One of the most critical steps towards criminal justice for core international crimes – be it in national or international jurisdictions – is the exercise of discretion to determine whether there is a reasonable or sufficient basis to proceed to a full criminal investigation without which there is no prosecution. This pre-investigative stage is known under different names, including ‘preliminary examination’ (‘PE’) which is used generically for the purposes of this project. Criminal procedure regimes usually set a threshold for the assessment of the seriousness of available incriminating information – such as “reasonable basis to proceed with an investigation” in Article 15(3) of the Statute of the International Criminal Court (‘ICC’). But apart from that, they tend to give the prosecution sweeping discretion in the conduct of the preliminary examination. As a consequence, PEs often involve a large degree of uncertainty for those directly concerned, they may extend over a long period of time, or they can easily become a graveyard for reports on or allegations of criminal conduct. Many allegations of core international crimes – typically, but not limited to, international sex crimes – do not make it beyond preliminary examination.

While legal systems depend on the flexibility afforded by discretionary power vested in lawyers, the sheer expanse of discretion in preliminary examination bolsters the power of the prosecutor vis-à-vis victims, judges, the public and, in international jurisdictions, the States concerned. Public statements made by the prosecutor pursuant to a preliminary examination (or just keeping it open for several years) can cast shadows of incrimination over suspects, Governments and States alike (including non-States Parties), even if in the end the prosecutor concludes that there is no reasonable basis to proceed to an investigation. In the case of the ICC, there is almost nothing a suspect or State can do about it, except to prepare for the possible outcome and wait. Many criminal justice systems place
such distinct power in the hands of the prosecutor from the moment he or she possesses incriminating information. While the war crimes trials and appellate proceedings have enjoyed intense media, government and expert attention the last twenty years, preliminary examination has received very little. This deficit is problematic as a weak start often makes crooked and broken war crimes cases which undermine trust among victims, donors and the public. Human rights defenders also depend on sound preliminary examinations for their sources during documentation to agree to sharing materials with criminal justice actors. To pass from documentation to criminal investigation, one must cross the bridge of preliminary examination. This is a critical dimension of the relationship between civil society and the rise of criminal justice for core international crimes.

This project seeks to contribute to a better understanding of preliminary examinations, their normative frameworks, and aspects requiring improvement, both in international and domestic settings. The project seeks to contribute to betterment, but it pushes no specific agenda of regulatory reform, be it in the form of procedural provisions, prosecution directives, or formal criteria. The project’s open inquiry may well conclude that prosecutorial discretion in preliminary examination should not be further curtailed by binding regulation, but rather that its exercise should be more vigilantly assessed by prosecutors, and monitored by civil society. Prosecutorial professionalisation – as other forms of professionalisation, also in the public sector – requires an awareness on the part of prosecutorial leaders of the importance of self-questioning and self-improvement. This is a precondition for such professionalisation to take proper hold in the practice of criminal justice teams. It is this awareness and culture of quality control, including the freedom and motivation to challenge vigorously the quality of work, which this project seeks to advance. It follows the earlier CILRAP-project on ‘Quality Control in Fact-Finding’, and will be succeeded by a third project on ‘Quality Control in Criminal Investigation’.

Preliminary examinations have turned into one of the most important activities of the ICC. Three situations (Afghanistan, Georgia, Iraq/UK) concern permanent members of the United Nations Security Council. The ICC Office of the Prosecutor (‘OTP’) has issued a 2013 Policy Paper on Preliminary Examination and annual preliminary examination reports. Situations such as Palestine or Colombia count among the most complex and challenging areas of inquiry. Human rights fact-finding bodies call on the ICC to consider opening new proceedings. But the ICC faces constraints, in terms of its mandate, jurisdictional limitations, and resources. Attention has shifted from situation to situation. Only limited strategic and long-term thinking has been devoted to broader policy questions, such as the context, rationale and role of PEs, the suitability of the existing legal framework, methodologies, public communication during PEs, the impact of PEs in and across situations, and lessons learned from specific case studies.

This project seeks to address these and related challenges from the perspective of multiple disciplines and angles. The project started with a thematic expert meeting in The Hague in September 2015. The second phase of the project is the conference in The Hague on 13-14 June 2017 based on the following programme. The emphasis will be on how a culture of quality control can be enhanced in preliminary examination.

