

# Grotius Centre Newsletter

Winter 2022



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# Welcome To the Newsletter!



Dear colleagues,

Congratulations on yet another successful year. As 2022 comes to an end, we can reflect on what has happened over the last few months.



With the relaxation in corona restrictions, in-person teaching was finally resumed from the beginning of this year. This year again has proven very fruitful and successful in terms of research and teaching. From August to September, several colleagues participated in the Annual Conference of the European Society of International Law (ESIL), which was hosted in Utrecht, the Netherlands. Amongst others, there, Eric and Cecily showcased the launch of their newly published books. We also congratulate Letizia in the publication of her book, and Daniel, who was elected to the board of ESIL. The Kalshoven-Giekes Forum (KGF) won an Erasmus+ grant which enables further collaboration with other partner universities. At the same time, our colleagues at the Grotius Centre continued to hold and attend conferences and lectures to instigate the debate on the contemporary issues of international law, at a time in which international law came increasingly under the public attention. There is too much to mention in this short introduction ; all our activities can be found in this newsletter.



From 2021 to 2022, we welcomed Hilde and Misha as new assistant professors and Lianne, Bojana, Arvind, and Maria as our new PhD candidates. Several colleagues also have left the department. Cale, who left in 2021 successfully defended his PhD in February 2022, Margaretha joined the University of Amsterdam as an Associate Professor in December 2022, Eva will commence a PhD at the University of Luxembourg next year, Tinia has left us to focus on the completion of her Master thesis, and several colleagues will leave early 2023 while finalising their PhD. We wish them the very best!



In 2022, all the Grotius staff put in hard and respected efforts into the research and teaching! With 2023 being just around the corner, we wish you a relaxing winter break and a great start to the new year!

The Grotius Centre Management Board

Professor Eric de Brabandere  
Grotius Centre Director

Associate Professor Daniëlla Dam-de Jong  
Co-Director for Teaching

Professor Carsten Stahn  
Exploring the Frontiers of International Law Programme Coordinator

Associate Professor Joe Powderly  
Co-Director for Teaching + PhD Track Director

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## Highlights on Selected Events 2022

*Photo from the conference on 'Filing an Accountability Gap', 06/12/2022*

In 2022, the Grotius Centre continued to collaborate with several partners in holding conferences and lectures to instigate the debate addressing contemporary issues of international law, including the war in Ukraine, the challenges posed by global climate change, and the fight against impunity. Here are some highlights from the selected events.

Valedictory lecture by Emeritus Professor Nico Schrijver “Re-Uniting for Peace Through International Law”

On the occasion of his retirement as emeritus Professor of Public International Law, Professor Nico Schrijver delivered his valedictory address, titled ‘Re-Uniting for Peace Through International Law’ on 1st July 2022. In the valedictory lecture, Professor Schrijver strongly called for a more engaging United Nations General Assembly in the situations of Ukraine, Yemen, and Syria to uphold



international law, global values, and collective security.

**Filing an Accountability Gap? How a Standing UN Investigative Mechanism Would Further International Criminal Justice**

On 6 December 2022, Grotius Centre hosted a conference which discussed the prospects and potential benefits of the creation of a new standing, independent investigative mechanism in the UN system, includ-



ing options for its establishment, competences, and functioning. The panel had brought together distinguished experts to examine the prospects and added value of a standing UN investigative mechanism. The panelists discussed inter alia the lessons and innovations of the existing investigative mechanisms, and their broader contribution to the exercise of universal jurisdiction and accountability; the benefits and potential challenges of a standing UN investigative mechanisms, including its relationship to other justice mechanisms (e.g., ICC, domestic jurisdictions) and its benefits for victims; and existing proposals for the creation of a standing UN investigative mechanism and their reception.

The conference was moderated by Professor Carsten Stahn. The panelists included Catherine Marchi-Uhel (Head, International, Impartial and Independent Mechanism for Syria), Stephen Rapp (Senior Fellow, US Holocaust Museum and Oxford ELAC; Former US Ambassador-at-Large for Global Criminal Justice), Federica D'Alessandra (Deputy Director, Oxford Institute for Ethics, Law, and Armed Conflict), Kingsley Abbott (Director for Global Accountability, International Commission of Jurists), and Rayhan Asat (Uyghur Human Rights Advocate; Senior Fellow, Wallenberg Centre for Human Rights). Many students from the Advanced and Regular LL.M. also participated and contributed to the discussion.

### Conference 'Justice and Reparation for Victims and Survivors of Genocide'

On 13 May 2022, the Grotius Centre held a high-level event with the French Embassy on 'Obtaining justice and reparations for genocide survivors'. The European Day against Impunity is an initiative that raises awareness about and promotes actions taken against genocide, crimes against humanity, and war crimes. In recognition of this date, a half-day conference was organized to outline the current issues related to the quest for justice and reparations for survivors of genocide. The Day Against Impunity reminds us that the international community must continue working toward strengthening the system of national and international justice and protection for survivors of genocide, war crimes, and crimes against humanity by ensuring accountability, ending impunity, and assisting survivors in their recovery.

Speakers of this conference included Peace Nobel Prize Winner Nadia Murad, Eamon Gilmore, European Union Special Repre-

sentative for Human Rights, Alice Wairimu Nderitu, Special Adviser to the UN Secretary General on the Prevention of Genocide and Gilbert Guillaume, Former President of the International Court of Justice. The event was closed by Prime Minister Mark Rutte. Professor Stahn and Professor van den Herik served as panel chairs.



*Click [here](#) for Prime Minister Mark Rutte's speech at the conference hosted with the French Embassy.*

### Discussion about Promoting Accountability for Atrocity Crimes with US Ambassador-At-Large for Global Criminal Justice

On 24 May 2022, the Grotius Centre hosted a discussion about Promoting Accountability for Atrocity Crimes between Beth van Schaack, US Ambassador-At-Large for Global Criminal Justice and Professor Stahn.



