PROGRAM

General overview:
Monday, 01.07.2019: Arrival
Tuesday, 02.07.2019: Presentations of research projects
Wednesday, 03.07.2019: Presentations of research projects
Thursday, 04.07.2019: Presentations of research projects, excursion to Ravenna-Schlucht
Friday, 05.07.2019: Presentations of research projects
Saturday, 06.07.2019: Presentations of research projects, excursion Titisee or hike around Feldberg
Sunday, 07.07.2019: Presentations of research projects, and departure
Evening of Sunday, 07.07.2019, and Monday, 08.07.2019: Departure

Roles
The role of the chair is organising the talk, calling up people, does time keeping, and is sometimes steering the talk.

The role of the First respondent is to prepare a short reflection and the first two-three questions during the discussion that follows the presentation. Start with a positive remark!

Buzzgroups of 3 minutes (or whispergroups) directly before the main discussion allow exchanging first ideas, support creativity and give time to prepare questions.

Timeslots
All presentations include 20 minutes discussion. That means: pose questions, don’t give talks.

Important addresses:
Seminarhotel Sonnenhof Hinterzarten
Am Rössleberg 18
79856 Hinterzarten
Phone: +49 7652 900 30

Timm Sureau (in case of emergency): +49 176 56774492
Monday, 01.07.2019

18:00 – 21:00  Dinner and discussions with present professors at Seminarhotel Sonnenhof

Tuesday, 02.07.2019

07:15 - 09:00  Breakfast

Chair: Raquel Razente Sirotti

09:00 – 10:00  Sureau, Timm
Welcome & introductory presentations. And if time allows:
No Solution as a Strategy – Postponing a Verdict to keep the Peace
First Respondent: Nathan Muwereza

10:00 – 11:00  Prof. Albrecht, Hans-Jörg
First respondent: Afrooz Maghzi

11:00 – 11:20  Coffee Break

11:20 – 12:00  Zhao, Chenguang
The ICC and China: The Principle of Complementarity and National Implementation of International Criminal Law
First respondent: Meng-Chi Lien

12:00 – 12:40  Lin, Jing
Tit for Tat? An Empirical Observation on Death Penalty Sentencing in PR. China
First respondent: Erdem-Undrakh Khurelbaatar

12:40 – 14:00  Lunch break

Chair: Prof. Albrecht, Hans-Jörg

14:00 – 14:40  Moura De Souza, Cléssio
Youth and Violence in Brazil: An ethnographical study on youth street violence related to drugs and social order in Brazil’s violent city of Maceió
First respondent: Christine Preiser

14:40 – 15:20  Knust Rassekh Afshar, Mandana
Informal Conflict Resolution, Rule of Law and In-Conflict Justice in Afghanistan
First respondent: Chenguang Zhao

15:20 – 15:40  Coffee Break

15:40 – 16:20  Jensen, David
Maras. A study of their origin, international impact, and the measures taken to fight them
First respondent: Karl Härter

16:20 – 17:00  Muwereza, Nathan
Narratives of urban conflicts in Uganda
First respondent: Alexandra Schenk

19:00 – 20:00  Dinner at Hotel
20:00 – 22:00  Individual and group discussions with students-professors about current projects
Wednesday, 03.07.2019

07:15 - 09:00  Breakfast

Chair: Sirin Knecht

09:00 – 10:00  Hillemanns, Carolin  
First respondent: Jing Lin

10:00 – 10:40  Lien, Meng-Chi  
Recent Victim-Oriented Developments in Taiwanese Criminal Procedure  
First respondent: David Jensen

10:40 – 11:10  Coffee Break

11:10 – 11:50  Khurelbaatar, Erdem-Undrakh  
Das mongolische strafrechtliche Sanktionensystem aus der Sicht des deutschen Strafrechts  
First respondent: Kiyomi v. Frankenberg

11:50 – 12:30  Preiser, Christine  
Door work as ‘dirty work’ - An ethnography about bouncers in German nightclubs  
First respondent: Nathan Muwereza

12:40 – 14:00 Lunch break

Chair: Hillemanns, Carolin

14:00 – 14:40  Rigoni, Clara  
The Use of Alternative Dispute Resolution Mechanisms and Restorative Justice for Cases of Honor-Based Violence and Forced Marriages in Europe  
First respondent: Keebet v. Benda-Beckmann

14:40 – 15:20  Earbin, Esther T.  
Lobbying for Punishment: Corporate Interest Groups in the Criminal Copyright Policy-making Process  
First respondent: Sirin Knecht

15:20 – 15:40  Coffee Break

15:40 – 16:20  Ruiheng, Yuning  
Undesirability of Corporate Punishment  
First respondent: Karla Escobar

16:30 – 17:30  Lenkungsausschussitzung, faculty only

19:00 – 20:00  Dinner at Hotel
20:00 – 22:00  Individual and group discussions with students-professors about current projects
Thursday, 04.07.2019

07:15 - 09:00  Breakfast

Chair: Afrooz Maghzi

09:00 – 10:00  Prof. Härter, Karl
Perspectives of Legal History on Retaliation, Mediation and Punishment
First respondent: Csaba Győry

10:00 – 10:40  Schenk, Alexandra
Preventive detention in Germany - A thematic overview
First respondent: Severin Lenart

10:40 – 11:10  Coffee Break

11:10 – 11:50  Sirotti, Raquel Razente
Criminalizing politics. Judicial responses to political conflicts in Brazil (1889-1930)
First respondent: Nadine Adam

11:50 – 12:30  Escobar Hernández, Karla Luzmer
“One cannot walk without looking straight ahead” or the labyrinths of indígenas law-making in Colombia, 1810 – 1920
First respondent: Mandana Knust

GROUP PHOTO

12:40 – 14:00  Lunch break

Excursion Ravenna-Schlucht

Trivia: “In former times, there were several water mills along the stream. Some are still visible today within the gorge and one or two are well preserved. At the upper end of the gorge is the mill of Großjockenmühle which dates to 1883 and is a protected monument. A feature of this mill is that, due to the steep descent of the Ravenna, the water is led over the roof of the mill onto the water wheel.

