

**DOING JUSTICE TO HISTORY:
CONFRONTING THE PAST IN INTERNATIONAL CRIMINAL COURTS**

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SUMMARY

Doing Justice to History is a study of the histories constructed within international criminal courts. As communities – both local and international – have struggled to make sense of mass atrocity situations, expectations have increasingly been placed on international criminal courts to render authoritative historical accounts of the episodes of mass violence that fall within their purview. Taking these expectations as its point of departure, this study critically examines the scope and content of the historical narratives constructed within the decisions and judgments of international criminal courts.

The book examines three sets of international criminal courts in particular: the International Military Tribunal (IMT) at Nuremberg and the International Military Tribunal for the Far East (IMTFE) at Tokyo; the UN *ad hoc* tribunals, encompassing the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Tribunal for Rwanda (ICTR), and the Special Court for Sierra Leone (SCSL); and the International Criminal Court (ICC). By revealing what tends to be included and foregrounded within, as well as marginalised and excluded from, the narratives constructed by these courts, this study illuminates whose histories have been made to matter in different institutional contexts.

Specifically, I argue, the historical narratives constructed in the decisions and judgments of international criminal courts are the product of struggles for historical justice between different actors for judicial acknowledgement of their preferred interpretations of the past. These struggles typically culminate in the production of international criminal judgments, which, despite being presented in conclusive and universalist terms, always entail the construction and validation of particular narratives about the past – legitimating particular historical perspectives at the expense of others.

The book builds on the existing literature in four important ways. **First**, *Chapter 2* develops a novel theoretical framework for examining struggles for historical justice, distinguishing between the actors involved in such struggles, the questions around which such struggles are structured, and the practices through which such struggles are waged.

Struggles for historical justice often have more interested *actors* than the original conflict, ranging from prosecutors, defendants, victims and judges, to States and civil society groups. Within international criminal courts, the interactions between these actors generally centre on specific *questions*, namely whether particular categories of crimes have been committed (‘the *crime* question’) and whether criminal responsibility for their commission may be attributed according to particular categories of culpability (‘the *culpability* question’) to particular categories of persons (‘the *prosecutorial targets* question’). Contestation over these questions tends to be waged through recourse to two types of *practices*: *evidentiary* practices, which concern the collection, admissibility, presentation, scrutiny and evaluation of evidentiary materials, as well as the adoption, revision and interpretation of concomitant rules of procedure and evidence; and *legal* practices, which concern the drafting, charging, and interpretation of legal categories and concepts, as well as the attendant sources, principles of justice, and rules of interpretation that guide their recognition and application in different institutional contexts.

Importantly, although both evidentiary and legal practices influence the scope and content of the historical narratives constructed within international criminal courts, the present study focuses primarily on the relationship between legal categories and historical narration. Legal categories – which include personal, temporal and territorial jurisdictional criteria, categories of crime, modes of participation doctrines, defences, and sentencing factors – are generally akin to narrative grids that restrict and define the scope and content of the fact patterns that must be established by sufficient evidentiary materials to satisfy their constituent elements in particular cases. By examining the relative influence of different actors over the drafting, charging and interpretation of legal categories in different institutional contexts, this book illuminates the dynamics of struggles for historical justice within international criminal courts and the legitimating qualities of their decisions and judgments.

Second, *Chapters 3 through 6* conduct a detailed examination of the relative influence of different actors over the selection of individuals for prosecution, the scope and meaning of the categories of international crime, and the scope and meaning of categories of culpability encompassing modes of participation doctrines, defences and sentencing factors. By examining the relationship between legal categories and historical narration, *Doing Justice to History* will be the first book to systematically identify and explain the narrative inclusions and exclusions that characterise the decisions and judgments of international criminal courts.

