



Universiteit Leiden  
CampusDenHaag.nl



15-16 September 2009

# Research Conference

## The ICC and Complementarity From Theory to Practice

**15 September - Peace Palace, Academy Building**  
**16 September - Campus The Hague**

*Speakers include:*

**Luis Moreno Ocampo** – Prosecutor, International Criminal Court

*Panel sessions:*

### **Origins and theorisation of complementarity**

*Mark Drumbl, Christopher Hall, William Burke-White, Jann Kleffner, Mohamed El Zeidy, Carsten Stahn*

### **Interpretation and application of the Rome Statute**

*Harmen van der Wilt, Darryl Robinson, Hector Olasolo, Olympia Bekou, Joseph Powderly, Rod Rastan, Federica Gioia*

### **Complementarity in context: ad hoc tribunals, universal jurisdiction**

*David Tolbert, Fidelma Donlon, Bacle Don Taylor, Cedric Ryngaert*

### **Complementarity in practice: Experiences from ICC situations**

*Kai Ambos, Phil Clark, Paul Seils, Robert Cryer, Marlies Glasius, Sarah Nouwen*

***Grotius Centre for International Legal Studies***  
***Campus The Hague, Leiden University***

[www.grotiuscentre.org](http://www.grotiuscentre.org)

Venue: Peace Palace, Carnegieplein 2

Campus Den Haag, auditorium Lange Houtstraat 5-7, The Hague

Conference fee: €20,- (to be paid at Conference)

Registration at [grotiuscentre@campusdenhaag.nl](mailto:grotiuscentre@campusdenhaag.nl)

## **Theme**

Complementarity is one of the cornerstones of the architecture of the Rome Statute. It shapes various aspects of international practice, ranging from prosecutorial strategy and criminal policy to statutory interpretation, implementation and compliance. The operation of complementarity is of paramount importance for the operation and impact of international criminal justice. International courts and tribunals are only able to accomplish their mandates and leave a 'lasting footprint' on society, if they manage to mobilise support and genuine justice efforts at the domestic level. Traces of complementarity are replicated in the relationship of the *ad hoc* tribunals to domestic jurisdictions and conceptions of universal jurisdiction.

The purpose of this conference is to provide fresh analysis of core aspects of the context, interpretation and treatment of complementarity and its application in specific situations. It seeks to bring in insights and perspectives from political and social scientists as well as legal scholars. The conference is part of a book project with Cambridge University Press.

## **Programme**

*15 September – Peace Palace*

Opening and Keynote

Panel presentations

*16 September – Campus The Hague*

Continuation of panel(s)

Discussion and feedback

Closing remarks

## **Call for papers**

The morning panel on September 16 will be open to a **Call for Papers** on the theme of the Conference. Scholars from all disciplines are invited to submit a proposal (abstract and CV) by August 21 to [grotiuscentre@campusdenhaag.nl](mailto:grotiuscentre@campusdenhaag.nl). Presented papers will be considered for publication in a Journal or volume. For further information, see [www.grotiuscentre.org](http://www.grotiuscentre.org).

## **Registration**

Attendance is limited. Please register for the Conference as soon as possible, and at latest by 6 September, by e-mail to [grotiuscentre@campusdenhaag.nl](mailto:grotiuscentre@campusdenhaag.nl). Please indicate name and affiliation. Further information will be sent upon registration. Conference fee: €20,- (to be paid at Conference).

The Conference is held with the kind support of Leiden University/Campus The Hague and part of the activities related to the 10<sup>th</sup> anniversary of the Campus.

## Conference Presentations

### Origins and theorisation of complementarity

Jann Kleffner	The law and policy of complementarity in relation to 'criminal proceedings' carried out by non-state organized armed groups
Mark Drumbl	Policy Through Complementarity: The Atrocity Trial as Justice
William Burke-White	International Idealism Meets Domestic Procedural Realism: Complementarity, Gate-Keeping, and Case Selection
Mohamed El Zeidy	(topic tbc)
Carsten Stahn	(topic tbc)
Christopher Hall	(topic tbc)

