



INTERNATIONAL  
NUREMBERG  
PRINCIPLES  
ACADEMY



UNITED NATIONS OFFICE ON  
GENOCIDE PREVENTION AND THE  
RESPONSIBILITY TO PROTECT



UNITED NATIONS  
International Residual Mechanism for Criminal Tribunals  
Office of the Prosecutor

## Programme

Nuremberg Forum 2023

## Legally Undeniable: Criminalising Genocide Denial

19–21 October 2023

Courtroom 600, Nuremberg Palace of Justice  
Bärenschanzstraße 72, 90429 Nuremberg  
Germany



## Nuremberg Forum 2023

### Legally Undeniable: Criminalising Genocide Denial

#### Welcome Address

On behalf of the International Nuremberg Principles Academy (Nuremberg Academy), we would like to welcome you to the Nuremberg Forum 2023, titled “Legally Undeniable: Criminalising Genocide Denial”. This year’s conference will reflect on the sobering reality of genocide denial and address law’s relationship with this ubiquitous phenomenon.

Genocide denial is an insidious form of negating the common history of humanity. During the Second World War, millions perished in war and millions were systematically exterminated during the Holocaust. In its aftermath, pioneering processes such as the trials held at Nuremberg helped conceive modern international criminal justice. In light of a paradigm shift, an international human rights system emerged with the creation of the United Nations, the promulgation of the Genocide Convention, the Universal Declaration of Human Rights and the Geneva Conventions. The Genocide Convention gave shape to a crime that was described by Raphael Lemkin, who coined the term “genocide”, as “more dangerous than war” and had already claimed millions of victims.

Still, even in the face of overwhelming evidence, there are individuals and groups who outright deny the occurrence of mass atrocities and genocide or commonly downplay their magnitude, meaning and remembrance. Genocide denial and constant questioning of established historical facts in relation to the occurrence, planning, responsibility and death tolls continue to endure all over the world. Acute examples can be seen in the case of genocide committed in Rwanda and the former Yugoslavia even with the proceedings of the International Criminal Tribunals for the former Yugoslavia and for Rwanda definitively establishing that such crimes had taken place. Denialism shows disregard and disdain for the lives and memories of victims, the shattering of families and communities, the testimonies of survivors and the thorough trials at international or national courts. Denial, especially in post-conflict societies, not only undermines the memories of the victims and the crimes, but has the capacity to seed hatred, create societal instability and, as some believe, the potential to bring about the repetition of atrocities. This has led to scholars and survivor communities forcefully arguing that denial must be constrained by law.

Throughout the next three days, the Nuremberg Forum 2023 will enter the conceptual domain of genocide denial, exploring its connections to antisemitism, racism and ideologies. Moreover, its relationship to free speech and the possibility of the law being misused to curtail such speech and repress dissent will also be examined. Discussions will focus on the legal intricacies and multilateral responses to genocide denial, the role of education as well as the right of redress and recognition for victims. The on-the-ground reality of denial in Rwanda and the former Yugoslavia shall be given special attention. The participation of such distinguished experts, scholars and practitioners displays a commitment to open dialogue about such a pressing issue. We are thankful to Alice Wairimu Nderitu, the Special Adviser on the Prevention of Genocide to the United Nations Secretary-General, who developed the idea of having this conference together with us. We are furthermore grateful to Serge Brammertz, Chief Prosecutor of the Mechanism for International Criminal Tribunals, for developing the programme with us. We appreciate everyone’s participation and ongoing support of the Nuremberg Academy’s goal: contributing to the fight against impunity and promoting sustainable peace through justice.

Prof. Dr Christoph Safferling  
Director

Dr Viviane Dittrich  
Deputy Director

International Nuremberg Principles Academy



## Foreword

Genocide denial is real. And it poses a global threat. More than 75 years after the Holocaust and almost 30 years since the genocides in Rwanda and Srebrenica, in Bosnia-Herzegovina, the horrific realities experienced by the victims are being questioned.

We can witness pseudo-historians casting doubt on empirical evidence confirmed by national and international courts and generations of scholars. We hear political and social leaders and others in powerful positions openly questioning narratives that are robustly grounded in such historical evidence. We observe full-fledged, well-structured and sustained campaigns that seek to distort historical events and drum up scepticism about victims' testimonies. We see survivors being revictimized by the pervasive tentacles of hate speech. History is questioned and perpetrators are glorified. Genocide denial is on the offensive.

The costs can be enormous. In our societies, many citizens – including good-hearted citizens – consider genocide denial as having to do with the past, but its greatest impact is on our present and future. Denial can create a sense of fear among victims of past genocides and their descendants, giving rise to renewed divisions. It undermines well-established judicial verdicts. It can inspire and fuel hatred or even incite violence against communities that previously experienced atrocity crimes. In short, genocide denial constitutes a warning sign of fragility and of the enduring presence of the conditions that have allowed large-scale hatred and violence to erupt in the past.

This cycle can and must be confronted. The effort must be as multi-faceted as the denial itself. Denial must be prohibited when it reaches the level of incitement to discrimination, hostility or violence and hence be fought through legislation and in courts of law. It must also be confronted in the virtual world, in leader's narratives, in public debates, on the airwaves over social media and in the hearts of vulnerable citizens. Policies must aim to address the threat of denial posed by new and traditional media and in public discourse, through measures aimed at bringing people together rather than pulling them apart.

This starts with emphasizing, loudly and clearly, the need to respect and accept national and international court verdicts, including through legislation regulating and criminalizing denial in ways that fully comply with international law. Respecting and accepting national and international court verdicts is instrumental to healing in societies that have experienced genocide and atrocity crimes and constitutes a prerequisite for the prevention of future crimes. It must remain a global, collective and sustained priority.

Denying the gravest of crimes cannot come without consequence. We must continue working together to ensure that denial never prevails.

