

UNITED NATIONS  
International Residual Mechanism  
for Criminal Tribunals



NATIONS UNIES  
Mécanisme international appelé à exercer  
les fonctions résiduelles des Tribunaux pénaux

IRMCT · MIFRTP

## SECOND JUDICIAL COLLOQUIUM

### THE NEW FACE OF ATROCITY CRIME PROCEEDINGS: Internationalisation of Standards, Regional Dialogues on Procedural and Cooperation Matters, and Use of New Technologies

28–29 February 2024  
Arusha, United Republic of Tanzania





---

## SECOND JUDICIAL COLLOQUIUM

---

# INTRODUCTION

The Second Judicial Colloquium aims to gather various experts, including eminent jurists from the countries of the East African Community, Judges of the African Court on Human and Peoples' Rights and the East African Court of Justice, Mechanism Judges, staff members from these courts, as well as other legal practitioners and academics.

Following the formal opening of the Second Judicial Colloquium and an introductory panel, the programme will commence with the Keynote Address. Afterwards, the two-day programme will feature five substantive panels, including an opportunity for participants to engage in a question-and-answer session.

The composition of panels will reflect diversity, taking into account, *inter alia*, gender, geographic representation, professional background, and expertise in the relevant areas of discussion.

The programme will also include, on the first day, a visit to and reception at the Mechanism's premises in Lakilaki, just outside of Arusha. This will be an opportunity to examine specific court management innovations, which may be of interest to participants' own institutions.

Lunch and refreshments will be provided, as will transportation between the conference venue and the Mechanism's premises on the first day. The Second Judicial Colloquium is being funded by a generous contribution previously received from Mr. Benjamin B. Ferencz along with his son, Mr. Donald Ferencz.



## SECOND JUDICIAL COLLOQUIUM

# PROVISIONAL AGENDA

## Wednesday, 28 February 2024

08:30 – 09:30 Registration

### 09:30 – 09:40 Formal Opening

**Hon. Ambassador Dr. Pindi Hazara CHANA**

Minister of Constitutional and Legal Affairs, United Republic of Tanzania

### 09:40 – 10:00 Introductory Panel

**Judge Graciela GATTI SANTANA**

President, International Residual Mechanism for Criminal Tribunals

**Hon. Lady Justice Imani D. ABOUD**

President, African Court on Human and Peoples' Rights

**Hon. Justice Nestor KAYOBERA**

President, East African Court of Justice

### 10:00 – 10:30 Keynote Address

**Ms. Alice Wairimu NDERITU**

United Nations Under-Secretary-General and the Special Adviser on the Prevention of Genocide

10:30 – 11:00 Coffee Break

### 11:00 – 12:30 Panel I, Safeguarding Human Rights in Criminal Proceedings for Atrocity Crimes: Fair Trial Rights and Harmonising Standards of Justice

**Judge Solomy Balungi BOSSA**

Judge, International Criminal Court

**Judge Margaret deGUZMAN**

Judge, International Residual Mechanism for Criminal Tribunals

**Professor Phoebe OKOWA**

Professor, Queen Mary, University of London and Member, United Nations International Law Commission

**Ms. Thembile SEGOETE**

Officer-in-Charge, Arusha branch, Office of the Prosecutor, International Residual Mechanism for Criminal Tribunals

**Moderator: Ms. Emiliya VIKTOROVA**

Senior Legal Officer, Chambers, International Residual Mechanism for Criminal Tribunals



