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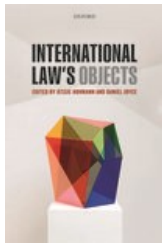
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CHAPTER

30 Screen

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Abstract

This chapter considers the screen as an object of international law. Screens fulfil two dual and paradoxical functions: They simultaneously disclose and conceal information; they create both co-presence and distance. The revealing screen conceals the selective process of exclusion, editing, assemblage, and adaptation, and the concealing screen silences dissent. A discussion of the dual function of screens in international law foregrounds the political implications, which are hidden when screens are presented as (merely) neutral media. The dual functions of screens and its political significance are demonstrated through two examples from international criminal law: The screening of the Kony 2012 advocacy film in Northern Uganda and the screening of Judge Sow's 'dissent' at the Charles Taylor trial.

Keywords: screen, paradox, international criminal law, Kony 2012, Charles Taylor trial

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Introduction: The Screen as an Object of International Law

In today's high-tech world, we are increasingly living our lives in front of and also through screens. In writing this very contribution, screens surround us—from the screen of the laptop, to the screen of the phone, to the screen of the video baby monitor. All these screens provide an insight into different spaces from the private space of a child's bedroom to the vastness of the world wide web. Screens not only play an important role in our everyday lives, it is also impossible to imagine international law today without screens. Just think, for example, of diplomats and academics displaying their presentations, lawyers communicating via laptops, tablets, and mobile phones, courts and tribunals calling in witnesses, and artists representing international law in documentary film.

Fig 30.1



Photograph taken by JR Eyerman at the opening-night screening of *Bwana Devil*, 1952, at the Paramount Theatre in Hollywood

Source: JR EYERMAN/The LIFE Picture Collection/Getty Images.

The screen thus appears in a multitude of different ways in international law. Yet, despite the great variety of screens operating in the field, it is possible to detect some recurring effects of using screens. Simply put, screens fulfil two dual and paradoxical functions in translating one form of information into another: screens simultaneously disclose and hide information; they create co-presence and distance at the same time. The recognition of these functions allows us to understand the screen not simply as an omnipresent instrument, symptomatic of our high-tech age, but as a politically relevant object of international law.

In the first section, we explore the paradoxical function of screens. In the subsequent sections we illustrate the paradoxical functions by using two examples relevant to international criminal law: first, the screening of the *Kony 2012* advocacy film in Lira, Northern Uganda and, second, the screening of Judge Sow's dissent at the Special Court for Sierra Leone.

The Paradoxical (and Political) Function of Screens

p. 420 The oldest known usage of the term 'screen' refers to its *protective* functions, as in fire screens or
windscreens.¹ Screens in this sense typically provide protection by ↳ placing a barrier between protected
p. 421 objects and possible dangers. Some are transparent, almost invisible (as with windscreens). Some screens,
on the other hand, protect against prying eyes. In this variant, screens help to keep certain objects or ↳
information from groups of people, like the military smoke screen, the folding screen—or so-called
liturgical screens—which were used in medieval times to 'divide the space of the church into several zones
of ascending holiness'.² These are screens *from* things (danger or curiosity); screens which *conceal*.

It is interesting to note that the use of the screen as a means to conceal certain objects or information yields paradoxical results. The screen not only hides the protected object, but also often places it centre stage: the screen indicates to the viewer that there is something important, interesting, or desirable behind it; if the object is important enough to hide, it must be something worth looking at. Hiding an object generally spurs fantasy. It is difficult not to start imagining what objects or persons behind screens look like or what they might be doing; not to imagine oneself in the position of the privileged few who are allowed to look behind the screen. The division between that which is seen and that which is obscured draws attention to the division between spectators and those who decide what is allowed to be seen. Sometimes, the curiosity of the spectators is precisely the point: if for example, that which is behind the screen is to be unveiled, then the screening adds to the suspense and drama. The unequal distribution of power between the spectators and those who screen is most evident, however, when that which is screened is not unveiled; when the screen adds a finality to that which is obscured. In that case, as described below in the screening of Judge Sow's dissent, the discourse on that which is behind the screen is ultimately silenced and the division between those seeing and those obscuring is naturalized. In this way, the screen can be used as an object to create or sustain power divisions in a physical and metaphysical distance between the spectator and the object being screened.

