

Tilburg Law Review
Special Issue Remote Criminal Justice
Call for papers

Can remote trials be fair trials?

Exploring the potential effects of communication technology in the criminal justice context

The COVID-19 pandemic has led to a mass roll-out of the use of video links in criminal court rooms around the world. These criminal justice systems are now facing a fundamental question: how to properly integrate technological advances as a permanent feature of post pandemic criminal justice? While the potential advantages of remote justice seem to be clear (mostly saving costs and maximizing efficiency) the actual impact on procedural fairness is a more ambiguous matter. Traditional fair trial concepts such as presence, effective participation and assistance of a lawyer are without a doubt affected by remote participation but how and to what extent is not (yet) clear. Exploring, analyzing and understanding the potential effects of communication technology in the criminal justice context is not an easy endeavor. It concerns **different questions** such as whether and how the dynamics of courtroom interactions change in a remote setting, whether and how judicial decision-making is affected by the use of communication technology and – more theoretically – what these potential effects mean for our traditional ideals of a fair trial. At the basis of these and similar questions is the assumption that using technology and losing physical proximity means that ‘something’ is missing. Fact is, however, that we still know very little about whether and how the use of technology indeed affects effective communication in the courtroom. Does it – for example – affect the possibility to empathize with a defendant and to read nonverbal cues? And can remote participation affect how participants are perceived and potentially impact the judge’s assessment of credibility? Furthermore, does not having all participants physically present in court affect the solemnity of the trial and the authority of the judge? And what does it mean for our understanding of procedural fairness, more specifically: are our traditional fair trial rights adequate for assessing fairness in these new remote settings or do we need adjusted or even new procedural safeguards? In the post pandemic era, there is an urgent need for more understanding in these matters which – without a doubt – will require taking a **multidisciplinary approach**. In this special issue we welcome papers dealing with the issues mentioned above from a legal and/or a social science perspective (interdisciplinary approaches are encouraged).

As for definitions: the term remote justice is used here to cover all situations where one or more participants attend the hearing from a remote location via video link or using other means of communication technology. Contributions may also deal with virtual justice (proceedings where all participants attend online).

Timeline and other practical matters

Maximum length of papers: 10.000 words including footnotes.

Closing date for manuscript submission: ~~December 31, 2023~~. extended deadline: 21 January 2024

- We would like to have the reviews in by March 15, 2024. Manuscripts are assessed as follows: accepted as stands; accepted with revisions; rewrite and resubmit; rejected.
- Revised or rewritten manuscripts will be submitted no later than May 15, 2024.
- The reports of the follow-up review will be submitted by June 15, 2024.
- The leader(s) of the special issue, in consultation with the Editorial Board, will decide, no later than June 30, 2023, which manuscripts will be published.
- The Managing Editor of the Tilburg Law Review will carry forward the editorial process with the authors and Ubiquity, the Open Access platform of the journal, keeping the leader(s) informed about progress. Our aim is to publish the special issue on-line no later than October 1, 2024.

The review process is double-blind. The leaders of the special issue will indicate two peer reviewers, internal and/or external, who we can approach. These two reviewers issue a substantive assessment of the manuscripts. The TLR will appoint a student reviewer, whose only task is to suggest additions or clarifications that might make the manuscript more accessible for an academic audience that is not expert in the field of the call for papers.