

NEWSLETTER CRIMINOLOGYAND INTERNATIONAL CRIMES

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Editorial

In the previous issue of this newsletter it was announced that the Special Court for Sierra Leone had set a date for the trial of Charles Taylor, the former president of Liberia for his alleged complicity for the atrocities committed during the civil war in neighbouring Sierra Leone. Today, the procedure is in full swing. Meanwhile, the International Criminal Court decided that the case against Thomas Lubanga Dyilo, the founder and leader of the Union des Patriotes Congolais (Union of Congolese Patriots), will commence in March 2008.

The suspects of international crimes that are prosecuted by these international courts and tribunals are all (former) political and military leaders. However, on the national level also other types of perpetrators are being prosecuted for complicity of international crimes. In the Netherlands for instance, recently two cases of Dutch businessmen charged with complicity to international crimes where brought to court. Frans van Anraath was found guilty of complicity to war crimes, for providing Saddam Hussein's regime with chemicals that where used in the gas attacks against Kurdish and Iranian civilians. In first instance Gus Kouwenhoven, the former director of the Oriental Timber Company involved in the

illegal logging in Liberia, was acquitted for complicity to commit genocide but was found guilty of illegal arms trading. The weapons in question were used to arm the corporations' security forces and also, allegedly, Charles Taylor's army. The appeal procedure has not, at the time of writing, been completed.

In 2002, Australia introduced the ICC Statute offences into its domestic criminal legislation. Recently, the first criminal investigation for committing such an offence has started. Perhaps surprising, the suspect is not a natural person, but a corporation: the Anvil Mining Limited. The company allegedly participated in serious human rights abuses by providing logistical support to a military counter-offensive in a town in the Democratic Republic of Congo. A recent survey of Ramasastry and Thompson (www.fafo.no) revealed that nowadays, corporations can be held criminally liable and prosecuted for international crimes under the domestic law of many countries. Another interesting development has been the recent efforts to use the Alien Tort Claims Act, which grants iurisdiction to US Federal Courts for violations of international law, to sue transnational corporations for serious human rights abuses in countries outside the US.

These developments create the interesting paradox that while the ICC is meant as a safety net when international crimes are not seriously dealt with on the national level, in prosecuting corporations for international crimes it seems the other way around. Here, domestic law is the last resort for breaches of international humanitarian law committed by multinational corporations, since international criminal law does not yet recognize criminal liability of legal persons.

The issue of corporate complicity and improving corporate accountability in international criminal law was addressed at two conferences that are reported on this newsletter. With its tradition on studying white collar crime, corporate crime and state-corporate crime, criminology could provide the tools for assessing the prevalence and causes of corporate involvement in international crime. Since the criminology of international crimes is already moving beyond the traditional boundaries of the

discipline, it should have no reservations to introducing insights from organisational sciences and economics to study this specific form of corporate crime. Interestingly, an economic approach can also shed light on the profiles of noncorporate perpetrators of international crimes, as is illustrated in this issue by the interview with Philip Verwimp, winner of the first Young Criminologist award of the European Society of Criminology.

Agenda

- 16-18 January 2008: Conference: Indian Society of Criminology. Bhopal, India. www.nliu.com
- 10-11 March 2008: Conference: Victims of terrorism conference. Tilburg, The Netherlands. http://www.tilburguniversity.nl/intervict/
- 28-29 March 2008: Workshop: Re evaluating Africa and World War II. Rutgers University, US. http://www.rutgers.edu/
- 28-30 March 2008: Conference: Wars and Conflicts in Africa. Austin, US. http://www.utexas.edu/conferences/africa/2008/index.html
- 2-4 April 2008: **Conference:** 28th annual conference on the holocaust and genocide. Millersville, US. http://www.millersville.edu/~holo-con/
- 4- 6 July 2008: Conference: Before the holocaust: concentration camps in Nazi Germany, 1933- 1939. Birkbeck College, London. www.camp.bbk.ac.uk
- 6-17 July 2008: Workshop: Jewish life during the holocaust: new approaches to and new aspects of Jewish social life. Jerusalem, Israel http://www1.yadvashem.org/about_yad/depart_ments/institute/pdf/International_Summer_Workshop_Call%20.pdf
- 20-25 July 2008: Conference: International Society for Criminology. Barcelona, Spain. Subtheme on violence, victimization and restorative justice. http://perso.orange.fr/societe.internationale.de.criminologie
- 2-5 Sept. 2008: Conference: European Society of Criminology. Edingburg, Scotland. http://www.lifelong.ed.ac.uk/eurocrim2008/index.htm

- 21-23 Sept. 2008: Conference: Famine and mass violence. Youngstown, US. Contact: hjsinnreich@ysu.edu
- 12-15 November 2008: Annual Meeting: American Society of Criminology. St. Louis, US.
 http://www.asc41.com/Annual%20Meeting/asc
 anlmeet.htm
- 25- 28 November 2008: Conference: Australian and New Zealand Society of Criminology. Canberra, Australia http://anzsoc.org/conferences/2008/

For a more extensive agenda we refer to our website: www.supracriminology.org

If you organize a conference, workshop or symposium of interest within the broad area of supranational criminology, please inform us info@supranationalcriminology.org and we will make a reference on our website and in the newsletter.