Chapter 3 examines which individuals have been targeted for prosecution within different international criminal courts. The chapter distinguishes two levels of selectivity: first, *situational* selectivity, which concerns the mass atrocity situations that have been selected for investigation; and second, *case* selectivity, which concerns the individuals that have been targeted for prosecution within the situations selected for investigation. By examining each level of selectivity, the chapter demonstrates how the selection of individuals for international prosecution has tended to reflect imbalances between and within States beyond the courtroom. The chapter also identifies a number of strategies that have sometimes been deployed by defendants and their counsel – often in vain – in an

effort to counter the hegemonic orientation of international criminal prosecutions. By revealing the prevailing orientation of international prosecutions in line with disparities in power between and within States, the chapter reveals how international criminal courts have tended to produce apologetic historical narratives that accord with the interests of States on whose cooperation they have been reliant and/or which are particularly powerful within the international community more generally.

Chapter 4 explores the practices that have influenced the international crimes that have been adjudicated within international criminal courts. The chapter reveals how the range and definition of international crimes have been shaped by different actors at particular junctures within the international criminal process, including the drafting of statutory frameworks, the selection of charges to include in indictments, and the interpretation of crime categories in judicial decisions and judgments in light of the arguments advanced by the antagonists at trial. Crucially, the relative importance of these junctures and the relative influence of different actors has tended to vary depending on the institutional context in which the struggle for control over the selection and meaning of categories of crime has been waged.

Similar to the selection of prosecutorial targets, States have generally played an important role, influencing both the jurisdictional limits of international criminal courts, as well as the scope and focus of the crimes charged in particular cases. However, particularly at the UN *ad hoc* tribunals and the ICC, a broader range of practices have also proven influential, including most prominently the judicial creativity of judges in progressively developing the meaning of crime categories as well as the evolving investigative and prosecutorial priorities of international prosecutors in defining the scope and focus of charges in their indictments. Despite the fluctuating substantive focus of international criminal courts that has resulted from these practices, the chapter concludes by identifying a consistent trend that pervades every court examined in this study – the prioritisation of the prosecution of physical and political violence to the relative neglect of economic, social, cultural, environmental and structural forms of violence.

Chapter 5 examines the categories of culpability that have been recognised by international criminal courts for the purpose of attributing criminal responsibility for international crimes to individuals. In particular, two types of culpability categories are distinguished: first, modes of participation doctrines, by which international criminal courts have sought to connect individuals to the commission of international crimes; and second, defences and desert-based mitigating factors, by which international criminal courts have sought to exclude or mitigate the responsibility of individuals in light of the situational pressures of their social contexts. By examining the recognition and interpretation of these categories in different institutional contexts, the chapter identifies a judicial tendency to selectively contextualise the behaviour of the defendants on trial for the purpose of determining their culpability, placing greater emphasis on the ways in which the collective and systemic character of mass atrocity situations may expand individual agency whilst painting only a limited picture of how such contexts may diminish their agency.

Chapter 6 conducts a more detailed examination of the narrative limits of international criminal courts by illuminating the historical perspectives that have consistently fallen beyond their webs of legal relevancy. These narrative blind spots include the structural or slow violence that tends to exist prior to and during the outbreak of situations of mass atrocity, the historical interventions of colonial actors, the practices and policies of international financial institutions, the operations of international peacekeeping forces, and the roles played by bystander local communities and non-criminal rescuers and resisters during episodes of mass violence. Importantly, to shine a spotlight on these narrative exclusions is neither to belittle the acts of violence committed by the individuals convicted by international criminal courts nor to suggest that such courts should necessarily broaden their narrative frames. Rather, highlighting these blind spots more modestly serves to reveal the narrative limits of international criminal courts and the risk that their decisions and judgments may divert attention away from and even legitimate some of the more remote causes of mass violence that they marginalise or exclude.

Third, *Chapter 7* offers an innovative critique of the expectations of historical finality and closure that have typically accompanied the rendering of international criminal judgments. The chapter argues that judicial narratives have tended to be neither static nor final, but subject to a process of ongoing contestation and evolution over time both within and beyond the courtroom. Within the courtroom, narrative dissensus has sometimes emerged between different courts examining the same mass atrocity situation as well as between different judges or chambers within the same court examining the same incidents. Beyond the courtroom, the chapter identifies a range of social psychological and practical obstacles that have often generated a gap between the intended meaning of judicial narratives and their public or social meaning amongst different audiences.