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1 See http://www.legal-tools.org/doc/aeb906/.
Programme:

Tuesday, 13 June 2017:

09:00 Opening remarks:
- Ambassador Martin Sorby (Norway)
- Judge LIU Daqun (Vice President, ICTY)
- Professor Morten Bergsmo (Peking University, CILRAP)
- Professor Carsten Stahn (Leiden University)
- Mr. Eduardo Toledo (International Nuremberg Principles Academy)

10:00 Session 1: The Practice of Preliminary Examination: Realities and Constraints
Chair: Ambassador Martin Sorby

1. Andrew T. Cayley: Constraints and Quality Control in Preliminary Examination: Critical Lessons from the ICTY, ICC, ECCC and the United Kingdom

2. Runar Torgersen: The Concern for Quality Control and Norwegian Preliminary Examination Practice

3. Franklin Rosenblatt: Preliminary Examinations in the United States Military: Quality Control and Reform

4. Abraham Joseph:

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3 Martin Sorby is Norwegian Ambassador to the Netherlands. He has previously built up and led the Section on International Humanitarian and Criminal Law in the Department of Legal Affairs of the Norwegian Ministry of Foreign Affairs. He has extensive multilateral experience and has been involved in the Colombian peace process.

4 Judge LIU Daqun is Vice-President of the International Criminal Tribunal for the Former Yugoslavia (‘ICTY’), and Judge at the ICTY Appeals Chamber (having been an ICTY Judge since 2000). He has been Director both of the Private International Law Division, the Law of the Sea Division and the International Law Division of the Treaty and Law Department, Ministry of Foreign Affairs of China, and Deputy Director-General of that Department. He has taught law at Peking University, the Chinese Academy of Social Sciences, China University of Political Science and Law, and Wuhan University. He has participated in numerous delegations of the Chinese Government, including as Deputy Head and Chief Negotiator of the Chinese Delegation to the Rome Conference on the establishment of the ICC. He has been Ambassador to Jamaica.

5 Morten Bergsmo is Director, Centre for International Law Research and Policy (CILRAP), and Visiting Professor, Peking University Law School.

6 Carsten Stahn is Professor of International Criminal Law and Global Justice and Programme Director of the Grotius Centre for International Studies, Leiden University.

7 Eduardo Toledo is the Senior Legal Officer on International Criminal Law at the International Nuremberg Principles Academy, a co-organiser of this conference. He holds a master degree in international and European criminal law. He is a lecturer at Universidad Nacional de Cuyo (Argentina) and has acted as visiting professor at Latin-American universities. He presented a communication to the ICC on actions related to ground and river pollution of the Oriente Region in Ecuadorian Amazonia (the first filing before the Court on acts of contamination as a crime within the jurisdiction of the Court).

8 There will be time for clarification questions, if any, after every presentation (which should not be more than 15 minutes each), and 15-20 minutes for discussion before the break and again at the end of Session 1.

9 Andrew T. Cayley CMG QC is Director of Service Prosecutions, United Kingdom.

10 Runar Torgersen is Senior Public Prosecutor at the Norwegian Office of the Director of Public Prosecutions. He holds Cand. jur. and Ph.D. degrees from the University of Oslo. He recently led the Norwegian government’s expert group on a new code of criminal procedure.

11 Lieutenant Colonel Franklin Rosenblatt is a judge advocate in the United States Army. He currently serves as the Deputy Chief of the 150 attorneys of the Army’s Trial Defense Service, which provides free defense services to soldiers accused of crimes or adverse separation from the military. He has served in the Army for 18 years in assignments around the world, including billets in prosecution, defense, and operational law. He has written several articles on criminal accountability for international offenses committed by servicemembers. He holds a bachelor’s degree in philosophy from James Madison University, a law degree from the University of Virginia School of Law, and an LL.M. from the Judge Advocate General’s Legal Center and School.
Pre-Investigation and Accountability in India: Legal and Policy Roadblocks

11:20 Break

11:50 Session 1 continued:
   Chair: Professor John Dugard (Leiden University)12

5. Mathias Neuner:14
   German Pre-Investigation of Core International Crimes

6. Matilde Gawronski:15
   The Legalistic Function of ICC Preliminary Examinations

7. Amitis Khojasteh:16
   The Prosecutor’s Discretion in Opening ICC Preliminary Examinations

13:00 Lunch break

14:00 Session 2:17
   Case Studies or Situation Analysis
   Chair: Professor Carsten Stahn