To encourage robust discussion of this important topic, we have taken the joint initiative to organize this event, together with the Nuremberg Academy. We hope that all participants in the Forum will take this opportunity to share their knowledge and experiences in a collective effort to learn from past atrocities and move towards a brighter and more peaceful future.

Alice Wairimu Nderitu  
Under-Secretary-General  
and Special Adviser on the Prevention  
of Genocide

Serge Brammertz  
Prosecutor of the United Nations  
International Residual Mechanism  
for Criminal Tribunals

**Day 1: 19 October 2023**

- 3.00–3.40 pm **Opening Remarks**  
**Prof. Dr Christoph Safferling**, Director, International Nuremberg Principles Academy  
**Dr Navi Pillay**, President, Advisory Council of the International Nuremberg Principles Academy; former High Commissioner, United Nations High Commission for Human Rights; former Judge, International Criminal Tribunal for Rwanda and International Criminal Court  
**Dr Thomas Dickert**, President, Higher Regional Court of Nuremberg  
**Dr Nasser Ahmed**, City Councillor, City of Nuremberg, representing the Lord Mayor of the City of Nuremberg  
**Dr Wiebke Rückert**, Director for Public International Law, Federal Foreign Office
- 3.40–4.00 pm **Keynote Addresses**  
**Dr Ludwig Spaenle**, Representative for Jewish Life and Against Anti-Semitism, For Remembrance and Historical Heritage, Bavaria  
**Alice Wairimu Nderitu**, United Nations Under-Secretary-General; Special Adviser on the Prevention of Genocide, United Nations
- 4.00–5.00 pm **Genocide Survivor Interviews**  
Moderator:  
**Dr Michaela Lissowsky**, Director Human Rights Hub, Friedrich-Naumann-Foundation  
**Munira Subašić**, President, Association “Movement of Mothers of Srebrenica and Žepa Enclaves”  
**Dr Christoph Thonfeld**, Deputy Director, Dachau Concentration Camp Memorial Site  
**Honoré Gatera**, Director, Kigali Genocide Memorial

**Day 2: 20 October 2023 – Denial: Origins, Impact and Comparative Criminalisation**

**Morning Session**

- 10.00–11.30 am **Panel I: Denial: De Facto, de Jure and in Doctrina**  
Moderator:  
**Kiran Mohandas Menon**, Senior Officer, International Nuremberg Principles Academy  
Speakers:  
**Prof. Dr Christoph Safferling**, Director, International Nuremberg Principles Academy  
**Dr Charles Asher Small**, Founder and Executive Director, Institute for the Study of Global Antisemitism and Policy  
**Prof. Nadine Strossen**, Professor of Law, New York Law School  
**Discussion and Q&A**
- 11.30 am–12.00 pm **Coffee Break**
- 12.00–1.30 pm **Panel II: The Effects of Denial in Post-Conflict Societies**  
Moderator:  
**Darleen Seda**, Senior Officer, International Nuremberg Principles Academy  
Speakers:  
**Dr Serge Brammertz**, Chief Prosecutor, United Nations International Residual Mechanism for Criminal Tribunals  
**Alice Wairimu Nderitu**, United Nations Under-Secretary-General; Special Adviser on the Prevention of Genocide, United Nations  
**Aimable Havugiyaremye**, Prosecutor General, Rwanda  
**Christian Schmidt**, High Representative in Bosnia and Herzegovina, Office of the High Representative  
**Discussion and Q&A**
- 1.30–2.30 pm **Lunch**

**Afternoon Session**

- 2.30–4.00 pm **Panel III: Denial, its Regulation and Legal Peculiarities**  
Moderator:  
**Dr Pablo Gavira Díaz**, Project Officer, International Nuremberg Principles Academy  
Speakers:  
**Prof. Belinda Cooper** Adjunct Professor, Columbia University Institute for the Study of Human Rights  
**Prof. Gregory S. Gordon**, Professor of Law, Chinese University of Hong Kong; Director, Master of Laws Programme in Legal History, Chinese University of Hong Kong  
**Teresa Ott**, Public Prosecutor, Office of the Public Prosecutor General in Munich; Commissioner of the Bavarian Judiciary for Combating Hate Speech  
**Prof. Dr Almir Maljević**, Professor of Criminal Law, University of Sarajevo  
**Discussion and Q&A**
- 4.00–5.00 pm **Visit to the Memorium Nuremberg Trials (optional)**  
Introduction by Dr Imanuel Baumann, Director, Memorium Nuremberg Trials
- 7.00 pm **State Reception by invitation of the Bavarian Ministry of Justice (by invitation only)**

**Day 3: 21 October 2023 – Effect on Victims and Alternative Solutions**

**Morning Session**

- 10.30 am–12.00 pm **Panel IV: Redress, Recognition and Reconciliation**  
Moderator:  
**Dr Gurgen Petrossian**, Senior Officer, International Nuremberg Principles Academy  
Speakers:  
**Aimable Havugiyaremye**, Prosecutor General, Rwanda  
**Honoré Gatera**, Director, Kigali Genocide Memorial  
**Maria Wilke**, Academic Consultant to the Board of Directors, Foundation Remembrance, Responsibility and Future  
**Samra Čardaković**, Legal Advisor in Bosnia and Herzegovina, TRIAL International (present in personal capacity)  
**Discussion and Q&A**
- 12.00–1.00 pm **Lunch**
- 1.00–2.40 pm **Panel V: Undeniable and not Unsolvable. Other Ways Forward**  
Moderator:  
**Laurel Baig**, Senior Appeals Counsel, Office of the Prosecutor, United Nations International Residual Mechanism for Criminal Tribunals  
Speakers:  
**Dr Emir Suljagić**, Director, Srebrenica-Potočari Memorial Center; Former Minister of Education and Deputy Minister of Defence, Bosnia and Herzegovina  
**Prof. Dr Charlotte Bühl-Gramer**, Professor of History Didactics, Friedrich-Alexander-Universität Erlangen-Nürnberg  
**David Kaye**, Clinical Professor of Law, University of California, Irvine; former United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression  
**Tali Nates**, Founder and Executive Director, Johannesburg Holocaust and Genocide Centre  
**Discussion and Q&A**
- 2.40–3.00 pm **Closing Remarks**  
**Prof. Dr Christoph Safferling**, Director, International Nuremberg
- 4.00–6.00 pm **Guided Tour, Nazi Party Rally Grounds (by invitation only)**