---

## SECOND JUDICIAL COLLOQUIUM

---

- 12:30 – 13:30 Lunch Break
- 13:30 – 15:00 Panel II, Safeguarding Human Rights in Criminal Proceedings for Atrocity Crimes: Fitness to Stand Trial and Counsel’s Representation**
- Judge Aminatta Lois Runeni N’GUM**  
Judge, International Residual Mechanism for Criminal Tribunals
- Judge Iain BONOMY**  
Judge, International Residual Mechanism for Criminal Tribunals
- Ms. Kate GIBSON**  
Counsel before the International Residual Mechanism for Criminal Tribunals and the International Criminal Court
- Professor Markus SCHEFER**  
Professor of Constitutional and Administrative Law, University of Basel Faculty of Law and Member, United Nations Committee on the Rights of Persons with Disabilities
- Moderator: Mr. Iain EDWARDS**  
Counsel before the International Residual Mechanism for Criminal Tribunals, International Criminal Court, and Kosovo Specialist Chambers
- 15:00 Departure to the Mechanism Premises in Lakilaki
- 16:00 Welcome to the Mechanism Premises**
- Mr. Abubacarr M. TAMBADOU**  
Registrar, International Residual Mechanism for Criminal Tribunals
- 16:05 – 17:15 Tour of the Mechanism Premises**
- 17:15 – 17:30 Tribute to the Life and Legacy of Benjamin B. Ferencz**
- Mr. Serge BRAMMERTZ**  
Prosecutor, International Residual Mechanism for Criminal Tribunals
- 17:30 – 19:00 Reception at the Mechanism Premises
- 19:00 Transportation back to the Conference Venue



## SECOND JUDICIAL COLLOQUIUM

**Thursday, 29 February 2024**

**09:00 – 10:30 Panel III, Transnational and International Cooperation: State Cooperation and Practical Challenges in Securing Justice for Atrocity Crimes**

**Dr. Emmanuel UGIRASHEBUJA**

Minister of Justice / Attorney General, Republic of Rwanda

**Mr. Serge BRAMMERTZ**

Prosecutor, International Residual Mechanism for Criminal Tribunals

**Ms. Christine MUTIMURA**

Deputy Registrar, East African Court of Justice

**Ambassador Stephen J. RAPP**

Former United States Ambassador-at-Large for Global Criminal Justice and former Chief of Prosecutions, International Criminal Tribunal for Rwanda

**Moderator: Ms. Ana Cristina RODRÍGUEZ PINEDA**

*Chef de Cabinet* and Principal Legal Advisor, International Residual Mechanism for Criminal Tribunals

10:30 – 11:00 Coffee Break

**11:00 – 12:30 Panel IV, Transnational and International Cooperation: Judicial Dialogue on Cooperation in Atrocity Cases at the Regional and National Levels**

**Hon. Justice Ben KIOKO**

Judge, African Court on Human and Peoples' Rights

**Hon. Lady Justice Susan OKALANY**

Judge of the High Court, Republic of Uganda

**Mr. Abubacarr M. TAMBADOU**

Registrar, International Residual Mechanism for Criminal Tribunals

**Hon. Justice Dr. Fauz TWAIB**

President, East African Law Society

**Moderator: Mr. Matthew CARLSON**

Senior Legal Officer, Chambers, International Residual Mechanism for Criminal Tribunals

12:30 – 13:30 Lunch Break



---

## SECOND JUDICIAL COLLOQUIUM

---

**13:30 – 15:00 Panel V, The Use of New Technologies before National, Regional, and International Courts: Delivering Justice during a Pandemic**

**Hon. Justice François Régis RUKUNDAKUVUGA**

President of the Court of Appeal, Republic of Rwanda

**Hon. Lady Justice Anita MUGENI**

Vice-President, East African Court of Justice

**Hon. Justice Sir Dennis Dominic ADJEI**

Judge, African Court on Human and Peoples' Rights

**Mr. Jesse LEFF**

Legal Officer, Chambers, International Residual Mechanism for Criminal Tribunals

**Moderator: Judge Carmel AGIUS**

Judge, International Residual Mechanism for Criminal Tribunals

**15:00 – 15:15 Closing Segment**

\*This event will be video-recorded and made available online in order to ensure that persons not in attendance can benefit from the expertise shared by the participants. Any concerns in this regard are to be raised directly with the organisers at least one week prior to the commencement of the Second Judicial Colloquium.



## SECOND JUDICIAL COLLOQUIUM

### PANELS

#### I **SAFEGUARDING HUMAN RIGHTS IN CRIMINAL PROCEEDINGS FOR ATROCITY CRIMES (1/2):**

##### **Fair Trial Rights and Harmonising Standards of Justice**

While independent judicial institutions bring justice to victims of atrocity crimes whose human rights have been violated, they must ensure that the proceedings themselves are fair and in accordance with applicable human rights standards. International courts and tribunals were at the forefront of developing applicable standards and procedural safeguards to ensure the necessary respect for fair trial rights even when conducting cases for the most heinous crimes. National courts now play an equivalent role as they adjudicate atrocities under their jurisdiction, and there remains the potential for regional courts to do likewise in the future. The panellists will analyse developments concerning fair trial rights applied to criminal proceedings, including the right to be presumed innocent, equality before the law, and victims' access to justice. By doing so, the panel will address human rights protections in criminal proceedings and judicial approaches to this topic, as well as the harmonisation of standards of justice across different institutions.