Amsterdam Centre of Interdisciplinary Research on International Crimes (ACIC)

By: Alette Smeulers



The VU University Amsterdam has established the Amsterdam Centre of Interdisciplinary Research on International Crimes (ACIC). The Centre is based at the VU University Amsterdam and brings together scholars from various scientific backgrounds within one research programme. The central focus of our research is on international crimes such as war crimes, crimes against humanity, genocide and other gross human rights violations as well as on aggression, terrorism and other forms of violence. These manifestations of collective violence pose a threat to international peace and security and call for effective action. Effective action is however often hampered because of a lack of knowledge on the true nature and aetiology of international crimes and other forms of violence and a lack of knowledge on the means to stop and prevent these crimes. Acquiring such knowledge and designing effective measures to prevent and stop these crimes takes a multi- and interdisciplinary approach. In our search for effective means to stop this type of violence we aim to conduct empirically sound research-projects within an interdisciplinary environment in order to find the most effective means to prevent, stop and deal with this type of violence.

In our research we first of all use criminological research tools and theories to map and measure the crimes and to investigate its causes. We test to what extent criminological theories which have been developed in order to understand ordinary crime can help to explain the causes of international crimes which can be qualified as extra-ordinary crimes. In our research we focus on certain types of crime, the underlying mechanisms and processes which lead to extreme collective violence and by focusing on the perpetrators at all levels: states, organizations, groups and individuals.

Secondly we focus on the legal aspects and more particularly we take look at international crimes from an international criminal law perspective. We focus on the substantive and procedural law but also question to what extent the current state of the art within international criminal law adequately addresses international crimes. We do so by taking a comparative approach in which we compare national criminal law with international criminal law; by taking the extra-ordinary nature of these type of crimes into account and by taking a more philosophical approach. We furthermore search for effective means on how to process information within the international criminal justice system.

As international crimes are generally committed by states we take both international law and international relations as a third main approach in our research. We focus on questions as to whether and how the international community can prevent these types of crime and by what means it can do so. International crimes endanger international peace and security and as such warrant the UN Security Council to enforce mandatory and preventative measures. The question is how we can enhance the power of the international community and of international law to prevent international crimes and the spread of international terrorism.

Alette Smeulers VU University Amsterdam ACIC@law.vu.nl www.rechten.vu.nl/ACIC Interview Philip Verwimp: winner of the first Young Criminologist Award of the European Society of Criminology (September 2007).

By: Lotte Hoex



Philip Verwimp in Bologna

With his article 'An economic profile of peasant perpetrators of genocide' Philip Verwimp won the first Young Criminologist Award from the European Society of Criminology. For us a good reason to ask him about his research.

Philip Verwimp conducted quantitative research on the profiles of perpetrators of the Rwandan genocide. After the genocide Verwimp traced and interviewed 350 Rwandan households which had participated in a rural household survey which had been conducted before the genocide (1989-1992). This allowed him to link the economic, demographic and agricultural pre-genocide data with criminological post-genocide data he collected on the people from these same households. In the prize-winning paper Verwimp investigates whether socio-economic variables are able to explain participation in the genocide.

Philip Verwimp is an economist by training. At first sight it seems rather strange: an economist who is doing research on perpetrators of genocide and wins the Young Criminologist Award. His work however demonstrates how economic insight can have an important additional value when studying gross human right violations such as genocide.

Verwimp's wider research agenda is in fact driven by the empirical study of households in conflictaffected regions. According to Verwimp, economists are interested in the material determinants of human behaviour. Land lords for example will be opposed to policies that will increase the minimum wage. Precisely because so many people got involved as killers and accomplices Verwimp does not believe that attitudes (like racism or hatred) explain such mass involvement: there are always some psychopaths, but a few psychopaths can never explain the high level of participation that was observed in Rwanda. Verwimp looked at the organisation of the rural peasant economy to explain participation in the genocide.

Verwimp found statistically significant evidence which shows that only a relatively small percentage of the "middle-sized" farmers participated in the genocide compared to two other groups: a privileged upper-class on the one hand and poor farmers on the other hand. Verwimp concluded that the genocide should be seen as the outcome of a coalition between these two groups. The first group-small, rich and privileged- was affiliated to the national regime. They had a privileged status and earned their money with well-paid jobs outside the agricultural sector. The second group, who actually did the dirty work were the poor, quasi-landless farmers.

The participation in de Rwandan genocide could be explained by the interests of both groups in their respective relation to the land and labour markets. The local elite or the landlords had something to defend, namely their land, their job and most important, their privileged position in society. They wanted to retain their privileged position in Rwandan society and this could only be achieved by keeping the regime in power, even if that meant the elimination of the Tutsi minority. The poor, landless group was a vulnerable group, they could gain something from their participation. They were dependent on the privileged class and sensitive to rewards and promises of jobs and land. The third the middle-class farmers underrepresented among the perpetrators, the reason being that they had less to loose and little to gain. Besides they had not much to fear from the new regime, in contrast to the local elite.

The clear indication that those households which had either 'something to defend or to gain' (local elite) and those who were 'economic and socially vulnerable' (the poor) took part in genocide and those who had little to gain or loose (the middle class) did not, at least not on such a massive scale, proves that there is more to perpetrators motives than mere obedience to authority. The government demanded a high degree of conformity and obedience of its population but more than anything

else it was the rural political economy that made the poor and landless people do what they were asked to do.

Verwimp concludes that the social organisation of the Rwandan society can explain why so many people took part in the genocide and why it was so 'successful'. The Habyarimana regime tried to spread the myth that Rwandan society was an equalitarian and rural society. In reality, however, the society was already stratified in several socioeconomic classes before the genocide. Nevertheless, the regime propagated the egalitarian myth. Part of the ideology behind the myth was that every Rwandan should contribute to public projects (for example via weekly communal labour umuganda). The need to participate in collective behaviour was emphasized by the regime and during the genocide this practice was abused. The regime abused the already highly stratified and hierarchical structure of the society. At the time of the genocide, people listened to the local elite because they had always done so. People obeyed because it was considered an order, because everyone did it and because it was expected of them. This 'obeying' behaviour is the result of the rural political economy.

