

2017 training programme on the prosecution of core international crimes in the context of Europe's refugee crisis

In November 2017, the EJTN and the Genocide Network together with the International Nuremberg Principles Academy co-organised a training programme in Nuremberg, which focused on the prosecution of core international crimes in the context of Europe's refugee crisis.

The learning outcomes of this training include the following:

- an improved understanding of substantive international criminal law, as well as of the most relevant international and national jurisprudence therein;
- an advanced understanding of criminal liability in this field;
- knowledge of the practical issues related to building a case on core international crimes and of the ensuing evidentiary challenges; and
- practical knowledge of the instruments of judicial cooperation within the EU and of the applicable international treaties.

This three-day training allowed the participants to learn more about the investigative approaches of their colleagues within the European Union, and served as a platform for the exchange of best practice on the prosecution of cross-border cases. This training included lectures delivered by experienced judges or prosecutors as well as eminent legal experts combined with workshops and plenary debriefings aimed at improving the participants' practical skills.



Wednesday, 22 – Friday, 24 November 2017

22-23 November: Nuremberg Park Plaza Hotel, Bahnhofstraße 5,
90402 Nuremberg, Germany

24 November: Courtroom 600, Palace of Justice, Fürther Strasse 110, 9
0429 Nuremberg, Germany

**EJTN- GNS JOINT TRAINING ON
EU'S REFUGEE CRISIS AND
THE PROSECUTION AND JUDGMENT
OF CORE INTERNATIONAL CRIMES**

[CR/2017/11]



Network for investigation and
prosecution of genocide, crimes
against humanity and war crimes



With financial support from the Justice
Programme of the European Union



The learning outcomes of this training include (a) an improved understanding of substantive international criminal law, as well as of the most relevant international and national jurisprudence therein, (b) an advanced understanding of criminal liability in this field, (c) knowledge of the practical issues involved in building a case on core international crimes and the ensuing evidentiary challenges, and (c) practical knowledge of the instruments of judicial cooperation within the EU and of the applicable international treaties.

This introductory training will combine lectures with workshops and plenary debriefings aimed at improving the

participants' practical skills, pursuant to a 'learn-by-doing' methodology. The event will conclude with a moot court session held at Courtroom 600, where participants will take the role of the prosecution, defence or chamber in solving a practical case based on real-facts.

This training will provide participants with the opportunity to learn more about the legal systems and investigative approaches of their colleagues in different EU Member States, and will serve as a platform for the exchange of best practices on the management of complex cases. Participants will be assisted by national and international experts in this field.

DRAFT PROGRAMME

TUESDAY, 21 NOVEMBER 2017

(OPTIONAL PROGRAMME)

	Arrival of the participants	
15.00-18.00	Nuremberg - Meeting of the Masses Documentation Centre Nazi Party Rally Grounds	Optional programme for participants arriving in Nuremberg before 15:00 pm. NB: Costs incurred with early arrival in order to attend this event <u>will not be reimbursed</u> by the EJTN. Address: Bayernstraße 110 Fee: This visit is kindly offered to EJTN participants by the Nuremberg Academy. Registration required.
19.00-21.00	Welcome Dinner at Bratwurstglöcklein (Waffenhof 5; 3 min walking from Park Plaza Hotel – map)	

WEDNESDAY, 22 NOVEMBER 2017

Venue: Park Plaza Hotel Nuremberg - Bahnhofstraße 5, 90402 Nuremberg, Germany

Moderator: Matevž PEZDIRC, Head of the Genocide Network Secretariat, Eurojust

08:30-09:00	Registration of the participants	
09.00-09.15	Welcome and Introduction to the Programme	Matevž PEZDIRC Head of the Genocide Network Secretariat, Eurojust, The Netherlands
09.15-09.30	Presentation of the EJTN and Knowledge Assessment Exercise (Turning Technologies)	EJTN Project Manager
09.30-10.00	Key Speech: The Refugee Crisis as a Challenge for the Fight against Impunity for Core International Crimes	Klaus RACKWITZ Director, International Nuremberg Principles Academy, Germany
10.00-11.00	Introduction to International Humanitarian Law (IHL)	Ray MURPHY Irish Centre for Human Rights, National University of Ireland School of Law, Galway Preparatory work: ICRC Brief e-Learning Course
11.00-11.30	Coffee Break	
11.30 – 12:45	Substantive International Criminal Law: War Crimes: A case law focused outline <i>Characterisation of international armed conflict and non-International armed conflict</i> <i>Non-state actors</i> <i>Protection of civilians</i> <i>Notion of military objective, dual use objects, principle of proportionality</i> <i>Prohibited weapons</i> <i>Offences in an international armed conflict</i> <i>Offences in a non-international armed conflict</i>	Ray MURPHY Irish Centre for Human Rights, National University of Ireland Scholl of Law, Galway Preparatory work/ reading materials: Rome Statute and Elements of Crimes . Structure: References to the main international and national case law. Input from participants on domestic legislation and law practice.
12.45-14.00	Lunch & 'food for thought'	Short case-study for discussion (War Crimes)

