

# INTERNATIONAL CRIME

# What are International Crimes?

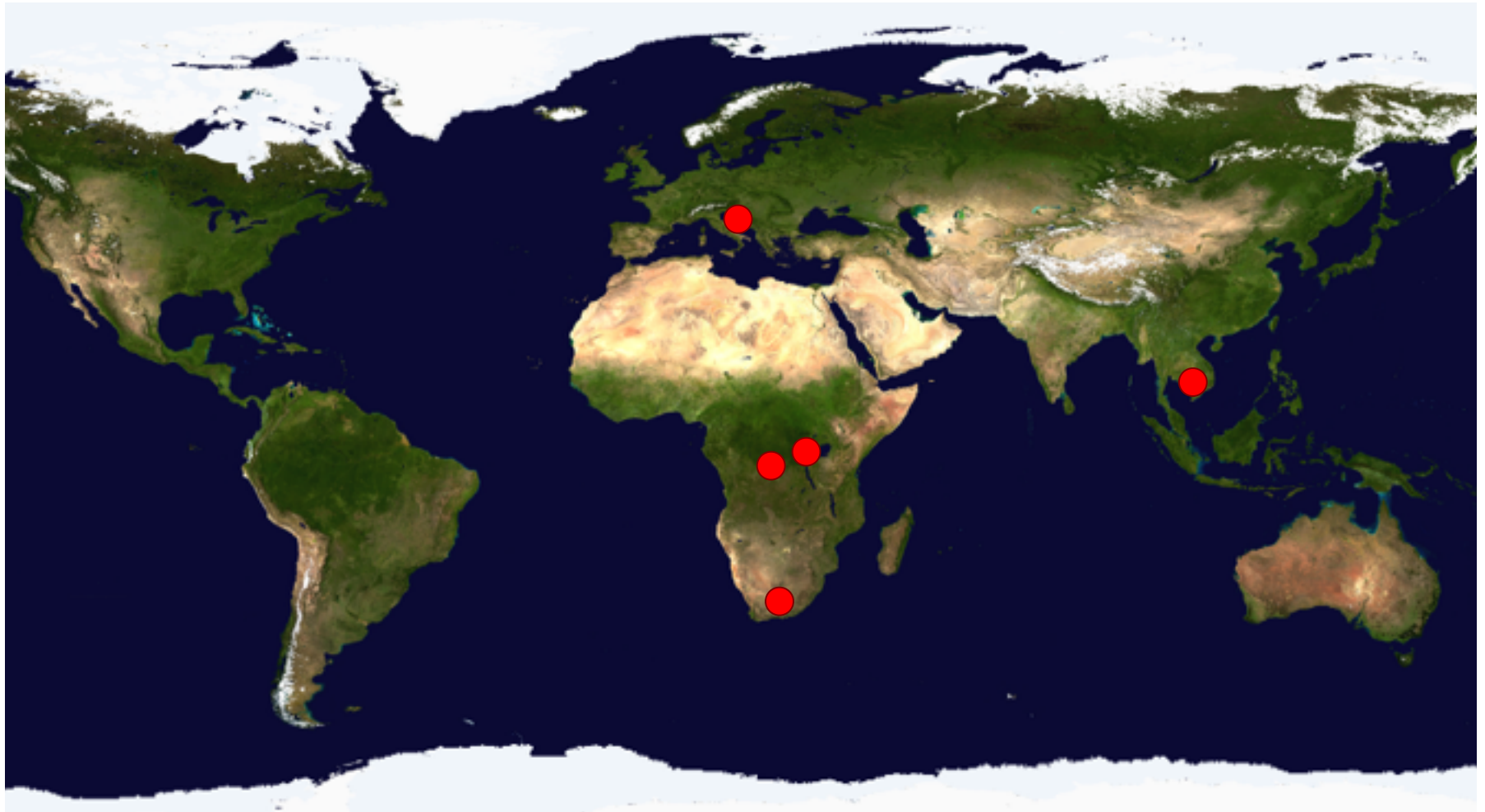
“... an act universally recognized as criminal, which is considered a **grave matter of international concern** and for some valid reason **cannot be left within the exclusive jurisdiction** of the state that would have control over it under ordinary circumstances.”

