

Nuremberg and Transitional Justice: Civilising Influence or Institutionalised Vengeance?

Saturday 19 November 2005

Law School, The Australian National University, Canberra

WORKSHOP PRESENTERS

A: Australian prosecution of Japanese war criminals

Michael Carrel has recently completed his PhD on 'Australia's Prosecution of Japanese War Criminals: Stimuli and Constraints' in which he examines the Australian war crimes trials programme that took place between 1945 and 1951. Michael completed his doctorate at the Australian War Memorial in Canberra and will discuss his research findings.

B: The crime of aggression

Carrie McDougall is currently undertaking her PhD on 'Prosecuting Individuals for State Acts of Aggression' at the Melbourne Law School. In 2005 she has also lectured in the subject 'Torts and the Process of Law'. Carrie will discuss consistent failures to define the crime of aggression since Nuremberg and the current state of negotiations for a suitable definition.

C: Investigating war crimes

John Ralston has recently been working for the NSW Crime Commission. He served for several years with the International Criminal Tribunal for the Former Yugoslavia in the Hague as an investigator of alleged atrocities in the Balkans. John will draw on his personal experiences to discuss the importance for victims of atrocity that alleged perpetrators are indicted for trial.

D: Appropriate tribunal models

Madelaine Chiam is a Lecturer in the Faculty of Law at The Australian National University and a member of the Australian Red Cross (ACT) IHL committee. She is about to conclude a joint ARC funded research project on 'International challenges to the Australian legal system'. Madelaine will discuss the advantages and disadvantages of alternative tribunal models.

E: Termination strategies for tribunals

Peter Morrissey (TBC) practises in criminal law at the Victorian Bar. He has recently returned from the Hague where he defended Halilovic before the International Criminal Tribunal for the Former Yugoslavia. Peter will discuss his personal observations of the current work of the ICTY and the impact of efforts to wind up the Tribunal.

F: Australian ICC legislation

TBC

G: War crimes and the AAT

Alison Duxbury is a Senior Lecturer in the Melbourne Law School and a member of the Australian Red Cross (Vic) IHL Committee. Her current research projects include examining the way in which the Administrative Appeals Tribunal interprets and applies Article 1F of the Refugee Convention, particularly where there are serious reasons to believe that war crimes, crimes against humanity or genocide have been committed.

H: The future of the ICC

Tim McCormack is the Foundation Australian Red Cross Professor of International Humanitarian Law and the Foundation Director of the Asia-Pacific Centre for Military Law. He also acts as *amicus curiae* on international law matters to the judges of the International Criminal Tribunal for the Former Yugoslavia in The Hague for the trial of Slobodan Milošević.

Geoff Skillen is Principal Legal Officer in the Office of International Law in the Commonwealth Attorney-General's Department and a member of the Australian Red Cross (ACT) Committee. Geoff was a member of the Australian delegation to negotiate the ICC Statute in Rome in 1998.

I: Justice betrayed post 1945

Mark Aarons is currently a political adviser to the NSW Premier the Hon. Morris Iemma and a former reporter for the ABC. His 1986 radio documentary series 'Nazis in Australia' prompted the Hawke government's inquiry into war criminals. As a result, the government formed the Special Investigations Unit to investigate Nazi war criminals and bring prosecutions under the War Crimes Act, which was amended in 1988 to allow for trials in Australia.

J: Peacebuilding and transitional justice

TBC

K: The social and psychological impact of transitional justice

Jennifer Balint is the Convenor of the Socio-Legal Studies Program in the Department of Criminology at The University of Melbourne. The workshop will consider the reach of law in effecting social change in the wake of conflict, for example reconciliation. Cases considered will include the South African Truth and Reconciliation Commission, the gacaca and criminal trial processes in Rwanda, and the approaches taken in East Timor.