

ABA SECTION OF LITIGATION
DARFUR TASK FORCE
LONDON CONFERENCE
Millennium Knightsbridge Hotel

OCTOBER 12-17, 2008

Sunday, October 12, 2008 (6 - 8 p.m.)

Informal reception and light dinner
Welcoming remarks by:

Robert Rothman, Chair, ABA Section of Litigation
Hilarie Bass, Vice-Chair, ABA Section of Litigation
Brad Brian, Co-chair, ABA Section of Litigation
Darfur Task Force
Salih Mahmoud Osman, Winner of Sakharov Prize for
Freedom of Thought (2007) and the Section of
Litigation International Human Rights Award (2006)

Monday, October 13, 2008 (plenary sessions all day)

Breakfast (8 - 9 a.m.)

Introduction (Brad Brian and Laurie Miller – Darfur Project
Co-chairs) (9 - 9:30 a.m.)

Review of 2007 Conference
Importance of partnership between ABA Section of
Litigation and Sudanese lawyers
Roadmap of upcoming activities (“substantive”
morning meetings followed by training
and break-out sessions).

Brief introduction to importance of building a factual dossier to record evidence of human rights violations.

“The Rule of Law” in Sudan (Salih Mahmoud Osman) (9:30-10:15 a.m.)

Short history of current conflict in Darfur

Discussion of court system in Sudan, including adequacy of courts to address alleged human rights violations.

Description of legal representation of victims of human rights violations.

Impact of various peace agreements and overtures toward peace.

Impact of ICC indictments.

Overview of International Criminal Court (Terree Bowers and Genevieve Cox) (10:30 a.m. - Noon)

Description of the ICC, including discussion of:

Rules and Regulations

Subparts of ICC

ICC’s authority and limits on that authority,
Jurisdictional prerequisite that the Sudanese courts be deemed inadequate to address alleged violations

Victims’ rights, including discussion of:

Roles for victims and their counsel before ICC

Importance of uncovering and preserving evidence

Development of factual dossier

Procedures for civil reparations

Realistic assessment of ICC and the role victims, Sudanese lawyers, and ABA likely will play

Lunch (Noon - 1:00 p.m.)

Personal Introductions (All) (1- 3 p.m.)

Each participant (both American and Sudanese) will introduce him/herself and describe briefly the nature of his/her practice and what he/she wants to gain from the conference

Fact Investigation -- Preserving Evidence (Dean JoAnne Epps and Professor Lonny Rose) (3:15 - 5 p.m.)

Overview of conducting a factual investigation and preserving evidence
Witness interviews and affidavits
Preserving physical evidence
Preparing the dossier of evidence
Introduction of the factual narrative based on responses to questionnaires

Tuesday, October 14, 2008 (plenary session in morning; break-out groups in afternoon)

Breakfast (8 - 9 a.m.)

Inadequacy of Sudanese Courts (9 a.m. to 12:15 p.m.) (Jeff Eglash; Kim Askew; Hon. Nan Nolan; Jehanne Henry, Human Rights Watch; and Salih Mahmoud Osman)

More comprehensive discussion of the jurisdictional prerequisite to ICC criminal proceeding, including:
Provisions of Rome statute

Timing and other procedural issues relevant to
issue of inadequacy of the Sudanese court
system

Evidence necessary to establish inadequacy of
Sudanese court system

(Jeff Eglash, Kim Askew and Laurie Miller)

Experiences of Sudanese lawyers in Sudanese courts
including:

Discussion of Special Court established by
Sudanese government to handle alleged
human rights violations

Discussion of pending death penalty cases against
“rebels” who allegedly attacked government
forces in Khartoum

(Salih Mahmoud Osman and 2-3 other Sudanese
lawyers)

Discussion of steps to develop evidence of inadequacy
of Sudanese courts, including:

Specific court cases

Copies of public court files

Affidavits of participants (lawyers and/or clients)

(All)

Lunch (12:15 - 1:15 p.m.)

Afternoon Break-out Sessions (1:15 - 5 p.m.)

Divide Sudanese lawyers into three separate break-out
sessions

First Break-out Group: will focus on witness
interviews and preparation of witness affidavits.

