# Towards Global Justice in the 21st Century?

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## INTRODUCTION

In his *Millennium Report,* Kofi Annan, the United Nations Secretary-General, urged member states to "strive to end the culture of impunity" in the new millennium.[1] Abolishing this culture, which has permitted international actors to flout fundamental norms without fear of punishment, is arguably humanity's greatest challenge in the 21st century. Atrocities committed in Rwanda and Yugoslavia are a reminder of the extent to which this culture persists despite the efforts of the UN and its agencies, human rights organisations, non-governmental organisations (NGOs) and civil society to put an end to gross human rights violations.[2]

The establishment of two specialised tribunals was a great milestone in the enforcement of international criminal law. These are the International Criminal Tribunal for the Prosecutions of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia (ICTY) in 1993[3] and the International Criminal Tribunal for Rwanda (ICTR) in 1994).[4] They were set up by the UN Security Council acting pursuant to Chapter VII of the UN Charter[5] to prosecute those responsible for the violation of international humanitarian law. It is particularly significant that the leaders at the pinnacle of power have been targeted by these tribunals. The ICTY has indicted the former president of the Federal Republic of Yugoslavia (Serbia-Montenegro), Slobodan Milosovic[6] and the ICTR has convicted former Rwandan prime minister, Jean Kambanda, for crimes against humanity.[7]

The aim of this paper is to highlight the broader significance of these developments, with specific focus on the impetus given to the creation of three further specialised criminal tribunals to prosecute those who allegedly violated international humanitarian law in Sierra Leone, Cambodia and East Timor. However, there are still some significant obstacles in the path of these proposed tribunals, which are briefly discussed below before making some concluding comments on the perceived move towards global justice.

## SIGNIFICANCE OF THE ESTABLISHED TRIBUNALS

The work of the two 'sister institutions' for Yugoslavia and Rwanda has had significant impact on the enforcement of international criminal law on at least three levels.

Firstly, the work of the tribunals gave an impetus to the long awaited International Criminal Court (ICC). On 17 July 1998 in Rome, the UN Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court adopted a statute creating a permanent International Criminal Court (the Rome Statute).[8] The ICC will come into operation after 60 countries have ratified the treaty. By January 2001, 29 countries had ratified and 139 had signed the Rome Statute.

Secondly, the work of the ICTY and ICTR has had a positive impact on the enforcement of international humanitarian law by domestic courts. For example, the landmark decision of the British House of Lords in 1998 in the Pinochet case ruled that the former Chilean dictator was not immune from extradition to Spain to face charges of torture and crimes against humanity (extralegal executions, in particular) committed during his reign.[9] On 3 February 2000, the

High Court of Senegal placed the former Chad dictator, Hussein Habré under house arrest. He was indicted on charges of torture and crimes against humanity committed during his eight-year rule. Although the charges were subsequently dropped, it was the first time in history that a court of another country indicted a former African head of state. The Habré trial could have been a test case on a continent where violations of human rights are rife.

During the same month, a clarion call was made by international human rights organisations for the extradition of the former Ethiopian dictator, Lieutenant-Colonel Mengistu Haile Mariam[10] from South Africa (where he was receiving medical treatment) to Ethiopia to face charges of genocide and crimes against humanity. South Africa is a signatory to the four Geneva Conventions of 12 August 1949, as well as the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment and the Convention on Prevention and Punishment of Crimes of Genocide. It has also ratified the Rome Statute. The fact that South Africa did not honour its obligations under international law to prosecute or extradite Colonel Mengistu, illustrates the continuing weakness of the international legal system.

Another interesting case is that of the *Democratic Republic of Congo (Kinshasa) vs Belgium*, pending at the International Court of Justice (ICJ) in The Hague.[11] The case deals with an indictment released by a Belgian judge on 11 April 2000 against the Congo's former foreign minister, Yerodia Abdoulaye Ndombasi, accusing him of grave violations of humanitarian law. The government of the DRC has submitted that such an indictment violates its sovereignty.

Thirdly, the two tribunals have had a significant impact at the international level, evident in the support of the UN Security Council for two other *ad hoc* criminal tribunals for Sierra Leone and East Timor to prosecute those responsible for violating international humanitarian law. The law establishing the Cambodian Extraordinary Chamber is still to be sanctioned by the UN Secretary-General according to the agreement reached between the government of Cambodia and the Secretary-General in February 2000. Before a formal agreement is signed with the UN, the law has to pass Senate, and has to be reviewed by the Constitutional Council and signed by the King of Cambodia, Norodom Sihanouk. However, these are all considered to be formalities. The most important test of the law remains UN oversight.