In front of the Ravenna Bridge is the Galgenbühl, a knoll about 30 metres high. There used to be a gallows (Galgen) here, where executions were carried out. Later a pavilion was built here which fell into ruins over the course of time. The slopes were originally used as pasture, but in the 1950s the mountain was afforested with spruce and Douglas fir. In 2010 all the trees were felled, however, and a new pavilion erected on the Galgenbühl. It is covered with shingles made of thuja wood.” https://en.wikipedia.org/wiki/Ravenna_Gorge

19:00 – 20:00  Dinner at Hotel
20:00 – 22:00  Individual and group discussions with alumni-professors about current projects
Friday, 05.07.2019

07:15 - 09:00  Breakfast

Chair: Yuning Ruiheng

09:00 – 10:00  Prof. Schlee, Günther
First respondent: Andreas Armbrorst

10:00 – 10:40  Abukar Mursal, Faduma
The reproduction of the state in everyday life: an ethnography around marketplaces of Mogadishu
First respondent: Carolijn Terwindt

10:40 – 11:10  Coffee Break

11:10 – 11:50  Knecht, Sirin Rahel
NGOs as Visionary Agents in Lebanon
First respondent: Esther Earbin

11:50 – 12:30  Adam, Nadine Rea Intisar
Designing Peace – Imagining Equality
First respondent: Cléssio Moura de Souza

12:40 – 14:00  Lunch break

Chair: Prof. Schlee, Günther

14:00 – 14:40  Maghzi, Afrooz
State Law and Dispute Resolution Mechanisms in Minority Communities
First respondent: Carolin Hillemanns

14:40 – 15:20  Hieramente, Mayeul
International Arrest Warrants in Ongoing Conflicts
First respondent: Johanna Mugler

15:20 – 15:40  Coffee Break

15:40 – 16:20  Vojta, Filip
Punishment and Sentence Enforcement for Serious Violations of International Humanitarian Law: The Case of the Former Yugoslavia”
First respondent: Bertram Turner

19:00 – 20:00  Dinner at Hotel
20:00 – 22:00  Individual and group discussions with alumni-professors about current projects
Saturday, 06.07.2019

07:15 - 09:00  Breakfast

Chair: Alexandra Schenk

09:00 – 10:00  Prof. Benda-Beckmann, Keebet v.
First respondent: Mayeul Hieramente

10:00 – 10:40  Gebhard, Julia
Necessity or Nuisance? - Recourse to Human Rights in Substantive International Criminal Law
First respondent: Julia Kasselt

10:40 – 11:10  Coffee Break

11:10 – 11:50  Lenart, Severin
Chiefs, witches, disputes and healers: From Southern Africa to Austria and the Philippines
First respondent: Hans-Jörg Albrecht

11:50 – 12:30  Mugler, Johanna
From Access to Justice, to Measuring Justice, to the Price of Justice
First respondent: Filip Vojta

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Excursion to Titisee or Feldberg

Trivia: “In the Alemannic dialect Teti means "little child" or "baby". Titisee or Titisee would then be a lake from which, according to local legend, small children came, similar to the story told in other places that babies are delivered by a white stork. Stories about babies coming from lakes were widespread in Central Europe (c.f. Frau-Holle-Teich). Consistent with this theory, is the fact that the Titisee is a very high altitude lake and that, according to legend, it is bottomless. Such lakes were formerly attributed with special numinous powers.

According to another theory, the Roman general, Titus, was supposed to have camped in the area of the Titisee. The lake was said to have impressed him so much that he gave his name to it. This is also the reason why, today, a crude replica of a Roman galley plies the Titisee.”

“The Feldberg offers one of the most extensive panoramic views in Germany – especially in winter when there is a temperature inversion. In the west, on the far side of the Upper Rhine Graben, can be seen the entire Vosges range, from the Ballon d’Alsace to Mont Donon and Mont Sainte-Odile. Beyond that the southern Palatinate Forest can sometimes be seen. To the north is the Hornisgrinde; to the northeast the entire chain of the Swabian Jura, including the Lemberg, and, to its right, the Hegau volcanoes. To the south, the Alps can be seen from the Alpspitze and Zugspitze in the east to the Allgäu Alps, Verwall Alps, Silvretta, Säntis, Glarus Alps, Urner Alps, Bernese Alps and Mont Blanc in the west. In front of the Western Alps and, particularly right of Mont Blanc, can be seen the Swiss Jura, with their highest point, the Chasseral. Thus the view sweeps from the Italian Mont Blanc to southwest Germany and from Austria to France.”


19:00 – 20:00  Dinner at Hotel
20:00 – 22:00  Individual and group discussions with alumni-professors about current projects
Sunday, 07.07.2019

07:15 - 09:00  Breakfast

Chair: Esther Earbin

09:00 – 10:00  Turner, Bertram
First respondent: Raquel Sirotti

10:00 – 10:40  Armborst, Andreas
The ideological origins of jihadi violence. A content analysis of jihadi media.
First respondent: Günther Schlee

10:40 – 11:10  Coffee Break

11:10 – 11:50  Terwindt, Carolin
First respondent: Julia Gebhard

11:50 – 12:30  Kasselt, Julia
The Judicial Interpretation of Honour Killings in Germany
First respondent: Afrooz Maghzi

12:40 – 14:00  Lunch break

Chair: Turner, Bertram

14:00 – 14:40  Schuetze-Reymann, Jennifer
Referring cases from international to national criminal courts: difficulties and prospects
First respondent: Keebet v. Benda-Beckmann

14:40 – 15:00  Coffee Break

15:00 – 15:40  Győry, Csaba
Elusive Capital. Is Research on Financial Crimes Possible?
First respondent: Yuning Ruiheng

15:40 – 16:20  Frankenborn, Kiyomi v.
Grundlagen konsensualer Konfliktlösungsprozesse
First respondent: Johanna Mugler

18:30 – 20:00  Dinner at Hotel
20:00 – 22:00  Final discussions of REMEP

Monday, 08.07.2019

07:15 - 09:00  Breakfast & Departure
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TUESDAY

Zhao, Chenguang
The ICC and China: The Principle of Complementarity and National Implementation of International Criminal Law
College for Criminal Law Science of Beijing Normal University

A disconnection has historically existed between international and domestic justice. In China, international justice and domestic justice were long treated as two autonomous yet interconnected systems, akin to the concept of Yin and Yang. With the establishment of the International Criminal Court (ICC) in 2002, the two systems began to increasingly work in tandem. The principle of complementarity is one of the cornerstones of the ICC’s architecture, according to which states have primary jurisdiction over the ICC. So long as the legal system of a state can efficiently investigate and prosecute the core international crimes prohibited in the Rome Statute, the ICC will not intervene. However, if a state is unwilling or unable to investigate and prosecute these crimes, the ICC will invoke the principle of complementarity to step in. Thus, the principle of complementarity has an impact on the national implementation of international criminal law, as well as on its exercise of jurisdiction in many aspects, including for third party states. As a third party state to the ICC, China has ratified a number of international conventions, including those on genocide and torture; China is therefore obliged to prosecute these international crimes by implementing these international conventions into national law. However, the core crimes have thus far not been incorporated into Chinese criminal law. This research work focuses on the possible impact of the principle of complementarity on the implementation of international criminal law in China as a third party state and the future prospects of the relationship between China and the ICC based on this analysis. By so doing, it aims to contribute to the discourse on complementarity for both scholars and practitioners.

