

ADC-ICT
ANNUAL
CONFERENCE



20
24

FINDING FAIR TRIALS?

How decades of Defence issues
still threaten fair trial rights today



Marriott Hotel, The Hague
30 November 2024

CONFERENCE OVERVIEW

Defence counsel play a pivotal role in ensuring fair trials and upholding the principles of justice in international criminal proceedings. This conference aims to explore the multifaceted challenges that Defence Counsel experience while representing their clients. These challenges include dealing with intricate procedural rules, new technology, addressing evidentiary issues, and confronting political aspects. The conference will examine the legal, ethical, and practical challenges that Defence Counsel encounter at the international courts and tribunals.

The conference will serve as a platform for the discussion of innovative strategies and emerging trends in defence practice. From dealing with technological developments to advancing novel legal arguments and creative advocacy techniques, Defence Counsel constantly need to adapt to meet the evolving demands of international criminal justice.

The panels will include practitioners and academics with diverse backgrounds and expertise providing the participants with the opportunity to explore these pertinent issues.

CONFERENCE PROGRAM

Welcome Remarks

Speaker: Dragan Ivetic, ADC-ICT President
Time: 9:15 - 9:30

Everything ICL All at Once: Case updates and reflections on fair trial rights today

Time: 9:30 - 11:00

This panel will cover the latest updates and developments in international criminal law from the defence perspective. The panel will present an overview of recent cases, significant rulings, and emerging trends that affect Defence Counsel. Speakers will reflect on past experiences and discuss how recent developments impact the future of international criminal justice.

An Advocate for all Seasons: What does it take to be international Counsel in the age of social media and AI?

Time: 11:30 - 13:00

As international criminal justice evolves, Defence Counsel must continuously adapt their approaches to effectively represent their clients. The speakers will explore how defence strategies have transformed, addressing the incorporation of new technologies, social media, artificial intelligence, changes in procedural rules, and the development of innovative advocacy techniques. Speakers will share their experiences and insights dealing with these changes, highlighting both the challenges and opportunities that arise.

Around the World in 80 Ways: Successes, failures, and challenges in securing cooperation in international criminal justice

Time: 14:30 - 16:00

Cooperation between different stakeholders is crucial in the field of international criminal justice. This panel will focus on the various obstacles that Defence Counsel face when attempting to collaborate with other legal practitioners, international organisations, and states. Topics will include the difficulties in obtaining evidence from states, the complexities of working with international organisations, and the strategies for fostering better cooperation. The speakers will discuss practical solutions to enhance collaboration and overcome the barriers that impede the Defence.

CONFERENCE PROGRAMME

- 09:25 – 09:30 **Welcome**
Dragan Ivetic, President, ADC-ICT
- 09:30 – 11:00 **Everything ICL All at Once**
Marie O'Leary, Moderator
Dr. Felicity Gerry KC, Defence Counsel, ICC and KSC
Kate Gibson, Defence Counsel, ICC, ICTR, IRMCT and KSC
Dr. Dov Jacobs, Defence, ICC and IRMCT
Kerrie Ann Rowan, Defence Counsel, KSC
Gyo Suzuki, Assistant to Counsel, ICC; formerly on Defence teams at the IRMCT and STL
- 11:00 – 11:30 **Break**
- 11:30 – 13:00 **An Advocate for all Seasons**
Prof. Yvonne McDermott Rees, Moderator
Mylène Dimitri, Defence Counsel, ICC and ICTR
Navigating from Courtroom to Social Media: Strategies for International Criminal Lawyers
Matt Halling, Prosecutor, KSC
Artificial Intelligence and International Criminal Law
Sarah Zarnsky, Assistant Professor, Queen's University Belfast School of Law
Can International Criminal Law accommodate online harm?
- 13:00 – 14:30 **Lunch**
- 14:30 – 16:00 **Around the World in 80 Ways**
Sarah Bafadhel, Moderator
Anne-Aurore Bertrand, Judicial Cooperation Adviser, ICC
Philippe Larochelle, Defence Counsel, ICC, ICTR and IRMCT
Future Cooperation, Review Proceedings and Post Conviction/Acquittal Issues
Kate Orlovsky, Director, The Hague Office, International Bar Association
The IBA State Cooperation Guide
Dr. Kinga Tibori-Szabó, Barrister, St. Philips and Former Investigations team leader for UNITAD
The UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL
- 19:30 onwards **Social Event - Bar & Restaurant Suzie Q**
Dr. Lelykade 33-37, 2583 CL, The Hague
-

