



UNITED NATIONS - UJEDINJENE NACIJE
International Criminal Tribunal for the former Yugoslavia
Međunarodni krivični sud za bivšu Jugoslaviju



ICTY Legacy Dialogues

22 - 24 June 2017

Sarajevo, Bosnia and Herzegovina

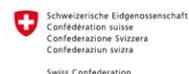
A conference reflecting on the legacy of the ICTY
and how other can build upon its achievements

Conference Programme

The ICTY Legacy Dialogues are generously supported by the European Union and the Governments of Finland, Germany, Malta, the Netherlands and Switzerland.



Ministry of Foreign Affairs of the
Netherlands



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra
Swiss Confederation



I. Venues

Conference Venue

Hotel Holiday, Zmaja od Bosne 4, 71000 Sarajevo, Bosnia and Herzegovina (<http://www.hotelholiday.ba/en/>). The Reception Desk can be reached at: +387(0)33 288 200 or 288 300; reception@hotelholiday.ba. The Conference will be held in the Congress Hall on the first floor. Side-events will be held on the same floor, in meeting rooms “**Una**” and “**Vrbas**” located across from the Congress Hall.

Reception Venue

Sarajevo City Hall, Obala Kulina bana 1, 71000 Sarajevo, Bosnia and Herzegovina. For more information, please see below under the heading “Logistical Information”.

II. The Agenda

The following schedule and list of presenters may be subject to some last minute adjustments.

Thursday 22 June 2017

8:00 a.m. **Registration and Welcome**
Foyer of the Congress Hall, 1st Floor, Hotel Holiday

9:00 a.m. **Conference Inauguration**
Congress Hall, Hotel Holiday

Welcoming Remarks by the ICTY Principals

Dragan Čović, Member of the Presidency of Bosnia and Herzegovina speaking on behalf of the Presidency of Bosnia and Herzegovina



Thursday 22 June 2017

10:00 a.m.

Panel I: Discussion on Normative Legacy

Congress Hall, Hotel Holiday

This panel will discuss the highlights of the Tribunal's normative legacy throughout its 24 years of existence, with a special focus on how ICTY jurisprudence has influenced national jurisdictions, in particular in the region of the former Yugoslavia, as well as how domestic law and jurisprudence have informed international justice. In the spirit of holding a dynamic discourse and sharing of experience and knowledge, speakers will discuss lessons learned and ways forward to ensure successful cross-fertilization among national, regional and international judiciaries. The panel will cover topics including: (i) Landmark ICTY decisions and the development of international criminal law during the ICTY's lifetime; (ii) How to 'translate' legal concepts of international criminal law into national concepts, as well as how national jurisdictions deal with divergence in this regard; (iii) In terms of the procedural law and evidence in international criminal law, sharing of practices on fairness and effectiveness of proceedings; (iv) How the ICTY has served as a catalyst for the establishment of specialised chambers or sections for international crimes within national jurisdictions in the region, and beyond.

Moderator:

Kimberly Prost, former ICTY *ad litem* Judge, current Chef de Cabinet to the President of the International Criminal Court

Panellists:

Benchmarks for measuring the ICTY's impact: the three-tiered approach to prosecuting crimes in Bosnia and Herzegovina

Jennifer Trahan, Associate Clinical Professor, New York University Centre for Global Affairs

The ICTY's normative legacy and international humanitarian law – an ICRC perspective

Eve La Haye, Legal Adviser, International Committee of the Red Cross

Reflections on legal legacies of the ICTY in the region

Judge Hilmo Vučinić, Judge at the Court of Bosnia and Herzegovina

The ICTY's unexpected footprints in domestic jurisdictions – a case study of the United States of America

Mark Drumbl, Professor of Law, Washington and Lee University, and Director of the Transnational Law Institute

11:00 a.m.

Coffee Break



Thursday 22 June 2017

11:30 a.m.

