

20th ANNIVERSARY CONFERENCE

**INTERNATIONAL SOCIETY FOR
THE REFORM OF CRIMINAL LAW**

VANCOUVER, JUNE 23, 2007

**DOMESTIC PROSECUTIONS
AND CANADA'S WAR CRIMES
PROGRAM**

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INTERNATIONAL CRIMINAL JUSTICE EFFORTS

- INTERNATIONAL CRIMINAL COURT
- INTERNATIONAL TRIBUNALS (ICTY, ICTR)
- NATIONALIZED INTERNATIONAL TRIBUNALS (SLSC, ECCC)
- INTERNATIONALIZED NATIONAL COURTS (EAST TIMOR, KOSOVO, BiH)

DOMESTIC PROSECUTIONS - LEGISLATION

- **FOUR MAIN MODELS**
- **DOMESTIC CRIMES (DENMARK, NORWAY)**
- **STATIC IMPLEMENTATION (UK, AUSTRALIA)**
- **DYNAMIC IMPLEMENTATION (GERMANY, NETHERLANDS)**
- **HYBRID (CANADA, FINLAND)**

DOMESTIC PROSECUTIONS – TERRITORIAL JURISDICTION

- RECENT PHENOMENON
- MORE THAN DOZEN COUNTRIES
- SOME RESULT OF ICTY/ICTR COMPLETION STRATEGY
- SOME AGAINST FORMER HEADS OF STATE (ETHIOPIA, PERU)
- NOT ONLY AGAINST OWN NATIONALS (DRC)
- ADVANTAGES OF WAR CRIMES PROSECUTIONS

DOMESTIC PROSECUTIONS – UNIVERSAL JURISDICTION

- MOSTLY NORTH AMERICA AND EUROPE
- DIFFERENT APPROACHES RE UNIVERSALITY (SPAIN, BELGIUM, GERMANY)
- ISSUE OF LEGALITY / RETROACTIVITY (NETHERLANDS, UK, SPAIN)
- ALSO AGAINST OWN NATIONALS IN SUPPORTING ROLE (NETHERLANDS)
- ALSO DOMESTIC CRIMES IN ADDITION TO WAR CRIMES (DENMARK, US, NETHERLANDS)

DOMESTIC APPROACHES – OTHER ISSUES

- SPECIALIZED CRIMINAL UNITS
- INTERNATIONAL CO-OPERATION (INTERPOL, EU, ICC)
- ROLE OF CIVIL SOCIETY
- IMMIGRATION / ASYLUM REMEDIES
- CIVIL REMEDIES
- CONCLUSION

CANADA'S WAR CRIMES PROGRAM

- NO SAFE HAVEN
- CONTRIBUTION TO GLOBAL FIGHT AGAINST IMPUNITY

CANADIAN APPROACH

- SPECTRUM OF REMEDIES
- IMMIGRATION REMEDIES
- PROSECUTION / EXTRADITION

STRUCTURE OF PROGRAM

- **FOUR DEPARTMENTS INVOLVED:
RCMP, JUSTICE, CBSA AND CIC**
- **EACH OWN WAR CRIMES UNIT /
PERSONNEL**
- **EACH DIFFERENT MANDATE AND
ORGANIZATION**

CO-ORDINATION

- **BETWEEN GOVERNMENT DEPARTMENTS INVOLVED**
- **CO-OPERATION WITH INTERNATIONAL BODIES**
- **BETWEEN PARTNERS OF THE WAR CRIMES PROGRAM / OPERATIONS COMMITTEE**

CO-ORDINATION - PCOC

- FILE REVIEW
- CRITERIA
- RESULTS

CONCLUSIONS

- **ADVANTAGES OF CANADIAN MODEL**
- **DISADVANTAGES OF CANADIAN MODEL**
- **INTERNATIONAL CO-OPERATION**