



The European Convention on Human Rights and the Crimes of the Past

Friday 26 February 2016

Press room and Seminar room, Human Rights Building
European Court of Human Rights, Strasbourg

08:30 Registration

09:00 Opening of the Conference (Press room)

Guido Raimondi, President of the European Court of Human Rights

André Nollkaemper, President of the European Society of International Law

09:15 Introduction

Iulia Motoc, Organiser of the Conference, Judge, European Court of Human Rights

Ksenija Turković, Organiser of the Conference, Judge, European Court of Human Rights

Lauri Mälksoo, International Law Professor at the University of Tartu, Director of the Estonian Foreign Policy Institute, Tartu, Associate member of the Institute of International Law

09:30 PANEL 1: Courts as Interpreters and Writers of History (Press room)

Chair: Işıl Karakaş, Vice-President of the European Court of Human Rights, Strasbourg

09:35 Iulia Motoc, Judge, European Court of Human Rights, Strasbourg

Lawyers as Historians – Some Philosophical Remarks

09:50 Michel de Salvia, Président de l'Association des amis de l'Institut international des droits de l'homme – Fondation René Cassin, ancien Greffier et Jurisconsulte de la Cour européenne des Droits de l'Homme, ancien Secrétaire de la Commission européenne des Droits de l'Homme

La Cour européenne des droits de l'homme est-elle un 'témoin de moralité' au regard de vérités historiques parfois hasardeuses?

10:05 Nicolas Hervieu, Juriste en droit public à l'Université de Paris Ouest et chargé d'enseignements à l'Université Panthéon-Assas

La Cour européenne face à la négation des crimes du passé : Live and let speak ?

10:20 Lauri Mälksoo, International Law Professor at the University of Tartu, Director of the Estonian Foreign Policy Institute, Tartu, Associate member of the Institute of International Law

The European Court of Human Rights Dealing with Soviet Crimes: When Human Rights Meet the Rest of Public International Law

10:35 Discussion

11:00 Coffee break

11:30 **PANEL 1: Courts as Interpreters and Writers of History** ... continued (**Press room**)

Chair: Jean-Paul Costa, President of the International Institute of Human Rights - Fondation René Cassin, Strasbourg, Former President of the European Court of Human Rights

11:35 Christine Chanet, avocate, Ancienne Présidente du comité des droits de l'Homme des Nations Unies

Le juge face au piège des lois mémorielles

11:50 Marko Milanović, Vice-President, European Society of International Law; Associate Professor at the University of Nottingham School of Law

The Impact of the International Criminal Tribunal for the Former Yugoslavia on the Former Yugoslavia: International Justice Facing Dominant Ethnic Narratives

12:05 Erik Møse, Judge, European Court of Human Rights, Strasbourg

Experiences from the International Criminal Tribunal for Rwanda

12:20 Larissa van den Herik, Professor of Public International Law at Leiden University, Vice Dean at Leiden Law School

The Contrast and Interplay between Commissions of Inquiry and (International) Courts in Dealing with Crimes of the Past and the Past of Crimes

12:35 Discussion

13:00 – 14:00 Lunch

14:00 – 17.15 **PARALLEL PANELS:**

- **PANEL 2: The Principle of Legality in the Context of International Crimes** (**Press room**)
- **PANEL 3: Amnesty, Pardons and Truth Commissions** (**Seminar room**)

PARALLEL SESSION

14:00 PANEL 2: The Principle of Legality in the Context of International Crimes (Press room)

Chair: Andrew Clapham, Professor of Public International Law at the Graduate Institute of International and Development Studies, Geneva

14:05 Albin Eser, Director emeritus, Professor Emeritus of Criminal Law, Criminal Procedure, and Comparative Criminal Law, Law Faculty of the University of Freiburg
International Aspects of the Principle of Legality

14:20 Paulo Pinto de Albuquerque, Judge, European Court of Human Rights, Strasbourg
The Principle of Legality in International Criminal Law

14:35 Pavel Šturma, Member of the International Law Commission, Professor of International Law at Charles University, Prague
The Principle of Legality in the Context of International Crimes

14:50 Christine Van den Wyngaert, Judge, International Criminal Court
The Legality Principle and the ICC

15:05 Discussion

15:30 Coffee break

16:00 PANEL 2: The Principle of Legality in the Context of International Crimes... continued (Press room)

Chair: Andrew Clapham, Professor of Public International Law at the Graduate Institute of International and Development Studies, Geneva

