

Salzburg Law School

on International Criminal Law
Humanitarian Law and Human Rights Law

13th Summer Session, Sunday 7 – Friday 19 August 2011

Academic Programme: Prof. Em. Dr. Otto Triffterer
SLS Team: Mag. Astrid Reisinger Coracini, Mag. Marlene Eichholzer, Mag. Katrin Gruber

The ICC after Kampala and beyond **The Complementarity Regime facing challenges not only** **by a globalizing world**

SUNDAY, 7 August 2011

Welcome and registration of participants and lecturers at the Hotel Kolpinghaus, Adolf-Kolping-Straße 10, A- 5020 Salzburg, Ph.: xxxx.

SLS Hotline

+43/xxx, Mag. Katrin Gruber
+43/xxx, Mag. Marlene Eichholzer

Lectures will take place at the Institute of Social Sciences (in the Old Town next to the river Salzach), Rudolfskai 42, Room HS 381; exact locations and schedule of additional workshops will be announced later.

Please bring your Rome Statute, Elements of Crimes, Rules of Procedure and Evidence and the Resolutions of the First Review Conference in Kampala to all sessions!

The cafeteria of the Faculty of Law, Salzburg is located in the courtyard at Churfürststraße 1 (Law Faculty, Toskana Trakt)

The following timetable for the Academic Programme may be shortly changed due to special desires of the lecturers. Additional changes may be announced on a day-to-day basis.

PROVISIONAL PROGRAMME

MONDAY, 08 August 2011

10.00 a.m. Opening Ceremony, 'Alte Aula', Library of the University of Salzburg, Hofstallgasse 2-4 (just across the 'Festspielhaus')

Welcome: **Dean of the Faculty of Law, Prof. Dr. Friedrich Harrer**
Former Dean of the Faculty of Law, Prof. Dr. Kurt Schmoller

10.30 a.m. Key note

The International Criminal Court: Current Challenges and Perspectives

H.E. Judge Dr. iur. h.c. Hans-Peter Kaul Second Vice-President at the ICC

Questions and discussion

12.00 a.m. Introduction into the academic programme

Prof. Otto Triffterer

Professor Emeritus for Austrian and International Criminal Law and Procedure, University of Salzburg; Director of the Salzburg Law School on International Criminal Law, Humanitarian Law and Human Rights Law

12.30 a.m. **Reception**

Lunch: 13.00 - 14.30, Cafeteria

THE DIFFERENT WORKING SESSIONS, HS 381, Institute of Social Sciences, Rudolfskai 42
(subjects not yet in their final order)

First Session: 14.30 – 17.30, HS 381 (with coffee break and discussion)

Chair: Prof. Otto Triffterer

- ***Coming all the way from Nuremberg, how far do we have to go beyond Kampala before we can rest?***

Prof. Benjamin Ferencz

A leading Nuremberg Prosecutor with continuous efforts to enhance international criminal law and its enforcement

- ***Starvation not our business, isn't it ?***
 - ***Fighting today's piracy on Sea***
 - ***Crimes against Humanity by causing starvation***
 - ***Collateral damage and dolus eventualis Art. 8 para. 2 lit. b (iv)***

Prof. Otto Triffterer

Dinner: 18.00 - 19.30, Hotel Kolpinghaus

TUESDAY, 9 August 2011

Second Session: 9.00 – 13.00, HS 381 (with coffee break and discussion)

Chair: Prof. Otto Triffterer

- ***Crimes against humanity used as means to achieve political aims – fighting for the threshold***

Dr. David Donat Cattin

Director of the International Law and Human Rights Programme, Parliamentarians for Global Action (PGA)

- ***The impact of the Rome Statute system on victims and affected communities, Res. 2***

Dr. David Donat Cattin

Lunch: 13.00 - 14.30, Cafeteria

Third Session: 14.30 – 17.30, HS 381 (with coffee break and discussion)

Chair: Prof. Otto Triffterer

- ***The crime of aggression and Complementarity***

N.N. (or Prof. Otto Triffterer)

- ***Responsibility to protect, Libya, Syria and elsewhere***

Astrid Reisinger Coracini

Lecturer, Institute of International Law and International Relations, University of Graz

Dinner: 18.00 - 19.30, Hotel Kolpinghaus

WEDNESDAY, 10 August 2011

Forth Session: 9.00 – 13.00, HS 381 (with coffee break and discussion)

Chair: Prof. Otto Triffterer

- ***Aggression: the final solution accepted in Kampala but not yet enforced – implementing the crime, a challenge for national legislators***

Dr. David Donat Cattin

- ***Criteria for the selection of situations and cases at the ICC: Legal requirements, prosecutorial discretion and the impunity gap***

Astrid Reisinger Coracini

Lunch: 13.00 - 14.30, Cafeteria

Afternoon: FREE, guided city tour available at 2.30 p.m., or time at the disposal of participants

Dinner: 18.00 – 19.30, Hotel Kolpinghaus

THURSDAY, 11 August 2011

Fifth Session: 9.00 – 13.00, HS 381 (with coffee break and discussion)

Chair: Prof. Otto Triffterer

- ***Islamic law for crimes under international law and post-conflict justice – peace and reconciliation vs. traditional penal sanctioning***

Dr. Mohamed Elewa Badar

FHEA Lecturer in International Criminal Law & Islamic Law; Co-Director, Centre for International and Public Law

- ***Applicability of Islamic law on the international and the national level having jurisdiction over war crimes – The universality principle***