Lin, Jing
Tit for Tat? An Empirical Observation on Death Penalty Sentencing in PR. China
China University of Political Science and Law

“Tit for tat” public opinion in favor of death penalty is perceived to be one of the major obstacles in the abolition of death penalty in China. By exploring 333 cases of death penalty in the period from 2010 to 2017, this paper argues that not only public opinion, but also judicial sentencing habits are following the “tit for tat” approach. In line with the legal policy—from “kill many” moving to “kill fewer and kill cautiously”- a series of procedural and substantive reforms have been implemented. However, considering the deeply rooted “tit for tat” notion among mass and legal practitioner, this paper argues that the abolition of death penalty in China is unlikely to occur in the near future.
Moura De Souza, Cléssio
Youth and Violence in Brazil: An ethnographical study on youth street violence related to drugs and social order in Brazil’s violent city of Maceió
Max Planck Institute for Foreign and International Criminal Law

Street violence in Brazil has increased in the last years and young people represent the majority of victims and perpetrators. Streets in disadvantaged areas in Maceió have been in a spot of power struggle, where informal norms are created and recreated in order to establish standards of behavior. Within this context, an important question emerges: what process makes youths become involved in street violence, considering individual development towards criminal life, environment, social rules, groups, family and ties that motivate or force youths to become members of criminal groups.

The research consists of an ethnographical study based on participant observation, in-depth qualitative interviews with twenty-four male youths (aged between 15 and 25 years), who had intense experiences with street violence. The data were mainly collected in seven months of fieldwork in Maceió from January until July 2013. In January 2016 Maceió was visited again with the purpose of collecting pictures from neighbourhoods, where the interviewed youth came from, as well as Prisons and Internment Units for Adolescents.

This dissertation aims at identifying processes through which male youths become involved in street violence in Maceió and at analyzing the role that violence plays for individuals and/or criminal groups and for the social order on the streets of Maceió. Other important points of the study concern the investigation of the "universe" of drug trafficking, understanding why this business has become so attractive for youths and also examination of how street violence is related to drug dealing and trafficking, and how violence is used as an instrument of punishment in order to establish social control in the local communities.

The interviews demonstrated a range of conditions that lead young people to street violence. The lack of access to school and educational achievements appear as a common issue, since youths have a rather low education level. School drop-out and low parental control drive youth to more intensive streets activities which includes both amusement and engagement in illegal activities, such as drug trafficking and robbery. Those activities are considerate by youths as a source of profit and expression of power, however, violence emerges as a fundamental tool that sustains these criminal activities. Street violence is also connected with the system of informal rules stipulated by drug dealers and criminal groups in deprived areas of Maceió, e.g. rule of silence and no crossing rules.

Knust Rassek Afshar, Mandana
Informal Conflict Resolution, Rule of Law and In-Conflict Justice in Afghanistan
Max Planck Institute for Foreign and International Criminal Law

Where the formal justice system still operates, the Afghan people consider it as corrupt and illegitimate as war lords and commanders hold important positions. In most parts of Afghanistan, the formal state justice system has either collapsed or was never fully operational, while the informal traditional justice systems of the different Afghan tribes survived the four decades of armed conflict. Through these means of informal tradition conflict resolution at least some social order is maintained, perpetrators are hold to some degree accountable and the claims of victims can be heard. However, some of the practices are in violation with international human rights, Afghan State
law and Islamic Law. This paper elaborates on the question whether in cases of weak states and ongoing conflicts, as in the case of Afghanistan, agreeing on a minimal standard of rule of law and human rights and accepting certain forms of informal justice in order to fight the culture of impunity perpetrated by the State justice system is more in the interest of justice and the victims in particular than not dealing with crimes at all.

Jensen, David
Maras. A study of their origin, international impact, and the measures taken to fight them

Constitutional Court, Costa Rica

In the early 2000’s the maras gained the attention of the media and national authorities due to their rapid expansion across the United States, Mexico, and Central America. Central American governments began considering the maras, at least in their political discourses, as a threat to national security and thus started implementing measures to specifically combat them. In Honduras, the government reformed the Penal Code and conducted raids. The Salvadoran authorities passed a law against the maras that ultimately remained in effect for only a couple of months. In Guatemala, the authorities failed to pass a specific law on the maras, but they still carried out massive raids. The dissertation provides an explanation to the origin of the maras and their territorial expansion. It analyzes the measures adopted against them in Honduras, Guatemala, and El Salvador; and compares the results obtained in each country. The dissertation studies what happens when three countries with similar cultural backgrounds face the same problem in three different ways: How did the authorities enforce the measures in each country? Did the measures have an impact on national crime rates? How did the maras react to the measures?

Muwereza, Nathan
Narratives of urban conflicts in Uganda

Makerere University

Conflicts are prevalent in Africa’s mushrooming urban areas. Unfortunately, they lack detailed narratives and analyses. In Uganda, the situation is dire due to competing ethnic and racial backgrounds; muddled political history and allegations of masterminded marginalization (Green, 2010). Moreover, Uganda’s urbanization rate is among the highest in the world; projected to reach 30% by 2030. Its urban population exceeds 20 million people (Akporji, 2010). More so, some urban areas proliferated out of civil conflicts; in which trading centers were safety zones for internally displaced persons. Consequently, many urban areas came up without official plans, accompanying civic requirements and general infrastructure. These have fueled urban conflicts. At micro (and personal) level, extended families’ networks which helped to psychosocially mitigate conflicts have been distorted by not only increased urban population growth, but also economic, technological and transportation advancements.

Therefore, how people and communities realize peaceful harmonious coexistence in urban areas is worth investigating. Using victims’ view points, this project offers detailed narratives of different conflicts, their triggers and consequences in Ugandan towns as well as peripheral suburban areas in Uganda.
Lien, Meng-Chi

Recent Victim-Oriented Developments in Taiwanese Criminal Procedure

Institute of Law for Science and Technology (ILST), National Tsing Hua University (NTHU), Taiwan; Dr. iur. University of Freiburg

Many studies have shown that the Chinese have a pervasive preference for mediation as a dispute resolution. This “cultural preference for mediation” has indeed contributed to the frequent use of mediation not only for the civil cases but also for the criminal cases in Taiwan. Mediation Committees have settled more than 70,000 criminal cases annually. Despite this common mediation practice, the Ministry of Justice in Taiwan shows its interest in the Restorative Justice Movement and has started a “Restorative Justice Initiative” in September 2010 to explicitly “introduce Restorative Justice into the criminal justice system.” After a 2-year trial, the RJ Initiative has been practiced at all District Prosecutors’ Offices. However, the numbers of RJ cases are relatively low compared to mediation cases. To further promote Restorative Justice, a draft bill has been formally introduced in the parliament in April 2019.

