



UNIVERSAL CRIMINAL JURISDICTION: A KEY TOOL IN THE FIGHT AGAINST IMPUNITY FOR ATROCITY CRIMES IN UKRAINE AND BEYOND?

Debevoise & Plimpton LLP, 919 Third Avenue, New York
and Online
Tuesday, 25 October 2022, 8:00-18:00 EDT

INVITATION

The **Center for International Law and Policy in Africa** and the **International Bar Association** –and hosted by **Debevoise & Plimpton LLP** – at **919 Third Avenue, New York, NY 10022**, will convene an interactive dialogue on **Universal Criminal Jurisdiction: A Key Tool in the Fight for Atrocity Crimes in Ukraine and Beyond?**, scheduled to take place on **Tuesday, October 25th in New York, and online**. The discussion, as a side event for the 2022 International Law Week, will be centered around the ongoing conflict in Ukraine and will seek to reflect a range of perspectives from academia, State representatives, experts from the International Law Commission and global civil society. Register for online participation [here](#).

CONCEPT

Recent developments with the Russian Federation's invasion of Ukraine have led to numerous calls to ensure accountability for alleged crimes committed during the ongoing conflict. In an unprecedented decision, over 39 State Parties of the International Criminal Court formally referred the Ukraine Situation to the International Criminal Court ("ICC"). They expressed hope that the Prosecutor will carry out investigations and prosecution of crimes that may fall within the subject matter jurisdiction of the ICC. The ICC Prosecutor thereafter announced an investigation into the Ukraine Situation, reminding parties to the conflict that serious violations of international humanitarian law may lead to prosecutions in The Hague for war crimes, crimes against humanity, and genocide. The UN Human Rights Council has separately established an independent investigative commission to examine human rights and humanitarian law violations in Ukraine. There are additional calls, from several quarters including legal academia, for the creation of an *ad hoc* tribunal to prosecute the crime of aggression which does not fall within the ICC's jurisdiction in the Ukraine Situation.

At the national level, a number of European states have announced investigations of alleged war crimes committed in Ukraine. Some of them appear to invoke the principle of universal jurisdiction, though often citing to obligations under certain international conventions. Some of those same states, such as Germany, are among the few domestic jurisdictions that have carried out recent investigations of alleged war crimes in Syria and in other modern conflicts. The latter has led to the successful investigations and prosecutions in German Courts of a number of Syrian officials for war crimes.

The announcements of investigations into crimes allegedly committed in the Russian-Ukrainian conflict indicates the significance of the notion of individual criminal responsibility

whether through international or national courts. As regards the latter, it may even underline the continued relevance and re-emergence of the universal jurisdiction principle. Yet, during the first wave of universal jurisdiction prosecutions led by Belgium, France and Spain in the early 1990s, states seem to get into friction with each other especially as regards the invocation of universality in respect of state officials and the question of their immunity. The question now arises whether, in the light of the recent developments in Ukraine, can universal jurisdiction not anchored in a treaty basis serve as a gap filler where justice may not otherwise be available.

This day long symposium seeks to engage state representatives, academia, and civil society in an expert discussion of the universality principle and its promise, and limits, in international law. We aim to offer a platform for experts in the Sixth Committee and members of the ILC on the opportunities presented by the Ukraine crisis set against the backdrop of the experiences and challenge of securing individual criminal responsibility for atrocity crimes under international law from Syria to Yemen, to Iraq, Tigray and beyond.

PROGRAM

8:00 I 9:00 Arrival and Breakfast

9:00 I 09:30 Welcome and Opening Remarks

Dr. Mark S. Ellis, International Bar Association

Prof. Charles C. Jalloh, Florida International University, and ILC

Mr. David Rivkin, Debevoise & Plimpton

9:30 I 11:00 Panel 1: Atrocity Crimes: from Syria to Yemen to Tigray and Ukraine: Is Universal Jurisdiction a Gap Filler in the Search for Accountability for Atrocity Crimes?

Moderator: Mr. Stephen J. Rapp, Holocaust Memorial Museum

Judge Chile Eboe-Osuji, formerly International Criminal Court

Dr. Joseph Rikhof, University of Ottawa

Prof. Larissa van den Herik, Leiden University

Dr. Cheah W.L., National University of Singapore

11:00 I 11:30 Discussion Break with Tea/Coffee

11:30 I 13:00 Panel 2: Academic Perspectives on the Place of Universal Criminal Jurisdiction” in the Modern Fight against Impunity

Moderator: Prof. Elies van Sliedregt, Tilburg University

Prof. Naomi Roht Arriaza, Professor, UC Hastings

Prof. Devika Hovell, London School of Economics

Prof. Claus Kieß, University of Cologne

Prof. Maximo Langer, University of California

Prof. Pacifique Manirakiza, University of Ottawa

13:00 I 14:00 Lunch Break

14:00 I 15:30 Roundtable Discussion 1: Civil Society Perspectives on State Practice on Universality and Treaty-Based Criminal Jurisdiction – Key Obstacles to Investigations and Prosecutions of Atrocity Crimes

Moderator: Ms. Natalie Reid, Debevoise & Plimpton

Mr. Reed Brody, International Commission of Jurists

Dr. Atilla Kisla, Southern African Litigation Center

Ms. Emmanuelle Marchand, Civitas Maxima

Mr. Hugo Relva, Amnesty International

15:30 I 16:00 Discussion Break with Tea/Coffee

16:00 I 17:30 Roundtable Discussion 2: Perspectives on State Practice on Universality and Treaty-Based Criminal Jurisdiction - A Dialogue Between Legal Experts on Key Solutions to the Obstacles for Investigations and Prosecutions of Atrocity Crimes

Moderator: H.E. Dr. Michael Kanu, Permanent Mission of Sierra Leone to the United Nations

Prof. Dapo Akande, Blavatnik School of Government, Oxford University

H.E. Ms. Shara Duncan, Permanent Mission of Costa Rica to the United Nations and International Organizations, Geneva

Lord Peter Goldsmith, Debevoise & Plimpton

Prof. Charles C. Jalloh, Florida International University, and ILC

Amb. Christian Wenaweser, Permanent Mission of Liechtenstein to the United Nations

17:30 I 18:00 Closing Reflections

Mr. Pablo A. Arrocha Olabuenaga, Permanent Mission of Mexico to the United Nations

Dr. Mark S. Ellis, International Bar Association

Prof. Charles C. Jalloh, Florida International University, and ILC