From the beginning of the nineteenth century, with the rise of the magic lantern as an early form of image projection, the term 'screen' also came to be used to refer to a projection on a flat surface. This meaning of the term was diametrically opposed to the original meaning, to obscure. Where the purpose of the smoke screen, the liturgical screen, or the folding screen was to hide, a projection screen was used to disclose and to show. More precisely, the function of the projection screen is ostensibly to bridge distances between the viewer and those once captured on camera. Where originally screens protected through division, nowadays projection screens create co-presence between the audience and that represented on screen.³ The co-presence created by the screen is only possible to the extent that the audience is willing to act *as if there is no screen*. In that case, the materiality of the screen becomes virtually immaterial. After all, its objectivity as a liquid-crystal display or as a piece of canvas for projecting images, is of little interest. What counts are the (re)presentations of the world projected onto the screen. Such creation of co-presence has become
p. 422 particularly central in projects of humanitarianism, which attempt to bring the suffering ↳ of distant others closer. Visualizing is a means of bridging distances and of creating empathy.⁴

The paradoxical function of the screen as a medium which reveals and obscures at the same time becomes evident when one considers that the representations on the screen have undergone a highly selective process of exclusion, editing, assemblage, and adaptation. Screening as a means to create co-presence and to reveal is therefore also a process of *concealing*.⁵ Screening events as truths or as reflecting reality is a politically relevant act when that which is screened conceals truth or reality.⁶ The paradox here (revealing through concealing and concealing through revealing) is an indication of the political significance of the act of screening, in both senses of the word, but also of the screen as an object.

This immersion into a reality portrayed on the screen, and the disappearance of the screen itself, is often the point of the screening. However, in order to draw attention to the inequality of power in the relationship between the spectator on the one hand and those with revealing/concealing decision-making power on the other hand, various mechanisms of disruption and rupture have been engaged. In films this is, for example, the case when the 'fourth wall'—the imaginary wall (or screen) that exists between audience and stage—is broken down, and the audience is directly addressed by one of the characters. A classic example is Woody Allen's *Annie Hall* where main character Alvy Singer steps out of the filmic frame, seeks support from the audience (by directly addressing the viewer asking 'what do you do when you are stuck in a movie line with a guy like this behind you?') and at the end of the scene sighs 'O boy, if life were only like this'). Through momentary disruptions like this, the audience become aware that they are watching a world projected on the screen, and the breaking of the fourth wall could be turned into a reflexive moment, enabling the audience to question the way in which the world and their own subjectivity is displayed.⁷ It should be noted here that this technique of breaking the fourth wall is employed by the director themselves, meaning that the self-awareness of spectatorship remains in some respects staged or managed.

Indeed, the process of turning a passive spectator into an active political subject was a technique used by critical playwright and theatre director Bertolt Brecht in the staging of his 'epic theatre' plays. Using the *Verfremdungseffekt*, the alienation effect, he aimed to lead the audience out of their passivity by directly addressing them, by including songs, and by dispensing with a stage set and instead exposing the wiring behind the stage and the people behind the actors.⁸

p. 423 The technique of direct address also reveals the paradoxical function of screens as instruments to create both co-presence and distance at the same time. As long as the audience suspends its disbelief and buys into the presented story and images, the screen as a display remains hidden and irrelevant; the audience is then somehow closer to the action, co-present. However, the moment the audience realizes it is watching a story based on directorial or editorial decisions, it becomes more difficult to treat the screen as a mere display. The screen then relapses into something that stands between the object and the audience; that divides the audience and those represented on film. In live theatre, where there is no physical screen, direct address has the opposite effect: it creates a bond, a common reality, between the speaker and the spectator.