Fourth, reflecting on the implications of the study, *Chapter 8* sets out an original vantage point from which to view the historical function of international criminal courts in the future. Specifically, the chapter calls for greater critical awareness of both the limits and legitimating qualities of judicially constructed narratives. Rather than aspiring for international criminal courts to deliver improbable moments of historical closure, there is a need for greater contextualisation of the historical narratives constructed within the decisions and judgments of international criminal courts, whether by looking *backwards* to the process through which such narratives were constructed, *forwards* to the ongoing contestation of such narratives both within and beyond the courtroom, or *sideways* to other societal mechanisms tasked with constructing atrocity narratives about particular episodes of mass violence. In this vein, rather than mechanisms of closure, the chapter argues that international criminal courts should be viewed in more modest terms as at best a *discursive beginning* for individuals and communities to engage with and debate past episodes of mass violence.

THE PLACE OF THE BOOK IN THE EXISTING LITERATURE

Doing Justice to History is situated within an emerging body of scholarship that explores the relationship between history and the field of international criminal justice. To date, no scholar has written a book-length study that critically examines the scope and content of the historical narratives constructed within the decisions and judgments of international criminal courts.

The studies that have explored themes most similar to the present book are Mark Osiel's *Mass Atrocity, Collective Memory, and Law* (Transaction Publishers, 1997), Lawrence Douglas' *The Memory of Judgment: Making Law and History in the Trials of the Holocaust* (Yale University Press, 2001), Nancy Combs' *Fact-Finding Without Facts – The Uncertain Evidentiary Foundations of International Criminal Convictions* (Cambridge University Press, 2010), and Richard Wilson's *Writing History in International Criminal Tribunals* (Cambridge University Press, 2011). None, however, is a substitute for the present work.

Although both Osiel and Douglas offer important reflections concerning the construction of judicial narratives, their books focus primarily on *domestic* atrocity trials, including the trial of Adolf Eichmann in Israel, as well as more recent trials held in France, Argentina and Canada. Combs' study has a narrower institutional focus than the present work, exploring the fact-finding competencies of the ICTR, the SCSL and the Special Panels in the Dili District in East Timor. In addition, Combs' book focuses on the evidentiary foundations of international criminal judgments in contrast to the emphasis of the present study on the relationship between legal categories and historical narration. Wilson's empirical study examines how historical evidence concerning the contexts in which international crimes occur has been relied upon by international prosecutors and defence counsel in practice. As such, Wilson's book is concerned less with scrutinising the scope and content of the historical narratives ultimately constructed within international criminal courts and more with understanding what motivates different actors to rely on historical-contextual evidence in different institutional contexts.

Beyond these seminal texts, the present study is also in dialogue with four other categories of scholarship, which have examined specific dimensions of the relationship between history and international criminal justice.

First, this study builds on a number of works that have examined the historical narratives constructed through particular legal categories in different institutional contexts. Notable works in this category include Nicola Henry's *War and Rape: Law, Memory and Justice* (Routledge, 2011) and Caroline Fournet's *The Crime of Destruction and the Law of Genocide: Their Impact on Collective Memory* (Ashgate, 2007), which have examined the construction of judicial narratives through the prism of particular categories of crime. Other significant works include Mark Osiel's *Making Sense of Mass Atrocity* (Cambridge University Press, 2009) and Kirsten Fisher's *Moral Accountability and International Criminal Law: Holding Agents of Atrocity Accountable to the World* (Routledge, 2012),

which have explored the relationship between modes of participation doctrines and the narratives constructed within international criminal courts.

Second, the book draws on prior scholarship that has examined the construction of history within particular institutional settings. For instance, a number of works have conducted detailed examinations of international criminal trials held in the immediate aftermath of the Second World War. Prominent works include Kim Priemel's *The Betrayal: The Nuremberg Trials and German Divergence* (Oxford University Press, 2016) and Donald Bloxham's *Genocide on Trial: War Crimes Trials and the Formation of Holocaust History and Memory* (Oxford University Press, 2001). In terms of more recent international criminal courts, Klaus Bachmann and Aleksandar Fatić's *The UN International Criminal Tribunals: Transition without justice?* (Routledge, 2015), as well as the edited volumes by Dubravka Zarkov and Marlies Glasius, *Narratives of Justice in and out of the Courtroom* (Springer, 2014), and Timothy Waters, *The Milošević Trial: An Autopsy* (Oxford University Press, 2014), include various insights concerning the historical narratives constructed within the UN *ad hoc* tribunals.