Panel II: Discussion on Gender Justice Legacy

Congress Hall, Hotel Holiday

The purpose of the moderated panel titled “Gender Justice Legacy” is to explore how women have contributed to and been a part of the justice process in a number of contexts and roles, both at the ICTY and in national jurisdictions now carrying out related work. The panel will discuss the experience of and contribution by women as witnesses, judges, investigators, analysts, prosecutors, translators/interpreters, staff of the Victims and Witnesses Section, and representatives of civil society, as well as the contribution of women to regional or international organizations working on related issues. The panel will provide a forum for discussing how the participation of women has shaped the legacy of the ICTY, and – in turn – how the ICTY’s work has shaped/may be shaping their experience, and what this may mean for women and girls in other jurisdictions in the future. The panel will reflect on the need for effectively integrating gender perspectives into not just the substantive, but also procedural and institutional aspects of international criminal law, and will look at the impact of such a legacy on transitional justice and the rule of law. The panel will cover topics including: (i) How women have participated in the justice process at the ICTY; (ii) The evolution of ICTY jurisprudence in relation to sexual and gender based violence (SGBV) and application of such jurisprudence in national jurisdictions; (iii) The importance of collaboratively working with civil society in identifying victims and witnesses (as well as in relation to advocating on broader reparations issues such as compensation); (iv) Protection of witnesses and victims, including victims of SGBV; (v) Access to justice for women in national jurisdictions, including access to compensation/ reparations.

Moderator: **Serge Brammertz**, Prosecutor, ICTY/ Mechanism for International Criminal Tribunals (MICT)

Panellists: *The perspective of the UN Focal Point for Women*
Claudia Hofer, Senior Legal Officer in Chambers, ICTY

Where to from here in the prosecution of SGBV crimes?
Michelle Jarvis, Deputy to the Prosecutor, ICTY

Views from academia concerning gender and the justice process – gender justice beyond the Tribunals: from criminal accountability to transformative justice
Kirsten Campbell, Goldsmiths College, University of London

National perspectives on compensation for gender-based war crimes
Adrijana Hanušić Bećirović, TRIAL International

13:00 p.m.

Lunch Break



Thursday 22 June 2017

13:15 p.m. Side Events

Side Event I

13:15 p.m. Launch of the Bosnian/Croatian/Serbian translation of the book “Prosecuting
14:30 p.m. Conflict-Related Sexual Violence at the ICTY”

*Salon “Una”,
Hotel Holiday*

Speakers:

Serge Brammertz, Prosecutor, ICTY/MICT

Andrea Rauber Saxer, Ambassador of Switzerland to Bosnia and Herzegovina

Ambassador Jonathan Moore, Head of OSCE Mission to Bosnia and Herzegovina

Gordana Tadić, acting Chief Prosecutor, Prosecutor’s Office of Bosnia and Herzegovina

Gerhard Jarosch, President of the International Association of Prosecutors (IAP)

Michelle Jarvis, Deputy to the Prosecutor, ICTY

Side Event II

13:30 p.m. Briefing on ICTY archives

14:30 p.m.

*Salon “Vrbas”,
Hotel Holiday*

Speakers:

Elizabeth Emmerson, Chief Archivist, MICT

Robert Reid, Chief of Operations, Office of the Prosecutor, ICTY/MICT

Petar Finci, Outreach Programme, ICTY



Thursday 22 June 2017

14:30 p.m.

Panel III: Discussion on Non-Judicial Legacy

Congress Hall, Hotel Holiday

The judicial work of the Tribunal is just one piece of a larger puzzle. The idea behind this panel is to raise the question of the extent to which – if at all – a judicial institution can, and should, contribute to peace and reconciliation in post-conflict society. In other words, it will examine the parameters of what the Tribunal could achieve and was intended to achieve as a court of law with a limited mandate. This in turn creates debate on how to fill the gap through non-judicial mechanisms. The idea is to encourage a fruitful and forward-looking debate on how to rebuild post-conflict societies and work towards reconciliation and sustainable peace. The panel will cover topics including: (i) The broader topics of transitional justice and non-judicial accountability mechanisms; (ii) The significance of memorialisation for combating denial; (iii) Peacebuilding and strengthening the rule of law at the national and international levels; (iv) Reception of trials in media, education, historical representation, and art (*i.e.* films, literature); (v) Strengthening civil society initiatives on accountability and reconciliation.