14.00 – 14.30	<i>Substantive International Criminal Law:</i> War Crimes: War crimes based on evidence from open sources – Recent development in EU Member States	(TBC) Federal Prosecutor's Office, Germany <u>Structure:</u> Presentation of recent national case law. Input from participants on domestic legislation and law practice.
14.30 – 15.45	<i>Substantive International Criminal Law:</i> Crimes against Humanity and the Crime of Genocide: A case law focused outline	Michelle JARVIS Office of the Prosecutor, International Criminal Tribunal for the Former Yugoslavia (ICTY), The Netherlands <u>Preparatory work/ reading materials:</u> Rome Statute and Elements of Crimes ; <u>Structure:</u> References to the main international and national case law. Input from participants on domestic legislation and law practice.
15.45 – 16.15	Coffee Break	
16.15-17.30	Workshop: Introduction to the Case-Study (Identification of crimes; circumstances and contextual elements) <i>3 breakout rooms</i>	Group 1 Michelle JARVIS Group 2 Ray MURPHY Group 3 TBC / Matevž PEZDIRC
17.30 – 17.45	Conclusions of the Workshop and follow-up by the participants / moderators in workshops <i>Plenary Session</i>	Workshop moderators & participants/rapporteurs
17.45	Round up and End of Day 1	
19.30	Official Seminar Dinner (venue TBC – within walking distance of Park Plaza Hotel)	

THURSDAY, 23 NOVEMBER 2017

Venue: Park Plaza Hotel Nuremberg - Bahnhofstraße 5, 90402 Nuremberg, Germany

Moderator: Matevž PEZDIRC, Head of the Genocide Network Secretariat, Eurojust

08.45-09.00	Registration of the participants	
09.00-09.45	Specifics of Investigating and Prosecuting Conflict Related Sexual Violence	Michelle JARVIS Office of the Prosecutor, International Criminal Tribunal for the Former Yugoslavia (ICTY), The Netherlands
09.45-11.00	<i>Substantive International Criminal Law:</i> Modes of Liability and Circumstances Excluding Liability - International and National Perspectives: An International Law Case Law Focused Outline <i>General remarks concerning the applicability of national legislations</i> <i>Command Responsibility</i> <i>Justifications and excuses</i> <i>Obedience to superior orders</i> <i>Duress</i> <i>Personal immunity</i> <i>Material immunity</i> <i>Immunity of special missions</i> <i>Other excuses (error in facts and law)</i>	Maxine MARCUS Transitional Justice Clinic, Institute for International Criminal Investigations (IICI), The Netherlands <u>Structure:</u> Brief presentation of the principles on circumstances excluding liability in international criminal law, based on selected cases. Input from participants on domestic legislation and practice, as well as on its conformity or lack thereof with the relevant ICL principles.
11.00-11:30	Coffee Break	
11.30-13.00	Workshop: Analysis of the Case-Study (Modes of Liability) <i>3 breakout rooms</i>	Group 1 Michelle JARVIS Group 2 Maxine MARCUS Group 3 Ray MURPHY
13.00-14.00	Lunch	
14.00-14.45	Challenges in dealing with foreign cultures <i>Recognising and analysing intercultural challenges</i> <i>Better understanding of cultural differences</i> <i>Influencing factors in the criminal process</i> <i>Response and integration into the criminal process</i>	Maxine MARCUS Transitional Justice Clinic, Institute for International Criminal Investigations (IICI), The Netherlands <u>Structure:</u> Introduction to the principles of self-perception and the perception by others in foreign cultures; the aims of the judicial process
14.45-15.45	Evidentiary Challenges in Core International Crime Cases in Domestic Proceedings	(TBC) Federal Prosecutor's Office, Germany