This paradoxical function of the screen may be the reason why imagined screens have often played a key role in political philosophy. Both Plato's allegory of the cave,⁹ and John Rawls' metaphor of the 'veil of ignorance',¹⁰ highlight the paradoxical effects that screens may have. Plato describes a cave dwelling people, whose experience of the world is merely the shadows of real events passing by outside the cave, screened onto the wall of the cave through firelight. The philosopher, according to Plato, is freed from the cave, and knows what others experience as reality to be mere shadows.

Rawls' veil of ignorance is an imagined veil behind which individuals should operate if they were planning a future society. Through the screening function of the veil, they are ignorant of their place in the future society, their fortune in the distribution of natural assets and abilities, intelligence and strength. Acting behind this veil, Rawls asserts, means making moral decisions on equal distribution of liberties and social goods. The cave, then, acts as a screen which seemingly discloses information (the shadows on the wall), but at the same time hides information (the reality taking place outside of the cave); the veil seemingly hides information (a screen from social and economic particularities), but at the same time discloses information (moral considerations on equality).

Screens, then, have the paradoxical effect of concealing when they are revealing and revealing when they are concealing. Mostly, screens as objects are regarded as being neutral, apolitical, and as merely mediating information. But, screens can have a political or ideological function. To understand this, screens must be seen in their material, social, and cultural contexts.¹¹ Screens therefore have something in common with

‘the law’, which is also often (problematically) regarded as neutral, apolitical, and generally detached from a material, social, and cultural context.

Screens in International Criminal Law

p. 424 We have chosen screens in international criminal law (ICL) as a way to highlight the paradoxical and political workings of screens as objects of international law. In ↪ this context, the history of the screen in ICL as a means to disclose should briefly be mentioned as a watershed moment in the screening of atrocities. The International Military Tribunals, set up in Nuremberg in 1945, tried the most important living political and military leaders of the Nazi regime. The purpose of the trials was not just punitive; there was also an important pedagogical element to it, signifying a rebalancing of both power and morals. These were also the first trials at which film was used.¹² In fact, the giant screen which was installed in the courtroom of the Palace of Justice, displaced the judges’ bench at the front of the court. The courtroom was set up so that the screen could literally take centre stage. The prosecution screened an hour-long film *Nazi Concentration Camps*, comprised of images taken at the time of the liberation of those camps. The film showed the consequences of Nazi crimes on the bodies of its mainly Jewish victims in all its graphic horror. It is not only the use of film as an evidentiary medium which is significant here; rather, as Douglas Lawrence observes, ‘the filmic landscape we inhabit is very much the visual legacy of films like *Nazi Concentration Camps*’.¹³ The images make up our collective memory, irrespective of whether we were eye-witnesses to the horrors of the Nazi regime, of the screening of the film, or indeed if we have never even seen the film. The Nuremberg trials, with the help of the screening of the film, created a new narrative of modernity in the Western world, what Jacques Rancière has called the narrative of the absolute crime that appears as the truth of the whole dialectic of Western thought.¹⁴ In other words, the Nuremberg trials visualized a new kind of reasoning about humanity; it had seen its inhuman side. Trials, particularly ones of an international nature, have a large role to play in streamlining a common history as they are in the business of establishing truths, not conflicting accounts, not complexities.¹⁵ With the idea of genocide as the absolute crime has come a reconfiguration of how we view perpetrators (as a legacy of the monstrous dictator) and victims (as a legacy of the helpless and deprived). The screen in the Nuremberg courtroom had a pivotal role to play in constructing and visualizing the new narrative. The paradox of the screen emerges once more: where its function is to disclose, it also obscures. For one might wonder what alternative visual legacies and collective memories we are *missing* on account of the centrality of the screening of the documentary at the Nuremberg trial. ICL is built on the idea of grave crimes which concern the whole of humanity, on the idea of the evil perpetrator, the helpless victim, and the heroic lawyer. But what if this vision of global justice obscures other mechanisms of justice?¹⁶ ICL, then, was from ↪ its very beginnings already poised to exploit the screen and its paradoxical function for its very legitimization. The viral video campaign *Kony 2012*, which invokes the narrative and images of ICL, exemplifies the paradoxes of the screen within the context of the twenty-first-century attractions of spectacle, social media, celebrity, and a deep global North–global South divide.

