



The Minerva Center
for Human Rights
Buchmann Faculty of Law
Tel Aviv University



מרכז מינרבה לזכויות האדם
The Minerva Center for Human Rights
مركز مينيرفا لحقوق الإنسان



THE HEBREW
UNIVERSITY
OF JERUSALEM

Conference Call for Papers

The Scripts and Settings of Transitional Justice: Procedure, Protocol and Form

On-line conference, June 14-16, 2021

Introduction:

The Minerva Center for Human Rights at the Hebrew University of Jerusalem and Tel-Aviv University is organizing an international conference on the relationship between the objectives and outcomes of transitional justice processes, on the one hand, and the procedural rules and practices used in such processes, on the other.

The conference will take place on June 14-16, 2021. In light of the continued uncertainty regarding international travel due to COVID-19, the conference will be held in an on-line format.

This call for papers invites proposals for presentation of a paper at the conference.

Submission deadline: March 17, 2021

Background:

The body of scholarship engaged with the role of law in transitions from conflict and oppression to peace, democracy and human rights has long been based on the premise that such transitional justice processes serve a range of functions beyond the punitive ones of traditional criminal law. These include, inter alia, giving victims a voice, constructing historical and political narratives, advancing truth-telling and promoting reconciliation. Moreover, transitional justice processes have emerged in numerous and highly variegated political, social and cultural settings. Consequently, the practices of transitional justice have generated a broad and diverse spectrum of legal or quasi-legal institutions and proceedings, alongside socio-political processes: permanent or ad hoc, formal or informal, international or domestic, engaging criminal liability or rather other forms of accountability.

While the general choice of process or forum along these lines is a central attribute of transitional justice, less attention has been paid to the ways in which the objectives of transitional justice processes shape their more fine-grained procedural rules and practices – their scripts and settings; how these objectives and substantive outcomes are shaped by procedure, protocol and form; and how rules pertaining to these are embedded in cultural and social perceptions of justice, truth, social hierarchies and authority.

The conference seeks to explore key questions relating to procedure, protocol and form in transitional justice, such as – but not restricted to - the following:

- Which methods and rules are designed with a view to securing the objectives of transitional justice?
- Do rules pertaining to the admissibility and nature of evidence; jurisdiction and standing; pretrial procedures; and documentation and publicity of proceedings, change in transitional justice settings?
- What epistemological perceptions of truth and/or justice do these rules reflect?

- From a theoretical perspective, do the substance/process distinctions and their critiques carry over from general legal theory to transitional justice?
- Do the accepted imperatives of fair trial and due process apply differently in broader transitional contexts and transitional justice processes?
- To what extent do non-governmental, alternative proceedings adopt features of legal procedure, and to what effect?
- Can transitional justice accommodate critical approaches to evidence and procedure more easily or less so?
- How have the form and procedure of transitional justice practices been shaped by international human rights law and liberal constitutionalism?
- How have these shaped the dialogue and relations between transitional justice and peacebuilding?
- What procedural tools have developed over the years in criminal, civil or other transitional justice proceedings to tackle structural causes of mass violence and injustice, such as the role of economic actors, or law in the deterioration of democracy? In particular, what is the role of expert witnesses in uncovering structural causes of violence?
- How have technological developments impacted procedures in transitional justice contexts?

We are interested in contributions examining these issues from different perspectives, including the history of setting procedural rules in transitional justice proceedings, legal transplants and isomorphism, material culture in the courtroom, the rights of victims or perpetrators, and questions of jurisdictions.

The conference organizers invite proposals to present a paper dealing with one or more of the above issues, or other relevant and contemporary issues relating to the topic of the conference.

Submissions:

Researchers interested in addressing these issues are invited to respond to this call for papers with a proposal of up to 750 words for an article and presentation, along with a brief CV. Proposals should be submitted via: <http://gss.huji.ac.il>, no later than **March 17, 2021**.

Note that in order to apply, applicants must first create an account on the application platform website. Once the account has been created, the "Scripts and Settings of Transitional Justice Conference" can be found under "General Applications". For questions regarding the application process, contact: mchr@savion.huji.ac.il

Applicants should expect notification of the committee's decision by early April. Written drafts of approx. 10-25 pages, based on the selected proposals, will be expected by June 5, 2021.

Publication:

The *Israel Law Review* (a Cambridge University Press publication) has expressed interest in publishing selected full length papers based on conference presentations, subject to its standard review and editing procedures.

Conference Committee:

Einat Albin, Hebrew University of Jerusalem; Dana Alexander, Tel-Aviv University; Or Avi-Guy, Hebrew University of Jerusalem; Irit Ballas, Hebrew University of Jerusalem; Leora Bilsky (co-chair), Tel-Aviv University; Tomer Broude (co-chair), Hebrew University of Jerusalem; Natalie Davidson, Tel-Aviv University; Danny Evron, Hebrew University of Jerusalem; Renana Keydar, Hebrew University of Jerusalem; Rachel Klagsbrun, Tel-Aviv University; Bana Shoughry, Hebrew University of Jerusalem; Limor Yehuda, Tel-Aviv University.