8. Marina Aksenova:18
   The ICC Pre-Investigative Involvement in Colombia: Walking a Fine Line between Peace and Justice

9. Christian De Vos:19

12 Abraham Joseph is a Ph.D. candidate in international criminal law from National Law School of India University (NLSIU), Bangalore, working on a doctoral dissertation entitled ‘Contempt of Court and Offences against the Administration of Justice in International Criminal Law’, and currently working as Assistant Professor in School of Law, Ansal University, Gurgaon, National Capital Region (NCR), Delhi. He holds an LL.M in Human Rights Law from NLSIU Bangalore (Gold Medalist in international humanitarian law in 2012).

13 Professor John Dugard, Leiden University, is a graduate of the Universities of Stellenbosch (South Africa) and Cambridge (the latter conferred an LL.D. on him in 1980). He has been Professor of Law at the University of Witwatersrand, Johannesburg, during which time he was Dean (1975-1977) and Director of the Centre for Applied Legal Studies (1978-1990). He has held visiting positions in the United States (Princeton, Duke, Berkeley and Pennsylvania), Australia (New South Wales) and England (Goodhart Visiting Professor in Legal Science, 1995-1996, Cambridge). From 1995-1997 he was Director of the Lauterpacht Research Centre for International Law, Cambridge. He is a member of the Institut de Droit International; since 1997, he has been a member of the UN International Law Commission; he is a Judge ad hoc in the International Court of Justice.

14 Matthias Neuner has been a Trial Counsel at the Office of the Prosecutor, Special Tribunal for Lebanon, since 2009. Previously, he was a Trial Attorney at the Office of the Prosecutor, International Criminal Tribunal for the Former Yugoslavia for almost ten years.

15 Matilde Gawronski is an Assistant Situation Analyst in the Situation Analysis Section of the ICC Office of the Prosecutor. She holds an M.Sc. in Law, Anthropology and Society from the London School of Economics, a M.A. (Hons) in Social Anthropology from the University of St. Andrews, and is currently completing a D.Phil. in socio-legal studies at the Centre for Socio-Legal Studies at the University of Oxford. In the past, she acted as Chief Editor of the Journal of the Oxford Centre for Socio-Legal Studies, as co-convenor of the Oxford Central African Forum, and has held multiple roles within Oxford Transitional Justice Research.

16 Amitis Khojasteh is a Situation Analyst in the Situation Analysis Section of the Jurisdiction, Complementarity and Cooperation Division of the ICC Office of the Prosecutor. Previously, she worked at the ICTY, including in the Trial and Appeals Chambers and on a defence team, and as a fellow on the crimes against humanity convention initiative. She holds a J.D. from Washington University in St. Louis School of Law, a B.A. in International Relations from the University of Pennsylvania, and is a member of the New York Bar.

17 There will be time for clarification questions, if any, after every presentation (which should not be more than 15 minutes each), and 35-40 minutes for discussion at the end of Session 2.

18 Marina Aksenova holds a Ph.D. in law from the European University Institute. Her thesis focused on modes of participation in international criminal law and, in particular, on the concept of complicity. She holds a Master’s Degree in Criminology and Criminal Justice from the University of Oxford, an LL.M. in Public International Law from Amsterdam University, and a B.A. (Hons.) in law from the International University in Moscow. In the past, she has worked as a legal assistant for the defence at the ICTY, a legal intern at the Extraordinary Chambers in the Courts of Cambodia, and as arbitration associate in the Moscow office of White & Case LLC.
10. **Benson Chinedu Olugbou**  
Challenges in the Relationship between the ICC and African States: The Role of Preliminary Examinations under the First ICC Prosecutor

11. **Iryna Marchuk**  
Some Reflections on the Preliminary Examination into the Situation of Ukraine

12. **Thomas Obel Hansen**  
Accountability for British War Crimes in Iraq? Examining the Nexus between International and National Justice Responses

13. **Rachel Kerr**  
The United Kingdom and the ICC: Judicial Intervention, Positive Complementarity, and the Politics of International Criminal Justice