# What are International Crimes?

## Rome Statute

suffering,...

- **Crimes of Aggression**



# Why is it important to deal with those crimes?



# Why is it important to deal with those crimes?



“Do you see this boy? He is my grandson.  
And I will teach him to remember and to hate. I will teach him to kill.”  
(Weinstein & Stover, 2004, p.1)

# Goal of dealing with International Crimes

- Justice to the victim



# Goal of dealing with International Crimes

- Justice to the victim



Short-Term



# Goal of dealing with International Crimes

- Justice to the victim



Short-Term

- Justice to the society ( → peace)

# Goal of dealing with International Crimes

- Justice to the victim



Short-Term

- Justice to the society ( → peace)



Long-Term



JUSTICE

VS.

PEACE

JUSTICE

?

PEACE

# JUSTICE - PEACE

Post-Conflict Transitional Justice Mechanisms

# Transitional Justice



# Two Types of Transitional Justice

**RETRIBUTIVE JUSTICE**

**RESTORATIVE JUSTICE**



# Two Types of Transitional Justice

**RETRIBUTIVE JUSTICE**

**RESTORATIVE JUSTICE**



# Two Types of Transitional Justice

## RETRIBUTIVE JUSTICE



## RESTORATIVE JUSTICE



# Two Types of Transitional Justice

## RETRIBUTIVE JUSTICE



## RESTORATIVE JUSTICE

"We believe, however, that there is another kind of justice—a **restorative justice** which is concerned not so much with punishment as with correcting imbalances, **restoring broken relationships**—with healing, harmony and reconciliation." (Demond Tutu, Head of the TRC in South Africa)