**Alexander Fernandes-Köhler**

Project Lead Nuremberg Forum 2023,  
International Nuremberg  
Principles Academy

**Master of Ceremony:**

Alexander Fernandes-Köhler earned his first-class law degree at The Hague University of Applied Science in International and European law, with a focus on international criminal law. After his law degree, he completed his Master's in Terrorism and Political Violence at the University of St. Andrews in Scotland and graduated first-class with Merit. During his studies, he focused his research on hate speech and blasphemy, the war crime of terror and an integrative approach between law and politics on the persecution of the Uyghur people in China. He has also written papers for the UK non-profit organisation Yet Again on the law of genocide surrounding the Uyghur persecution in China.

**Opening Remarks**

**Prof. Dr Christoph Safferling**

Director, International Nuremberg  
Principles Academy

Professor Dr Christoph Safferling (Dr jur., LL.M) is a professor of Criminal Law, Criminal Law Procedure, International Criminal Law and Public International Law at Friedrich-Alexander-Universität Erlangen-Nürnberg, Germany. He studied law in Munich and London and received his doctoral degree at Ludwig-Maximilians-Universität München in 1999 and his "Habilitation" at Friedrich-Alexander-Universität Erlangen-Nürnberg in 2006. He is the Director of the International Criminal Law Research Unit at Friedrich-Alexander-Universität Erlangen-Nürnberg. Moreover, he is the Whitney R. Harris International Law Fellow of the Robert H. Jackson Center in Jamestown, New York. In 2018, he was a visiting scholar at the Stanford Center for Human Rights and International Justice.

He has been a member of the Independent Academic Commission at the Federal Ministry of Justice for the Critical Study of the National Socialist Past from 2012 to 2017 and has undertaken a study on the History of the Federal General Public Prosecutor.

**Dr Navi Pillay**

President of the Advisory Council  
of the International Nuremberg  
Principles Academy; former High  
Commissioner, United Nations High  
Commission for Human Rights;  
and former Judge, International  
Criminal Tribunal for Rwanda and  
International Criminal Court

Dr Navi Pillay served as High Commissioner for Human Rights at the United Nations from 2008 to 2014. She has championed many human rights issues with which she had direct experience, having grown up as a member of the non-white majority under the Apartheid regime in South Africa. After studying law in Natal, South Africa, Dr Pillay worked on behalf of the victims of racial segregation as a criminal defence lawyer and as an activist for the anti-Apartheid movement. Later, Dr Pillay earned a master's degree at Harvard Law School. She was the first South African to be awarded the degree of Doctor of Juridical Science at Harvard Law School in 1988. In 1995, after the end of Apartheid, she was appointed to the Supreme Court of South Africa as a limited-term judge. In the same year, she was appointed Judge to the International Criminal Tribunal for Rwanda (ICTR), where she served for a total of eight years, including four years as President. She later served at the International Criminal Court (ICC) for five years. Dr Pillay is a co-founder of "Equality Now", an international women's rights organisation.

**Dr Thomas Dickert**

President, Higher Regional Court  
of Nuremberg

Dr Thomas Dickert is the President of the Higher Regional Court of Nuremberg. Dr Dickert represents the Free State of Bavaria on the Foundation Board of the International Nuremberg Principles Academy. From 2011 to April 2018, he was Head of the Budget, Construction, IT, Organisation, Security and Statistics Department at the Bavarian State Ministry of Justice. Prior to this position, Dr Dickert held several other positions at the Bavarian State Ministry and at different courts in Bavaria, including the High Regional Court of Munich and the Regional Court of Ingolstadt. He studied law at Universität Regensburg and did his legal traineeship in Regensburg.

**Dr Nasser Ahmed**

City Councillor, City of Nuremberg,  
representing the Lord Mayor of the  
City of Nuremberg

Dr Nasser Ahmed was, prior to running for the City Council in 2014, Chairman of the Jusos in Nuremberg – the Social Democratic Party's (SPD) Youth Division. Since 2021, he has been Chairman of the local SPD. And since January 2023, he has acted as Vice-Secretary General of the Bavarian SPD. In the City Council of Nuremberg, he works as a specialist for public transportation issues. Dr Ahmed holds a master's degree in political science. He holds a PhD from Friedrich-Alexander-Universität Erlangen-Nürnberg, Germany. His PhD dissertation examined the construction of the political perspectives in the work of Michel Foucault and Ernst Jünger.

**Dr Wiebke Rückert**

Director for Public International Law,  
Federal Foreign Office

Dr Wiebke Rückert was Head of the Division for Human Rights and Gender Issues in the Federal Foreign Office from 2018-2022. She joined the German diplomatic service in 2002. She had postings in the embassies in Brussels and Washington. Dr Rückert served inter alia as member of the German task force for the International Criminal Court (ICC), in the Legal Service of the European Commission and in the division on German policy in the UN Security Council. She served as Deputy Head of the International Law Division from 2014-2018.