### ICC at 20: GRULAC Conference

On 27 June 2022, the Grotius Centre held a conference with the Embassy of Ecuador, regional coordinator of GRULAC, to commemorate the 20th anniversary of the Entry into Force of the Rome Statute.

In 1998, on the occasion of the adoption of the Statute, the Secretary General of the United Nations, Kofi Annan, expressed that the creation of the Court is an offering for future generations and a great step towards a broader recognition of universal human rights and of the international 'rule of law'. The experiences of each region have contributed relevant legal precedents to the institution. Specifically, the ICC has used jurisprudence from regional human rights courts, including the Inter-American Court. The contribution of civil law has been significant, from the preparatory work for the drafting of the Rome Statute to the present day. The conferences explore what contributions can the region make to the current challenges of the ICC. During the conferences regional perspectives were provided by Latin American Judges of the ICC and the President of the Assembly of States Parties. Opening remarks were provided by Professor van den Herik.





*Global Transformations and Governance Challenges (GTGC) Conference 2022*

## Global Transformations and Governance Challenges (GTGC) Conference 2022

On 8 June 2022, the Grotius Centre co-organised the Opening Panel on ICC at 20 at the Global Transformations and Governance Challenges (GTGC) Conference 2022. The panel included ICC Judge de Brichambaut, Professor van Sliedregt, Eveleyn Ankumah, journalist Janet Anderson and former ICC Deputy Prosecutor James Stewart. The panel was moderated by Professor Stahn.

The GTGC conference aimed to present the wealth of innovative interdisciplinary cross-faculty research ongoing at Leiden and partner universities concerning governance responses to key global developments of our day. Conference proceedings included high-level roundtables regarding the Inter-

national Criminal Court (including opening remarks by the ICC President). Topics included women, peace and security programmes; financing climate change policies; border technologies and migration; regulating algorithms and cryptocurrencies in a global digital society; rethinking human rights in global ecological crisis; grassroots solidarity in the global COVID pandemic; eroding legitimacy of security institutions; and citizen connections to global governance.

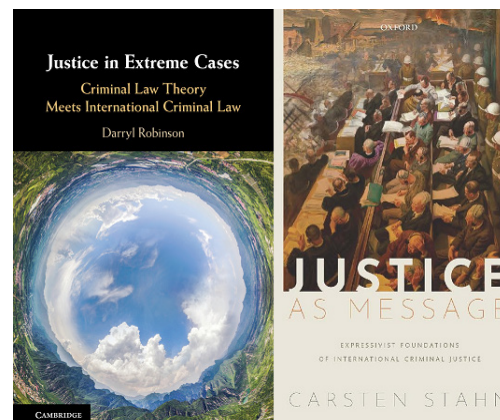
## ICC at 20 Conference at World Forum

On 1 July 2022, Professor Carsten Stahn and Leiden students participated in the Conference marking the 20th anniversary of the entry into force of the Rome Statute of the International Criminal Court at the World Forum: International Criminal Court at 20:

Reflections on the Past, Present and the Future. Prof Stahn acted as Conference Rapporteur and will edit the ICC at 20 volume. The conference started with a keynote speech by the Chair of Rome Conference and first ICC President, H.E. Mr. Philippe Kirsch, followed by three substantive panels on various aspects on the Court's work. Speakers included the President, Prosecutor and Registrar of the ICC, the President of the Assembly of States Parties to the Rome Statute, the Chairperson of the Board of Directors of the ICC's Trust Fund for Victims, the President of the International Criminal Court Bar Association, as well leading academics, civil society experts and practitioners.

## Book Launch 'Justice as Message' and 'Justice in Extreme Cases' at ICC ASP

On 9 December 2022, Professors Stahn and Robinson held a joint book launch on International Criminal Law as Justice: Foundations and Future Direction at the ICC Assembly of States Parties. The two books were discussed by Judge Luz del Carmen Ibáñez Carranza, Vice President ICC, and Professor Elies van Sliedregt.



*The book cover of the two books launched*

## Climate Change and International Law: a Joint Initiative of Blue Ocean Law & Grotius Centre

On 20 and 21st June, Blue Ocean Law and the Grotius Centre for International Legal Studies at Leiden University organized a conference on Climate Change and International Law, with an aim to bring together international legal scholars, practitioners, and advocates to explore the role of international law in addressing the climate crisis. The focus of the convening was Vanuatu's ground-breaking initiative to seek an Advisory Opinion on climate change and human rights from the International Court of Justice—including the initiative's rationale, progress to date, and promise for a more just and sustainable future. More broadly, the conference fostered discussion around the various ways in which international law is being brought to bear on climate change, as well as provide strategic and normative guidance for ongoing and future legal initiatives aimed at achieving climate justice.



*ICC President Piotr Hofmański, Professor Carsten Stahn and Leiden students at the Conference marking the 20th anniversary of the ICC and the Rome Statute*

The Grotius Centre was highly involved in the organization of the conference held in the Peace Palace in the Hague. Eric de Brabandere gave an opening of the conference, followed by an introduction given by Margaretha Wewerinke-Singh. Daniëlla Dam-de Jong chaired the first panel on the Urgenda case and the 'human rights turn' in climate litigation. The second panel 'Bringing climate change before international courts and tribunals' was chaired by Mamadou Hébié. Other keynote speakers included Freerk Vermeulen, Jennifer Robinson from the Doughty Street Chambers, Jorge Viñuales from the University of Cambridge, H.E. Ambassador Odo Tevi, Vanuatu's Special Envoy on Climate Change and Permanent Representative to the UN, Cristelle Pratt of the Organisation of African, Caribbean and Pacific States, and Laurence Boisson de Chazournes from the University of Geneva.



