



18 ET 19 NOVEMBRE 2021

INTERNATIONAL MILITARY JUSTICE FORUM

#1 EDITION

INVALIDES
COUR DE CASSATION
PARIS



Organisé par le pôle Éthique et environnement juridique du Centre de Recherche de Coëtquidan
Contact - renseignements : gwenael.guyon@st-cyr.terre-net.defense.gouv.fr

PRESENTATION

The International Military Justice Forum (IMJF) is a place of debate, meeting and exchange that proposes to explore a variety of military justice issues. Its first objective is to highlight the diversity of military justice systems, to expose their salient features, to explore their history and to underline their actual evolution. In a comparative way, the IMJF also aims to emphasize links and similarities that may have existed – or still exist – between national military laws, which may be consequences of circulations of legal models, codes, doctrines and people or the existence of geopolitical influences. This scientific event must finally allow us to imagine together what the future of military law could be, as our armed forces are transformed by new technologies. Its originality is to mix disciplines. History, law, ethics, philosophy and new technologies will be at the heart of our debates and discussions.

The IMJF, which is a continuation of the work carried out by lawyers at the Research Centre of the French Military Academy Saint-Cyr Coëtquidan (CREC) from 2010, was created to bring together academics, professionals, armed forces officers, engineers and all those who share an interest for this exciting discipline.

INTERNATIONAL MILITARY JUSTICE FORUM

CONFERENCES PROGRAM

SESSION 1. MILITARY JUSTICE AS IT WAS (HISTORY OF MILITARY JUSTICE)

Opening of the Forum

9:30 a.m M. François MOLINS, prosecutor General of the Cour de cassation.
Major General Hervé de COURRÈGES, superintendant of the Military Academy Saint-Cyr Coëtquidan.
M. Ronan DOARÉ, dean of the Military Academy Saint-Cyr Coëtquidan.
M. Gwenaël GUYON, head of the Department of Law and Ethics, Military Academy Saint-Cyr Coëtquidan.

Military Justice during Modern Times

Chairman : **Benjamin Deruelle**, professor in History, Université du Québec à Montréal – UQAM.

10:15 a.m «The Colonels of the German Regiments Will Continue to Have the Justice of the Said Regiments» : The Delegation of Royal Justice as a Privilege of Foreign Regiments (1715-1791).

Philippe PORTELANCE, PhD student, Université du Québec à Montréal - UQAM.

10:35 a.m The Military Command Seen by the Revolutionary Justice : The Evolutions of the Judicial Doctrine of War (1793-1794).

Renaud FAGET, doctor in History, Panthéon Sorbonne.

10:55 a.m The European Posteriority of the 1796 French Code of Offences and Punishments for the Military Troops of the French Republic.

Hugo BEUVANT, doctor in Legal History, Université de Rennes 1.

11:15 a.m **Break (Salle des Cadets)**

11:35 a.m Military Justice in New France During the Seven Years War : The Debate About Native Substitutes.

David GILLES, professor in Legal History, Université de Sherbrooke.

11 h 55 **Question time**

Thursday,
November 18,
2021

Musée de
l'Armée
–
Auditorium
Austerlitz

Military Justice and World Wars

Chairman : **Stéphane Baudens**, associate professor in Legal history, Military Academy Saint-Cyr Coëtquidan.

2:30 p.m French Military Justice From One War to Another : Reform, Controversies and comparisons (1870-1928).

Gwenaël GUYON, Associate professor in Legal history, Military Academy Saint-Cyr Coëtquidan.

2:50 p.m Investigation by French Military Jurisdictions (1914-1919).

Louis PANEL, Museum curator, Monuments historiques.

3:10 p.m The Practice of Capital Punishment : The Case of Belgian Military Justice from 1944 to 1952.

Jonas CAMPION, professor in History, Université du Québec à Trois-Rivières – UQTR.

3:30 p.m **Question time**

3:50 p.m Judging the Failures of the Fighters of the French Army During the Liberation of Europe (1943-1944). The Example of Military Justice During the Italian Campaign.

Julie Le GAC, associate professor in History, Université Paris Nanterre.

4:10 p.m High treason, Political Meddling and the Post-War Hunt for South-African Collaborators and Traitors, 1945-1948.

Evert KLEYNHANS, Senior Lecturer in Military History, Stellenbosch University.

4:30 p.m Military Justice and Ordinary Justice in Italy During the Transition From Fascism to Republic (1943-1948).