Verwimp explains that the regime wanted to maintain its political power and they came to believe that the elimination of the Tutsi was the only way to achieve that. The regime argued that it needed to defend itself because it was under attack, and indeed: there was a civil war going on and they were under attack by the rebels from the RPF. But the regime targeted ALL Rwandan Tutsi, instead of merely concentrating on the rebel forces from Paul Kagame. The regime used the rebels as an excuse to legitimize its violence and murderous policy. The Tutsis became the scapegoats: they were blamed and held responsible for all the problems in Rwanda.

Verwimp thinks that his findings are not unique and similar patterns can be observed in other conflicts as well, for example in Burundi: the conflict is called an ethnical war, but in fact economic mechanisms are important drivers of violence. For the rank-and-file, ideology is not the main motivation for being in the rebel force. They fight because of the tangible benefits they get from being part of the rebel movement.

At this moment Verwimp is working at the University of Antwerp and doing research in Burundi. He examines the impact of Burundi's civil war on the health status of children. Philip Verwimp published several articles about the Rwandan genocide, in the close future all his

research will be gathered in one book: *The Political Economy of the Genocide in Rwanda*.

Verwimp, P. (2005). An economic profile of peasant perpetrators of genocide, *Journal of Development Economics*, 77: 297-323.

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Conference papers

Hague Joint Conference - June 2007

In June the American and Dutch Societies of International law organized -in cooperation with the foundation of The Hague Joint Conferences on International Law and the Asser institute- the Hague Joint Conference on Contemporary Issues of International Law. The overall theme was criminal jurisdiction but many areas of international criminal law were covered in the many twin panels which were organized. There were panel sessions with ordinary paper presentation but also discussions with lively debates between the panel members. Topics which were covered related to the International Criminal Court, truth Commissions, accountability issues, immunity issues, definitional issues and corporate liability for human rights crimes. Many distinguished scholars were invited and discussed issues with practitioners who work within the field of international criminal law such as Richard Goldstone former chief prosecutor of the ICTY, David Tolbert, the current deputy chief prosecutor of the ICTY, David Crane former chief Prosecutor of the Special Court in Sierra Leone and Judges Christine van den Wyngaert and Fons Orie from the ICTY and Geoffrey Robertson from the Special Court for Sierra Leone. The programme Committee Co-Chairs were Willem van Genugten (Tilburg University) and Michael Scharf (Case Western Reserve University). The proceedings of the conference will be published by Asser Press in a book edited by Willem van Genugten en Michael Scharf. Provisional publication is in the Summer of 2008.

International Association of Genocide Scholars Sarajevo - June 2007

By: Alette Smeulers

The International Association of Genocide Scholars (IAGS) had its biennial meeting in Sarajevo, Bosnia and Herzegovina in June 2007. The conference lasted five days and had many interesting panels on a broad array of themes like the genocidal process, the victims, the perpetrators, means on how to prevent genocide, legal issues, local justice initiatives, particular genocides like for example in

Bosnia and comparative genocides. Several panels dealt with rape and other forms of sexual violence as genocide. Speakers included distinguished scholars, young researchers and students. There were many workshops but also a few plenary sessions and films which were shown. Carla Del Ponte, public prosecutor of the ICTY was invited to address the audience and made an impressive appearance and eloquantly answered many critical questions from the audience. On the third day of the conference the participants went to an exhumation site and a memorial service at Potocari close to Srebrenica. Here the identified remains of several hundred bodies were reburried at the memorial site. It was a sad and thought-provoking experience. Scholars who study genocide and try to understand the causes may never forget what genocide is really about. Scholarly achievements warrant an objective and rational approach but the victims of genocide need our empathy and in our scholarly work we need to integrate these two needs. That was at least what I felt while watching several hundreds of coffins covered by a green cloth.

Genocide Conference, Cleveland, September 2007

By: Elies van Sliedregt

On Friday, September 28 a day-long conference was held at Case Western Reserve University School of Law, Cleveland (Ohio) entitled "To Prevent and to Punish: An International Conference in Commemoration of the 60th Anniversary of the Negotiation of the Genocide Convention".

The conference featured debates and discussions instead of the traditional academic format. Speakers included Ra'ad Juhi, chief investigative judge of the Iraqi High Tribunal making his first public appearance in the United States; Robert Petit, coprosecutor of the new United Nations Cambodia Tribunal; Mischa Wladimiroff, the attorney who represented Slobodan Milosevic; Roy Gutman, foreign editor of McClatchy Newspapers who won the Pulitzer Prize for his reporting on genocide in Bosnia; and two dozen other leading experts.

Following a welcome address by Case Western Reserve President Barbara R. Snyder, the conference began with a keynote speech by Juan E. Mendez, former U.N. Special Adviser on the Prevention of Genocide. The first panel featured two of the surviving prosecutors who tried the Nazis at Nuremberg, discussing the roots of the Genocide Convention. Robert Petit delivered the luncheon speech, describing the challenges of trying the Khmer Rouge leaders responsible for the killing fields of Cambodia 30 years ago. Former and current prosecutors from international criminal tribunals followed with a discussion of the challenges in prosecuting genocide in Iraq,

Rwanda, Bosnia and Darfur. This panel was followed by a panel of academics and practitioners who defended former leaders accused of genocide. The final panel, critiqued the International Court of Justice's recent judgment in the Bosnian Genocide case.

