



2nd

**INTERNATIONAL
MILITARY
JUSTICE
FORUM**

8 - 9 November 2023

Stellenbosch Institute for Advanced Study

**STELLENBOSCH
SOUTH AFRICA**



Information / Registration: militaryjusticeforum.com
Contact: militaryjusticeforum@gmail.com

INTERNATIONAL MILITARY JUSTICE FORUM #2 **STELLENBOSCH** 8-9 NOVEMBER 23

Wednesday 8 November
STIAS - Stellenbosch Institute of Advanced Studies

8.30 - Opening of the Forum.

9.00 - Military justice, state, and society in Modern Times.

- **Benjamin Deruelle (Université de Québec à Montréal), Valentin Grandclaude (Université de Québec à Montréal, Université de Rennes 2),** *Reforms, tensions and the consolidation of power: around the construction of military justice in late medieval and early modern France.*
- **Quentin Verreycken (Université Catholique de Louvain),** *'Roi de justice' and 'père des armes': Military justice and royal pardon in fifteenth and sixteenth-Century France.*
- **David Gilles (Saint-Cyr Coëtquidan Military Academy, Université de Sherbrooke),** *"I am left, like a wanderer in a wilderness, to proceed at hazard" (Colonel G. Washington): from the militia justice to the regular English military justice, (1754-1759).*

Questions (10')

10.10 - Break

10.30 - Military justice and World Wars in Europe

- **Gwenaël Guyon (Saint-Cyr Coëtquidan Military Academy, Université de Paris Cité),** *Reconciling discipline and Justice after the First World War: towards the 'civilianisation' of French military justice (1918-1928).*
- **Alessandra Bassani (Università degli studi di Milano),** *The Italian fascist special court for the defense of the State (1926-1943).*
- **Raffaella Bianchi Riva (Università degli studi di Milano),** *Collaboration with the enemy during World War II in Italian transitional justice: a case study (1943-1948).*
- **Xavier Rousseaux (FNRS/Université Catholique de Louvain),** *Wartime occupation, military justice and civilians: the ambiguous legacy of the 20th century. The Belgian experience in European perspective.*

Questions (10')

12.00 - Lunch

13.00 - History of Japanese Military Justice

- **Tino Schöltz (Freie Universität Berlin),** *Enforcing discipline and protecting the imperial army: on the history of the Japanese military justice system (1880-1945)*
- **Kelly Maddox (Freie Universität Berlin),** *Maintaining order in occupied territories: the Japanese military justice system during the Asia-pacific war (1937-1945).*

Questions (10')

13.50 - Springbok traitors and collaborators during the World War Two

- **Evert Kleynhans (Stellenbosch University)**, *An exploratory investigation into the Rein Mission and the post-war hunt for suspected South African war criminals and traitors, 1945-1948.*
- **Anna la Grange (University of Potsdam)**, *War criminals, war crime victims, and traitors: The Union of South Africa's prosecution of wartime offences committed by and against Union nationals, 1943-1948.*
- **Suné Kleynhans (North-West University)**, *"On charges of treason": The case against the Afrikaans broadcasters of Radio Zeesen after WWII.*

Questions (10')

15.00 - Tea break

15.20 - Military justice and international humanitarian law

- **Maj. Chantal Fleischmann (Defence Legal Services Division, SANDF)**, *Investigating the military prosecution of South African soldiers involved in sexual abuse and exploitation during United Nations peacekeeping operations in Africa.*
- **Jolanda Pretorius (University of Pretoria)**, *Collective responsibility of organised armed groups for systematic breaches of international humanitarian law during non-international armed conflicts.*

Questions (10')

16.10 - Military justice and moral legislation

- **Anri Delport (Stellenbosch University)**, *"Criminal, gambler, deserter or war hero?" An exploration of the influence of moratory legislation on the social contract between the Union of South Africa and its First World War citizen-soldiers, (1914-1925).*
- **Lt Col (Dr) Sonja Els (Stellenbosch University)**, *The marching drums of dishonourable discharge in the military: an international comparative study.*
- **Hendrick Snyders (Stellenbosch University)**, *"Humiliation through court martial?" – Chris Bezuidenhout, the South African Defence Force, professional rugby league and enforcing military discipline during the 1960s.*

Questions (10')

17.20 - End of discussions

18.30 - Speakers Dinner

Thursday 9 November

STIAS - Stellenbosch Institute of Advanced Studies

8.30 - Military justice and constitutionality issues

- **Lt Col (Dr) Michelle Nel (Stellenbosch University)**, *The Constitutionality of the South African Military Justice System: Quo Vadis?*
- **Col (Dr) Piet Bester and Lt Col (Dr) Sonja Els (Stellenbosch University)**, *The constitutionality of polygraph testing for security vetting in the South African Department of Defence.*
- **Lt Cdr (Dr) Bulelani Tsewu (Defence Legal Services Division, SANDF)**, *Military judiciary can never be truly independent: really?*
- **Major Gary Muller (Office of the Surgeon General, SANDF)**, *Medical autonomy and the soldier: the right to refuse medical treatment.*
- **Major Victor Simukonda (Zambian Armed Forces)**, *African indigenous knowledge and the development and evolution of military justice in Africa.*

Questions (15')

10.25 - Tea break

10.45 - Military justice, AI and autonomous weapons

- **Lt Col (Dr) Sonja Els and Col (Dr) Piet Bester (Stellenbosch University)**, *The legal and moral landscape of Artificial Intelligence and conventional military operations: The accountability gap between man and machine.*
- **Clea Strydom (Center for international law and public policy in Africa)**, *The future of military justice: accountability and weapons systems with autonomous functions.*
- **Gabriel Udoh (Europa-Universität Viadrina Frankfurt)**, *Now that our weapons can 'think': legal and ethical considerations of autonomy in weapons' systems.*

Questions (10')

12.00 - Lunch

13.30 – The reform of military justice: global perspectives

- **Amit Upadhyay, Abhinav Mehrotra (Jindal Global University)**, *Military justice reforms: need for a renewed approach in the 21st century.*
- **Brian Lee Cox (Cornell Law School)**, *Parallels and pitfalls: a comparative assessment of contemporary efforts to change military culture through civilian-directed military justice reform.*
- **Umesh Chandra Jha (retired Wing CDR, Indian Armed forces)**, *Military justice in South Asian countries: past, present, and future reforms.*

Questions (10')

14.40 - Tea break

15.00. Roundtable. The reform of military justice in the Commonwealth

- HHJ Alan Large, Judge Advocate General of His Majesty's Armed Forces (UK),
- Chief Judge Kevin Riordan, Judge advocate General of the Armed Forces of New Zealand,
- Lt Col (Dr) Michelle Nel, Vice-Dean of the Faculty of Military Science, Stellenbosch University,
- Major Navdeep Singh, Punjab and Haryana High Court.

16.30 - Closing of the event

17:00 - Cocktail

Friday 10 November
Cultural trip - Franschoek