

Programme

Prosecuting sexual and gender based violence crimes at international courts and tribunals: recent advances and ongoing challenges

The University of New South Wales
Faculty of Law, Staff Common Room
Friday, 28 October 2016, 9:30 – 14:00

TIME	EVENT
9:30-9:45	<p>Welcome from the AHRCentre and Introduction</p> <ul style="list-style-type: none"> • Prof. Andrew Byrnes, Faculty of Law, UNSW • Prof. Louise Chappell, Faculty of Arts & Social Sciences, UNSW
9:45-10:45	<p>Panel on prosecuting sexual and gender-based violence crimes at the International Criminal Tribunal for the Former Yugoslavia (ICTY): Lessons learned and ways forward</p> <p>Moderator: Prof. Louise Chappell, Faculty of Arts & Social Sciences, UNSW</p> <ul style="list-style-type: none"> • Michelle Jarvis, Principal Legal Counsel, ICTY • Judge Julia Baly SC, NSW District Court Judge and former Trial Attorney for the Office of the Prosecutor, ICTY • Graham Blewitt, Magistrate and former Deputy Prosecutor, ICTY
10:45-11:05	Morning tea
11:05-12:15	<p>Sexual and gender-based violence crimes in international law</p> <p>Chair: Emily Waller, PhD Candidate, UNSW</p> <ul style="list-style-type: none"> • <i>Prosecuting sexual and gender violence crimes in the International Criminal Court Historical legacies and new opportunities</i>, Dr. Rosemary Grey, Postdoctoral Fellow, Melbourne Law School • <i>The Extraordinary Chambers in the Courts of Cambodia: Developing the law on sexual violence?</i> A/Prof. Sarah Williams, Faculty of Law, UNSW • <i>Transitional Justice and Women's Hearings: an Alternative Accountability Mechanism?</i> Prof. Andrea Durbach, Faculty of Law, UNSW • <i>Prosecuting Sexual violence: the Charles Taylor case at the Special Court for Sierra Leone</i>, Ms. Kirsten Keith, Project Officer, Faculty of Law, UNSW
12:15-13:00	<p>Victims and sexual and gender-based violence crimes</p> <p>Chair: A/Prof. Sarah Williams, Faculty of Law, UNSW</p> <ul style="list-style-type: none"> • Jonathan O'Donohue, Legal Advisor, Amnesty International • Anna Griffin, NSW International Humanitarian Law officer, Australian Red Cross
13:00-14:00	<p>Book Launch and Lunch</p> <p>Welcome and Moderator: Prof. Louise Chappell, Faculty of Arts & Social Sciences, UNSW</p> <ul style="list-style-type: none"> • <i>Book launch remarks</i>, Emeritus Professor Judith Gardam, University of Adelaide • <i>Prosecuting Conflict-Related Sexual Violence at the International Criminal Tribunal for the former Yugoslavia</i>, Michelle Jarvis, Principal Legal Counsel, ICTY

Participant Biographies

Julia Baly SC, Judge, District Court of NSW

Ms Baly holds a Bachelor of Laws, Masters of Public International Law and a Bachelor of Arts from the University of Sydney. She was admitted as a solicitor in 1987 and a barrister in 1995. Ms Baly commenced her legal career at the Aboriginal Legal Service and was an instructing solicitor in the 1988 Royal Commission into Aboriginal Deaths in Custody. In the 1990s she acted as a criminal defence counsel in Sydney as well as taking on international criminal trials in Bosnia, Yugoslavia, Liberia and Cambodia. Since 2002, Ms Baly has been a Crown Prosecutor with the NSW Director of Public Prosecutions and in recent times, based in Lismore, has been the Deputy Senior Crown Prosecutor for the whole of country NSW. Ms Baly was sworn in as District Court Judge in 2014.

