

## CALL FOR PAPERS

The OSCE Presence in Albania and the Centre for Justice and Transformation/ Faculty of Social Sciences of the University of Tirana are now accepting abstract submissions for the 2021 Transitional Justice Conference on the theme:

### **Enforced and Involuntary Disappearances in dictatorship and authoritarian past and contemporary settings: a social, legal and historical appraisal of transitional and transformation policies and mechanisms**

As a result of systematic gross violations of human rights during the communist era in Albania, thousands of individuals are still classified missing because of extrajudicial killings, deaths during investigation or detention and executions. According to the Working Group on Enforced or Involuntary Disappearances (WGEID), there are also stories of victims who perished while attempting to escape the regime by leaving the country, and who were executed at border crossings; prisoners who were executed while attempting to flee from places of detention; and individuals who disappeared during military service.<sup>1</sup> Official data on missing persons and on judicially or extrajudicially imprisoned or executed victims between 1945 and 1991 are incomplete. It is estimated that around 6,000 persons went missing during the dictatorship.<sup>2</sup>

Both in the OSCE region and beyond, the fate of the missing is an issue of concern for many countries that have experienced authoritarian regimes and dictatorship. Relatively common features include limited progress in the finalization of the lists and records of the missing persons, as well as in the search of the execution places and potential grave location; lack of strategies and a decrease in the financial and human resources devoted to these tasks.

In addition, in many countries financial compensation for victims and their relatives remains insufficient and barely reflects the moral and psychological suffering endured since the alleged disappearance. Not unfrequently, identification and excavation of burial sites are promoted and funded by the relatives of the missing persons.

Moreover, the current legal framework in force in countries in the OSCE region and beyond requires at times significant amendments as to the definition, typology and timeframe of the alleged criminal offences and their investigation, to the technical processes and their deadlines as well as to the stakeholders and the modalities of the cooperation among them. One of the main obstacles to progress observed in countries addressing this issue is the lack of impetus in collecting the necessary evidence due to lack of dedicated legislation that regulates the missing persons' situations, as well as due to the insufficient awareness of the competent institutions of the international human rights obligations in the field.

Enquiring about and locating persons unaccounted for constitutes a state's obligation enshrined first and foremost in the International Convention for the Protection of All Persons from Enforced

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<sup>1</sup> WGEID, Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Albania, UN Doc A/HRC/36/39/Add.1, 18 July 2017, para. 13

<sup>2</sup> <http://autoritidosjeve.gov.al/wp-content/uploads/2020/06/AIDSSH-Annual-Report-2019.pdf>

Disappearances (ICIPED), according to which enforced disappearance constitutes a crime against humanity when practised in a widespread or systematic manner, and states are under the obligation to make the offence of enforced disappearance punishable by appropriate penalties and to investigate it as continuous offence.

Those obligations are linked to and complement multiple human rights foreseen and protected by a number of international instruments such as the International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights and Fundamental Freedoms (ECHR), the American Convention on Human Rights (ACHR) and the African Charter on Human and Peoples' Rights. Said rights range from right to security, liberty and dignity of the person to the right to life, the right not to be subjected to torture or degrading treatment or punishment, the right to a family life, the right to recognition as a person before the law, the right to effective and official investigations, etc.

In addition, the right to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared persons is asserted and elaborated in the provisions of ICIPED itself as well as a number of binding and non-binding international instruments, in the national legislation of certain countries, in international and domestic case law and in the state practice consisting in the establishment of various truth seeking mechanisms in the period following serious human rights crises, dictatorships or armed conflicts.

Back in 2009, the OSCE Parliamentary Assembly adopted the "Resolution on Divided Europe Reunited: Promoting Human Rights and Civil Liberties in the OSCE Region in the 21st Century", whose paragraph 13 urges the participating States:

*a. to continue research into and raise public awareness of the totalitarian legacy;*

*b. to develop and improve educational tools, programmes and activities, most notably for younger generations, on totalitarian history, human dignity, human rights and fundamental freedoms, pluralism, democracy and tolerance; [...]*

In addition, paragraph 16 calls upon all participating States to open their historical and political archives.

Following on its previous efforts and initiatives, the Presence, in collaboration with the University of Tirana, intends to further support research, academic and technical discussions on transitional justice, with a particular focus on the issue of missing people as victims of enforced disappearance during authoritarian regimes and dictatorship, in a national, international and comparative perspective.

