

Brussels, 4 June 2019

COST 045/19

## DECISION

---

Subject: **Memorandum of Understanding for the implementation of the COST Action “Global Atrocity Justice Constellations” (Justice360) CA18228**

---

The COST Member Countries and/or the COST Cooperating State will find attached the Memorandum of Understanding for the COST Action Global Atrocity Justice Constellations approved by the Committee of Senior Officials through written procedure on 4 June 2019.

---

## MEMORANDUM OF UNDERSTANDING

For the implementation of a COST Action designated as

### **COST Action CA18228 GLOBAL ATROCITY JUSTICE CONSTELLATIONS (Justice360)**

The COST Member Countries and/or the COST Cooperating State, accepting the present Memorandum of Understanding (MoU) wish to undertake joint activities of mutual interest and declare their common intention to participate in the COST Action (the Action), referred to above and described in the Technical Annex of this MoU.

The Action will be carried out in accordance with the set of COST Implementation Rules approved by the Committee of Senior Officials (CSO), or any new document amending or replacing them:

- a. "Rules for Participation in and Implementation of COST Activities" (COST 132/14 REV2);
- b. "COST Action Proposal Submission, Evaluation, Selection and Approval" (COST 133/14 REV);
- c. "COST Action Management, Monitoring and Final Assessment" (COST 134/14 REV2);
- d. "COST International Cooperation and Specific Organisations Participation" (COST 135/14 REV).

The main aim and objective of the Action is to build a global network that will produce original data on how the work of the international criminal courts is received in domestic contexts and how this reception shapes the space in which they work.. This will be achieved through the specific objectives detailed in the Technical Annex.

The economic dimension of the activities carried out under the Action has been estimated, on the basis of information available during the planning of the Action, at EUR 80 million in 2018.

The MoU will enter into force once at least seven (7) COST Member Countries and/or COST Cooperating State have accepted it, and the corresponding Management Committee Members have been appointed, as described in the CSO Decision COST 134/14 REV2.

The COST Action will start from the date of the first Management Committee meeting and shall be implemented for a period of four (4) years, unless an extension is approved by the CSO following the procedure described in the CSO Decision COST 134/14 REV2.

---

**OVERVIEW**

**Summary**

Most research on atrocity crimes has been focused the international criminal courts and tribunals (ICTs). These institutions were created from the mid 1990s to adjudicate criminal responsibility for genocide, crimes against humanity and war crimes. The ICT-centred perspective (that also pervades popular and political discourse) is problematic because it overlooks the larger space in which these courts exist. Global Atrocity Crimes Constellations (JUSTICE360) reverses the ICT-centred paradigm to focus instead on how ICTs are received in domestic contexts and how this reception shapes the space in which they work. Through this change of perspective, the Action constructs an unprecedented panoramic view on the global and cross-systemic impacts of international criminal justice. Under this new paradigm, ICTs are seen as institutions working in larger global atrocity justice constellations. Such constellations are comprised especially of states, state institutions, civil society, and population at large. By conducting case studies in almost 40 countries representative of the larger global relations between states and ICTs, JUSTICE360 will build unique data on how such states perceive and handle international crimes, perpetrators and victims. This data will be built as a collective endeavour by an interdisciplinary research group representative of the countries selected for case studies. Through this unprecedented study of global atrocity justice constellations, JUSTICE360 will contribute highly original knowledge not only on how domestic systems have responded to international crimes, victims and perpetrators; but also how these responses have shaped and reshaped the space in which ICTs work and thus their effectiveness and potential for success.

<p><b>Areas of Expertise Relevant for the Action</b></p> <ul style="list-style-type: none"> <li>● Law: Criminal law</li> <li>● Sociology: Social movements</li> <li>● Political Science: International studies, strategic studies, human rights, global and transnational governance</li> </ul>	<p><b>Keywords</b></p> <ul style="list-style-type: none"> <li>● International Criminal Justice</li> <li>● Comparative Criminal Justice</li> <li>● International Criminal Courts</li> <li>● Atrocity Crimes</li> <li>● Transnational Criminal Justice</li> </ul>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**Specific Objectives**

To achieve the main objective described in this MoU, the following specific objectives shall be accomplished:

Research Coordination

- To develop a new conceptual model and methodologies for a 360 analysis of international criminal justice
- To coordinate empirical data collection and build an original, unprecedented database
- To disseminate research results based on an analysis and systematic comparison of the ICTs' impacts.

Capacity Building

- To foster more inclusive, but at the same time diversified cooperation, dialogue and exchange that includes voices from less research-intensive environments
- To contribute towards the development of knowledge, skills and network of JUSTICE360 participants, in particular early career investigators
- To build sustainable collaboration among participants also beyond the duration of JUSTICE360.

## TECHNICAL ANNEX

### 1 S&T EXCELLENCE

#### 1.1 SOUNDNESS OF THE CHALLENGE

Over the last two and a half decades, international criminal courts and tribunals (ICTs) have been celebrated as indispensable tools for combating impunity for international mass atrocity crimes (genocide, crimes against humanity and war crimes). This attitude has been underpinned by the widespread and largely untested assumption of the ICTs' positive effects in domestic settings. Most international criminal law (ICL) research has been centred on ICTs, their applicable law, procedural practices and paid too little attention to their real-life effects in the relevant societies.

However, ICTs are only one of the elements, albeit important ones, of the wider global constellation of justice for atrocities. The appreciation of their role and place in combatting atrocity crimes worldwide is impossible without critically assessing their impacts on norms, values, institutions and practices in domestic contexts. This is especially crucial because ICTs rely on domestic systems for cooperation. Their effectiveness is entirely dependent upon domestic implementation of their decisions and broader support for their mission. Moreover, the way domestic societies go about dealing with atrocity crimes structures and predetermines the ICTs' functioning.