This presentation will first explain the reasons which account for the significant contrast between the “Mediation in Criminal Matters” and “Restorative Justice Initiative” in Taiwan. Second, it argues that the Mediation in Criminal Matters in Taiwan is also a kind of Restorative Justice Practice. There is no need to “introduce a new western style of conflict resolution method.” Finally, it suggests that the draft regulations in Taiwan need to be redesigned so that we can exploit this opportunity properly to improve our criminal justice system toward more victim-friendly and restorative.

Khurelbaatar, Erdem-Undrakh

Das mongolische strafrechtliche Sanktionensystem aus der Sicht des deutschen Strafrechts

National University of Mongolia


Die Forschungsarbeit greift im Allgemeinen die grundsätzlichen Fragestellungen zum mongolischen strafrechtlichen Sanktionensystem auf. Ziel dieser Arbeit ist es, die Diskussion um Wesen und Zweck der Strafe sowie ihren Einfluss auf die Ausgestaltung des kriminalrechtlichen
Sanktionensystems darzustellen und die damit zusammenhängenden Probleme im mongolischen Strafrecht sowie die Auswirkungen des Strafrechts auf den praktischen Strafvollzug zu untersuchen.


Das Ziel dieser Arbeit ist es deshalb, einen wissenschaftlichen Beitrag sowohl in theoretischer wie praktischer Hinsicht zu der weiteren Entwicklung der mongolischen Strafrechtswissenschaft zu leisten. Um ein kulturell angepasstes und zukunftsorientiertes Konzept für das strafrechtliche Sanktionensystem in der Mongolei entwickeln zu können, muss man all diese Besonderheiten unbedingt mitberücksichtigen. Aus diesem Grund wird die durch die besondere Geschichte der Mongolei mitgeprägte historische Entwicklung des Strafrechts in dieser Arbeit mit einbezogen. So wird sie in ihrem historischen Kontext bezogen untersucht, welchen Weg die mongolische Gesetzgebung und Wissenschaft zum Wesen und Zweck der Strafe zurückgelegt haben, wie sich die damit zusammenhängenden Fragen im Laufe der Zeit veränderten, sowie welchen Einfluss sie auf den heutigen Stand der Entwicklung des strafrechtlichen Sanktionensystems haben.

Preiser, Christine

Door work as ‘dirty work’ - An ethnography about bouncers in German nightclubs

University of Augsburg

Urban nightlife lures with the promise of pleasure, loosening of self/control and potentially risky but enjoyable adventures. Bouncers are the watchmen of nightclubs and thus hold a key role in balancing core questions of the night: How much exclusion is needed to create an inclusive space? What is the interplay between rules and freedom? When is an authentic threat of violence the best prevention to real violence? I conducted intensive fieldwork among bouncers in three nightclubs in Germany and was able to look behind the scenes of an occupation that has little interest in public attention. I will show in my presentation that bouncers are the executives of exclusion, the killjoys of pleasure and the embodiment of potential violence and thus take “dirty work” off the shoulders of revelers.
Rigoni, Clara  
The Use of Alternative Dispute Resolution Mechanisms and Restorative Justice for Cases of Honor-Based Violence and Forced Marriages in Europe  
Max Planck Institute for Social Anthropology  

In the last 20 years, the related phenomena of honor-based violence and forced marriages have received increasing attention at the International and European level. In Europe, strong responses towards this type of violence have been adopted, including legislation and policy actions containing direct references to the concepts of honor, culture, and tradition and ad hoc criminalization targeting forced marriages as a separate offence (next to existing general provisions on coercion). This has been due, at least partially, to the adoption of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention, 2011), which has now been ratified by most signatory countries. Specific strategies, including practitioners’ training and specialized risk assessment, have also been adopted. Despite this, however, data concerning reporting and prosecution rates for these crimes remain very low. This is due to several reasons, some of which related to family and domestic violence in general, some specifically linked to the characteristics of honor-based violence.  

A possibility to improve women access to justice is represented by alternative dispute resolution mechanisms, particularly widespread within the communities in which honor-based violence mostly occurs. In Europe, however, the use of such mechanisms, including restorative justice, is highly discouraged for such cases, mainly for reasons of safety and power imbalance.  

The presentation will try to answer the following question: do alternative solutions exist that, when applied to cases of honor-based violence and forced marriages, are capable of avoiding, on the one hand, the shortcomings of criminal law-based responses and, on the other, the problems generally associated with alternative dispute resolution mechanisms?  

In order to answer this question, case studies from the United Kingdom and Norway will be analyzed. Both community-based alternative dispute resolution mechanisms and state-based restorative justice programs will be examined.

Earbin, Esther Tabitha  
Lobbying for Punishment: Corporate Interest Groups in the Criminal Copyright Policy-making Process  
Max Planck Institute for Foreign and International Criminal Law  

This doctoral project explores criminal copyright infringement on the Internet, which has created a global debate about the role of punishment in controlling behavior online. However popular and contentious the debate on copyright infringement, or “piracy”, may be, one less explored area is the study of the political processes behind both anti-piracy legislation and its implementation in the criminal justice system. The focus of this doctoral project is the criminal policy-making processes of two influential democracies with two starkly different systems of criminal justice, Germany and the United States, as well as the relationship between state actors and private, corporate actors in these nations.  

The starting point of the project is the position that there is no homogenous principle for criminal law because different political and economic system refine and apply criminal law in a fashion tailored to their own values. Applied to criminal copyright, the project’s hypothesis
maintains that criminal copyright policy in the United States prioritizes the interests of private, corporate actors, specifically corporate interest groups, over the public interest verses a fair balancing of public and private interests in the German criminal policy-process. This balancing is systematic and originates in Germany’s political and cultural values, while in the United States, some argue that the criminal law can be used as a political tool in support of the economic sector, not the public. Scholars highlight the demands and actions of special interest groups from the economic sector as a reason. Interest groups represent a broad range of societal concerns and aspirations. However, the effectiveness of an interest group often depends on the ability to influence policymakers. Corporate interest, or lobbying, groups representing copyright industries are identified as a contributing factor to this phenomenon due to their powerful intervention on the criminal policy-making process, from legislation to sentencing.

