

Hate Propaganda at International Criminal Tribunals

*Current Socio-Legal and Evidentiary
Challenges in Prosecuting Atrocity Speech at International Criminal Tribunals*

A distinguished, international and multi-disciplinary panel of leading experts in the field will include:

Keynote speaker

Prof. Predrag Dojčinović
University of Connecticut

Dr Wibke K. Timmermann
Legal Aid Western Australia

Prof. Richard Ashby Wilson
University of Connecticut

Prof. Gregory S. Gordon,
The Chinese University of Hong Kong

Prof. Mohamed Badar
Northumbria University

Ms Clare Lawson
Kosovo Specialist Prosecutor's Office

Dr Polona Florijančič
Independent researcher

Prof. Caroline Fournet
University of Groningen

Ms Audrey Fino
University of Groningen

Ms Helena Ivanov
PhD candidate, LSE

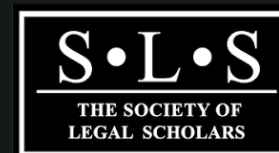
Ms Juline Beaujouan
PhD candidate, Durham University

Dr Michael Kearney



While empirical research strongly indicates that propaganda falls on fertile grounds of our mental landscapes, the insights into the concept of propaganda in the legal sphere lag behind such studies and scientific publications.

This symposium will provide a forum for a rigorous analysis of the necessity of an improved approach to dealing with the phenomenon of hate and fear propaganda at international criminal tribunals.



**Northumbria
University**
NEWCASTLE

CENTRE FOR EVIDENCE AND
CRIMINAL JUSTICE STUDIES
LAW AND SOCIETY SIGNATURE
RESEARCH AREA

10-11 February 2020

Great Hall, Sutherland Building, College Street
Newcastle Upon Tyne

For conference registration: northumbria.ac.uk/hpict2020

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Prof. Predrag Dojčinović worked for the Office of the Prosecutor at the International Criminal Tribunal for the former Yugoslavia from 1998 to 2017. He has authored numerous articles and has edited several volumes on the social, political and legal aspects of the 1991-99 series of armed conflicts in the former Yugoslavia, including *Propaganda, War Crimes Trials and International Law: From Speakers' Corner to War Crimes* (Routledge 2012). He has lectured widely in Europe and the United States. Dojčinović was the Gladstein Visiting Professor of Human Rights at the University of Connecticut in 2014 and is currently a research affiliate and adjunct professor at the Human Rights Institute at the University of Connecticut.

Prof. Richard Ashby Wilson is the Gladstein Distinguished Chair of Human Rights and Professor of Law and Anthropology at the University of Connecticut. He is the author or editor of 11 books on international human rights, humanitarianism, truth and reconciliation commissions and international criminal tribunals, and his publications have been translated into Chinese, Danish, Italian, Serbian, and Spanish. He wrote the definitive ethnographic study of the South African Truth and Reconciliation Commission, *The Politics of Truth and Reconciliation in South Africa* (Cambridge University Press, 2001). His book *Writing History in International Criminal Trials* was selected by Choice in 2012 as an “Outstanding Academic Title” in the law category. His latest book, *Incitement On Trial: Prosecuting International Speech Crimes* (Cambridge University Press, 2017), explains why international criminal tribunals struggle to convict individuals for inciting speech and proposes a new model of prevention and punishment. He has held prestigious fellowships from the Russell Sage Foundation, the National Endowment for the Humanities and Institute for Advanced Study, Princeton. He has consulted for various policy agencies, including UNICEF in Sierra Leone, and he served as Chair of the Connecticut State Advisory Committee of the U.S. Commission on Civil Rights from 2009 to 2013. Wilson is presently writing about on First Amendment issues in the United States, developing a law and social science research project on incitement, hate speech and hate crimes.

Prof. Gregory S. Gordon is a Professor of Law at the Chinese University of Hong Kong Law Faculty. He previously worked with the Office of the Prosecutor for the International Criminal Tribunal for Rwanda, where he served as Legal Officer and Deputy Team Leader for the landmark “media” cases, the first international post-Nuremberg prosecutions of radio and print media executives for incitement to genocide. For this work, Professor Gordon received a commendation from Attorney General Janet Reno for “Service to the United States and International Justice.” He has been featured on CNN, the BBC, NPR, C-SPAN, and Radio France Internationale as an expert on genocide and war crimes prosecutions and, in 2015, his work was featured in an NPR broadcast on incitement to genocide narrated by Academy Award-winning actor Morgan Freeman. Professor Gordon is one of the world’s foremost authorities on incitement to genocide and his book *Atrocity Speech Law: Foundation, Fragmentation, Fruition*, proposing a new paradigm for hate speech in international criminal law, was published by Oxford University Press in 2017.

Dr Wibke K. Timmermann is a criminal lawyer at Legal Aid Western Australia in Perth, Australia. She previously worked as a Legal Officer at the Prosecutor’s Office of Bosnia and Herzegovina, Special Department for War Crimes, and as a Legal Assistant on a defence team at the International Criminal Tribunal for Rwanda. She has authored various articles and book chapters, and her book *Incitement in International Law* was published by Routledge in 2014.

