



## **Ensuring and Balancing the Rights of Defendants and Victims at International and Hybrid Criminal Courts Conference**

**Pluricourts, University of Oslo  
30-31 August 2018**

### **Call for Papers**

International and hybrid criminal tribunals (ICTs) are by definition not human rights courts or bodies. Nevertheless, human rights are firmly embedded within the legal framework and practice of ICTs. This is particularly so regarding the rights of defendants and victims. Human rights approaches to international criminal justice can be decisive in achieving a balance between defendants and victim rights at ICTs.

At an institutional level, human rights function as important standards that help both to assess and enhance the legitimacy and effectiveness of ICTs. That a defendant has received, and is perceived as having received, a fair trial is vital to the legitimacy, both of the ICT concerned and of the international criminal justice project as a whole. Assuring the human rights of defendants at an international level is not simply a case of transposing domestic standards; rather, a host of complex considerations come into play.

In turn, ICTs initially relegated victims to the role of witnesses. However, the International Criminal Court and subsequent ICTs have expanded their role to include victim participation and/or reparations. Despite the (potential) benefits for victims, critical voices have pointed out that this expansion may compromise defence rights and effective and efficient proceedings.

At the procedural level, the instruments and case law of ICTs detail the rights of the defendant at different procedural stages: as suspect, accused, and convict. This is also *mutatis mutandis* the situation concerning victims in their different roles: as witnesses, participants, civil parties and/or reparation claimants. These rights are often adapted from those provided for in major international and regional human rights treaties and other sources of international human rights law. However, the particular context and mandate of ICTs require that a mechanical application of human rights standards should be avoided.

This conference will comprehensively and critically evaluate the rights of defendants and victims before ICTs. It will bring together a mix of practitioners from the field of international criminal justice and scholars to exchange perspectives and to



debate and discuss the issues. We seek papers pursuing empirical, normative, comparative or theoretical approaches, and encourage papers applying alternative theories such as feminist theory, critical legal theory and TWAIL perspectives. We welcome contributions from law and the social sciences, including philosophy, sociology, criminology, psychology and history. Authors may focus on one particular ICT, a sub-group of ICTs or ICTs as a whole. Topics can also examine a specific procedural stage, e.g., appeals, or provide an analytical overview of all proceedings. Conference papers will be selected for publication either in a special edition of a journal or in an anthology.

### **Papers are requested on the following topics**

- 1. The rights of the defendant and victims as standards to assess or improve the legitimacy or effectiveness of ICTs**
  - Notion of rights as applied in the context of ICTs;
  - Normative legitimacy and the rights of the defendant and victims at ICTs;
  - Sociological (empirical) legitimacy and the rights of the defendant and victims at ICTs;
  - Goal-based approaches; global justice approaches; feminist approaches; TWAIL approaches and the rights of the defendants and victims at ICTs;
  - Rights of the defendant and victims at ICTs in the light of global constitutionalism and/or constitutionalisation of international law;
  - Rights of the defendant and victims at ICTs and retributive, deterrent, restorative, transformative and/or transitional justice.
  
- 2. The rights of the defendant at ICTs**
  - Judicial interpretation of clauses on the rights of the defendant in the law of ICTs;
  - Ensuring the rights of the defendant at different stages of the process;
  - Using and adapting international human rights law at ICTs;
  - The rights of the defendant at ICTs: ICTs as 'quasi'-human rights bodies;
  - The legacy of ICTs on the rights of defendants;
  - Practical challenges/considerations in ensuring the rights of the defendant;
  - Impact of the rights of the defendant on the rights of victims at ICTs;
  - Balancing the rights of the defendant and victims: Defence perspectives.
  
- 3. The rights of victims at ICTs**
  - Judicial interpretation of clauses on the rights of victims in the law of ICTs;
  - Using and adapting international human rights law at ICTs;



- The rights of victims at ICTs: ICTs as ‘quasi’-human rights bodies?
- Protective measures for victims as witnesses.;
- Procedural rights or modalities of participation of victims as participants and/or civil parties;
- Procedural rights or modalities of participation of victims when claiming reparations;
- Impact of the rights of victims on the rights of the defendant at ICTs;
- Balancing the rights of the defendant and victims: Victim-oriented or centred-perspectives.

Abstracts no longer than 500 words together with a short CV should be submitted using the [online form](#) by **19 March 2018**.

Financial assistance is available to support the travel and/or accommodation costs of a limited number of speakers with financial hardship. Due to funding regulations, reimbursements can only be transferred once the applicant has submitted her/his final paper for publication. Please indicate your intention to apply for this in the comments section of the application form.

All proposals will be answered by **9 April 2018**.

The deadline for draft papers is **10 August 2018**.