Raffaella BIANCHI RIVA, Associate professor in Legal History, Università degli Studi di Milano.

4:50 p.m **Question time**

5:10 p.m **End of first day.**

INTERNATIONAL MILITARY JUSTICE FORUM

CONFERENCES PROGRAM

SESSION 2. MILITARY JUSTICE AS IT IS (CONTEMPORARY MILITARY JUSTICE)

III

Military justice as it is - Part 1

Chairman : **Ronan Doaré**, Dean of the Military Academy Saint-Cyr Coëtquidan.

9:30 a.m Contemporary Military Justice issues in Denmark.

Lars STEVNSBORG, Danish Military Prosecutor General.

9:50 a.m The Influence of the ECHR on the Current Military Justice System in the United Kingdom.

HHJ Alan LARGE, Judge Advocate General of the United Kingdom.

10:10 a.m The De-Militarization of American Military Justice : Implications for Shifting the Center of Gravity From Commanders to 'Justice'.

Lieutenant-Colonel Daniel MAURER, Judge Advocate, Assistant Professor of Law, US Military Academy at Westpoint.

10:30 a.m **Break**

10:50 a.m The Australian Military Justice System : Understanding Military Discipline, Judicial Decisions and Future Issues.

Group Captain John DEVEREUX, Legal Officer in the Royal Australian Air Force.

11:10 a.m Military or Civilian Justice : How Should the Decision be Made ?

Alison DUXBURY, Professor in Law, University of Melbourne, Associate Director of the Asia Pacific Centre for Military Law.

Rain LIIVOJA, Associate professor in Law, University of Queensland.

11 h 30 **Question time**

11 h 50 **Lunch break**

IV

Military justice as it is - Part 2

Chairman : **Frédéric Desportes**, First General Advocate of the criminal chamber of the Cour de cassation

2:00 p.m The Brazilian Federal Military Justice : Challenges and Perspectives.

Maria Elizabeth GUIMARÃES TEIXEIRA ROCHA, Former Chief-Justice and Justice of the Brazilian Superior Military Court.

2:20 p.m Military Justice Systems in Portuguese-Speaking Countries (Portugal, Brazil, Angola). A Comparative View.

Mário MONTE, Professor in Law, University of Minho.

2:40 p.m The French System of Military Justice : An Original Model ?

Aurore CHAUVELOT, Associate General Advocate, Parquet général de la Cour de cassation.

3:00 p.m The Prevost Gendarmerie : Organisation, Operations, Missions.

Colonel Laurent HAAS, Commandant of the Prevost Gendarmerie.

3:20 p.m Military Justice and the Collect of Proofs on the Battlefield.

Jean-Paul LABORDE, Honorary magistrate, Cour de Cassation, former UN Assistant Secretary General at the Security Council on Counter-terrorism.

3:40 p.m **Question time**

4:00 p.m **Break**

Friday,
November 19,
2021

Cour de
cassation
–
Grand'chambre

CONFERENCES PROGRAM

SESSION 3. MILITARY JUSTICE AS IT COULD BE

V

Military justice as it could be

Président de séance : **Eric Gherardi**, Associate professor in Law, Military Academy Saint-Cyr Coëtquidan.

4:20 p.m War Crimes, Killer Robots and Software 2.0. Preparing Military Justice and Accountability Frameworks for the Next Generation of Machine Learning.

Brian LEE COX, Cornell Law School.

4:40 p.m Autonomous Lethal Weapon Systems, A Complex Recognition of Criminal Liability.

Éric POMÈS, Associate professor in Law, Institut Catholique de Vendée.

5:00 p.m The Criminal Responsibility of the Enhanced Soldier.

Sarah BADARI, Ph.D student in Law, CReC Saint-Cyr.

5:20 p.m Question time

5:40 p.m Closing of the Forum

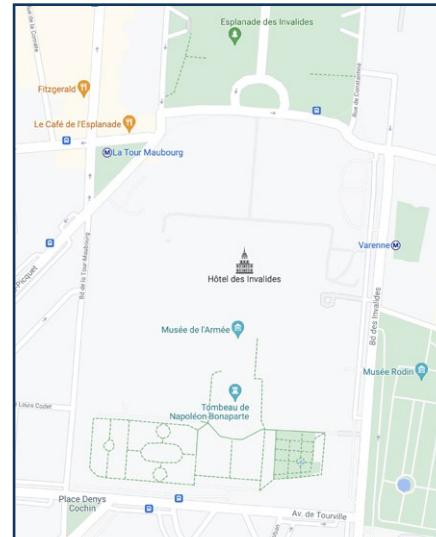
Friday,
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2021