**Keynote Addresses**

**Dr Ludwig Spaenle**

Representative of the Bavarian  
State Government for Jewish Life  
and Against Antisemitism, for  
Remembrance Work and Historical  
Heritage

Dr Ludwig Spaenle has been a member of the CSU Party Board since 2007. Since 2018, he has been the spokesperson for the "Jewish Forum in the CSU". He has been a member of the State Parliament from 1994 to 2018 and again since May 2020. From 2008 to 2018, he held the position of Minister of Education and Culture or Science. In 2018, he was appointed by the Bavarian State Government as the Commissioner for Jewish Life and Against Antisemitism, for Remembrance Work and Historical Heritage. In 2009, he was awarded the Silver Medal of the Bavarian Constitution, the Bavarian Order of Merit in 2012 and the "München leuchtet" award in Bronze in 2015.

**Alice Wairimu Nderitu**

United Nations Under-Secretary-  
General; Special Adviser on the  
Prevention of Genocide to the  
United Nations Secretary-General,  
United Nations

Alice Wairimu Nderitu of Kenya is the United Nations Under-Secretary-General and the Special Adviser on the Prevention of Genocide. Ms Nderitu is a recognised voice in the field of peacebuilding and violence prevention, having led as a mediator and senior adviser in reconciliation processes. She served as Commissioner of the National Cohesion and Integration Commission in Kenya, as well as Founding Member and Co-Chair of the Uwiano Platform for Peace, a prevention agency linking early warning to early response. She was also one of the founders of the Community Voices for Peace and Pluralism, a network of African women professionals preventing, transforming and solving violent, ethnic, racial and religious conflicts worldwide. Widely published, she is the recipient of awards recognising her commitment to peaceful conflict transformation throughout Africa and her innovative approach to mediation.

## Genocide Survivors Interviews

### Dr. Michaela Lissowsky

Director Human Rights Hub,  
Friedrich-Naumann-Foundation  
Geneva

#### Moderator:

As the Director of the Founding Office, she managed the establishment of the International Nuremberg Principles Academy and developed its activities, like the Nuremberg Moot Court for international students and the Nuremberg Forum. Before moving to Geneva in June she was Head of the Global Themes Division of the Friedrich Naumann Foundation in Berlin. Dr Michaela Lissowsky is a Political Scientist and wrote her interdisciplinary PhD thesis on the human right to reparations after international crimes at the Friedrich-Alexander University Erlangen-Nuremberg.

### Munira Subašić

President, Association  
„Movement of Mothers of  
Srebrenica and Žepa Enclaves“

Munira's son Nermin, husband Hilmo and over 20 close relatives were killed in the Srebrenica genocide. Alongside other mothers whose sons were killed in the Srebrenica genocide, Munira founded the Association “Movement Mothers of Srebrenica and Žepa Enclaves” in 1998. Today it has one office in Potočari, Srebrenica and another one in Sarajevo. Their activism allows the voices of victims to be heard throughout the world.

### Honoré Gatera

Director, Kigali Genocide Memorial

Honoré has contributed to various projects related to the preservation of the memory of the Genocide against Tutsi and participated in training related to genocide prevention, education towards prevention of Genocide, conflict resolution and peace building in England, USA, Germany and Poland. He has travelled around the world participating in conferences and meetings to raise awareness of genocide, it's sad past and the threat it represents for humanity. Since 2010, Honoré has run the Kigali Genocide Memorial on behalf of the Aegis Trust.

### Dr Christoph Thonfeld

Vice Director, Dachau Concentration  
Camp Memorial Site

Dr Christoph Thonfeld is a historian. Currently, he is Head of the Research Department and Deputy Director of the Dachau Concentration Camp Memorial Site, in Germany. Between 2003 and 2020, he has done research and/or taught at Universität Bremen, FernUniversität in Hagen and Universität Trier (all in Germany), at Cheng Chi University and National Taiwan Normal University (both in Taiwan, Republic of China) and at University College London (United Kingdom). His main areas of interest are twentieth-century German and European history, especially the Nazi era and its aftermath (denunciation under Nazism and Soviet occupation, forced labour under Nazi rule, perpetrator research, Nazi crimes trials and media coverage, remembrance of the Nazi past, research into Holocaust survivor testimonies), oral history and memory studies.



## Panel I: Denial: De Facto, De Jure and in Doctrina

Before the Forum and its experts delve into strictly legal matters, it is worth establishing first principles. This panel will discuss the conceptual nature of denial. The 2008 EU Council Framework Decision addresses denial within the context of racism, xenophobia and hatred – not mere opinion. It goes further by explicitly prohibiting denial of the 1945 International Military Tribunal Charter's Article 6 crimes in connection with incitement to hatred and violence. Similarly, in 2021 the EU placed denial within its strategy to combat antisemitism. Within the EU itself there is a notable difference in which ideologies are associated with denial. In Eastern Europe, the crimes of the Communist regimes feature much more heavily than in Central and Western European States. Now, denial rarely comes unaccompanied and usually finds itself in the camaraderie of distortion, trivialisation, glorification, relativisation and even incitement to hatred and violence. Some go so far as to claim that denial is a continuation of genocide. Where there is push-back against accusations of denial, it is done so on the basis of free speech and “revisionism”. The clash with free speech is an obvious one, yet different legal traditions take different stances on where a line must be drawn. The United States does not criminalise denial at all. Perhaps most striking when it comes to the conceptual nature of denial is the distinction between denial and denialism. One speaks to the disagreement of facts, the other to the ideological and systemic drive behind such disagreement.

### Moderator:

**Kiran Mohandas Menon**  
Senior Officer, International  
Nuremberg Principles Academy

Kiran Mohandas Menon is Senior Officer at the International Nuremberg Principles Academy. Before re-joining in 2023, he previously worked for the Nuremberg Academy from 2017 to 2021. He has also worked in research and civil society institutions focusing on international law in Ireland, Spain, Greece and Sri Lanka.

