

**7<sup>th</sup> Summer Session, Sunday 7 – Friday 19 August 2005**

**First Decisions of the Security Council and the  
Organs of the Court – Shaping and Paving the Roads towards  
"Peace, Security and the Well-being of the World"?**

The Salzburg Law School on International Criminal Law, Humanitarian Law and Human Rights Law is an annual course under the academic supervision of Prof. Otto Triffterer, editor of the Commentary on the Rome Statute of the International Criminal Court. This year's Seventh Summer Session will focus on three major areas.

First, the situations currently under scrutiny by the Office of the Prosecution (OTP). Since the formal establishment of the ICC on 1 July 2002, the Prosecutor has received more than 1000 communications on possible investigations. Three States Parties to the Rome Statute (the Republic of Uganda, the Democratic Republic of Congo and the Central African Republic) have referred a situation to the OTP according to article 13 litera (a) Rome Statute. All three situation have been assigned to Pre-Trial Chambers, the Prosecutor has opened two formal investigations on the Republic of Uganda and the Democratic Republic of Congo, whereas the Pre-Trial Chamber has already held a Status Conference for the latter. The budgetary needs to open a third investigation have been granted by the Third Assembly of States in September 2004. Only recently by Resolution 1593 (2005) the Security Council referred the situation of Darfur (Sudan) to the OTP. The SLS will deal with all these situations, provide background information on the conflict situations, analyze their political and legal dimensions, their substantive and procedural basis but will also discuss future ways to proceed within the framework of the Rome Statute.

Second: The Seventh Session of SLS will draw upon the various ways to enforce international criminal law, not only through national and international courts, but in particular through hybrid and mixed courts and tribunals (such as e.g. the Special Court for Sierra Leone, the special mixed Panels for East Timor, or the new Special Tribunal for Cambodia), as well as through Truth and Conciliation Commissions. Taking into account the growing number of such enforcement organs we will emphasise on the question of concurrent jurisdictions, with a special view to the Complementarity Regime of the Rome Statute.

Third: This year's course will concentrate on the interrelation of international judiciary organs, in particular the ICC, with the system of the United Nations. Possible conflicts of competence with the Security Council do not only still need to be solved with regard to the conditions under which the Court can exercise its jurisdiction over the crime of aggression. Also the recent Security Council Resolution 1593 (2005) raises fundamental questions with regard to existing international criminal law and regulations of the Rome Statute.

Next to these areas of focus the Seventh Session of SLS will cover latest developments of the jurisdiction of the ad-hoc Tribunals, the position of the United States with regard to the ICC, the so called "war on terror" and the question of detention in Guantanamo as well as torture and other inhumane and degrading treatment in Abu Ghraib, but also in many States of the EU during the basic training time of "draftees".

Astrid Reisinger Coracini  
Executive Director SLS

## 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, 7 August 2005**

**Welcome and registration** of participants and lecturers at the Hotel Kolpinghaus, Adolf - Kolping - Straße 10, A- 5020 Salzburg, Ph.: +43/662/46610.

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, 8 August 2005**

**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

**10.30 a.m. Key note, Seventh Summer Session 2005**

***From Foca to Srebrenica to Darfur: Evolving Definitions of Genocide and Crimes Against Humanity***

**Professor William Schabas**, 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

***Questions and discussion***

**11.45 a.m. Introduction into the academic programme**

**Professor 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)**

***The legacy of Nuremberg, aspirations and accomplishments***

**Professor Benjamin Ferencz**, Adjunct Professor of International Law at Pace University and founder of the Pace Peace Center; Former Prosecutor at the Nuremberg War Crimes Trial (Einsatzgruppen Case); observer at the Rome Conference

***The notion and concept of international criminal law***

**Professor Roger Clark**, Board of Governors Professor, Rutgers University School of Law, Washington; member of the Samoan delegation to the Rome Conference; key-note speaker SLS 2002

**Dinner:** 18.30 - 19.00, Hotel Kolpinghaus

**TUESDAY, 9 August 2005**

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

***The relationship of courts to Truth and Reconciliation Commissions: the experience of Sierra Leone***  
**Professor William Schabas**

***First decisions of the Court on articles 56 and 57 Rome Statute***

**Gilbert Bitti**, Chief of the Victims Participation and Reparations Unit, ICC, Deputy Chief of the Legal Advisory and Policy Section, Office of the Prosecution ICC; member of the French delegation to the Rome Conference

**Lunch: 13.00 - 14.00, Cafeteria**

**Afternoon: FREE**, guided city tour available,  
 or time at the disposal of participants

**Dinner: 18.00 - 19.00, Hotel Kolpinghaus**

**WEDNESDAY, 10 August 2005**

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

***The principle of complementarity and the trend towards ‘hybrid’ tribunals: solutions to concurrent jurisdictions of national and international organs (the ICC, Sierra Leone, East Timor, Kosovo, Cambodia, Iraq)***

**Professor Colonel Charles Garraway**, Stockton Professor of International Law, Naval War College; member of the British delegation to the Rome Conference

***Mental and material elements shaping the definitions of crimes***

**Professor Roger Clark**  
**Professor Otto Triffterer**

**Lunch: 13.00 - 14.00, Cafeteria**

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

***Workshop on Command Responsibility – articles 7 (3) ICTY-, 6 (3) ICTR- and 28 Rome Statute***

- ***“Superior responsibility” under customary international law – “beyond any doubt” without causality as a separate element?***
- ***Causality Requirement and superior responsibility for crimes of their subordinates, shaped by changing paradigms***
- ***Prosecution according to article 7 (3) ICTY and article 6 (3) ICTR Statute***