While copyright law is primarily public law in Germany and civil law in the US, throughout history, punishment under criminal law and policy for the offense has steadily increased and taken global form, showing that corporate interests are just as present in the policymaking processes of Germany as they are in the United States. However, the effects of the policies are slightly different. The main question of the research is how corporate interest groups in Germany and the United States have communicated their interests in the development of modern criminal copyright policy on the Internet. The study examines systematically which corporate interest groups attempted to influence criminal copyright policy, at which points of the process, and using which strategies. The study seeks to understand how powerful corporate actors strategically place themselves in the criminal policy-making process in order to negotiate with state actors to convince them that the state is dependent upon the success of copyright-related industries, who need the protection of criminal law. Following two recent criminal cases, the goal of the study is to shed light on the involvement of corporate interest representation in the application of criminal copyright policy, specifically, and criminal policy in general.

**Ruiheng, Yuning**

**Undesirability of Corporate Punishment**

*Max Planck Institute for Foreign and International Criminal Law*

This paper criticizes the foundation of corporate punishment against corporate crimes from following three aspects. First, the historical background of corporate punishment. Rather than as an effective remedy, corporate punishment was introduced as a contingency plan as the last resort to cope with corporate wrongdoings at the early stage of market economy featured by fast economic development without commensurate corporate regulation. Second, as a contingency plan introduced at the early stage of market economy, corporate punishment failed to evolve with the time as the corporations did therefore it became not only outdated but also ineffective, its deterrence and retribution are largely discounted by its backwardness. Third, as a better alternative prevention measure against corporate crimes, compliance program, corporate punishment and its incentivizing are however fundamentally not compatible. As conclusion, the paper provides criminal punishment against individuals as a solution and replacement.
THURSDAY

Schenk, Alexandra
Preventive detention in Germany - A thematic overview
Max Planck Institute for Foreign and International Criminal Law

"Not only when it's already burning" - The statement of the Bavarian Minister of the Interior Joachim Herrmann impressively describes the attitude behind the recent reform of the Bavarian Police Law. Not only in Bavaria, the powers of the police have been substantially expanded, in particular to combat Islamist terrorism. In addition to already passed amendments to the police laws of many federal states, Interior Minister Horst Seehofer is also planning an extension of the powers of the Federal Police and the simplified ordering of deportation detention and departure custody. An increasingly preventive orientation is also recognizable in criminal law by criminalizing acts in the preliminary stage of an offense.

Often, tightening of laws, police surveillance and intelligence services are tied to the concept of the so called "Gefährder". While nationwide a consistent police definition for the term is used no legislative definition exists so far. The BKA currently classifies 735 persons as “Gefährder” of the Islamic spectrum.

Since an empirical basis is essential for the successful conception of crime policy measures, the doctoral project aims to collect data for the areas of deportation detention and police custody in Germany. There is a particular interest in the practical implementation of these security instruments because of various reasons: Even though police custody and deportation detention present massive interferences with fundamental rights, there are less safeguards in place when compared to criminal law measures. In addition, the Federal Ministry of the interior is working on a model police act to further align the prevailing standard. So far, however, there is no data available, so that the presentation focuses on the legal basis as well as the peculiarities of data collection.

Sirotti, Raquel Razente
Criminalizing politics. Judicial responses to political conflicts in Brazil (1889-1930)
Max Planck Institute for European Legal History

During the First Republic (1889-1930), Brazil went through an ambitious and violent process of institutional and social modernization, which aimed at raising the country to the same level as European “civilized nations.” Moreover, the abolition of slavery in 1888, and the incentive to host immigration flows coming from some European countries, created intense transformations in Brazil’s social and population composition. Thus, the perfect ingredients for several types of social upheaval were on the table. This multiplicity of structural changes created the conditions for the emergence of political conflicts that would shake the harmonious image forged by official discourses. Historians and lawyers conducting research on the repression and control of political activity in this period paid close attention to executive and administrative measures, such as extradition, deportation, arrest warrants, and police investigations in a broad sense. However, very little has been said about how courts applied existent criminal law to curb political deviance.
The application of the supposedly liberal and protective laws present in the Penal Code and in the Constitution, indicates that the new engines of the judicial system were not so prone to the protection of individual rights or to the exercise of citizenship. Despite multiple efforts to set a new juridical and social order, old corporatist usages remained in force. Based on the analysis of criminal court records, I will systematize some recurrent patterns in the legal reasoning behind the application of criminal law in cases of political conflict. More specifically, I will suggest that semantic disputes around notions such as political crime, political prisoner, federal jurisdiction and others, help us understand how the handling of seemingly neutral legal tools and concepts could be functional to the protection of political elites and the maintenance of their power projects.

Escobar Hernández, Karla Luzmer
‘One cannot walk without looking straight ahead’ or the labyrinths of indígenas law-making in Colombia, 1810 - 1920
Max Planck Institute for European Legal History

This presentation presents the final structure of my doctoral dissertation and discuss one of its first chapters. With the aim of analyzing Law 89 of 1890, law profusely used by indígenas during the first half of 20th century to protect resguardo lands, I present the law-making process regarding indigenous peoples from the beginning of the Republic of Colombia in 1810. This analysis shows the different paths indigenous citizenship might have had and the contextual challenges that addressed some of these legal changes. The presentation focusses on the legal politics behind these legal designs as a way to better understand the contested relationship between indígena’s citizenship and Colombia’s nation-state building during the first part of the 20th century. I understand Law 89 of 1890 as a palimpsest in which previous indigenous citizenship projects were condensed as a way to project it to the future. This “palimpsest” was the product of different local and national contexts in which state and indigenous authorities were closely involved. The analysis of the law-making process allowed us to better understand the role of “republicanismo indígena” in Cauca’s indigenous legal culture during those times and the role played by Manuel Quintín Lame in all these dynamics.
Abukar Mursal, Faduma
The reproduction of the state in everyday life: an ethnography around marketplaces of Mogadishu

Max Planck Institute for Social Anthropology

Despite the experience of violence that surround the successive state-building process, the state evokes positive expression of authority and structures popular discourse in Mogadishu, Somalia. The objective of the thesis is then to explore how and why the state comes to matter in everyday life. My project investigates the local engagement of low-income urban communities with representatives and representations of the state with the objective to reflect on the role of public perception in state formation dynamics. Based on ethnographic material collected over a year and half of fieldwork in and around marketplaces in Mogadishu, I reveal and illustrate dynamics of state formation by looking at state imageries and daily encounters with state officials, civil servants and different kinds of soldiers. The aspirations for the state are articulated around themes such as security, taxation, and ideals of social cohesion. The examples illustrate the reproduction and maintenance of the state in everyday life, as the effect of paradoxical processes in daily life.