14. **Sharon Weill**  
The Situation in Palestine

15. **Nino Tsereteli**

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19 **Christian De Vos** is an advocacy officer for the Open Society Justice Initiative. He has worked as a human rights advocate, attorney, and researcher for organizations including Amnesty International, the United States Institute of Peace, the War Crimes Research Office, and Leiden University’s Grotius Centre for International Legal Studies. From 2007 to 2009, he served as a law clerk with the United States Court of Appeals for the Second Circuit. As a consultant for the Justice Initiative, he co-authored “From Judgment to Justice”, a report on the implementation of human rights judgments, as well as a companion report, “From Rights to Remedies”. He is also a co-editor of the volume Contested Justice: The Politics and Practice of International Criminal Court Interventions (Cambridge University Press, 2015). De Vos received his J.D. from the American University Washington College of Law and his Ph.D. (Law) from the University of Leiden. He also holds an M.Sc. in international relations from the London School of Economics and a B.A. from Wesleyan University. He is a member of the New York bar and a term member of the Council on Foreign Relations.

20 **Benson Chinedu Olugbou** holds a Ph.D. in Public Law from the University of Cape Town, South Africa. He is a Solicitor and Advocate of the Supreme Court of Nigeria with more than fifteen years of post-call experience in international criminal justice. He was a Fox International Fellow and Visiting Assistant in Research at the Whitney and Betty MacMillan Center for International and Area Studies at Yale University (2011-2012), and the Anglophone Africa Coordinator for the Coalition for the International Criminal Court (2004-2009). He has published widely on justice sector reform, international criminal justice and human rights in Africa.

21 **Iryna Marchuk** is Associate Professor at the Faculty of Law at the University of Copenhagen. She earned her Ph.D. degree from the University of Copenhagen in January 2011. She held appointments as a visiting scholar with the Castan Centre for Human Rights Law at Monash University and the Lauterpacht Centre for International Law at the University of Cambridge. She was previously affiliated with a number of international courts and tribunals, such as the ICTY, the Special Court for Sierra Leone, and the ICC. She has published in leading international journals, including the Yale Journal of International Affairs, the Vanderbilt Journal of Transnational Law, Criminal Law Forum, and the Boston University International Law Journal.

22 **Thomas Obel Hansen** works as a Lecturer at the Transitional Justice Institute (TJI) and the Law School at Ulster University (UU), Belfast. He obtained his LL.M. (2007) and Ph.D. in Law (2010) from Aarhus University Law School in Denmark. Prior to joining TJI in 2016, he worked as Assistant Professor in the International Relations Programme of the United States International University in Nairobi. During his time in Kenya, he also worked as an advisor and consultant on transitional and international justice for various organisations. He currently works as the principal investigator on a British Academy-funded project that examines the synergies between international and domestic justice processes relating to alleged British war crimes in Iraq. He is also the principal investigator on other ongoing grants, including the UU-funded project the ‘Nairobi Principles on Accountability’ and the Royal Irish Academy funded project ‘Balancing Justice and Peace: The Role of Regional Organizations’.

23 **Rachel Kerr** is a Senior Lecturer in the Department of War Studies at King’s College London. Previously, she was a Commissioning Editor at Polity Press and Research Associate at the Centre for International Studies, University of Cambridge. She holds a B.A. in International History and Politics from the University of Leeds and an M.A. and Ph.D. in War Studies from King’s College London.

24 **Sharon Weill** is Senior Lecturer Science-Po, Paris. She holds a Ph.D. from the University of Geneva. She worked for several years as a research fellow at the Geneva Academy of International Humanitarian and Human Rights law. During 2015-2016, she did research at UC Berkeley on the role of criminal justice and court in the war on terror, with the support of the Suisse National Science Foundation.

25 **Nino Tsereteli** is currently a postdoctoral researcher at the Judicial Studies Institute, Masaryk University in Brno. She holds a doctorate in law from the University of Oslo, where she worked as a researcher for PlurICourts, Centre for the Study of Legitimate Roles of the Judiciary in the Global Order (2012-2015). She also holds an LL.M. in public interna-
Quality Control in the Georgian Preliminary Examination

16:40 Break

17:10 **Session 3:**

**The Normative Framework of Preliminary Examinations**

*Chair: Mr. Gilbert Bitti (Senior Legal Adviser, ICC)*

16. **Alexander Heinze** and **Shannon Fyfe**:  
*Prosecutorial Ethics and Preliminary Examinations at the ICC*

17. **Asaf Lubin**:  
*Politics, Power Dynamics, and the Limits of Existing Self-Regulation and Oversight in ICC Preliminary Examinations*

18. **Jens Iverson**:  
*Disarming the Trap: The Possibility of Pragmatic Evaluation of Prosecutorial Discretion in Preliminary Examinations beyond the False Dichotomy of Politics and Law*

19:00 Dinner for invited guests in the Norwegian residence

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**Dr. Alexander Heinze**, LL.M. (TCD) is Assistant Professor at the Department for Foreign and International Criminal Law at the Georg-August Universität Göttingen.