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European Society Criminology, Bologna September 2007

At the annual conference of the European Society of Criminology there were two specific panels organized on international crimes. The first panel was chaired by Wim Huisman (VU University Amsterdam) and focused on various dimensions of Supranational Criminology. Nicholas Dorn (Cardiff University and Erasmus University Rotterdam) analyzed global governance in terms of inter-state relations, solidaristic mechanisms and cosmopolitan networks. He did so with particular reference to the Balkans. Michael Welch (Rutgers University) discussed how in the war on terror the economy of penal power is militarized. Welch contends that by taking a critical look at the recent controversy over unlawful enemy combatants, we are afforded an opportunity to recognize several of Foucault's insights concerning the reach of power. Dina Siegel (VU University Amsterdam) presented a paper on conflict diamonds in Sierra Leone. She focused more particularly on the role of NGOs and the Kimberley process. She concluded that the NGOs themselves contributed to the creation of the problem. Lastly Wim Huisman (VU University Amsterdam) focused on corporations international crimes. In his paper he presented a criminological analysis of illegal trade in chemicals and natural resources. He in particular focused on the role of two Dutch business men who were charged with complicity to genocide. Frans van Anraath supplied chemicals to the regime of Saddam Hussein and Gus Kouwenhoven allegedly financed and supported the regime of Charles Taylor.

A second workshop focused on perpetrators and bystanders of international crimes. Catrien Bijleveld (VU University Amsterdam) discussed the importance of methodological sound research on assessing the number of victims. In her presentation Bijleveld gave an overview of some useful research methods. In the second paper Alette Smeulers (VU University Amsterdam) and Tom van de Laar (Sollicitor at CMS Derks Star Busmann) tested to what extend the typology of perpetrators as created by the first presenter is

applicable to the perpetrators involved in the crimes committed at the infamous Omarska camp in former Yugoslavia. Samuel Tanner (University of Montreal) presented some results from his PhD research of Serbian perpetrators in the war in former Yugoslavia. Tanner has spent six months in the Balkans and conducted extensive interviews with four volunteers. Tanner aimed to show that political opportunities, diverging nationalist attitudes, proximity to growing violence in killing fields, former parallel criminal activities and interactions with these volunteers' community networks united to legitimize and enable their personal commitment to the mass crimes.

American Society of Criminology, Atlanta, November 2007

At the yearly American Society of Criminology meeting in Atlanta, we were able to attend a number of plenary sessions that are of special interest to the readership of this newsletter. Firstly, there was an impressive speech by former US president Jimmy Carter. Carter, at the respectable age of 87 years, is a remarkable speaker. He started out with a number of pretty good jokes that pretty much had the audience rollicking, but then quickly moved to quite sobering issues. Speaking out against the death penalty, against the death penalty for children, against mass incarceration, against torture, he in each example grouped the United States of America with the nations that employ similar practices: China, Somalia, Sudan, Showing how the United States, without effectively framing it as such, in its policies towards prisoners and suspects ranks with countries that are not generally considered especially civilised. The hall was packed, and those who were there could be heard referring to Carter's speech frequently as one of the highlights of the meeting, a thing not very common of plenary sessions at big conferences. The ASC president, Michael Tonry, in his presidential address also focused on the severity of sentencing in the US, on torture, rendition, and added to that a clear and not entirely comforting update of his Malign Neglect book of several years hence.

In addition, the organisers added more local 'flavour' by a highly interesting plenary session on lynchings. The first part of the panel was devoted to the historical study of these lynchings. The second part was devoted to the efforts currently made to bring to justice the perpetrators of these acts, that sometimes took place decades ago. The description of the practical and normative difficulties in those prosecutions had a similar ring to the difficulties that are faced in the prosecution of perpetrators of international crimes: difficulty of collecting

evidence, long time lags in addition to the – as all sensed in that sterile conference room - incredible emotions in the drive to amend, however imperfectly. All in all, the ASC conference this year featured a number of highly interesting 'local' themes, particularly interesting to those who study supranational issues.

In a session organized and chaired by Dawn Rothe (University of Northern Iowa) three papers on state crime were presented. Steve Reifert (Ferris State University) talked about Police departments as victims of state-corporate crime. Alette Smeulers (VU University) talked about the role of functional bureaucrats in the commission of state crime and Peter Iadicola (Indian University) discussed whether empires can commit state crime and concluded that empires indeed can commit state crime

In a session on international crimes, state crime and international legal response which was chaired by Sanja Kutnjak (Michigan State University) Thomas Reed (Eastern Kentucky University) presented a paper on a new human rights paradigm. Sara Brightman and Emily Lenning (both Western Michigan University) presented a paper on sexual violence in Nigeria and questioned to what extent this can be considered a state crime. Sanja Kutnjak (Michigan State University) presented a paper was co-authored by John (Northwestern University) on the perception of procedural justice at the International Criminal Tribunal for the Former Yugoslavia. The authors concluded that especially since the introduction of plea bargaining which is an unknown phenomenon within the Yugoslavian criminal law system, people within former Yugoslavia are far less enthusiastic about the role of the ICTY.