Global Atrocity Crimes Constellations (JUSTICE360) reverses the conventional ICT-centred paradigm which has pervaded the state-of-the-art. The Action redirects attention to the domestic contexts on which ICTs are presumed to exert transformative effects. This shift of perspective enables the Action to construct an unprecedented panoramic view on the global and cross-systemic impacts of international criminal justice. Under this new paradigm, ICTs must be seen as nodes in global atrocity justice constellations, comprised especially of state institutions, civil society, and population at large. All of these societal components and actors coalesce and/or compete to shape how ICT activities are perceived, evaluated, adopted, followed or contested. JUSTICE360 is the first research initiative aiming to carry out a comprehensive, empirical analysis of the double-directional influence between ICTs and domestic institutions and societies.

This aim will be achieved through mobilizing a unique interdisciplinary research network consisting of scholars with expertise and experience in the countries selected for case studies. Concretely, the Action will map and analyse domestic responses to ICTs across around 40 case studies representative of 3 different scenarios of domestic engagement with ICTs – (a) countries without a recent history of atrocities; (b) countries with a recent history of atrocities that consented to an ICT involvement; or (d) countries with recent atrocities which did not consent to ICT involvement. For each of these case studies, the Action will build empirical evidence on national governmental and societal responses to ICT activities in relation to three substantive areas: regulation of conducts constituting international crimes; treatment of perpetrators, and the standing of victims. These areas were developed in and around the ICTs, but have effects in domestic setting that, in turn, structure the space in which ICTs work.

JUSTICE360 makes three contributions to the study of ICTs and international criminal justice: (i) developing innovative tools to ascertain and analyse effects of ICTs in relevant domestic contexts; (ii) collecting empirical evidence of the effects of ICTs in domestic systems and creating an open-access and practitioner-friendly database; and (iii) mapping how global atrocity constellations operate to critically analyse the role of ICTs therein, promoting a deeper, multi-dimensional understanding of their relationship with domestic societies.

### 1.1.1 DESCRIPTION OF THE STATE-OF-THE-ART

The early 1990s marked the end of a five decade gap in ICL practice following the Nuremberg and Tokyo trials – the first precedents of prosecution and punishment of international crimes. Ever since, the world has been witnessing a rapid proliferation of ICTs mandated to ensure accountability for atrocities. In 1998, the International Criminal Tribunal for the Former Yugoslavia (ICTY) convicted its first defendant. Months later, fifty years after the adoption of the UN Genocide Convention, the International Criminal Tribunal for Rwanda (ICTR) rendered the first ever conviction at an international court for the ‘crime of crimes’. In July 1998, state representatives adopted the Rome Statute of the International Criminal Court (ICC), establishing the first permanent court to prosecute international crimes. In the following decades, a number of special courts and tribunals with international participation were set up to deal with serious crimes committed in places such as East Timor, Sierra Leone, Cambodia, Lebanon, Chad and Kosovo. Collectively, these ICTs became important global actors in responding to international crimes and transforming, often in unexpected ways and directions, the global and local notions of whether and how to respond to atrocities.

This feverish institution-building has been accompanied by resurgence in international criminal justice scholarship. Research centres, think-tanks, specialized journals, postgraduate programmes and research groups have been set up around the globe to study the nature, purposes, and workings of the ICTs. Much of the existing scholarship, however, has retained a narrow focus on these courts as the central and the only noteworthy actors in international criminal justice. Consequently, most of the existing studies centres on the functioning of the international **courts**, occasionally on **state** mechanisms created to deal with international crimes and, to a considerably lesser extent, on the broader (societal, political, and cultural) **impacts** of the ICTs. The predominant focus on the ICTs has been replicated across different academic disciplines as well as in the popular press and NGO publications. Legal scholarship has remained most prevalent in the study of ICTs although over time these courts and tribunals garnered increasing attention on the part of criminologists, political scientists, sociologists and international relations scholars (van Sliedregt, 2016)

Due to the overwhelming focus on the **courts**, comprehensive information on how they were established and operationalised and how they have functioned is now available. Legal scholarship has produced thorough and sophisticated analyses of the different ICTs’ legal frameworks and of their jurisprudence (Zahar and Sluiter, 2008). Providing an out-of-the-box view, critical legal scholars have exposed hidden biases, imbalances and blind spots in the narratives and praxis of ICTs (Schwöbel, 2014). Political scientists have addressed the political dynamics driving behind the growth of the international justice system (Bass, 2000) and how politics affect their work and effectiveness (Peskin, 2008). In turn, criminologists and other social scientists have examined empirically how ICTs function, focusing on evidentiary practices (Combs, 2010), citation patterns (Borda, 2015), and decision-making and sentencing (Doherty and Steinberg, 2016). Social scientists have further looked at the actors with key roles in setting up and running the courts (Hagan, 2003) and the social forces shaping the context (Glasius, 2006).

To a more limited extent, in what is a nascent line of research, scholars have begun assessing the **impact** of ICTs: namely whether they affect war-torn countries (Palmer, 2015) and how they interact with national justice systems (Jo and Simmons, 2016). Some of the studies have zeroed in on ICTs’ regional (Clarke et al., 2016, Clark, 2018) and local effects (Hinton, 2018). Focusing on perpetrators, criminologists have contributed knowledge about the ICTs’ impact on the lives of the individuals they convicted or acquitted (Van Wijk and Holá, 2017). Social scientists have also examined how victims-witnesses are affected by their participation in ICTs (Koenig et al., 2015) and how victims and affected communities perceive ICT justice (Ivković and Hagan, 2011).

Finally, the role of **states** in international criminal justice has received some attention, in particular their positioning vis-à-vis the international community that established the ICTs. Political scientists have tried to explain the reasons for state support for ICTs or the lack thereof (Simmons and Danner, 2010), including the funding of courts (Ingadottir, 2010). The literature has investigated national prosecutions of atrocity crimes under universal jurisdiction (Langer, 2015) or in the countries where atrocity crimes were committed (Ingelaere, 2016). NGOs have also issued monitoring reports on how states have managed prosecutions of crimes in their own jurisdiction (AI, 2009).