### Interpretation and application of the Rome Statute

Darryl Robinson	The Mysterious Mysteriousness of Complementarity and the Invisibility of the Inaction Scenario
Federica Gioia	Complementarity and reverse cooperation
Harmen van der Wilt	States' Obligations to Investigate and Prosecute Perpetrators of International Crimes: The Perspective of the European Court of Human Rights
Héctor Olásolo	The Application of the Principle of Complementarity to Decide where to Open an Investigation: The Admissibility of Situations before the International Criminal Court
Joseph Powderly	Unable or Unwilling': Challenges to Admissibility and the Burden of Proof
Olympia Bekou	In the hands of the State: Implementing Legislation and Complementarity
Rod Rastan	Situation and Case: Defining the Parameters

### Complementarity in context: ad hoc tribunals, universal jurisdiction

Cedric Ryngaert	Horizontal Complementarity
David Tolbert	The ICTY and the Transfer of Cases or Materials to National Authorities: Lessons in Complementarity
Fidelma Donlon	Complementarity in the Srebrenica Trials: The Admissibility of Evidence collected by the Yugoslavia tribunal before the Bosnian War Crimes Chamber. Challenges and Compromises.
Bacle Don Taylor	(topic tbc)

### Complementarity in practice: Experiences from ICC situations

Kai Ambos	The Colombian peace process and the complementarity principle
Marlies Glasius	A Problem, Not a Solution: Complementarity in the Central African Republic and Democratic Republic of Congo
Philip Clark	The ICC and the Challenges of Complementarity in Congo and Uganda
Robert Cryer	Darfur: Complementarity as the Drafters Intended?
Sarah Nouwen	In a State of Denial: the Catalysing Effects of ` Complementarity in Sudan
Paul Seils	(topic tbc)

The program will be complemented by selected papers.

## **Contributors**

Dr Carsten Stahn, Leiden University, Dr Mohamed El Zeidy, International Criminal Court, Prof. William Burke-White, University of Pennsylvania, Prof. Hector Olasolo, University of Utrecht, Enrique Carnero, International Criminal Court, Dr Rod Rastan, International Criminal Court, Prof. Darryl Robinson, Queens University, Canada, Prof. Frederic Megret, McGill University, Dr Jann Kleffner, University of Amsterdam, Dr. Jo Stigen, University of Oslo, Prof. Megan Fairlie, Florida International University, Joseph Powderly, National University of Ireland, Prof. Harmen van der Wilt, University of Amsterdam, Dr. Olympia Bekou, University of Nottingham, Morton Bergsmo, Peace Research Institute Oslo, Prof. Roger Clark, Rutgers University, Prof. Mark Drumbl, Washington and Lee University, David Tolbert, Special Tribunal for Lebanon, Bacle Don Taylor III, St Louis, Washington University, Fidelma Donlon, National University of Ireland, Dr. Cedric Ryngaert, University of Leuven & Utrecht, Paul Seils, United Nations, Prof. William Schabas, National University of Ireland, Prof. Kai Ambos, University of Göttingen, Prof. Robert Cryer, University of Birmingham, Sarah Nouwen, University of Cambridge, Dr. Marlies Glasius, University of Amsterdam, Christopher Hall, Amnesty International

## **The Grotius Centre for International Legal Studies**

The Grotius Centre forms part of Leiden University's Faculty of Law and Campus The Hague. Leiden University, the oldest university in the Netherlands, has for more than four centuries enjoyed an excellent reputation worldwide. Teaching and research activities at the Centre focus on all aspects of international law and combine the expertise of Leiden University's Law School with the position of The Hague as the City of Peace and Justice. The academic expertise of Leiden University is paired to the everyday practice of the various international legal organisations in The Hague, such as the International Court of Justice (ICJ), the International Criminal Tribunal for the former Yugoslavia (ICTY), the Organisation for the Prohibition of Chemical Weapons (OPCW), the Permanent Court of Arbitration (PCA), the International Criminal Court (ICC) and the European Patent Office (EPO).

The Centre publishes the [Leiden Journal of International Law](#), provides high level [LLM programmes](#), offers opportunities for researchers at the forefront of academic debate with research on [Post Conflict Justice and Local Ownership](#), [Securing the rule of law in a world of multilevel jurisdiction](#), [The United Nations and the Evolution of Global Values](#), and undertakes other activities like [Trainings for Professionals](#), [Telders Moot Court Competition](#) and [Summer schools](#).