



## **ESIL International Criminal Justice Interest Group**

### ***Pre-Conference Workshop***

### ***Annual Conference of the European Society of International Law***

*Utrecht University*

*31 August 2022, 14.00-18.00 CEST*

## **IN/EX-clusiveness Through the Lens of International Criminal Justice**

### ***International Criminal Law and Transnational Advocacy: Problematizing the International Penal Turn***

In spite of its indisputable failings, the promise of international criminal justice persists as a key narrative for framing advocacy efforts in the face of seemingly new and emerging crises. We have seen this exemplified over the life cycle of its key institutions through the success of carceral feminist victories in centring sexual violence prosecutions. More recently, we also see this penal reflex in response to the systemic and existential threat posed by climate change. Whilst a wide array of regulatory tools have developed outside of international criminal law, this has not stopped calls for the crystallisation of ecocide as a crime. In an era of social media, the practices of online platforms operating in mass atrocity situations such as Myanmar have also begun to be scrutinised by recourse to the vocabulary of international criminal law. Similarly, campaigns for reparations for colonial wrongs are increasingly articulated through the frame of international crimes. For a field that had seen its legitimacy significantly undermined due to the International Criminal Court's alleged 'Africa bias' and its paralysis over Syria, the Ukrainian conflict also seems to have injected renewed vigour into the project of internationalised penalty. Calls for international criminal prosecutions emerged as some of the clearest legal narratives in the initial days after Russia's invasion. The seduction of individuating aberrant authoritarianism through international criminal law can bring together a range of political actors through the simplified moral outrage that the criminal law consolidates.

At a time of renewed suspicion about the purchase and politics of the domestic penal state, the project of internationalised penalty has yet to see any sustained self-reflexivity over the possibilities as well as limitations of such advocacy avenues. In this workshop, we will explore the dynamics of IN/EX-clusiveness produced by an ever-expanding regulatory register of activity and advocacy hinging on international criminal justice that may or may not renew the field.

### **Time and Location**

**Date:** Wednesday 31 August 2022  
**Time:** 14.00-18.00 CEST  
**Place:** Room 117, Janskerkhof 3, Utrecht University  
**Format:** Hybrid

### **Registration**

To attend this workshop, **please register** via Utrecht University's registration site, accessible at the following link: <https://esilutrecht2022.sites.uu.nl/register/>

## Programme

### Panel 1

'International Criminal Law and the Crimes of the Global North: Turning the Master's Tools Against the State?'

[Natalie Hodgson](#), Assistant Professor, School of Law, University of Nottingham

'Between Compassion and Punishment: A Genealogy of International Penal Advocacy'

[Olivia Nantermoz](#), PhD Candidate, London School of Economics

'The Defence of Duress and Abolition in International Criminal Law'

[Sophie Rigney](#), Senior Research Associate, University of New South Wales

*Discussant:* [Barrie Sander](#), Assistant Professor of International Justice, Leiden University – Faculty of Governance and Global Affairs

### Panel 2

'Contesting Coloniality Through International Criminal Law: Indigenous Peoples in Brazil'

[Giovanna M Frisso](#), Senior Lecturer, University of Lincoln

'The Inclusion of New Harms in International Criminal Law: A Case Study of Online Harm'

[Sarah Zarmsky](#), PhD Candidate, University of Essex

'Conjuring Ecocide: The Visual Construction of International Criminality'

[George Hill](#), Postgraduate Researcher and Leverhulme Scholar, European University Institute

[Daniel Bertram](#), PhD Candidate, European University Institute

*Discussant:* [Michelle Burgis-Kasthala](#), Senior Lecturer in Public International Law, University of Edinburgh