Thus, the existing body of scholarship has primarily focused on ICTs’ operations and not as much on their effects as experienced in domestic settings or, even more importantly, how such settings structure the playing field for ICTs. The constellations of domestic institutions, stakeholders and actors, which

actively re-interpret ICTs' normative messages and render them a social reality (or the contrary), have barely been investigated. Whenever mentioned, 'impact' is typically conceived of as a function and a result of ICT activities, which is absorbed (or deflected) by states and societies as passive recipients. However, impact is not a unidirectional process which leaves no room for the agency of the recipient. On the contrary, governments and societal institutions beyond the body politic (church, NGOs, media, civil society etc) actively shape, transform, and amplify (or neutralize) the normative impulses of ICTs when deciding on how to deal with international crimes, perpetrators and victims.

### 1.1.2 DESCRIPTION OF THE CHALLENGE (MAIN AIM)

The Challenge underpinning this Action is the lack of empirically-grounded and methodical analyses of the positive and negative impacts of ICTs on states and societies at large. The main aim of the Action is to develop a set of conceptual tools, methodologies and collect original data to systematically and comprehensively assess and measure ICT's impact in domestic settings. This will also allow the Action to contribute potentially pathbreaking research on how these national settings affect global atrocity justice constellations. As such, while it stops short of analyzing how ICT respond to the ways national systems deal with international crimes, perpetrators and victims, the Action maps the larger constellations in which these institutions exist and fight to have effects.

The Challenge will address broad claims advanced about ICTs. In academic literature and policy debate, ICTs have routinely been attributed ambitious socio-political objectives beyond the primary functions of investigating, prosecuting and adjudicating atrocity crimes. The popular claim is that ICTs bring about long-term peace and reconciliation in war-torn communities, deter future crimes, strengthen domestic institutions and help create a culture of respect for the rule of law. Such unsubstantiated claims have underpinned promoting ICTs as instruments of global governance with strong effects on national jurisdictions and allegedly resulting in domestic legislative and institutional reforms, judicial and prosecutorial capacity building in national systems, normative trickle-down effects enabling states and societies to deal effectively with atrocities. The assumptions about these wide-ranging progressive effects of ICT have not been systematically interrogated. Nor have the reverse side of this coin: How national responses shape larger global atrocity crimes constellations.

The Challenge could not have been timelier. In the last several years, the rise of populism and the nationalist backlash against multilateral institutions and the international rule of law—e.g. the US, Russia, and some European and Asian countries—has elevated the criticisms against the ICTs to the level of virulence previously unseen. The very existence and mandates of ICTs are now routinely called into question and defied by important stakeholders including powerful states and international organisations. Unprecedented critiques against the flagship institution, the ICC, have originated from the US, Russia, China, some African countries (Burundi, Uganda, DRC, Kenya), and from regional inter-governmental organisations (African Union). A number of ICC States Parties are considering to withdraw from the ICC or have taken steps to that end: Burundi has already withdrawn and the Philippines is on its way out. In September 2018, the National Security Advisor for the Trump Administration, John Bolton, made a bellicose statement where he said that 'for all intents and purposes, the ICC is already dead to us'. He proceeded to threaten ICC judges and prosecutors with a US entry ban, freeze of assets, and criminal prosecution if the ICC were to open an investigation of war crimes allegedly committed by the US forces during the war in Afghanistan.

It is precisely at the height of these criticisms and open hostility towards ICTs that JUSTICE360 undertakes to comprehensively and critically examine the various claims advanced about their impact and the space in which they exist. At a time when international justice is faced with unprecedented political and ontological challenges, empirically assessing the real-life implications of the global atrocity justice constellations in which ICTs function is not only a timely but also a critically important task.

## 1.2 PROGRESS BEYOND THE STATE-OF-THE-ART

### 1.2.1 APPROACH TO THE CHALLENGE AND PROGRESS BEYOND THE STATE-OF-THE-ART

JUSTICE360 offers a panoramic 360° view of global atrocity constellations to understand how ICT ideas and practices are received in domestic settings and how this shapes global responses to international crimes, victims and perpetrators. This broader angle is crucial not only as a way to reliably assess the ICTs' impacts and to map out various ways they may shape legal and social realities in other contexts, but also because the ICTs themselves rely deeply on cooperation from national stakeholders and are in turn shaped by them. This has become particularly visible in the growing opposition to ICTs over the

past decade. Disentangling the atrocity justice constellations of which the ICTs are key elements will reveal how their practices and impacts are structured by surrounding legal, political, societal and cultural landscapes.

JUSTICE360 is the first initiative to undertake a systematic, empirically based and inter-disciplinary inquiry into double-directional influence that plays out within global atrocity constellations, here in particular between ICTs and states. It examines the implications of domestic engagement with atrocity crimes, perpetrators and victims focusing on almost 40 representative case studies and generates empirical evidence pertinent to those case studies. It will advance the understanding of the development of atrocity crime justice beyond ICTs and of how deeper societal structures render states and societies more or less receptive to the ICT influence and impacts. The goals of systematically analysing and comparing the ICTs' impacts in domestic contexts and tracing the trajectories of atrocity justice beyond its global capitals, will be achieved through a combination of (i) an innovative, inter- and multi-disciplinary conceptualisation of global atrocity justice constellations; (ii) a development of methodology and metrics to assess of such how ICTs and domestic settings behave within such constellations; and (iii) a creation of unprecedented empirical database that is both open-access and user/practitioner-friendly from countries selected as case studies.

For these purposes, and in order to advance the state-of-the-art, JUSTICE360 mobilizes an interdisciplinary and geographically diverse research network. The Action network participants all have specialist knowledge of, and experience in, the countries representative of the different ways of engaging domestically with ICL norms, institutions, practices and values. Thus, JUSTICE360 will generate new knowledge in the subject-matter areas which are key to appreciating the role the ICTs play in the larger atrocity justice constellations. The Action will examine and verify the foundational assumptions which have pervaded the scholarship on international and comparative criminal justice and transitional justice, and different social science approaches to ICTs.

