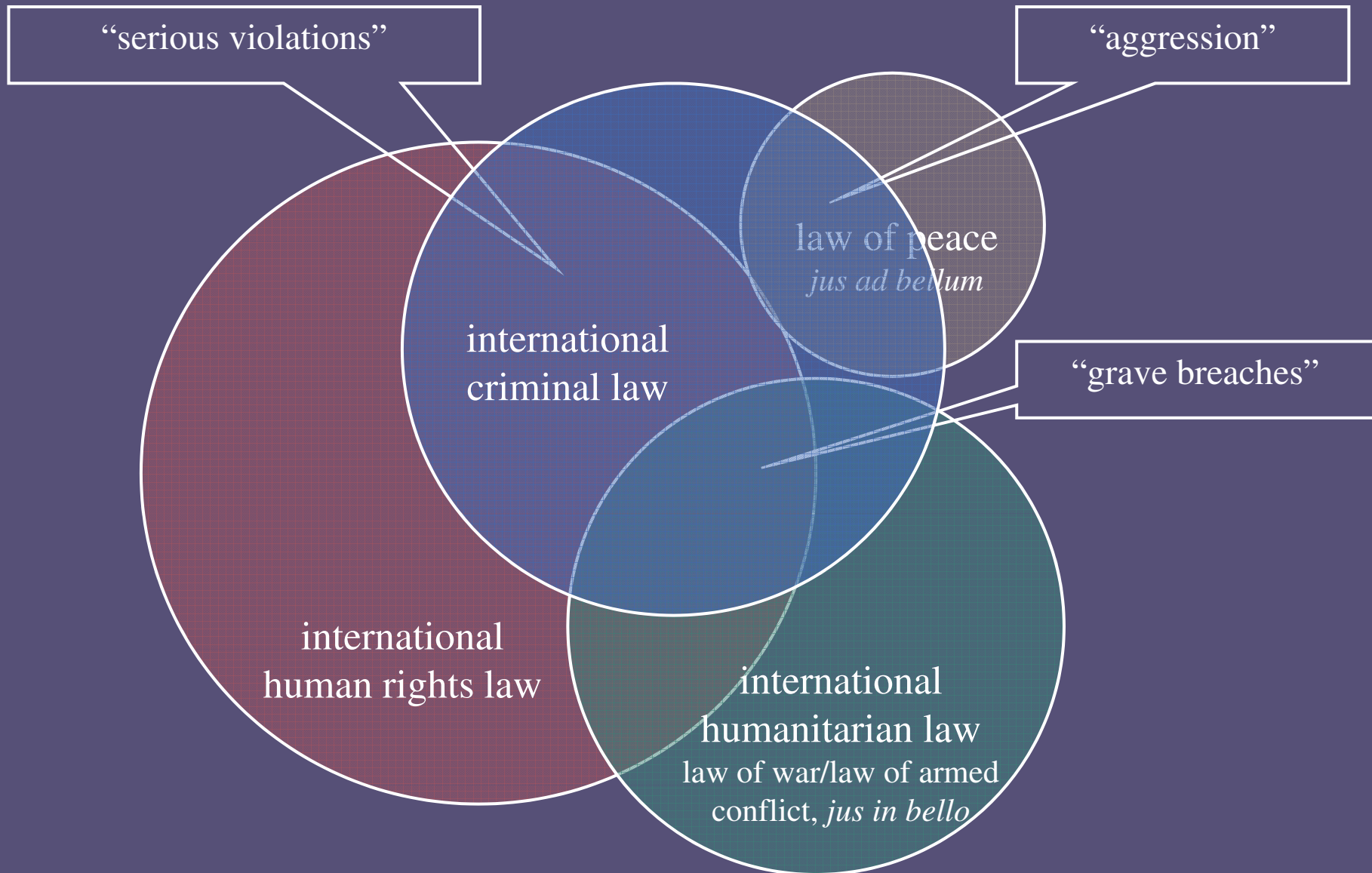National University of Singapore
Centre for International Law
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National Capacity to Investigate, Prosecute and Adjudicate Core International Crimes