Third, the book builds on studies that have examined the legitimating qualities of *domestic* atrocity trials. Important works in this category include Hannah Arendt's ground-breaking *Eichmann in Jerusalem: A Report on the Banality of Evil* (Revised and enlarged edition, Penguin Books, 1994), Ruti Teitel's *Transitional Justice* (Oxford University Press, 2000), Leora Bilsky's *Transformative Justice: Israeli Identity on Trial (Law, Meaning, and Violence)* (University of Michigan Press, 2004), Devin Pendas' *The Frankfurt Auschwitz Trial, 1963-1965: Genocide, History, and the Limits of the Law* (Cambridge University Press, 2006), and Stina Löytömäki's *The Law and Politics of Memory: Confronting the Past* (Routledge, 2014). Mention must also be made of the excellent collection edited by Kevin Jon Heller and Gerry Simpson, *The Hidden Histories of War Crimes Trials* (Oxford University Press, 2013), which examines historical narratives within a range of under-explored institutional contexts. The present study develops some of the arguments put forth in this cluster of scholarship by illuminating the legitimating qualities of *international* criminal courts.

Finally, the book is situated within and contributes to a growing body of critical scholarship that aims to unveil and question the underlying assumptions on which international criminal courts are premised. Prominent studies in this category include Gerry Simpson's *Law, War & Crime – War Crimes Trials and the Reinvention of International Law* (Polity Press, 2007), Christine Schwöbel's edited collection, *Critical Approaches to International Criminal Law: An Introduction* (Routledge, 2014), and Karen Engle et al.'s edited collection, *Anti-Impunity and the Human Rights Agenda* (Cambridge University Press, 2017).

AUDIENCE

The proposed book will be of particular interest to those working within the field of international criminal justice – including scholars, students, judges, prosecutors, defence counsel, victims’ representatives, policymakers, think tanks, civil society groups, governments, and donor agencies. In many respects, the field has reached an important juncture. As the gap between the aspirations and achievements of international criminal courts have become increasingly apparent, the romanticism and unbridled faith that once dominated the field has begun to wane. This shift to a more critical climate has coincided with a wave of self-assessment amongst both scholars and practitioners as they seek to determine the legacy of the UN *ad hoc* tribunals, whose mandates have gradually drawn to a close. In addition, the ICC continues to face significant choices concerning the precise orientation of its mandate, which remains somewhat unsettled. Set within this climate, the present book seeks to illuminate how actors within the field of international criminal justice are participants in the production of historical narratives that legitimate particular perspectives of past events to the marginalisation and exclusion of others.

The book will also be of interest to scholars and practitioners within the broader fields of human rights and transitional justice. The task of determining ‘what happened’ in the aftermath of mass atrocity situations is a central component of the process of transitional justice. This book helps to illuminate the contributions of international criminal courts to that process.

The book will also be a valuable resource for historians, particularly those whose work focuses on mass atrocity situations and international criminal trials. Specifically, the work unveils the legal process through which historical narratives are constructed within international criminal judgments, as well as the various ways in which such narratives tend to be filtered through a selective legal lens in accordance with the practices of different actors.

Finally, at a time when society has become increasingly concerned about the surge of so-called ‘fake news’, the book will also appeal to anyone with an interest in developing a deeper understanding into how narratives are constructed in particular institutional settings. As such, the book is timely not only for those participating within the field of international criminal justice, but also for those with a wider interest in processes of narrative construction.