		Structure: Brief presentation of the applied means of proof and legal as well as practical Issues concerning legal reasoning in ICL domestic proceedings, based on real case examples.
15.45-16.15	Coffee Break	
16.15-17.30	Practical Issues in International Crime Cases • <i>Building a case</i> • <i>Geography, site visits, missions</i> • <i>Names and spelling, time and dates</i> • <i>General challenges, preparation, relation to local authorities</i> • <i>Location of the hearing, setting the hearing room</i> • <i>Use of psychologist, witness protection, use of interpreter</i> • <i>Instructions to the witness prior to the questioning</i> • <i>Challenges during the questioning, language issues</i> • <i>How to account for the hearing</i> • <i>Using expert witnesses</i> • <i>The position of the defense during the hearings</i>	Maarten VAN DER VLUGT Prosecutor's Office, International Crimes Unit, The Netherlands
17.30	Round-up and End of Day 2	
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FRIDAY, 24 NOVEMBER 2017

Venue: Courtroom 600, Palace of Justice, Fürther Strasse 110, 90429 Nuremberg, Germany

Moderator: Matevž PEZDIRC, Head of the Genocide Network Secretariat, Eurojust

08.15	Departure of Bus Shuttle from Park Plaza Hotel to the Palace of Justice	
09.00-10.00	International Cooperation: Mutual Legal Assistance and Extradition within the EU, with non-EU MS and International Courts – Theoretical and Practical Considerations • <i>EU convention 2000 on mutual assistance in criminal matters between the EU Member States</i> • <i>European Arrest Warrant</i> • <i>European Investigation Order</i> • <i>Joint Investigation Teams</i> • <i>Torture Convention</i> • <i>Extradition</i> • <i>Establishing ad hoc cooperation</i> • <i>Eurojust</i> • <i>Europol</i> • <i>EASO and 1F Exclusion Network</i> • <i>Cooperation with NGOs and International Actors (UN, ICRC)</i>	Christine GÖDL Department of International Law, Ministry of Justice, Austria Structure: Presentation of legal and practical issues of international cooperation. Input from participants on practical experience in this field. EJTN's trainings on EU judicial cooperation in cross-border criminal cases (MLA and EAW simulations).
10.00-10.30	Coffee Break	
10.30-12.00	Moot Court: • <i>Opening of the session by the Chamber</i> • <i>Oral arguments by the Prosecution</i> • <i>Oral arguments by the Defence</i> • <i>Deliberation by the Chamber</i>	Participants and moderators/speakers
12.00-12.30	The Role of the Genocide Network Secretariat (GNS) in Supporting and Assisting Investigations and Prosecutions of Core International Crimes	Matevz PEZDIRC Head of the Genocide Network Secretariat, Eurojust, The Netherlands
12.30-13.00		Wojciech POSTULSKI Secretary-General, European Judicial Training Network (EJTN), Brussels Matevz PEZDIRC Head of the Genocide Network Secretariat, Eurojust, The Netherlands
13.00	Knowledge Assessment, Evaluation and Closing Words	
	Departure of participants	

Optional Visit of the Exhibition 'Memorium Nuremberg Trials' (

The exhibition informs visitors about the background, progression and repercussions of the Nuremberg Trials. Selected historical exhibits such as parts of the original dock, as well as historical audio tapes and films, convey a vivid impression of the trials.

Optional programme for participants with late flights or extending their stay in Nuremberg.

NB: Costs incurred with late departure in order to attend this event will not be reimbursed by the EJTN.

Address: Palace of Justice, Fürther Str. 110

Fee: This visit is kindly offered to EJTN participants by the Nuremberg Academy. Registration required.

Suggested restaurants near the Palace of Justice: Lederer-Kulturbrauerei (Sielstraße 12) and Brauerei Schanzenbräu (Adam-Klein-Str. 27)

LIST OF SPEAKERS

Christine GÖDL Judge, Department of International Law, Federal Ministry of Justice, Austria

Michelle JARVIS Deputy to the Prosecutor, Office of the Prosecutor, International Criminal Tribunal for the Former Yugoslavia (ICTY), The Netherlands

Maxine MARCUS International Prosecutor and Expert in Transformative Justice, Transitional Justice Clinic, Institute for International Criminal Investigations (IICI), The Netherlands

Ray MURPHY Interim Director, Irish Centre for Human Rights, National University of Ireland School of Law, Galway

Matevz PEZDIRC Head of the Genocide Network Secretariat, Eurojust, The Netherlands

Wojciech POSTULSKI Judge, Secretary-General, European Judicial Training Network (EJTN), Brussels

Klaus RACKWITZ Director, International Nuremberg Principles Academy, Germany

Maarten VAN DER VLUGT Prosecutor, Public Prosecutor's Office, International Crimes Unit, The Netherlands

TBC Federal Prosecutor's Office, War Crimes Unit, Karlsruhe, Germany

European Judicial Training Network
123, rue du Commerce
B-1000 Bruxelles

Phone +32 2 280 22 42
Fax +32 2 280 22 36
Mail ejtn@ejtn.eu

www.ejtn.eu