SPEAKER BIOGRAPHIES



Marie O'Leary

Marie O'Leary is a former President of the ADC-ICT and Counsel for the Office of Public Counsel for the Defence (OPCD) at the ICC. She was previously part of the Defence teams of Naser Orić, Vlastimir Đorđević, Milan Lukić (Lukić & Lukić) and Dragomir Pećanac at the ICTY. She has also worked for the Amicus Prosecutor for contempt proceedings on appeal in the case against Vojislav Šešelj and as an Associate Legal Officer with ICTY Trial Chamber II. In 2010, O'Leary served as a Legal Consultant for the Defence Office at the STL. She was the Head of Office of the ADC-ICTY between 2006 and 2007 and is a former Vice-President of the Association and member of the Training Committee. Ms O'Leary is also a lecturer in the Seminar on International Criminal Defence at the United Nations Interregional Crime and Justice Research Institute and has lectured for the Summer School on International Criminal Law of the Grotius Centre of Leiden University.

Ms O'Leary holds a Bachelor of Arts (Journalism) degree from the University of St. Thomas. She has worked as an editor and as a marketing director prior to attending the University of St. Thomas School of Law. She graduated with a Juris Doctor in 2006, is licensed to practice in Minnesota and possesses experience with both the Minneapolis City Attorney and Minnesota Public Defenders' offices.



Dr. Felicity Gerry KC

Dr Felicity Gerry KC is a distinguished silk known for her expertise in high-profile criminal cases involving homicide, terrorism, war crimes, and human trafficking. With a reputation for robust advocacy, Felicity brings a wealth of experience in defending complex, serious criminal cases across multiple jurisdictions, including England and Wales, Australia, and international courts and tribunals.

Felicity is particularly well-regarded for her work on cases involving vulnerable defendants where she draws upon her deep understanding of trauma-informed legal practices. Her experience in international criminal law, terrorism and human trafficking has seen her defend in the most complex cases, including the Federation Square bomb plot, the Al Hassan defence before the International Criminal Court (ICC) and the defence of Mr Bahtijari in the KSC.

In addition to her formidable courtroom skills, Felicity is a passionate advocate for the development of legal strategies to tackle modern slavery visible in her amicus curiae brief in the Ongwen appeal on the approach to culpability and sentencing for former child soldiers. She is also often sought after for her insights on the law of complicity having led the appeal in R v Jogee in the UK Supreme Court which corrected an error of law followed equally erroneously in the creation of JCEIII, which she highlighted in another amicus submission in the Radovan Karadžić appeal. As a Professor of Legal Practice, Felicity frequently lectures on criminal law, human rights, and gender issues, publishing most recently in ANZSIL Perspective on Empowering Women in Criminal Defence: Redefining Jurisprudence Through Marginalized Perspectives and answering the 'Cocktail Party Question'