## SIERRA LEONE: SPECIAL COURT

The war between the government of President Al-haji Ahmad Tejan Kabbah and the Revolutionary United Front (RUF) in Sierra Leone has taken the lives of many innocent civilians, especially women and children. On 25 May 1997, the RUF, with the support of the Armed Revolutionary Council (AFRC), overthrew President Kabbah's government. During the nine months of the rebel regime's rule, numerous gross human rights violations were committed against ordinary civilians. In February 1998, the Nigerian-led peacekeeping force, the Economic Community of West African States Monitoring Group (ECOMOG), forced the rebel movement out of power and reinstated President Kabbah. On 7 July 1999, a ceasefire agreement was brokered between the government and the RUF in Lomé, Togo (the Lomé Peace Agreement).[12] The Lomé agreement granted the RUF leader, Foday Sankoh, and his collaborators, among others, "absolute and free pardon" from prosecution, but the immunity did not extend to war crimes.[13] On 17 May, Foday Sankoh was arrested in Freetown by the UN peacekeeping forces and is now in the custody of the government. The government of Sierra Leone requested the UN Security Council to create an international criminal tribunal to try Foday Sankoh and other human rights violators in Sierra Leone.

The granting of absolute amnesty to Foday Sankoh in the Lomé agreement elicited criticism from human rights organisations and the UN. Critics have argued that the amnesty provision violates fundamental principles of international law.[14] In the case of Sierra Leone, the UN Secretary-General, Kofi Annan, in his report[15] to the UN Security Council rejected the proposed amnesty law out of hand. The report said, among others:[16]
"the provisions on amnesty are difficult to reconcile with the goal of ending the culture of impunity, which inspired the creation of the United Nations Tribunals for Rwanda and the former Yugoslavia, and the future International Criminal Court … for the United Nations, the amnesty cannot cover international crimes of genocide, crimes against humanity, war crimes and other serious violations of international humanitarian law."

The UN Security Council members, although aware of the need to promote "peace and reconciliation" in Sierra Leone, were also opposed to the proposed blanket amnesty in the Lomé agreement.[17]

On 14 August 2000, the UN Security Council requested the Secretary-General to negotiate an agreement with the government of Sierra Leone on the creation of a special court.[18] On 4 October 2000, the Secretary-General tabled a report to the Security Council on the creation on the special court for Sierra Leone.[19] In terms of the agreement between the government of Sierra Leone and the UN, unlike the ICTR and ICTY, the special court will be established through a treaty and not as an institution created under Chapter VII of the UN Charter. The amnesty provision in the Lomé agreement does not extend to war crimes, crimes against humanity and the violation of international humanitarian law. Also, unlike the ICTR and ICTY, the court will lack jurisdiction over accused persons in other countries. The court will be composed of international and Sierra Leonean judges. There will be two chief prosecutors, one appointed by the UN and another by the government of Sierra Leone with the approval of the UN. The subject matter over which the court will have jurisdiction, will include war crimes, crimes against humanity, abuse of girls under 14 years and damage to houses and public buildings. The temporal jurisdiction of the court runs from 30 November 1996 (first failed agreement between the government and the RUF) until the date agreed to by the parties. The special court will be funded by voluntary contributions with the strong support of the government of Sierra Leone.[20] Nine months have passed since the UN Security Council approved the creation of a special court for Sierra Leone and no voluntary funds have been pledged by any state or agency nor have meaningful steps been taken by either the UN or the government of Sierra Leone to appoint the prosecuting authorities to begin with investigations.

## EAST TIMOR: PANEL WITH EXCLUSIVE JURISDICTION

In 1999, the Indonesian-controlled territory of East Timor was wracked by unrest that took the lives of many East Timorese. The pro-integration militia burned and looted houses in villages and towns. Hundreds of civilians were murdered and forcefully displaced to West Timor. Declaring that the conflict in East Timor was a threat to international peace and security in terms of Chapter VII of the UN Charter, the UN Security Council passed resolution 1272 and created a Transitional Administration in East Timor (UNTAET) with executive law enforcement powers.[21] UNTAET has the obligation to respect and execute internationally recognised laws and principles of human rights such as the international instruments of civil and political rights, the prohibition of torture and the death penalty, to mention but a few.[22] Following the violence, the UN established the International Commission of Inquiry of East Timor to investigate the alleged atrocities in the country. In March 2000, the Commission submitted a report to the Secretary-General in which it concluded that gross human rights violations had been committed. The creation of "an International human rights tribunal" was proposed to prosecute those responsible for the violation of international humanitarian law in East Timor.[23]

