

**Speakers: Prof. Roger Clark, Dr. David Donat-Cattin, Rome, Prof. Otto Triffterer**

- The latest Drafts, in particular on defining Aggression and future perspectives
- US claim for immunity shadowing the Preparatory Commission and dominating the Security Council
- The Security Council Resolution, 12 July 2002, granting immunity to soldiers and UN personal in peace keeping missions for one year, the first defeat, setback or prejudice for the Rome Statute and its jurisdictions?

**Dinner:** 17.30 - 18.30, Hotel Kolpinghaus

**TUESDAY, 6 August 2002**

**Second Session: 09.00 - 11.30, HS 209 (with coffee break and discussion)**

***The New International Criminal Law – Its General Principles Establishing International Criminal Responsibility***

**Speaker: Prof. Otto Triffterer**

**11.30 - 13.00**

***Victims' Rights and Participation in the Proceedings, New Dimensions to be Opened by the Rules?***

**Speaker: Dr. David Donat-Cattin**

**Lunch:** 13.00 - 14.00, Cafeteria

**Afternoon: FREE**, social programme (Guided City Tour available) or time at the disposal of participants

**Dinner:** 17.30 - 18.30, Hotel Kolpinghaus

**WEDNESDAY, 7 August 2002**

**Third Session: 9.00 - 11.30, HS 209 (with coffee break and discussion)**

- *Mental Element in International Criminal Law: The Rome Statute and the Elements of Offences*

**Speaker: Prof. Roger Clark**

- *Particular Genocidal Intent, a Prerequisite in Addition to the Mental Element Mirroring the Actus Reus*

**Speaker: Prof. Otto Triffterer**

**11.30 - 13.00**

*The Executive and the Legislative Power of the Assembly of States Parties*

**Speaker: Dr. David Donat-Cattin**

**Lunch: 13.00 - 14.00, Cafeteria**

**Fourth Session: 14.00 - 15.30, HS 209 (with coffee break and discussion)**

*New Dimensions of International Terrorism Challenging the Principle of Complementarity?*

**Speaker: Prof. Otto Triffterer**

**15.30 - 17.00**

*“Shaping and Defining International Crimes of Terrorism”*

**Speaker: H.E. Judge Sharon Williams, ICTY**

**Dinner: 17.30 - 18.30, Hotel Kolpinghaus**

**THURSDAY, 8 August 2002**

**Fifth Session: 9.00 - 13.00, HS 209 (with coffee break and discussion)**

- *Substantive Law: International Terrorism and the Concept of Core Crimes According to the Rome Statute*

**Speaker: H.E. Judge Sharon Williams, ICTY**

- *The Terror Attacks of 11 September 2001, Genocide and/or Crimes Against Humanity?*

**Speaker: Prof. Otto Triffterer**

**Lunch: 13.00 - 14.00, Cafeteria**

**Sixth Session: 14.00 - 17.00, HS 209 (with coffee break and discussion)**

- *Workshops at the Disposal of the Participants with N.N.*
- *Crimes Punishable under International Law and those Penalized by National Law*  
Workshops with H.E. Judge Sharon Williams, ICTY and Prof. Otto Triffterer

**Dinner: 17.30 - 18.30, Hotel Kolpinghaus**

**FRIDAY, 9 August 2002**

**Seventh Session: 9.00 - 11.30 HS 209 (with coffee break and discussion)**

- ***Workshops at the Disposal of the Participants***  
with Prof. Roger Clark and Prof. Otto Triffterer:  
***Intent and/or Knowledge, the required Mental Elements***

**11.30 - 13.00**

***Enforcing International Criminal Law, Humanitarian Law and Human Rights***

**Speaker: Prof. Gerhard Hafner, Member of the ILC, Vienna**

**Lunch: 13.00 - 14.00, Cafeteria**

**Eighth Session: 14.00 - 15.30, HS 209 (with coffee break and discussion)**

***The ICC and Third States***

**Speaker: Prof. Gerhard Hafner**

**15.30 - 17.00**

***Workshops at the Disposal of the Participants***

**Dinner: 17.30 - 18.30, Hotel Kolpinghaus**

**SATURDAY, 10 August 2002**

FREE, social programme or time at the disposal of participants

**SUNDAY, 11 August 2002**

FREE, social programme or time at the disposal of participants

**MONDAY, 12 August 2002**

**Ninth Session: 09.00 - 13.00, HS 209 (with coffee break and discussion)**

- ***Position of the USA on the ICC and Guantanamo Bay Prisoners***  
**Speaker: LCol. William K. Lietzau, Washington D.C.**
- ***Development and Notion of War Crimes, in Particular in Modern Warfare***  
**Speaker: Col. Charles Garraway, British Army Legal Services, London**
- ***International Criminal Law Issues in the Present Holyland Conflict***  
**Speaker: Prof. Nicholas Kittrie, Washington D.C.**
- ***The Terror Attacks of 11 September 2001, War Crimes Within the Traditional Concept?***  
**Speaker: Dr. Michael Cottier, Freiburg**

