Salzburg Law School
on International Criminal Law
Humanitarian Law and Human Rights Law

8th Summer Session, Sunday 6 – Friday 18 August 2006

Cases Pending Before the ICC and Appeals Concerning Jurisdiction and Admissibility

Draft

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, 6 August 2006

Welcome and registration of participants and lecturers at the Hotel Kolpinghaus, Adolf - Kolping - Straße 10, A- 5020 Salzburg, Ph.: +43/662/46610.
SLS Hotline +43/676/729 46 47, Astrid Reisinger Coracini (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 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 next to the lecture hall.

MONDAY, 7 August 2006

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, Eighth Summer Session 2006

From Nuremberg to the Hague and Beyond
Professor Benjamin Ferencz, A former Nuremberg War Crime Prosecutor, author and frequent lecturer on international criminal courts and world peace (website www.benferencz.org)
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 – 17.30, HS 209 (with coffee break and discussion)

The history, notion and concept of international criminal law
Professor Benjamin Ferencz
Professor Otto Triffterer

Workshop: Trigger collateral damages and war crimes equally mutual escalation? – Observations on the armed conflict between Israel and the Lebanese Hizbullah Militia in July/August 2006
Professor Otto Triffterer

Dinner: 19.00 - 20.00, Hotel Kolpinghaus

TUESDAY, 8 August 2006

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

Towards a provision of aggression for the Court to exercise its jurisdiction as provided in article 5?
Astrid Reisinger Coracini, Researcher, Executive Director Salzburg Law School on International Criminal Law, Humanitarian Law and Human Rights Law

The international crime of aggression mirrored in national jurisdictions: Case Study of the House of Lords' Decision in Jones & Milling et al.
Don Ferencz, Attorney, Adjunct Professor of Law at Pace Law School, Director (and a founder) of the Planethood Foundation
Robert Manson, Solicitor, Researcher, Co-founder of the UK based Institute for Law & Peace, Defence Lawyer in the English case R. vs. Jones & Milling
Paul Milling, Magistrate and City Councillor in the city of York, Peace Activist, Defendant in the English case R. vs. Jones & Milling

Lunch: 13.00 - 14.00, Cafeteria

Third Session: 14.00 – 15.30, HS 209 (with discussion)

Progress: From ad hoc Tribunals to the permanent ICC?
Richard Dicker, Director International Justice Program, Human Rights Watch

Afternoon: FREE, guided city tour available at 15.45h,
or time at the disposal of participants

Dinner: 19.00 - 20.00, Hotel Kolpinghaus

WEDNESDAY, 9 August 2006

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

Victims rights in the Rome Statute and the evolving practice of the ICC
Gilbert Bitti, Senior Legal Advisor to the Pre-trial Division, ICC

National jurisdiction, a reliable tool to contribute to the prevention of core crimes?
Professor Otto Triffterer

Lunch: 13.00 - 14.00, Cafeteria

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

Vertical and horizontal cooperation, indispensable options to ensure the effective prosecution of core crimes
Dr. Michael Postl, Minister Plenipotentiary, Head of multilateral international law issues unit, Austrian Federal Ministry for Foreign Affairs

National implementation of the Rome Statute, immunities and other obligations and challenges for domestic legislations
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 Action; NGO representative at the Rome Conference

Dinner: 19.00 - 20.00, Hotel Kolpinghaus

THURSDAY, 10 August 2006

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

The complementarity test in the ICC Statute
Morten Bergsmo, International Peace Research Institute Oslo

Challenges ahead of the Trust Fund for Victims
Dr. Tathiana Flores-Acuna, Trust Fund Liaison Officer, Victims Participation and Reparations Section, ICC

Lunch: 13.00 - 14.00, Cafeteria

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

Applicable law, Article 21 Rome Statute
Dr. David Donat Cattin

Intent, knowledge or both, interpreting Article 30 differently in common law and in civil law systems?
Professor Otto Triffterer