Acting in accordance with UN Security Council resolution 1272 and the recommendations of the International Commission, UNTAET promulgated a law establishing a panel over serious criminal offences. It is an integral part of the UN civilian administration in East Timor. The panel has universal jurisdiction over serious criminal offences including genocide, war crimes, crimes against humanity and torture committed during the armed conflict.[24] The district court in Dili has jurisdiction over murder and sexual offences. Under the statute, the panel will be constituted by two international judges and one East Timorese judge.[25]

When the UN Mission in Kosovo (UNMIK) was deployed, the ICTY in The Hague already had jurisdiction over war crimes committed in Kosovo which was set up before the civilian administration was established in 1999. The power given from the outset to UNTAET to create a special war crimes tribunal as part of the UN civilian administration was a necessary and convenient step under the circumstances, especially in the light of the magnitude of atrocities committed in East Timor.

## CAMBODIA: EXTRAORDINARY CHAMBER

In 1997, after nearly 20 years of conflict in Cambodia, which took the lives of 1.75 million people (one-fifth of the population), the new Cambodian government requested the assistance of the UN and the international community in bringing to justice former leaders of the Khmer Rouge regime for crimes committed by the Democratic Kampuchea regime between 1975-1979.[26] In response to this request, the UN General Assembly requested the Secretary-General to examine the Cambodian proposal.[27] The Secretary-General appointed a three-member Group of Experts to evaluate:

- evidence of the nature of crimes committed by the Khmer Rouge regime from 1975-1979;
- the feasibility of apprehending perpetrators of gross human rights violations; and
- possible options of bringing such perpetrators to justice.

In February 1999, the Group of Experts submitted a detailed report to the Secretary-General in which it concluded that crimes committed by the Khmer Rouge regime did indeed include crimes against humanity, war crimes, genocide and forced labour. They violated both Cambodian law and international law and those responsible should be prosecuted.[28] The Group of Experts then considered possible options for bringing perpetrators to justice, such as a tribunal under Cambodian law, a tribunal created by either the Security Council or the General Assembly, a Cambodian-UN tribunal or an *ad hoc* UN tribunal created by a multilateral treaty with possibilities of trials in other countries. For Cambodia, the Group of Experts came to the conclusion that the Cambodian judiciary had virtually collapsed and was not sufficiently independent to meet the international standards of justice.

Following the release of the report, the Cambodian government argued that any attempt to prosecute Khmer Rouge leaders could renew the war in the country and jeopardise chances for peace and national reconciliation. It was maintained that a UN tribunal will undermine the sovereignty of Cambodia. The Cambodian government argued that it was capable of bringing former leaders of the Khmer Rouge regime to justice under Cambodian law with the support of the international community. In an attempt to bolster its position, the Cambodian government indicated that it would proceed to prosecute former Khmer Rouge leader, Ta Mok, under Cambodian law for war crimes and crimes against humanity.

The Group of Experts have contended that, without the involvement of the UN, a Cambodian tribunal would not meet the international standards of justice. International involvement is essential to counter the weaknesses of the Cambodian judiciary, which is widely believed to be corrupt. It is also argued that a Cambodian tribunal will lack legitimacy and will be discredited by the international community. For such a tribunal to meet international demands for justice it has been suggested that the majority of trial judges and the prosecutor should be non-Cambodian nationals. In a letter to the Security Council of 8 February 2000, the Secretary-General laid down three preconditions for the UN-Cambodian tribunal to meet international standards of justice:

- a guarantee to apprehend and surrender indicted war criminals;
- the banning of amnesties for war crimes, crimes against humanity and genocide; and
- an independent international prosecutor with the majority of judges appointed by the Secretary-General.

To minimise the risk of the renewal of civil war in Cambodia, the UN and the Cambodian government have agreed to limit the level of former Khmer Rouge leaders to be prosecuted by the Cambodian Extraordinary Chamber to high-ranking military officers.