*Photo from the Joint Book Launch on International Criminal Justice at the ICC ASP*





## Grotius Achievements 2022

*Photo from ICC at 20: GRULAC Conference, 27/06/2022*

In 2022, our colleagues remained active in research and teaching: Brian McGarry shared his experience moderating the event on third party's intervention in the ICJ case of *Ukraine v Russia*; Professor Larissa van den Herik research on targeted sanctions had impacted the UN sanction regime; PhD resaercher Sophie Starrenburg presented her research on cultural heritage abroad. This year, Daniel Peat was also elected to the Board of the European Society of International Law (ESIL).

### Intervening in International Justice: Third States and *Ukraine v Russia*

On 17 August, Brian McGarry moderated the event: "Intervening in International Justice: Third States and *Ukraine v. Russia*."

When Brian pitched the idea of this webinar a couple weeks prior, his collaborators were skeptical that they would attract much interest in a "procedural" debate during the dog days of our first post-Covid summer". "But I had just reached the final



stages of my monograph, *Intervening in International Justice: Third States before Courts and Tribunals*, and had my eyes glued since late July to the trickle of third States which had begun to pour into the International Court of Justice, seeking a voice in *Ukraine's* 2022 case against *Russia*." Brian got the sense that all kinds of people were suddenly intrigued by the possibilities of procedural law.

There were over 400 people in attendance, including diplomats, counsel, professors, and students. The Grotius Centre achieved this in partnership with the University of Geneva Faculty of Law, and with the endorsement of

the Max Planck Institute Luxembourg for Procedural Law, the European Society of International Law, the African Society of International Law, and Cambridge University Press. The event was co-chaired by Prof. Makane Moïse Mbengue (University of Geneva) and our director Eric de Brabandere.

"Our invited roundtable speakers — Profs. Pierre d'Argent, Beatrice Bonafé, and Hélène Ruiz Fabri — were candid and extremely gracious in accommodating my plans for a lively debate." Brian gave them a list of 20 prompts beforehand, but did not indicate which ones he would ask, or to whom they would be di-



rected. He wanted an organic discussion that they could push into intriguing places based on unexpected responses — and for this topic and this opportunity, he was eager to put in the preparation required to pull that off. “I’m grateful to have had the confidence of the Grotius Centre, and the trust of our collaborators in this unique and timely event. That was my favorite two hours of work this year!”

### Daniel Peat elected to the Board of ESIL

At its 2022 annual meeting in Utrecht, the European Society of International Law elected seven members to the Board of the Society for a term of four years, including Daniel Peat of the Grotius Centre.



As a member of the Board, Daniel will take part in the management of the Society, including, in the first instance, the coordination of ESIL Interest Groups and the ‘greening’ of ESIL activities. More information about the Board and the initiatives that Daniel would like to pursue during his tenure are available here: <https://esil-sedi.eu/intro-to-the-new-esil-board/>, and here: [https://esil-sedi.eu/wp-content/uploads/2022/07/Board-candidates-2022\\_final.pdf](https://esil-sedi.eu/wp-content/uploads/2022/07/Board-candidates-2022_final.pdf).

### Professor Larissa van den Herik’s research on targeted sanctions

Professor Larissa van den Herik remained active in presenting her research on UN targeted sanctions at various academic and professional fora.



From 27 to 28 April 2022, Professor van den Herik participated in the organisation of the Greentree retreat on “Enhancing Due Process in UN Security Council Targeted Sanctions Regimes: Ongoing Challenges, New Approaches”, convened by the Graduate Institute, Geneva and Ireland, Norway and Switzerland. The research looks at how an institutional mechanism could be created for either a single sanctions regime or a cluster of related sanctions regimes, building on the foundations established in the Fairly Clear Risks report of 2019. The main aim was to justify the choice of one or a cluster of sanctions regimes for which a context-sensitive review mechanism is designed as a basis for a new proposal to the UN Security Council for enhancing due process in UN targeted sanctions.

On 24 May 2022, Professor van den Herik, together with Professor Peter van Bergeijk from the International Institute of Social Studies (ISS), delivered a keynote lecture: ‘Sanctions as the go-to-tool: do they work and what role for international law?’ at the spring meeting of the Royal Netherlands Society of International Law. Already before the Russian aggression against Ukraine, the stalemate in the UN Security Council increasingly led to a wave of unilateral sanctions. Economic sanctions may seem to have become the instrument of choice to deal with international crises, but the role of the UN Security Council has diminished. Against this background, the lecture discussed the following issues: Do sanctions work at all? What drives their success and failure? Why is coordination of sanctions so difficult? Should international law have a more prominent role in governing sanctions? Importantly, although targeted sanctions remain very present on the sanctions’ menu, there is again a trend towards the re-comprehension of sanctions, a return to the more comprehensive sanctions of before.

What is the future of the sanction instrument? The lecture took place at the Humanity Hub in The Hague and online via Zoom.

To further her contribution on the related research subjects, Professor van den Herik will also provide independent advice on public international law to the Dutch Standing Advisory Committee (CAVV) on 19 January 2023.

### Sophie Starrenburg is active abroad!

From March to June 2022, our Ph.D candidate Sophie Starrenburg was a visiting researcher at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg, Germany. While in Heidelberg, Sophie continued work on her PhD research on balancing between local and global interests within international heritage law. Her visit was funded by an Institute Grant awarded by the Max Planck Institute.



In 2022, Sophie also presented at several conferences in Oxford and Utrecht. She also travelled to Santiago de Chile in December 2022, where she presented at the 2022 Biennial Conference of the Association of Critical Heritage Studies, which took place at Pontificia Universidad Católica de Chile. Her presentation was entitled: ‘Participation as Panacea? Addressing Forced Displacement in International Cultural Heritage Law’.