Dinner: 19.00 - 20.00, Hotel Kolpinghaus

FRIDAY, 11 August 2006

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

Interests of justice and prosecutorial discretion
Morten Bergsmo

Evaluating the initial practice of the ICC
Dr. David Donat Cattin

Lunch: 13.00 - 14.00, Cafeteria

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

International Humanitarian Law, theory and praxis
Colonel William Lietzau US Marine Corps, Special Assistant to the General Council, Department of Defense
and **Professor Otto Triffterer**

Guantanamo, future perspectives
Colonel William Lietzau

Command Responsibility, Art. 28 Rome Statute an inside view
Colonel William Lietzau

Dinner: 19.00 - 20.00, Hotel Kolpinghaus

SATURDAY, 12 August 2006

FREE, social programme or time at the disposal of participants

SUNDAY, 13 August 2006

FREE, social programme or time at the disposal of participants

MONDAY, 14 August 2006

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

Universal jurisdiction and the limits to the duty to prosecute
Prof. Michael P. Scharf, Professor of Law, Case Law School and Director, Frederick K. Cox International Law Center

Enforcing international criminal law, humanitarian law and human rights
Prof. Gerhard Hafner, Professor of International Law, University of Vienna; former Member of the ILC; head of the Austrian delegation to the Rome Conference

Lunch: 13.00 - 14.00, Cafeteria

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

The ICC and third States
Prof. Gerhard Hafner

Ne bis in idem, different notion for national and international courts?
Astrid Reisinger Coracini and
Prof. Otto Triffterer

Dinner: 19.00 - 20.00, Hotel Kolpinghaus

TUESDAY, 15 August 2006

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

The ICC's jurisdiction on international terrorism: need to amend the Rome Statute?
Dr. Roberta Arnold, Independent IHL consultant, Riva & Felder Solicitors, Lugano, former Legal Adviser on the Laws of Armed Conflict, Swiss Department of Defence

International protection of the most vulnerable groups: prosecuting crimes against women and children
Dr. Roberta Arnold

Lunch: 13.00 - 14.30, Hotel Elefant

Thirteenth Session: 14.30 - 17.00, HS 209 (with coffee break and discussion)

The trial against Saddam Hussein and some others
Prof. Michael P. Scharf

Time for additional workshops and exams

Dinner: 19.00 - 20.00, Hotel Kolpinghaus

WEDNESDAY, 16 August 2006

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

The Charles Taylor trial: Theory and practice for defending heads of states
Gillian Higgins, Barrister UK, former Assigned Counsel to Mr. Slobodan Milosevic at the ICTY and
Steven Kay, Queens Counsel, Barrister UK, former Assigned Counsel to Mr. Slobodan Milosevic at the ICTY

Workshop: Recent developments in Syria, Israel and Lebanon within the context of international humanitarian and criminal law
Gillian Higgins and
Steven Kay

Lunch: 13.00 - 14.00, Cafeteria

Fifteenth 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 Otto Triffterer

Time for additional workshops and exams

Dinner: 19.00 - 20.00, Hotel Kolpinghaus

THURSDAY, 17 August 2006

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

First investigations and prosecutions of the most serious crimes of concern to the international community as a whole: observations from a practitioner's point of view
Fabricio Guariglia, Senior Appeals Counsel, ICC, Office of the Prosecutor (t.b.c.)

Rights of the accused in international criminal law, in particular before the ICC
Gillian Higgins and
Steven Kay

Lunch: 13.00 - 14.00, Cafeteria

Seventeenth Session: 14.00 – 15.30, 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
Gillian Higgins and
Steven Kay

Closing Session, 15.45 – 17.00, HS 209

Final Discussion with the speakers

Evaluation of the outcome of the SALZBURG LAW SCHOOL 2006

Future plans

Chair: Prof. Otto Triffterer

Distribution of Certificates

Closing reception

Dinner: 19.00 - 20.00, Hotel Kolpinghaus and farewell party

FRIDAY, 18 August 2006

Departure of participants