Taking into account an agreement reached between the UN Secretary-General and the Cambodian authorities, the Cambodian Parliament approved a draft law establishing an Extraordinary Chamber within the Cambodian judicial structure in January 2001. Its purpose is to prosecute senior leaders of Democratic Kampuchea under Cambodian penal law and international law for crimes committed between 17 April 1975 and 6 January 1979.[29] Crimes within the jurisdiction of the Extraordinary Chamber include genocide, crimes against humanity, grave breaches of the Geneva Conventions of 12 August 1949, violations of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and the 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents.[30] The Extraordinary Chamber will be composed of foreign as well as Cambodian judges.[31] Similarly, investigations will be

conducted by co-prosecutors, one a Cambodian and another a non-national appointed by the UN.[32]

The UN has discovered that the legislators did not adhere to all of the conditions agreed upon between the government of Cambodia and the UN Secretary-General in February 2000. They have removed a provision ensuring that anyone falling within the court's jurisdiction will not be protected from prosecution by an amnesty. The UN is concerned that such protection will undermine the independence of the tribunal. Cambodian authorities are eager to protect the former Khmer Rouge minister of foreign affairs, Ieng Sary, from prosecution. Sary was granted amnesty by King Norodom Sihanouk in September 1996 for genocide after he and 10 000 armed loyalists defected from the Khmer Rouge and made peace with the government. Cambodian authorities fear that attempts to prosecute Ieng Sary and other Khmer Rouge defectors could lead to renewed civil war.

## KEY OBSTACLES TO IMPLEMENTATION

Unlike the ICTR and the ICTY, created in terms of Chapter VII of the UN Charter, the special court for Sierra Leone and the Cambodian extraordinary chamber will be established through a treaty, while the panel with exclusive jurisdiction in East Timor was created as part of a UN peacekeeping operation (UNTAET) with executive enforcement powers. The three tribunals for Sierra Leone, Cambodia and East Timor will not have the power to issue binding orders to other states, or assert primacy over any prosecutions taking place in other states which was awarded to the ICTY and the ICTR. It is deemed unnecessary because it is believed that most perpetrators are within the territory of these countries. Surely, this approach ignores the involvement of third parties in these violations. In the case of Sierra Leone, this would involve, at least, the president of Liberia, Charles Taylor, who has been backing the RUF in committing heinous atrocities against the people of Sierra Leone. Similarly, China supported the Khmer Rouge regime in Cambodia. The possibility of atrocities committed by Indonesian forces in East Timor in 1999 can also not be ruled out. Therefore, a limited jurisdiction is likely to undermine the authority and effectiveness of these tribunals.

The three proposed tribunals are hybrid institutions geared to address the specific needs of each situation. Both the prosecuting authorities and judges in all three cases comprise national and international staff. Except for East Timor, the jurisdiction of the tribunals for Sierra Leone and Cambodia will not only cover international crimes such as war crimes and crimes against humanity, but also certain domestic offences. In each case, international involvement is essential to meet the international standards of justice, particularly taking into account the perceived weaknesses of the domestic judiciary.

In Sierra Leone and Cambodia, there are inadequate domestic resources to carry out investigations that could lead to the prosecution of RUF rebels and former leaders of the Khmer Rouge regime, respectively. Attempts to prosecute Ta Mok and Foday Sankoh alone could leave the entire political leadership of the Khmer Rouge and the RUF unpunished, which would not serve the cause of justice and accountability. Lack of accountability may renew civil war. It is important that these tribunals must be seen as non-partisan and not as 'witch-hunts' against particular individuals such as Ta Mok and Foday Sankoh.

In the cases of Sierra Leone and Cambodia — given the fact that there is consensus that the amnesty granted to Foday Sankoh and Ieng Sary is out of step with international law — it may well be possible to grant amnesty to specific individuals, but only for political crimes such as high treason and *coups d'états*, and not for crimes against humanity, torture, war crimes and other violations of the Geneva Conventions of 12 August 1949 and other relevant international conventions and treaties. However, there is a legitimate fear that the withdrawal of such amnesties could renew the civil war in both countries.

The fact that the Sierra Leone special tribunal will receive funding only from voluntary sources may undermine its ability to apprehend and prosecute indicted war criminals. The lack of resources could result in poor investigations and further prolong the work of the tribunal. It is therefore important for the UN to assist these tribunals if they are to produce successful results like those of The Hague and Arusha tribunals. The fact that no contributions have been forthcoming since the UN Security Council passed resolution 1315 in August 2000

authorising the creation of the special court, supports the observation that, without UN-generated funds, it will take a relatively long time for the proposed tribunal to be properly established and effectively functioning.

