IBA Annual Conference on International Criminal Law
War and Justice

21 April 2018
Peace Palace, The Hague, the Netherlands

Topics include:
- Terrorism, armed conflict and permissible use of force
- Dissecting the ICC activation of the jurisdiction on aggression
- Is truth the first casualty of war
- Is the future of international criminal law domestic?

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Programme

Conference Co-Chairs
Federica D’Alessandra  Harvard University, New York; Co-Chair, IBA War Crimes Committee
Gregory Kehoe  Greenberg Traurig, Tampa; Co-Chair, IBA War Crimes Committee

Saturday  21 April

0800 – 1800  Registration

0900 – 0915  Introductory remarks
Federica D’Alessandra  Harvard University, New York; Co-Chair, IBA War Crimes Committee
Gregory Kehoe  Greenberg Traurig, Tampa; Co-Chair, IBA War Crimes Committee

0915 – 1000  Keynote speech
Navanethem Pillay  Commissioner, International Commission Against the Death Penalty, Former UN High Commissioner for Human Rights, Former Judge, International Criminal Court, Durban

1000 – 1115  Terrorism, armed conflict and permissible use of force
How have the fight against terrorism, the introduction of unmanned aerial vehicles (also known as drones) and the activities of non-state armed groups in combat operations changed rules of engagement in war theatres, and what does international law say concerning permissible use of force? Through discussion of international jurisprudence, a state's understanding of customary international law as evidenced by their state practice and opinio juris, and doctrinal and scholarly views, this panel will offer an informed discussion on the fundamental question of whether expansive interpretations of the concept of self-defence or emerging relaxations of the rules of engagement are taking root among the international legal community and on what the status of international law is on the subject.

Session Chair
Gregory Kehoe  Greenberg Traurig, Tampa; Co-Chair, IBA War Crimes Committee

Speakers
Col Christian de Cock  Legal Adviser, Military Planning and Conduct Capability (MPCC) Command Group, European External Action Service (EEAS), Brussels
Tristan Ferraro  Senior Legal Adviser, International Committee of the Red Cross, Geneva

Dr Krisztina Huszti-Orban  Senior Legal Adviser to the United Nations Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedom while Countering Terrorism, Geneva
Guénaël Mettraux  Judge, Kosovo Specialist Chambers, The Hague

1115 – 1145  Coffee/tea break

1145 – 1300  Dissecting the ICC activation of the jurisdiction on aggression
In December 2017, the International Criminal Court's Assembly of States Parties decided to activate the Court's jurisdiction over the Crime of Aggression. In July 2018 the activation will become effective, and for the first time since the end of World War II, the planning and waging of wars in violation of international law will again be a justiciable offence. This panel will discuss the specific content of Art. 8 bis of Rome Statute, and it will dissect the jurisdictional regime with which the ICC is invested with regards to the Crime of Aggression. The panel will also discuss the significance of this development from an international rule of law perspective. It will discuss previous (mostly failed) attempts to prosecute the crime of aggression, as well as some of the institutional, substantive, and procedural challenges that the ICC might face in exercising its jurisdiction over this crime.

Session Chair
Federica D’Alessandra  Harvard University, New York; Co-Chair, IBA War Crimes Committee

Speakers
Stefan Barriga  Deputy Permanent Representative of Liechtenstein to the European Union, Brussels
Sheryn Omeri  Cloisters Chambers, London
Astrid Reisinger Coracini  Director, Salzburg Law School on International Criminal Law, Humanitarian Law and Human Rights Law, University of Salzburg, Salzburg
Carsten Stahn  Professor of International Criminal Law & Global Justice, Director of Programmes, Grotius Center, Leiden University, The Hague

1300 – 1400  Lunch

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**Saturday continued**

1400 – 1415 **Update from the IBA Hague Office**  
Aurélie Roche-Mair *Director, The Hague Office, International Bar Association, The Hague*

1415 – 1430 **IBA War Crimes Committee update on IBA Inquiry on Crimes Against Humanity in North Korea Political Prisons**  
Navanethem Pillay *Commissioner, International Commission Against the Death Penalty, Former UN High Commissioner for Human Rights, Former Judge, International Criminal Court, Durban*

1430 – 1545 **Is truth the first casualty of war?**  
A panel discussion on recent international incidents, such as the recent Syrian Sarin gas attacks, the Russian invasion of Ukraine and others, where rival claims as to the truth concerning circumstances deflect attention from the tragedy experienced by civilians. The discussion will cover political and legal consequences of the instrumentalisation of truth itself and those bodies entrusted with finding such truth, and the problem that ‘a lie gets halfway around the world before the law has time to put its trousers on’. Justice has a duty to prevent manipulation of its procedures to suit the ends of war and this panel will explore in what ways this duty can and should be enforced.