## 1.2.2 OBJECTIVES

### 1.2.2.1 Research Coordination Objectives

To achieve the overall Aim, JUSTICE360 sets three research coordination objectives (RCO):

- 1) To develop a new conceptual model and methodologies for a 360° analysis of international criminal justice as part of global atrocity justice constellations;
- 2) To coordinate empirical data collection and build an original, unprecedented database on the response to ICTs in different domestic contexts;
- 3) To disseminate research results based on an analysis and systematic comparison of the ICTs' impacts across the main scenarios of ICT involvement and different case studies.

#### RCO 1:

The first RCO is to develop a new conceptual model and methodologies for critically investigating ICTs within the larger atrocity justice constellations. The focal point will be how states have responded to ideas and practices developed by the ICTs. For the Action to produce high quality data, a common, jointly developed understanding and methodological approach is necessary. This is especially crucial in a multi-disciplinary and geographically diverse network where participants come from different academic cultures and environments with varying degrees of research intensity. The Action MC will lead and supervise the process of building a common conceptual understanding and research methodologies.

To achieve this objective, the first meetings of the Action will be devoted to discussing, developing, detailing and approving the uniform conceptual and methodological framework to be used by all Action researchers. All Action researchers have already agreed to work on the Challenge as part of the network, but to ensure a consistent approach to the collection and analysis of data, the Action conceptual and methodological framework will need to be refined and agreed upon. This will be done by bringing the Action participants from different countries and disciplines together at the first Action meetings.

A uniform and consensual approach to case studies is of particular importance. The selection of Action case studies reflects a global coverage. The selection of the case studies (which is mirrored in the location and the expertise of the Action Participants) has been based on the following criteria:

- 1) Whether acts amounting to international mass atrocity crimes have been committed in the country (since 1990) y, i.e. on the territory or by nationals of the state?
- 2) Whether the state voluntarily subjected itself to the jurisdiction of an ICT (by signing a treaty establishing an international tribunal or by issuing an ad hoc declaration accepting jurisdiction)?

This leads to a case studies selection matrix that targets countries with three different relations to ICTs: (1) countries without a recent history of atrocities; and countries with a recent history of atrocities; that either (2) consented to ICT involvement; or (3) did not consent to ICT involvement. By involving researchers from selected countries in these categories, the Action design ensures the creation of high quality data.

## **RCO 2**

The second RCO is to build an original empirical database using conceptualizations and methodologies developed under RCO1. The data will systematically map the impacts of ICTs within three areas of interest, which are at the core of doing international criminal justice – crimes, perpetrators and victims. The network participants will be asked to map how individual states and societies address and deal with: (i) the criminalization of conducts constituting international crimes, (ii) the societal position and treatment of perpetrators and (iii) the status of, and assistance to, victims of such conducts.

JUSTICE360 will collect rich original empirical data regarding not only laws regulating acts amounting to international crimes, their perpetrators and victims (looking at the ways how these are legally regulated, which laws (e.g. constitutional, criminal, civil), but also the space of stakeholders around these laws; what specific institutions, if any, have been established to deal with acts amounting to international crimes, their perpetrators and victims, and how they function; how the civil society and public/culture/media within the State discusses and represents acts amounting to international crimes, their perpetrators and victims. JUSTICE360 will disaggregate the State to investigate how different institutions and actors within it have responded to and worked for particular forms of responses to international crimes, perpetrators and victims. It will do so on the basis of collecting empirical data on these three elements spanning across the following domains:

- a. Laws,
- b. Policies,
- c. Institutions,
- d. Civil society, and
- e. Culture (such as media representations, public discourse, education).

Data collection tools will be developed in consultation with all network members according to RCO1, and pilot studies will be conducted across a selected sub-set of case studies to ascertain its validity and reliability during the first year of the action. After the pilot studies, the data collection tool will be adjusted and refined, if necessary. While other scholarship and NGO reporting has contributed some knowledge on national laws and policies targeting international crimes, such perspectives have not been connected with the wider space of stakeholders that affect such regulations.

## **RCO 3**

The third RCO is the publications of results. Publications will target both academics and stakeholders. While publications will follow different stages of the research, a large collective publication will terminate the Action and highlight its main research findings. This publication will focus on how global atrocity constellations work and how state responses to international crimes, victims and perpetrators may matter to ICTs. This volume will be written with academics in mind, but in an easily accessible language that can also appeal to stakeholders. Collective publications will be executed by the Action MC.

Through a decentred approach of international criminal justice, the theoretical and methodological developments of JUSTICE360 will also be branded to disseminate to other research fields. By going local, but seeing the local as an element in larger constellations of justice, research models will also be relevant to other scientific disciplines such as those dealing with other types of crime, justice, peace and security. In addition, the insights gained from the analyses can help guide international and domestic practitioners in their outreach and implementation practices through lessons learned.

### **1.2.2.2 Capacity-building Objectives**



The Action will make a significant contribution to expert capacity-building in the less research-intensive environments by ensuring that the network is diversified in terms of gender, geographic representation, interdisciplinary and a balance between established and early-career researchers. JUSTICE 360 has three main capacity-building objectives (CBO):

- 1) To foster more inclusive, but at the same time diversified cooperation, dialogue and exchange that includes voices from less research-intensive environments;
- 2) To contribute towards the development of knowledge, skills and network of JUSTICE360 participants, in particular early career investigators;
- 3) To build sustainable collaboration among participants also beyond the duration of JUSTICE360.