The Conference aims to bring together academics, practitioners and policy makers from any region of the world that experienced authoritarian regimes and dictatorship to explore and rethink the issue of the missing in transitional justice and transformation settings to foster human rights and rule of law.

We encourage the submission of abstracts, extended abstract and full papers from different schools of thought and disciplinary areas.

Recognizing the role of the younger generation in shaping the democratic future of their countries, we welcome submissions from students involved in relevant Master or Doctoral programs.

Submissions on how enforced and involuntary disappearance relates with gender issues are particularly welcome.

The submissions can be theoretical appraisals from an historical, legal, political, sociological and comparative point of view as well as empirical case studies, including analysis and comparative analysis of decisions taken by state authorities, courts, constitutional courts, or other competent bodies as well as interpretative decisions on laws, by laws and regulations by competent authorities.

Topics of interest include but are not limited to:

- *Enquires and investigations on the fate of missing persons as mechanisms to ensure accountability, serve justice and achieve reconciliation (revelatory, reconciliatory, retributive and reparatory intended and unintended effects)*
- *Political culture and its influence on the Missing Persons' processes*
- *Investigative journalism, missing persons and quest for truth*
- *Relationship between missing persons, right to truth and democratic consolidation*
- *Roles of human rights groups, academia, civil society and victims' organisations in Missing Persons' processes*
- *Missing Persons and gender perspective: how enforced and involuntary disappearance affect women (physical and sexual violence, health issues, pregnancy, relation with disappeared persons, etc.)*
- *Right to truth as the State obligation to reveal to the victims and society everything known about the facts and circumstances of systematic human rights violations of the past, including the identity of the perpetrators and instigators: an historical, political or judicial truth?*
- *Social and psycho-social consequences of mismanagement of the missing persons cases: psychological support to relatives of missing persons and victims of enforced disappearance throughout the process*
- *Mobilization of public opinion and awareness raising of those unaffected*
- *Creation of national commissions or central institutions mandated to co-ordinate the search for missing persons: issues of adequate human and financial resources, transparent and independent manner of working, cooperation with family association and CSOs*
- *Relation between missing persons, enforced disappearance and economic, social and cultural rights of disappeared persons, their relatives and the society as a whole*
- *Contributions from NGOs and other members of civil society to the drafting of reports to the Committee Enforced Disappearances and to follow-up activities*
- *Right to know the truth about past events concerning the perpetration of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes.*
- *Opening, access and use of state archives in transitional and transformation settings: right to information and data protection*
- *Reasons for success or failure of Missing Persons' policies and legislation*
- *Role of international organizations in shaping missing persons' processes, policies, and best standards*
- *International standards, best practices and case law on missing persons' cases*
- *Comparative analysis of modes, processes and practices in enquiring and investigating the fate of missing persons*
- *Missing Persons in international and domestic case law*
- *Right to truth as legally enforceable: the international and the domestic perspective*

- *The obligation to investigate ex officio or upon complaint the fate of the missing: international conventions and domestic legislation*
- *Right of the victims and their families of the missing to participate in the criminal investigations*
- *Insufficient action or inaction by the state authorities in shading light on the fate of the missing as torture, inhuman or degrading treatment in violation of binding human rights conventions, such ICCPR and ECHR*
- *Enforced disappearance, payment of compensations and other remedies available under the domestic legal system for the suffering caused by the enforced disappearance in the relatives, as well as the refusal on the part of State authorities to provide them with information concerning the fate and whereabouts of the disappeared person, or to initiate an effective investigation in order to clarify what occurred*
- *Systematic pattern of enforced disappearance as crimes against humanity*
- *States' obligation to search for the disappeared persons until their fate and whereabouts have been determined with certainty and to provide mutual legal assistance in connection with criminal proceedings brought in respect of enforced disappearance to other States*
- *The legal consequences of the continuous nature of enforced disappearance and the corresponding States' obligations*
- *The competence ratione temporis of the international courts and national courts*
- *The case law of the Human Rights Courts*
- *The case law of the human rights treaty bodies, working groups and committees*
- *The principle of universal jurisdiction as a tool to grant justice for victims of enforced disappearance and their relatives*
- *Domestic law, self-executing and non-self-executing provisions of the International Convention for the Protection of All Persons from Enforced Disappearances*
- *Need of internationally standardized protocols and operating procedures for mass grave exhumations*
- *Role of Forensic Sciences (forensic archaeology, forensic anthropology, forensic pathology, etc.) in clarifying cases of enforced disappearances and extrajudicial executions, locating and identifying the victims, and assisting in the investigation of alleged criminal offences*
- *Missing Persons processes and training needs of legal practitioners*
- *The prohibition of enforced disappearance and the obligation to punish those responsible for this crime as norms of jus cogens."*
- *Enforced disappearance in domestic law: suitability of ordinary criminal law to address the phenomenon (abductions, kidnapping, unlawful detention, illegal deprivation of liberty, illegal constraint and abuse of power, murder)*
- *Inter-agency and inter-state cooperation in addressing the issue of the missing persons (legislative, forensic, administrative, police and judicial)*
- *Role of National Human Rights Institutions in monitoring, reporting and making recommendations on human rights and the administration issues pertaining to missing persons*
- *Role of exhumation to establish an objective historical narrative about what happened to individuals and what happened to the community as a whole, and to promote the healing of families and communities*
- *Missing persons, and reliability and completeness of the archives and files of the secret services*