Knecht, Sirin Rahel
NGOs as Visionary Agents in Lebanon

Max Planck Institute for Social Anthropology

// Only during Ramadan and Iftar gatherings the NGO Progress Changes and Action (PCA) had arranged I noticed, which employee working in PCA is having a Muslim background and to which extent she is practicing her religion. In those very moments, the division of religious belonging is made visible to the outside(r) during everyday life practice at the office. Apart from this distinction, last names often generate first assumptions on local origins and sectarian affiliation. However, in ordinary institutional work setting the team spirit and shared cause are essential. Embedded in a hierarchical order, institutional organization requires following a work routine, grounded on structure, procedures, formats and specific materiality designs. Besides such technicality and standardization of procedures, aims and aspirations the organization features in its agenda, contribute to the cooperation of the organization and operate as a red thread through PCA’s supported and maintained projects. A shared ideology marks a binding element unifying the employees of PCA, regardless of their position. Their ideas are based on altruistic (i.e. compassionate, solidary) notions of empowerment, social justice, stabilization and development of equal behaviour between men and women, hence strengthening women’s role and their rights. It is a vision of a society that is equal in its ground between men and women among its citizens and beyond ethnic and religious difference, characterized by regional and sectarian belonging. //

The above vignette is drawn from ethnographic fieldwork, conducted in 2016/2017 among NGO activism, agency and adaptation (translation) of women’s rights in Beirut, Lebanon. The main focus of the research was to scrutinize women’s rights and their visibility in law, materiality (i.e. ...
documents, physicalities of womanhood) and negotiations of (inter-)national political and public interests.

The paper’s aim is to explore to what extent NGOs work and act as visionary agent and how this is dealt with and manifested in every day working life of an institution, committed to women’s rights empowerment and, which carries out projects and research on that matter.

On the one hand, the emergence of NGOs as analytical category will be addressed; on the other hand, NGOs’ integration in the field of development and international relations will be discussed. Lastly, the actual vision of NGOs is put into the center while looking at its implementation in practice and therefore at the interplay of NGO employees.

Adam, Nadine Rea Intisar
Designing Peace – Imagining Equality
Max Planck Institute for Social Anthropology

Why do peacebuilding organisations working in Sudan work with art and artists? Can art contribute to conflict transformation and peace – and if so, how?

The world we live in is existing and it is constantly being designed by its inhabitants. How artists, activists, and actors of organisations working on peace in Sudan perceive and (re-)create the world they live in, how the actors of the several worlds of practice, the artworld and the peaceworld, that are part of the bigger world, work towards peace and collaborate in their efforts of transforming the present into a more peaceful future, are the main topics of my thesis.

Von Borries (2017) suggests, that worlds can be designed through different means and by different actors: through design or through policies for example. Similarly, peace can be imagined and designed through policies by the actors of peaceworld or imagined in artworks by the actors of the artworld of Sudan, as I analyse in the examples in my thesis. These utopias for peace the actors imagine are calling for equality in several spheres like gender equality, cultural and social equality.

I aim at contributing to the definition of ‘peace’ and analyse what ‘peace’ means, what multiple meanings it may have and how different the ways are through which wars, violence, and conflicts can be transformed towards the utopian ideal of ‘peace’. I work with the concept of ‘imperfect peace’ by Muñoz, a peace that is constantly (re-)negotiated. I show how actors of the artworld and the peaceworld work together and analyse, how imaginations for a more peaceful future are initiated through projects that are raising awareness of conflict issues and how this transformation takes place by trying to (re-)establish relations between people.

Theatre for Peace has become prominent with peacebuilding organisations in the last years. Theatre performances are one way of bringing people together. They do not only (re-)create and influence on the relations between people in the audience, but they also influence on the actors themselves, as awareness raising and learning processes take place on different sides. Yet, this cooperation between the artworld and the peaceworld is not without risks, as art can be instrumentalized by the actors of peaceworld to promote a certain understanding of peace that is serving their agenda, instead of taking into account the different definitions and understandings of peace. Likewise, the understanding and meaning of art itself needs to be scrutinized, in order to make sense of the art for peace projects. I introduce a differentiation between the ‘Western’ individualized concept of the artist as the ‘genius’ and understandings of art as a collective process that can be helpful in explaining how art can contribute to conflict transformation.
Maghzi, Afrooz
State Law and Dispute Resolution Mechanisms in Minority Communities

Max Planck Institute for Social Anthropology

The increasingly multicultural nature of western society has led to a growing demand for a more pluralistic approach to the design and the application of state law, taking into account the existence of distinctive normative orders. While the state legal order is sometimes able to recognize and accommodate distinct normative practices of particular minority communities as expression of those migrants’ autonomy, there will be no tolerance when they consider as a crime or undermine individual rights protected under the state law. The challenges against the state law’s validity by distinctive normative practices can take various forms, one of them being the out of court settlement of conflicts within the community. States are thus faced with the challenge of constructively engaging with minority communities in meeting their particular legal needs, while at the same time preventing practices that are incompatible with basic state values.

This study as a part of the research project “Conflict Regulation in Germany’s Plural Society is to understand the situation of divergent normative orders within the Afghan diaspora in Germany. In this respect, this study aims to answer the following question: what types of dispute resolution mechanisms can be observed in the internally diverse Afghan diaspora in Germany? Which forms of legal consciousness and legal culture(s) underlie the conflict settlement modalities? How is the interplay of the Afghan normative orders and the state law?

