ADC-ICT ANNUAL CONFERENCE

> **20 23**



# BRAVE

Marriott Hotel, The Hague 2 December 2023

# PROGRAN

#### **Opening Remarks**

Speaker: Kate Gibson, ADC-ICT President Time: 9:15 - 9:30

#### **Technology and Al in Practice:** Impacts on Current and Future Investigations and Trials

#### Time: 9:30 - 11.00

As international justice has seen the incredible investigation tools built on AI and advanced technology, what does that mean for the humans who are expected to use it in building a case, challenging a case, or even in the bench in rendering decisions? What are the most recent advancements, and how can we expect to see them used in the current and future proceedings?

#### **Rapidly Advancing Justice:**

The future 'now' as seen in International Courts, Mechanisms, and Accountability Initiatives

#### Time: 11:30 - 13:00

Considering the rapid response to build accountability mechanisms for Ukraine, the increasing use of universal jurisdiction to seek justice crimes committed in, for example, Syria and Myanmar, and other advancing initiatives in The Seychelles and elsewhere, this panel will look to how new institutions, bodies, and processes are being used to see the future of international justice in play today.

#### Future Lawfare and Strategic Litigation: Do changing times mean changing crimes?

#### Time: 14:30 - 16:00

Ecocide, financial crimes, cyber-attacks and aggression are discussed in the public sphere daily, but what actual possibilities exist in the Courts and Tribunals to deal with these crimes? What are the 'crimes of the century' in this century, how do modern needs and vernacular impact charging, and what will it all mean for the practitioners who guard fair trial rights?

09:15 - 09:30	Welcome Kate Gibson, President, ADC-ICT
09:30 — 11:00	<ul> <li>Technology and AI in Practice</li> <li>Jason Antley, Moderator</li> <li>María de Arcos Tejerizo, Associate, Pérez-Llorca</li> <li>Digital Evidence and Fair Trial Rights at the International Courts and Tribunals</li> <li>Jeanne Sulzer, International Human Rights Lawyer, Impact Litigation,</li> <li>Law Lecturer, Sciences Po and Head of International Justice</li> <li>Technological Solutions for Universal Jurisdiction Cases</li> <li>Chelsea Quilling, Cybersecurity Practitioner and Researcher at</li> <li>National Renewable Energy Laboratory</li> <li>The Future of Digital Evidence Authentication at the ICC</li> </ul>
11:00 - 11:30	Break
11:30 – 13:00	<ul> <li>Rapidly Advancing Justice</li> <li>Annie O'Reilly, Moderator</li> <li>Gabrielle McIntyre, former Chairperson, Seychelles' Truth, Reconciliation and National Unity Commission and Chef de Cabinet, ICTY and IRMCT The Truth, Reconciliation and National Unity Commission, Seychelles - the grant of amnesty</li> <li>Evelyn Anoya, International Consultant, TAG International and Adjunct Professor, DePaul College of Law</li> <li>Rethinking the impact of UN Investigative Mechanisms: Focus on Iraq</li> <li>Aarif Abraham, Barrister, Doughty Street Chambers</li> <li>Failure of State Responsibility and Citizens As the Agents of Accountability: Case studies: Uyghurs (China), Ukraine (Special Tribunal), Syria/Iraq (Yazidis)</li> </ul>
13:00 - 14:00	Lunch
14.00 – 14:30	Hostage Diplomacy and the Role of the Legal Profession Anaïse Kanimba, Human Rights Activist Kate Gibson, President, ADC-ICT and Counsel before the International Courts and Tribunals
14:30 - 16:00	<ul> <li>Future Lawfare and Strategic Litigation</li> <li>Marie O'Leary, Moderator</li> <li>Kate Mackintosh, Executive Director, UCLA Law Promise Institute</li> <li>Europe, former co-chair of the Independent Expert Panel for the Legal</li> <li>Definition of Ecocide</li> <li>The Crime of Ecocide</li> <li>Daphne Yuqing Liu, Senior Legal Advisor, Global Rights Compliance</li> <li>Old Bottle, New Wine: Forensic Use of Technology and its Fairness</li> <li>Lily Zanjani, The Hague University</li> <li>International justice system in pursuit of navigating contemporary legal challenges of cybernetic warfare - A glance into ICL and IHL's evolved responsivity towards</li> <li>Autonomous Weapon Systems</li> </ul>

## SPEAKER BIOGRAPHIES





#### **Jason Antley**

Jason Antley is a lawyer and international rule of law consultant, experienced at designing, leading, and implementing capacity building projects in Iraq, Somaliland, Kosovo, and Saudi Arabia. Recognized as an expert in fair trials for terrorism suspects, in case management systems for defence teams and investigations, and the analysis of telecommunications and digital (including open source) evidence. Assisted multiple defence teams at the ICTY, STL, and ICC since 2009.



