

6th Summer Session, Sunday 8 – Friday 20 August 2004

**Reviewing the First Two Years of the
 International Criminal Court
 With Regard to the Future**

ACADEMIC PROGRAMME

Due to the availability of some lecturers their presentations had to be anticipated or postponed, 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, 8 August 2004

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

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

Please bring your Rome Statute, Elements of Crimes and Rules of Procedure and Evidence and Regulations of the Court

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

MONDAY, 9 August 2004

10.00 a.m., Opening Ceremony, Landkartengallerie der Fakultätsbibliothek Rechtswissenschaften (Gallery of Maps of the Law Faculty Library), Toskana Trakt, Churfürstenstraße 1)

Welcome: **President of Salzburg University**, o. Univ.-Prof. Dr. Heinrich Schmidinger
Dean of the Faculty of Law, o. Univ.-Prof- Dr. Kurt Schmoller

Message: ***International Criminal Law in the 21st Century – Its Importance for the Well-being of the World***
Prince Zeid Ra'ad Al Hussein, Jordan, President of the Assembly of States Parties to the Rome Statute of the International Criminal Court

10.30 a.m. Key note, Sixth Summer Session 2004

The International Criminal Court: Challenges and Prospects
HE Philippe Kirsch, Canada, President of the International Criminal Court
Questions and discussion

11.45 a.m. Introduction into the academic programme

Prof. Otto Triffterer, Austria, Professor for Austrian and International Criminal Law and Procedure, University of Salzburg

12.15 a.m. Reception

Lunch: 13.00 - 14.00, Cafeteria

First Session: 14.00 – 17.45, HS 209 (with coffee break and discussion)

Workshop: Scope, sources and content of International Criminal Law, its notion, development and current issues

Prof. Roger Clark, New Zealand, Board of Governors Professor, Rutgers University School of Law, Washington

Prof. Otto Triffterer

The Iraqi Special Tribunal and the Saddam Hussein trial: theory and practice for defending Heads of States

Prof. Michail Wladimiroff, the Netherlands, Defence Council ICTY and ICTR and for Charles Taylor, Professor of Economic Criminal Law, President ICLN, Former Amicus Curiae in the case Prosecutor vs. Slobodan Milosevic

Dinner: 18.30 - 19.00, Hotel Kolpinghaus

TUESDAY, 10 August 2004**Second Session: 9.00 – 13.00, HS 209 (with coffee break and discussion)**

The dilemma of defence councils and amici curiae in cases where the accused is not recognizing the court

Prof. Michail Wladimiroff

Third parties and the ICC

Prof. Gerhard Hafner, Austria, Professor for International Law, University of Vienna, Member of the ILC, Head of the Austrian Delegation to the Rome Conference and the Preparatory Commission for an ICC

Lunch: 13.00 - 14.00, Cafeteria

Third Session: 14.00 – 17.00, HS 209 (with coffee break and discussion)

The present practice of declarations to the Statute of the ICC

Prof. Gerhard Hafner

Latest developments defining aggression

Prof. Roger Clark

Dinner: 17.30 - 18.30, Hotel Kolpinghaus

WEDNESDAY, 11 August 2004**Forth Session: 9.00 – 13.00, HS 209 (with coffee break and discussion)**

Organized crimes, in particular crimes against humanity

Prof. Roger Clark

Elements of Crimes, narrowing or broadening the definitions in articles 6 - 8?

Prof. Otto Triffterer

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

THURSDAY, 12 August 2004

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

Getting an international criminal jurisdiction into operation – experiences from the ICTY

Prof. Antonio Cassese, Italy, Professor of Law, University of Florence, Former President International Criminal Tribunal for the former Yugoslavia

What is “in the interest of justice” to be decided according to the Rome Statute?

Gilbert Bitti, France, Deputy Chief of the Legal Advisory and Policy Section, Office of the Prosecution ICC

Lunch: 13.00 - 14.00, Cafeteria

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

Committing crimes ‘[u]nless otherwise provided ... with intent and knowledge’ (Article 30) – mens rea standards as defined in the Rome Statute

Prof. Roger Clark

Prof. Otto Triffterer

Superior Responsibility, a challenge for the Court in all cases falling within its jurisdiction – Limits of negligence for commanders in front situations?