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The Screening of *Kony 2012*

In March 2012, the US-based NGO *Invisible Children* launched *Kony 2012*, a 30-minute documentary-style advocacy film available on the Internet. The film sought to raise awareness of the urgent need to capture Ugandan rebel leader Joseph Kony and bring him to justice before the International Criminal Court (ICC).¹⁷ The film's key message was to 'make Kony famous'. The film sought to bridge the distance between audiences in the West and the suffering of people in Northern Uganda, who had been victimized by Kony's *Lord's Resistance Army* (LRA). The film went viral on the Internet, with more than 100 million views in just six days.¹⁸ Poignantly, however, the film was largely unavailable to the people in Northern Uganda, who mostly lacked access to the Internet. In other words: the attempts to create co-presence between the viewers of the film and those represented in the film effectively excluded the latter. For that reason an African-based NGO, the *African Youth Initiative Network* (AYINET) decided to organize a screening in Lira, Northern Uganda, in March 2012. The screening in Lira was followed by a screening in Gulu, a few weeks later.¹⁹

The Lira screening turned into an instructive failure. It caused such an outcry in the audience, including the hurling of objects at the screen, that AYINET decided to halt further screenings in the region, in order 'not to further harm victims or provoke any violent response'.²⁰ The local population was particularly offended by the film's strategic aim to 'make Kony famous' and the distribution of 'merchandise' (posters, bags, T-Shirts) which featured a pop art version of Kony's face. The fact that Kony was associated with 'fame', even for the purposes of arresting him, was felt to be insensitive and offensive. As an *Al Jazeera* reporter noted: 'One woman I spoke to made the comparison of selling Osama Bin Laden paraphernalia post 9/11 – likely to be highly offensive to many Americans, however well intentioned the campaign behind it'.²¹ The film was also regarded as offensive because ↵ it misrepresented the factual situation in that it implied that Kony and the LRA were still active in Uganda in 2012 (which they were not). But mostly there was a questioning of the perspective from which the story of Kony and the conflict was told. Many in the audience were puzzled by the fact that the story was told by an American and seemed to address mainly a Western audience. One attendee remarked: 'If this is about northern Uganda, how come it's dominated by non-Ugandans? What is it about now? This is an insult ...'.²² As the film screening proceeded, more and more people expressed their dissatisfaction, and 'the event ended with the angrier members of the audience throwing rocks and shouting abusive criticism, as the rest fled for safety, leaving an abandoned projector, with organisers and the press running for cover until the dust settled'.²³

The Lira screening is an interesting example of parts of the *audience*, quite literally, breaking the fourth wall. The film directly appeals to the viewers to sympathize with the victims of the Lord's Resistance Army and to take action to 'stop Kony'. The actual victims of the LRA gathered in Lira, however, were quick to discover what Doris Bravo has called the 'masking' function of the screen:²⁴ they felt that the film concealed and left out more than it revealed. The screening in Gulu was little different in this respect. As an American student present at the screening remarked: 'More than anything, the reactions reflected to me the vast divide between the people at (Invisible Children), Westerners like myself, and the locals.'²⁵ The Ugandan audiences expressed anxiety about the world that was behind the screen, especially the Western, white perspective and its distortions of reality. In short, the screen was not bridging distances, but stood between the filmmaker and the audience, as a device that divides, excludes, and hides. What is more, the screen was revealed as reaffirming longstanding practices and memories of paternalism and humiliation. Instead of the screen being the invisible object on which to display a film, the throwing of objects at the screen made it appear in its very materiality. Although it had been intended to be an invisible screen in the documentation of the effects of the conflict in Uganda, the screen was very much understood to be an object.