### Speakers:

**Charles Asher Small**  
Founding Director and President  
of the Institute for the Study  
of Global Antisemitism and Policy  
(ISGAP)

Charles Asher Small (D.Phil. Oxon) is the Founding Director and President of the Institute for the Study of Global Antisemitism and Policy (ISGAP) and the Director of the ISGAP-Woolf Institute Fellowship Training Programme in Critical Contemporary Antisemitism Studies, Discrimination and Human Rights at the Woolf Institute, Cambridge and a Senior Research Fellow at the Moshe Dayan Center for Middle East and African Studies, Tel Aviv University. Charles is currently leading an international research project on the impact of soft power and undocumented funding on higher education as it pertains to antisemitism. Charles is a human rights advocate, having served as Chair of the Student Struggle for Soviet Jewry and the Struggle for Ethiopian Jewry in Montreal and as Chair of the African National Congress Solidarity Committee of Canada. He also worked on issues pertaining to the First Nations of what is now Canada, especially the Innu Nation. He is engaged in the struggle against contemporary antisemitism, the demonization of Israel and the Jewish People and how it relates directly to other forms of hatred and reactionary social movements.

**Prof. Dr Christoph Safferling**  
Director, International Nuremberg  
Principles Academy

Professor Dr Christoph Safferling (Dr jur., LL.M.) is a professor of Criminal Law, Criminal Law Procedure, International Criminal Law and Public International Law at Friedrich-Alexander-Universität Erlangen-Nürnberg, Germany. He studied law in Munich and London and received his doctoral degree at Ludwig-Maximilians-Universität München in 1999 and his “Habilitation” at Friedrich-Alexander-Universität Erlangen-Nürnberg in 2006. He is the Director of the International Criminal Law Research Unit at Friedrich-Alexander-Universität Erlangen-Nürnberg. Moreover, he is the Whitney R. Harris International Law Fellow of the Robert H. Jackson Center in Jamestown, New York. In 2018, he was a visiting scholar at the Stanford Center for Human Rights and International Justice. He has been a member of the Independent Academic Commission at the Federal Ministry of Justice for the Critical Study of the National Socialist Past from 2012 to 2017 and has undertaken a study on the History of the Federal General Public Prosecutor.

**Prof. Nadine Strossen**  
Professor of Law, New York  
Law School; former American  
Civil Liberties Union President

Professor Nadine Strossen, a chaired Professor Emerita at New York Law School and past national President of the American Civil Liberties Union (ACLU) from 1991 to 2008, is a Senior Fellow with the Foundation for Individual Rights and Expression (FIRE). She is a leading expert and frequent speaker/media commentator on constitutional law and civil liberties, who has testified before Congress on multiple occasions. She serves on the advisory boards of the ACLU, Academic Freedom Alliance, Heterodox Academy and National Coalition Against Censorship. The National Law Journal has named Professor Strossen one of America's “100 Most Influential Lawyers” and several other national publications have named her one of the country's most influential women. In 2023, the National Coalition Against Censorship (an alliance of more than 50 national non-profit organisations) selected her for its Lifetime Achievement Award for Free Speech. She is the author of *HATE: Why We Should Resist It with Free Speech, Not Censorship* (Oxford University Press, 2018) and *Free Speech: What Everyone Needs to Know* (Oxford University Press, 2023).

## Panel II: The Effects of Denial in Post-Conflict Societies

It is not the “regular” type of denial which disturbs and stirs us here. It is, in fact, that these nations suffer from post-conflict troubles. Specifically, Bosnia and Herzegovina, as well as Rwanda, suffer from continued ethnic tensions and regulatory troubles. In the case of Bosnia and Herzegovina, the situation has attracted the attention of the Office of the High Representative (OHR, set up to monitor the Dayton Peace Agreement) as well as international attention and resulted in the enactment of anti-denial laws in order to curb hostility and hatred. While this might be the law’s ambition, its actual ability to foster peace and reconciliation in a deeply divided society is contested, especially since it was imposed by the OHR. Cambodia, plagued by the history of the Khmer Rouge, also enacted anti-denial laws in 2013. However, this law seems to have done little to curb denial and hatred and has instead attracted the criticism of human rights defenders, who claim that it is a political tool to silence dissenters.

### Moderator:

Darleen Seda is a Kenyan lawyer with substantial experience working with domestic and international research and policy institutions. She specialises in international criminal law, international human rights law and transitional justice. Presently, she is the Senior Officer for Training and Capacity Building at the Nuremberg Academy. She is also pursuing her doctoral studies at Friedrich-Alexander University Erlangen-Nuremberg (FAU).

### Darleen Seda

Senior Officer, International  
Nuremberg Principles Academy

### Speakers:

#### Dr Serge Brammertz

Chief Prosecutor, United Nations  
International Residual Mechanism  
for Criminal Tribunals

Serge Brammertz is the Vice-President of the Advisory Council of the International Nuremberg Principles Academy. Serge Brammertz of Belgium is the Chief Prosecutor of the United Nations International Residual Mechanism for Criminal Tribunals (IRMCT). Dr Brammertz serves as the Chief Prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY), a role he has held since 2008. He has overseen the arrest and prosecution of key political and military leaders, including Radovan Karadžić and Ratko Mladić. From January 2006 to the end of 2007, he served as the Commissioner of the United Nations International Independent Investigation Commission into the murder of former Prime Minister Rafik Hariri. Previously, he was Deputy Prosecutor of the International Criminal Court (ICC).

#### Alice Wairimu Nderitu

United Nations Under-Secretary-General;  
Special Adviser on the Prevention  
of Genocide to the United Nations  
Secretary-General, United Nations

Alice Wairimu Nderitu of Kenya is the United Nations Under-Secretary-General and the Special Adviser on the Prevention of Genocide. Ms Nderitu is a recognised voice in the field of peacebuilding and violence prevention, having led as a mediator and senior adviser in reconciliation processes. She served as Commissioner of the National Cohesion and Integration Commission in Kenya, as well as Founding Member and Co-Chair of the Uwiano Platform for Peace, a prevention agency linking early warning to early response. She was also one of the founders of the Community Voices for Peace and Pluralism, a network of African women professionals preventing, transforming and solving violent, ethnic, racial and religious conflicts worldwide. Widely published, she is the recipient of awards recognising her commitment to peaceful conflict transformation throughout Africa and her innovative approach to mediation.