**Professor Charles Garraway**  
**Professor Otto Triffterer**

**Dinner: 18.00 - 19.00, Hotel Kolpinghaus**

**THURSDAY, 11 August 2005**

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

***Experiences from drafting the Statute of the Iraqi Special Tribunal***

**Professor Charles Garraway**

***Can Saddam get a fair trial?***

**Professor Michael P. Scharf**, Professor of Law, Case Law School and Director, Frederick K. Cox International Law Center

Lunch: 13.00 - 14.00, Cafeteria

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

***Do former leaders have an international right to self-representation in war crimes trials?***

**Professor Michael Scharf**

***Latest developments regarding the crime of aggression, an end in sight?***

**Professor Roger Clark**

Dinner: 18.00 - 19.00, Hotel Kolpinghaus

**FRIDAY, 12 August 2005**

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

***Further limitations of procedural and civil rights to fight international terrorism?***

**Lieutenant Colonel William Lietzau**, US Marine Corps, Director, Navy-Marine Corps Appellate Government Division

***The United States [op]position vis à vis the ICC***

**Lieutenant Colonel William Lietzau**

Dinner: 18.00 - 19.00, Hotel Kolpinghaus

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

***Remarks on the investigation, prosecution and adjudication of “core crimes” (and other serious crimes) before the Ad Hoc Human Rights Court (Indonesia) and the Special Panels for Serious Crimes (Timor-Leste) and recent developments relevant to the Extraordinary Chambers (Cambodia)***

**Salim A. Nakhjavani**, Secretariat, Commission of Experts to Review the Prosecution of Serious Violations of Human Rights in Timor-Leste in 1999; former Assistant Legal Advisor, OTP-ICC

***Consideration of selected issues of international criminal law, procedure and policy arising from the May 2005 Report of the Commission of Experts to Review the Prosecution of Serious Violations of Human Rights in Timor-Leste in 1999***

**Salim A. Nakhjavani**

Dinner: 18.00 - 19.00, Hotel Kolpinghaus

**SATURDAY, 13 August 2005**

FREE, social programme or time at the disposal of participants

**SUNDAY, 14 August 2005**

FREE, social programme or time at the disposal of participants

**MONDAY, 15 August 2005**

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

***Common basis and difficult tasks of assigned counsels, stand-by counsels and amici curiae before international courts and tribunals***

**Steven Kay**, Queens Counsel, Barrister UK, Assigned Counsel ICTY for Slobodan Milosevic

***Challenges of the defence before international courts***

**Steven Kay, QC**

**Lunch: 13.00 - 14.00, Cafeteria**

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

***Latest developments with regard to state responsibility in international law***

**Professor Gerhard Hafner**, Professor of International Law, University of Vienna; former Member of the ILC; head of the Austrian delegation to the Rome Conference; chairman of the *Ad-Hoc* Committee on Jurisdictional Immunities of States and Their Property

***The ICC and third States***

**Professor Gerhard Hafner**

**Dinner: 18.00 - 19.00, Hotel Kolpinghaus**

**TUESDAY, 16 August 2005**

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

***Three 'African situations' currently under review by the Prosecutor of the ICC***

**Professor Daniel Ntanda Nsereko**, Professor of Law, University of Botswana

***Goals of the Rome Statute and cooperation of the ICC with the United Nations, the European Union, the African Union and other international organisations***

**Dr. David Donat Cattin**, Researcher for International Law, University of Teramo, Senior Programme Officer & European Coordinator for International Law & Human Rights Programme, Parliamentarians for Global Actions; NGO representative at the Rome Conference

**Lunch: 13.00 - 14.00, Cafeteria**

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

***Victims' rights and international criminal justice: in particular, the duty of the ICC to "establish principles relating to reparations", article 75, paragraph 1***

**Dr. David Donat Cattin**

***Time for additional workshops and exams***

**Dinner: 18.00 - 19.00, Hotel Kolpinghaus**

**WEDNESDAY, 17 August 2005**

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

***The relationship between the ICC and the UN Security Council***

**Professor Daniel Ntanda Nsereko**

***The preventive effect of the ICC: can "deterrence" apply to "international crimes"?***

**Dr. David Donat Cattin**

**Lunch:** 13.00 - 14.00, Cafeteria

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

***Tasks and Challenges of the Appeals Chamber at the pre-trial stage***

**HE Navanethem Pillay**, Judge International Criminal Court, Former President International Criminal Tribunal for Rwanda

***Time for additional workshops and exams***

**Dinner:** 18.00 - 19.00, Hotel Kolpinghaus

**THURSDAY, 18 August 2005**

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

***Challenging the registries of international criminal tribunals – theory and practice***

**Dr. A. Sam Muller**, Director, Hague Institute for the Internationalisation of Law (HIIL)

***The ICTR Media Decision***

**HE Navanethem Pillay**,

**Lunch:** 13.00 - 14.00, Cafeteria

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

***Round Table: Facing the First Review Conference: Challenges for substantive and procedural law – consequences for the Rules and the Regulations?***

**Dr. David Donat Cattin**

**Dr. A. Sam Muller**

**Professor Daniel Ntanda Nsereko**

**Professor Otto Triffterer**

**Closing Session, 15.45 – 17.00, HS 209**

Final Discussion with the speakers

Evaluation of the outcome of the SALZBURG LAW SCHOOL 2005

Future plans

**Chair: Prof. Otto Triffterer**

Distribution of Certificates

Closing reception

**Dinner:** 18.00 - 19.00, Hotel Kolpinghaus and **farewell party**

**FRIDAY, 19 August 2005**

Departure of participants