ANNOTATED TABLE OF CONTENTS

The proposed book is based on my Ph.D. thesis, which passed *summa cum laude avec félicitations du jury* without corrections at the Graduate Institute of International and Development Studies in March 2017. I received some excellent feedback from my thesis examiners – Professors Gerry Simpson (external examiner), Andrea Bianchi (supervisor) and Paola Gaeta (second reader) – about how to turn the thesis into a monograph. Whilst the examiners put forward several substantive suggestions, their most pervasive recommendation was to streamline the text and references of the thesis. In line with this feedback, the proposed book retains the core thread and structure of the original thesis, whilst at the same time reducing its length. With this in mind, the proposed *Table of Contents* for the book is as follows:

Chapter	Title	Word Count (incl. footnotes)
1	Introduction	15,000
2	The Struggle for Historical Justice	20,000
3	The Prosecutorial Targets Question	25,000
4	The Crime Question	25,000
5	The Culpability Question	25,000
6	Beyond the Paradigm of Individual Criminal Responsibility	10,000
7	Narrative Pluralism Within and Beyond International Criminal Courts	15,000
8	Conclusion	5,000
		140,000

In the remainder of this section, I explain how each chapter of the book relates to my Ph.D. thesis, including the revisions that I intend to make to the original thesis text.

Chapter 1 ('Introduction') provides an overview of the key themes and arguments of the book. The chapter was not included in my original Ph.D. thesis. *Chapter 1* is complete and has been submitted for review as part of this proposal.

Chapter 2 ('The Struggle for Historical Justice') situates the study within the context of existing scholarship on the historical function of international criminal courts, reveals the constructed nature and legitimating qualities of the historical narratives rendered within international criminal decisions and judgments, and elaborates a framework for examining struggles for historical justice in different institutional contexts. The chapter draws on themes explored in *Part One* of the original thesis, but has been streamlined and updated for the book. In particular, I have significantly reduced discussions concerning the legitimating qualities of domestic atrocity trials and the different stages of historical narrative construction within international criminal courts. I have also largely omitted the extensive

discussion of field theory that appeared in my original thesis. *Chapter 2* is complete and has been submitted for review as part of this proposal.

Chapter 3 ('The Prosecutorial Targets Question') examines which individuals have been selected for prosecution in different international criminal courts. The chapter is a streamlined and updated version of *Part Two* of the original thesis. The chapter retains the substance of the original thesis but with less detailed illustrations and a reduction in footnote references. *Chapter 3* is complete and has been submitted for review as part of this proposal.

Chapter 4 ('The Crime Question') examines the scope and meaning of the categories of international crime that have been adjudicated within international criminal courts. The chapter will be a streamlined and updated version of *Part Three* of the original thesis. In particular, I intend to significantly reduce the background sections to each of the international criminal courts as well as the detail with which I discussed the reasoning of individual cases in the original thesis. The chapter will also adopt a more illustrative approach to the task of illuminating the relative influence of different actors and practices over the scope and meaning of crimes in different institutional contexts. *Chapter 4* remains to be drafted.

Chapter 5 ('The Culpability Question') examines the scope and meaning of a selection of modes of participation doctrines, defences and desert-based mitigating factors that have been adjudicated within international criminal courts. The chapter will be a streamlined and updated version of *Chapters 7 and 8 in Part Four* of the original thesis. In particular, I intend to largely omit the sections outlining the criminal law theory of modes of participation and defences, whilst significantly reducing the detail with which I discussed the reasoning of individual cases in the original thesis. The chapter will also adopt a more illustrative approach to the task of illuminating the relative influence of different actors and practices over the scope and meaning of categories of culpability in different institutional contexts. *Chapter 5* remains to be drafted.

Chapter 6 ('Beyond the Paradigm of Individual Criminal Responsibility') examines the narrative limits of international criminal courts by illuminating a number of aspects of mass atrocity situations that have consistently fallen beyond their purview. The chapter will be a streamlined and updated version of *Chapter 9 in Part Four* of the original thesis. The chapter will retain the substance and structure of the original chapter but with less detailed illustrations and a reduction in footnote references. *Chapter 6* remains to be drafted.

Chapter 7 ('Narrative Pluralism Within and Beyond International Criminal Courts') critiques the expectations of finality that have typically accompanied international criminal judgments by revealing the narrative pluralism that can arise both within and beyond the courtroom. The chapter was not included in my original thesis; however, the substantive research for the chapter is complete since it will be based on a forthcoming article that has been accepted for publication in *International & Comparative Law Quarterly*. *Chapter 7* remains to be drafted.