*Session Chair*  
**Steven Kay QC**  
*9 Bedford Row Chambers, London; Member, IBA War Crimes Committee Advisory Board*

*Speakers*  
**Philiipp Ambach** *Chief Victim Participation and Reparation Section, International Criminal Court, The Hague*

**Fidelma Donlon** *Registrar, Kosovo Specialist Chambers, The Hague*

**Wayne Jordash QC** *Doughty Street Chambers, London*

**Howard Morrison** *Judge, International Criminal Court, The Hague*

**Ana Cristina Rodriguez Pineda** *Former Chef de Cabinet, ICTY, Former Deputy Permanent Representative of Guatemala to the United Nations, New York*

1545 – 1615 **Coffee/tea break**

1615 – 1730 **Is the future of international criminal law domestic?**  
At 20 years on from the signing of the Rome Statute, with the winding down of the UN International Criminal Tribunals and the emergence of calls for new hybrid or special criminal tribunals (for ISIS, for Syria) and the proliferation of attempts to bring war crimes, crimes against humanity and genocide cases before domestic courts, this panel will analyse the challenges and obstacles that criminal justice currently faces at the international level, and whether the future of international justice lies on an international, hybrid or domestic trajectory.

*Session Chair*  
**Jens Dieckmann** *Becher & Dieckmann Rechtsanwälte, Bonn; Co-Vice Chair, IBA War Crimes Committee*

*Speakers*  
**Michelle Jarvis** *Deputy Head, United Nations International Impartial Independent Mechanism for Syria, The Hague; Co-Vice Chair, IBA War Crimes Committee*

**Stephen Rapp** *Sonia and Harry Blumenthal Distinguished Fellow for the Prevention of Genocide, US Holocaust Memorial Museum, Non-Resident Fellow, Hague Institute for Global Justice, Former US Ambassador-at-large for Global Criminal Justice, Former Prosecutor, Special Court for Sierra Leone, The Hague*

**James Stewart** *Deputy Prosecutor, International Criminal Court, The Hague*

**Christine van den Wyngaert** *Judge, International Criminal Court, Judge, Kosovo Specialist Chambers, The Hague*

1730 – 1745 **Presentation of the IBA War Crimes Committee preliminary findings on a mapping of complementarity resources**  
*Sareta Ashraph* *Garden Court Chambers, London; Arab Regional Forum Liaison Officer, IBA War Crimes Committee*

1745 – 1800 **Concluding remarks**  
**Federica D’Alessandra** *Harvard University, New York; Co-Chair, IBA War Crimes Committee*

**Gregory Kehoe** *Greenberg Traurig, Tampa; Co-Chair, IBA War Crimes Committee*

1800 – 1900 **Drinks reception**  
*Peace Palace*

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**Continuing Professional Development/Continuing Legal Education**

*The number of CPD/CLE hours available may vary depending on the rules applied by the members’ bar association/law society on time recording criteria. For conference delegates from jurisdictions where CPD/CLE is mandatory, the IBA will provide a Certificate of Attendance for the conference. Subject to CPD/CLE requirements, this can be used by conference delegates to obtain the relevant number of hours’ accreditation. A CPD/CLE Certificate of Attendance is available to conference delegates on request. Please ask at the IBA conference registration desk for information on how to obtain the certificate.*

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The IBA, its officers and staff accept no responsibility for any views expressed, presentations or materials produced by delegates or speakers at the Conference.
Information

Date
21 April 2018

Venue
Peace Palace
Carnegieplein 2
2517 KJ The Hague
Netherlands
Tel: +31 70 302 4242
www.vredespaleis.nl

Language
All working sessions and conference materials will be in English.

How to register
Register online by 13 April 2018 at www.ibanet.org/conferences/conf884.aspx and make payment by credit card, to avail of the ten per cent online registration discount or complete the attached registration form and return it to the Conference Department at the IBA together with your bank transfer / cheque payment. You should receive emailed confirmation of your registration within five days; if you do not then please contact confs@int-bar.org.

Fees
Online and hard copy registrations received:

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<tr>
<td>IBA member</td>
<td>€100</td>
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<tr>
<td>Non-member*</td>
<td>€100</td>
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<td>Young lawyers (under 30 years)</td>
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* By paying the non-member fee, we welcome you as a delegate member of the IBA for the year in which this conference is held, which entitles you to the following benefits:
1) Password access to certain parts of the IBA website.
2) Receipt of IBA E-news and access to online versions of IBA Global Insight.
3) Pay the member rate for any subsequent conference registrations for this calendar year.

If you would like to become a full or general member of the IBA, which includes membership of one Committee or more – and inclusion in and access to our membership directory – we encourage you to do so now in order to register for this conference at the member rate. Find full details of how to join at www.ibanet.org.