Dr. Mohamed Elewa Badar

Lunch: 13.00 - 14.30, Cafeteria

Sixth Session: 14.30 – 17.30, HS 381 (with coffee break and discussion)

Chair: Prof. Otto Triffterer

- ***New crimes and their elements, Article 8 para. 2 lit. e (xiii, xiv, xv) – in particular the position by the UK***

Prof. Charles Garraway

Fellow, Human Rights Centre, University of Essex; Associate Fellow, Chatham House, International Security Programme; Former Stockton Professor of International Law, United States Naval War College

- ***... in particular dividing between law enforcement and non-international armed conflicts***

Prof. Charles Garraway

Dinner: 18.00 - 19.30, Hotel Kolpinghaus

FRIDAY, 12 August 2011

Seventh Session: 9.00 – 13.00, HS 381 (with coffee break and discussion)

Chair: Prof. Otto Triffterer

- ***Ensuring full cooperation of States with the ICC (Decl. 2), including through the execution of Arrest Warrants, and strengthening the enforcement of sentences, Res. 3***

Dr. David Donat Cattin

- ***The ICC and the Security Council***

Dapo Akande

Co-Director, Oxford Institute for Ethics, Law and Armed Conflict (ELAC); University Lecturer in Public International Law and Yamani Fellow, St Peter's College Oxford

Lunch: 13.00 - 14.30, Cafeteria

Eighth Session: 14.30 – 17.30, HS 381 (with coffee break and discussion)

Chair: Prof. Otto Triffterer

- ***New crimes and their elements, Article 8 para. 2 lit. e (xiii, xiv, xv) – in particular the position by the US***

Col. William Lietzau

Deputy Assistant Secretary of Defence for Detainee Policy, USA

SATURDAY, 13 August 2011

FREE, social programme or time at the disposal of participants

SUNDAY, 14 August 2011

FREE, time at the disposal of participants

MONDAY, 15 August 2011

Ninth Session: 9.00 – 13.00, HS 381 (with coffee break and discussion)

Chair: Prof. Otto Triffterer

- ***Defences and other grounds for excluding criminal responsibility***

Prof. William A. Schabas OC MRIA

Professor of Human Rights Law, National University of Ireland Galway; Director Irish Centre for Human Rights

- ***Bangladesh War Crimes Tribunal – The Devil is in the Detail***

Toby Cadman

Defence counsel at the International Criminal Court and International Crimes Tribunal in Bangladesh; Former Chief Counsel to the Bosnian Special War Crimes Prosecution Department

Lunch: 13.00 - 14.30, Cafeteria

Tenth Session: 14.30 – 17.30, HS 381 (with coffee break and discussion)

- ***Kenya at the ICC – Review of the Proceedings brought by the Prosecutor proprio motu***

Steven W. Kay Q.C.

Former assigned counsel to Mr. Slobodan Milošević at the ICTY; Defence counsel at the International Criminal Court and at several special courts like the Special Tribunal for Lebanon

Dinner: 18.00 - 19.30, Hotel Kolpinghaus

TUESDAY, 16 August 2011

Eleventh Session: 9.00 – 13.00, HS 381 (with coffee break and discussion)

Chair: Prof. Otto Triffterer

- ***War Crimes Chamber of the Court of Bosnia and Herzegovina, the absorption of international laws and trial procedures by a national court trying crimes under international law***

Toby Cadman

Lunch: 13.00 - 14.30, Cafeteria

Twelfth Session: 14.30 – 17.30, HS 381 (with coffee break and discussion)

- ***The Special Tribunal for Lebanon – False Start or Race for Justice?***
Steven Kay Q.C.
- ***Time for exams***

Dinner: 18.00 - 19.30, Hotel Kolpinghaus

WEDNESDAY, 17 August 2011

Thirteenth Session: 9.00 – 13.00, HS 381 (with coffee break and discussion)

Chair: Prof. Otto Triffterer

- ***Salzburg Law School Trophy: Recent International Conflicts in Kosovo, Iraq and Libya and international law – Liberty or Regime Change?***

Steven W. Kay Q.C. / Toby Cadman

Lunch: 13.00 - 14.30, Cafeteria

Fourteenth Session: 14.30 - 17.30, HS 381

- ***Continued: Salzburg Law School Trophy***
Steven W. Kay Q.C. / Toby Cadman
- ***Group Discussion on Studying and Careers in International Law***
Steven W. Kay Q.C. / Toby Cadman

Dinner: 18.00 - 19.30, Hotel Kolpinghaus

THURSDAY, 18 August 2011

Fifteenth Session: 9.00 – 13.00, HS 381 (with coffee break and discussion)

Chair: Prof. Otto Triffterer

- ***The Challenges of Positive Complementarity***

Dr. Morten Bergsmo

Senior Researcher, University of Oslo; Visiting Professor, Georgetown University; Consultant, ICC ; Director, FICHL

- ***An Historical Overview of Prosecution and Non-Prosecution of International Sex Crimes***

Prof. David Cohen

University of California, Berkeley

Lunch: 13.00 - 14.30, Cafeteria

Closing Session: 14.30 – 16.00, HS 381

Chair: Prof. Otto Triffterer

Final Discussion with the speakers

Evaluation of the outcome of the SALZBURG LAW SCHOOL 2011

Future plans

Distribution of Certificates

Closing reception

Dinner: 18.00 - 19.30, Hotel Kolpinghaus

FRIDAY, 19 August 2011

Departure of participants