The Screening of Judge Sow's Dissent

p. 427 Our second story concerning the paradoxes of the screen took place in the courtroom of the Special Court for Sierra Leone (SCSL). Like other international courtrooms, this one was filled with screens. In a modern international courtroom, computer screens are typically installed on the judges' benches as well as in front of the defence and prosecution teams. There are transparent screens which separate the public gallery from the courtroom. There are opaque screens which can be set up for witness testimony to protect the witness's identity. And then there are cameras which allow for video broadcasts on screens outside of the courtroom. Such video broadcasts are a major part of 'outreach programmes', to allow for the screening of court proceedings in the places of conflict—given that the courts are, for the most part, far away from where the violence took place. However, the (first) screen in this part of our story is nothing like the liquid-crystal ones that claim to disclose information and to create co-presence. On the contrary: the screen we focus on is very much like the old liturgical screens, aimed at hiding and dividing; at creating distance between those who decide what can be seen and those who are affected by those decisions.

In April 2012, Trial Chamber II of the SCSL delivered, after over four years of hearings, its final judgment finding former Liberian President Charles Taylor guilty of committing international crimes. A summary judgment and the verdict of aiding and abetting in eleven charges including murder, rape, and pillage was read out in court by the presiding judge. The bench consisted of the presiding judge and three other Justices, one of them being Alternate Judge El Hadji Malick Sow of Senegal. Following the reading of the judgment, Alternate Judge Sow, also sitting on the bench, 'attempted to speak', giving what appeared to be a 'dissenting opinion'.²⁶ According to the statutory provisions of the SCSL, an 'alternate' judge, a type of reserve judge, who is present to ensure continuity in the event that another judge is for one reason or another unable to continue sitting, has limited rights and does not have formal voting rights.²⁷ Judge Sow began by stating the lack of opportunity of making a dissenting opinion.²⁸ He went on to state his doubt as to the guilt of the accused being proven beyond reasonable doubt:

And my only worry is that the whole system is not consistent with all the principles we know and love, and the system is not consistent with all the values of international criminal justice, and I'm afraid the whole system is under grave danger of just losing all credibility, and I'm afraid this whole thing is headed for failure.²⁹

p. 428 Yet, before he had the chance to make his statement fully, the microphones were switched off and the grate to the public gallery was lowered, silencing him and screening him from view. His fellow judges stood up and left the courtroom whilst he was speaking. His words were however quickly jotted down from the screens in the courtroom by a quick-thinking member of Taylor's defence team as they appeared through the transcription programme. These notes were subsequently circulated in the public gallery and then also on the Internet. The official transcript, however, shows no trace of Judge Sow's intervention.

Reactions to Judge Sow's intervention have been divisive. His co-judges went to great lengths to discredit him, requesting he be deemed 'unfit' to sit as Alternate Judge and omitting his name on the final judgment documents.³⁰ Other judges have weighed in to provide positive character references.³¹ The defence counsel for Charles Taylor worried that Judge Sow's intervention might impugn the credibility and legitimacy of an otherwise fair trial.³² And trial monitors and academics Jennifer Easterday and Sara Kendall saw the statement as a sign of the discord both between the judges and the parties.³³ The debate seems ultimately to have settled on technical questions: regarding the evidentiary standards raised by Judge Sow as well as his ability to speak under the SCSL Statute and Rules. The main focus of debate was the question of how 'professional' it is for an Alternate Judge to speak.³⁴

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The more interesting question, and the one we want to pay attention to, is whether the screening from view to the public gallery was a means to conceal dissent from public view. As Charles Jalloh observes, given his status as an alternate or reserve judge, Judge Sow did not technically give a dissenting opinion, but he did quite clearly dissent in the true sense of the word.³⁵ The dissent was screened from public view by the lowering of the grate. But the story of the screen does not end here. It was after all the notes taken from the stenographer's screen which enabled a capturing and circulating of the dissenting words. Two screens are working against one another in this case: The screen which was lowered to conceal the courtroom and the stenographer's screen which revealed the utterances of the silenced judge. In both cases, the screen presents itself as a politically relevant object: On the one hand, the screen is an object which separates the construction of the narrative (an illusion) of unanimity of judges from reality; the official from the unofficial. On the other hand, the screen is an object which provides a platform, and a record, for dissent where the dissenting words have been silenced.

