



THE AMERICAN UNIVERSITY OF PARIS

THE GEORGE AND
IRINA SCHAEFFER CENTER
FOR THE STUDY OF GENOCIDE,
HUMAN RIGHTS AND CONFLICT
PREVENTION

LEGAL LEGACIES OF GENOCIDE: FROM NUREMBERG
TO THE INTERNATIONAL CRIMINAL COURTS

INAUGURAL CONFERENCE PROGRAM
Theatre Adyar, 4 Square Rapp, 75007
Friday, October 21, 2016

INAUGURAL CONFERENCE

In this inaugural conference, we examine the evolving relationship between the law and extreme forms of mass violence, particularly genocide, since the convening of the International Military Tribunals at Nuremberg and Tokyo. How have the international courts of justice shaped contemporary law in the field of genocide and crimes against humanity? Has this body of law served to deter genocide? Has the law tamed power? What are the models for and challenges of constructing international criminal law?

This conference will provide a forum for jurists, historians, social scientists and political theorists to examine the search for justice in response to mass violence and the ways that search has unfolded inside and outside of courtrooms.

The first half of this one-day conference will explore the relationship between justice and genocide *intra muros*—inside the courtroom. The morning roundtables—“Constructing Law in the International Criminal Courts” and “Writing *East West Street*: on the Origins of Crimes Against Humanity and Genocide” – will take up the following themes:

- the making of law, procedural problems and courtroom stories
- the ways in which the international courts of justice have shaped contemporary law in the field of genocide and crimes against humanity



law in the field of genocide and crimes against humanity

- the models for and challenges of constructing law within the ICC
- the structure and role of legal institutions
- the question of law's legitimacy
- the evolution (and future) of jurisprudence

The second part of the conference will consider the relationship between justice and genocide extra muros—outside the courtroom. The afternoon roundtables--“Memory and the Law” and “Seventy years since Nuremberg: A Critical Assessment”--will address themes such as:

- the question of intervention
- the problems and paradoxes of international law as a deterrent for mass violence
- public opinion and social memory
- the rebuilding of community after genocide
- the social effects of prosecuting perpetrators of genocide
- the ways in which various social groups have recollected and made use of the past as fashioned by those trials
- the question of whether the criminal courts can be used to deter genocide

INSIDE THE COURTROOM

9h45-11h15 Session 1: Constructing Law in the International Criminal Courts. What are the models for and challenges of constructing law in the ICC?

Chair: Susan Perry (AUP Professor of International and Comparative Politics)

Alex Whiting (Professor of Practice at Harvard Law School): "The Push and Pull of Law Creation at the International Criminal Courts."

Marcel Lemonde (French penal judge, former president of a criminal chamber in the Paris Court of Appeals, an international judge in the Khmer Rouge Tribunal): "Les 'Chambres extraordinaires au sein des tribunaux cambodgiens', une expérience peu ordinaire."

11h30-13h00 Session 2: Writing *East West Street*: on the Origins of Crimes Against Humanity and Genocide.

Chair: Miranda Spieler (AUP Associate Professor of History)

Philippe Sands (Professor of Law at University College London and a practising barrister at Matrix Chambers, author of *East-West Street* (2016))

Commentators:

Astrid von Busekist (Professor of Political Science, Science-Po, translator of forthcoming French edition of *East West Street*)

Jeremy Harding (Journalist, Contributing Editor, *London Review of Books*)

13h00-14h30: Lunch break

OUTSIDE THE COURTROOM

14h30-15h45 Session 3: Memory and the Law. What are the social effects of prosecuting perpetrators of genocide and crimes against humanity? How have different social groups recollected and made use of the past as fashioned by those trials?

Chair: Brian Schiff (AUP Professor of Psychology)

Carolyn J. Dean (Charles J. Stille Professor of History and French at Yale University): "The First Witnesses : Soghomon Tehlirian and Scholem Schwarzbard, 1921 and 1927."

Annette Wiewiorka (historienne, directrice de recherche émérite (SIRICE-CNRS-Paris1-Panthéon Sorbonne), présidente la commission Histoire de l'antisémitisme et de la Shoah de la Fondation pour la mémoire de la Shoah). "Eichmann : une interminable postérité."

16h00-17h30 Session 4: Seventy years since Nuremberg: A Critical Assessment. This roundtable will reflect upon the problems and paradoxes of international law as a deterrent for mass violence. Can the criminal courts be used to deter genocide? Are there other viable models?

Chair: Philip Golub (AUP Professor of International and Comparative Politics)

John Torpey (Presidential Professor of Sociology and History at the Graduate Center, City University of New York, and Director of its Ralph Bunche Institute for International Studies): "The Decline in International Violence Since World War II: International Law and Social Change."

Stephen D. Smith (Executive Director of the USC Shoah Foundation – The Institute for Visual History and Education): "What Remains: Open Graves, Memorials and Testimony as Elements of Transitional Closure."

Judge Patrick Lipton Robinson (Member of the International Court of Justice and a Barrister of Law, Middle Temple, United Kingdom): "Progress and Problems in the Development of International Criminal Law since Nuremberg."

Closing Discussion: 17h30-18h00

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