## Kalshoven-Gieskes Forum on International Humanitarian Law

*Leiden IHL Clinic students and their supervisors participate in a student exchange conference in Germany*

The Kalshoven-Gieskes Forum (“KGF”) on International Humanitarian Law and its IHL Clinic is part of the Grotius Centre for International Legal Studies at Leiden Law School. In 2022, the KGF won the Erasmus+ grant to advance the clinical teaching through cooperation with several partners!

### KGF wins Erasmus+ grant

Associate Professor Dr. Robert Heinsch and his team of IHL Clinic researchers at the KGF have won a prestigious Erasmus+ grant for cooperation partnerships in higher education with the IHL Clinics at Ruhr-University Bochum (Germany) and Roma Tre University (Italy). The successful grant proposal aims at bringing together cutting-edge Research, Education, and Dissemination (“RED”) in the field of International Humanitarian Law (IHL). As



such, the consortium has designated itself the IHL RED cooperation.

### Objective of the IHL RED cooperation

Through practical legal research in the framework of IHL Clinics, students gain valuable insights into the functioning and needs of international and humanitarian organisations, international courts and tribunals, government institutions, civil society and other actors that work in conflict areas or with victims of armed conflict. In empowering students to acquire new, practically relevant competences, the IHL Clinics shape the new generation of IHL practitioners and offer them better career

prospects, training them as qualified recruits ready to respond to the needs of their professional partners.

The IHL RED cooperation furthermore involves activities to advance the clinical legal teaching method and further disseminate the values of IHL. This includes the organization of conferences dedicated specifically to the advancement of clinical legal teaching and training the trainers, as well as annual student exchange conferences. As one of the first steps of this three-year cooperation, the consortium partners organized their first IHL Clinic Exchange Conference from 26 to 29 June 2022 at Ruhr-University Bochum. Following the theme ‘IHL in Despair’

IHL in Action? Perspectives and answers from military, politics, civil society and academia', ten Leiden IHL Clinic students from the adv. LL.M. in Public International Law were able to travel to Germany and have an intensive and stimulating exchange with IHL practitioners and their peers from the two partner universities.

The Kalshoven-Gieskes Forum will host the next IHL Clinic Exchange Conference in Spring 2023, as well as a dedicated IHL Clinic Advancement Conference shortly thereafter to raise awareness among European universities and humanitarian actors of the value of establishing and cooperating with IHL Clinics.

## Leiden IHL Clinic Research Projects in 2022

In the spring term of 2022, the Leiden IHL Clinic engaged in two projects, for which students conducted legal research, analysis and legal writing in cooperation with a partner organization.

One IHL Clinic project considered business and human rights law, and was conducted in collaboration with the partner organisation Global Rights Compliance, a The Hague-based Foundation and global legal partnership of human rights and IHL advisors. The project culminated in the production of the toolkit, 'Remedy in Conflict: A Victim-Centred Approach to Remedy for

Business-Related Human Rights Abuses by Extractive Industry Companies.'

The second project conducted by the Leiden IHL Clinic in spring 2022 dealt with current dialogue among states on the manner in which IHL applies in cyberspace, entitled 'Mapping State Opinions on the Application of International Humanitarian Law to Cyberspace'. The team worked in cooperation with the United Nations Institute for Disarmament Research (UNIDIR) to conduct a thorough mapping of states' opinions on the application of international humanitarian law to cyberspace.

In March 2022, the KGF concluded the research project on "Digitally Derived Evidence" ("DDE"), which examines the different legal standards of evidence applicable at various international accountability fora, by the launch of the DDE Database. The DDE database includes the 'Leiden Guidelines on the Use of DDE in International Criminal Courts and Tribunals'. A useful and practical resource for ICL practitioners, the DDE Database is the culmination of the KGF and Leiden IHL Clinic's three-year DDE Project, funded by the Swiss Federal Department of Foreign Affairs and finalized in the 2021-2022 Winter term by a dedicated team of IHL Clinic student researchers.

The DDE research project makes use of the expertise and infrastructure of both the Kalshoven-Gieskes Forum on International Humanitarian Law as well as the Grotius Centre for International Legal Studies at Leiden University. This research project is funded by the Federal Department of Foreign Affairs (FDFA), Switzerland. The database is available here: <https://leiden-guidelines.com>.



*The 2022 IHL Clinic Exchange Conference was hosted in Germany and brought together practitioners, academics and students from Bochum University, Roma Tre University, and Leiden University.*





# Welcome aboard!

Since the publication of the last Grotius Newsletter, we've been fortunate to see a lot of new faces at our Grotius Centre. In both 2021 and 2022, we were joined by several new assistant professors and PhD candidates.

## Hilde Woker Assistant Professor

Hei! I am Hilde Woker, and I joined the Grotius Centre as an assistant professor of public international law in October 2021.

Although I also have an LLM degree from Leiden University, I spent the last 6-7 years in Arctic Norway. I did my PhD at the Norwegian Centre for the Law of the Sea (NCLOS) at UiT – The Arctic University of Norway in Tromsø and stayed there for some postdoctoral work before moving to the Netherlands last year. Needless to say, my research area is the inter-



national law of the sea, and, more specifically, the legal definition and limits of the continental shelf and the law-science interface within the law of the sea.

Here at the Grotius Centre, I am the course coordinator for the Bachelor 1 course 'Inleidende Internationaal Publiekrecht' (Introduction to Public International Law), allowing me to work with a great team of excellent co-instructors as well as getting to know the Law Faculty in general. I have also been involved (and will be involved) in other teaching activities offered by the Grotius Centre, such as the BA3 course with Cecily, the Leiden Law Practices tutoring programme, master thesis supervision, and the Law and Practice of International

Organizations course with Niels. I regularly give guest lectures on the law of the sea and/or Polar law, and other introductory lectures on the foundations of public international law.