**Shannon Fyfe** is currently a Ph.D. candidate in philosophy at Vanderbilt University, where she obtained her J.D. in 2010. Her prior work includes an internship with the International Criminal Tribunal for Rwanda’s Office of the Prosecutor, the American Society of International Law’s Arthur C. Helton Fellowship for international human rights law in Tanzania, and a fellowship with the Syria Justice and Accountability Centre. She recently published *International Criminal Tribunals: A Normative Defense* (with Larry May) with Cambridge University Press, 2017.

**Asaf Lubin** is a J.S.D. Candidate at Yale Law School, a visiting fellow with the School’s Information Society Project, and a Robert L. Bernstein International Human Rights Fellow with Privacy International. His doctoral research focuses primarily on the regulation of espionage and intelligence collection and analysis under international law. His work draws on his experiences as a former intelligence analyst with the Israeli Defence Forces, and his practical training in national security law and foreign policy. He holds a dual degree in Law and International Relations (L.L.B./B.A., magna cum laude) at the Hebrew University of Jerusalem, and a Masters in Law (LL.M.) at Yale Law School. He worked for the Turkel Public Commission of Inquiry into the Maritime Incident of 31 May 2010, and served as an articled clerk for the International Law Division of the Israeli Ministry of Foreign Affairs Office of the Legal Advisor.

**Jens Iverson** is Assistant Professor of Public International Law, Grotius Centre for International Legal Studies, Faculty of Law, University of Leiden, and an attorney specialising in public international law.

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26 In this Session 3, there will be time for clarification questions, if any, after every presentation (which should not be more than 15 minutes each), and 15-20 minutes for discussion at the end, closing at 18:30. Session 3 continues on Wednesday morning. Professor Michael A. Newton had to withdraw from the conference, but has promised a chapter for this section.

27 **Gilbert Bitti**, Senior Legal Adviser, ICC Pre-Trial Division. He played a decisive role during the negotiations on the ICC Statute and the establishment phase of the Court.
Wednesday, 14 June 2017:

09:00  **Session 3 continued:**

**The Normative Framework of Preliminary Examinations**
Chair: **Professor Usha Tandon** (Delhi University)

19. **Christopher Mahony:**
*Aiding and Abetting War, as Well as Its Crimes: An Exaggerating Factor in Preliminary Examination of ‘Gravity’*

20. **Matthew Cross:**
*The Standard of Proof for Preliminary Examination*

21. **Gregory Gordon:**
*Reconceptualising the Birth of the International Criminal Case: Creating the Office of Investigating Magistrate at the ICC*

10:20  **Session 4:**

**Transparency, Co-operation and Participation in Preliminary Examination**
Chair: **Mr. Eduardo Toledo**

22. **Ana Cristina Rodríguez Pineda:**
*Deterrence or Withdrawals? Consequences of Publicizing Preliminary Examination Activities*

23. **Vladimir Tochilovsky:**

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32 There will be time for clarification questions, if any, after every presentation (which should not be more than 15 minutes each), and 15-20 minutes for discussion at the end.

33 **Usha Tandon** is Professor and Head, Campus Law Centre, University of Delhi. She has 28 years of teaching experience, and is a recognised scholar in human development, focusing on women empowerment and environmental protection.

34 **Christopher Mahony** is Research Fellow at the Centre for International Law Research and Policy. He is also Rule of Law, Justice, Security and Human Rights Advisor at the UNDP, Visiting Research Fellow at Georgetown University Law Center, and Political Economy Advisor at the Independent Evaluation Group at the World Bank, where he was formerly Criminal Justice and Citizen Security Specialist (2014-2015). He holds Bachelor of Commerce (B.Com.) and of Laws (LL.B.) degrees from the University of Otago, and a Master’s in African Studies (M.Sc.) and a D.Phil. in Politics from the University of Oxford.

