



EUROPEAN UNIVERSITY INSTITUTE
LAW DEPARTMENT

Working Group on International Criminal Law

Meeting of 26 October 2006

Introduction

After the summer break, the EUI Working Group on International Criminal Law (WG-ICL) resumed its activities for the Academic Year 2006/2007 on Thursday 26th October 2006.

Each academic year brings its new share of researchers and fellows, which guarantees renewed input and brings new issues and methods to the benefit of the WG.

Also this year the WG-ICL is very pleased to welcome new participants, in particular new first year researchers.

In order to better present the WG-ICL to the new comers, Silvia D'Ascoli and Prof. Pierre-Marie Dupuy recall that the WG was established in the fall of 2002 with the aim of providing a forum for discussion, debate, exchange of ideas and materials on a wide range of questions falling within the scope of international criminal law, while primarily focusing on the current research topics of its participants and on the latest developments, including international and national case-law. Several researchers have used the opportunity given by the working group to present their ongoing research, enabling them to 'test' their approach and findings beyond the usual exchanges with their supervisors.

A broad spectrum of themes has been addressed over the four years of the Working Group's existence. These include both substantive and procedural issues, as well as other areas of international law which are closely related to international criminal law. The group has focused on both the statutes and case law of international courts and

tribunals, hybrid tribunals, and relevant case law from national courts. Generally, sessions are structured around presentations given by participants, followed by a discussion aimed at hashing out the more difficult and contentious issues. Most sessions have a designated *rapporteur*, who then establishes a report in English or French, accounting for the main topics and questions, the views of the different participants and any conclusions which might have been reached during the course of debate.

The working group is composed of researchers, fellows and professors both from the EUI and other universities. The WG-ICL is currently coordinated by Silvia D'Ascoli (3rd year researcher, EUI) and Dov Jacobs (2nd year researcher, EUI), and can constantly benefit from the presence of Professor Pierre-Marie Dupuy and Professor Francesco Francioni.

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At the meeting of the 26th October were present:

Prof. Pierre-Marie Dupuy, Silvia D'Ascoli, Noora Arajarvi, Valentina Falco, Suzan Huttemann, Patricia Pinto Soares, Ottavio Quirico, Axelle Reiter.

Christine Bakker, Annalisa Ciampi, Micaela Frulli, Dov Jacobs and Luisa Vierucci sent their greetings to all the members of the WG, as they could not be present at the meeting.

The first part of the meeting was devoted to a round-table introduction and presentation of all the members of the WG who recalled the main focus of their research projects (topic of their research in parenthesis):

- **Noora Arajarvi**, 1st year researcher (“*Customary International Law in International Criminal Tribunals*”);
- **Silvia D'Ascoli**, 3rd year researcher (“*Sentencing Practice in International Criminal Law: Approaches of the two UN ad hoc Tribunals and future perspectives for the International Criminal Court. Towards the Construction of a General Part of Principles of International Criminal Law*”);
- **Valentina Falco**, 1st year researcher (“*Old Continent, New Wars: the European Union and International Humanitarian Law*”);

- **Suzan Huttemann**, 1st year researcher (“*The principle of mutual recognition in European criminal justice*”);
- **Patricia Pinto Soares**, 2nd year researcher (“*Universal Jurisdiction and the Principle of Complementarity: Defining Criteria for a Division of Labour between the ICC and Domestic jurisdictions*”);
- **Ottavio Quirico**, EUI visiting fellow, already Ph.D. at the *Université des Sciences Sociales - Toulouse 1* (thesis: «*Réflexions sur le système du droit international pénal - La responsabilité "pénale" des États et des autres personnes morales par rapport à celle des personnes physiques en droit international*» ; Current research topic: "*General Principles of International Law*");
- **Axelle Reiter**, 4th year researcher (“*General restrictions to human rights*" - with particular attention to articles 15 & 17 ECHR, articles 4 & 5 International Covenants, etc., *i.e.* states of emergency and anti-liberticidal clauses, plus related aspects of humanitarian law).

Agenda for future meetings and provisional programme

The second part of the meeting focused on the organization of future sessions of the WG and on the discussion concerning the topics to cover during the Academic Year 2006/2007.

Among the main areas to take into account for this year, it was decided to give priority to the following topics:

- General principles and custom in international criminal law;
- Customary international law: relation with international criminal law. Relation with European Law;
- The crime of aggression;
- Command Responsibility;
- International Criminal Court and the 2009 Review Conference of the Rome Statute (the WG-ICL decided to organize sessions and more informal working-meetings on some of the issues that will/could be discussed at the Review Conference, in order to produce a working paper with useful suggestions).

- Additionally, a number of researchers will have to make a presentation of their research projects as a 1st, 2nd or 3rd year requirement.

It was agreed to ask Prof. Paola Gaeta and Prof. Luigi Condorelli if they would be willing to come and give a lecture about, respectively, the question of command responsibility and the issues related to customary international law, at their convenience.

The final part of the meeting was devoted to an update by Silvia D'Ascoli on current developments before the ad hoc Tribunals and, in particular, the International Criminal Court.

Date of the next meeting

It was agreed that the WG-ICL would meet in November on Wednesday, 22nd November, from 15,00 to 17,00, in Villa Schifanoia, Sala Triaria.

It was also agreed that the group should meet, on average, once a month, plus some other 'extraordinary' meetings decided on an ad hoc basis.

The meeting was closed at 17,00.

General List of Participants (in alphabetical order):

Noora Arajarvi; Christine Bakker; Prof. Bruce Broomhall; Prof. Annalisa Ciampi; Prof. Luigi Condorelli; Silvia D'Ascoli; Francesca De Vittor; Sara Dezalay; Prof. Pierre-Marie Dupuy; Valentina Falco; Prof. Francesco Francioni; Prof. Micaela Frulli; Prof. Paola Gaeta; Elsa Gopala Krishnan; Amna Guellali; Suzan Huttemann; Dov Jacobs; Patricia Pinto Soares; Dr. Ottavio Quirico; Axelle Reiter; Prof. Luisa Vierucci; Cristina Villarino Villa; Prof. Salvatore Zappalà.