#### Christian Schmidt

High Representative in  
Bosnia and Herzegovina

Christian Schmidt has been serving as the High Representative of the International Community in Bosnia and Herzegovina since August 2021. He studied law at Friedrich-Alexander-Universität Erlangen-Nürnberg and Université de Lausanne and worked as a lawyer. From 1990 to 2021, he represented the constituency of Fürth as a directly elected member of the German Bundestag. From February 2014 to March 2018, he served as the Federal Minister of Food and Agriculture. Prior to that, he was the Parliamentary State Secretary at the Federal Ministry of Defence for eight years and briefly at the Federal Ministry for Economic Cooperation and Development. Additionally, since 2006, he has been the President of the German Atlantic Association and, since 2018, the Deputy Chairperson of the Hanns-Seidel Foundation.

#### Aimable Havugiyaremye

Prosecutor General, Rwanda

Aimable Havugiyaremye is the Prosecutor General of the Republic of Rwanda. He has held other different positions in public service such as Chairperson of Rwanda Law Reform Commission (RLRC), Rector of the Institute of Legal Practice and Development (ILPD), a Commissioner in the Commission in charge of advising the Parliament in reviewing the Constitution of Rwanda in 2015, Vice-Chairperson of Rwanda Law Reform Commission, Principal State Attorney in the Ministry of Justice of the Republic of Rwanda and a Lecturer in the School of Law at the University of Rwanda. He holds a Master’s degree in International Law from the University of Pretoria (South Africa). He also holds a Diploma in leadership from the Institute for National Transformation. He is experienced in different fields, including Criminal Law, Constitutional Law, International Law, Legislative Drafting, Investigation, Access to Justice, Legal Education and Institutional strengthening.



### Panel III: Denial, its Regulation and Legal Peculiarities

Within the European Union, there are many differences in legislation. The East-West divide is a crucial (substantive) difference which carries significant meaning. While Eastern Europe emphasises the crimes committed by communist States, Western European nations focus predominantly on the crimes of Nazi Germany. The United States does not prohibit denial at all, as it would be a restriction on the content of speech. Some other countries have struggled with the implementation of anti-denial laws. For example, the Rwandan Supreme Court found that the country's 2003 Law prohibiting denial suffered from a lack of legal specificity where "genocide minimisation" was not clearly defined by the legislature. In the Supreme Court Case of Uwimana Nkusi and Mukakibibi, the civil society organisation ARTICLE 19, argued that the Supreme Court did not uphold the standards of free expression imposed by the International Covenant on Civil and Political Rights, a convention Rwanda is bound by and once again raises the issue of free speech. Should speech be restricted, it must be done so with utmost specificity and indeed protect the interests it is crafted to protect. The Netherlands, to give another example, faces an infringement procedure launched by the European Commission as, in the Dutch courts' view, denial of historical facts does not in itself demean a certain group and thus has not implemented the 2008 Framework decision.

#### Moderator:

**Dr Pablo Gavira Díaz**  
Project Officer, International  
Nuremberg Principles Academy

Dr Pablo Gavira Díaz is a Spanish lawyer, specialised in international humanitarian law and international criminal law. He is currently Project Officer at the International Nuremberg Principles Academy, where he contributes to a wide variety of matters, including legal research, policy analysis, event management as well as public dissemination or knowledge in the field of international criminal justice. Dr Gavira Díaz has also worked in academic environments, namely the Walther Schücking Institute for International Law and the European Centre for Minority Issues. In addition, he provided legal support to the Supreme Headquarters of Allied Powers in Europe (SHAPE), which is responsible for the planning and execution of all NATO military operations.

#### Speakers:

**Prof. Belinda Cooper**  
Adjunct Professor, Columbia  
University Institute for  
the Study of Human Rights

Belinda Cooper is an adjunct professor at Columbia University's Institute for the Study of Human Rights and New York University's Center for Global Affairs. She teaches, writes and lectures on human rights and international law, with a particular focus on transitional justice, war crimes tribunals and women's rights. Cooper's experience has included working with East German dissidents before the fall of communism, assisting the lawyers for a German Guantanamo detainee, organizing a project on memorialization of the past in Turkey and coauthoring reports on domestic violence in Tanzania, Armenia and Uzbekistan. She lived in Berlin, Germany, for many years and has contributed to a wide variety of print and other media in both English and German. She is also a translator of German scholarly books and articles, including many texts on Nazi Germany and the Holocaust, international criminal law and transitional justice. Cooper holds a law degree from Yale Law School. She is co-founder and president of Brooklyn Animal Action, an animal rescue non-profit.

**Prof. Gregory S. Gordon**  
Professor, Chinese University  
of Hong Kong

Professor Gregory S. Gordon teaches at the Chinese University of Hong Kong (CUHK) Faculty of Law, where he formerly served as Associate Dean (Development/External Affairs) and Director of the Research Postgraduates Programme. He currently runs CUHK's new Legal History LLM and coaches its Jessup Moot team. Not long after earning undergraduate and law degrees from Berkeley, Professor Gordon served as an International Criminal Tribunal for Rwanda (ICTR) attorney on the landmark "Media" cases, the first international post-Nuremberg incitement prosecutions of media executives, earning a commendation from US Attorney General Janet Reno. He subsequently worked with the US Department of Justice (DOJ), serving, in sequence, as a street crime, white collar crime, organised crime and then human rights prosecutor (the latter for OSI, the so-called "Nazi Hunters Unit"). He was detailed by DOJ to Sierra Leone to conduct a post-civil war justice assessment and served as a Special Assistant US Attorney for the District of Columbia.