Although the governments of Sierra Leone and Cambodia have requested the UN to assist them in setting up war crimes tribunals, the proliferation of ad hoc tribunals since 1993 might be seen as promoting selective justice and undermining a universally applicable system of criminal accountability. The *ad hoc* nature of these tribunals may not only delay the implementation of the Rome Statute, but may also serve as the basis for contempt, defiance, accusations and collective guilt. For example, the Federal Republic of Yugoslavia (Serbia-Montenegro) accused the ICTY for being biased against the Serbs. The Yugoslav government at the time argued that the tribunal sought to punish it as the main aggressor of the 1991 conflict leading to the disintegration of the former Republic of Yugoslavia (FRY). The government also accused the ICTY for indicting Slobodan Milosovic and not the late president of Croatia, Franjo Tudjman, when both leaders were equally responsible for the genocide in Bosnia-Herzegovina. The fact that the prosecutor of the ICTY declined to prosecute members of the North Atlantic Treaty Organisation (NATO) for the 1999 air-bombing campaign in Kosovo is one example used by Serbs to demonstrate the lack of fairness and even-handedness of the ICTY.[33]

Moreover, *ad hoc* tribunals might also be seen as an indication of the lack of political will by the international community to implement the Rome Statute and to bring an end to the long-standing culture of impunity in the 21st century. Therefore, it is maintained that only a permanent International Criminal Court will overcome the shortcomings of ad hoc justice.

## CONCLUSION: TOWARDS GLOBAL JUSTICE?

State practice shows that, with the spread of universal jurisdiction and the criminalisation of gross human rights violations, the net is gradually closing for war criminals. Nevertheless, two questions merit attention:

- Can the establishment of several *ad hoc* tribunals truly be regarded as an indication of an emerging consensus among states that international humanitarian law criminalises grave human rights violations?
- Does the duty to protect and ensure human rights under international law include a duty to take affirmative steps to prosecute in cases of grave violations of human rights?

Thus far, there seems to be some dispute about both questions. However, given the limited *ratione temporis* of the Rome Statute, an affirmative answer to either question would contribute towards establishing an emerging rule of customary international law.

Additionally, many countries around the world have co-operated with the ICTY and ICTR in handing over indicted war criminals since their creation.[34] Even though some have not yet ratified the Rome Statute, it can be argued that such states have assented by practice to the substantial law principles underlying this Statute. While the Rome Statute would have limited application, customary international law would apply throughout the world. In this respect, a country which is reluctant to accede to the Rome Statute, such as the United States, may be deemed not to be a persistent objector, as it has affirmed all *ad hoc* tribunals authorised by the Security Council (ICTY, ICTR and the special court for Sierra Leone).

The fact that the tribunals for Sierra Leone, Cambodia and East Timor exist only on paper demonstrates the inefficiency of *ad hoc* justice if the experiences of Rwanda and Yugoslavia are taken into account. A permanent International Criminal Court will not be a panacea for gross human rights violations across the world, but will certainly replace the stigma of selective justice, collective guilt, defiance and accusations with individual criminal responsibility. It remains senseless to wait for atrocities to be committed before embarking upon the establishment of an *ad hoc* body like a tribunal that will only be able to hold the violators of human rights accountable at some time in the distant future.