A reduced rate is offered to lawyers who are over the age of 65, have been an IBA member for more than 20 years and are no longer practising law.

Full payment must be received in order to obtain your Conference documentation.

Fees include:
- Attendance at all working sessions
- Conference materials, including any available speakers’ papers submitted to the IBA before 11 April 2018.
- Access to the above Conference working materials from the IBA website (www.ibanet.org) approximately seven days prior to the conference
- Access to mobile delegate search application
- Lunch on Saturday 21 April 2018
- Tea and coffee during breaks
- Invitation to Drinks reception on Saturday 21 April 2018

Please note that registrations are not transferable.

List of participants
In order for your name to appear in the list of participants, which will be distributed at the conference, your registration form must be received by 13 April 2018 at the latest.

Mobile delegate search application
All registered delegates will receive a printed list of participants at the Conference; however delegates are now also able to use the mobile delegate search. This application has been developed to aid networking by giving delegates instant access to an up-to-date list of their fellow attendees, and comes with the added benefit of a built-in messaging service. All registered delegates with an internet or Wi-Fi-enabled device will have access, using their IBA username and password. Simply visit: m.ibanet.org/conf884.

Registration confirmation
All documentation regarding your attendance at the Conference can now be obtained from the IBA website. Upon receipt of your payment for the Conference, a confirmation email will be sent containing instructions on how to download the documents. Registration confirmation will not be distributed by post.

Photography and filming
Certain sessions and/or social functions may be photographed and/or filmed and some of this content may be used for future IBA marketing materials, member communications, products or services. Should you have any concerns with regard to this, or do not wish to be featured in any of these materials please contact the IBA Marketing Department at ibamarketing@int-bar.org.

Promotional literature
Please note that no individual or organisation may display or distribute publicity material or other printed matter during the Conference, unless by prior arrangement with the IBA. Organisations and companies wishing to discuss promotional opportunities should contact the IBA Sponsorship Department at sponsorship@int-bar.org.

Unauthorised Accommodation Agents
It has been brought to our attention that there are multiple companies contacting past attendees, claiming to represent the IBA, offering ‘assistance’ with registration and hotel bookings.

They are operating by cold-calling and spamming companies whose names have appeared on previous List of Participants, Programmes and Sponsorship recognition. The only Accommodation Agent the IBA works with is Judy Lane ICS. Judy Lane ICS do not contact delegates on behalf of the IBA without delegates making initial contact. Please ignore any communication that does not come directly from the IBA or Judy Lane ICS.
Payment of registration fees  

Euro: by cheque or bank draft, drawn on a euro zone bank and converted at the current rate of exchange and in favour of the International Bar Association. 

OR by bank transfer to the IBA bank account number 550/00/06570631 (Sort Code 56-00-03) at the National Westminster Bank, St James's & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom or SWIFT address NWBKGBZL IBAN GB58NWBK60721106570631. Please ensure that a copy of the bank transfer details is attached to your registration form.

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OR by bank transfer to the IBA account number: 13270222 (Sort Code 56-00-03) at the National Westminster Bank, St James's & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom or SWIFT address NWBKGBZL, IBAN GB58NWBK6072113270222. Please ensure that a copy of the bank transfer details is attached to your registration form.

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Cancellation of registration

If cancellation is received in writing at the IBA office by 23 March 2018, fees will be refunded less a 25 per cent administration charge. Refunds will be made minus any monies owed to the IBA.

We regret that no refunds can be made after this date. Registrations received after 23 March will not be eligible for any refund of registration fees. Please note that NO exception will be made to this policy. Should you have difficulties in obtaining your visa and are not able to attend the conference this cancellation policy will still apply.

Upon submission of your completed Conference registration form to the IBA you are considered ‘registered’ pending payment. Please note that as soon as your registration is received the cancellation terms and conditions as indicated will apply.

Provided you have cancelled your registration to attend an IBA conference in accordance with the terms of the ‘cancellation of registration’ clause included in the ‘Information’ section of the relevant conference programme, you must then confirm to us in writing at the IBA office as soon as possible but in no event later than one year (12 calendar months) from the date of any such conference all necessary details to enable any reimbursement owed to you to be paid. We regret that no refunds will be made after the date that is one year (12 calendar months) after the date of the relevant conference.

Travel arrangements and visas

Participants are responsible for making their own travel arrangements. It is recommended that you check your visa requirements with your local embassy or consulate. We are unable to dispatch visa invitation letters to support your visa application prior to receipt of your registration form and full payment of registration fees.

Please apply for your visa in good time.

Disabled access

The Peace Palace is wheelchair accessible. Please notify us if you require special assistance.

Hotel accommodation

Below is a list of hotels located near The Peace Palace. Please contact the hotel of your choice directly to find out rates, availability and to make your reservation.