Graham Blewitt, Magistrate of the Local Court of New South Wales

Graham Blewitt commenced his career in what is now the NSW DPP, where he spent 21 years. From 1985 to 1988 he was the Senior Legal Advisor at the National Crime Authority in Sydney. In 1988 he commenced as the Deputy Director of the Special Investigation Unit, which was responsible for the investigation of alleged Nazi war criminals living in Australia. This war crimes work in Australia led to his appointment as the Deputy Chief Prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY), based in The Hague, in February 1994, where he remained until June 2004. On his return to Australia, he was appointed a Magistrate of the Local Court of New South Wales, and for the last 10 years he has been working as a Children's Court Specialist Magistrate.

Andrew Byrnes, Professor, Faculty of Law, UNSW

Andrew Byrnes joined the UNSW Law Faculty as Professor of International Law in May 2005. Previously, he was Professor of Law at the Australian National University (2001-2005) and prior to that was Associate Professor of Law at the Faculty of Law, University of Hong Kong, where he was Director of the Centre for Comparative and Public Law and Director of the Master of Laws in Human Rights until his departure in 2001. He served as President of the Australian and New Zealand Society of International Law from 2009 to 2013. He is currently Chair of the Steering Committee of the Australian Centre for Human Rights and a member of the Board of the Diplomacy Training Program. He served as external legal adviser to the Australian Parliamentary Joint Committee on Human Rights from November 2012 to September 2014.

Louise Chappell, Professor, Faculty of Arts & Social Sciences, UNSW

Louise Chappell is a Professor of Politics in the School of Social Sciences and a former Australian Research Council Future Fellow. Louise's research interests are in the areas of women's rights; gender, politics and institutions and comparative federalism and public policy. Louise's current research projects focus on gender justice at the International Criminal Court, the design of reparations for sexual violence and federalism and women's policy making in comparative perspective.

Andrea Durbach, Professor, Faculty of Law, UNSW

Andrea Durbach is Professor of Law and Director of the Australian Human Rights Centre, Faculty of Law, UNSW. Born and educated in South Africa, she practised as a political trial lawyer representing victims and opponents of apartheid. Prior to her academic appointment, Andrea was Director of the Public Interest Advocacy Centre (PIAC) in Sydney where she conducted research on reparations and Australia's 'Stolen Generations', prompting two Federal government inquiries. From 2011 to 2012, Andrea was Deputy Sex Discrimination Commissioner at the Australian Human Rights Commission and in 2013, she was engaged by the Australian Defense Abuse Response Taskforce to design, implement and evaluate a reparative framework to address the needs of Defense Force victims of gender abuse. Andrea is currently co-investigator (with Louise Chappell and Sarah Williams) on a 3 year ARC grant which examines the potential and limitations of 'transformative' reparations to combat sexual violence against women post-conflict.

Judith Gardam, Emeritus Professor, University of Adelaide

Judith Gardam is Emeritus Professor at the Law School, University of Adelaide in South Australia and a Fellow of both the Academy of Social Sciences in Australia and the Australian Academy of Law. She is an International Lawyer and a feminist scholar. She has previously held appointments at the Law Schools of the Universities of Western Australia, Monash and Melbourne. She has researched and published widely in a number of areas of international law and is an acknowledged expert on women and International Humanitarian Law and the Law on the Use of Force.

Dr. Rosemary Grey, Melbourne Law School

Dr Rosemary Grey is a Postdoctoral Fellow at Melbourne Law School. Her research focuses on gender issues in international criminal law, particularly the evolving law and practice regarding the prosecution of sexual and gender-based crimes. In June 2016, Rosemary joined Melbourne Law School to commence a two-year postdoctoral research project titled 'Prosecuting Gender Crimes at the International Criminal Court'. Informed by feminist critiques of international law, this project aims to identify and challenge gender discrimination in the interpretation of crimes within the jurisdiction of the ICC. Prior to coming to Melbourne, Rosemary completed her PhD at the University of New South Wales (UNSW). Her PhD thesis, titled 'Prosecuting sexual and gender violence crimes in the International Criminal Court: Historical legacies and new opportunities', presented an in-depth study of all cases before the ICC from 2002-2014. While completing her PhD, Rosemary taught international criminal law to LLB and JD students at UNSW, and assisted in coaching students competing in the Hague-based International Criminal Court moot competition. She also worked and volunteered with a number of Hague-based organisations including Women's Initiatives for Gender Justice, the International Bar Association, and the International Criminal Court.

