



Centre for European Policy Studies
Thinking ahead for Europe

CHALLENGE
Liberty & Security



SEMINAR
**War or Crime? Military Action in Peace
Keeping and Legal Responsibility**

3rd April 2006

Centre for European Policy Studies
Place du Congrès, 1
1000, Brussels
12:30 – 18:00

Over 2003-6 in a number of EU Member States, criminal trials of serving military personnel for their actions in peace keeping has had a very high profile and raise new questions about command responsibility. At the heart of the debate is the question: what is the relationship in law of actions taken by the military abroad with criminal law in the EU Member States? The institutions which are primarily responsible for security are the police within the state and the army as regards the external world. While the worlds in which they engage are separated by the border of sovereignty, their objective of providing security is defined foremost by their duty to protect the people and the state to which they belong and by which they are paid. Thus the police owe a duty of protection to the people they police and the military owe a duty of protection to their citizens and state.

'Europe', however, is changing our understanding of the border of sovereignty and the obligations of our institutions towards their people. Police cooperation has long been within the scope of EU policy, and is the focus of the 2005 Hague Programme on the development of an area of freedom, security and justice. Market integration in the EU has now been enhanced by a Common European Defence and Security Policy. The military is no longer outside the scope of EU law and policy. At the same time, the borders of sovereignty among the Member States are increasingly common – intra Member State borders are no longer the place of control and protection against threat.

The workshop is designed to examine some of the issues and problems which the intersection of military action and criminal law present and to enable an informed debate and discussion among experts on the subject.

PROGRAMME

12:30 - 13:30 **Registration and Lunch**

Welcome & Opening Remarks: Elspeth Guild (Senior Research Fellow at CEPS and Professor at the Centre for Migration Law, Radboud University of Nijmegen)

Chair: **Philipp Fluri**, Deputy Director Geneva Centre for the Democratic Control of Armed Forces (**DCAF**) and Executive Director of **DCAF** Brussels

13:30 – 15:00 **The Military on Trial – Peace Keeping and Violence in Iraq: National trials**

Rachel Kerr, Kings College London, Iraq and the case of the UK Prosecution of British Officers.

Thom Dieben and Diede-Jan Dieben, (University Maastricht and University Groningen), The Trial of Eric O. – The case of the Netherlands.

Jens Vedsted Hansen, (Aarhus University) and **Peter Vedel Kessing** (The Danish Institute for Human Rights), The Elements of a Crime? The Danish Military in Iraq.

15:00 – 15:30: **Discussion**

15:30 – 16:00: **Tea break**

16:00 – 17:30: **Military Action in Peace Keeping: Institutional issues**

Elspeth Guild, The European Convention on Human Rights and Military Cooperation abroad.

Ulf-Peter Häußler, (Bundeswehr Koblenz), Command Responsibility? Drawing lessons for the future.

Discussants: **Andreas Prüfert**, (European Organization of Military Associations - EUROMIL)

Michael Emerson (Senior Research Fellow, CEPS)

17:30 – 18:00 **Discussion**