Hilton The Hague
Zeestraat 35, 2518 AA, The Hague
Tel: +31 70 710 7000

Court Garden Hotel
Laan van Meerdevoort 96, 2517 AR, The Hague
Tel: +31 70 311 4000
www.hotelcourtgarden.nl/en

Online credit card payments: by Visa, MasterCard or American Express. No other cards are accepted.

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No deductions or withholdings

All fees payable to us by you in accordance with the terms contained in this ‘Information’ section shall be paid free and clear of all deductions or withholdings whatsoever.

If any deductions or withholdings are required by law to be made from any fees payable to us by you under the terms contained in this ‘Information’ section you shall pay such sum as will, after the deduction or withholding has been made, leave us with the same amount as we would have been entitled to receive in the absence of any such requirement to make a deduction or withholding.

If we obtain the benefit of any tax credit or other relief by reference to any such deductions or withholdings, then we will repay to you such amount as, after such repayment has been made, will leave us in no worse position than we would have been had no such deductions or withholdings been required.

Conference sell-outs

The IBA places its conference in venues of a suitable size for the event; however, there are times when our conferences may sell out. Should this happen, prospective delegates will be informed and a waiting list will operate. The waiting list will function on a ‘first come, first served’ basis, subject to receiving registered delegate cancellations. The IBA will not be liable for any travel or accommodation expenses incurred by an individual who travels to the Conference without a confirmed place at the event.

Carlton Ambassador
Sophialaan 2, 2514 JP, The Hague
Tel: +31 70 363 0363
www.carlton.nl/en/hotel-ambassador-the-hague/contact

Best Western Hotel Petit
Groothertoginnelaan 42, 2517 EH, The Hague
www.bestwestern.co.uk/hotels/best-western-hotel-petit-92702
The International Bar Association (IBA), established in 1947, is the world’s leading organisation of international legal practitioners, bar associations, law firms and law societies. The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of more than 80,000 individual lawyers and more than 190 bar associations and law societies spanning over 170 countries.

Inspired by the vision of the United Nations, the IBA was founded in the same spirit, just before the Universal Declaration of Human Rights was proclaimed in 1948. The IBA covers all practice areas and professional interests, providing members with access to leading experts and up-to-date information, enabling them to better represent their clients’ interests.

Through its various committees, fora and task forces, the IBA facilitates the exchange of information and views among its members as to laws, practices and professional responsibilities relating to the practice of law around the globe.

**War Crimes Committee overview**

The IBA's War Crimes Committee is the only IBA committee of its kind focused specifically on atrocity crimes, and international criminal law and practice. Over the past fifteen years, there has been tremendous growth and development in this field of law. This new Committee provides a forum for the very diverse group of practitioners and scholars involved in this area of law.

The Committee endeavours to provide IBA members with comprehensive and reliable information and resources on international criminal law. It also provides lawyers, international agencies and tribunals with an unparalleled and easily accessible network of contacts and, in turn, is directly involved with the IBA's ongoing programme in support of international, ad hoc and domestic war crimes tribunals.

The Committee works alongside the IBA Human Rights Institute and the IBA Human Rights Law Committee to promote justice around the world, and uphold the principle of accountability.

**Contact information**

International Bar Association

4th Floor, 10 St Bride Street, London EC4A 4AD, United Kingdom

Tel: +44 (0)20 7842 0090  Fax: +44 (0)20 7842 0091

Email: member@int-bar.org  www.ibanet.org
Registration form

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War and Justice
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Name and country to be shown on badge *(if different from above)*

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Firm/company/organisation

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Email

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If you have special dietary requirements, due to allergen intolerances, medical, religious reasons or a life choice, please specify the requirement below. The IBA is unable to cater for dietary requirements other than for the above reasons.

- Please tick box if you have allergen intolerances and specify __________________________________________________________________________

Please state all other dietary requirements clearly, i.e. I am a vegetarian; I do not eat red meat.

*Disclosure of dietary information denotes you have agreed to the IBA sharing this information with relevant third parties who are providing catering on our behalf.*

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<td>Non-member*</td>
<td>€100</td>
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<td>Young lawyers (under 30 years)</td>
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**TOTAL AMOUNT PAYABLE**

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**Note:** please do not send your credit card details on the registration form or within an email or fax.

**By bank transfer and cheque/draft**

- Please send me an invoice.
- I enclose a cheque/draft for the total amount payable.
- I have transferred to the IBA bank account the total amount payable and have attached a copy of the bank transfer details.
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If you are agreeable to passing on your details, please tick this box.

If you do not wish to receive IBA information and materials, please tick this box.

Your details will however be included in the list of participants.

Please provide further details, quoting code (if applicable)

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