Stephan Parmentier (University of Leuven) and Elmar Weitekamp (University of Tuebingen) organized and chaired a thematic sessions on crime and human rights. In this session they presented their new book Crime and Human Rights (see in the books section for further information) which they edited. In the session several authors presented their research results. Jack Greene (North eastern University) discussed the issue of police discretion in relation to human rights. Hans-Jörg Albrecht (Max Planck Institute for International Penal Law) gave a presentation a paper on human trafficking. Parmentier and Weitekamp themselves focused on serious violations of human rights as political crimes and presented their TARR-model, representing truth, accountability, reconciliation and reparation. Nicholas Jones (University of Regina) talked about the research he has done in Rwanda in relation to the Gacaca courts in which he applied the abovementioned TARR model.

In several other sessions there were interesting papers such as the paper presented by Augustine Brannigan (University of Calgary) who presented a paper on the Genealogy of Genocide and the role of the bystanders to the genocide. Brannigan concluded that third parties can act as a catalyst that intensifies the violence beyond the levels that would have been achieved by the principal architects of genocide acting alone. There was one paper on child soldiers entitled Invisible soldiers by Cecile van de Voorde (Texas Christian University). John Hagan and Wenona Rymond-Richmond (both Northwestern University) presented a paper on racial terror and the trauma of sexual violence in Darfur.

There were also two roundtables on state crime organized by Dawn Rothe (University of Iowa). Discussants were David Friedrichs, Christopher Mullins, Jeffrey Ian Ross, Dawn Rothe, Ronald Kramer, David Kauzlarich, Nancy Wonders, Gregg Barak, Raymond Michalowski, Alette Smeulers but also audience members joined in the discussions. The importance of conducting research on state crime was stressed as well as some of the particularities of this type of research. An important outcome of the discussion was that scholars need to take a broader focus than merely studying state crimes committed within or by the United States. There are many countries within the world in which extreme atrocities are committed and criminologists need to focus on these crimes as well. The need for international cooperation was stressed as well as the need to establish databases on particular areas within the world in which state crimes are committed in order to make it easier for criminologists to conduct their research. The idea was launched to establish a working group on state crime within the ASC and to organize regular meetings at ASC conferences and to closely cooperate with the international network on Supranational Criminology.

Many papers and sessions dealt with terrorism. There were sessions with a theoretical approach such as the following ones: Theoretical models of terrorism; Terror, war and belief; Terrorism, gender and conflict; Theory and policy in terrorism research and Terrorism and crime. Another session focused on Terrorism issues across the world while there was also a session which focused on terrorism in Africa. Some sessions focused on the necessary response to terrorism such as the sessions entitled: Domestic and International responses to terrorism; Police responses to terrorism; International policy and terrorism and another one discussed Terrorism and civil liberties. In other sessions the causes of terrorism and the terrorists themselves were the central issues of discussion as in the sessions

entitled: Researching terrorists and terrorist behavior and Extremist groups and terrorism. There was one session which focused on terrorist organizations and activities. In the last session on terrorism the book by Mark S. Hamm entitled 'Terrorism as crime: from Oklahoma city to Al-Quaeda and beyond' was discussed.

Dutch Society of Criminology, June 2007

At the NVK, the Dutch Criminology Society there was one session on international crimes in which four papers were presented. The first paper by Catrien Bijleveld (VU University Amsterdam) focused on the methodological issues in relation to assessing the number of victims. Alette Smeulers (VU University Amsterdam) presented a typology of perpetrators of international crimes and compared perpetrators of ordinary crimes with perpetrators of international crimes. Frederick de Vlaming (UvA) presented the results of her almost finalized PhD project in which she analyzes the prosecution policy of the public prosecutor of the ICTY who had to choose among the literally hundreds of people involved in the crimes. De Vlaming studied the profile of the people selected for trial. The last paper was presented by Miranda Boone (Utrecht University). She discussed the legitimacy and efficiency of the international criminal tribunals. According to their preambles these tribunals aim to reconcile and to re-establish peace and security but one may wonder whether these aims can be fulfilled by such tribunals.

Selected New Publications (2007)

In this section we list a number of books and articles of interest which have been published recently. We do not aim or pretend to present a complete list but rather rely on books which we think are worthwhile or which have been recommended to us.

BOOKS

Parmentier, S. and E. Weitekamp (Eds.) (2007). Crime and Human Rights, Elsevier.

Over the past decades, human rights have gained an increasing significance in law, politics and society, at the national and the international level. According to the American scholar Louis Henkin, human rights have become 'the paradigm of our time', thereby displacing previous paradigms such as religion and socialism. The criminal justice system has not been immune to this rapid rise of human rights. In the past two decades, considerable attention has been paid to the rules of due process for suspects and offenders, during criminal

proceedings and in situations of detention. In recent years, the rights of victims have gained more weight in the criminal justice system, also in international tribunals and courts. Moreover, the principles and norms of human rights have received wide attention in conceptualizing crime and delinquency. Some crimes, e.g. trafficking in human beings or violence against women and children, are now defined in terms of human rights violations. The same is true with gross and systematic human rights violations, such as genocide and crimes against humanity. This volume wishes to address these major developments in a systematic way, from the perspective of criminology and sociology, by way of original contributions. In the first part, we look at several types of crimes, old and new, from the angle of human rights and human rights violations, while the second part sketches the influence of the human rights paradigm on some parts of the justice system in North America, Europe and elsewhere. This volume is addressed to students and researchers in criminology and criminal justice studies, and to professionals and policy-makers in the criminal justice system, primarily but not exclusively in North America and Europe.