### **CBO 1**

Much of the past research and policy debate on international criminal justice has been predominantly legal (doctrinal) and fixated on its global capitals – The Hague and, to a lesser extent, on its African counterpart, Arusha, Tanzania. This resulted in a strong epistemic dominance in this field of legal specialists based in the developed countries of the Global North (namely, Western Europe, US, and Canada). JUSTICE360's signature approach is to build up capacity in domestic contexts in which and with which ICTs operate. By virtue of this approach, JUSTICE360 decisively challenges the legalist, Western-dominated paradigm of knowledge-production and creates an inclusive platform for incorporating perspectives and methods that have hitherto been marginal. In particular, the Action will reach out to and actively involve experts with non-legal disciplinary backgrounds (criminology, political sciences, international relations, sociology and history) from the Global South. Particular care is taken to involve those members who originate from, or have worked in, the countries that have served as venues of ICTs interventions and/or which experienced atrocity crimes. The inclusion of the unique perspectives and first-hand experiences from outside the centres of academic production in the field of international criminal justice will enrich the texture of the Action's data. This inclusion is already reflected in the participants of the Action, but will be supported throughout its life. This will be supervised by the Action MC.

### **CBO 2**

The career growth of early career researchers is another important CBO. In constructing its network, JUSTICE360 will engage young and promising scholars in the countries identified as the Action's case studies. This is especially important to secure that new perspectives come to the foreground and to support the careers of junior scholars, many of whom work in highly competitive academic markets. The Action will specifically promote exchange of skills, knowledge and expertise by organizing trainings for early career researchers, summer schools, and encouraging and enabling short-term staff exchange among participating institutions. The Action will set up an informal mentoring program to allow early career stage researchers to work closely with (and get career advice from) some of the most experienced scholars in the field.

In addition, the Working Groups detailed below will be open for leadership from early career researchers who can build research leadership experience by participating in the Action. This CBO will be furthered by engaging also established researchers and practitioners in the Action and involving them in the trainings, summer schools and academic exchange. As this CBO depends on the success of Action participants in securing positions in academia, it is difficult to measure. The Objective will be supported through jointly organizing trainings of junior scholars in order to increase their research and professional skills, promoting exchanges across institutions, co-publications among the Action participants, and by raising collective awareness of the common goal of capacity development of junior scholars.

### **CBO 3**

The final CBO of JUSTICE360 is to build and nurture sustainable and mutually beneficial connections among its participants, in particular with those based outside of Europe. This is especially important with regard to fostering a network culture that can lead to future grant applications to the benefit of all participants in the Action. Close work relationships will be established and cultivated through the working groups, and other network activities, also leading to new research questions and creating possibilities for future collaborative research projects, national and international funding applications, and other exchanges among the participating individuals and institutions. This CBO will culminate in the creation of a Working Group at the latter stages of the four year project to design new collective projects and craft a future funding application strategy based on the findings of the Action.

## 2 NETWORKING EXCELLENCE

### 2.1 ADDED VALUE OF NETWORKING IN S&T EXCELLENCE

#### 2.1.1 ADDED VALUE IN RELATION TO EXISTING EFFORTS AT EUROPEAN AND/OR INTERNATIONAL LEVEL

To our knowledge there are no cross-country projects that have the ambition of systematically analysing global atrocity justice constellations. However, some past (now completed) COST Actions are of relevance to this proposal because of their focus on a related topic or their use of related theoretical approaches. First, the COST action “International Law Between Constitutionalisation and Fragmentation”, completed in 2015, was devoted to a theoretical study of international law in global context. JUSTICE360 has a different purview as it is focused on atrocity justice constellations and through them assessment of functioning and impacts of ICTs and current responses to atrocity crimes, their perpetrators and victims. At the same time, JUSTICE360 is distinguished by a multidisciplinary approach and empirical orientation that will also yield results of relevance to a broad academic audience and practitioners in international and domestic contexts. Secondly, the COST network “International Law in Domestic Courts” was completed in 2011. It was devoted to the study of usages and interpretations of international legal norms by national judiciaries. While there is a degree of similarity with this Action in that both Projects are interested in the dynamics of interaction between the international and national legal orders, the present Action’s focus is not limited to export of international legal norms and their reception in domestic jurisprudence and its approach is not a legal-doctrinal one. On the contrary it takes on a bottom-up perspective on how international crimes, perpetrators and victims are treated around the globe, identifying a plurality of actors and perspectives that are shaped and in turn shape not only national, but regional and in the end global responses to atrocities. Regardless of these differences, the previous COST networks and their results are of interest and relevance to the network, and will be built upon to move the state of research into new directions. Three other COST Actions are of more indirect relevance and will be points of reference for specific elements of the Action (i) The Paths of International Law: Stability and Change in the International Legal; (ii) Post-war transitions in gendered perspective: the case of the North-Eastern SH6 Adriatic Region; and (iii) Cultures of Victimology. The results of these Actions will also be used as benchmarks where relevant.

### 2.2 ADDED VALUE OF NETWORKING IN IMPACT

#### 2.2.1 SECURING THE CRITICAL MASS AND EXPERTISE

The objective, scope, and research modalities of JUSTICE360 are such that it cannot be successfully implemented other than by employing an extensive network of scholars and practitioners with special expertise and experience in the countries which form part of this study. The participants of the Action secure critical mass to undertake the innovative and large inquiry of JUSTICE360.

Building a new network is absolutely essential for the ambition of the Action: To collect original data and produce systematic, comparative and cross-disciplinary analyses of this data. Therefore, a network with roots in carefully selected countries and across different disciplines is of crucial importance. The network of the Action has been crafted specifically to support comprehensive data gathering and including varied expert knowledge on particular national contexts.