**Teresa Ott**  
Public Prosecutor, Office of the  
Public Prosecutor General in Munich;  
Commissioner of the Bavarian  
Judiciary for Combating Hate Speech

Teresa Ott has been the Hate Speech Commissioner of the Bavarian Judiciary since 2022. Ms Ott works at the Munich Public Prosecutor's Office and for the Bavarian Central Office for Combating Extremism and Terrorism, including in the "Justice and Media - Consistently Against Hate" project. In this function, she coordinates and supports the work of the 22 special departments of the local public prosecutor's office concerning the criminal processing of proceedings that deal with hatred and hate speech in its various forms on the Internet. In particular, Ms Ott works towards uniform standards in processing. She conducts prominent investigations herself with her hate speech team at the Munich Public Prosecutor's Office.

**Prof. Dr Almir Maljević**  
Professor of Criminal Law,  
University of Sarajevo

Professor Dr Almir Maljević pursued his academic journey at the Faculty of Criminal Justice Sciences at the University of Sarajevo from 1996 to 2000. In 2005, he obtained his Master of Laws degree in Criminal Law from the Faculty of Law at the University of Mostar. Professor Maljević pursued a Doctor of Juridical Sciences degree with the support of a DAAD scholarship. In 2009, he completed his doctoral studies at the Albert-Ludwigs-Universität Freiburg, where he was enrolled in the International Max Planck Research School for Comparative Criminal Law (IMPRS-CC). Since 2001, Professor Maljević has been a member of the Faculty of Criminal Justice Sciences at the University of Sarajevo where he currently teaches criminal law.

## Panel IV: Redress, Recognition and Reconciliation

It has been suggested that genocide denial can cause tremendous harm to victims and survivors of genocide and may even be considered a continuation of genocide itself. Since there is no one-size-fits-all approach for addressing the needs of victims and given that there has been a general lack of redress for survivors and communities affected by denial, a look at past efforts is worthwhile. In the case of the Holocaust, the utilised restitution measures provide useful precedents for other reparative measures. Similarly, the Gacaca courts in Rwanda can be considered a unique approach to providing symbolic reparations for victims. In order to examine the different avenues for providing redress for victims, Panel IV will cover the reparative measures pursued and utilised after the Holocaust, the Rwandan genocide and the Srebrenica genocide. The panel will also discuss the effect of such measures on victims and the challenges that continue to hinder reparative processes.

### Moderator:

**Dr Gurgen Petrossian**  
Senior Officer, International  
Nuremberg Principles Academy

Dr Gurgen Petrossian, is a Senior Officer at the International Nuremberg Principles Academy. He holds teaching positions at Friedrich-Alexander Erlangen-Nuremberg University, Catholic University of Eichstätt-Ingolstadt, and Yerevan State University. Prior to rejoining the International Nuremberg Principles Academy, Dr. Petrossian consulted to one of Germany's largest textile companies, focusing on business and human rights in accordance with the German Act on Due Diligence in Supply Chains. Previously, he worked as the head of the International Criminal Law Research Unit at Friedrich-Alexander Erlangen-Nuremberg University. Dr. Petrossian has provided assistance to the Republic of Armenia and the Iraqi Kurdistan Autonomous Region in incorporating international criminal law into their respective legal systems.

### Speakers:

**Aimable Havugiyaremye**  
Prosecutor General, Rwanda

Aimable Havugiyaremye is the Prosecutor General of the Republic of Rwanda. He has held other different positions in public service such as Chairperson of Rwanda Law Reform Commission (RLRC), Rector of the Institute of Legal Practice and Development (ILPD), a Commissioner in the Commission in charge of advising the Parliament in reviewing the Constitution of Rwanda in 2015, Vice-Chairperson of Rwanda Law Reform Commission, Principal State Attorney in the Ministry of Justice of the Republic of Rwanda and a Lecturer in the School of Law at the University of Rwanda. He holds a Master's degree in International Law from the University of Pretoria (South Africa). He also holds a Diploma in leadership from the Institute for National Transformation. He is experienced in different fields, including Criminal Law, Constitutional Law, International Law, Legislative Drafting, Investigation, Access to Justice, Legal Education and Institutional strengthening.

**Maria Wilke**  
Scientific Advisor to the Directorship,  
Foundation Remembrance,  
Responsibility and Future

Maria Wilke has been the Advisor to the Board of Directors of the Foundation Remembrance, Responsibility and Future (EVZ Foundation) since August 2020. As a historian and political scientist, Ms Wilke is an expert on Eastern European history and society, the Holocaust, culture(s) of remembrance, civic education and transitional justice. Before her current position at EVZ Foundation, Ms Wilke worked from 2017 to 2020 in the culture department at the German Federal Foreign Office and from 2011 to 2017 as a researcher in the edition project "Persecution and Murder of European Jews by National Socialist Germany" at the Institute for Contemporary History, especially on the Holocaust in the Soviet Union and Czechoslovakia.

**Samra Čardaković**  
Legal Advisor in  
Bosnia and Herzegovina,  
TRIAL International

Samra Čardaković is a Legal Advisor in Sarajevo, Bosnia and Herzegovina. She joined TRIAL International in February 2023. Before that, she worked as a legal advisor/assistant on high-profile war crimes and organised crime cases on the Court of Bosnia and Herzegovina. She has extensive knowledge of war crimes, human rights and the judicial system of Bosnia and Herzegovina. Samra holds a Master's degree in Civil Law of the European Union from the University of Sarajevo. Her working language is Bosnian and English, with a certain knowledge of French.

**Honoré Gatera**  
Director, Kigali Genocide Memorial

Honoré has contributed to various projects related to the preservation of the memory of the Genocide against Tutsi and participated in training related to genocide prevention, education towards prevention of Genocide, conflict resolution and peace building in England, USA, Germany and Poland. He has travelled around the world participating in conferences and meetings to raise awareness of genocide, it's sad past and the threat it represents for humanity. Since 2010, Honoré has run the Kigali Genocide Memorial on behalf of the Aegis Trust.

