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**INTERNATIONAL CRIMINAL TRIBUNAL PROSECUTORS ISSUE**  
**SECOND JOINT DECLARATION**

WASHINGTON, DC – A meeting of most of the living international criminal prosecutors—from Nuremberg to the International Criminal Court—last week yielded a joint declaration of nine international prosecutors, stating that “all states are responsible for the protection of their own citizenry and that failure to uphold that responsibility is not in accord with the spirit of the United Nations Charter.” The statement was written and signed as part of *The Second Annual International Humanitarian Law Dialogs*, co-sponsored by the American Society of International Law (ASIL), the Chautauqua Institution, The Robert H. Jackson Center, Washington University’s Whitney R. Harris Institute for Global Legal Studies, ENOUGH! Project, Case Western University School of Law’s Frederick K. Cox International Law Center, and Syracuse University College of Law. It was held August 25-26, 2008, at The Chautauqua Institution in Chautauqua, NY.

Among the discussants at the event and the signers of the Second Chautauqua Declaration were **Benjamin Ferencz**, **Whitney Harris**, and **Henry King** (all Prosecutors at the International Military Tribunal, Nuremberg); **Stephen Rapp** (Chief Prosecutor,

Special Court for Sierra Leone [SCSL]); **David Crane** (former Chief Prosecutor, SCSL); **Hassan Jallow** (Prosecutor, International Criminal Tribunal for Rwanda); **Robert Petit** (Co-Prosecutor, Extraordinary Chambers in the Courts of Cambodia); **Serge Brammertz** (Prosecutor, International Criminal Tribunal for the former Yugoslavia); and **Fatou Bensouda** (Deputy Prosecutor, International Criminal Court).

Once again in their Declaration, the prosecutors called for the arrest by name of international criminal indictees Ratko Mladic, head of the Bosnian Serb Army during the 1992-95 Bosnian war; Felician Kabuga, a leading Rwandan genocide fugitive; Joseph Kony, leader of the Lord's Resistance Army of Uganda; and Ahmed Harun, sought by the International Criminal Court for crimes in Darfur, Sudan, among others "sought by international justice." Ali Kushayb, a former senior Janjaweed commander active in West Darfur, was added to the 2008 Declaration, and Radovan Karadzic, the former Bosnian Serb leader who was apprehended earlier this year, was taken off the list. The full text of the 2008 Declaration is available at <http://www.roberthjackson.org/events/2ndChautauquaDeclaration.pdf>.

Also appearing at the conference was ASIL President **Lucy Reed** who addressed the prosecutors with a speech on "International Claims Tribunals: What International Criminal Prosecutors Might Need to Know." The central theme of her remarks focused on an appeal to the group, when facing the issue of claims, to take advantage of the work that has been done before them. Reed said, "*if* those of you who are prosecutors are asked to lend your provenance to assist with a compensation program for victims of your defendants, *please* do not let your colleagues start them from scratch. This has happened all too often in the past. The expertise necessary is different than that at your disposal.

The expertise is now available. So, *please* do not do the victims the disservice of not calling upon it.” Reed’s entire speech to the prosecutors can be read at

<http://www.asil.org/pdfs/lucyspeechchautauqua.pdf>.

Conducted in a roundtable setting, the Second Humanitarian Dialogs allowed the prosecutors, their guests, and the public to reflect on lessons learned and to consider future developments involving the law of war, also known as humanitarian law. The meeting also marked the 60<sup>th</sup> anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide. Participants addressed issues such as “ethnic cleansing,” the forced service of children in wars, and how international courts identify the perpetrators of such crimes and bring them to justice.

ASIL is a nonprofit, nonpartisan, educational membership organization. It was founded in 1906, chartered by the U.S. Congress in 1950, and has held Category II Consultative Status to the Economic and Social Council of the United Nations since 1993. ASIL’s mission is to foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice. The Society’s 4,000 members (from nearly 100 countries) comprise attorneys, academics, corporate counsel, judges, representatives of governments and nongovernmental organizations, international civil servants, students, and others interested in international law. ASIL events, such as *The International Humanitarian Law Dialogs*, generally deal with one of the Society’s seven thematic focal areas: Human Rights and Humanitarian Law, International Institutions, International Law and Development, International Security, Science and Technology, Trade and Investment, and Transnational Litigation and Arbitration. For more information, visit [www.asil.org](http://www.asil.org).

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