Kate Gibson

Kate Gibson has been representing accused before the international criminal courts and tribunals since 2005. Kate is currently the Associate Counsel of Joseph Kony before the ICC, where she was previously Co-Counsel of former DRC Vice-President Jean-Pierre Bemba, and Co-Counsel of Bosco Ntaganda. She is also part of the legal team of former Kosovo President Hashim Thaçi before the Kosovo Specialist Chambers. At the SCSL, Kate was Co-Counsel of former Liberian President Charles Taylor. At the ICTY, she was the Associate Legal Officer of Judge Mohamed Shahabadeen, and then Co-Counsel of former President Radovan Karadžić before the IRMCT. At the ICTR, Kate was Lead Counsel of former Minister Justin Mugenzi and Co-Counsel of Jean-Baptiste Gatete, and is currently Lead Counsel of Prosper Mugiraneza, and the Co-Counsel of Fulgence Kayishema before the IRMCT. Kate also represents a group of Rohingya victims in the Myanmar/Bangladesh situation at the ICC, and was part of a legal team representing victims in the first case before the ECCC. Kate also works in hostage diplomacy, and was Lead Counsel of Paul Rusesabagina detained in Rwanda, and currently represents US citizen Ryan Corbett, detained by the Taliban. Kate is the former President (2023) of the ADC-ICT, and a member of the ICCBA Executive Council. Kate is an Associate Tenant of Doughty Street Chambers, holds an LLM in International Law from Cambridge University.



Dr. Dov Jacobs

Dr. Dov Jacobs is a French International Law and International Criminal Law expert, Defense Counsel at the ICC and MICT and founder of SILC (Strategic International Legal Consulting), a consultancy firm specialised in ICL, human rights, advocacy

training and capacity building. He is currently co-Counsel for Mahamat Said at the ICC and formerly on the Defense team of Laurent Gbagbo at the ICC and Félicien Kabuga at the IRMCT and Duty Counsel for Petar Jovic at the IRMCT. He has also been involved as an Amicus Curiae in the Afghanistan and Palestine Situations at the ICC.



Kerrie Ann Rowan

Kerrie Ann Rowan is dual qualified counsel (New York and England and Wales) who practises in all areas of criminal defence, based at 25 Bedford Row Chambers. She is currently instructed as Co-Counsel in the matter of Prosecutor v Thaçi et al before the Kosovo Specialist Chambers, representing the second defendant Mr Kadri Veseli. Previously, Kerrie was a member of the defence team for the first defendant in the matter of Prosecutor v Haradinaj et al (retrial) at the International Criminal Tribunal for the former Yugoslavia. She has also conducted research for matters before the ICC. Her domestic criminal practice focuses on serious and white-collar crime, and she is regularly instructed as fresh counsel in matters before the Court of Appeal. She holds a first class BCL from University College Dublin and an LLM from McGill University.



Gyo Suzuki

Gyo Suzuki is an Australian lawyer who since 2015 has been practising in various positions in defence teams at the Special Tribunal for Lebanon, the International Residual Mechanism for Criminal Tribunals, and the International Criminal Court. Since January 2021 he has been working as a legal assistant with the Defence team for Mr Alfred Yekatom, charged with war crimes and crimes against humanity allegedly committed in the context of the 2013-2014 conflict in the Central African Republic.



Prof. Yvonne McDermott Rees

Yvonne McDermott Rees is Professor of Law at Swansea University, UK. She is the author of, amongst others, *Fairness in International Criminal Trials* (Oxford University Press, 2016) and *Proving International Crimes* (Oxford University Press, 2024). Yvonne is currently Principal Investigator on TRUE, a €1.5 million project which examines the impact of the rise of deepfakes on trust in user-generated evidence. Yvonne is a Legal Advisor to the Global Legal Action Network (GLAN), a Master of the Bench of The Honourable Society of the Inner Temple, and is currently a Legal Assistant to the Kony defence team before the ICC.





Mylène Dimitri

Ms. Dimitri brings over two decades of experience to her role before international courts. Currently, she serves as the Lead Counsel for Alfred Yekatom in the Central African Republic II Situation at the International Criminal Court and has also worked as Associate Counsel for Mr. Jean-Pierre Bemba (Article 70).

At the International Criminal Tribunal for Rwanda (ICTR), Ms. Dimitri represented Dr. Augustin Ndirabatware, the Minister of Planning, as his Lead Counsel through both trial and appeal stages. Additionally, she was Co-Counsel for Arsène Shalom Ntahobali, the son of the Minister of Women's Affairs, Pauline Nyiramasuhuko, in their trial and appeal proceedings.