35 **Matthew Cross** is Appeals Counsel in the Office of the Prosecutor of the ICC, and formerly a staff member at the ICTY, STL and ICTR. He is also a member of the editorial committee of the *Journal of International Criminal Justice*.

36 **Gregory S. Gordon** is Associate Professor and Director/Assistant Dean (Ph.D.–M.Phil. Programme) at the Faculty of Law, Chinese University of Hong Kong.

37 There will be time for clarification questions, if any, after every presentation (which should not be more than 15 minutes each), and 15-20 minutes for discussion before the break and again at the end of Session 4. Dr. Mutoy Mubiala has already submitted his chapter for this section (‘The ICC’s Interplay with UN Fact-Finding Commissions in Preliminary Examination’), but he needed to withdraw from the conference due to an urgent assignment of the Office of the UN High Commissioner for Human Rights.

38 **Ana Cristina Rodríguez Pineda** is the Chef de Cabinet of the ICTY President. Before joining the Tribunal, she was the Deputy Permanent Representative and Chargée d’Affaires at the Permanent Mission of Guatemala to the United Nations in New York. From 2006, she was the Permanent Mission’s Legal Adviser and counselled on a wide array of political and legal issues at the United Nations with a focus on the Sixth Committee of the General Assembly, where she served as Vice-Chair, as well in the Security Council, where she chaired the Informal Working Group on International Tribunals. She has facilitated several resolutions for the General Assembly, Security Council and the ICC Assembly of States Parties. Other relevant areas of practice include peace operations and accountability processes. Ms. Rodríguez Pineda obtained a degree as lawyer and notary from Universidad Francisco Marroquín in Guatemala and an LL.M. from Columbia University School of Law in New York. She is admitted to practice in Guatemala and New York. She is currently a Ph.D. Candidate at Leiden University Law School.

39 **Vladimir Tochilovsky** was investigation team leader and trial attorney in the ICTY Office of the Prosecutor from 1994 to 2010. He served as a member of the UN Working Group on Arbitrary Detention from 2010 to 2016, as Deputy Regional Attorney for judicial matters, and as District Attorney in the Ukraine from 1976 to 1994. He was official representative of the ICTY to the UN negotiations for the establishment of the ICC from 1997 to 2001. He served as a member of two expert groups that prepared recommendations for the ICC Office of the Prosecutor in 2002-2003. He holds a Ph.D. and worked as a Professor at Mechnihov National University, Ukraine, from 1991 to 1994.
The Quality of Preliminary Examination and Reliance on Domestic Investigations

24. **LING Yan:**
   Non-States Parties and the Preliminary Examination of Article 12(3) Declarations

11:30 Break

12:00 **Session 4 continued:**

   Chair: **Professor Hector Olasolo**

25. **Dov Jacobs** and **Jennifer Naouri**:
   Making Sense of the Invisible: Rights of Suspects during Preliminary Examinations

26. **Andreas Schüller** and **Chantal Meloni**:
   Preliminary Examination of Civil Society Submissions

27. **Sarah Williams**:
   Civil Society Participation in Preliminary Examinations

13:10 Lunch break

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**LING Yan** is Professor at the Faculty of International Law, China University of Political Science and Law since 2004, and she has been Director of its Research Centre for International Criminal Law and Humanitarian Law, and Deputy Director of its Institute of Air and Space Law. She has worked as a legal officer for the International Criminal Tribunal for Rwanda. She is Co-Director of the LI Haopei Series.

**Hector Olasolo** is Professor, Universidad de El Rosario (Colombia), and Chairman, Ibero-American Institute of The Hague. Previously, he has been Professor of International Criminal Law and Procedure at the University of Utrecht, and a Legal Officer in Chambers at the International Criminal Court (2004–2009). He has been a member of the Legal Advisory and Appeal Sections of the International Criminal Tribunal for the former Yugoslavia Office of the Prosecutor (2002–2004). He was a member of the Spanish Delegation to the Preparatory Commission for the International Criminal Court (1999–2002). He graduated from the University of Salamanca with a law degree in 1996 and obtained his Ph.D. in 2003. He received his LL.M. from Columbia University in New York in 2001 and was pronounced as a Kent Scholar in 2002.