Even though the screens work in their traditional function here, that is the screening from view of the 'traditional' screen and the revealing potential of the electronic screen, the paradox is still at work. The paradox of the screen which is designed to obscure yet reveals becomes evident in the interest and curiosity of those on the other side of the screen in the public gallery—who, after all, represent the public at large. In the first few days after the screening, blog posts were written, accounts were exchanged. There was curiosity about what was behind the screen. However, with the screen between the courtroom and the public gallery remaining metaphorically intact (the official minutes did not mention the dissent, Judge Sow's name was omitted from the final judgment altogether), the screen takes on its original role as a screen which conceals and obscures. The screen as an object of international law made official a sanitized account of the trial and concealed a more complex story of dissent. The power imbalance between the spectators and those who make the decisions on what is visible and what is invisible has the ability to legitimize the narrative of consensus over the narrative of dissensus. This brings us full-circle back to law. For it is in those moments of fixing law where law paradoxically spurs dissent. Where law is intended to obscure, it also reveals and where law is intended to reveal, it also obscures. Understanding the screen as an object of international law not only provides a glimpse of law at work in its alignment with power, it also provides a glimpse of the possibility of resistance.

Conclusion

In the above, we have aimed to demonstrate the dual and paradoxical function of the screen as simultaneously disclosing and concealing information; as creating co-presence and distancing at the same time. The paradoxical function of the screen was found to be politically relevant in its application to ICL, and beyond. The story of the screening of Kony 2012 in Uganda concerned the role of the screen as a transmitter of information and imagery. The screen here is part of what may be called an invitation to suspend disbelief, to accept the world as shown on canvas or liquid-crystal sheets. Such 'disclosing' screens are omnipresent in our age of technology, in the form of phone, tablet, computer, television, or film screens. However, such *revealing* screens tend to obscure the selected and political nature of information as well as the expected role assigned to the audience. It would therefore be a mistake to consider such screens a merely neutral medium for the transmission of information. The people in our example whose reality was mis-represented on the screen resisted the political move of concealing. They refused to suspend their disbelief and, by turning their anger towards the screen itself, disclosed the screen as an object that was part and parcel of a political agenda.

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The screening from view of the courtroom proceedings in the Charles Taylor verdict also highlights the political nature of the screen as an object of international law. The lowering of the grate (as well as the striking out of Judge Sow's name from the judgment and the removal of his intervention from the official

transcript) attempted to wipe his dissent out of existence. But, the lowering of the grate had the paradoxical effect: it spurred more interest in what Judge Sow had to say and raised questions about why others were so keen to hide it. Interestingly, it was another screen, the stenographer's screen, which enabled the concealing screen to be exposed as having the political function of silencing dissent.

The screening of Kony 2012 in Uganda and the incident of Judge Sow's 'dissent' in the Charles Taylor trial powerfully illustrate the paradoxical function of the screen and its uses in international criminal law. Where its explicit function is to *conceal*, as in a liturgical screen or a grate, it presents itself visibly and explicitly and thereby has the tendency to *disclose* information (the fact that there is something to hide; such as dissent on the judicial bench). However, where its function is to *disclose* new worlds and information, as in creating co-presence through film and documentary, the screen has a tendency to make itself invisible, or to appear as nothing but a neutral transmitter that should be ignored, thereby *concealing* crucial information. In both instances, the screen appears as a message about international criminal law, as an object that indicates what is hidden, what is shown, and what must be contested in the field.