As for my research, I have been fortunate enough to be able to present my research at various conferences over the past year, finalize some publications and start the process of publishing my PhD as a book, and I look forward to collaborating with colleagues in the future! Whenever I am not working, you can find me outdoors, hiking with my dog, having drinks with friends, reading a good book, and/or enjoying a boardgame with friends and colleagues!

**Misha Plagis**  
**Assistant Professor**



Hey, I'm Misha Plagis, and I joined the Grotius Centre as an Assistant Professor of public international law in February 2022 (making me the newest Assistant Prof after Hilde!). To the Dutch speakers I sound (more or less) Dutch because I moved to the Netherlands when I was 16, but I grew up in South Africa (hence my accent in English). I've spent most of my time in and around Europe the last couple of years. I completed my LLB and LLM degrees at Maastricht University, and my PhD at the Freie Universitaet Berlin as part of the international and interdisciplinary graduate programme entitled 'Human Rights Under Pressure'. During my PhD I spent time at various research centres as a guest researcher, including the Max Planck Institute for International Procedural Law in Luxembourg, iCourts in Copenhagen, and the University of Cape Town, before starting my postdoc at the Asser Institute in The Hague. It was also at these institutions that I further developed my specialisation on the African human rights system, and the work of the African Court on Human and Peoples' Rights in particular.

At Leiden I am part of the BA1 (Inleiding Internationaal Publiekrecht) and BA3 (Public International Law) teaching teams, and I'm one of the colleagues who teaches Principles of Public International Law at Leiden University College. As one of the few specialists on the African human rights system in the Netherlands, I'm fortunate enough to get to share my research interests with LLB and LLM students around the Netherlands as a guest lecturer. I also have the great privilege of being part of a research team working with the African Court on a project on their outreach strategies when it comes to States accepting their jurisdiction.

**Lianne Baars**  
**Meijers PhD candidate**



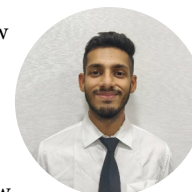
Hi everyone! My name is Lianne and I joined the Grotius Centre in October 2022 as Meijers PhD candidate. I pursued both my Bachelors in Law and my Masters in Public International Law at Leiden University, so it is an exciting opportunity for me to continue my academic development here. In addition, I went to Sciences Po for an exchange semester, and to the University of Edinburgh for the LLM Global Environment and Climate Change Law. All of these experiences have inspired my research, which focuses on the procedural challenges of climate change litigation at international human rights

**Bojana Ristić**  
**Internal PhD candidate**



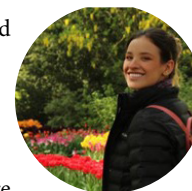
My name is Bojana. I come from Serbia, where I worked both in practice and in academia for the first couple of years of my career. I pursued Advanced LLM in International Dispute Settlement and Arbitration at Leiden University in 2020-2021 and afterwards worked for a year at the Permanent Court of Arbitration as the Leiden fellow. I joined the Grotius Centre in September 2022 and will be conducting PhD research on International Investment Law and the Protection of National Security Interests in the Digital Era, as well as work as the Managing Editor of Leiden Journal of International Law.

**Arvind Pillai**  
**Internal PhD candidate**



I am Arvind Pillai from New Delhi, India. I was previously a lawyer in corporate law, specialising in competition law but decided to take a big leap into international law and specifically, international criminal law. I will be joining the Grotius Centre on 30 November 2022 and be researching defence strategies and decision making in evidence issues in international criminal law. It is a very exciting project which will combine the didactic approach of studying case law, court transcripts etc. with socio-empirical data gathered through interviews with relevant defence counsels. On the side, I will be joining the International Organisations Law Review as a deputy managing editor from January onwards. Apart from my curricular activities, I am also very interested in music, visual media such as shows and movies and mootings. Interestingly enough, my entire inspiration for joining Leiden and this career path arose when I flew to the Netherlands to represent India in the ICC Moot Court Competition in 2017.

**María Manuela Márquez Velásquez**  
**Internal PhD candidate**



I am a Colombian-Portuguese lawyer. I moved to the Netherlands in 2021 to do my LLM in Public International Law (International Criminal Law) at Leiden University. Before that, I worked as a consultant for the Colombian Special Jurisdiction for Peace and as a researcher in international criminal law and human rights. I am delighted to join the Grotius Centre in January 2023 as a PhD candidate. My research focuses on modes of liability under international criminal law. Outside of academia, I am also a yoga teacher and a passionate oil painter!





## Leiden University achieved good results in various moot court competitions

The year 2022 was a fruitful year for the moot teams coached by the Grotius staff. The team of Leiden University won three prizes at the International Criminal Court (ICC) Moot Court Competition and the national round of the Philip C. Jessup International Law Moot Competition. Leiden University also won the first runner-up in the Telders International Law Moot Court Competition of 2022!

### Leiden University won three prizes at the IBA ICC Moot Court Competition 2022

Leiden University had another successful year in the IBA ICC Moot Court Competition. The team, consisting of Tobie Raphaël Godue, Todor Rogoshev, Romane Guillo, Julie Lemoine-Fischer, and Ziyun Huang, placed 6th amongst 76 teams in the preliminary round! The team was coached by PhD researchers Sze Hong Lam and Arvind Pillai.

While Leiden University failed to proceed into the final round this year, it won second place for Best Defence Team and third place for Best Prosecutor Team. Todor Rogoshev was also

awarded the First Runner-up Best Defense Counsel. These results cement Leiden's place as one of the world's leading institutions for international criminal law and advocacy training. The IBA ICC Moot Court Competition was jointly organized by the Grotius Centre of Leiden University, the International Bar Association, and the International Criminal Court.

