



CALL FOR PAPERS

Impact of International Criminal Procedures on Domestic Criminal Procedures in Mass Atrocity Cases

A Conference Organized by DOMAC

Thursday 30 September and Friday 1 October 2010

University of Amsterdam

THE DOMAC PROJECT is hosting a Conference on the Impact of International Criminal Procedures on Domestic Criminal Procedures in Mass Atrocity Cases at the University of Amsterdam. The Conference is organized by DOMAC, in cooperation with the Project on International Courts and Tribunals (PICT) and the Amsterdam Center for International Law (ACIL). The Conference is free and open to academics and practitioners in various fields, including international law and international relations.

THE DOMAC PROJECT focuses on the actual interaction between national and international courts involved in prosecuting individuals in mass atrocity situations. It explores what impact international procedures have on prosecution rates before national courts, their sentencing policies, award of reparations and procedural legal standards. It comprehensively examines the problems presented by the limited response of the international community to mass atrocity situations, and offers methods to improve coordination of national and international proceedings and better utilization of national courts, inter alia, through greater formal and informal avenues of cooperation, interaction and resource sharing between national and international courts.

THE DOMAC PROJECT is a research program funded under the Seventh Framework Programme for EU research (FP7). DOMAC Participants are Reykjavik University, University of Amsterdam, Hebrew University and University College London.

Call for papers

THE DOMAC PROJECT invites papers to be presented at the Conference. Papers addressing the following issues are particularly welcomed (for various DOMAC papers on the subject please visit our website):

1. The interaction between international criminal tribunals and domestic jurisdictions as a catalyst for the improvement of international criminal law (normative impact)

This panel seeks to explore whether and if so, to what extent, domestic jurisdictions have been influenced by the process of standard setting at the international level in respect of international crimes. Are national legislators and courts inclined to follow the prescriptions on elements of crimes, concepts of criminal responsibility and justifications and excuses, as developed by the international criminal courts and tribunals? Or do they rather prefer to establish and apply their own doctrines and concepts? Scholars are invited to select and analyze conspicuous legislation and case law from their native countries, demonstrating either strong compliance with international standards or interesting examples of deviation.

2. Capacity development in international criminal justice

In post-conflict situations, the domestic justice system may be in a state of collapse. Doubts often exist as to whether alleged perpetrators of international crimes would be prosecuted effectively, or as to whether they would receive a fair trial. International penal interventions are therefore envisaged as the way to assure individual accountability for international crimes. Yet it has become increasingly clear that these international or internationalized tribunals lack themselves the capacity to deal with the vast majority of alleged perpetrators. If their impact is to be enhanced, they would need to rely on support by the national legal system. The way out of this circle, it is now often suggested, is for the international or internationalized court to rebuild, enhance or develop the capacity of local legal systems to handle international crimes cases effectively. The focus of this panel is to examine whether, and in what ways, these international or "internationalized" tribunals have contributed to the capacity of domestic legal systems. It will look at the different needs, means employed, and emphasis, and assess the successes and shortcomings of existing approaches to capacity development in the area of international criminal justice. Finally, papers may discuss whether this should be the function of these tribunals at all and what the role of other relevant actors should be in this field.

3. The role of the International Court of Justice and/or human rights tribunals in enforcement of international humanitarian law and protection of human rights in mass atrocity situations

This panel explores the impact the International Court of Justice and regional human rights tribunals have had on investigations and prosecutions at the national level in mass atrocity situations. Have they had some impact in this field? How is compliance and implementation of their decisions at the national level? Are there some jurisdictional hurdles preventing a more significant role?

4. Reparations: Claims before domestic courts relating to international mass claims processes for reparations to victims of mass atrocities

This panel explores the impact that international reparations mechanisms in mass atrocity situations have had on domestic courts, for example through domestic lawsuits challenging international mechanisms; implementation of international reparations norms into domestic legislation; and domestic compliance with decisions of international and regional courts. Papers exploring these issues in the context of mass atrocity reparations in Latin America, Asia, or Africa are especially encouraged.

5. Lessons learned: Regional perspective

This panel seeks to discuss future modalities of interaction between internationalized and national responses to mass atrocity situations. In particular, it will address questions relating to the identity of the coordinative actors – to what degree should the courts themselves serve as agents of interaction, and to what degree other regional and global actors could serve a role in this regard. The role of the EU in fostering and encouraging cooperation and coordination between the different response levels would also be given special attention. Scholars are invited to look at the work of global and regional institutions, and focus on their record of performance and capabilities in addressing regional needs for justice reforms in the aftermath and context of mass atrocity situations.

Papers will be chosen by the DOMAC Steering Committee. Authors whose papers are selected will be invited to present their work at the conference. It is expected that presented and accepted papers will be peer-reviewed for an edited book.

Authors wishing to respond to this call should send an abstract of not more than one thousand (1000) words by no later than 20 March 2010. Authors whose papers are selected will be notified no later than 15 April 2010. Full papers of selected presentations will be required by no later than 1 August 2010.

Abstract submissions and inquires should be directed to:

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