ARTICLES

The Journal of International Criminal Justice focused on two major topics in its first issue of 2007. The first few articles discussed the Military Commission Act 2006 which was drafted by the Bush Administration in the ongoing war on terror. The various contributions discuss the act itself (Abrams), the crimes subject to prosecution (Fletcher), the Supreme Court cases (Dorf) and courts-martial related to this Act (Meyer), the use of the concept of unlawful enemy combatant (Maxwell and Watts), its violation of the Geneva Conventions (Stewart) and its relation to the ICTY (Mettraux). A second set of contributions focussed on the concept of joint criminal enterprise as developed by the ICTY. These contribution discuss conceptional problems (Ohlin), possibilities and limitations of the concept (Van der Wilt), the limits of individual criminal responsibility under the doctrine (Cassese), the relation to command responsibility (Ambos), the requirement of an express agreement for joint criminal liability (Gustafson); Joint criminal enterprise as a pathway to convicting individuals for genocide (van Sliedregt) and a comparison to domestic modes of liability for parties to a crime (Hamdorf).

In the **second issue** there is a set of articles on the trials of Saddam Hussein and others by the Iraqi High Tribunals, one of the first internationalized-domestic tribunals. According to Michael Scharf

'the trial cannot be simply written off as an utter failure .. there were some positive aspects as well.' According to Sisson and Bassin the Dujail trial was better than previous and current trials but still not good enough to meet the minimum fair trial guarantees. Mettraux discussed the changes to the statute and concludes that these changes 'further undermine the credibility of this institution.' Bertodano attends that their were no viable alternatives to the Iraqi High Tribunals and that 'much more help and support should have been given to it by the international community.' A second set of articles relate to the ruling of the Israeli Supreme Court in the targeted killings case. There are articles by Schondorf; Cohen and Shany; Ben-Naftali; Fenrick and Cassese. Zappala introduces a next set of contributions which aim to look for means on how to ameliorate international criminal proceedings. Bonomy asserts that war crimes trials can only succeed via 'judicial control and focus on the real issues in dispute.' Kwon, Harmon and Higgins search for means on how to avoid lengthy and complex trials while still respecting the due process rights of the accused. Hemptinne discussed whether the creation of investigating chambers at the ICC is an option worth pursuing. A last set of articles focus on the national implementation of the ICC Statute. Terracino discussed the inadequate implementation within several states. Other authors focus on individual countries: Cryer and Bekou focus on the implementation in England and Wales, Max du Plessis on South Africa, Alvarez on the implementation in Argentina and Roscini on Italy.

In the Notes and Comments sections there is comment on the Mengistu Genocide Trial in Ethiopia. There is an article by Sluiter on how Vojislav Seselj runs his own trial. Kresz discusses the procedural taxts of the International Criminal Court and lastly there is an article by Gaynor and Goy who discuss the current developments at the ad hoc international criminal tribunals.

Issue number three contains one article by Delmas-Marty entitled the paradigm of the war on crime: legitimating inhuman treatment? The author concludes that 'a paradigm of war leads to abandoning scientific approaches based on a legalmoral vision (crime, guilt and punishment) in favour of a merely pragmatic vision, which associates national security with social defence.' Nevertheless the paradigm can be useful provided it respects international law and is only temporarily used. Four articles within this issue discuss the concept of command responsibility. The first contribution by Bonafe examines the role of command responsibility at the ICTY and ICTR. Bonafé concludes that legal requirements make it 'extremely difficult to establish criminal liability of

superiors who have not directly participated in the commission of international offences.' In the second article Meloni discusses the nature of command responsibility. Martinez gives a historical overview and concludes that: 'Despite 50 years of doctrinal evolution, the mens rea for command responsibility is still unclear.' And lastly Nerlich investigates the question: 'For what exactly is the superior held responsible?' A second set of articles focus on the sentencing practice of international criminal tribunals. Harmon and Gaynor challenge the alleged leniency of international sentencing in their contribution entitled: ordinary sentences for extraordinary crimes. Sloane focused on the sentencing practice of the ICTR and calls for more attention for sentencing. There is one contribution on sentencing contempt of court in international criminal justice by D'Ascoli. The last article is a plea by Henham for empirical research on sentencing as a 'comparative contextual analysis could provide important insights, [...] would be of great assistance for international sentencing.'

In the **4th** issue of 2007 of the Journal of International Criminal Justice there is an article by Vest on the concept of genocidal intent and the structural particularities of the crime of genocide. A second article article discusses the prosecution of the crime of aggression and a third article focuses on the Australian Criminal code which has created a basis to prosecute corporations for international crimes. Seven articles within this issue deal with the ICJ Judgment on the genocide case. The articles have been written by Spinedi, Lowenstein and Kostas, Ben-hadtali and Sharon, Cassese, Gattini, Tomuschat and Gaeta. The Judgement can be considered of momentous importance and the authors discuss 'the attempt to attach state responsibility to criminal conduct that', according to Gaeta, (p. 828) 'can only be undertaken by individuals although acting on behalf of a state.' Another set of articles in this issue deals with the principle of individual criminal responsibility for collective criminality. The first author Sara Liwerant takes a criminological approach. Militelllo and Werle focuss on the concept of individual criminal responsibility within the ICC statute whereas Dubber takes a comparative approach in his article entitled criminalizing complicity. The anthology has two sub-sections one on the nullum crimen principle the other on attack launched in the 1930s and early 1940s on international criminal iustice.