Moderator:

Aurélie Roche-Mair, Programme Director at the International Bar Association, former Legal Officer in ICTY Chambers

Panellists:

Establishing the facts: why the ICTY failed to persuade target audiences

Marko Milanović, Associate Professor in Law at the University of Nottingham

The broken path to reconciliation in Bosnia and Herzegovina – a field study of memories

Rosa Aloisi, Assistant Professor of Political Science at Trinity University

Did the ICTY deter atrocity?

Jacqueline R. McAllister, Assistant Professor of Political Science at Kenyon College

The ICTY, Truth and Reconciliation: A Meta Reconceptualization

Janine Natalya Clark, Associate Professor in Gender, International Criminal Law and Transitional Justice at the University of Birmingham, United Kingdom

16:00 p.m.

Coffee Break



Thursday 22 June 2017

16:30 p.m.

Side Events

Side Event III

16:30 p.m.

Restoring a culture of peace:

17:30 p.m.

Post-Conflict Research Centre (PCRC)'s multifaceted approach to historical memory and transitional justice

Salon "Una",
Hotel Holiday

Launch of the Regional Network for Prevention of Genocide

Speakers:

Sabina Čehajić-Clancy, Associate Professor, Sarajevo School of Science and Technology

Jenifer Trahan, Associate Clinical Professor of Global Affairs, New York University

Slobodan Blagovčanin, Project Manager, Youth Resource Center Tuzla

Velma Šarić, Founder and President, Post-Conflict Research Center

Tatjana Milovanović, Associate Editor, Balkan Diskurs

Side Event IV

16:30 p.m.

RECOM Initiative:

17:30 p.m.

Presentation of the Coalition for a Regional Commission for Establishment of Facts about War Crimes and Other Violations of Human Rights in the Former Yugoslavia from 1 January 1991 to 31 December 2001

Salon "Vrbas",
Hotel Holiday

Speakers:

Nataša Kandić, Regional Coordinator of the RECOM Initiative

Prof. Dr. Zdravko Grebo, Professor, Law School of the University of Sarajevo

Midhat Izmirlija, Assistant Professor at the Law School of the University of Sarajevo

Dženana Karup Druško, Director, Association Transitional Justice, Responsibility and Memory



Side Event V

17:45 p.m. Showcasing regional outreach projects:
18:45 p.m. How non-governmental organisations use ICTY findings and documents

*Salon "Una",
Hotel Holiday*

Speakers:

Mario Mažić, Director of Programs, Youth Initiative for Human Rights

Milica Kostić, Legal Director, Humanitarian Law Centre

Mirko Klarin, Director of the SENSE News Agency

Erna Mačkić, Editor, Balkan Investigative Reporting Network

Nikola Puharić, Reconciliation Programme Coordinator, Youth Initiative for Human Rights

Rada Pejić-Sremac, Head, Outreach Programme, ICTY

Side Event VI

17:45 p.m. ICTY Information Centres
18:45 p.m.

*Salon "Vrbas",
Hotel Holiday*

Speakers:

Abdulah Skaka, Mayor of Sarajevo

Ivo Komšić, former Mayor of Sarajevo

Judge Fausto Pocar, ICTY

Nenad Golčevski, Head, Communications Service, ICTY

20:30 p.m. **Reception**
Sarajevo City Hall¹

¹ For information about transport from the Conference Venue to the Reception Venue, please refer to the Logistical Information section below.



Friday 23 June 2017

9:30 a.m.

Panel IV: Discussion on Operational Legacy

Congress Hall, Hotel Holiday

The purpose of the “Operational Legacy” moderated panel is to show how the Office of the Prosecutor (OTP) has developed its working methods over the years, as well as how it has adapted to and overcome diverse operational challenges. It will look at the ways in which the OTP has contributed to transitional justice processes and the rule of law in national jurisdictions, as well as how national authorities are now applying and further developing operational strategies informed by the OTP’s experience. The panel will cover topics including: (i) OTP's initial challenges in investigating and prosecuting war crimes; (ii) OTP's lessons learned in capacity building in the region; (iii) Perspectives and operational challenges facing national jurisdictions, and potential and demonstrated solutions (including through the lessons learned and applied from OTP’s experience).

