

Contemporary Challenges and Alternatives to International Criminal Justice

Maastricht, the Netherlands, June 8th-9th 2020

The system of international criminal justice was established in response to gross human rights violations committed during World War II. Despite its development over the past seven decades, challenges and critiques remain unresolved or have subsequently emerged, particularly in the context of the International Criminal Court (ICC). Key issues include amnesties, immunities, controversial acquittals, non-cooperation, interpretative fragmentation, and cultural clashes.

Criticism emerged as a reaction to the perception of impunity and the system's underachievement. It is important to reflect on the extent to which such challenges are inherent to the system and whether they can be overcome. What is the state of international criminal justice today? What impact have these challenges had on the system's integrity, currency, and credibility? To what extent can we prevent or remedy them?

It is also crucial to discuss possible alternatives and solutions to these challenges. The recent case brought by Gambia against Myanmar before the International Court of Justice for failure to prevent genocide illustrates the recourse to state-to-state adjudication as a potential alternative to criminal prosecution. Yet, the question arises as to whether such state responsibility can fully replace international criminal justice. Are truth commissions or other local forms of justice, such as (conditional) amnesties, desirable alternatives? Are there any other options?

We invite submissions discussing current challenges to international criminal justice, ways to address them and/or possible alternatives. The purpose of this two-day conference in Maastricht is to, without prejudice to other relevant questions, shed light on the following :

1) The *status quo*:

What is (the state of) international criminal justice today? What are the obstacles faced by international criminal justice, as well as its perceived failures and contestations? To what extent are these inevitable or inherent to the system? To what extent they are hindering its progression into a fully matured legal system?

II) General challenges to the system

Have the decisions of the ICC, its Prosecutor and States Parties undermined the integrity and credibility of the system? In particular, what is the impact of ICC acquittals or withdrawals of charges? Are states showing less willingness to cooperate to achieve international criminal justice goals, and if so, why? To what extent have recent developments in the field of immunities of state officials, as well as broader considerations of sovereignty undermined the principle of individual criminal accountability?

III) Differences between legal systems

In what ways have domestic jurisdictions contributed to or disrupted the work of international criminal tribunals, as well as their legal framework? To what extent do differences in legal cultures affect such processes? Besides the traditional dichotomy between civil and common law systems, or adversarial and inquisitorial proceedings, do general cultural differences, such as language barriers and moral distinctions, present challenges to the definitions of international crimes, defences, and modes of liability? Can theoretical, doctrinal or normative considerations underpinning traditional concepts of domestic criminal law hinder the development of the international criminal justice system? Do specific courts, tribunals, mechanisms or jurisdictions face particular challenges?

IV) The future of international criminal justice?

Can the objectives of international criminal justice be achieved by alternative justice mechanisms? Are these mechanisms effective in achieving such aims? Are there any lessons learned from controversial acquittals? Are there any cases that illustrate these aspects? What are the best practices that could be implemented to tackle some of the challenges or create alternatives? To what extent, if at all, can it be said that international criminal justice deters and prevent atrocities?

Call for Papers

PhD students, postdoctoral researchers, young academics, professionals are invited to submit an *abstract* (length: max. 300 words) on these and related questions. Abstracts must be in English and submitted by e-mail (ypc@youngpenalists.com) by **March 9th, 2020**, along with contact and affiliation information, and a short CV (max. 1 page).

Decisions on individual submissions and presentations are expected by mid-March 2020.

Authors of accepted abstracts will be invited to present their work in one of the panel sessions. After *presentations* of 15 minutes each, a short discussion will follow. The use of audiovisual technology (e.g. PowerPoint) is optional.

Authors of accepted abstracts are furthermore invited to submit a *written version* of their presentation (length: 4.000–8.000 words including references), which, if meeting quality standards and submitted to the organizing committee by July 31st 2020, will be published.

On the Eighth Symposium for Young Penalists

The Eighth International AIDP Symposium for Young Penalists is hosted by the Faculty of Law of Maastricht University (UM). It is organized by Renata Barbosa, Craig Eggett, Dr. Francesco Mazzacuva, Dr. Megumi Ochi, Dr. Miren Odriozola, in collaboration with UM and *Young Penalists Committee* of the *International Association of Penal Law* (AIDP).

Participation in the symposium is free of charge. Travel and accommodation expenses cannot be covered by the hosts and organisers.

Website – Contact information

For more information, please visit us in:

<https://www.maastrichtuniversity.nl/events/symposium-contemporary-challenges-and-alternatives-international-criminal-justice>

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