Anna Griffin, Public Outreach Coordinator, Australian Red Cross

Anna Griffin is the Public Outreach Coordinator – International Humanitarian Law (IHL) and Movement Relations for the Australian Red Cross. Anna holds both a Master in International Relations and in Public and International Law from the University of Melbourne. She began working with Australian Red Cross (ARC) in 2010 in International Programs. She joined the IHL program in 2012 as IHL Coordinator and has recently taken on the role of Public Outreach Coordinator, responsible for directing and overseeing Australian Red Cross public advocacy on IHL and humanitarian principles. Anna is the IHL Program focal point on gender and IHL and was part of a global Red Cross working group on SGBV in conflict and emergencies that contributed to the development of a Red Cross policy which was adopted in a Resolution at the International Conference of the Red Cross and Red Crescent in December 2015.

Michelle Jarvis, Deputy to the Prosecutor, ICTY

Michelle Jarvis is an Australian lawyer with extensive international experience and a diverse career covering litigation, rule of law, women's access to justice and senior management roles. She has worked at the International Criminal Tribunal for the Former Yugoslavia (ICTY) for over fifteen years and is presently the Deputy to the Prosecutor. In this role, Michelle has oversight of legal issues across the Office of the Prosecutor for the ICTY and the Mechanism for International Criminal Tribunals (MICT). Before moving to the ICTY, Michelle worked in a variety of roles in Australia and internationally, including as a consultant for the United Nations Division for the Advancement of Women and as a solicitor for a community legal service focusing on women's legal justice issues in Australia. Michelle is currently the Coordinator of the Prosecuting Conflict-Related Sexual Violence (PSV) Network of the International Association of Prosecutors and she is a trainer for the Justice Rapid Response Sexual and Gender Based Violence Investigations certification process.

Kirsten Keith, Project Officer, Australian Human Rights Centre, UNSW

Kirsten Keith is a lawyer and co-director of the AHRCentre project: 'Strengthening Australian university responses to sexual assault and harassment'. She has worked for the Prosecution at the Special Court for Sierra Leone, the Rwanda and the International Criminal Tribunal for the former Yugoslavia.

Jonathan O'Donohue, Legal Adviser on International Justice, Amnesty International

Jonathan is a Legal Adviser for Amnesty International on international justice issues. He has performed this role since 1999 and represents Amnesty International at the International Criminal Court and the Assembly of States Parties, as well as supporting numerous Amnesty national campaigns for justice, truth and reparation for victims of serious human rights violations. He currently manages Amnesty International's new Human Rights in International Justice project, which promotes the human rights compliance of international and internationalised criminal courts, with a strong focus on ensuring respect for the rights of the accused, victims and witnesses. As part of this project, Jonathan coordinates a new International Criminal Justice Clinic at Melbourne Law School which monitors international criminal trials, identifies and analyses emerging human rights issues and supports Amnesty International's advocacy. He is also Senior Fellow at Melbourne Law School.

Emily Waller, PhD Candidate, School of Social Sciences, UNSW

Emily is a doctoral researcher in the School of Social Sciences at the University of New South Wales. Her thesis focuses on sexual violence-related stigmatisation and its intersection with international, national and local criminal justice mechanisms. She is also a research associate on an ARC project exploring sexual violence against women post-conflict through 'transformative' reparations. Emily has a Master in Public Health and a multidisciplinary research background in public health, human rights, gender, security, and international criminal justice.