In the **first issue** of the **Journal of Genocide Research** Huttenbach discussed the conceptual issues which were discussed in 2006 on genocide and mass violence. Garibian discusses legal theory after Nuremberg and its influence on legality issues in international criminal law. Piiparinen focused on

the atrocities in Darfur and questioned whether the tardy response of the international community is a mirror image of the UN's failure in Rwanda. The author however concludes that: 'The operation of the early warning mechanisms therefore, has not been compromised by cynical Realpolitik; it has rather been synchronized with other control mechanisms with the overall aim of protecting civilians in Darfur.' Two articles focus on the Rwandan genocide. Laurel Rose conducted fiel research in Rwanda and interviewed prisoners and concluded that genocide influenced land-grabbing during and after the war. Fletchers contribution is entitled Turning Interahamwe and analyzes the potential motivations of the perpetrators. Fletcher concludes that hatred may have been an product rather than a cause of genocide and that material gain also seems to have been an increasingly important motivator during the genocide. The decision made during the genocide were made out of a combination of intimidation and self-interest.

The second issue is a special issue on Genocide and International Law. Schabas discusses the ICJ ruling in which the Court concluded that there was no overall genocidal campaign during the conflict. Matthew Lippman discusses the Darfur case and concludes that 'the reluctance to label Darfur a genocdie reflects the "genocide denial syndrome", a reluctance to invoke the morally and politically significant term genocide.' The Khmer Rouge Tribunal is the central focus of the contribution by Jörg Menzel. This tribunal is the 'last opportunity to bring at least some of the remaining leaders of the Khmer Rouge to justice.' In his contribution Kelley argues that 'the death sentence against Saddam Hussein should have been commuted to allow the Anfal Trial to run its course.' Palombino discusses the possibility to exercise jurisdiction inb genocide cases in absentia. Rape as genocide: some questions arising is the title of the contribution of Chile Eboe-Osuji. Kamatali discusses issues of accountability for genocide and other gross human rights violations. Gerlach furthermore continues the debate on extremely violent societies.

The **third issue** is a special issue entitled: nuclear weapons, liberal democracy and genocide. A new field of dialogue. There are contributions by Karsten Frey, Richard Maguire, Peter Kuznick and Bruno Barrillot. Martin Shaw wrote a contribution entitled the general hybridity of war and genocide.

In issue **number four** Christopher Powell tackles the question: What do genocides kill? He concludes that: 'a relational conception of genocide favours an open-ended notion of genocide as the violent obliteration of a collective social identity.' The title and core question of Lewy's contribution is: çan there be genocide without the intent to commit

genocide?' Lewy concludes that 'to the victims it makes no difference whether they died because of a deadly epidemic or as a result of a planned programme of destruction. It does make a difference for the assignment of responsibilities and guilt and, more importantly, for historical truth.' In his contribution Meierhenrich places the mental health action plan in theoretical and comparative perspective, and considers its implications for the treatment of genocidal trauma.' The paper by Herf examines commonalities as well as differences between white racism that accompanied racial slavery in the American South, and the radical anti-Semitism that accompanied the Holocaust.' Central in the contribution of Michaela Kipp are the letters of german soldiers on the East front which show 'the efforts of the ördinary men" involved in extermination warfare to integrate the new, extraordinary actions into the logic of classical warfare.' Gomez-Suarez focused on the gebnocide in Colombia and the emergence of a genocodal mentality. The paper by Rene Wolf was entitled Judgement in the grey zone. In this paper Wolf focused on the trials of Kapos who had the ambiguous status of prisoners-functionaries. The Journal of Genocide research furthermore has a good book review section in which many books are reviewed.

Genocide Studies and Prevention published two issues. The **first issue** is on prevention of genocide. The lead article by Weiss examines 'the trajectory of norm building about military intervention for human protection purposes, emphasizing the concept of the responsibility to protect.' Several scholars have been invited to discuss Scheffer's proposal to strengthen criminal accountability for atrocities by a law of atrocity. Scheffer had argued that 'the term genocide imposes limitations on action to protect human rights' and Scheffer had therefor called for a new category of crimes, namely atrocity crimes. The purpose was to 'simplify and yet render more accurate both the public dialogue and legal terminology describing genocide and other atrocity crimes.' The invited scholars were asked to react to these proposals. There are contributions by Schabas, Minow and Smith, Garibian, Bazyler, Martin Mennecke, Mark Levene and Payam Akhavan. Lastly there is a reaction by Scheffer himself.

In the **second issue** there are four articles and tow review essays. One article by Schabs on the ruling of the International Court of Justice. According to Schabas: 'the judgment provides a strong and authoritative statement of the general duty upon states to prevent genocide and dovetails well with the doctrine of the responsibility to protect.' Scheffer is very critical of the ICJ ruling. He indentifies three failures and concludes that 'the

ICJ's judgment shows how deficient international law is in holding states responsible for crimes against humanity and war crimes.' Zayas focuses on the Istanbul Pogrom of 6-7 September 1955. The article by More 'reinforces earlier arguments that the 1994 Rwandan genocide demonstrates a failure to uphold both IHL and IHRL in the fgace of genocide and ongoing massive human rights abuses.' There are tow review essays: one by Kéchichian on the Armenina genocide and one by Bartrop on the genocide of the Native Americans.