# Two Types of Transitional Justice

## RETRIBUTIVE JUSTICE



## RESTORATIVE JUSTICE



# Two Types of Transitional Justice

## RETRIBUTIVE JUSTICE

International Courts

## RESTORATIVE JUSTICE

Truth and Reconciliation  
Commission

# Two Types of Transitional Justice

## RETRIBUTIVE JUSTICE

International Courts



International Criminal  
Tribunals



Hybrid Courts



International Criminal  
Court

## RESTORATIVE JUSTICE

Truth and Reconciliation  
Commission

# Two Types of Transitional Justice

## RETRIBUTIVE JUSTICE

International Courts



International Criminal  
Tribunals



Hybrid Courts

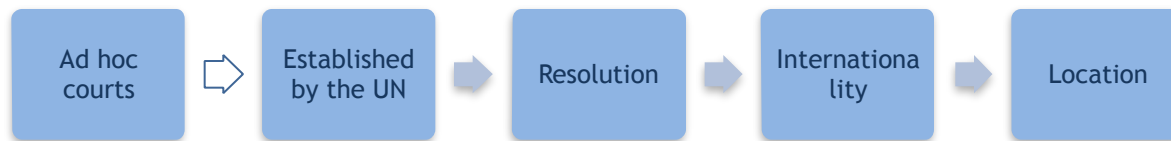


International Criminal  
Court

## RESTORATIVE JUSTICE

Truth and Reconciliation  
Commission

# International Criminal Tribunals





# International Criminal Tribunal for the former Yugoslavia

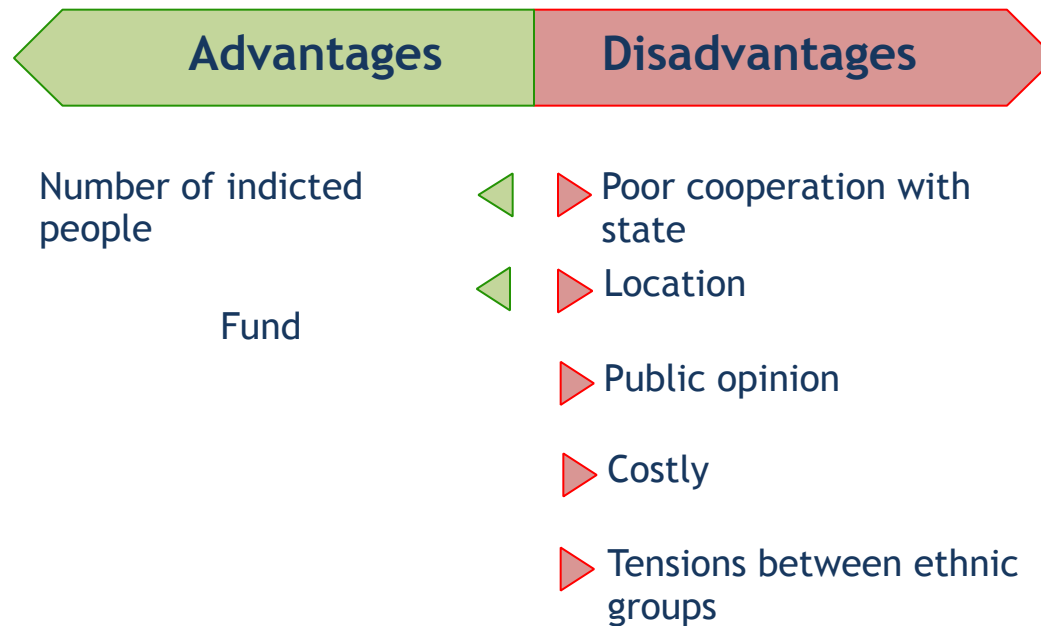


# International Criminal Tribunal for the former Yugoslavia

- 1993
- The Hague
- Based on resolution
- 4 types of offenses can be prosecuted
- Chambers: international judges