Ms. Dimitri has also navigated trials in absentia, notably co-representing Mustafa Badreddine's rights and interests at the Special Tribunal for Lebanon until the proceedings were terminated. Subsequently, she transitioned to a Legal Consultant role for Mr. Hassan Habib Merhi.

In Canada, she undertook a ground-breaking trial under universal jurisdiction, defending Désiré Munyaneza against charges related to the 1994 Rwandan Genocide before both the Quebec Superior Court and the Quebec Court of Appeal.

Ms. Dimitri is also an esteemed speaker, having delivered numerous lectures and conferences on open-source investigations and the intricacies of defending suspects in wartime. She was also part of a group of experts invited by the Nuremberg Academy to debate on the length of the proceedings before the ICC. Additionally, she has conducted specialized training for Ukrainian lawyers, further showcasing her commitment to legal education and international human rights. She was also invited to provide a presentation on international criminal courts and tribunals to the appeals judges in Quebec, Canada during their annual training.

JOIN THE ADC-ICT

Become part of a highly experienced network of defence practitioners.

Full, Associate and Affiliate membership available for all levels of experience.



Scan to join now!



Matt Halling

Matt Halling is a prosecutor practicing at the Kosovo Specialist Chambers in The Hague. From 2011-20 he worked in Chambers at the International Criminal Court, primarily for the Trial Division.



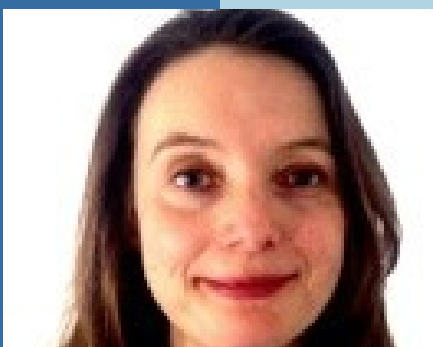
Sarah Zarmsky

Sarah Zarmsky is an Assistant Professor at Queen's University Belfast School of Law. Her research focuses on the intersections between international criminal law and new and emerging technologies.



Sarah Bafadhel

Sarah Bafadhel is a British-Yemeni barrister and appears as counsel representing accused persons and States before the ICC. She has previously appeared before the ICTY, IRMCT and STL. Sarah provides advice to relevant State actors in relation to admissibility and jurisdictional issues as well as State co-operation before the ICC.



Anne-Aurore Bertrand

Anne-Aurore Bertrand is a Judicial Cooperation Adviser at the Registry of the International Criminal Court (ICC) and Acting Chief of the Judicial Cooperation Section. With over 19 years of experience in international law and cooperation, she has played a pivotal role in fostering judicial partnerships, and advancing arrest and recovery of assets initiatives. Previously, she served as Cooperation and External Relations Officer at the ICC, where she coordinated and developed international cooperation strategies, building partnerships with state representatives, judicial authorities, and intergovernmental organizations, including the European Union, African Union, and Organisation Internationale de la Francophonie. Her work involved identifying cooperation opportunities, advising on external relations policies, and representing the Registry in meetings, conferences, and field missions, including speaking engagements at the Assembly of States Parties. Anne-Aurore also held the role of Director of External Relations at the Wildlife Justice Commission, contributing to efforts against wildlife trafficking.



Philippe Larochelle

Mr. Larochelle is a founding partner of Larochelle Avocats, a litigation firm based in Montreal, Canada (www.larochelleavocats.com). Since 1998, he has dedicated his practice to both civil and criminal law, appearing before the Superior Courts, Courts of Appeal, and the Supreme Court of Canada. Since 2001, he has also specialized in international criminal law, representing clients in various international tribunals.

Among his notable achievements, Mr. Larochelle secured an acquittal before the Supreme Court of Canada in **Déry v. The Queen** (2006). He has been representing the Algonquin Makwanini First Nation since 2008 and achieved an acquittal for Rwanda's Minister of Foreign Affairs in **The Prosecutor v. Bicomumpaka** at the International Criminal Tribunal for Rwanda (ICTR) in 2011. His expertise was further demonstrated in **Régent Boily v. Canada** (2012), where he contributed to the condemnation of Canada by the Committee Against Torture. The same year, he confirmed the decision not to pursue charges before the Appeals Chamber of the International Criminal Court (ICC) in **The Prosecutor v. Mbarushimana**.

