

SYNOPSIS

DOMAC WP7 Workshop II
Amsterdam Center for International Law – 18 June 2010

The ‘DOMAC’ research programme—*Impact of International Courts on Domestic Procedures in Mass Atrocity Cases*¹—focuses on the impact of international legal procedures in mass atrocity situations on domestic prosecutions, sentencing, and procedural standards. The DOMAC research is carried out in several distinct working packages, the seventh of which (WP7) focuses on the interactions between international reparations programmes and cases in domestic courts.

Various Mass Claims Processes (MCPs) have been conducted in the aftermath of mass atrocities to provide redress to victims. Whether established by negotiated treaties, UN action, class action settlements, or agreements to arbitrate, they have been justified as a means of resolving large numbers of cases that might overwhelm traditional dockets, and as giving a measure of justice to claimants who would otherwise have lacked access to, or been unsuccessful in, domestic courts. Some MCPs were expressly intended to be an exclusive forum, but many have nonetheless led to domestic court litigation. Others have been taken over by domestic judiciaries as part of post-conflict transition from international to domestic administration.

As part of WP7, an expert meeting was convened on 4 December 2008 in Amsterdam. At the first workshop, invited experts in the field of reparations and international law discussed inter alia: (1) Italian and German court decisions on challenges by military internees excluded from the German Forced Labour Compensation Programme; (2) domestic responses in Bosnia and Herzegovina to the work of an international housing claims commission established in the aftermath of the conflict in the 1990s; (3) the procedural infrastructure of mass claims in domestic courts – whether a new unification initiative is needed for mass atrocity litigations; and (4) programmes implemented and avenues being explored as part of the International Criminal Court’s Trust Fund for Victims—and implications of the ICC’s complementarity principle. A report on Workshop I is available at <http://www.domac.is>.

A second workshop will take place on **18 June 2010** in Amsterdam, at which DOMAC researchers and invited specialists will continue the discussion, this time on the basis of, inter alia: (1) the Immovable Property Commission in the ‘Turkish Republic of Northern Cyprus’ and the compensation in Turkey programme established in 2006 to distribute reparations ordered by the European Court of Human Rights; (2) the United Nations Compensation Commission and the Iraq Property Claims Commission; (3) the role of the International Court of Justice in victim reparations; and (4) the Eritrea-Ethiopia Claims Commission.

Workshop II will continue to examine the interactions between international claims processes and domestic courts, what claims or claimants have fared better than others in domestic courts; and how responses from domestic courts are influencing decisions on whether to create new MCPs at the international level in mass atrocity situations.

Findings of both workshops will be part of the materials considered at the up-coming final DOMAC Conference in September 2010 at the Peace Palace, The Hague.

¹ www.domac.is - funded under the Seventh Framework Programme for EU Research.