### Leiden University ranked 2nd in the Telders International Law Moot Court Competition 2022

Leiden University entered into the final round of the Telders International Law Moot Court Competition of 2022 as the finalist team this

year. The team, consisting of Daniel Webb, Gian Clavadetscher, Chantal Bauhofer, and Ellen Groom, was ranked 2nd amongst 25 universities from 18 countries competed in the competition. The team was coached by Annick Vossebelt, Sauganthika Ananthachari Sowrirajan, and Bholenath.

The Telders International Law Moot Court Competition has been held each year since 1977. 2022 marked the 45th edition of the competition. The Leiden University has consistently provided financial and organizational support for the Telders competition which takes place in the Hague, the city of peace and justice!



Leiden University won three prizes at the Philip C. Jessup International Law Moot Court Competition 2022

The Leiden University team became runners-up in the highly competitive National Final Round of the Jessup moot in Maastricht in February 2022. The team excelled in both the written and oral components of the competition. Both the Applicant and Respondent written memorials were awarded the first place of the Netherlands, and Julia Sabatello was awarded the prize for runner-up best oralist.

The team, consisting of Jan Leliveld, Aleksandra Ptak, Julian Hegge, Julia Sabatello and Brage Bungum Gallis, represented Leiden University with absolute professionalism and made great impressions on the Judges in every single round. Their coaches, Eva te Dorsthorst and Bholenath, could not have been more proud of their performance!

Leiden University participated in the Frits Kalshoven Competition on International Humanitarian Law in March 2022

In 2022, Leiden University was proudly represented by Marie Vounelakos, Elfie Gay and Simran Agrawal at the Frits Kalshoven Competition on IHL. From 9-11 March 2022, the team participated in roleplays, followed workshops and lectures, and argued a moot case in the District Court of The Hague. Due to their hard work in the months leading up to the Competition, the team received very positive feedback, and all participants learned a lot on how IHL applies in practice. The team was coached by Joëlle Zonjee and Padmaja Menon. The 16th edition of the competition will take place in the Hague again from Wednesday 8 to Friday 10 March 2023, we wish the Leiden team the best of luck!

## Grotius Dialogues 2022

The Grotius Dialogues provide a forum for Grotius Centre-affiliated researchers to present their current research and obtain feedback from colleagues. In 2022, the Grotius Dialogues were proud to host the following discussions:

- 20 Jan 2022, **Jason Rudall** - Altruism in International Law
- 17 Feb 2022, **Ginevra Le Moli** - Human Dignity in International Law
- 21 April 2022, **Cecily Rose** - Asset Recovery
- 24 May 2022, **David Takacs** - In a 4°C World, Biodiversity as Mitadaptation & Mitadaptation as Biodiversity Conservation
- 9 June 2022, **Katalin Sulyok** - Science and Judicial Reasoning
- 7 July 2022, **Eliana Cusato** - The Ecology of War and Peace
- 3 Nov 2022, **Letizia Lo Giacco** - Framing 'public interest' in public international law
- 17 Nov 2022, **Caroline Henckels** - The metaphor of dialogue and investor-state dispute settlement
- 13 Dec 2022, **Massimo Lando** - Deducing Customary International Law



*Photo after the PhD Defence of Dr. Ezequiel Heffes, 26/04/2022*

In 2022, Grotius Centre witnessed four PhD researchers received their doctorates. We would like to express our sincere congratulations to Cale Davis, Floris Tan, Ezequiel Heffes, and Ciara Laverty!

#### Cale Davis

#### **Prosecutorial Discretion in International Criminal Justice**

On 23 February 2022, Cale Davis defended the thesis 'Prosecutorial Discretion in International Criminal Justice'. The doctoral research was supervised by Carsten Stahn and Joe Powderly.



International prosecutors are the gatekeepers to international criminal justice. They have the sole authority to prosecute people for the most serious crimes at international courts: genocide, war crimes, and crimes against humanity. Every day, they need to decide which situations to investigate; which crimes to charge;

which witnesses to call; whether to negotiate pleas; and whether to appeal. These decisions, and countless others, breathe life into law by translating it from ideas into action. Cale's research studies the considerations in the decision making of the international prosecutors. They shape what international criminal justice is, how it develops, and what it does. But what do prosecutors consider when making these decisions, and why?

For the first time, Cale Davis's thesis cracks open the 'black box' of prosecutorial decision-making. By drawing upon first-hand interviews with current and former senior prosecutors at the highest levels of international courts, Davis shines a light on the motivations and assumptions that drive the practice of prosecuting in international criminal justice. In particular, Cale demonstrates that prose-

cutors adopt different roles towards the institutions, people, and concepts they encounter in their work. He shows that three role-identities have shaped prosecutorial decision-making: prosecutors have been norm performers, builders, and guardians. Cale argues that by paying greater attention to the role-identities individual prosecutors adopt, it becomes possible to understand why they make the decisions they do.

Doing this research was a lot of fun, said Cale. 'I was very fortunate that I got to spend a lot of time "in the field" interviewing senior prosecutors about their decision-making. That allowed me to get a lot of very interesting, first-hand insights into how discretion worked from the people that actually exercised it.'