Moderator: **Michelle Jarvis**, Deputy to the Prosecutor, ICTY

Panellists: *Overcoming operational challenges in the investigation of war crimes cases*
Robert Reid, Chief of Operations, Office of the Prosecutor, ICTY/MICT

How to build a war crimes case

Alan Tieger, Senior Prosecutor, Kosovo Specialist Prosecutor's Office; former Senior Trial Attorney, Office of the Prosecutor, ICTY

DNA evidence in criminal trials involving international crimes

Kweku Vanderpuye, Senior Trial Lawyer, Office of the Prosecutor, International Criminal Court (ICC), and former Trial Attorney, Office of the Prosecutor, ICTY

From the international to the national level - lessons in building operational capacity for war crimes prosecutions

Serge Brammertz, Prosecutor, ICTY/MICT

National perspectives on operational challenges in war crimes cases

Gordana Tadić, acting Chief Prosecutor, Prosecutor’s Office of Bosnia and Herzegovina

11:00 a.m.

Coffee Break



Friday 23 June 2017

11:30 a.m.

Panel V: Discussion on Defence and Fair Trials Legacy *Congress Hall, Hotel Holiday*

This panel will discuss the role of defence in international criminal trials at international and national courts. The experience of defence at the ICTY will be discussed alongside defence at national courts in the region of the former Yugoslavia and around the world for cases conducted under universal jurisdiction, as well as the importance of having a robust defence in these proceedings. The panel will cover topics including: (i) Building a defence case, defence investigations, case management, trial advocacy and the challenges of defending international crimes at both the international and national level; (ii) The adversarial system which has been largely adopted in the courts in the region of the former Yugoslavia is something which will be explored and how the practice at the ICTY has shaped how defence has developed in the region; (iii) An analysis about the different structures for the defence organisations and offices at international and national courts; and (iv) The rights of the accused, including fair trial rights and equality of arms and how this impacts the way proceedings are conducted.

Moderator: **Marie O'Leary**, ADC Vice President, Legal Counsel at ICC Office of Public Counsel for Defence and former ADC-ICTY Head of Office

Panelists: *Presence of defence counsel as a human right - theory and practice before the ICTY*

Judge Wolfgang Schomburg, former ICTY Judge

How defence organisations operate in the region and how they give assistance to defence counsel and their cooperation with the ICTY

Jasmina Pjanić, Director, Criminal Defence Section (OKO) of Ministry of Justice of Bosnia and Herzegovina

Challenges of defending war crimes cases in domestic jurisdictions, including under the principle of universal jurisdiction.

Vasvija Vidović, former ICTY Defence Counsel and Lawyer in Bosnia and Herzegovina

Challenges of defending war crimes cases and building a defence case. How the ICTY jurisprudence and practice has influenced defending cases in the region and the adoption of the adversarial system.

Tomislav Višnjić, ICTY Defence Counsel, Lawyer in Serbia and former Vice President of ADC-ICTY

13:00 p.m.

Lunch Break



Friday 23 June 2017

13:30 p.m.

Side Events

Side Event VII

13:30 p.m.

Launch of the book of Professor M. Cherif Bassiouni:

14:30 p.m.

Investigating War Crimes in the Former Yugoslavia War 1992-1994

Salon "Una",
Hotel Holiday

Speakers:
(TBC)

Side Event VIII

13:30 p.m.

Workshop: the post-testimony needs of witnesses

14:30 p.m.

Speakers:

Salon "Vrbas",
Hotel Holiday

Nikica Hamer Vidmar, Head of Witness and Victims Support, Ministry of Justice, Croatia

Mladena Tadej, Expert Adviser, Head of Department for Victim and Witness Support,
Rijeka County Court

Milena Čalić Jelić, Monitor of War Crimes Trials, *Documenta*, Croatia

Marijana Senjak, Centre for Women War Victims -ROSA

Tanja Tankosić, Witness Support Office, the Court of Bosnia and Herzegovina

Sabiha Husić, Director, Association of Women 'Medica'

Aleksandra Petrić, Director, 'United Women', Banja Luka

Jasmina Nikolić, Head, Victimology Society of Serbia

Amer Alija, Monitor of War Crimes Trials, Humanitarian Law Centre Kosovo



Friday 23 June 2017

14:30 p.m.

