



جامعة بيرزيت
BIRZEIT UNIVERSITY
INSTITUTE OF LAW
P.O.Box 14, Birzeit, Palestine
Tel: ++ (2) 2982009
Fax: ++ (2) 2982137
E-Mail: iol.info@birzeit.edu
Website: <http://lawcenter.birzeit.edu>

11 March 2010

Call for Papers

The Goldstone Report and Beyond: Examining the role, impact, and limitation of international criminal investigatory or judicial missions or tribunals

The Theme of Volume XVI of the Palestine *Yearbook of International Law* is “**The Goldstone Report: Implications and Implementation**”. Following years of blockade and collective punishment of the people of the Gaza Strip, between December 27, 2008 and January 18, 2009, Israel undertook a massive air, land and sea assault on the Gaza Strip. The resulting human devastation was notable both for its immensity and its disparity: over 1,400 Palestinians were killed, the majority of them civilians; 13 Israelis were killed, of whom 3 were civilians. The material devastation was arguably more pronounced, with public and private property and infrastructure destroyed throughout the Gaza Strip, including attacks on the foundations of civilian life: industrial infrastructure, food production, water installations, sewage treatment and housing. Over one year on, this devastating war on Gaza has been compounded by the continuing siege of the territory and its inhabitants, making reconstruction impossible, and giving rise to arguably the worst humanitarian situation in the Gaza Strip in living memory.

The UN Fact-Finding Mission led by Judge Richard Goldstone commissioned to investigate the war on Gaza found evidence indicating serious violations of international human rights and humanitarian law committed by Israel, and that Israel committed actions amounting to war crimes, and possibly crimes against humanity. The Mission determined, inter alia, this was an Israeli military operation directed at the people of Gaza as a whole, in furtherance of an overall and continuing policy aimed at punishing the Gaza population, and in a deliberate policy of disproportionate force aimed at its civilian population. The Mission likewise found evidence that Palestinian armed groups committed war crimes, as well as possibly crimes against humanity, particularly in respect of repeated rocket fire into Southern Israel. The Mission found the Government of Israel had not carried out any credible investigations into alleged violations and recommended that the UN Security Council require Israel to report to it, within six months, on investigations and prosecutions it should carry out with regard to the violations identified in its Report. The Mission further recommended that the Security Council set up a body of independent experts to report to it on the progress of the Israeli investigations and prosecutions. If the experts' reports do not indicate within six months that good faith, independent proceedings are taking place, the Security Council should refer the situation in Gaza to the ICC Prosecutor. The Mission recommends that the same independent expert body also report to the Security Council on proceedings undertaken by the relevant Gaza authorities with regard to crimes committed by the Palestinian side. As in the case of Israel, if within six months there are no good faith independent proceedings conforming to international standards in place, the Council should refer the situation to the ICC Prosecutor.

As at the time of issuance of this Call for Papers, it has yet to be determined whether either the Israeli or Palestinian side has complied with the recommendations of the Goldstone Report. At the same time, the Report and, in particular, its principal author, have been made the subject of a litany of *ad*

hominem and politicized attacks that do little to advance the very important legal issues dealt with by the Mission. It is the aim of Vol. XVI of the *Yearbook* to allow for further consideration of these issues, as well as to provide considered opinion on the role, impact, limitations, and future of this and other *ad hoc* international criminal investigatory or judicial missions or tribunals established by the international community from the 1990s onward. The *Yearbook* is edited at Birzeit University's Institute of Law (West Bank, Palestine), and published by Martinus Nijhoff Publishers (The Hague, The Netherlands). The Editor-in-Chief of the *Yearbook* is Mr. Ardi Imseis.

Topics of interests include, but are not limited to:

- An assessment of how the findings of the Goldstone Report may be enforced or implemented at public international law, including through recourse to international or domestic courts;
- An assessment of how the findings of the Goldstone Report may impact the operations and approach of the Israeli military and Palestinian armed groups in the future.
- A critical legal analysis of the Goldstone Report in any respect;
- An assessment of how the Goldstone Report compares in both its findings and methodology of other *ad hoc* international criminal investigatory or judicial missions or tribunals;
- An assessment of the jurisprudence and workings of *ad hoc* international criminal investigatory or judicial missions or tribunals (i.e. ICTY, ICTR, ICC, etc.)
- An assessment of the politics of *ad hoc* international criminal investigatory or judicial missions or tribunals (i.e. ICTY, ICTR, ICC, etc.).
- Etc.

Important Dates and Contacts:

1. It is preferred to express interest by e-mailing the Yearbook Coordinator Ms. Reem Al-Botmeh and sending an abstract of the suggested paper.
2. Draft papers to be submitted by 1 July 2010.
3. Final papers with suggested amendments that might follow from the editing process, no later than 1 October 2010.

For further information please contact:

You may contact either Ms. Reem Al-Botmeh, the coordinator of the *Yearbook*, at rbotmeh@law.birzeit.edu, or alternatively, you may communicate directly with Mr. Ardi Imseis, Editor-in-Chief at A.Imseis@UNRWA.ORG.