



THE ICC AT 10 YEARS PROJECT

CALL FOR PAPERS

The Law and Practice of the International Criminal Court: Achievements, Impact and Challenges

Organized by the Grotius Centre for International Legal Studies
with the support of the Open Society Justice Initiative

September 27 – 28, 2012
Peace Palace, The Hague, The Netherlands

In 2012, the International Criminal Court (ICC) will celebrate the ten-year anniversary of its entry into force. This anniversary presents an occasion to reflect on the world's first permanent institution designed to hold individuals accountable for violations of serious international crimes. It is an opportunity to examine the law and practice of the Court, its contribution to international criminal law and policy, and its potential role in countries where such crimes have been committed. The conference will bring together scholars from a variety of disciplines and practitioners from within the broader international law community to reflect on the ICC as an institution, its jurisprudence, the impact of its activities and to critically assess future possibilities for the Court.

The conference organizers are currently seeking submissions for panel discussants. Interested participants should send a draft title and abstract of their proposal (500 words), written in English, together with a CV to pcj@cdh.leidenuniv.nl. Proposals are due no later than Monday, April 16, 2012. Submissions should be related to one of the themes listed below, and should indicate under which theme their proposal is to be considered. Accepted submissions may be considered for publication in a volume on the Conference theme with a leading international publisher.

Law and Practice of the ICC

The Conference is open to submissions on important developments in the ICC's jurisprudence and applicable law, including crimes, sources of law, modes of liability, procedure and interaction with other courts and tribunals or systems of international law. The Rome Statute and jurisprudence of the ICC demonstrates a development of, and at times, departure from concepts and authorities addressed by other international criminal tribunals. The Conference will address ways in which ICC practice has emerged and ways in which this practice could be refined or improved in future cases. Potential questions for discussion might include: To what extent have ICC Judges taken a progressive or a narrow approach to interpreting the Rome Statute? What impact, if any, does this have on the legitimacy of the ICC? How can the Court increase the fairness and expeditiousness of its proceedings? What lessons can



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be learned from the early law and practice regarding arrest, disclosure, evidentiary issues, representation, interim release or detention? To what extent is the Court able to deal successfully with its unprecedented regime for victim participation and reparations, and what lessons can be drawn from other international or domestic mechanisms?

Roles and Responsibilities of ICC Actors

This theme will focus on topics related to the roles, responsibilities, interactions and performance of various actors at the ICC. Judges, the Prosecutor, defense, victims, witnesses, intermediaries and others working with the ICC often have competing interests and goals. How these differences are resolved, whether in the courtroom or behind the scenes, can have a significant impact on the outcome of the trial and the effects of the Court. Potential questions to be discussed might include: What is the impact of the Office of the Prosecutor's (OTP's) policies in light of the Rome Statute and their application in practice? To what extent are the rights of defendants effectively protected in ICC proceedings? What is the role of the Office of Public Counsel for the Defense, and what is its relationship to external counsel? How can defense-related issues of State cooperation (e.g., cooperation in relation to defense witnesses or disclosure of exculpatory evidence) be managed in a fair and effective way? How have various Court organs interpreted their relationships to and responsibilities for witnesses and victims?

Complementarity and Domestic Jurisdictions

The notion of complementarity has been widely discussed in ICC discourse, with competing minimalist and maximalist definitions. Ten years into its work, after a variety of situations with different jurisdictional triggers, how is the ICC to define its relationship to domestic legal contexts? To what extent has complementarity served as a 'catalyst' for compliance? Has it been applied coherently in different circumstances? Is there a need for different or new policies or approaches? To what extent should the ICC's relationship with domestic jurisdictions be context-specific? How should the Court deal with 'parallel proceedings'?

The ICC in Context: Impact and 'Legacy'

In most situations, the ICC is only one amongst many actors. One of the main challenges of the ICC is to define its space in the broader situational context and to meet the needs and expectations of different constituencies, including local actors and affected communities. Submissions on this theme might discuss: How can the Court's impact be assessed? What are the most effective means and methods of reaching and targeting affected communities? How do differences in perceptions of the Court amongst States and non-State actors effect the operation and legitimacy of the Court? How has prosecutorial independence and impartiality, OTP case selection criteria and the OTP charging policy effected the efficiency, legitimacy and 'success' of the court? How does ICC intervention interrelate with other initiatives, such as peace negotiations, domestic reform efforts, donor-backed capacity building projects or other transitional justice mechanisms? What happens when the ICC closes preliminary examinations, investigations or cases in a specific situation, or when it terminates its engagement in a situation *de facto* or *de jure*? What follow-up issues need to be addressed, and what strategy should be pursued? Is the term 'legacy'—as it has been used for other international courts—an appropriate notion to apply in the ICC context? What kind of 'legacy' can the ICC be reasonably expected to leave behind in a given situation?