Panel VI: Discussion on Participatory Legacy: “The Witness Experience”

Congress Hall, Hotel Holiday

Approximately 5,000 witnesses have made over 7,000 appearances in trials before the ICTY since its inception. Witnesses were given priority status from the outset, with the Judges directing the Registrar to establish a section to assist witnesses in the very first Rules of Procedure and Evidence. This ground-breaking Victims and Witnesses Section pioneered a witness-centred approach which combines protection, counselling and practical support in a way unseen in national jurisdictions. The panel will discuss how national jurisdictions can adapt and build upon the lessons learned by the ICTY’s Victims and Witnesses Section, exploring the specific needs of witnesses testifying about atrocity crimes. The discussion will draw, among other things, on the pioneering study of 300 ICTY witnesses carried out in conjunction with the University of North Texas and published last year as “Echoes of Testimonies: A Pilot Study into the long-term impact of bearing witness before the ICTY”.

Moderator: **Kate Mackintosh**, Deputy Registrar, ICTY

Panellists: *What do you need to testify in war crimes cases – the witnesses’ perspective*
Teufika Ibrahimfendić, Head of Vive Žene, Center for Therapy and Rehabilitation, Tuzla, and former ICTY expert witness / **Jasna Zečević**, President of Viva Žene, Center for Therapy and Rehabilitation, Tuzla, and former ICTY expert witness

Revisiting 300 ICTY witnesses: Stress, Support and Security

Kimi L. King, J.D. / Ph.D., University of North Texas, Department of Political Science

Building a support system for victims and witnesses at the first international war crimes tribunal since Nuremberg and Tokyo

Helena Vranov-Schoorl, Victims and Witnesses Support, ICTY/MICT

Supporting victims and witnesses in war crimes trials in the region where those crimes were committed

Alma Taso-Deljković, Head of Witness Support Office at the Court of Bosnia and Herzegovina, Member of the Board of Directors of the Trust Fund for Victims associated with the ICC

16:00 p.m.

Coffee Break



Friday 23 June 2017

16:30 p.m.

Panel VII: Discussion on Historical Legacy

Congress Hall, Hotel Holiday

The aim of this panel is to facilitate an expert discussion on the long-term historic legacy of the ICTY, starting with the Tribunal's role in the creation of an historical record through the establishment of crucial facts about crimes. In addition, the ICTY will leave extensive records and archives as part of its legacy, including not only its judgements and decisions, but also transcripts of witness testimony and video-recordings of court hearings, exhibits, and other documents of great historic value. These records and archives will provide an important account of the events that took place during the conflicts of the 1990s in the former Yugoslavia and will constitute an extremely valuable source of information both for people in this region and elsewhere. The panel will cover topics including: (i) How the ICTY's work has contributed to the establishment of facts about historical events; (ii) Use of records and archives in justice, advocacy and reconciliation work in the countries of the former Yugoslavia; (iii) The contribution of information centres towards effective long-term access to the ICTY's records and archives; (iv) The ICTY as the first international Tribunal with an audiovisual collection of its proceedings (including an audio channel in B/C/S).

Moderator: **Carsten Stahn**, Professor of International Criminal Law and Global Justice at Leiden Law School, as well as Programme Director of the Grotius Centre

Panellists: *History in the courtroom – some reflections on history and justice*
Harmen van der Wilt, Professor of International Criminal Law at the University of Amsterdam

International criminal trial records as an historical source
Thijs B. Bouwknecht, Researcher at the NIOD Institute for War, Holocaust and Genocide Studies, and Assistant Professor in Genocide Studies at the University of Amsterdam

Narratives of violence in and out of the courtroom
Iva Vukušić, former Journalist specializing in ICTY trials and current PhD Candidate at the History Department of Utrecht University

Handle with care: ICTY, juridical by-products and criminological analyses
Andy Aydın-Aitchison, Senior Lecturer in Criminology, School of Law, University of Edinburgh



Friday 23 June 2017

18:00 p.m. Side Events

Side Event IX

18:00 p.m. Screening of the latest ICTY Outreach documentary:
19:00 p.m. “Never justified: ICTY and the crime of Torture”

Language:

*Congress Hall,
Hotel Holiday*

B/C/S with English interpretation

Speakers:

Petar Finci, Documentary Maker, Outreach Programme, ICTY

Stephen Coulson, Video Producer, Outreach Programme, ICTY

Side Event X

19:00 p.m. Opening of the exhibition:
20:00 p.m. “Targeting monuments – Targeting history and memory”

*The Historical
Museum of
Bosnia and
Herzegovina,
Zmaja od Bosne
5, (across the
road from the
Hotel Holiday)*

Speakers:

Judge Carmel Agius, President, ICTY

Mirko Klarin, Director of the SENSE News Agency

Elma Hašimbegović, Director of the History Museum of Bosnia and Herzegovina

Branka Benčić, Curator of the exhibition



Saturday 24 June 2017

9:00 a.m.

