

International Criminal Justice from an International Counsel's Perspective

*International Workshop, presented by Jens Dieckmann, Attorney at Law,
On 11 March 2016 at Taras Shevchenko National University of Kyiv*

13:00-17.00

A. Basic Structures of Modern International Criminal Justice and Statutory Requirements for the Admission to the List of Counsel

- I. From Nuremberg to The Hague
- II. The UN *ad hoc* Tribunals ICTY and ICTR
- III. The ICC
- IV. International Criminal Justice in Transition – Some Examples
 1. STL
 2. ECCC

B. Fair Trial and the Presumption of Innocence – The Role of Defence Counsel in International Criminal Procedures

- I. Civil Law vs. Common Law System? – The Adversarial System
at the International Criminal Tribunals
- II. The Statutory Rights of the Accused – the ICC
- III. Special Assignments of Defence Counsel
 1. Duty Counsel (initial appearance)
 2. *ad hoc* Counsel in the interest of the Defence
 3. Defence Counsel in Contempt Cases
 4. Counsel as *amicus curiae*
 5. Counsel Defending *in absentia* proceedings (STL)

C. Access to Justice and Seeking the Truth - Victims and their Legal Representatives at the ICC

- I. The Procedural Rights of the Victims (art. 68 Rome Statute)
- II. Legal Challenges of Victims Representation at the ICC

D. Dealing with Evidence of Gross Human Rights Violations in International Criminal Proceedings – Legal Challenges for Counsel

- I. Forms of Evidence
- II. Admissibility of Evidence
 - 1. Investigation-Phase
 - 2. Confirmation of Charges Hearing
 - 3. Trial Phase
- III. Legal Standards for the Documentation of Gross Human Rights Violations