In 2013, Mr. Larochelle secured an acquittal in the genocide trial of **R. v. Mungwarere**. He continued his work at the ICTR, securing a conviction for Rwanda's Minister of Youth Affairs in **Prosecutor v. Nzabonimana** (2014). As part of Narcisse Arido's defense team at the ICC (2015), he solidified his reputation in international criminal law. From 2014 to 2016, he served as Defense Counsel for Hussein Hassan Oneissi at the Special Tribunal for Lebanon, achieving an acquittal in 2020.

Between 2015 and 2017, Mr. Larochelle worked on the revision case for Éliezer Niyitegeka before the International Residual Mechanism for Criminal Tribunals (IRMCT). He also contributed to another condemnation of Canada by the Committee against Torture in **Léon Mugesera v. Canada** (2018). Representing the Assembly of First Nations of Quebec, he appeared before the national inquiry into Missing and Murdered Indigenous Women and Girls from 2018 to 2019, acknowledging the situation as genocide. He also represented the Assembly before the Viens Commission in Quebec (2019).

More recently, Mr. Larochelle defended Jean-de-Dieu Ndagijimana against contempt charges before the IRMCT from 2019 to 2021. In 2020, he was instrumental in the condemnation of Rwanda by the African Court of Human Rights in **Léon Mugesera v. Rwanda**. Since August 2020, he has been a member of the defense team for Paul Rusesabagina in Rwanda. Additionally, he serves as counsel for Maxime Jeoffroy Eli Mokom Gawaka, where the charges against him were withdrawn by the ICC Prosecutor in 2023. Mr. Larochelle is also the current President of the International Criminal Court Bar Association.





Kate Orlovsky

Kate Orlovsky is the Director of the Hague Office of the International Bar Association (IBA) and of the IBA's International Criminal Court (ICC) and International Criminal Law Programme. As Programme Director Ms Orlovsky works with ICC officials, States Parties, and other stakeholders to increase cooperation with and support for the ICC and other accountability efforts, with the goal of strengthening the Rome Statute system globally and achieving fair, effective, and accessible justice for victims of genocide, crimes against humanity, war crimes, and aggression. Her work includes promoting the adoption of legislation at a national level, and providing recommendations on effective oversight of the ICC, national frameworks for domestic prosecutions of Rome Statute crimes, cooperation, and universality. Ms Orlovsky initiated and led the development of the IBA's Guide for States Parties, a comprehensive set of recommendations to strengthen States' participation in the Rome Statute system, the second edition of which will be released in October 2024.

Ms. Orlovsky is a U.S. lawyer with extensive experience working in civil society organisations on international justice, where her work has focused on fair trials, gender justice, and international criminal law. She has written numerous publications and lectured widely on the ICC and transitional justice, and serves on the Organising Committee of the IBA ICC Moot Court Competition. Ms. Orlovsky has an LL.M. from SOAS, University of London, a J.D. from the University of California College of the Law San Francisco, and a B.A. from Columbia University.



Kinga Tibori-Szabó

Dr Kinga Tibori-Szabó specialises in international criminal law, international humanitarian law and public international law. She has seventeen years of experience in the field of international criminal justice, having worked for defence (International Criminal Tribunal for the Former Yugoslavia), victims (Special Tribunal for Lebanon) and judges' chambers (Kosovo Specialist Chambers) in The Hague. Kinga worked on cases involving charges of genocide, crimes against humanity, war crimes and terrorism. Kinga also previously worked as an investigations team leader for the UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD), based in Iraq. She is also a member of the New York State Bar and an associate member of St Philips Chambers. Kinga's publications include an award-winning monograph on the right of states to anticipatory self-defence and a practitioners' guide to victim participation in international criminal justice. She is a frequent speaker on topics of international criminal law and public international law.





www.adc-ict.org