**Dov Jacobs** is Assistant Professor of International Law at the Grotius Centre of Leiden University and legal assistant on the defense team of Laurent Gbagbo at the ICC. Previously, he was a postdoctoral researcher at the University of Amsterdam, a Ph.D. Researcher at the European University Institute in Florence, and a lecturer in Public International Law at the University Roma Tre. He holds degrees in Law from King’s College in London, Paris I Panthéon-Sorbonne, and Paris II Panthéon-Assas, and a degree in Political Science from Sciences Po. He is a member of the editorial board of *Leiden Journal of International Law*.

**Jennifer Naouri** is currently the principal legal assistant in the defense team of Laurent Gbagbo. Previously, she worked for Emmanuel Altit & Associés Law firm, the French Parliament, GISTI, and the French Red Cross.

**Andreas Schüller** joined the European Center for Constitutional and Human Rights (ECCHR) in 2009 and directs the International Crimes and Accountability Programme. He graduated from law school in Trier, Germany, studied in Orléans (France), holds an LL.M. from Leiden University, and is admitted to the Berlin bar. He works on US torture and drone strikes, UK torture in Iraq, war crimes in Sri Lanka and Syria, as well as further international crimes cases.

**Chantal Meloni** is an Italian criminal lawyer and Professor at the University of Milan where she teaches International Criminal Law. In 2006, she completed her Ph.D. with a thesis on command responsibility in international criminal law. She has worked as a Legal Assistant in ICC Chambers, and been an Alexander von Humboldt Fellow in Berlin. Since 2010, she collaborates with the Palestinian Centre for Human Rights and has spent several months in Gaza. She joined the ECCHR in 2015 as Legal Advisor for the International Crimes and Accountability Programme.

**Sarah Williams** is Professor, Faculty of Law, the University of New South Wales.
14:00 Session 5: Thematicity in Preliminary Examination
Chair: Ambassador Martin Sørby

28. Usha Tandon, Pratibha Tandon and Shreeyash U. Lalit: Preliminary Examination of Rape and Other Forms of Sexual Violence in International Criminal Law: A Feminist Analysis

29. Cynthia Chamberlain: Preliminary Examinations and Children: Beyond Child Recruitment Cases

30. Shikha Silliman Bhattacharjee: Effective Open Source Fact-Finding in Preliminary Examinations

31. Elizabeth Evenson: Assessing the Impact of ICC Preliminary Examination

15:30 Discussion and concluding remarks by Professor Carsten Stahn

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47 There will be time for clarification questions, if any, after every presentation (which should not be more than 15 minutes each), and 15-20 minutes for discussion at the end of Session 5. Dr. Mark Kersten had to withdraw from the conference, but he has already submitted a chapter for this section.

48 Pratibha Tandon is a Research Associate at National Law University, Delhi (NLUD). She is currently working on a project on Critical Criminal Law with the NLUD Centre of Criminology and Victimology.

49 Shreeyash Uday Lalit is a final year law student at Campus Law Center, University of Delhi. He has interned with several Supreme Court judges and Union Government Law Officers in Delhi.

50 Cynthia Chamberlain, a Costa Rican lawyer, is a Legal Officer in the Trial Division of the ICC. Previously, she worked as Legal Assistant in the Women, Justice and Gender Programme at the UN Latin American Institute for Crime Prevention in San José. She holds a Master’s in International Law and International Relations from UNAM-Madrid, and a Ph.D. from Leiden University on children and the ICC.

51 Shikha Silliman Bhattacharjee, J.D., is a human rights lawyer with a decade of experience working with grassroots campaigns and civil society organizations in the U.S. and South Asia, using legal, organizing and counselling approaches. She holds a B.A. from Yale in English and Ethnicity, Race and Migration. At the University of Pennsylvania Law School, she completed a J.D. as a Toll Public Interest Scholar, held Foreign Language and Area Studies fellowships to study rights advocacy in India, and completed an interdisciplinary certificate in Global Human Rights. She is currently pursuing a Ph.D. in Jurisprudence at UC Berkeley and is a fellow at the UC Berkeley Human Rights Center.

52 Elizabeth Evenson is Associate Director in the International Justice Program of Human Rights Watch. She holds a bachelor’s degree in political science and public policy from the University of Chicago, a J.D. from Columbia Law School, and a Master of Philosophy degree in law from the University of Nottingham.