

The Minerva Center for Human Rights
The Hebrew University of Jerusalem

THE POTENTIAL ROLE OF TRANSITIONAL JUSTICE IN ACTIVE CONFLICTS

An International Conference
Jerusalem, 13-15 November 2011

CALL FOR PAPERS

Introduction:

The Minerva Center for Human Rights at the Hebrew University of Jerusalem is holding an international conference that seeks to examine the potential impact of transitional justice mechanisms in ongoing conflicts. The conference will take place on 13-15 November 2011, in Jerusalem.

Recipients of this call for papers are invited to submit proposals to present a paper at the conference. Authors of selected proposals will be offered full or partial flight and accommodation expenses. The deadline for submission of proposals is 1 May 2011.

Background:

Transitional justice is an emerging interdisciplinary field concerned with mechanisms and processes aimed at providing societies that have undergone mass human rights abuses— such as in the course of armed conflicts, military rule, despotic regimes or genocide - with ways of coping with the effects of these experiences in order to transition to sustainable conditions of reconciliation, democracy and peace. These mechanisms and processes include, among others, criminal justice, institutional and rule-of law reform, truth-telling and reparations.

In inter-temporal terms, transitional justice mechanisms often have a strong focus on the *past* (albeit with the aim of shaping the future). Criminal prosecutions of perpetrators of war crimes and crimes against humanity, as in the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), or the Special Court for Sierra Leone (SCSL), regardless of their institutional model, are often conducted years, even decades, after the events took place, with the combined goals of punishing the guilty and providing vindication to the victims. Reparations for human rights violations often seek to compensate victims through material or even symbolic restitution provided after the damage has been done. Other

significant transitional justice mechanisms are truth commissions (such as the South African Truth and Reconciliation Commission), fact-finding and documentation of the past that aim to promote the right to know whilst contributing to goals such as reconciliation and social reconstruction.

Indeed, transitional justice is most commonly associated with "post-conflict" contexts, where human rights violations are no longer being committed and the conflict has ended (although typically the underlying social and political tensions have not yet been resolved). Arguably, the ideal environment for transitional justice mechanisms to succeed is one in which the guns are silent.

Purpose of the Conference:

An important and relatively underexplored aspect of transitional justice is the role that transitional justice mechanisms can play when the conflict, or situation of pervasive human rights violations, is still active and ongoing. This conference will therefore focus on the questions that arise in these scenarios. These questions include, but are not limited to, the following:

Can transition be effective *before* the traumatic events have ended? Are there conditions in which mechanisms of transitional justice can make a positive contribution to the cessation of violence and human rights infringements? Can state-led transitional justice mechanisms be formed during ongoing conflict, or will lack of political will, economic conditions, and the need to prioritize other objectives such as security, make any efforts in this direction ineffective? Empirically, what lessons can be learned from cases in which transitional justice was pursued while the guns were not yet silent, such as in the ICTY, or in the International Criminal Court's intervention in the situation in Darfur? In longstanding conflicts, especially in those that are considered 'intractable', waiting for "post-conflict" stability might delay indefinitely the positive effects of transitional justice mechanisms; but would implementation of such mechanisms before stability has been attained be productive, futile, or perhaps even counterproductive? Are certain transitional justice mechanisms more suitable for application to ongoing conflicts? What about informal, as opposed to state-led, processes? And are certain regime-types – such as democracies – more, or less, amenable to transitional justice processes during active conflict? Transitional justice is sometimes exposed to the criticism that it is implemented selectively, as the 'justice of the victors'; could embarking upon the path of transitional justice when there are no victors yet better legitimize the process? And specifically in our local context – can transitional justice mechanisms assist in reaching greater reconciliation and coexistence between Israeli Jews and Arabs? And could such mechanisms even facilitate the end of the Israeli-Palestinian conflict?

To address these and related questions, the Minerva Center for Human Rights at the Hebrew University of Jerusalem will hold a 3-day international conference - the first in a series of annual Minerva Center conferences on transitional justice – employing a broad, interdisciplinary approach and utilizing the comparative experience of other societies

and international experts. The discourse on transitional justice in the context of Israeli-Arab conflict is still in its infancy, and this conference is intended to make a significant contribution with both local and global implications. We anticipate that the conference will result in the publication of a dedicated volume or journal issue on the topic.

Submission of Proposals:

Researchers interested in addressing these questions, or other questions related to the topic of the conference, are invited to respond to this call for papers with a two-page proposal for an article and presentation, along with a brief cv. Proposals should be submitted to the Minerva Center for Human Rights no later than 1 May 2011 via e-mail: mchr@savion.huji.ac.il

Applicants should receive notification of the committee's decision by 31 May 2011. Short written contributions (8-10 pages) based on the selected proposals will be expected by 10 October 2011.

Conference Academic Committee:

Dr. Tomer Broude, Hebrew University of Jerusalem (Chair); **Dr. Phil Clark**, School of Oriental and African Studies, University of London, and Oxford Transitional Justice Research, University of Oxford; **Dr. Pablo de Greiff**, International Center for Transitional Justice, New York; **Dr. Daphna Golan**, Hebrew University of Jerusalem; **Adv. Sigall Horovitz**, Hebrew University of Jerusalem; **Prof. Fionnuala Ní Aoláin**, University of Minnesota and Transitional Justice Institute, University of Ulster; **Adv. Ofer Shinar Levanon**, Sapir College and Hebrew University of Jerusalem; **Prof. Ruti Teitel**, New York Law School.