Action participants have been recruited to combine multi- and interdisciplinary expertise in international criminal and transitional justice after mass atrocities and advanced knowledge of the situation in the countries constituting Action’s case studies. Each Action Participant will contribute (i) his/her unique disciplinary perspective in order to develop new conceptual tools, methodologies and data collection tools according to RCOs, and (ii) data material on how each respective country has addressed atrocity crimes, perpetrators and victims across the domains of laws, policies, institutions, civil society, and culture. The participants will be informed of the research objectives, main focal areas, and the overall methodological approach of JUSTICE360 prior to joining. Empirical data collection will be coordinated across the Action to secure uniform gathering, recording and presentation of the data stemming from different countries. The data collected will be inserted into an original empirical database thus mapping the impacts of international criminal justice. This database will serve as a basis for an innovative conceptualization of atrocity justice constellations beyond the ICTs and its global capitals.

The Action was initiated by a core group of four Early Career Researchers. In the broader Network of Proposers, the focus on Early Career Researchers has been maintained, but the network has been strengthened and supplemented with some of the best established names in the field of ICT. While the majority of Proposers come from legal scholarship backgrounds, it is important to note the strong presence among the network of Proposers of social science and empirical approaches to the law. In addition, Proposers were recruited that have close connection to practice to ensure a close connection to stakeholders.

### 2.2.2 INVOLVEMENT OF STAKEHOLDERS

The Action will involve the most relevant stakeholders through three different modes of engagement: 1) Outreach workshops that engage actively especially with practitioners in the field, 2) academic conferences that test and situate the results of the Action in a broader scholarly and practical landscape, and finally 3) a social media strategy that disseminates the activities of the Action to a broader popular audience.

1) To involve the most relevant stakeholders and practitioners, international workshops will be held in carefully selected cities that allow the Action to invite important local and regional stakeholders. The exact cities will be chosen at a later stage, but are provisionally planned to be The Hague, Sarajevo, and other relevant cities. These workshops will bring in Action participants to discuss research and perspectives on the ICTs with relevant international and regional stakeholders whose work revolves around selected hotspots of international criminal justice, including the self-pronounced capital of international justice, The Hague, but consciously going beyond such hubs of the Global North. While the Action itself includes Proposers with substantial practical expertise, the workshops will bring in key practitioners to discuss and co-create the results of the Action. Such stakeholders include international judges, prosecutors, defence counsels, NGO advocates, think tank researchers, and embassy officials specialised in international courts and crimes. The workshops aim at sharing information between the COST Action participants and the most relevant stakeholders under Chatham House rules to facilitate an open exchange of perspectives.

2) The academic conferences will take place in selected countries of the Action participants. Selected countries will be emblematic for particular approaches to crimes, perpetrators and victims to add to the 360 degree perspective of the Action. While the overall goal of the conferences is primarily to produce, discuss and diffuse the knowledge built in the Action to an academic audience, local stakeholders will be invited to the conferences to ensure the practical applicability and relevance of academic debates. Local Action participants will be responsible for inviting the main stakeholders in their country to further debates about how specific countries have dealt with and approached atrocity crimes, perpetrators and victims. Through this exchange, national stakeholders such as practitioners from ministries of justice, foreign affairs, judges, prosecutors, NGOs and think tanks will give input to and be able to interact with Action participants and through this interaction enrich the research. With regard to both international and national stakeholders, the Action will encourage co-publications between academics and practitioners where relevant.

3) The social media strategy will involve Twitter and Facebook accounts that rotate between Action participants, but will be managed by the Action MC. The accounts will be used to circulate knowledge of Action activities and relevant developments and news from around the world. Through its highly international and interdisciplinary group of Action participants, the account will be able to contribute multiple perspectives on ICTs and their, until now, under-studied position in a wider space of atrocity constellations. The platform will allow for easy interaction with the Action and its participants through social media as well as by providing contact information for individual researchers. The website will be used to present the Action and its participants to other researchers as well as to the broader public. It will also communicate upcoming events and results, as well as feature call for papers when relevant.

### 2.2.3 MUTUAL BENEFITS OF THE INVOLVEMENT OF SECONDARY PROPOSERS FROM NEAR NEIGHBOUR OR INTERNATIONAL PARTNER COUNTRIES OR INTERNATIONAL ORGANISATIONS

A core objective of JUSTICE360 is to mitigate the discrepancy between the epistemic dominance on atrocity justice centred in and around the main ICTs in The Hague, and the recipients of international criminal justice located in less powerful localities. A similar discrepancy is active in scholarship where high-intensive research environments in the Global North dominate while scholars from communities affected by international crimes, often in the Global South, are marginalised. The Action was specifically

designed to include participants from key countries inside and outside of Europe. The Action has aimed to include important near neighbour countries and international partner countries that fit the case selection. This gives the Action an important edge in terms of generating new empirical material that represents the larger constellations of atrocity crimes at a global level.

As such, the inclusion of participants from less research intensive countries is crucial for the success of the Action in terms of mapping and analysing global atrocity justice constellations through the selected case studies. At the same time, this inclusiveness is important for participants from such countries as they will be able to travel and participate directly in a large collective research endeavour. As such, there are mutual benefits for participants from intense and less intense research intensive environments. The collaboration will be built to last beyond the termination of the Action and participants from different research environments will be paired for co-publication where relevant.

## 3 IMPACT

### 3.1 IMPACT TO SCIENCE, SOCIETY AND COMPETITIVENESS, AND POTENTIAL FOR INNOVATION/BREAK-THROUGHS

#### 3.1.1 SCIENTIFIC, TECHNOLOGICAL, AND/OR SOCIOECONOMIC IMPACTS (INCLUDING POTENTIAL INNOVATIONS AND/OR BREAKTHROUGHS)

The main break-through of the Action will be the production of new and unique knowledge on how atrocity justice constellations work and how they affect and are affected by the ICTs. Pulling together the empirical data from a set of domestic scenarios, the creation of a unique **database** on atrocity justice constellations holds unprecedented potential for **scientific breakthrough**. As the database will be made open access, this will not only benefit Action participants but also the wider academic field, practice and potentially policy-making communities. The research will be communicated to stakeholders through their inclusion in the Action and 'think pieces' written by Action participants with particular stakeholders in mind.