16:05 Anne Peters, Professor of International Law, Director of the Max Planck Institute for Comparative Public Law and International Law, Heidelberg
Legality as a Principle of Global Constitutional Law

16:20 Ksenija Turković, Judge, European Court of Human Rights, Strasbourg
Principle of Legality and International Crimes in the Case Law of the European Court of Human Rights

16:35 Kai Ambos, Professor of Law, Chair of Criminal Law, Criminal Procedure, Comparative Law and International Criminal Law, Georg-August-Universität, Judge, District Court (Landgericht), Göttingen
Vasiliasukas v. Lithuania: Genocide and the Principle of Legality

16:50 Paola Gaeta, Professor and Head of the Department of International Law, The Graduate Institute of International and Development Studies, Geneva
The Principle of Legality in Criminal Matters and the Fight Against Impunity

17:05-17.15 Discussion, proceeding to joint session at 17:20 (no coffee break)

PARALLEL SESSION

14:00 PANEL 3: Amnesty, Pardons and Truth Commissions (Seminar room)

Chair: Eva Brems, Professor of Human Rights Law, Human Rights Centre, Ghent University

14:05 Khanlar Hajiyev, Judge, European Court of Human Rights, Strasbourg

The Right to the Truth in the Evolutionary Interpretation of the Convention

14:20 Bill Bowring, Barrister, School of Law, Birkbeck College, University of London

Seeking Historical Truth, Totalitarianism and Lustration: Challenges for the European Court of Human Rights. Reflections on Zdanoka v. Latvia; Vajnai v. Hungary; Kononov v. Latvia; Vona v. Hungary; Soro v. Estonia

14:35 Ganna Yudkivska, Judge, European Court of Human Rights, Strasbourg

Post-conflict Restitution of Property: International Law Principles and Case-Law of the European Court of Human Rights

14:50 Başak Çali, Secretary General of the European Society of International Law, Director, Center for Global Public Law, Koç University Law School, Istanbul

Truth Telling and the European Court of Human Rights: The Turkish Case

15:05 Discussion

15:30 Coffee break

16:00 PANEL 3: Amnesty, Pardons and Truth Commissions ... continued (Seminar room)

Chair: Eva Brems, Professor of Human Rights Law, Human Rights Centre, Ghent University

16:05 Mykola Gnatovskyy, President of the European Committee for the Prevention of Torture, Council of Europe, Strasbourg

The European Court of Human Rights and the International Criminal Court: A Case for Complementarity in the Fight Against Impunity?

16:20 Helena Jäderblom, Judge, European Court of Human Rights, Strasbourg

Marguš v. Croatia; Some Aspects on Amnesties in Relation to the Rights of Victims of War Crimes

16:35 Laurence Burgorgue Larsen, présidente du Tribunal constitutionnel d'Andorre, Professeur agrégé des Facultés de droit, Université Paris 1 Panthéon-Sorbonne, Paris

Les amnisties saisies par le droit international des droits de l'homme - Analyse comparée des jurisprudences regionals

16:50-17.15 Discussion, proceeding to joint session at 17:20 (no coffee break)

JOINT SESSION

17:20 PANEL 4: Reflections on the Crimes of the Past (Press room)

Chair: Angelika Nussberger, Judge, European Court of Human Rights, Strasbourg

17:25 Anja Seibert-Fohr, Vice-Chair of the United Nations Human Rights Committee, Director of the Institute for International and European Law, Georg-August-Universität, Göttingen
Coping with the Past, Looking to the Future

17:40 Photini Pazartzis, Membre du Comité des Droits de l'Homme des Nations Unies, Professeur associé de droit international, Faculté de droit, Université d'Athènes
Réparer l'irréparable? Un regard sur le contentieux des droits de l'homme

17:55 Emmanuel Decaux, Professeur de droit public à l'Université Panthéon-Assas II, Paris, Président du Comité des disparitions forcées (NU)
La contribution des organes des Nations Unies à la lutte contre l'impunité des crimes du passé

18:10 Heike Krieger, Professor of Public International Law, Freie Universitaet Berlin, Former Judge of the Constitutional Court of the State of Berlin
Criminalizing the Denial of Crimes of the Past

18:25 Fausto Pocar, Appeals Judge, ICTY and ICTR, and past President, ICTY, Professor emeritus of International law, University of Milan
The Growing Role of International Criminal Law and the Violations of the Past

18:40 Discussion

19:00 Concluding remarks

Marko Milanović, Vice-President of the European Society of International Law

Guido Raimondi, President of the European Court of Human Rights

19:15 Close