#### María de Arcos Tejerizo

María is a Spanish practicing lawyer currently based in Madrid, specializing in litigation and international arbitration. Her career journey includes valuable experiences at the Council of Europe and at a boutique law practice focused on strategic human rights litigation. In 2020, she completed her LLM in Public International Law with a specialization in International Criminal Law at Leiden University. Since then, María has been an active contributor to the academic discourse on international courts and tribunals, publishing numerous papers. Her most recent piece delves into the use of digital evidence in proceedings before the International Criminal Court and its potential impact on fair trial rights.



#### **Chelsea Quilling**

Chelsea Quilling is a cybersecurity practitioner bridging the gaps between technology, policy, and law. She is currently a researcher at the National Renewable Energy Laboratory (NREL) focused on the policy and practice of cybersecurity in the United States. Prior to joining NREL, Chelsea received her Master of Law and Diplomacy from the Fletcher School at Tufts University where she concentrated on cybersecurity, data privacy, and international security policy. In 2022, she published an article titled "The Future of Digital Evidence Authentication at the International Criminal Court" in Princeton University's Journal of Public and International Affairs. Chelsea pivoted into strategic security after nearly a decade of experience in the legal field.



#### **Jeanne Sulzer**

Jeanne Sulzer is an International Human Rights Lawyer at Impact Litigation law firm, and the Head of the International Justice Commission of Amnesty International France. She is a professor at Sciences Po Paris&Lille, University Paris II Panthéon Assas. Her field of expertise is strategic litigation and victims reparation of international crimes and terrorism at both the national and international level including before the Extraordinary Chambers in the Courts of Cambodia (ECCC). She is on the list of counsels authorized to practice before the International Criminal Court.



#### Annie O'Reilly

Annie O'Reilly is co-counsel for Mr Kadri Veseli, who is currently standing trial at the Kosovo Specialist Chambers in The Hague. Prior to this, she spent more than a decade working at international courts. She began her career at the ICTY where she was a member of the Haradinaj Defence for both the trial and the retrial, both of which resulted in her client's acquittal. She joined the ICC's Office of the Prosecutor in 2015, where she initially worked in the Legal Advisory Section before moving to Preliminary Examinations in 2018. Since 2021, she has worked as defence co-counsel.

Annie is a member of the New York Bar, and holds a JD from DePaul University in Chicago, and a BA in Philosophy and Political Science from Trinity College, Dublin. Annie is currently a Vice President of the ADC-ICT.



The ADC online portal provides training sessions on key areas of international criminal law and procedure. Certificates of completetion can be provided.





#### **Gabrielle McIntyre**

Gabrielle Louise McIntyre, Australian is an international legal practitioner who recently completed her mandate as the Chairperson of The Truth, Reconciliation and National Unity Commission, Seychelles. She previously served as the Chef de Cabinet and Principal Legal Advisor to the President of the International Residual Mechanism for Criminal Tribunals (IRMCT), the successor institution to the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). Before that McIntyre served as the Chef de Cabinet and Principal Legal Advisor to four successive Presidents of the ICTY. She currently serves as Chair of the Women's Initiatives for Gender Justice and is coordinator of a gender mentoring program for international judges in The Hague initiated by African Legal Aid (AFLA).



#### **Evelyn Anoya**

EVELYN ANOYA is currently an International Justice Consultant with TAG International, a British company that operates in the world's most challenging areas in the fields of strategic capacity building programs, institutional and public sector reform, peacebuilding and national security development. Evelyn supports TAG's Iraq project by delivering training courses on fair trial standards to the judiciary and prosecutors in Erbil and Baghdad. She is the former Chief of Judicial Services and Senior Legal Advisor at the Special Tribunal for Lebanon. She also worked in court administration and legal advisory at the UN International Criminal Tribunal for the former Yugoslavia. Ms. Anoya has extensive experience in international justice with a focus on judicial administration and capacity strengthening.

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#### Aarif Abraham

Aarif Abraham is a barrister, writer, and speaker, based at Doughty Street International. He specialises in international criminal law and public international law including international human rights law and international arbitration. He advises policy makers, NGOs, states, and international organisations, including the UN, widely on constitutional issues, peacebuilding, and international crimes. Aarif is recognised as a leading barrister in international law in Chambers and Partners (2021-Present). His domestic practice focuses on public law as well as criminal defence with a special focus on protests. Aarif is the founder of Accountability Unit, an NGO specialising in conflict-resolution and justice issues.



