



**MONTAIGNE
CENTRE**
FOR RULE OF LAW AND
ADMINISTRATION OF JUSTICE



Universiteit Utrecht

Intersections of Law and Culture at the International Criminal Court Expert Meeting and Book Project 2018-2019

Call for Papers

Dr. Brianne McGonigle Leyh, Associate Professor, and Dr. Julie Fraser, Assistant Professor with the Netherlands Institute of Human Rights and the Montaigne Centre for Rule of Law and Administration of Justice at Utrecht University School of Law, invite submissions for an edited volume entitled ‘Intersections of Law and Culture at the International Criminal Court’.

The purpose of the project is to delve into the convergence and tensions between the cultural underpinnings and legal foundations of the ICC as a global institution. In particular, the project aims to bring together insights on the development and articulation of ideas regarding the multifaceted ways in which culture relates to the work of the ICC. An expert meeting devoted to this topic will be held in December 2018 and contributors will be asked to present their chapters and provide feedback on other contributions.

Abstracts from both practitioners and academics working in the field of international criminal law and other relevant disciplines are welcome. Papers to be considered for the edited volume should present an original contribution and be unpublished. Papers may be co-authored. Papers may adopt diverse research methodologies, theoretical approaches, and draw from diverse disciplines. All submitted papers will be peer-reviewed and checked for plagiarism.

Project description

Law, in general, and international criminal law in particular, strives to be perceived as objective, applied logically and rationally to factual scenarios revealing predictable and legally sound outcomes. International law, as applied around the world, is presented as not limited or bound by a particular culture, but applicable to all situations regardless of cultural differences and diversity. However, as revealed especially in practice, law and culture are interrelated and cannot be so clinically separated. Culture influences our view of the law, of the facts to which it applies, and the fairness of any outcome. This raises important issues for the International Criminal Court (ICC) and its international reach and universal appeal. How can international judges fairly and legitimately judge local actions in a cultural context with which they are not familiar? Should cultural defenses apply in trials for international crimes, or only as a mitigating factor in sentencing? How can meaningful reparations be tailored to specific victims of crime from diverse and unique cultures?

Culture has also been raised more directly at the ICC in cases like that of Al Mahdi. He was the first person to be accused and convicted of the war crime of attacking historic monuments and buildings dedicated to religion, including nine mausoleums and one mosque in Timbuktu, Mali. The ICC sentenced Al Mahdi to nine years in prison and found him liable for EUR2.7 million in expenses for individual and collective reparations for the community of Timbuktu. Despite this finding, Al Mahdi himself is indigent. More recently, in April 2018, another

accused, Al Hassan Ag Abdoul Aziz Ag Mohamed ag Mahmoud, was transferred to the ICC and is facing charges of, amongst other things, crimes against humanity for the destruction of the holy shrines of Timbuktu. Such cases raise questions regarding how international criminal law can be used to protect cultural heritage, to deter crimes against it, and how it can contribute to repairing damage to victims? How do such cases before the ICC intersect with other instruments and mechanisms to identify, protect, and repair cultural heritage?

Given its international practice, the ICC also deals with culture in a number of ways in its operations. For example, given the right of defendants to receive information in a language they fully understand (Articles 55 and 67 of the Rome Statute), the Court has a large translation and interpretation section. This section is responsible for providing language services to the Court not only in French and English (its working languages), but also in Russian, Arabic, Kinyarwanda, Acholi, Lingala, Sango, and also Zaghawa – largely only a spoken language. Many new terms and concepts in international criminal law need to be created in some languages, and equivalents of other terms sensitively translated. This can be more of an art than science. In a court of law, the precise meaning of particular words can have a substantive impact. As such, the ICC's Registry has a large linguistic staff who contribute to the development of various languages.

Activities and Timeline

Submission of Abstracts – 15 October 2018

Expert Meeting and Presentation of Draft Papers – December 2018

Submission of Papers – March 2019

Peer Review of Papers – April-May 2019

Submission of Selected Revised Papers – July 2019

Submission of Edited Volume to Publisher – September 2019

Submissions and Contact

Abstract submissions should meet the below criteria to be accepted:

- Maximum word count 400 words;
- Be written in British English; and
- Submitted in Microsoft Word format.

Paper submissions should meet the below criteria to be accepted:

- Maximum word count including citations: 8,500 words;
- Be written in British English;
- Include footnotes and not endnotes;
- Comply with OSCOLA formatting for citations;
- Submitted in Microsoft Word format; and
- Font should be Times New Roman size 12; footnotes in Times New Roman size 10.

Please submit your abstracts/papers and any questions to:

B.N.McGonigle@uu.nl

J.A.Fraser@uu.nl