Floris Tan

**The duty to investigate in situations of armed conflict: an examination under international humanitarian law, international human rights law, and their interplay**

Floris' study explores the duty to investigate potential violations of the law during armed conflict, and does so under international humanitarian law (IHL), international human rights law (IHRL), and their interplay. Through a meticulous comparative legal analysis, it maps out the scope and contents of investigative obligations. On the basis of general international law, it also develops and applies a step-by-step methodology for resolving issues of interplay between both legal regimes. In doing so, this study clarifies the scope of application and contents of investigative obligations under both legal regimes, as well as for situations to which both apply. The study finds that the oft-heard narrative to require States to conduct human rights investigations during armed conflict would impose inordinate burdens on them, and would be wholly unrealistic in light of the realities of hostilities, is unfounded and in need of revision. Floris was supervised by Titia Loenen and Helen Duffy.



Ezequiel Heffes

**To Detain, or Not to Detain: A Functional Approach to Non-State Armed Groups' Activities in Non-International Armed Conflicts**

On 26 April 2022, Ezequiel Heffes defended his PhD on Detain, or Not to Detain: A



Functional Approach to Non-State Armed Groups, co-supervised by Dr Robert Heinsch and Professor Stahn, and published by Cambridge University Press. The jury included inter alia Professors Andrew Clapham, Thilo Marauhn and Helen Duffy.

During armed conflict, non-State armed groups (NSAGs) deprive individuals of their liberty on a regular basis. Examples can be found in Colombia, Afghanistan, Libya, Syria, Mali and the Democratic Republic of the Congo (DRC), among many others. Yet, examining these activities goes beyond its mere acknowledgment. Heffes' thesis explores the legal regulation of NSAGs' detention activities in non-international armed conflicts (NI-ACs). It does so by concentrating on NSAGs' practices in this field, presenting and testing the hypothesis that certain rules of international law oblige these actors not to arbitrarily deprive individuals of their liberty. Furthermore, it argues that NSAGs must have a legal basis in order to undertake these activities. In addition, and by relying on a "legal pluralistic" approach of international law, that basis is to be found in those "laws" and regulations established by the groups themselves. Other options are also possible, such as the adaption of the State's domestic law or an agreement concluded with a third party. Indeed, these "laws" and regulations could allow NSAGs to potentially respect their obligations in the field of detention, including the principle of legality.

**Ciara Laverty  
Making Crimes Mean**

On 14 December 2022, Ciara Laverty successfully defended her thesis on Making Crimes



Mean, which examines the interests protected by international criminal acts and how they relate to the communicative function of the law.

Using the crimes of attacks on cultural property, pillage, sexual violence and reproductive violence as case studies for analysis, Ciara's thesis develops an interdisciplinary methodological approach which centralises the narratives and discourses that emerge around particular crimes as central to how they are given normative content in practice. This analysis reveals a diverse, flexible and dynamic normative picture of these crimes, which demonstrates how their normative meanings are not natural or given, but are instead produced through an ongoing process of meaning making that takes place throughout the legal process in a continuum of cases. Understanding the normative dimensions of the acts that constitute international crimes in these terms not only exposes a diversity of interests that transcends their dominant characterisations as violations of basic security rights, but also uncovers the processes through which their normative foundations are constructed and transformed internally through practice. This thesis ultimately offers a dynamic, pluralist and socially constructed account of wrong in international criminal law, which recognises the relationship between criminal wrong and transformations in the wider social and political order, and contributes to developing a more granular understanding of the nature of the representational work that international criminal justice does in the world.

Ciara was co-supervised by Professor Stahn and Dr. Joe Powderly. The Committee included inter alia Professor Drumbl, Dr. Kiran Grewal and Dr. Barrie Sander.

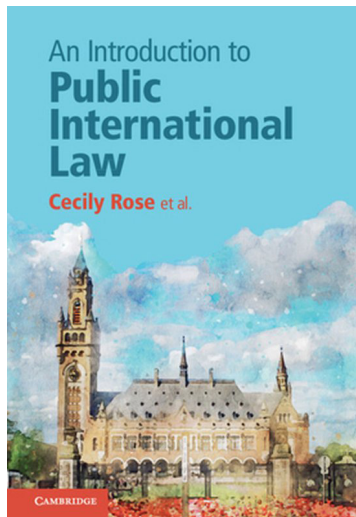




## Book Showcase

Cecily Rose et al (eds)

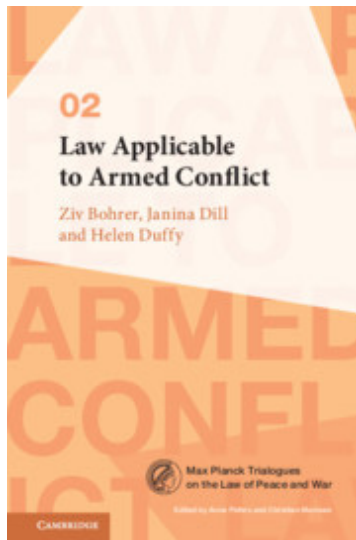
*An introduction to Public International Law*



A number of current and former staff members of the Grotius Centre for International Legal Studies contributed chapters, namely Cecily Rose, Niels Blokker, Daniëlla Dam-de Jong, Simone van den Driest (Dutch Council of State), Robert Heinsch, Erik Koppe (Pels Rijcken), and Nico Schrijver (Dutch Council of State).

The textbook published by Cambridge University Press, begins with a foreword written by Sir Christopher Greenwood. At present, this textbook represents the only English-language textbook on the general field public international law that has been authored by academics at a Dutch university. It also represents the first textbook in the general field of public international law from Leiden University since Pieter Kooijmans' *Internationaal publiekrecht in vogelvucht* and Nico Schrijver's *Internationaal Publiekrecht als Wereldrecht*.

The book is written for students working in a range of disciplines, and provides an accessible, balanced and nuanced introduction to the field of public international law. It explains the basic concepts and legal frameworks of public international law while acknowledging the field's inherent complexities and controversies. Featuring numerous carefully chosen and clearly explained examples, it demonstrates how the law applies in practice, and public international law's pervasive influence on world affairs, both past and present. Aiming not to over-emphasize any particular domestic jurisdiction or research interest, this textbook offers a global overview of public international law that will be highly valuable to any student new to the study of this very significant field.

