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KATHOLIEKE
UNIVERSITEIT
LEUVEN

LAW AND SOCIETY INSTITUTE, FACULTY OF LAW, K.U. LEUVEN

Research and teaching in the field of 'transitional justice and human rights'

Since its establishment by Prof. em. L. Huyse in the early 1970s, the Law and Society Institute at the K.U. Leuven has always focused on the law, the legal system and the legal professions in their "context", from the perspective of political science and sociology of law. In the 1990s, the Institute has gradually directed its attention to the emerging field of "transitional justice", namely when societies move from authoritarian rule to democratic forms of government. It has paid particular attention to the various strategies available to successor elites to deal with (gross and massive) human rights violations and other injustices committed by the previous regime, such as criminal prosecution by national courts or by international tribunals, the setting up of truth commissions, and the enactment of amnesty legislation.

1. The research agenda of the Institute has steadily expanded over the years:

1.a. Over the *last decade*, Prof. em. L. Huyse conducted specific studies on repression and collaboration with the Nazi regime in Belgium, France and the Netherlands after World War II (1989-1993); on dealing with the past in Eastern Europe after the demise of communism (1993-1995), in South Africa after Apartheid and in Ethiopia after the Mengistu regime (1995-1998). Prof. S. Parmentier conducted comparative research on the truth commission in Guatemala, set up after the conclusion of the peace accords (1998-2001).

1.b. *Current research projects* of the Institute include:

- The international right to reparation for victims of gross human rights violations, with case-studies in Rwanda and Bosnia, doctoral research (P. Sardaro) under the supervision of Prof. S. Parmentier and Prof. P. Lemmens (K.U. Leuven) and in collaboration with colleagues from the University of Antwerp (Prof. M. Bossuyt, Prof. K. De Feyter, Prof. F. Reyntjens).
- The role of the international community in establishing truth and justice, with a case-study of East Timor, doctoral research (K. Planckaert) under the supervision of Prof. S. Parmentier.
- Gross human rights violations in the DR Congo and the possibility of establishing an international criminal tribunal, doctoral research (J. Migabo Kalere) supervised by Prof. S. Parmentier.
- Possibilities and limits of restorative justice in situations of mass victimisation, with case-studies in South Africa and ex-Yugoslavia, doctoral research (K. Vanspauwen) supervised by Prof. S. Parmentier and Prof. E. Weitekamp (K.U. Leuven).
- The possibilities of setting up truth commissions in the middle of a conflict, with a case-study of Colombia, research (N. Springer) supervised by Prof. S. Parmentier.



- A legal and sociological analysis of the major transformations in the judicial power in Chile (1970-2000), doctoral research (A. Onfray Vivanco) supervised by Prof. S. Parmentier.
- At the request of International IDEA, Prof. em. L. Huyse is serving as the editor of a forthcoming handbook on reconciliation after deep-rooted conflict.
- Since 2000, a specialised website is in the process of being created by the Institute on transitional justice documents in French (www.law.kuleuven.ac.be/jat), with funding from the Belgian Ministry for Development Co-operation.
- In the coming years, the Institute's attention will further be directed to the strategies available for securing reparation for victims of gross human rights violations of the past, with attention to the organisation of judicial systems, the role of the legal profession, and the impact of civil society. To this end, the Institute is strengthening its relationships with academic and other research institutions and non-governmental organisations in each of above-mentioned regions.

2. The Institute also plays an active role in teaching programmes:

- Taught by Prof. S. Parmentier and Prof. E. Weitekamp, it offers a specialised seminar on Political Crimes and State Violations of Human Rights in the Master's programme in European Criminology, which started at the Faculty of Law in 1999 (www.law.kuleuven.ac.be/cals).
- Since 1997, Prof. S. Parmentier serves as co-organisator (with Prof. P. Lemmens) of the annual Summer Course in Human Rights, set up with the purpose to offer a two-week advanced training in the field of human rights to experienced researchers and professionals from all over the world, including countries from the South. The Summer Course is a common initiative of the Faculty of Law at the K.U. Leuven and the Netherlands School of Human Rights Research in Utrecht (Prof. C. Flinterman), joined in 2002 by Northwestern University School of Law (Chicago, U.S.A.; Prof. D. Cassel) (www.law.uu.nl/english/orm/summercourse). It has received funding from, i.a., the Belgian and Dutch Ministries for Development Co-operation, and the European Commission.

3. Finally, the Law and Society Institute is also engaged in consultancy in the field of human rights and democratisation in situations of transition:

- With financial support from the Flemish development agency VVOB, Prof. em. L. Huyse and Prof. S. Parmentier have evaluated a project for human rights education and building a human rights culture in South Africa (1997-2000).
- Prof. S. Parmentier is an advisor since 1999 to the non-governmental organisation Guatebelga, set up to combat impunity for gross human rights violations in Guatemala and to support the process of democratisation.
- At the request of the Belgian Ministry for Development Co-operation, Prof. em. L. Huyse is currently conducting an assessment of the customary "Gacaca" tribunals in Rwanda, set up to deal with the consequences of the genocide.



- One collaborator, M. Schotsmans, possesses a strong expertise in victim issues, partly in the context of universal jurisdiction laws, through extended stays in Rwanda, Chad and other countries with Avocats Sans Frontières (Lawyers Without Borders) and the Federation Internationale des Droits de l'Homme (FIDH).
- Prof. L. Vandekerckhove has been a visiting professor at the University of Liberia, and currently represents the Faculty of Law in the K.U. Leuven University Council for Development Co-operation.

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***Stephan Parmentier** (1960) studied law (Lic., 1983; Ph.D., 1997), political science (Cand., 1982) and sociology (Lic., 1987) at the K.U. Leuven (Belgium), and sociology and conflict resolution (M.A., 1987) at the Humphrey Institute for Public Affairs of the University of Minnesota-Twin Cities (U.S.A.). He currently teaches sociology of crime and law, and human rights at the Faculty of Law of the K.U. Leuven, and serves as the Director of its Law and Society Institute and the coordinator of the SOCRATES exchange programme in criminology. Stephan Parmentier has been a visiting professor at the International Institute for Sociology of Law in Oñati (Spain), and a visiting scholar at the University of Stellenbosch (South Africa) and the University of New South Wales (Sydney, Australia). He is the editor-in-chief of the Flemish Yearbook on Human Rights since 1998, and has served as an advisor to the European Committee for the Prevention of Torture, the Belgian Minister of the Interior, the King Baudouin Foundation, and Amnesty International. His research interests include political crimes, transitional justice and human rights, and the administration of criminal justice. Since 1999, he is also serving as the vice-president of the Flemish section of Amnesty International.*