



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

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

09:30 PANEL 1: Courts as Interpreters and Writers of History

Chair: **İşıl 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, Vice-Président de l'Institut international des Droits de l'Homme, Professeur associé à l'Université Catholique de Milan
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, Professeur de droit public à l'Université Paris Ouest Nanterre, et 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
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
Chair: Jean-Paul Costa, President of the International Institute of Human Rights, Strasbourg

11:35 **Christine Chanet**, avocate, Ancienne Présidente du comité des droits de l'Homme des Nations Unies
Le juge face au piège des lois mémoriales

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
Commissions of Inquiry and Their Role in Interpreting and Writing History and to Contrast This with the Role of International Courts

12:35 Discussion

13:00 – 14:00 Lunch

14:00 – 17.15 PARALLEL PANELS (Press room and Seminar room):

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

PARALLEL SESSION

14:00 PANEL 2: The Principle of Legality in the Context of International Crimes

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 Šturna**, 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 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

15:05 Discussion

15:30 Coffee break

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

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

- 16:05 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

- 16:20 Kai Ambos**, Professor of Law, Chair of Criminal Law, Criminal Procedure, Comparative Law and International Criminal Law, Georg-August-Universität, Göttingen
Vasiliauskas v. Lithuania: Genocide and the Principle of Legality

- 16:35 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

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

PARALLEL SESSION

14:00 PANEL 3: Amnesty, Pardons and Truth Commissions

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

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

- 16:05 Françoise Tulkens**, Présidente de la fondation Roi Baudoin, Membre du Groupe consultatif sur les droits de l'homme (HRAP) de la Mission d'administration intérimaire des Nations unies au Kosovo (MINUK, en anglais UNMIK), Bruxelles
La question de l'amnistie au regard des droits fondamentaux

- 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 régionales

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

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 Mykola Gnatovsky, 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?

17:55 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

18:10 Emmanuel Decaux, Professeur de droit public à l'Université Panthéon-Assas II, Paris
La contribution des organes des Nations Unies à la lutte contre l'impunité des crimes du passé

18:25 Discussion

18:45 Concluding remarks

André Nollkaemper, President of the European Society of International Law

Guido Raimondi, President of the European Court of Human Rights

19:00 Close