Notes

- 1 See, for example, the usage described in the etymology dictionary online at 'screen (n.)' (*Online Etymology Dictionary*) <<http://www.etymonline.com/index.php?term=screen>>. Many thanks to Sara Kendall for comments on an earlier draft and to the editors Jessie Hohmann and Dan Joyce for their comments and suggestions. All websites were last accessed 21 November 2016 and all errors are our own.
- 2 Rachel Furnari, 'screen (1)' (*University of Chicago, Theories of Media: Keywords Glossary*) <http://csmt.uchicago.edu/glossary2004/screen2.htm#_edn3>.
- 3 See, for example, Sam Gregory, 'Human rights in an age of distant witness: remixed lives, reincarnated images and live-streamed co-presence' in Jens Eder and Charlotte Klonk (eds), *Image Operations: Visual Media and Political Conflict* (Manchester UP 2016).
- 4 The effect is not only visual of course; sounds, too, play a large role. See, for example, James EK Parker, *Acoustic Jurisprudence: Listening to the Trial of Simon Bikindi* (OUP 2015).
- 5 Doris Bravo, 'screen (2)' (*University of Chicago, Theories of Media: Keywords Glossary*) <<http://csmt.uchicago.edu/glossary2004/screen.htm>>.
- 6 Recent public debates on the era of 'post-truth politics' makes this observation unwittingly topical.
- 7 Making the audience critically aware of their own subjectivity and how it is presented through the screen has been one of the focal points for critical analyses such as 'Screen Theory', which took issue with the false sense of realism communicated through mainstream cinema. For an overview, see Mark Nash, *Screen Theory Culture* (Palgrave Macmillan 2007).
- 8 See Bertold Brecht, John Willett (ed, trans), *Brecht on Theatre: The Development of an Aesthetic* (Macmillan 1964), particularly 192–3.
- 9 Plato, *The Republic* (Penguin Classics 2007).
- 10 John Rawls, *A Theory of Justice* (Harvard UP 1971); *The Law of Peoples* (Harvard UP 2001).
- 11 The field of Science and Technology Studies is relevant here as a body of research which considers the material, social, and cultural context of science and technology, showing these are not simply universal, neutral, or ubiquitous. For an overview, see Sheila Jasanoff and Gerald E Markle et al (eds), *Handbook of Science and Technology Studies* (Sage Publications 2002).
- 12 Lawrence Douglas, *The Memory of Judgment: Making Law and History in the Trials of the Holocaust* (Yale UP 2001) 23.
- 13 *ibid* 27.
- 14 Jaques Rancière, 'The Thinking of Dissensus: Politics and Aesthetics' in Paul Bowman and Richard Stamp (eds), *Reading Rancière: Critical Dissensus* (A&C Black 2011) 10, speaking on Jean-François Lyotard 1990.
- 15 See, for example, Martti Koskeniemi, 'Between Impunity and Show Trials' (2002) 6(1) *Max Planck Yearbook of United Nations Law* 1–35.
- 16 Sarah Nouwen and Wouter Werner, 'Monopolizing Global Justice: International Criminal Law as Challenge to Human Diversity' (2015) 13(1) *Journal of International Criminal Justice* 157–76.
- 17 For more elaborate (and critical) discussions of *Kony 2012*, see Wouter Werner, '"We Cannot Allow Ourselves to Imagine What it all Means": Documentary Practices and the International Criminal Court' (2013) 76(3) *Law & Contemporary*