## Panel V: Undeniable and not Unsolvable. Other Ways Forward

In his memorable opening speech at the Nuremberg trial against the major German war criminals, Justice Robert Jackson stated that civilisation could not tolerate disregard for crimes of a genocidal nature, as it could not survive their reoccurrence. However, 75 years after the end of the trials that brought accountability to the major Nazi war criminals, the world has seen crimes of genocidal nature continue to haunt and harm humankind. As denial may be considered as an integral part of genocide, efforts such as the adoption of anti-denial laws were undertaken. Nevertheless, it has been argued that anti-denial laws alone are insufficient to deter the phenomenon of genocide denial, especially in an ever-increasingly digital world. As the broad reach of information shared online can amplify the harmful effects of “offline” denial, it is unrealistic to discuss ways to tackle the issue without touching upon social media companies’ role in this struggle.

Furthermore, it is impossible to combat genocide denial without granting transitional justice and education a central role in this pursuit. Efforts to combat denial may be a first step towards constructing collective memory and national identity, as well as promoting the right to truth, remedy and redress for victims. At the same time, education can ensure remembrance and serve to prevent identity-based violence. Lastly, multi-lateral actions such as the UN General Assembly Resolution on Genocide Denial were recently taken in order to enhance the efforts against genocide denial, but questions about the effectiveness of such initiatives are not uncommon.

### Moderator:

#### Laurel Baig

Senior Appeals Counsel,  
Office of the Prosecutor, United  
Nations International Residual  
Mechanism for Criminal Tribunals

Laurel Baig is a Canadian litigator with more than 20 years of international criminal law experience. She is currently the Senior Appeals Counsel in the Office of the Prosecutor of the United Nations International Residual Mechanism for Criminal Tribunals (IRMCT). She previously prosecuted cases before the International Criminal Tribunal for the former Yugoslavia (ICTY) and contributed to a legacy project evaluating the investigation and prosecution of sexual violence crimes. Ms Baig has also advised judges in Chambers at the ICTR and the Special Court for Sierra Leone (SCSL). Ms Baig is a member of the Board of Editors of the Journal of International Criminal Justice.

### Speakers:

#### Dr Emir Suljagić

Director, Srebrenica-Potočari  
Memorial Center;  
Former Minister of Education  
and Deputy Minister  
of Defence, Bosnia and  
Herzegovina

Dr Emir Suljagić is the Director of the Srebrenica-Potočari Memorial Center. He holds a Master’s degree in Democracy and Human Rights issued by the University of Sarajevo and the University of Bologna in 2005 and a PhD in Political Science issued by the Institute for Peace Research and Security Studies at the Universität Hamburg in 2010. Dr Suljagić was an interpreter for the United Nations forces stationed in Srebrenica during the war in Bosnia, thanks to which he survived the Srebrenica genocide. He is the author of several books and memoirs, including most notably *Postcards from the Grave* (Saqi Books, 2005), which has been translated into nine languages.

#### Prof. Dr Charlotte Bühl-Gramer

Professor of History Didactics,  
Friedrich-Alexander-Universität  
Erlangen-Nürnberg

Professor Dr Charlotte Bühl-Gramer holds a PhD in History and completed her academic studies in History, German and Italian at Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU) and Julius-Maximilians-Universität Würzburg (JMU). Since October 2010, she has been a Professor of History Didactics at FAU. Her main research interests include visual history, historical cultures, public history, history teaching, visitor research on the former Nazi Party Rally Grounds, transformation processes of city images and local historical culture, history of democracy in historical culture and history lessons and historical places, sites and buildings in a history didactic perspective. Professor Bühl-Gramer is the Chairwoman of the Association for the History of the City of Nuremberg and also serves as the Chairwoman of the Scientific Advisory Board for the Place of Remembrance Former Nazi Party Rally Grounds Nuremberg.

#### David Kaye

Clinical Professor of Law  
at the University of California, Irvine;  
former UN Special Rapporteur  
on the promotion and protection  
of the right to freedom of opinion  
and expression

David Kaye is a Professor of Law at the University of California, Irvine, the Director of its International Justice Clinic and a 2023–2024 Fulbright Distinguished Scholar at Lund University’s Raoul Wallenberg Institute of Human Rights and Humanitarian Law in Sweden. From 2014 to 2020, he served as the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. He is also the author of *Speech Police: The Global Struggle to Govern the Internet* (Columbia Global Reports, 2019), Independent Chair of the Board of the Global Network Initiative and a Trustee of ARTICLE 19. He writes regularly for international and American law journals and media outlets. David began his legal career with the US State Department’s Office of the Legal Adviser, is a member of the Council on Foreign Relations and is a former member of the Executive Council of the American Society of International Law.

#### Tali Nates

Founder and Executive Director,  
Johannesburg Holocaust  
and Genocide Centre

Tali Nates is the Founder and Director of the Johannesburg Holocaust and Genocide Centre (JHGC) and Chair of the South African Holocaust and Genocide Foundation (SAHGF). Ms Nates is a historian who lectures internationally on Holocaust and genocide education, memory, reconciliation and human rights. Born to a family of Holocaust survivors, her father and uncle were saved by Oskar Schindler. She has been involved in the creation and production of dozens of documentary films, curated exhibitions, published articles and contributed chapters to books. She serves on many advisory and academic boards, including the Contested Histories Initiative, the Interdisciplinary Academic Journal of Babyn Yar Holocaust Memorial Center and the Academic Advisory Group of the School of Social and Health Sciences, Monash University (IEMSA), South Africa. Ms Nates won many awards, including the Kia Community Service Award (South Africa, 2015), the Gratias Agit Award (2020, Czech Republic), the Austrian Holocaust Memorial Award (2021) and the Goethe Medal (2022, Germany).

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