This book proposal has been very slightly edited from its original for publication as part of the Symposium on Early Career International Law Academia. It remains in substance the same as the original submitted version.

Chapter 8 ('Conclusion') concludes the study by calling for greater critical reflection on the limits and legitimating qualities of the decisions and judgments of international criminal courts. The chapter will draw on themes discussed in *Part Five* of the original thesis, but will be drafted anew to reflect changes made during the process of converting the thesis into a book. *Chapter 8* remains to be drafted.

TIMELINE AND LENGTH

Since the opening three chapters of the book have already been drafted and the substantive research for the remaining chapters is also complete, I estimate requiring approximately 36 full working days to complete the manuscript. Importantly, in light of other work commitments, I will not be able to work full-time on the manuscript. As such, I estimate requiring between 6 and 9 months to complete the book – on the basis of being able to set aside between 4 and 6 working days each month to work on the manuscript. I am willing to try to work to a tighter schedule if the publisher so prefers.

AUTHOR BIOGRAPHY

I am a Fellow at the Center for International Relations at Fundação Getulio Vargas (FGV) in São Paulo, Brazil, where I conduct research in the fields of international criminal justice and global cybersecurity. In March 2017, I completed my Ph.D. in International Law under the supervision of Professor Andrea Bianchi at the Graduate Institute of International and Development Studies in March 2017. My examiners were Professors Paola Gaeta (Graduate Institute of International and Development Studies) and Gerry Simpson (London School of Economics). Prior to my doctoral studies, I graduated in Law from Jesus College, Cambridge University and attained an LL.M. in International Law (*cum laude*) from Leiden University.

I am also a qualified Solicitor of England and Wales, with experience across a range of domestic and international institutions, including the ICTY, the Permanent Court of Arbitration, the EU Delegation to the UN, as well as NGOs in Liberia and Uganda. In November 2012, I co-founded a Swiss-based NGO, *Just Innovate*, which is dedicated to inspiring and facilitating the co-creation of social innovations within student communities.

I have published articles in leading US and European academic journals and also presented at some of the field's leading conferences, including the American Society of International Law Midyear Meeting and Research Forum and the European Society of International Law Annual Conference. A complete list of my publications to date is set out below.

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ARTICLES

‘History on Trial: Historical Narrative Pluralism Within and Beyond International Criminal Courts’, *International & Comparative Law Quarterly* (forthcoming)

‘The Expressive Limits of International Criminal Justice: Trauma and Local Culture in the Iron Cage of the Law’, *European Society of International Law Conference Paper Series*, Conference Paper No. 3/2015 (2015)

‘International Criminal Justice as Progress: From Faith to Critique’, in M. Bergsmo et al. (eds.), *Historical Origins of International Criminal Law: Volume 4* (TOAEP, 2015) 749

‘A Nation at War with Itself: The Potential Impact of Uganda’s Anti-Homosexuality Bill’, in P. Hodgkinson (ed.), *The International Library of Essays on Capital Punishment: Volume I: Justice and Legal Issues* (Ashgate, 2013) 329

‘A Critical Assessment of the Supreme Court of Uganda’s Judgment in *Attorney General v. Susan Kigula and 417 Others*’, 55 *Journal of African Law* (2011) 261

‘The Broader Consequences of the International Court of Justice’s Advisory Opinion on the Unilateral Declaration of Independence in Respect of Kosovo’, 49 *Columbia Journal of Transnational Law* (2011) 321 [co-authored with R. Tricot]

‘Unravelling the Confusion Concerning Successor Superior Responsibility in the ICTY’, 23 *Leiden Journal of International Law* (2010) 105

SHORTER WORKS, ONLINE SYMPOSIA, BOOK REVIEWS & CASE NOTES

‘Symposium: Doing Justice to Truth in International Criminal Courts and Tribunals’, *Humanity*, 3 July 2017 [Symposium Convenor]