- *Archives and records as essential tools for truth-telling processes: preservation of, and access to, archives concerning violations of human rights as an essential precondition to protect and implement the right to truth*
- *Missing Persons, individual guilt and collective guilt*
- *Missing Persons and quest for historical justice*
- *Victims of enforced and involuntary disappearance: typology of individuals and groups, reasons for being a target and their stories*
- *Missing Persons and role of Truth Commissions: historical accuracy, independence, methodology, access to sources*
- *Stigmatization of the family members and relatives of the disappeared*
- *Enforced and involuntary disappearance during dictatorship: structures, means, chain of command, orders give, reasons*
- *The role that victims and their families play in establishing the circumstances of enforced disappearances and the right to be heard by the State Institutions*
- *Enforced and involuntary disappearance and awareness of young generation: the role of school and universities*
- *Addressing state-sponsored narratives of enforced and involuntary disappearance through the voices of victims and civil society*
- *Social History and societies in transition from dictatorship or authoritarian settings*
- *Social remembering: how people cultivate collective and social memory of the painful past*
- *Enforced and involuntary disappearance and official apologies*
- *Commemoration as reparation: as case for enforced and involuntary disappearance*
- *Missing persons: Hot and Cold Memory*
- *Memory policies and laws in societies transitioning from dictatorship and authoritarian past*
- *Missing Persons and memorial landscape*

## **Paper Submission and Selection**

Abstracts should be 300 words maximum and sent to [law-al@osce.org](mailto:law-al@osce.org) until 20 July 2021.

Abstracts should briefly point out the research problem, objectives, methodology, results and conclusion. Name of the author(s), citations, references, figures, tables and section headings should not be included in the abstract. A minimum of three key words separated by commas should be included

Extended abstracts - describing the ongoing research work and the research preliminary outcomes - should be maximum 4 pages. It should include a background of the study, research problems and the objectives, methodology and preliminary conclusions. Supporting figures, tables and images as well as references should be added in separated pages to the minimum necessary. Name of the author(s) should not be included.

Abstracts and Extended Abstracts submissions should be typewritten in English, double line spaced, and submitted in MS Word format. Margins: all 2.5 cm, 12pt Times New Roman. Submission must not have been previously presented, scheduled for presentation, published, and accepted for publication

Together with the abstract or the extended abstract, authors should submit a separate document including the title of the article, the author(s)' name(s), a short biography for each author, affiliations and contact details (including email, postal address and telephone number).

Authors of accepted abstracts and extended abstracts will be notified via email until 30 July 2021 and invited to submit to [law-al@osce.org](mailto:law-al@osce.org) full papers and signed copyright assignment form of until 15 November 2021.

Full papers should be 8,000–9,000 words or maximum 20 pages, excluding references and tables; typewritten in English, double line spaced, and submitted in MS Word format. Margins: all 2.5 cm, 12pt Times New Roman. Submitted papers must not have been previously presented, scheduled for presentation, published, and accepted for publication.

All submissions will be blind peer reviewed by competent reviewers, based on the following main criteria:

- Appropriate for the scope of the conference
- Originality of ideas/approach and level of innovativeness
- Coherence and clarity of structure and thought
- Correctness in data reporting, analysis and interpretation
- Coherence between premises and conclusions

Accepted abstracts/proposals or papers, will be published as Conference Proceedings.

The conference will be held in Tirana in a hybrid format and has no fee, but the participants are responsible to cover travel and accommodation costs themselves