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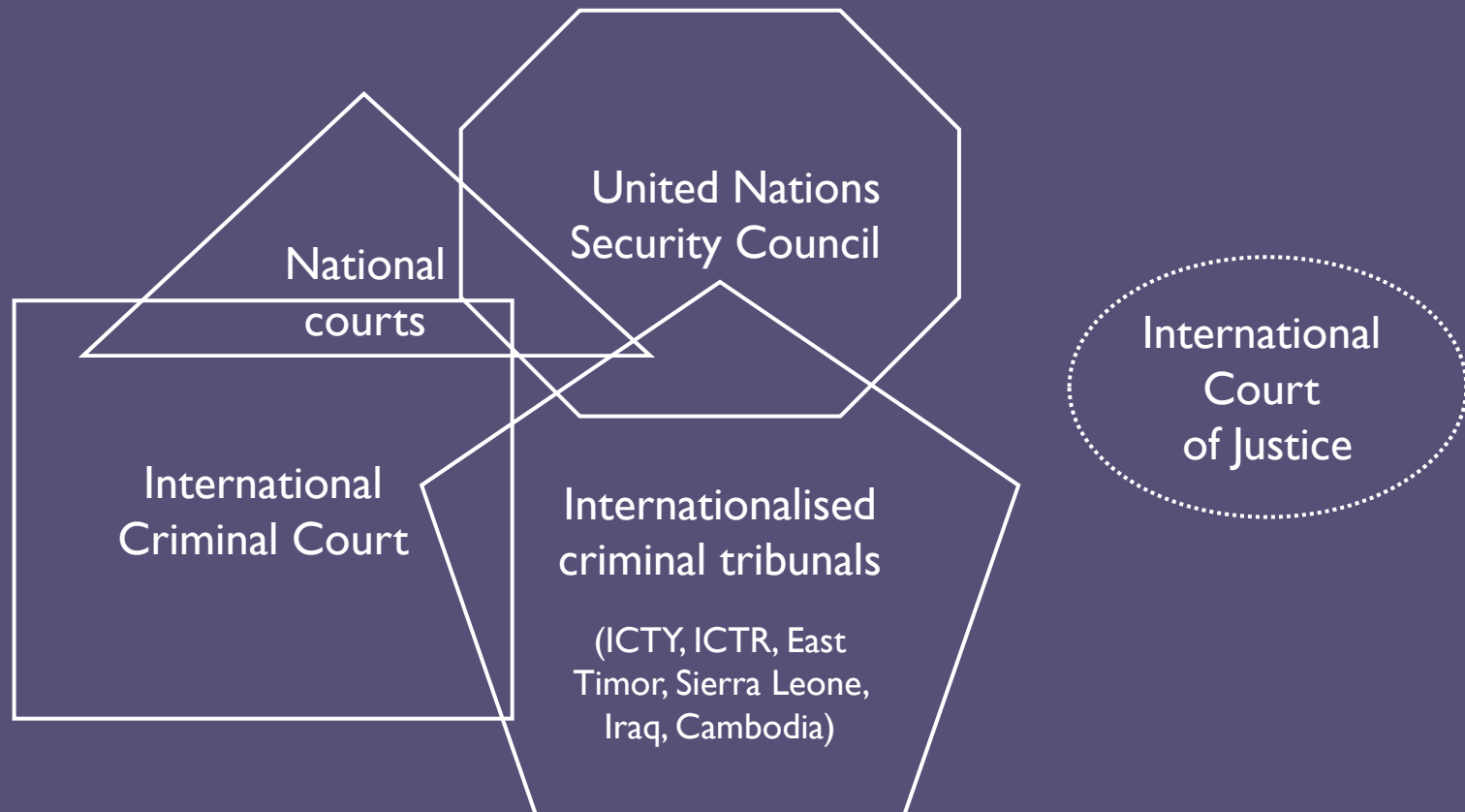
Interrelated spheres of international law

System of international criminal justice

Key questions: WHAT, WHO, WHEN, & WHERE?

Boundaries of jurisdiction:
- *ratione materiae* (what?)
- *ratione personae* (who?)
- *ratione temporis* (when?)
- *ratione loci* (where?)

National courts

United Nations Security Council

International Court of Justice

International Criminal Court

Internationalised criminal tribunals

(ICTY, ICTR, East Timor, Sierra Leone, Iraq, Cambodia)

Internationalised criminal jurisdictions

- International Military Tribunal (Nuremberg) (IMT) [occupation]
- Tokyo Tribunal [occupation]

- International Criminal Tribunal for the Former Yugoslavia (ICTY) [UNSC]
- International Criminal Tribunal for Rwanda (ICTR) [UNSC]

- UNMIK (United Nations Mission in Kosovo) judiciary (war crimes) [SRSG]
- UNTAET (Transitional Administration in East Timor) (serious crimes) [SRSG]

- Special Court for Sierra Leone (SCSL) [agreement UN-state]
- Extraordinary Chambers in the Courts of Cambodia (ECCC) [agreement UN-state]

- Iraqi High Tribunal (IHT) [occupation]

- International Criminal Court (ICC) [treaty]

Permanent International Criminal Court

2003

Created in July 1998 with the signature of the Rome Statute

Election of 18 Judges and Prosecutor

Temporary international criminal jurisdictions

IMT at Nuremberg

ICTY ICTR

Other internationalised criminal jurisdictions

1999 2000 2002 200?