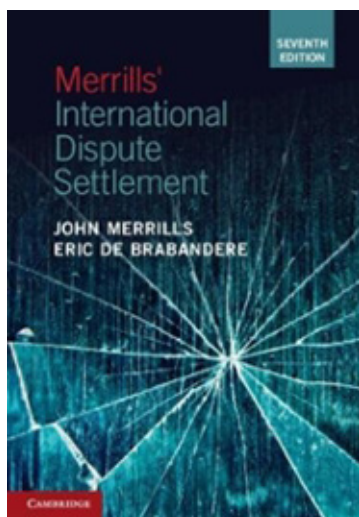


Helen Duffy, Ziv Bohrer, and Janina Dill (eds)

*Law Applicable to Armed Conflict*

Which law applies to armed conflict? This book investigates the applicability of international humanitarian law and international human rights law to armed conflict situations. The issue is examined by three scholars whose professional, theoretical, and methodological backgrounds and outlooks differ greatly. These multiple perspectives expose the political factors and intellectual styles that influence scholarly approaches and legal answers, and the unique trialogical format encourages its participants to decenter their perspectives. By focussing on the authors' divergence and disagreement, a richer understanding of the law applicable to armed conflict is achieved. The book, firstly, provides a detailed study of the law applicable to armed conflict situations. Secondly, it explores the regimes' interrelation and the legal techniques for their coordination and prevention of potential norm conflicts. Thirdly, the book moves beyond the positive analysis of the law and probes the normative principles that guide the interpretation, application and development of law.





John Merrills, Eric de Brabandere

*Merrills' International Dispute Settlement (7th edn)*

Eric De Brabandere of the Grotius Centre for International Legal Studies published the 7th edition of the handbook Merrills' International Dispute Settlement. The previous editions of this seminal handbook were authored by the late Professor John G. Merrills, who was Emeritus Professor at the University of Sheffield and sadly passed away in 2018. Professor Merrills had last updated this important textbook in 2016, and Eric De Brabandere was asked by Cambridge University Press to take charge of a new edition.

Merrills' International Dispute Settlement is one of the few existing handbooks on international dispute settlement. The fully revised 7th edition of this handbook, as the previous versions, explains the legal and diplomatic methods and organisations used to solve international disputes, how they work and when they are used. It looks at diplomatic (negotiation, mediation, inquiry and conciliation) and legal methods (arbitration, judicial settlement). The new edition has been fully updated throughout, and includes two new chapters: an introductory chapter, the common principles of settlement, and a chapter on investor–state arbitration. Recommended further readings at the end of each chapter have also been added, in addition to a general revision of text and the references.



## Grotius Social Media

Eva te Dorsthorst and Anna Smulders have been in charge of the Grotius social media since August this year, managing respectively our Twitter and LinkedIn pages.

The Grotius [Twitter](#) account has gained over **350** followers since August 2022, and now has around **14.000** followers in total. Top tweets have reached a great number of people: about **3 - 5.000** 'views'. For [LinkedIn](#), our page has gained **945** followers, which is an increase of 120% compared to the preceding months. It now totals at nearly **7.000** followers. Engagement with the [LinkedIn](#) page more generally, such as page views, unique visitors, etc., has increased by **8%** on average.

Thank you for the wonderful updates on your publications, lectures and activities, which have all contributed greatly to the growth of our outreach. As always, please contact Anna if you would also like to publish some information via the social media channels!



# Call for Panels and Papers

## Global Transformations and Governance Challenges

The Global Transformations and Governance Challenges (GTGC) Conference is going to take place in the Hague from 7-9 June in 2023. We invite your submission of abstracts for panels and papers that explore how society and politics can (better) handle pressing current global problems in democratic, effective, fair, peaceful and sustainable ways. The deadline for submissions is 15 February 2023.

After a successful first conference in June 2022, GTGC will hold its second international conference on 7-9 June 2023 at Leiden University's The Hague Campus, Netherlands. The proceedings will include highlevel practitioner roundtables, academic panel discussions, and a book launch event. Receptions, lunches, and coffee breaks will offer extensive networking opportunities.

We invite proposals dealing with global transformations from a variety of disciplinary angles, methodological perspectives, and issue areas (e.g., climate change, digitalization, human rights, migration). Key questions that we will address during the conference include, but are not limited to:

- Are current governance systems adequate to manage complex global developments? If not, what could be done to improve the situation?
- What lessons can be learnt from past experiences with (mis)handling these challenges?
- How can citizens be more actively involved in the governance of complex global problems?
- How can governance arrangements for global transformations better address marginalized actors?

Panel proposals should include:

- name(s), affiliation, and a short biography (50-100 words) of the main applicant(s)
- panel description of max. 350 words

- paper abstracts of max. 200 words each (minimum 3 and maximum 5 papers)
- name(s) and affiliation of paper presenters
- name of panel chair and, if applicable, discussant

Paper proposals should include:

- name(s), affiliation, and a short biography (50-100 words) of the applicant(s)
- paper abstract of maximum 200 words

Please submit your proposals to [gtgc-conference@leidenuniv.nl](mailto:gtgc-conference@leidenuniv.nl) by 15 February 2023. Successful applicants will be notified in early March. For any conference-related queries, please contact [gtgc-conference@leidenuniv.nl](mailto:gtgc-conference@leidenuniv.nl). We are looking forward to your proposals!





*Grotius Christmas dinner at Hotel Des Indes, the Hague, 17/12/2022*

*Special Thanks to Hilde, Joëlle, Licette and Micky for organizing the dinner!*