‘Cyber Insecurity and the Politics of International Law’, 6 *ESIL Reflections*, 9 June 2017

‘The Human Rights Agenda and the Struggle Against Impunity’, *Lawfare*, 6 February 2017 (review of K. Engle et al. (eds), *Anti-Impunity and the Human Rights Agenda* (Cambridge University Press, 2016))

Janowiec v Russia (Application Nos 55508/07 and 29520/09), *European Human Rights Law Review* (2012) 466

Gillberg v Sweden (Application No.41723/06), *European Human Rights Law Review* (2012) 449

Von Hannover v Germany (No. 2) (Application Nos 40660/08 and 60641/08), *European Human Rights Law Review* (2012) 344

‘Venezuela denounces the ICSID Convention: the consequences’, 7 *Global Arbitration Review*, 14 February 2012

EXPERT CONSULTATIONS & ROUND-TABLES

Open Consultation on UN Group of Governmental Experts’ 2015 Norm Proposals, Lead Editor on Human Rights, The Hague Program for Cyber Norms, University of Leiden, August – December 2017 (including a two-week on-site fellowship at the University of Leiden’s Program for Cyber Norms | 25 September – 6 October 2017)

Round-table on International Law and Cyber Operations, Invited Expert, Stockholm University and Swedish Defence University, Stockholm, Sweden, 28-29 August 2017

BLOGS

Regular contributor to *Justice in Conflict*: <https://justiceinconflict.org/author/barriesander/>

Occasional contributor to *EJIL Talk!*: <http://www.ejiltalk.org/author/bsander/>

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SELECTED CONFERENCES, PRESENTATIONS & WORKSHOPS

International Criminal Justice and the Symbolic Power of the Anti-Impunity Mindset, Invited Presenter, Power in International Criminal Justice, Centre for International Law Research and Policy, Florence, Italy, 28-29 October 2017.

Weaponizing Information in Cyberspace: Cybernorms and the Challenge of Cyber-Enabled Influence Operations, Guest Lecture, The Hague Program for Cyber Norms, University of Leiden, The Hague, The Netherlands, 5 October 2017.

Cyber Insecurity and the Politics of International Law, Guest Lecture, The Hague Program for Cyber Norms, University of Leiden, The Hague, The Netherlands, 2 October 2017.

Why Punish International Crimes?, Invited Presenter, The Philosophical Foundations of International Criminal Law, Centre for International Law Research and Policy, New Delhi, India, 25-26 August 2017

On Culpability and Context: Critical Reflections on the Selective Contextualisation of International Criminal Tribunals, Research Seminar, FGV Direito Rio, Rio de Janeiro, Brazil, 9 December 2016

Doing Justice to Truth: Taking Stock of the Epistemic Critique of International Criminal Tribunals, Conference Co-organiser, iCourts – Centre of Excellence for International Courts, 9-10 June 2016

The Expressive Limits of International Criminal Justice: Trauma and Local Culture in the Iron Cage of the Law, Invited Presenter, Annual Conference of European Society of International Law, Oslo, Norway, 10-12 September 2015

International Criminal Justice as Progress: From Faith to Critique, Invited Presenter, Visiting Scholar / Visiting Researcher Colloquium, Harvard Law School, USA, 9 April 2015

The Limits of Expressivism in International Criminal Trials: Representations of History, Trauma and Culture in the Iron Cage, Invited Presenter, International Studies Association (ISA) Annual Convention, New Orleans, USA, 21 February 2015

The Justice of International Criminal Law: Between Criminal and Historic Justice Paradigms, Invited Presenter, ISA Annual Convention, New Orleans, USA, 20 February 2015

The Contribution of Progress Narratives to the Development of the Discipline of International Criminal Law, Invited Presenter, The Historical Origins of International Criminal Law, co-organised by CILRAP, Peking University, EUI & Waseda University, New Delhi, India, 29-30 November 2014

The Invocation of Cosmopolitanism in International Law Discourse: Between Thick and Thin Conceptions, Invited Presenter [with J. Rudall], ASIL Midyear Meeting & Research Forum, Northwestern University Law School, Chicago, USA, 8 November 2014