Lunch: 13.00 - 14.00, Cafeteria

**Tenth Session: 14.00 - 17.00, HS 209 (with coffee break and discussion)**

- ***International Humanitarian Law and the Guantanamo Bay Statute***  
**Speaker: Dr. Michael Cottier, Freiburg**
- ***The International Community as a Whole, Its Enforcement Mechanism in Theory and Practice***  
**Speaker: Prof. Michail Wladimiroff, amicus curiae ICTY**

Dinner: 17.30 - 18.30, Hotel Kolpinghaus

## **TUESDAY, 13 August 2002**

**Eleventh Session: 9.00 - 11.30, HS 209 (with coffee break and discussion)**

- ***Future Perspectives on Immunities and Military Necessity***  
**Speaker: Col. Charles Garraway, London, LCol. William K. Lietzau, Wahsington**
- ***The Requirement of a Nexus between War Crimes and an Armed Conflict***  
**Speaker: Dr. Michael Cottier, Freiburg**

**11.30 - 13.00**

***Investigating and Prosecuting on the National Level: The Statute to be Applied***

**Speaker: Steven Kay, Queen's Council Barrister, England, and amicus curiae ICTY**

Lunch: 13.00 - 14.00, Cafeteria

**Twelfth Session: 14.00 - 17.00, HS 209 (with coffee break and discussion)**

- ***Universal Jurisdiction, Investigating and Prosecuting Crimes Under International Law on the National Level***  
**Speaker: Dr. Michael Cottier**
- **Workshops available with Col. Charles Garraway, London, LCol. William Lietzau, Washington, and Dr. Michael Cottier, Bern**

Dinner: 17.30 - 18.30, Hotel Kolpinghaus

## **WEDNESDAY, 14 August 2002**

**Thirteenth Session: 9.00 - 13.00, HS 209 (with coffee break and discussion)**

***Defending Before International Tribunals and Courts, Differences Between Defense Council and Amicus curiae, Due Process and Speical Issues of the Rules***

**Speakers: Prof. Michail Wladimiroff and Steven Kay**

Lunch: 13.00 - 14.00, Cafeteria

**Fourteenth Session: 14.00 - 17.00, HS 209 (with coffee break and discussion)**

**Workshops at the Disposal of the Participants:**

- ***Minimum Right for the Investigation and Prosecution of Terrorism According to the Resolution of the European Parliament 15 July 2002***

**Workshop with Prof. Michail Wladimiroff, Steven Kay and Otto Triffterer**

**Dinner:** 17.30 - 18.30, Kolpinghaus

#### **THURSDAY, 15 August 2002**

**Fifteenth Session: 9.00 - 13.00, HS 209 (with coffee break and discussion)**

- ***Enforcement of International Criminal Law: From Nuremberg and ICTY to the ICC – and Beyond***

**Speaker:** Prof. Nicholas Kittrie,

***Command Responsibility, Causality, Different Notions of Negligence, Recklessness and Dolus Eventualis***

**Speaker:** Prof. Otto Triffterer

**Lunch:** 13.00 - 14.00, Cafeteria

**Sixteenth Session, 14.00 - 17.00, HS 209 (with coffee break)**

Final Discussion with the speakers

Evaluation of the outcome of the SALZBURG LAW SCHOOL 2002

Future plans

Chair: Prof. Otto Triffterer

**Final Dinner** 17.30 - 18.30 and farewell party

#### **FRIDAY, 16 August 2002**

**Closing Session, 09.30 - 11.30, HS 209**

***Historical Perspective – with Particular Reference to the Crime of Aggression and Compensating Victims of Crimes Against Humanity***

**Speaker:** Prof. Benjamin B. Ferencz, Former Prosecutor at Nuremberg

**11.30 - 12.00**

Distribution of Certificates

Closing reception

Departure of participants