#### Anaïse Kanimba

Anaïse Kanimba is a global development expert and human rights activist. She is a survivor of the 1994 Rwandan genocide, during which her father, Paul Rusesabagina, the subject of the film Hotel Rwanda and recipient of the US Presidential Medal of Freedom, saved more than 1,200 people. In 2020, her father was forcibly rendered to Rwanda and imprisoned for speaking out against the Rwandan government. Anaïse, along with her family, led the international #FreeRusesabagina campaign to secure the release of her father, who was freed after 939 days of imprisonment in March 2023. In this role, Anaïse advocated against and wrote about wrongful detention, transnational repression, and autocratic leadership for a range of publications, including The Washington Post, the Daily Beast and CNN. In addition to dedicating her time to social justice, Anaïse works at Ridgely Walsh, a boutique public affairs firm that advises transformational companies and causes.



#### **Kate Gibson**

Kate Gibson is the current President of the ADC-ICT. She has been representing accused before the international criminal courts and tribunals since 2005. At the ICC she was the Co-Counsel of Jean-Pierre Bemba, and Bosco Ntaganda. She was also the Co-Counsel of Charles Taylor before the SCSL, and Co-Counsel of Radovan Karadžić before the IRMCT. At the ICTR, she was Lead Counsel of Justin Mugenzi and Co-Counsel of Jean-Baptiste Gatete. Kate was also the Lead Counsel of Paul Rusesabagina, detained in Rwanda. Currently, Kate is part of the legal team of former Kosovo President Hashim Thaçi before the KSC, and is Lead Counsel of Prosper Mugiraneza, detained Niger. Kate is an Associate Tenant of Doughty Street Chambers, holds an LL.M in International Law from Cambridge University, and loves fair trials.





#### **Marie O'Leary**

Marie O'Leary is a past President of the ADC-ICT and has worked as Counsel/Legal Adviser for the Office of Public Counsel for the Defence (OPCD) of the ICC for the last decade. Practicing exclusively in ICL since 2006, she has worked on several ICTY Defence Teams, with an amicus Prosecutor, in their Trial Chambers, and as consultant to the STL Defence Office. She was ADC-ICTY Head of Office in 2006-2007 and currently sits on its Training Committee. She regularly serves as a panelist and contributor to forum discussions on defence in international criminal law.



#### Kate Mackintosh

Kate Mackintosh is the Executive Director of the UCLA Law Promise Institute Europe. She has held multiple roles at international criminal tribunals, including as Deputy Registrar for the International Criminal Tribunal for the former Yugoslavia, as well as prosecution appeals counsel, defence co-counsel and legal officer for Trial and Appeals judges. For eight years, Mackintosh advised Doctors without Borders on international law and human rights, and led advocacy efforts in over 30 countries around the world. She was part of post-conflict human rights field operations in Rwanda - working to rebuild the justice system after the genocide - and Bosnia, where she collaborated with Bosnian lawyers on strategies to use the courts to support economic and social rights. From 2020-2021 she was Deputy cochair of the Independent Expert Panel for the Legal Definition of Ecocide, and her research interests currently focus on the intersection of human rights, international law and the protection of the environment.



#### Diletta Marchesi

Diletta Marchesi is associate legal officer at the Office of Public Counsel for Victims at the International Criminal Court and PhD candidate at KU Leuven. Her PhD thesis, that she will defend early next year, aims to shed light on the interpretation of the war crimes of denying judicial guarantees and discusses international criminal law's role in the protection of fair trial rights during wartime. Last year, she was invited as visiting professional to provide legal advice on the war crime of sentencing and execution without due process by the Al Hassan Defence team at the International Criminal Court. She has been admitted to the Bar in Italy and she holds a LL.M. from the Alma Mater Studiorum University of Bologna.

# SPEAKER – PANEL 3



#### **Daphne Yuqing Liu**

### Topic: Old Bottle, New Wine: Forensic Use of Technology and its Fairness

Yuqing is a Chinese lawyer specialised in international criminal law and international humanitarian law. Since 2014, Yuqing has served as a legal officer as well as in various other capacities in different Defence teams at the IRMCT, STL, and ICC. She is on the Justice Rapid Response Expert Roster as of July 2019 for her investigative expertise especially in the area of telecommunications. Since September 2021, Yuqing has worked primarily on the investigation of and pursuit of accountability for the use of starvation as a method of warfare in Ukraine, Syria, and other situations involving conflict-induced hunger.





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#### Lily Zanjani

Lily Zanjani, an esteemed lecturer at The Hague University specializing in international criminal law and public international law brings a profound depth of experience garnered from her remarkable career in various international criminal courts and tribunals, including the ICC, IRMCT, and the KSC. Her professional journey has also encompassed impactful roles with renowned global organizations, including UNMAS, the International Centre for Counterterrorism, and ASSER Institute.

Her scholarly work has predominantly focused on exploring the discourse pertaining to the legal and criminal accountability of Autonomous Weapons Systems within the framework of the Rome Statute.



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