Panel VIII: Discussion on Outreach Legacy: “Communicating Justice”

Congress Hall, Hotel Holiday

If the ICTY’s work and legacy are to have a positive impact on transitional justice processes in the countries of the former Yugoslavia – they need to be communicated and explained to the citizens and institutions in the region. The ICTY Outreach Programme has over the past 16 years developed a set of tools and projects aimed at bringing the work and achievements of the Tribunal closer to the communities most affected by it. Yet, the need for outreach of the ICTY’s work and legacy will not cease with the closing of the Tribunal, on the contrary. Hence, it will be up to the regional actors to continue and enrich the outreach of the ICTY’s legacy.

This raises a set of important questions for the future: (i) What has the ICTY Outreach Programme done to encourage and empower regional actors to continue and take over its efforts and projects and which are the ongoing and planned activities of local actors aimed at communicating the ICTY legacy; (ii) What the goals of outreach activities should be after the closure of the Tribunal and what are the needs of local communities in respect of the ICTY’s legacy; (iii) What are the responsibilities of different societal actors such as politicians, journalists, lawyers, or civil society in communicating the ICTY’s legacy.

Moderator: **Petar Finci**, Outreach Programme, ICTY

Panellists: *The ICTY legacy outreach: victims’ needs and expectations*
Saranda Bogujevci, Bogujevci Family Foundation

The ICTY legacy outreach: perspective of civil society
Nataša Kandić, Regional Coordinator of the RECOM initiative

The ICTY legacy outreach: responsibility of political actors
Dennis Gratz, MP in the Parliament of Federation of Bosnia and Herzegovina

The ICTY legacy outreach: role of the media
Mirko Klarin, Director of the SENSE News Agency

Contributors: **Maja Graca**, First prize winner of the 2013 Essay-writing competition, Youth Outreach Project

Saša Miličević, First prize winner of the 2016 Essay-writing competition, Youth Outreach Project

10:30 a.m.

Coffee Break



Saturday 24 June 2017

11:00 a.m. **Closing Session**
Congress Hall, Hotel Holiday

The aim of the Closing Session is to adopt conclusions and recommendations emerging from the various discussions during the Conference which are intended to lay the groundwork for future discussions on the role and legacies of international courts and tribunals.

Speakers: **Ambassador Lars-Gunnar Wigemark**, Head of the Delegation of the European Union (EU) to Bosnia and Herzegovina and EU Special Representative in Bosnia and Herzegovina

John Hocking, Registrar, ICTY

Judge Carmel Agius, President, ICTY

11:45 a.m. **Closing Address**
Congress Hall, Hotel Holiday

Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel

12:00 p.m. End of the Conference



III. Logistical Information

Transport

Participants are expected to make their own transportation arrangements from the Sarajevo airport to their chosen place of accommodation. There is a taxi stand at the airport in Sarajevo.

A taxi from the airport to Hotel Holiday may cost from 15 to 20 KM (convertible marks) depending on the number of passengers. Hotel Holiday may also provide shuttle services for its guests from and to the airport (30 KM). Please pre-book the shuttle at least one day in advance by contacting the Hotel Holiday directly at: (+387(0)33 288 200 or 288 300). Charges for the airport shuttle would be reflected in the final bill of the Hotel Holiday.

The City Hall, where the reception will take place, is some 20 minutes walking distance from the hotel and participants can opt to walk there or use a taxi. In case that you have special needs and would need transportation to the reception, please contact the hotel reception.

Contact Persons

For any questions regarding the conference, please contact Ms Admirrela Ancion, ICTY Legacy Officer, at +31 (0) 629 565 678; email: ictylegacydialogues@un.org.