- Problems 319; Christine Schwöbel, 'The Comfort of International Criminal Law' (2013) 24(2) *Law and Critique* 169, Stephen Hopgood, *The Endtimes of Human Rights* (Cornell UP 2013) 107–9.
- 18 'Kony 2012 – Invisible Children' <<https://invisiblechildren.com/kony-2012/>>.
- 19 'Gulu's Reactions to a Kony 2012 Screening in Acholi' (*In Search of Solidarity*, 14 April 2012) <<https://insearchofsolidarity.wordpress.com/2012/04/14/gulus-reactions-to-a-kony-2012-screening-in-acholi/>>.
- 20 'Uganda's Reaction to Kony 2012' (*African Youth Initiative Network*, March 2012) <<http://www.africanyouthinitiative.org/ugandas-reaction-to-kony-2012.html>>.
- 21 Malcolm Webb, 'Ugandans react with anger to Kony video' (*Al Jazeera*, 14 March 2012) <<http://www.aljazeera.com/blogs/africa/2012/03/104756.html>>.
- 22 'Kony2012 screenings "abandoned in northern Uganda"' (*BBC News*, 14 March 2012) <<https://www.bbc.com/news/world-africa-17375701?SThisFB>>.
- 23 Elizabeth Flock, 'Kony 2012 screening in Uganda met with anger, rocks thrown at screen' (*The Washington Post*, 15 March 2012) <https://www.washingtonpost.com/blogs/blogpost/post/kony-2012-screening-in-uganda-met-with-anger-rocks-thrown-at-screen/2012/03/15/gIQADD98DS_blog.html>.
- 24 Bravo (note 5).
- 25 Abby Ellis, 'Two Americans Who Attended the KONY 2012 Screening in Gulu Tell It Like It Was' (*Vice*, 1 May 2012) <<http://www.vice.com/read/two-americans-who-attended-the-kony-2012-screening-in-gulu-tell-it-like-it-was>>.
- 26 For a firsthand account, see Jennifer Easterday and Sara Kendall, 'Judge Sow's struck statement & reflections on the Taylor judgment & the SCSL's legacies' (*IntLawGrrls*, 28 April 2012) <<http://www.intlawgrrls.com/2012/04/judge-sows-struck-statement-reflections.html#more>>. For a further analysis and a detailed explanation of the function of an 'alternate' judge as a reserve judge, see Charles Jalloh, 'The Verdict in the Charles Taylor Case and the Alternate Judge's "Dissenting Opinion"' (*EJIL: Talk!*, 11 May 2012) <<http://www.ejiltalk.org/the-verdict-in-the-charles-taylor-case-and-the-alternate-judges-dissenting-opinion/>>.
- 27 Article 12(4) Statute of the SCSL and Rule 16 *bis* Rules of Procedure and Evidence SCSL.
- 28 Judgments are made unanimously at the SCSL and Judge Sow seems to have been excluded from deliberations. See for further details an interview with Judge Sow at 'Justice Sow: "Charles Taylor Should Have Walked Free"' (*New African Magazine*, 14 December 2012) <<https://newafricanmagazine.com/interviews-and-features/justice-sow-charles-taylor-should-have-walked-free/>>.
- 29 Reproduced in Easterday and Kendall (n 26) and Jalloh (n 26).
- 30 He was immediately suspended by his fellow judges, who then recommended to the UN Secretary General that he be removed from office on the grounds that his conduct renders him 'unfit to sit as an Alternate Judge' *Prosecutor v Charles Ghankay Taylor* [2012] SCSL-2003-01-A.
- 31 See comment 2 (by Marjorie Florestal) in Easterday and Kendall (n 26) which states: 'As a Senegalese professor of Law I would like to testify to the fact that judge El Hadj Malick Sow is a judge of repute in Senegal. He is very well known in the Senegalese judiciary for his integrity, fierce honesty and scrupulous attachment to principles. He is known for a man of courage who will always stand up for what he believes is right, no matter what. As a Senegalese citizen I am proud that judge Sow showed abroad the same hardcore qualities for which he is known and respected in his home country ...'
- 32 Jalloh (n 26).
- 33 Easterday and Kendall (n 26).
- 34 *ibid*; Kevin Jon Heller, 'One "Dissent" in the Taylor Case' (*Opinio Juris*, 26 April 2012) <<http://opiniojuris.org/2012/04/26/one-dissent-in-the-taylor-case/>>.
- 35 Jalloh (n 26).