

International Conference
on

THE LEGACY OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Held at the Madibeng Council Chambers,
University of Johannesburg

31 October – 1 November 2013



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South African Research Chair in International Law



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PROVISIONAL PROGRAMME

DAY 1: 31 OCTOBER 2013	
08:30 – 09:00	Arrival, Registration, and Tea
09:00 – 09:10	Welcome
	Professor David Bilchitz , University of Johannesburg & Director of SAIFAC
09:10 – 09:40	Keynote Address
	The Honourable Judge Vagn Joensen , President of the ICTR <i>The legacy of the ad hoc tribunals and the future of international criminal justice</i>
09:40 – 11:10	Session 1: Gacaca, Reconciliation and Transitional Justice
	Dr Phil Clark , School of Oriental and African Studies, University of London <i>Addressing mass participation in atrocity: insights for international justice from Rwanda's Gacaca community courts</i>
	Ms Sigall Horovitz , Rabin Scholar, Truman Research Institute for the Advancement of Peace, Hebrew University of Jerusalem <i>Has the ICTR achieved reconciliation?</i>
	Dr Hugo van der Merwe , Transitional Justice Programme Manager at the Centre for the Study of Violence and Reconciliation in South Africa <i>Transitional justice and community reconciliation: Pathways to social cohesion and active citizenship</i>
	Mr Etienne Mutabazi , Doctoral candidate at the University of South Africa, and former Defence Legal Assistant and Investigator at the ICTR <i>The International Criminal Tribunal for Rwanda's approach to national reconciliation: more rhetoric than reality</i>
	Chair: Professor Mia Swart , University of Johannesburg
11:10 – 11:30	Tea
11:30 – 13:00	Session 2: A View from the ICTR: Prosecutors, Defence Council and Administration
	The Honourable Prosecutor Hassan Bubacar Jallow , Prosecutor at the ICTR <i>An Overview of Legacy issues</i>
	Mr Richard Karagyesa , Senior Legal Officer: Office of the Prosecution in the Mechanism for International Criminal Tribunals <i>ICTR contribution to international criminal law</i>
	Mr Roland Amassouga , ICTR spokesperson and Senior Legal Adviser in Chief External Relations & Strategic Planning at the ICTR <i>The legacy of the ICTR: achievements and challenges</i>
	Mr Wayne Jordash , Barrister at Doughty Street Chambers, London, and former Defence Counsel at the ICTR <i>Rwanda's transitional justice: Evidentiary challenges for the defence</i>
Chair: Dr Enos Tshivhase , University of Johannesburg	
13:00 – 14:00	Lunch