#### II **SAFEGUARDING HUMAN RIGHTS IN CRIMINAL PROCEEDINGS FOR ATROCITY CRIMES (2/2):**

##### **Fitness to Stand Trial and Counsel's Representation**

This panel will examine the rights of an accused person, with a particular focus on two threshold issues of which a court must often satisfy itself before proceedings can commence: fitness to stand trial and the availability of adequate legal assistance. Due to the time that can elapse before alleged perpetrators are arrested, it is not uncommon for courts adjudicating atrocity crimes to also find themselves addressing matters arising out of the advanced age of the accused. In this regard, increased attention is being paid to fitness to stand trial as an issue which national, regional, and international courts and tribunals must properly resolve in the face of sometimes complex medical situations while adhering to applicable human rights protections. Another essential aspect of fair trial proceedings is the right to be represented by qualified Counsel, along with the practical implications of ensuring this right can be duly exercised. Panellists will be given an opportunity to highlight the recent jurisprudence rendered in relation to these topics before the Mechanism and other international tribunals, and to discuss their implications for atrocity proceedings more generally.



---

## SECOND JUDICIAL COLLOQUIUM

---

### III TRANSNATIONAL AND INTERNATIONAL COOPERATION (1/2): State Cooperation and Practical Challenges in Securing Justice for Atrocity Crimes

It is impossible to overstate the importance of transnational and international cooperation to the successful prosecution and adjudication of atrocity crimes. The Mechanism and its predecessor tribunals have been fortunate to rely on the committed cooperation of States over many years but, like other international courts, they have also faced various obstacles that have impeded a fulsome discharge of their mandates. With an increase in regional and national proceedings, some of these challenges might now be transferred to judicial entities at these levels as well. This panel aims to explore the practical obstacles faced by judicial actors which illustrate the ever-present need for cooperation, as well as discussions of the methods used to secure such cooperation. Areas of interest might include transnational investigations and the collection of evidence, contact with witnesses and victims located in other jurisdictions, the arrest and transfer of suspects, the execution of decisions and orders, and the relocation of accused or convicted persons following the conclusion of the cases against them.

### IV TRANSNATIONAL AND INTERNATIONAL COOPERATION (2/2): Judicial Dialogue on Cooperation in Atrocity Cases at the Regional and National Levels

The East African region, including its constituent Member States, has shown its determination to play a leading role in strengthening accountability for atrocity crimes. This is evident not only in the establishment of international crimes divisions in the judicial systems of the Republic of Uganda in 2008 and the Republic of Rwanda in 2012 (following the completion of the Gacaca courts' work), but also in more recent initiatives leading to the ongoing ratification procedure for the African Court of Justice and Human Rights, including the Malabo Protocol which would confer jurisdiction over international crimes, as well as the anticipated Hybrid Court for South Sudan which would operate under the auspices of the African Union Commission. This panel will provide an opportunity for experienced participants to discuss this recent trend, as well as the ways in which cooperation and capacity-building can be enhanced in operationalising such judicial institutions to maximise their success.





---

## SECOND JUDICIAL COLLOQUIUM

---

### **V THE USE OF NEW TECHNOLOGIES BEFORE NATIONAL, REGIONAL, AND INTERNATIONAL COURTS:**

#### **Delivering Justice during a Pandemic**

Judicial proceedings are so essential to the functioning of society that they cannot be held in abeyance even during times of unprecedented global lockdowns, a fact borne out by the response to the COVID-19 pandemic. Since 2020, courts have been forced to adapt their working methods in order to continue fulfilling their respective mandates. This panel will discuss how national, regional, and international tribunals have used certain novelties to do so, while giving an opportunity to the panellists to discuss their own experiences in relation to topics such as remote access, video-conferencing, and case record management. The panel will conclude by highlighting current best practices, as well as possibilities for continued advancement, to guarantee the continuity of justice during challenging times.