

# Judging Human Rights Violations: Pondering Past and Future after Kiobel



TEL AVIV UNIVERSITY

The Buchmann Faculty of Law

The Minerva Center  
for Human Rights

The David Berg Foundation  
Institute for Law and History

Fondation  
pour la  
Mémoire  
de la  
Shoah

## December 15-16, 2013

## Tel Aviv University Faculty of Law

The conference will take place at  
The Sonia Kossoy Conference Room (Room 307)  
at The Faculty of Law, Trubowicz Building

### Sunday, December 15th

10:00-10:30 Gathering

10:30-12:30 **Panel I: Transnational Corporate Liability:  
From Holocaust Restitution to Kiobel**

Chair **Leora Bilsky**, Director of The Minerva Center for Human Rights, Tel Aviv University

#### Participants:

- **José Brunner**, Faculty of Law, Tel Aviv University  
*Framing the Holocaust Class Action Suits: A Paradigm Shift, an Exception, or More of the Same?*
- **Mia Swart**, Faculty of Law, University of Johannesburg  
*Does Kiobel Spell Doom for Apartheid Reparations under ATCA?*
- **Dana Weiss**, Faculty of Law, Tel Aviv University  
*Corporate Accountability for Human Rights: Local Perspectives on Recent Global Developments*

12:30-14:00 Lunch Break

14:00-15:30 **Keynote Speech:**

Chair **Moshe Zimmermann**, The Hebrew University

- **Norbert Frei**, Chair for Modern History and Director of the Jena Center 20th Century History, Friedrich-Schiller-Universität in Jena  
*Zeitgeschichte as Transitional Justice Avant la Lettre*

15:30-16:00 Coffee Break

16:00-18:00 **Panel II: Legal and Political Uses of Victimhood  
From the Eichmann Trial to the ICC**

Chair **José Brunner**, Faculty of Law, Tel Aviv University

#### Participants:

- **Leora Bilsky**, Director of The Minerva Center for Human Rights, Faculty of Law, Tel Aviv University  
*The Eichmann Trial: Towards a Jurisprudence of Eyewitness Testimonies*
- **Elazar Barkan**, Director of Columbia's Institute for the Study of Human Rights  
*Wolf in Sheep's Clothing: Perpetrators as Victims*
- **Rita Kesselring**, Institute for Social Anthropology, University of Basel  
*Bringing Apartheid-Era Crimes Before US Courts: An Ambivalent Means to the Emancipation from Harmed Personhood*

### Monday, December 16th

09:30-10:00 Gathering

10:00-12:00 **Panel III: Between the National and the International**

Chair **Ruti G. Teitel**, New York University, School of Law

#### Participants:

- **Naomi Roht-Arriaza**, Hastings College of the Law, University of California  
*Courts and the Post-Atrocity Accountability: The Latin American Experience*
- **Hila Shamir**, Faculty of Law, Tel Aviv University  
*Governance Feminism and Sovereignty: The Case of Sex Trafficking in Israel*
- **Natalie Davidson**, Faculty of Law, Tel Aviv University  
*Local Representations of Political Violence in the Shadow of Transnational Human Rights Litigation: The Filartiga Case*

12:00-13:30 Lunch Break

13:30-16:00 **Panel IV: Transitional Justice Between Law and Politics**

Chair **Aeyal Gross**, Faculty of Law, Tel Aviv University

#### Participants:

- **Samuel Ferguson**, 2012-2013 Schell Center Fellow at Yale Law School  
*Justice Again: The Argentina Dirty War on Trial*
- **Ronen Steinke**, Political editor with Süddeutsche Zeitung  
*Holding East Germany to Account: The Curious Case of a West German Paradigm shift*
- **Sigall Horowitz**, Truman Institute for the Advancement of Peace, Hebrew University of Jerusalem  
*Transitional Justice Networks: Lessons from Argentina, Congo, the Balkans and Israel*
- **Sarah Nouwen**, Faculty of Law, University of Cambridge  
*Tribunalisation of Global Justice: ICL as Challenge to Human Diversity*

16:00-16:30 Coffee Break

16:30-18:00 **Panel V: Transitional Justice in an Ongoing Conflict?**

Chair **Eyal Benvenisti**, Faculty of Law, Tel Aviv University

#### Participants:

- **Ron Dudai**, Hebrew University of Jerusalem  
*Subversive Transitional Justice: Alternative Commemoration in Israel*
- **Ofer Shinar Levanon**, School of Public Policy, Hebrew University  
*Breaking the Barriers: Psychological Perspectives on Transitional Justice in the Context of the Israeli Palestinian Conflict*
- **Hassan Jabareen**, Founder and General Director of Adalah  
*The Oslo Accords from a Transitional Justice Perspective, 20 Years Later*
- **Mohammed S. Dajani Daoudi**, Al-Quds University in Jerusalem  
*Seeking Moderation and Conciliation*