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Ms Clare Lawson is the Legal Advisory Team Leader at the Kosovo Specialist Prosecutor's Office. Previously she worked as a legal officer in Chambers (Trial Division) at the International Criminal Court, in the Office of the Prosecutor at the International Criminal Tribunal for the former Yugoslavia, as a human rights adviser to the Irish Government, and in private practice with a leading Irish law firm. She has also led human rights negotiations on behalf of the European Union at the United Nations, on topics including treaty body reform and violence against women. She is qualified as a solicitor in Ireland, and as an attorney-at-law in New York State. Clare has worked on a large number of international criminal cases, including those arising from the former Yugoslavia, Kenya, the Democratic Republic of Congo and the Central African Republic. In particular, in relation to propaganda and speech crimes, she has worked on both *The Prosecutor v Vojislav Šešelj* and *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang*.

Prof. Mohamed Badar is Chair in Comparative and International Criminal Law at Northumbria Law School. He has published on issues related to comparative and international criminal law and Islamic law, His work has been cited and quoted by international and national criminal courts and tribunals. He served as Senior Prosecutor and Judge in Egypt from 1997 to 2006. He is currently a Senior Expert for Euromed Justice IV, a project funded by the European Commission for enhancing Euro-Mediterranean mutual legal assistance on the investigation and prosecution of complex judicial cases i.e. terrorism, money laundering and cybercrime. He also served as a senior Police investigator in Egypt (1991-1997). He was a member (investigator) of the Bahrain Independent Commission of Inquiry to investigate and report on allegations of human rights violations during the civil unrest in Bahrain in February/March 2011. He has had the opportunity to work as an expert for the United Nations Interregional Crimes and Justice Research Institute (UNICRI), the United States Institute for Peace (USIP), the United Nations Office on Drugs and Crime (UNODC) and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO).

Dr Michael Kearney studied at UCC and earned his doctorate at NUI Galway. He has lectured at the University of York, the London School of Economics, the University of Sussex, and at Huddersfield Law school. His monograph, *The Prohibition of Propaganda for War in International Law* (Oxford University Press, 2007) was awarded the American Society of International Law Lieber Certificate of Merit in 2008. His teaching and research, primarily concerning public international law and international criminal law has addressed a range of issues including the prohibition of propaganda for war, extraterritorial jurisdiction in human rights law, apartheid and colonialism, the nature of the state, and war crimes including the transfer of civilian into occupied territory.

Michael's current research includes a critical review of how the notion of resilience is utilised in legal education under neoliberalism, a project on how the metaphor of the archipelago allows an insight into the idea of self-determination in the face of climate change, and the question as to why incitement as a mode of liability continues to be excluded from the formal toolbox of international criminal law.

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Prof Caroline Fournet is Professor of Comparative Criminal Law and International Justice at the University of Groningen (The Netherlands). She is Editor-in-Chief of the *International Criminal Law Review* (Brill) and one of the co-editors of the academic journal *Human Remains and Violence: An Interdisciplinary Journal* (Manchester University Press). In 2016, she took up a Visiting Professional position in Chambers at the ICC. In 2012-16, she was co-investigator on the ERC-funded multidisciplinary research programme 'Corpses of Genocide and Mass Violence' (2012-16). Her current research focuses on the dual use of forensic evidence in the investigation and prosecution of mass violence crimes on one hand and in the identification of victims and the building of post-atrocity memory on the other.

Ms Audrey Fino is an International lawyer with over twenty years' experience in international human rights, criminal and humanitarian law at the UN International Criminal Tribunal for the Former Yugoslavia, the UN Office of the High Commissioner for Human Rights and in private practice. She is currently a consultant with REDRESS and a lecturer in public international law and humanitarian law at the University of Groningen and the University of Malta. She is also writing a PhD at the University of Groningen on Hate Speech in International Human Rights and Criminal Law.

Dr Polona Florijančič earned her doctorate at Brunel Law School on the topic of the World Trade Organisation and its violation of the right to economic development, which included a rigorous analysis of the propaganda surrounding the organisation and its goals which serves to mask the problem and keep the unequal power relations. Dr Florijančič has lectured at Brunel Law School on a wide variety of topics, including trade law, regional and international human rights law, domestic and international criminal law and Islamic law. She has participated in the EUROMED justice project on criminal cooperation and counter-terrorism in the MENA region. Her recent research has included decoding the language of ISIS to prove incitement to genocide; assessing incitement to hatred as a crime against humanity; a critical analysis and implications of the *Vojislav Šešelj* case; the disqualification of Judge Harhoff from the International Criminal Tribunal for the former Yugoslavia.

Ms Helena Ivanov is conducting her doctoral research on the role of propaganda in justifying mass violence. Her research focuses on the relationship between propaganda and violence against civilians and the role propaganda played in justifying violence during the Yugoslav wars. During her master's degree at the University of Oxford, she analysed the role that dehumanisation plays in justifying violence against civilians. She also serves as Manager of the Centre for International Studies at the LSE and works as a Graduate Teaching Assistant (GTA) on two courses: 'International Security' and 'Contemporary Issues in international Relations'.

Ms Juline Beaujouan joined the School of Government and International Affairs (SGIA) in 2016. In her doctoral research she investigates the effects of the Islamic States' use of language on key issues characterising the dynamic modern Middle East such as diplomacy, migration, identity or social cohesion. Drawing on a three-dimensional approach to the analysis of narratives, she provides a study of the formation and recontextualization by Middle Eastern media, academia and population of Islamic States' sociopolitical narrative. Prior to her doctoral degree, Miss Juline Beaujouan completed her M.Sc. in Defence, Development and Diplomacy at Durham University. She chose to focus on the study of terrorism and resolution of armed conflicts.