While the Action does not aim for direct **socioeconomic impact**, potential policy building based on its results may have significant economic impact. International criminal justice is costly, in the late 2000s the tribunals for the former Yugoslavia and Rwanda consumed more than a quarter of the UN budget. About 5.5 billion euro has been invested in ICTs, and the EU is currently the main funder of the main court, the ICC. A better understanding for how ICT performance is linked to domestic jurisdictions can have significant effects on policy building and funding for these institutions. International crimes also being linked to other transnational crimes, such as money laundering, illegal arms and narcotics trade, the building of new policies geared toward ending impunity can have substantial socioeconomic impact around the world.

In addition, the research breakthroughs of the Action also have potential of being translated into **practical breakthroughs**. Short of impacting actual policy building and having socioeconomic impact, the knowledge generated by the Action can help pave the way for new and feasible ways of responding to international crimes, perpetrators and victims. This could be in the form of lessons learnt or best practices related to how domestic justice systems handle international crimes or best practices linked to the cooperation and interaction between ICTs and domestic systems. To stimulate possible practical breakthroughs, practitioners will be included in the Action at key moments. This will ensure the practical value of the data built by the Action and will forge liasons that can help disseminate research results via practical networks.

### 3.2 MEASURES TO MAXIMISE IMPACT

#### 3.2.1 KNOWLEDGE CREATION, TRANSFER OF KNOWLEDGE AND CAREER DEVELOPMENT

The Action will create and transfer knowledge to researchers, practitioners and the general public, efforts that are closely related to involvement of stakeholders in the activities of the network. Especially early stage career researchers involved in the Action will experience significant career developments related to networking as well as the contribution of original research published in highly ranked academic journals and with internationally acclaimed publishers.

Knowledge creation in the Action is not only tied to the researchers involved. To produce what will be a highly original dataset, participants will be in close dialogue with practitioners, most prominently the lawyers that work with international crimes and politicians involved in drafting laws and rules around these crimes, their perpetrators and victims. The first step to maximizing impact is to ensure that the data and knowledge produced is as relevant as possible for stakeholders in domestic jurisdictions as well as for those working at the international level. To ensure the quality of data, Action Participants will work closely with local stakeholders and the Action will arrange collective workshops with selected practitioners to identify weaknesses in the data collection and analysis. Inclusion of stakeholders aims to secure the creation of solid and in many ways unique knowledge.

By including stakeholders in core activities and implementing their advice to produce the best possible knowledge, the Action aims to make them ambassadors of the research carried out. In this important role, these stakeholders will help spread research results (also in the form of the think pieces introduced below) to other important actors through their own networks. This dissemination via network will only work if included stakeholders see a value in the Action results and have been involved in the actual research process.

This core group of early career stage proposers is likely to benefit most from the Action, taking away not only a new large network, original data and contacts to stakeholders, but also crucial expertise in research management. This is also the case for other early career stage Action participants. This development will be linked to the networking that is driving for the Action and the production of its results, but also from the experience of collectively conducting a large-scale research project. While the Action MC will coordinate and ensure the production of results, the Action will remain open to young researchers who wish to take on leading roles within specific parts of the project (for instance in the Working Groups). In addition to the networking and publication benefits related to participating in the Action, researchers will gain expertise in working in a highly interdisciplinary environment.

### 3.2.2 PLAN FOR DISSEMINATION AND/OR EXPLOITATION AND DIALOGUE WITH THE GENERAL PUBLIC OR POLICY

Results and knowledge generated by the Action will be disseminated to an academic audience, to stakeholders as well as to the general public.

In terms of academic dissemination, the project aims to publish core results in high-quality international journals across different disciplines, in particular law, criminology, sociology and political science. As the Action Participants span different academic disciplines, co-publications will be encouraged to ensure that results reach a broader scientific audience. In addition to academic articles, the Action will produce at least one co-edited book that presents the theoretical arguments behind its 360 degree perspective and contributes different national and regional perspectives on interactions with crimes, perpetrators and victims. Academic publications will be supported by – and promoted via – blog posts on relevant sites, such as *Opinio Juris*, *European Journal of International Law Talk*, or the *American Journal of International Law's Unbound* series to mention only a few examples from the discipline of international law. Practitioners who take part in the activities of the Action will also be asked to write or co-author selected articles or blog posts.

To engage with the wider field of stakeholders, the Action will also produce small think pieces on carefully selected problems relating to crimes, victims and perpetrators. These pieces (at present called *Think Justice360*) will be produced on close connection to the research that comes out of the Action. As such, the pieces will briefly present the main findings of some of the Action's analyses, highlighting them over 1-2 pages and in a form easily accessible to practitioners. Although the think pieces will be relevant for practitioners by highlighting findings on best practices, differences and similarities between systems, they will not be policy briefs in a traditional sense. Since the Action aims to have primary impact as a collective, basic science endeavour, policy building as such falls outside its scope. The think pieces will be available on the project website in open access and will be available physically during workshops and conferences where practitioners are present.

The third element of the dissemination strategy is aimed at the general public. This part of the strategy is organized around media appearances and an active use of social media. Some Action Participants are already active in media in their national context. This presence will help disseminate the findings of the Action to a broader public. Through interactions with media, the empirical material generated by the Action will give new knowledge that can become part of national debates on how to deal with international crimes, perpetrators and victims. In addition, the Action Coordinators will contribute op-eds

in larger international media outlets where Action results can be of benefit. Action Participants have also been recruited that have experience with publishing in such outlets, including, for instance, the New York Times and Washington Post.

The three elements of the dissemination strategy secures a dialogue between science and the public and makes research results easily accessible for stakeholders and the general population. The dissemination strategy will be overseen by the Action MC who will plan and ensure output.

