

HANDOUT 12: INTERNATIONAL CRIMES: JUDICIAL AND NON-JUDICIAL METHODS

JUDICIAL METHODS

STATES have the **PRIMARY** obligation to investigate, prosecute and punish perpetrators of international crimes regardless of who committed the crime or where the crime was committed (“universal jurisdiction”).

...and in addition....

	AD-HOC TRIBUNALS		MIXED TRIBUNALS AND COURTS			INTERNATIONAL CRIMINAL COURT
	ICTY* (Yugoslavia)	ICTR* (Rwanda)	SPSC* (Timor-Leste)	SCSL* (Sierra Leone)	ECCC* (Cambodia)	ICC*
Establishment	UN Security Council Resolution		UNTAET regulation in Timor-Leste	Agreement between the UN and the government of Sierra Leone	Cambodian national law	International treaty open to all States
Judges	16 from around the world		Combination of international and national			18 from around the world
What crimes?	War crimes Crimes against humanity Genocide		War crimes Crimes against humanity Genocide Certain crimes under national law	War crimes Crimes against humanity Certain crimes under national law	War crimes Crimes against humanity Genocide Certain crimes under national law	War crimes Crimes against humanity Genocide Crime of aggression (only from 2017 after decision of States parties)

* **ICTY**: International Criminal Tribunal for the former Yugoslavia; **ICTR**: International Criminal Tribunal for Rwanda; **SPSC**: Special Panels for Serious Crimes in Timor-Leste; **SCSL**: Special Court for Sierra Leone; **ECCC**: Extraordinary Chambers in the Courts of Cambodia; **ICC**: International Criminal Court.

DEALING WITH INTERNATIONAL CRIMES: JUDICIAL AND NON-JUDICIAL METHODS

	AD-HOC TRIBUNALS		MIXED TRIBUNALS AND COURTS			INTERNATIONAL CRIMINAL COURT
	ICTY* (Yugoslavia)	ICTR* (Rwanda)	SPSC* (Timor-Leste)	SCSL* (Sierra Leone)	ECCC* (Cambodia)	ICC*
Committed by Whom and Where?	Committed by anyone on the territory of the former Yugoslavia	Committed by anyone on the territory of Rwanda or by Rwandan nationals in neighboring countries	Committed by anyone in relation to the events in Timor-Leste	Committed by anyone on the territory of Sierra Leone	Committed by senior leaders of Democratic Kampuchea	Committed by anyone on the territory of a State party to the treaty or by its nationals elsewhere
Committed when?	Since 1991	During 1994	Between 1 January and 25 October 1999	Since 30 November 1996	Between 17 April 1975 and 6 January 1979	After 1 July 2002 or if a State party became party after the entry into force of the Rome Statute, at the date of entry into force for this specific State
Relationship with national courts	Primacy over national courts		Exclusive jurisdiction over offences listed	Primacy over national courts	They are national courts (with extraordinary chambers)	Complementary to national courts – only acts if national courts are unwilling or unable to investigate or prosecute

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NON-JUDICIAL METHODS:

REPARATION: to compensate victims for their losses and, where possible, to repair their injuries

TRUTH-SEEKING AND RECONCILIATION: to investigate international crimes to facilitate peace and community healing, to reconcile perpetrators with the victims