War Crimes, Genocide, and Crimes Against Humanity is a multidisciplinary, peer-reviewed scholarly journal dedicated to understanding the conceptualization, aetiology, and prevention of violations of international criminal humanitarian law. The journal is published in both online and print formats. The first issue was published in January 2005. The second issue was published in 2006. There was a contribution by Alvarez (Northern Arizona University) on militias and genocide which focused on the role of paramilitary groups such as the Interhamwe and Arkan's Tigers in genocide. A second article by DiMento and Geis (both University of California) focused on extraordinary rendition and the role therein of the CIA and the DEA. A third article focuses on the emergence and legitimization of the International Criminal Tribunal of the Former Yugoslavia. http://www.war-crimes.org/

NEW JOURNAL

Oxford University Press has issued a new journal called The International Journal of Transitional Justice. Transitional justice is the study of those strategies employed by states and international institutions to deal with a legacy of human rights abuses and to effect social reconstruction in the wake of widespread violence. The journal is envisioned as a central site from which to build upon an array of research and writing currently available in this field. Topics covered by the journal include: truth commissions, universal jurisdiction, post- conflict social reconciliation, victim and perpetrator studies, international and domestic prosecution, institutional transformation, vetting, memorialization, reparation and ex- combatant reintegration. Editors-in-Chief: Hugo van der Merwe and Harvey M. Weinstein. They have published two issues so far.

(source: http://ijtj.oxfordjournals.org/)

Other New Publications

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If you have any suggestions on literature, courses, links, or events which are of interest for our website or newsletter or if you have any other suggestion, please feel free to contact us: info@supranationalcriminology.org

Call for Papers World Society of Criminology – 20-25th July 2008

By: Stephan Parmentier

The International Society of Criminology will hold its 15th World Congress in Barcelona (Spain) between 20 and 25 July 2008. The overall congress theme is "Crime and Criminology: Research and Action", which is intended to bridge the divide between academic research on crime and concrete crime policies.

To address this overall theme in an adequate way, the Scientific Commission has selected the following three central themes: (a) transnational crime, (b) urban crime and (c) victims and restorative justice (see annex 1). Stephan Parmentier (Leuven, Belgium) will coordinate the working group on "Violence, Victimization and Restorative Justice", in close collaboration with other members of the Scientific Commission and of the International Society of Criminology at large.

In order to describe, analyze and predict these developments, the working group has further divided the theme into seven sub-themes:

- Domestic violence
- Political crimes and serious human rights violations
- Victims and their victimization
- The position of victims in criminal justice
- Restorative justice for violent crimes
- Mass victimization and restorative justice
- Violence, victimization and restorative justice in the media

When composing the final programme under the third central theme, the organizers will pay particular attention to sessions that (a) adopt an innovative approach to the theme or the methodology, (b) demonstrate a clear international

focus as to the theme or the participants, and (c) emphasize the interdisciplinary nature of criminology as an academic discipline and a field of action.

Proposing a scientific activity for the World Congress

In view of the important and exciting sub-themes and topics mentioned above, we will welcome many qualified researchers, practitioners and policy-makers to the Barcelona conference. All are invited to submit proposals for scientific activities, which can take one of the following formats: (a) a panel on a clearly defined topic, lasting maximum 1,5 hours and normally involving 3-4 speakers presenting formal papers; (b) a workshop on a broader theme, lasting max. 3 hours and normally involving 5-7 speakers who present formal papers; (c) a round table on a specific theme, lasting max. 1,5 hours and normally involving 3-4 speakers making informal presentations; (d) an authormeets-critic session, whereby a discussion takes place between the author and one or more critical speakers, and lasting max. 1,5 hours; (e) a side event, such as a movie or a documentary, with a view to highlight the core issues of the scientific panel organized in conjunction with it, and lasting max. 3 hours. All proposals should make use of the standard form attached (annex 2).

Proposals have to be sent before 31 January 2008 to: <u>Stephan.Parmentier@law.kuleuven.be</u>

For further information see: http://www.worldcongresscriminology.com/

Miscellaneous

The Hague Prize for International Law 2007 has been awarded to Professor **M. Cherif Bassiouni** for his distinguished contribution in the field on international law on Thursday 28 June 2007 in the Peace Palace in The Hague.

At the IAGS-conference several scholars were awarded. The family of late Eric Markusen received an award for his distinguished lifetime contributions to the field of Genocide Studies and Prevention. Helen Fein and Rudoloph J. Rummel also received awards for their lifetime contribution within this field. Carla del Ponte was awarded for her outstanding contributions to the development of an International Legal System to end impunity for the crime of genocide. Deborah E. Lipstadt and Ragip Zarakolu for their outstanding contributions to the battle against the deniers of respectively the Holocaust and the Armenian. Another IAGS-award was given to ambassador John Evans for speaking

out when diplomats are expected to remain silent. And lastly a joint award was given to the editors of the journal Genocide Studies and Prevention: Alex Alvarez, Herbert Hirsch, Eric Markusen, and Samuel Totten.

Israel W. Charny stepped down as president of the International Association of Genocide Scholars. Gregory Stanton of Genocide Watch became the new president. Steven Jacobs and Alex Hinton are the vice-presidents.

At the ASC **Gregg Barak** (Eastern Michigan University) received an award from the division of critical criminology for his life time contribution to Criminology.

Subscription

The newsletter will be sent electronically to all who have signed up on the website. Scholars who conduct research in the field of international crimes, such as genocide, war crimes, crimes against humanity and other gross human rights violations, international (criminal) law or any other relevant subject matter might be enlisted on the website. If you are interested: please contact info@supranationalcriminology.org and give your names, position, institutional affiliation, e-mail address, research interest and website and we will enlist you as a scholar within two weeks.

Others interested in receiving the newsletter who do not conduct research in any of the related areas can subscribe to the newsletter as an affiliated member. Please inform us of your interest via a mail to: info@supranationalcriminology.org and supply us with your name and e-mail address and you will receive the newsletter via e-mail.