

PHILOSOPHICAL HERITAGE, HISTORICAL CONTINGENC AND MORAL UNIVERSALITY.

Reception of the ICTY in Ex-Yugoslavia

The ACI Research Group Morality, Politics and International Justice viewed through the Prism of the Human Sciences (Paris)

General Information:

The conference is organized by:
The ACI research group *Morality, Politics and International Justice viewed through the Prism of the Human Sciences*, with support from the Research Unit EA 738 *Crises and Borders of European Thought* of the CNRS Research Group *Extreme Crises* (GDR 2651), and from the *Balkans Section* of the Research Unit UMR 8032, *Turkish and Ottoman Studies*.

Date: March 30 - April 1, 2006.

Location: Paris, France.

Deadline: September 30, 2005.

Send your proposal to: Isabelle.

Delpia@univ-montp3.fr with a copy (cc) to idelpla@free.fr

Proposals may be submitted in French or English and must include the following information:

Name; Institution of affiliation; Title/Status; Email; Contact address to which all correspondence is to be sent.

The final version of conference papers are to be sent electronically no later than March 1, 2006. Papers must be no longer than 50,000 signs.

Contact:

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International criminal justice, in the form of *ad hoc* tribunals, incarnates an aspiration to universality within defined geographical and historical limits. Focusing on the case of the *International Criminal Tribunal for the former Yugoslavia* (ICTY), this conference will analyze the tensions existing between the vocation of universality attached to these categories in international criminal justice and their specific anchoring in time and space. The question to which we aim to respond is: what concept(s) of justice arise(s) from this confrontation? Critical analyses of the reception of the ICTY in the former Yugoslavia, and especially in Bosnia-Herzegovina, will address the following questions:

The Historical and Cultural Context of the Reception of the ICTY in the Former Yugoslavia

What categories are relevant for describing this context? Should we interpret it according to an opposition between the liberalism that might underpin the ICTY and the communist or nationalist outlook dominant in the former Yugoslavia? Is not such an opposition too reductive? Can it account for the fact that Yugoslavia belongs to Europe from the perspective of its philosophical heritage, its civil-law judicial system, or its historical legacy from the second world war? We are seeking papers devoted to any of the following aspects of the ICTY's reception context :

- *The legacy of postwar trials (following World War II) :*
What was the nature of the purges and the trials held after 1945? What was their legal basis? Is there a legacy attached to Nuremburg and other postwar trials in Yugoslavia? Have there been philosophical or public debates analogous to those that took place in Western Europe and the United States in conjunction with the Nuremburg and Jerusalem trials? What was the role of political trials in Yugoslavia?
- *The Penal System:*
What were the conceptions (philosophical or otherwise) of criminal responsibility and punishment underlying the Yugoslavian judiciary system? What role have the procedures applied by the ICTY and common-law practices played in penal-code reforms, particularly in Bosnia? What are the procedures and the social effects of local war-crimes trials?
- *Local Meanings of Justice:*
What are the practical and theoretical problems involved in the translation of the vocabulary of justice and law from one to another of the official languages of the ICTY? How are we to analyze forms of discourse (as found particularly in Bosnia) that oppose justice and vengeance or, on the contrary, that represent recent deeds as revenge for past injustice? Do justice and punishment have a religious significance that varies from one community to another?

We also welcome papers discussing the reception of the ICTY by particular groups: associations, political parties, religious communities, etc.

The International, the National and the Local

This tension between universality and historical contingency appears clearly in those categories of international law such as genocide and crime against humanity, which do not derive from an *a priori* conceptualization, but from an *a posteriori* elaboration on the basis of a specific historical experience, and have been extended beyond their specific juridical meaning, becoming norms for moral and political judgment. Thus, the definitions attached to genocide and crimes against humanity, as planned and systematically organized, reflect above all the nature of the crimes committed by the Nazis. How are such categories to be

applied to another historical reality involving different modes of organization? Our aim is not to analyze the jurisprudence of the ICTY *per se*, but to undertake comparative analysis of the various philosophical, juridical, national, and local perspectives on how these categories are put into practice. How do these categories become (or fail to become) moral, political, and social norms? We seek papers that:

- compare the evolution the category of genocide over the course of the different ICT judgments (whether for the ICTY or the ICTR) with local uses of the term
- compare international, national, and local perspectives on ways of defining and categorizing humanity
- compare the extension, on an international level, of the category of crimes against humanity to include sexual violence (taking into account the sexual dimension of humanity) with the ways in which, in Bosnia, women and associations of women define their demand for justice
- compare the ICTY's discourse and practices concerning the new role of the victim in the criminal justice process with the ways in which victims and victim associations define their demand for justice and their relationship to the ICTY
- compare the ICTY's principles and practices in terms of transparency with local reception of trials, particularly as concerning guilty pleas
- compare the principles and practices of defense lawyers in the Hague tribunal with local practices (particularly as concern lawyers from the former Yugoslavia)
- in light of debates about the nature of the relationship between judges and historians, compare the ICTY's principles and practices concerning what constitutes proof and the establishment of truth with those of other actors: journalists, historians, witnesses, expert witnesses, national and international missing-person commissions, etc.

Given the broad scope of this last question, we will give priority to papers discussing specific cases, particularly cases involving ICTY investigations and trials concerning the regions of Prijedor and Srebrenica and their local reception. We also welcome papers comparing the ICTY and the ICTR in light of these questions.

The Call for papers is addressed to anthropologists, historians, sociologists, and linguists with specialization in ex-Yugoslavia and to philosophers, jurists and political scientists.