Prof. Otto Triffterer

Dinner: 17.30 - 18.30, Hotel Kolpinghaus

FRIDAY, 13 August 2004

Seventh Session: 9.00 – 13.00, HS 209 (with coffee break and discussion)

International criminal courts and customary international law: Nullum crimen principle v. judicial creativity

Prof. Antonio Cassese

The crime of Genocide: actus reus and its particular ‘intent to destroy in whole or in part the group as such’

Prof. William Schabas, Canada, Professor of Human Rights Law, National University of Ireland Galway, Eire, Director Irish Centre for Human Rights, Member of the Sierra Leone Truth and Reconciliation Commission

Prof Otto Triffterer

Lunch: 13.00 - 14.00, Cafeteria

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

The Sierra Leone Truth and Reconciliation Commission – its relationship with the ICC and other international tribunals

Prof. William Schabas

Dinner: 17.30 - 18.30, Hotel Kolpinghaus

SATURDAY, 14 August 2004

FREE, social programme or time at the disposal of participants

SUNDAY, 15 August 2004

FREE, social programme or time at the disposal of participants

MONDAY, 16 August 2004

Ninth Session: 9.00 – 13.00, HS 209 (with coffee break and discussion)

The Appeals Chamber of the ICC, task and challenge prior to the trial
HE Navanethem Pillay, South Africa, Judge ICC, Former President ICTR

The new Regulations of the Court – crucial questions of their application in connection with the Rome Statute and the Rules of Procedure and Evidence

Dr. Claus Kress, LL.M., Germany, Senior Research Fellow, Institute for Foreign and International Criminal Law, University of Köln

Lunch: 13.00 - 14.00, Cafeteria

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

War crimes, military necessity and other grounds for excluding criminal responsibility?

William Lietzau, USA, Lieutenant Colonel, US Marine Corps

Peter Paul Rubens 'The Consequences of War' (1638), a challenge to all women?

HE Navanethem Pillay

Prof. Otto Triffterer

Dinner: 17.30 - 18.30, Hotel Kolpinghaus

TUESDAY, 17 August 2004

Eleventh Session: 9.00 – 13.00, HS 209 (with coffee break and discussion)

Guantanamo, challenging the US and the international community as a whole?
William Lietzau

Protecting the rights of persons before trial in the International Criminal Court and the implications of unfair trials in national courts for the complementarity regime

Christopher Hall, UK, Legal Advisor, International Justice Project, Amnesty International

Lunch: 13.00 - 14.00, Cafeteria

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

The applicable law of the ICC (article 21) and its impact on the legality and validity of "Bilateral Agreements" and UN Security Council Resolutions (e.g. res. 1487 (2003))

Dr. David Donat-Cattin, Italy, ad hoc Researcher, International Law, University of Teramo; Senior Legal Advisor, International Law & Human Rights, Parliamentarians for Global Actions

Prof. Otto Triffterer

Restorative aspects of the Rome Statute, article 75 in practice

Dr. David Donat-Cattin

Dinner: 17.30 - 18.30, Hotel Kolpinghaus

WEDNESDAY, 18 August 2004

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

Challenges to admissibility by states and the accused – Achilles heel of the International Criminal Court or problem that can be solved?

Christopher Hall

Practicability and interpretation of the Rome Statute contested through its national implementation and domestic jurisprudence concerning core crimes under international law

HE Sharon Williams, Canada, Professor of Law, Osgoode Hall Law School, York University, Judge ad litem ICTY

Lunch: 13.00 - 14.00, Cafeteria

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

Ius ad bellum dilemmas of Article 2(4) of the UN Charter: Article 51, theories of preemption in a post-deterrence age

Prof. Ruth Wedgwood, USA, Distinguished Professor of International Law at Yale University, currently visiting professor of international law and diplomacy and director of the Program on International Law and Organizations at the Nitze School of Advanced International Studies at Johns Hopkins University in Washington, DC; Member of the UN Human Rights Committee

Security Council Resolutions granting exclusive jurisdiction to states participating in the multinational force over crimes allegedly committed by the personnel bearing "the ICC from exercising jurisdiction over such a person", Article 27 paragraph 2 ?

HE Sharon Williams

Dinner: 17.30 - 18.30, Hotel Kolpinghaus

THURSDAY, 19 August 2004

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

Is the US objecting the ICC?

Prof. Ruth Wedgwood

Closing a gap in international law – make law not war!

Prof. Benjamin Ferencz, USA, Adjunct Professor of International Law at Pace University and founder of the Pace Peace Center; Former Prosecutor at the Nuremberg War Crimes Trial (Einsatzgruppen)

Lunch: 13.00 - 14.00, Cafeteria

Sixteenth Session: 14.00 – 15.30, HS 209 (with coffee break and discussion)

Reflections and strategies concerning the 2009 Review Conference of the Rome Statute

Dr. David Donat-Cattin

The First Review Conference at sight – pushed by States and/or organs of the Court

Prof. Otto Triffterer

Closing Session, 15.45 – 17.00, HS 209

Final Discussion with the speakers

Evaluation of the outcome of the SALZBURG LAW SCHOOL 2004

Future plans

Chair: Prof. Otto Triffterer

Distribution of Certificates

Closing reception

Final Dinner 17.30 - 18.30 and farewell party

FRIDAY, 20 August 2004

Departure of participants