The method of data collection for this study will be to (1) develop an analytical typology of disputing mechanisms based on a review of the relevant conceptual sociologic literature, to (2) review empirical studies of alternative dispute resolution forms and mechanism among minority communities in Canada and the U.K. to determine what specific characteristics of different forms of dispute resolution among minority communities can be identified – thereby further concretizing the analytical typology and developing a conceptual framework specific to dispute resolution mechanisms of minority communities, and (3) to apply this analytical model to an empirical investigation (based on interviewing and participant observation) of modes and mechanisms of dispute resolution among the Afghan diaspora in Germany. With Afghan diaspora, the investigation focuses on one of the currently fastest growing immigrant groups in Germany with a long tradition of informal justice in the origin country. The legal systems are being examined with Canada and Great Britain, in which conflicts between state law and migrants have been discussed politically and scientifically extensively for many years and which therefore offers inspiration for legal considerations in Germany.
Hieramente, Mayeul
International Arrest Warrants in Ongoing Conflicts

FHM Rechtsanwälte

The project takes a normative approach to the (regrettably) often termed “justice vs. peace dilemma,” better described as a conflict between the need (or will) to use criminal law to punish perpetrators of international crimes and the need to end hostilities, thus preventing combat and the commission of further crimes. The project aims to establish normative criteria to resolve the above-mentioned conflict where the political conditions impede the simultaneous pursuit of criminal prosecution and the implementation of peace agreements. The project focuses on the work of the International Criminal Court (ICC) in two of the situation countries - Northern Uganda and Darfur (Sudan).

There is an obligation under customary international law to abstain from any acts which contribute to the commission of international core crimes such as genocide, crimes against humanity and war crimes. International law, however, lacks clear rules on how to address such a possible conflict of norms. The right to prosecute individuals for international core crimes is not per se to be prioritized. There has to be a ‘practical concordance’ (praktische Konkordanz) that weighs the underlying values (nature and gravity of the crimes, possible victims, etc.) in consideration of the uncertainties of the situation at hand. This is why fundamental discussions about the purposes of criminal punishment and the sense of criminal prosecutions in international criminal law as well as the question of agency of (individual or collective; primary or secondary) victims (and possible future victims) come into play. Three questions are relevant in this context: First, which actor in the field of international criminal justice should be entrusted with the decision to determine the purposes of punishment and criminal prosecution? Second, who should make the call to decide on whether these goals can be achieved through other means (e.g. Truth and Reconciliation Commissions, grassroots mechanisms)? Third, which actor (s) should be allowed to decide if – in a specific case – the need to prevent future atrocities takes precedence over criminal prosecution?
Vojta, Filip

Punishment and Sentence Enforcement for Serious Violations of International Humanitarian Law: The Case of the Former Yugoslavia

Max Planck Institute for Foreign and International Criminal Law

Structured rehabilitative treatment of imprisoned criminal offenders in accordance with internationally recognized human rights standards figures as an effective instrument of crime prevention. Contrastingly, little is known about the preventive impact of imprisonment on perpetrators of war crimes, crimes against humanity and genocide. These forms of collective violence had largely gone unpunished until international criminal tribunals, beginning with the pioneering efforts of the International Criminal Tribunal for the Former Yugoslavia (ICTY) in 1993, started putting an end to the impunity of their perpetrators. The ICTY also established a new system for enforcement of international sentences where, in the absence of official international prison facilities, convicted persons are being transferred to national prisons in those states that entered into special agreements for that purpose with the Tribunal, to serve their sentences there. In 25 years since the ICTY became operational, around 60 convicts of the Tribunal have served or are still serving their sentences in 14 different European states, excluding the states of the former Yugoslavia. After release from prison, many of them return to their home states, only to resort to behavior that led to their crimes in the first place, consequently destabilizing fragile peace within the post-Yugoslavian region. Accordingly, the presentation will discuss challenges for penal rehabilitation of convicted international criminals on the basis of empirical findings pertaining to the ICTY sentence-enforcement practice. These findings stem from a doctoral research project on enforcement of the ICTY sentences which the author concluded within the framework of the IMPRS REMEP in 2018. Consequently, the presentation will also address possible venues of improvement for the enforcement of international sentences. Given that the International Criminal Court (ICC) has adopted the same dispersion model of sentence-enforcement as the ICTY, trials and tribulations the latter encountered in its enforcement practice should serve as valuable lessons-learned for any future development of sentence-enforcement policy on the international level.
**SATURDAY**

**Gebhard, Julia**  
*Necessity or Nuisance? - Recourse to Human Rights in Substantive International Criminal Law*  
*Organization for Security and Co-operation in Europe/ Office for Democratic Institutions and Human Rights (OSCE/ODHIR)*

What are chances and challenges of referring to human rights law in defining crimes under international law? Under what circumstances is a reference to human rights law dogmatically appropriate and practically likely? The answers to these questions have been explored through a look at the theoretical framework, practical application in jurisprudence as well as empirically through interviews with judges. The thesis on which the presentation is based highlights common roots and the differences between both areas of law, the existing inconsistencies in the application of the law, as well as approaches which could contribute to their solution, and, as such, contributes to the debate on legal certainty and innovation in international criminal law.

**Lenart, Severin**  
*Chiefs, witches, disputes and healers: From Southern Africa to Austria and the Philippines*  
*Suchthilfe Wien gGmbH*

In this presentation, I will outline how questions of conflict and dispute management, dealt with in my PhD, have played a significant role in my professional life. I will also explore how a specific field I came across during fieldwork in different countries eventually led me to engage in psychosocial work.

About ten years ago, I set out to study how the management of disputes influenced the ways traditional leaders established and maintained authority at the local level in Southern Africa. Within the framework of the IMPRS-REMeP, I wanted to explore under which conditions and in which ways chiefs constructed and exercised authority in plural legal and institutional settings and what role disputes were playing in this context. In particular, my PhD focused on the variegated ways people dealt with conflicts in regard to gender and marital problems as well as disputes arising from the belief in invisible forces. Hence, one of my main activities during ethnographic fieldwork was ‘local dispute-watching’ in various arenas, such as state and non-state courts, but also consultation rooms of traditional healers where I came in contact with the psychosocial and healing dimensions of conflict management.

After finishing my PhD in 2013, I changed my position from observer to participant and switched to ‘local dispute-managing’. I became a professional mediator and engaged in conflict transformation in a unique social housing programme in Vienna. There, again, I touched upon the cultural and psychosocial dimensions of conflict resolution. Though the setting might have been very different, it turned out that, for example, the modes and reasons why people in South Africa and Austria carry out disputes – mostly disputes between neighbours – had more in common than one might think. The same could apply to local disputing in the Philippines where I worked as an advisor.
for indigenous rights and conflict management to a social development organization. Back home in Europe, I am now working as a psychosocial counsellor and undergoing training in psychotherapy – thus, in the end, completing the circle that opened up for me in the consultation rooms of traditional healers in South Africa about ten years ago.

