

THE UN INTERNATIONAL CRIMINAL TRIBUNALS:

The Former Yugoslavia, Rwanda and Sierra Leone

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THE UN INTERNATIONAL CRIMINAL TRIBUNALS

This book is a guide to the law that applies in the three international criminal tribunals, for the former Yugoslavia, Rwanda and Sierra Leone, set up by the United Nations during the period 1993 to 2002 to deal with atrocities and human rights abuses committed during conflict in those countries. Building on the work of an earlier generation of war crimes courts established in the aftermath of the Second World War, the three tribunals have developed a sophisticated body of law concerning the elements of the three international crimes (genocide, crimes against humanity and war crimes), forms of participation in such crimes as well as other general principles of international criminal law, procedural matters and sentencing. The legacy of the tribunals will be indispensable as international law moves into a more advanced stage, with the creation of the International Criminal Court. The book provides a comprehensive overview of the law of the tribunals, relying on their judicial decisions as well as the drafting history of their statutes and other contemporary sources. While there is a wealth of periodical literature on specific aspects of the activities of these tribunals, this is the first comprehensive book to be published in more than a decade.

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To Marguerite and Louisa

PREFACE

The International Criminal Tribunal for the former Yugoslavia came into being in late 1993, launching a process whose scope was unimaginable at the time. There are now three United Nations international criminal tribunals – the subject of this book – as well as various hybrid institutions, and the International Criminal Court. The literature in this field has grown exponentially, as has our knowledge of the complexities of the subject. With the three *ad hoc* tribunals organising their activities so as to complete their work by the end of the decade, this seemed a good point to attempt a stocktaking. Hopefully, the lessons and observations are of more than academic interest, and will help guide the International Criminal Court as it develops its own judicial personality. The book is longer than I had initially planned, and yet painfully incomplete at the same time. It is meant as a complement to the enormous periodical literature on the subject, rather than as a replacement.

Since the project began, I have been greatly helped by my research assistants at the Irish Centre for Human Rights, Shane Darcy and Edel Hughes. Several other law students also provided important assistance at various stages of the work, including Lynsay Gott, Lauren L. Gray, Yotam Ben Meir, Victoria Murphy, Kate M. Riggs and Stephanie Tyree. Colleagues were kind enough to take time to read portions of the manuscript, and to make suggestions and corrections, and I am very grateful to them: Diane Amann, Luc Côté, Megan Fairlie, Larry Johnson and Ola Olusanya. My institution, the National University of Ireland, Galway, and my colleagues at the Irish Centre for Human Rights, have provided me with the time, resources and conducive work environment to pursue such academic research. I thank all of them. Finola O'Sullivan at Cambridge University Press has been, as always, full of encouragement as well as bits of fine advice when they are most needed. Finally, without the support and encouragement of my wife, Penelope Soteriou, this book would not have been possible.

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