# International Criminal Tribunal for the former Yugoslavia



# Two Types of Transitional Justice

## RETRIBUTIVE JUSTICE

International Courts



International Criminal  
Tribunals



Hybrid Courts

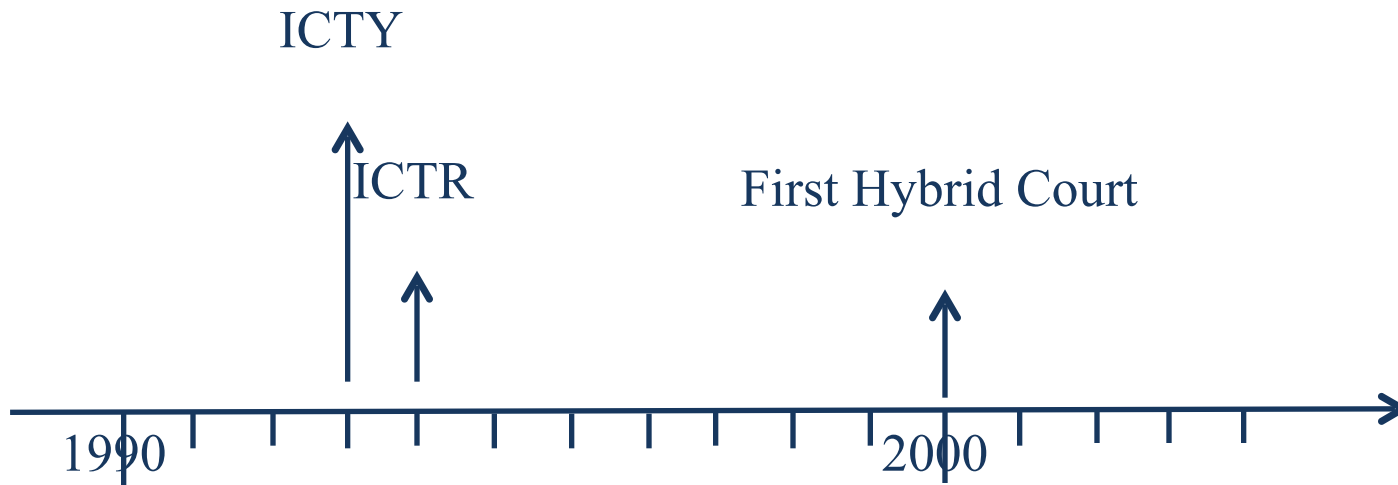


International Criminal  
Court

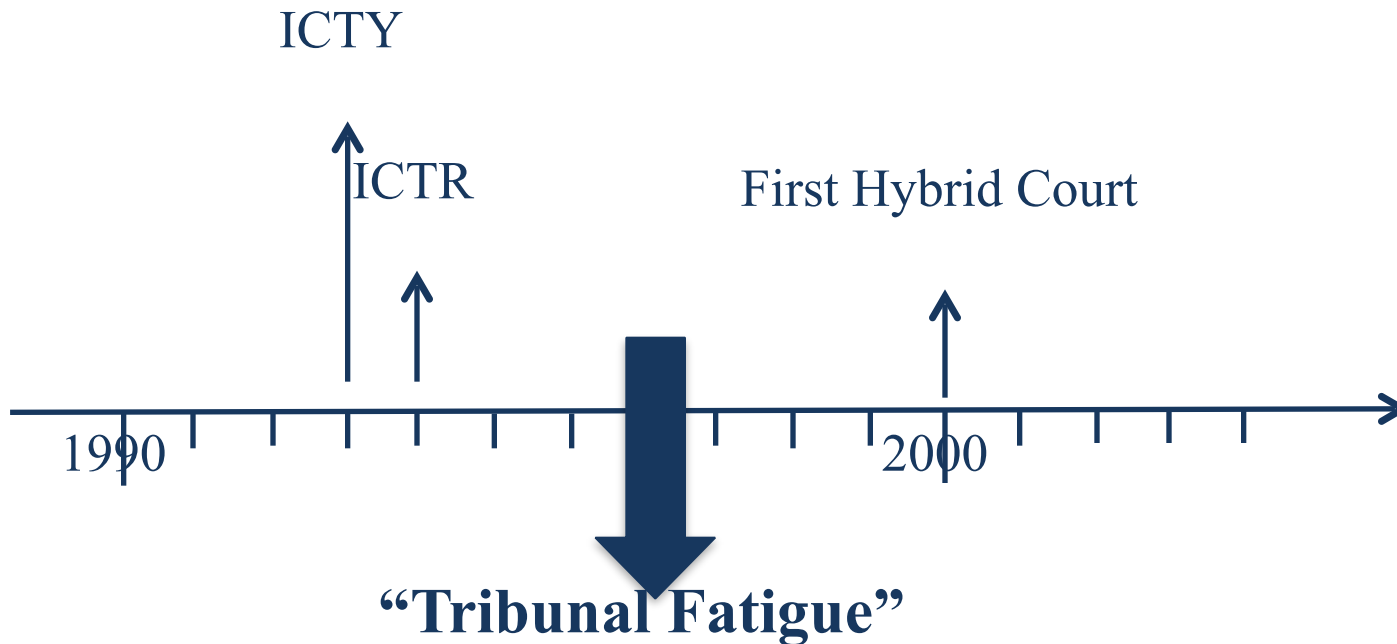
## RESTORATIVE JUSTICE

Truth and Reconciliation  
Commission

# Hybrid Courts



# Hybrid Courts



# Hybrid Courts



# Extraordinary Chambers in the Courts of Cambodia





# Extraordinary Chambers in the Courts of Cambodia



Pol Pot

# Extraordinary Chambers in the Courts of Cambodia



# Extraordinary Chambers in the Courts of Cambodia



Kaing Guek Eav (Duch)



Nuon Chea



Khieu Samphan

# Extraordinary Chambers in the Courts of Cambodia

## Advantages

Mixture of international and national judges

Training for judges

Mixture of international and national law

Location

## Disadvantages

Small number convicted

Lengthy Establishment

Funding

# Two Types of Transitional Justice

## RETRIBUTIVE JUSTICE

International Courts



International Criminal  
Tribunals



Hybrid Courts

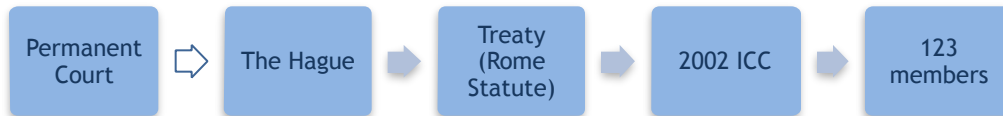


International Criminal  
Court

## RESTORATIVE JUSTICE

Truth and Reconciliation  
Commission

# International Criminal Court





# International Criminal Court



Fatou Bensouda

# International Criminal Court





# International Criminal Court

- Thomas Lubanga Dyilo
- Founded: Union of Congolese Patriots
- Extradited by the DRC
- 14 years imprisonment