(Hon. Nan Nolan, Dean Epps,
Professor Rose, Jeffrey Beaver)

Second Break-out Group: will focus on discovery and preservation of physical evidence.
(Jacqueline Becerra, Terree Bowers)

Third Break-out Group: will involve interviews of the Sudanese lawyers themselves to enable them to tell their stories” to the world. (Kim Askew, Brad Brian, Jeff Eglash, Grayson Yeargin, Genevieve Cox, Patricia Engelhard)

**Wednesday, October 15, 2008 (plenary session until 11:00 a.m.;
break-out groups thereafter)**

Breakfast (8 - 9 a.m.)

Victims’ Rights--(Paolina Massidda, Principal Counsel, ICC Office of Public Counsel for Victims; Jeff Eglash, Terree Bowers; 1-2 Sudanese lawyers) (9 - 11 a.m.)

Victims’ rights before the ICC (including discussion of role of ICC Office of Public Counsel for Victims, relationship with the Chief Prosecutor’s Office, and legal representation of victims before the ICC)

Defending victims rights in the Sudan (including discussion of Sudanese courts and laws)

Break-out Sessions (11:15 a.m. - 12:15 p.m.)

Sudanese lawyers will divide into the same break-out groups as on October 14, but will rotate to a new subject matter (i.e., Sudanese lawyers who worked on witness interviews/affidavits on October 14 will rotate to preserving evidence, Sudanese lawyers who worked on preserving evidence will rotate to telling their stories, etc.)

American faculty will retain same assignments so that same faculty members will provide instructions on witness interviews/affidavits, etc.

Lunch (12:15 - 1:15 p.m.)

Afternoon Break-out Sessions (1:15 - 4:30 p.m.)

Sudanese lawyers and American faculty will continue the same break-out groups from the morning session

Thursday, October 16, 2008 (plenary session until 11:00 a.m.; break-out groups thereafter)

Breakfast (8 - 9 a.m.)

ICC Prosecution in Darfur Case--Panel Discussion

(Essa M. Faal, Senior Trial Lawyer, Office of the Prosecutor, ICC; Terree Bowers, Jerry Roth) (9 -11 a.m.)

Status of pending criminal prosecution

Timing of further proceedings

Practical factors affecting surrender of defendants and further prosecution of case

Jurisdictional issue and other likely defenses

Roles of victims in prosecution

Break-Out Sessions (11:15 a.m. - 12:15 p.m.)

Sudanese lawyers will divide into the same break-out groups as on October 14 and 15, but will rotate to a new subject matter (i.e., Sudanese lawyers who worked on witness interviews/affidavits on October 14 and preserving evidence on October 15 will rotate to telling their stories, etc.)

American faculty will retain same assignments so that same faculty members will provide instructions every afternoon on witness interviews/affidavits, etc.

Lunch (12:15 - 1:15 p.m.)

Afternoon Break-out Sessions (1:15 - 4:30 p.m.)

Sudanese lawyers and American faculty will continue the same break-out groups from the morning session.

Friday, October 17, 2008 (plenary sessions all day)

Breakfast (8 - 9 a.m.)

“Telling Their Stories” (2-3 Sudanese lawyers) (9 - 10:30 a.m.)

Following the interviews over the past three days, two or three Sudanese lawyers will be asked to share their stories with the entire group of attendees

International Criminal Court--Civil Reparations--Panel Discussion (Ian Lane, Acting Counsel, Trust Fund for

Victims, ICC; Brad Brian; Laurie Miller; Jerry Roth; Genevieve Cox) (10:45 a.m. - 12:15 p.m.)

Role of civil reparations under Rome statute
Monetary trust fund (establishment, function, and sources of funds)

Definition of “victim” under Rome statute for purpose of civil monetary reparations

ICC precedent for civil monetary reparations

Trust Fund’s recent initiative to deliver “targeted support” to victims of sexual violence

Procedure for “applying” for civil monetary reparations

Lunch (12:15 - 1:15 p.m.)

Moving Forward After or Without the ICC (Brad Brian, Laurie Miller, Hon. Nan Nolan, Professor Rose) (1:15 - 2:45 p.m.)

Discussion of possible other projects, including:

Reconciliation process after peace agreement
and/or after ICC prosecution

Revisions to Sudanese laws and/or court system

Human Rights Center

Reflections, Comments, and Discussion on Conference
(All) (3 - 4:30 p.m.)

Reception and Closing Dinner (6:30 - 9:30 p.m.)