14:00 – 15:30	Session 3: Modes of Liability & Immunity	
	<p>The Honourable Bongani Majola, Registrar of the ICTR <i>The Legacy of the ICTR: expanding the doctrine of command responsibility</i></p> <p>Dr Avitus Agbor, Department of Public Law, School of Law, University of Venda <i>The construction of article 6(1) of the Statute of the ICTR – Instigation to crimes against humanity and the flawed jurisprudence of the Trial and Appeal Chambers</i></p> <p>Dr Sara Wharton, National University of Singapore <i>Superior responsibility of civilians in the jurisprudence of the ICTR</i></p> <p>Dr Hannah Woolaver, University of Cape Town <i>The immunity of officials of international criminal tribunals: Lessons from Theoneste Bagosora et al v The Prosecutor</i></p> <p>Chair: Professor David Bilchitz, University of Johannesburg & SAIFAC</p>	
15:30 – 16:00	Tea	
16:00 – 17:30	Session 4A: Reparations for the Atrocities	Session 4B: Prevention, Justice & the Closure of the ICTR
	<p>Professor Gertrude Fester, Centre for Gender, Culture and Development, Kigali Institute of Education & Nkusi Augustin, Prosecutor and former researcher at ICTR <i>Revisiting the TRC and gacaca courts: have reparations been a reality?</i></p> <p>Associate Professor Bonita Meyersfeld, University of the Witwatersrand & Director of the Centre for Applied Legal Studies <i>International justice and invisible roleplayers: the Rwandan tribunal lessons</i></p> <p>Dr Mispa Roux, University of Johannesburg <i>Reparations for sexual offences</i></p> <p>Chair: Dr Ylva Rodny-Gumede, University of Johannesburg</p>	<p>Dr Jean-Damascene Gasanabo, Director General, Research and Document Center on Genocide, National Commission for the Fight Against Genocide <i>Preventing genocide: Practical approaches in Rwanda</i></p> <p>Ms Kristin Leefer, Esquire, United States Environmental Protection Agency & Former Law Clerk at the ICTR <i>Searching for justice in the closing of the ICTR</i></p> <p>Ms Tali Nates, Director, Johannesburg Holocaust & Genocide Centre <i>From Nuremberg to Kigali: Different ways of seeking justice</i></p> <p>Chair: Mr Michael Dafel, University of Johannesburg & SAIFAC</p>
18:30	Dinner for Conference Participants at TBC	
DAY 2: 1 NOVEMBER 2013		
08:30 – 09:00	Arrival & Tea	
09:00 – 10:30	Session 5: The ICTR and Domestic Courts	
	<p>The Honourable Judge Sir Charles Michael Dennis Byron, President of the Caribbean Court of Justice & Former President of the ICTR <i>International criminal law and its impact on the jurisdictions of domestic courts</i></p> <p>Professor Mark Drumbl, Washington and Lee University & Director of the Transitional Law Institute <i>The ICTR's jurisprudential Legacies in domestic civil litigation: A case-study of US Alien Tort Statute judgments</i></p> <p>Mr James Arguin, Chief of Appeals: Office of the Prosecutor in the Mechanism for International Criminal Tribunals <i>Referral of cases to national jurisdictions</i></p> <p>Dr Nicola Palmer, King's College London <i>Interpreting the relationship between the ICTR and domestic courts in Rwanda</i></p> <p>Chair: Dr Bradley Slade, University of Johannesburg</p>	

10:30 – 11:00	Tea	
11:00 – 12:30	Session 6A: Due Process at the ICTR	Session 6B: The Prosecution of Sexual Offences at the ICTR
	<p>Dr Yvonne McDermott, Bangor University <i>The legacy of the ICTR is promoting international due process standards</i></p> <p>Ms Allison Turner, Lawyer and former Defence Counsel at the ICTR <i>The ICTR's witness protection legacy</i></p> <p>Mr Michael Dafel, University of Johannesburg & SAIFAC <i>Judicial legislating: The sentencing practices of the ICTR</i></p> <p>Chair: Dr Mispa Roux, University of Johannesburg</p>	<p>Ms Estelle Dehon, Barrister (Cornerstone Barristers, London) <i>The prosecution of gender crimes: A mixed legacy</i></p> <p>Ms Theresa Barrigan, Legal Officer, Office of the Prosecutor in the Mechanism for International Criminal Tribunals <i>Prosecuting sexual violence</i></p> <p>Ms Marie Odette Kansanga Ndahiro, Vice Chairperson of the National Electoral Commission of Rwanda <i>The 1994 Rwandan genocide against Tutsis and the lives of raped women</i></p> <p>Chair: Mr Ngwako Raboshakga, University of Johannesburg & SAIFAC</p>
12:30 – 13:30	Lunch	
13:30 – 15:00	Session 7: Legacy, Legitimacy, and the future of International Criminal Law	
	<p>Professor Vincent Nmeielle, University of the Witwatersrand & Head of the Programme on Law, Justice and Development in Africa <i>International criminal justice and Africa</i></p> <p>Ms Viviane Dittrich, London School of Economics and Political Science <i>Legacy building at the International Criminal Tribunal for Rwanda</i></p> <p>Professor Mia Swart, University of Johannesburg <i>Legacy, legality and legitimacy</i></p> <p>Dr Maria Varaki, University of Copenhagen <i>Assessing the goal of regime legitimization: From Arusha to The Hague</i></p> <p>Chair: Mr Redson Kapindu, University of Johannesburg & SAIFAC</p>	
15:00 – 15:30	Closing	
	Professor Mia Swart , University of Johannesburg	