-
Cour de
cassation

INTERNATIONAL MILITARY JUSTICE FORUM

Useful information - maps and access

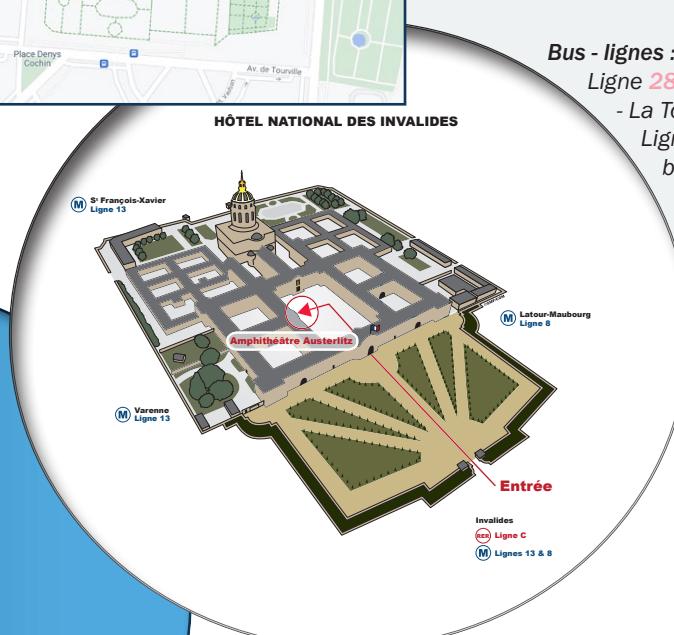
Thursday, November 18, 2021
Auditorium Austerlitz - Musée de l'Armée - Hôtel national des Invalides
129 Rue de Grenelle, 75007 Paris



Accès :

RER - ligne
C - Station « Invalides »

Métro- lignes :
Ligne 8 : station « La Tour Maubourg »
Ligne 8 : station « Invalides »
Ligne 13 : station « Invalides »
Ligne 13 : station « Varenne »



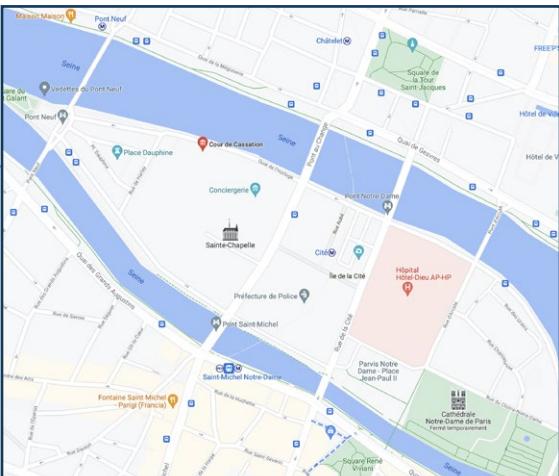
Bus - lignes :

Ligne 28 et 69 : arrêt « Invalides »
- La Tour Maubourg »
Ligne 82 et 92 : arrêt « Vau-
ban - Hôtel des Invalides »
Ligne 63 : arrêt « Pont
Alexandre III »
Ligne 83 et 93 : arrêt
« Invalides »

INTERNATIONAL MILITARY JUSTICE FORUM

Useful information - maps and access

Friday, November 19, 2021
Grand' Chambre - Cour de Cassation
5 quai de l'Horloge - TSA 70660 - 75055 PARIS CEDEX 01



Accès :

RER - lignes

A - Station « Châtelet-Les Halles »
B ou **C** - Station « Châtelet-Les Halles »

Métro- lignes :

Ligne 4 : station « Cité »
Ligne 4 : station « Saint-Michel »
Ligne 1, 4, 7, 11 et 14 : station « Châtelet »
Ligne 10 : station « Cluny-La Sorbonne »

Bus - lignes :

Ligne 21, 38, 85 et 96 : arrêt « Cité-Palais de justice »
Ligne 24 et 27 : arrêt « Saint-Michel »

Safety and access instructions :

- Identity card and / or professional card required ;
- Search possible ;
- No weapon can be carried ;
- No vehicle drop-off can be made in front of 5 quai de l'Horloge.