## 4 IMPLEMENTATION

### 4.1 COHERENCE AND EFFECTIVENESS OF THE WORK PLAN

The work plan was devised and will be continuously updated by the Action MC to reflect changes in the network and unforeseen events. The work plan follows the work of the Action and focuses specifically on the different stages of the research. These stages each have specific milestones that can be assessed and evaluated. Responsibility for the overall effectiveness of the work plan lies with the Action MC that will also take corrective measures where necessary.

#### 4.1.1 DESCRIPTION OF WORKING GROUPS, TASKS AND ACTIVITIES

The Action has three overall working groups. The work of the working groups will be supervised by the Action MC and one member of the MC will be part of managing also individual working groups. The working groups will focus on the main goals of the Action. Working group i) will focus on developing the common academic perspective of the Action and adapt it to the research as it progresses. Working group ii) will organize the data collection and develop a common database that can be used for all participants. Working group iii) will work to secure close cooperation with the relevant stakeholders and practitioners. All working groups will aim to include representatives from the different types of countries selected for case studies as well as from the different regions represented in the Action.

The first working group is important to develop and maintain the network, pushing it towards a collective group of researchers that share a core understanding of the Challenge. The main milestone for this working group is to plan and carry out networking activities for the first year of the Action. After the first year, a common understanding and framework has to be in place, although it can undergo revisions also throughout the life of the project. After the first year, this working group is also responsible for planning network activities and maintaining the network should participants fall out. The final milestone of the working group is to draft a plan for continuing the network after completion of the Action and thereby to push towards new research activities.

The second working group works on setting up a collective database and streamlining its data points. This work will happen in parallel to the work of the crafting a common understanding and has similar milestones. After the first year, this working group will have set up the infrastructure for collecting data and building the database on crimes, victims and perpetrators. The working group can set up sub-groups to focus on the individual data points of crimes, victims and perpetrators if it sees fit.

The main role of the third working group is to plan and execute engagement from stakeholders and practitioners. As such, this group will contact stakeholders and ensure their participation at events where they are necessary to meet the Challenge. This WG will also supervise the writing of the *Think JUSTICE360* reflection pieces that target specific practitioners and stakeholders.

The management structure of the Action follows the guidelines of the COST Action rules for participation and implementation. The Action will be managed by the Action MC who will help set the theme for meetings and plan the dissemination strategy.. Each collective meeting will have a session in which Action Participants, as well as invited external stakeholders, will give feedback to the Action MC.

#### 4.1.2 DESCRIPTION OF DELIVERABLES AND TIMEFRAME

JUSTICE360 will produce five main deliverables: (i) a unique open-access database that makes available for the first time pre-existing and newly produced empirical evidence; (ii) targeted and high-quality dissemination of research in academic publications with the best publishers, (iii) targeted

dissemination of research results to stakeholders, (iv) targeted dissemination of research results to the general public, (v) a collective strategy for how to use the data and continue the work after the Action closes down. The database will be made public upon completion of the Action to ensure Action Participants are allowed to publish their results and have maximum impact.

The deliverables follow closely from the Research Coordination Objectives, but are conceptualized here as final products of the Action that bring it to completion after four years of functioning. Of course, publications, and networking will take place throughout the course of the Action, and results from the database will be made public to fit the publication strategy, but deliverables will ensure a collective result from these practices. In addition to being the final deliveries of the Action, the goals were also designed to secure future collaborations and use of the database. As such, the deliverables are a stepping stone for future work on atrocity justice constellations. Details on the timeframe of deliverables are visualized in the GANTT Diagram below.

#### 4.1.3 RISK ANALYSIS AND CONTINGENCY PLANS

The Action faces three main risks. These risks are related to the management of a large group, changes in the group and the conversion of the knowledge generated by the Action into academic productivity, including dissemination to stakeholders and the public and future grant proposals.

1. As the Action participants will be a very mixed group, both in terms of academic background and nationality, the Action MC will constantly assess the progress and carefully plan activities for maximum pay-off. This will be done by focusing on the Objectives of the Action and the progress of Working Groups, activating the latter before, during and after the meetings.
2. Over a four year period, some Action participants are bound to leave the project, go on leaves of absence or have to be replaced for other reasons. The Action MC will build and maintain a list of possible substitutes for Action participants. Where the network of the Action is not adequate, Action participants will be asked to identify possible replacements.
3. The third risk is the lack of output as ownership can become vague in a large network. To ensure the conversion of the Action into high quality dissemination and future funding bids, the Action MC will constantly evaluate the progress of the Action in cooperation with the WG Coordinators. The Action MC will have progress evaluation meetings before or after each of the group meetings and will be in contact via email and skype. The goal of this will be to ensure that individual researchers and WGs take ownership and have the sufficient support and resources to contribute new knowledge.

Should any conflicts arise among Action participants, as conflicts sometimes do even in smaller networks and research groups, they will be handled informally between the participants, if necessary with help from the closest management level or, in more severe cases, from the Action MC.

#### 4.1.4 GANTT DIAGRAM

The GANTT Diagram outlines the main Objectives, the Working Groups and the meetings of the participants and the Action MC. The GANTT also highlights when important Objectives have to be met and (where relevant) when they have to be revisited to ensure maximum impact of the Action, here specifically in terms of working together on future projects and grant applications.

JUTICE360 GANTT CHART	YEAR 1				YEAR 2				YEAR 3				YEAR 4			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
<b>Research Coordination Objectives</b>																
Collective conceptual framework				x												x
Database infrastructure					x											
Publication of results					x				x				x			
<b>Capacity-building Objectives</b>																
Building and maintaining inclusive network	x				x				x				x			
Ensuring career development for junior scholars					x				x				x			
Creating future research initiatives									x				x			
<b>Working Groups</b>																
WG1: Crafting collective framework	x	x	x													x
WG2: Securing data collection						x		x		x		x		x		x
WG3: Working with stakeholders		x			x			x			x			x		
<b>Action meetings</b>																
Meetings of all participants	x		x		x		x		x		x		x		x	
Meeting of Action MC (outside of collective meetings)				x				x					x			x