Mugler, Johanna
From Access to Justice, to Measuring Justice, to the Price of Justice

University Bern, Institute of Social Anthropology

My PhD was originally conceptualized as a study of how more recent and more established ideas of community justice (including mediation and restorative approaches) get introduced into the South African justice system in practice to increase South Africans’ access to justice and their trust in it. While being in the field, however, it became apparent that these “justice innovations” are irrelevant for the running of courts more generally, and the everyday work of prosecutors more specifically. The main local concern in courts was instead: how do we get through all these cases with limited resources in a reasonable amount of time? My thesis is therefore an ethnography of prosecutors’ performance measurement systems. I explored the way in which South African court and managerial prosecutors deal with the fact that when complex social phenomena—like justice, professional work or accountability—are quantified, they are always attended by radical simplifications, misrepresentations and editing processes. I will end my presentation with reflections on the difference between putting a price on justice and the price of justice and how the economic side of justice is collectively negotiated and organized, something I am currently working on and which grew out of my PhD interest in the relation between accountability, quantification and law.
Armbrorst, Andreas  
**The ideological origins of jihadi violence. A content analysis of jihadi media.**  
*National Center for Crime Prevention*  

The presentation outlines method and results of the PhD project “jihadi violence” carried out within the REMEP between 2008 and 2011. The study investigated the thematic structure of the jihadi ideology as articulated within a sample of 31 video messages of al-Qaeda leaders. Using content analysis different narratives, themes and issues were identified. They give detailed insights into the worldview and mindset of the jihadi movement. Of particular interest was the rationale for violence, e.g. how al-Qaeda (AQ) argues that violence is a legitimate, necessary and appropriate means to realize the Islamist agenda. Retaliation is one among the many stated reasons for resorting to political violence and terrorism. An additional sample of 196 claims of responsibilities for insurgent attacks in Iraq between 2003 and 2008 were analyzed as to investigate how AQ's ideology is put into action.

Terwindt, Carolijn  
**When Protest Becomes Crime. Politics and Law in Liberal Democracies.**  
*European Center for Constitutional and Human Rights*  

How does protest become criminalised? Applying an anthropological perspective to political and legal conflicts, Carolijn Terwindt urges us to critically question the underlying interests and logic of prosecuting protesters. The book draws upon ethnographic research in Chile, Spain, and the United States to trace prosecutorial narratives in three protracted contentious episodes in liberal democracies. Terwindt examines the conflict between Chilean landowners and the indigenous Mapuche people, the Spanish state and the Basque independence movement, and the United States’ criminalisation of ‘eco-terrorists.’ Exploring how patterns and mechanisms of prosecutorial narrative emerge through distinct political, social and democratic contexts, Terwindt shines a light on how prosecutorial narratives in each episode changed significantly over time. Challenging the law and justice system and warning against relying on criminal law to deal with socio-political conflicts, Terwindt’s observations have implications for a wide range of actors and constituencies, including social movement activists, scholars, and prosecutors.
Kasselt, Julia
The Judicial Interpretation of Honour Killings in Germany

Federal Ministry for Family Affairs, Senior Citizens, Women and Youth

The dissertation discusses the question of how German criminal courts interpret the phenomenon of honour killings. Based on analyses of criminal case records, it examines whether and to what extent district courts follow the jurisprudence of the German Federal Court of Justice (Bundesgerichtshof) by convicting the perpetrators of murder for base motives according to § 211 of the German Criminal Code (StGB). Furthermore, a comparative sentencing analysis from a sample of cases involving intimate partner killings was conducted. The findings demonstrate that German criminal courts punished the perpetrators of honour killings very differently in the examined timeframe between 1996 and 2005. From 2002 onwards, significantly harsher sentences, particularly more life sentences, were imposed. The quantitative comparison of the two homicide case samples shows that intimate partner killings are punished more leniently. A remarkable result of the study is that no positive or negative trend was proven for the intimate partner killings in the examined timeframe. This implies that there is no general tendency to harsher sentences in homicide cases in Germany. Instead, the increase in sentencing in honour killing cases is probably attributable to a chance in the jurisprudence of the German Federal Court of Justice regarding the penalisation of those cases.

Schuetze-Reymann, Jennifer
Referring cases from international to national criminal courts: difficulties and prospects

Ecole nationale d’administration (ENA)

The 20th century has witnessed the rapid proliferation of a variety of international and internationalized criminal courts and tribunals. Their creation has been justified by the international community’s resolve to punish perpetrators of the gravest crimes so as to contribute to restoring peace and justice to (post-)conflict regions. However, the specific contours of the relationship between these international courts and tribunals and relevant national accountability mechanisms continue to be the subject of some uncertainty, not least in light of the fact that national courts have increasingly begun to prosecute international crimes. Given the sheer scale of the crimes committed and the limited resources of international judicial institutions, it is crucial that these courts function in parallel with local courts in a pluralistic, integrative system of international criminal law. At the same time, parallel judicial activities are giving rise to an array of complex legal conundrums.

Conceived first and foremost as a case-reduction mechanism, the ICTY and ICTR case referral practice – as part of the UN Security Council Completion Strategy – is a novel experiment in the laboratory of international criminal justice. It illustrates in a highly concrete manner various legal challenges arising from pluralistic accountability mechanisms in the prosecution of international crimes. The PhD analyses the legal problems highlighted by this practice, identifies possible normative and contextual root causes, and formulates potential solutions that may also be relevant for the International Criminal Court (the latter of which is contemplating its own “completion” scenarios). As such, the PhD sheds light on the shifting dynamic between the main actors involved in the prosecution of international crimes.
Győry, Csaba
Elusive Capital. Is Research on Financial Crimes Possible?

ELTE University Faculty of Law / Hungarian Academy of Sciences

In my paper I would like to discuss one particular problem that is in my view—based on my past research experience—of enormous practical importance for the research on financial crime: the complexity of contemporary financial markets and financial regulation. While ethnographic studies on topics such as natural sciences clearly show that complexity of the subject matter can be tackled, I will argue that complexity of financial markets and their regulation result in an additional challenge: the fluidity of the legal/non-legal divide. What is legal, or indeed, a crime is often a highly contextual question, subject to constant discursive shifts, constantly negotiated by various actors in the field. This is further exacerbated by financial and legal innovation, which by constantly reshaping the legal form of financial transactions in order to move them from regulated into unregulated or less regulated spaces, relentlessly reshapes and relativizes the boundaries of regulation itself.

Lacking even such basic coordinates, criminological inquiry might be tempted to resort to acts the illegal/criminal nature of which is easier to demonstrate: insider trading, or a “rogue trader” taking on oversized risks. However, as I will argue, most financial wrongdoings of any significance to the broader political economy are elusive, and strategically situated on edges of regulation, legality and criminality.

Frankenberg, Kiyomi v.
Grundlagen konsensualer Konfliktlösungsprozesse

Mercator Research Center Ruhr