# International Criminal Court



- |                           |   |                             |
|---------------------------|---|-----------------------------|
| Permanent                 | ◀ | ▶ No universal jurisdiction |
| Inclusion of Victims      | ◀ | ▶ Slow and costly           |
| Deterrence                | ◀ |                             |
| Legitimacy principles     | ◀ |                             |
| Reference to other courts | ◀ |                             |

# International Criminal Court

## Advantages

## Disadvantages

Permanent



No universal jurisdiction

Inclusion of  
Victims



Slow and costly

Deterrence

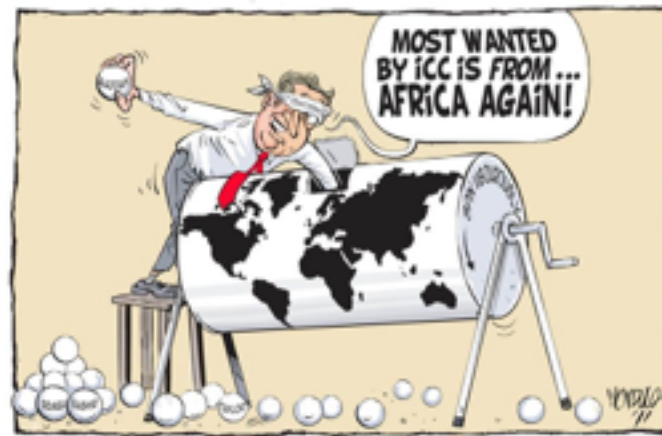


Choice of conflicts

Legitimacy  
principles



Reference to other courts



# Two Types of Transitional Justice

## RETRIBUTIVE JUSTICE

International Courts



International Criminal  
Tribunals



Hybrid Courts

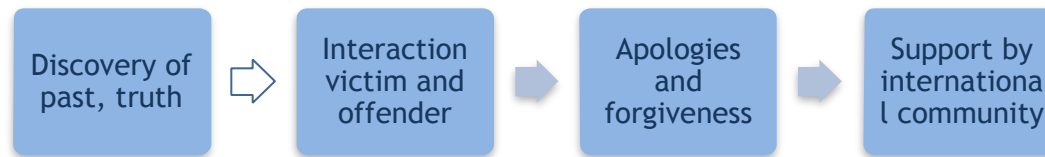


International Criminal  
Court

## RESTORATIVE JUSTICE

Truth and Reconciliation  
Commission

# Truth and Reconciliation Commission



# Truth and Reconciliation Commission in South Africa



# Truth and Reconciliation Commission in South Africa

- Response to Apartheid
- 1995 Promotion of National Unity and Reconciliation Act



# Truth and Reconciliation Commission in South Africa





# Truth and Reconciliation Commission in South Africa

## Advantages

## Disadvantages

Record of the past, pattern and causes



Almost no punishment

Social truth



Need justice for reconciliation

Victim is the centre, Apologies



Little reparations

Amnesties



Amnesties

Low Costs



Still black/white gap

Psychological support



Media



Democracy



# Two Types of Transitional Justice

## RETRIBUTIVE JUSTICE

International Courts



International Criminal  
Tribunals



Hybrid Courts

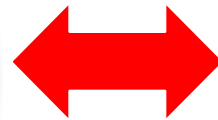


International Criminal  
Court

## RESTORATIVE JUSTICE

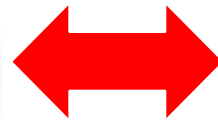
Truth and Reconciliation  
Commission

**Retributive  
Justice**



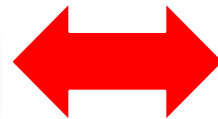
**Restorative  
Justice**

**Justice  
for the Victim**



**Justice  
for the society**

**JUSTICE**



**PEACE**

