International Association of Penal Law (AIDP)

the 6th AIDP Symposium for Young Penalists

“Revisiting the International vs Ordinary Crime Divide: A Turning Point for International Criminal Law?”

22 August 2018

At the Large Conference Room, 4th Floor, Law and Economics Building, Main Campus, Kyoto University
Revisiting the International vs Ordinary Crime Divide: A Turning Point for International Criminal Law?

The demarcation line between international crimes and ordinary crimes is becoming vague.

At the international level and at the International Criminal Court (ICC) specifically, the formal distinction between ordinary and international crimes is being challenged. In 2013, in the context of the situation in Libya, Pre-Trial Chamber I of the ICC confirmed that the ICC Statute does not make a distinction between ordinary and international crimes when it comes to the complementarity regime of the ICC, and domestic investigations for the same conduct are sufficient to make the case inadmissible before the ICC. At the substantive level, the demarcation line between crimes against humanity as a category of international crimes and ordinary offences took center stage in the decision of Pre-Trial Chamber II to authorize an investigation into the situation in Kenya in 2010 and has remained a contentious aspect since. More recently, in 2017, the Appeals Chamber confirmed that members of an armed group are not per se excluded as potential victims of war crimes of perpetrators belonging to the same armed forces, which may seem incompatible with the concept of war crimes and international humanitarian law.

At the regional level, the Malabo Protocol adopted by the Assembly of the African Union in 2014 created a new International Criminal Law section in the African Court of Justice and Human Rights and conferred upon it jurisdiction over core international crimes (genocide, crimes against humanity and war crimes) as well as other crimes traditionally considered to be transnational or organized crimes (such as trafficking, terrorism or money laundering). In addition, at the national level, many states have criminalized international crimes in their domestic criminal laws. Furthermore, various internationalized courts and tribunals have been established, and most of them have jurisdiction over both international crimes and crimes under domestic laws.

In light of such developments the question arises: is the distinction between international and ordinary crimes still valid, or has it lost its significance? The symposium aims to revisit and question the traditional concept of international crime, reflecting on recent developments in law and practice.

The Symposium brought together young scholars’ works that consider issues such as: the intersection between international, transnational, organized and ordinary crimes; the phenomena behind the possible erosion of the distinction between international crimes and ordinary offences; implications of such an erosion (positive or negative); or the rationale behind this distinction. We have welcomed presentations on these issues as well as other topics that fall under the main theme of the symposium. Presentations will be made utilizing power point slides. In the evening, four speakers present their research via skype.

Dr. Megumi OCHI
Chief of the Organizing Committee
Post-Doctoral Research Fellow SPD of JSPS, Kyoto University
Member of the Young Penalist Committee of the AIDP
Programme

9.00 -9.15  Welcoming addresses

Megumi Ochi
Chief of the Organizing Committee
Member of the Young Penalist Committee of the AIDP

9.15 – 10.00  Keynote Speech

Alejandro Eduardo Chehtman
Associate Professor of Law, Universidad Torcuato Di Tella – Fellow, Argentine National Research Council/Universidad de Girona

10.00 – 10.15  Coffee break

Morning Session

10.15 – 10.45  On the Importance of Demarcating between International and Domestic Delinquency: the Case of Universal Prosecutions of 'Core' International Crimes

Lachezar Dimitrov Yanev
Assistant Professor, Tilburg University

10.45 – 11.15  A Triple Normative Relation: State Law, Indigenous Law and International Law

Daniel Andres Kuri García
Professor of Law, Universidad de Especialidades Espiritu Santo

11.15 – 11.45  Networked Organizations: A Test for the Demarcation Line between Crimes against Humanity and Ordinary Offences

Teodora Jugrin
Associate Legal Officer, International Criminal Court, Judicial Divisions
PhD Candidate, Leiden University

11.45 – 13.30  Lunch break
### Afternoon Session

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<th>Speaker</th>
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<tr>
<td>13.30 – 14.00</td>
<td>Implications on the Erosion of the Distinction between International and Domestic Crimes</td>
<td>Yang Xie</td>
<td>PhD Candidate, Leiden University</td>
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<td>14.00 – 14.30</td>
<td>The Concept of International Procedural Criminal Law: Internationality of Institution or Jurisdiction Ratione Materiae?</td>
<td>Megumi Ochi</td>
<td>Post-Doctoral Research Fellow SPD of JSPS, Kyoto University</td>
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<td>14.30 – 15.00</td>
<td>Righting Wrongs?: Revisiting the Reparation Order Mechanism of the ICC through the Lens of the International/Ordinary Crimes Divide</td>
<td>David Yuga Mansfield</td>
<td>PhD Candidate in International Law, The University of Tokyo Research Fellow, Japan Society for the Promotion of Science</td>
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<td>15.00 – 15.30</td>
<td>Coffee break</td>
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### Skype Session

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<tr>
<td>15.30 – 16.15</td>
<td>Implementing International Crimes in National Legal Orders: An Appraisal of Asian State Parties to the Rome Statute</td>
<td>Daley J. Birkett</td>
<td>Research Fellow and Ph.D. Candidate, University of Amsterdam Research Associate, University of Kiel</td>
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<td>16.15 – 17.00</td>
<td>African Solutions to African Problems?: Legal Dilemmas Confronting the Special Criminal Court in the Central African Republic</td>
<td>Suhong Yang</td>
<td>S.J.D. Candidate, Georgetown University Law Center</td>
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<td>17.00 – 17.45</td>
<td>The Intersection of Transnational and International Criminal Law - Example of Trafficking In Persons</td>
<td>Anna Glogowska-Balcerzak</td>
<td>Assistant Professor, University of Lodz</td>
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<td>17.45-18.30</td>
<td>Revisiting international and transnational crimes: perspectives from the proposal for an International Court against Terrorism</td>
<td>Alejandro Sánchez Frías</td>
<td>Doctoral Research Fellow, University of Malaga</td>
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# Information

**Venue**
At the Large Conference Room, E4th Floor, Faculty of Law and Faculty of Economics Main Bldg, Main Campus, Kyoto University  
京都大学法経済学部本館東棟4階大会議室 (in Japanese)

**Address & Map**
Campus map: https://www.kyoto-u.ac.jp/en/access/main-campus-map.html (The building is No. 4)  
Address: Yoshidahonmachi, Sakyo-ku, Kyoto-shi, Kyoto, 606 8501 JAPAN

**Registration**
Registration is not necessary. Please kindly email to the Organizing Committee to inform your attendance if possible.

**Travel & Visa**
Participants are responsible for making their own travel arrangements.  
It is recommended that you check your visa requirements with your local embassy or consulate.

**Participation fee**
Free  
Donation for coffee and other service is welcomed (500 JPY per person is suggested)

**Language**
English

**Symposium materials**
TBA  
Please check the website: http://ochmgm.wixsite.com/megumiochi/aidp-ypc-6th-symposium

**Contact**
Organizing Committee
6thypcsymposium2018@gmail.com

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