## NOTES

1. Kofi Annan, *The role of the United Nations in the 21st century*, United Nations, New York, 2000, p 46.
2. See *Vienna declaration and programme of action*, World Conference on Human Rights, UN Doc. A/CONF./57/24, 1993, paragraph 60: "States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations thereby providing a firm basis for the rule of law."
3. UN Security Council resolution 827, 1993, 32 ILM 166.
4. UN Security Council resolution 955, 1994, 33 ILM 1598.
5. It was not the first time that the UN Security Council used its powers under Chapter VII of the Charter. For example, in 1992, the UN Security Council, acting under Chapter VII, adopted UN resolution 748, requiring Libya to surrender to the United States or the United Kingdom, in order to prosecute two Libyan nationals charged with the bombing of Pan Am Flight 103 over Lockerbie, Scotland. In 1993, the Council adopted UN resolution 837, calling for the arrest and prosecution of Somali warlord, Mohamed Farrah Aidid, responsible for the murder of 24 UN peacekeepers.
6. *The Prosecutor v Milosovic & Others*, Case No: IT-99-37-1(Indictment). On 30 March 2001, Slobodan Milosovic was arrested in Belgrade on charges of embezzling public funds. There is enormous pressure on the Yugoslav authorities from European Union countries and the United States to hand over Milosovic to the ICTY in The Hague.
7. *The Prosecutor v Jean Kambanda*, Case No: ICTR 97-23-5 (Judgement and Sentence).
8. Adopted at the UN Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, Italy, 15-17 July 1998, A/Conf.183/9. Countries which voted against the Rome Statute include the United States, Iraq, Libya, Qatar, Yemen, China and Israel.
9. *R v Bow Street Metropolitan Stipendiary Magistrate. Ex Parte Pinochet*, 1998, 3 WLR 1456 (HL).
10. *Sunday Times*, 28 November 1999, p 2. Lieutenant-Colonel Mengistu Haile Mariam ruled Ethiopia from 1974 to 1991 when he was overthrown by the Ethiopian Peoples' Revolutionary Democratic Front. He fled to Zimbabwe in May 1991. Colonel Mariam has been indicted individually and collectively on charges of genocide and crimes against humanity by the Special Prosecutor's Office (SPO) created by the new government in 1992 to investigate human rights abuses by the former regime and to prosecute those held to be responsible.
11. ICJ press release 2000/32, 17 October 2000.
12. *Peace Agreement Between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone* (the Lomé agreement), S/1999/777.
13. Article IX of the agreement states that "[i]n order to bring lasting peace to Sierra Leone, the government of Sierra Leone will grant Corporal Foday Sankoh (the RUF leader) absolute and free pardon."
14. See P Rakate, Sierra Leone: A balancing act, *Indicator South Africa* 17, 2000, p 85; A Tejan-Cole, Painful peace: Amnesty under the Lomé Peace Agreement on Sierra Leone, *Review of the African Commission on Human and Peoples' Rights 9*, 2000, p 238.
15. *Seventh report of the Secretary- General on the United Nations Observer Mission in Sierra Leone*, S/1999/836, 30 July 1999, paragraph 55.
16. UN Security Council resolution 1260, 4035TH meeting, 20 August 1999.
17. Ibid.
18. UN Security Council resolution 1315, 2000.
19. *Report of the Secretary-General on the establishment of a Special Court for Sierra Leone,* UN Doc. S/2000/915, October 2000.
20. Remarks by Ambassador Richard C Holbrooke, US Permanent Representative to the UN, on the situation in Sierra Leone, at the UN Security Council Stakeout, 27 July 2000, USUN press release 100, 2000.
21. UNTAET regulation 1(1), 1999.
22. UNTAET regulation 1(2), 1999.
23. See *Report of the International Commission of Inquiry on East Timor to the Secretary-General*, UN GA A/54/72, S72000/59, January 2000, paragraph 153.

24. UNTAET regulation 15, 2000.
25. Rome Statute, section 22.
26. On the history of the conflict see, for example, K Ben, *The Pol Pot regime: Race, power and genocide in Cambodia under the Khmer Rouge*, 1975-1979, Yale University Press, New Haven, 1996; D Wilfred, *Road to the killing fields: The Cambodian war of 1970-1975*, Texas A & M University Press, College Station, 1997.
27. UN General Assembly resolution 52/135, 2000.
28. See *Report of Group of Experts for Cambodia established pursuant to General Assembly Resolution 52/135*, UN/GA S/1999/231, 1999.
29. *Law on the establishment of Extraordinary Chambers in the Courts of Cambodia for the prosecution of crimes committed during the period of Democratic Kampuchea*, 2 January 2001.
30. *Ibid*, articles 1-8.
31. *Ibid*, articles 10-11.
32. *Ibid*, articles 16-28.
33. D Hinic, The International Criminal Tribunal for the Former Yugoslavia: A Serbian view, in J Hasse, E Muller & P Schneider (eds), *Humanitares Volkerrecht*, Nomos Verlagsgesellschaft, Hamburg, 2001, p 420.
34. For example, Australia, France, Hungary, New Zealand, Switzerland, the United Kingdom, the United States, Croatia, Bosnia-Herzegovina, Italy, Netherlands, Norway, Finland, Spain, Sweden and Turkey. For more general details, see *International Criminal Tribunal for the Former Yugoslavia Yearbook*, ICTY Publication, The Hague, 1996, p 249.

## ABOUT THIS PAPER

The aim of this paper is to highlight the broader significance of developments in international justice, with specific focus on the impetus given to the creation of further specialised criminal tribunals to prosecute those who allegedly violated international humanitarian law in Sierra Leone, Cambodia and East Timor. There are still some significant obstacles in the path of these proposed tribunals, which are briefly discussed in this paper before making some concluding comments on the perceived move towards global justice.

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