Kosovo East Timor Sierra Leone Cambodia

Examples of national exercise of "universal" jurisdiction

1946 1961 1985 1987 1994 1997 1998 1999 2000 2001 2003

Tokyo Eichmann Demjanjuk Barbie Sarić Djajić Pinochet Jorgić Habré Mukangango Cavallo

Munyeshyaka Ould Dah Mukabutera

Niyonteze Ntezimana

Higaniro

Examples of national application of domestic law involving international crimes

1970 1976 1989 1994

My Lai Majdanek Argentina Finta Ethiopia

(Junta trials)

Categorizing national preparedness

1. Legislative preparedness

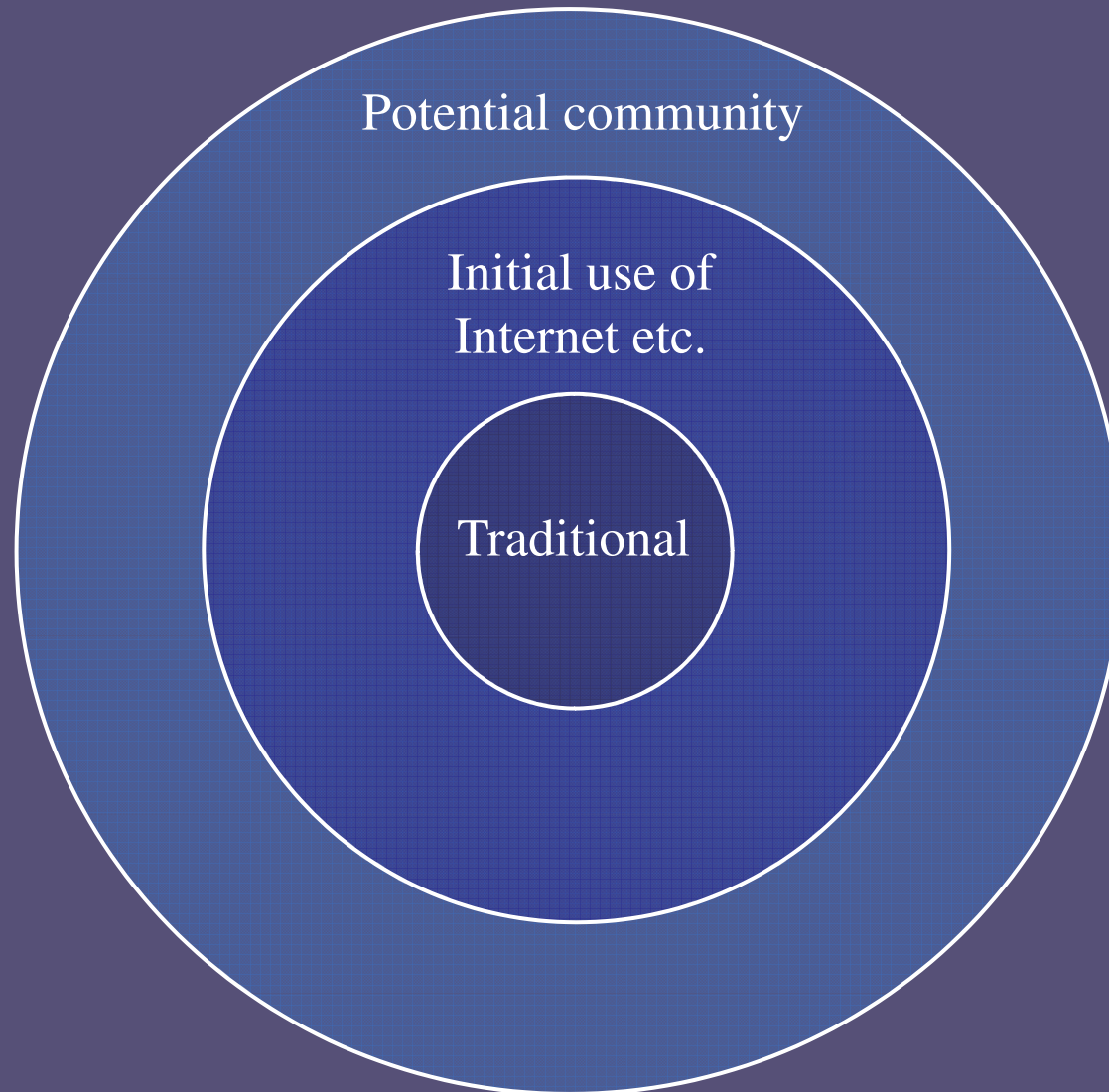2. Institutional preparedness

3. Professional capacity

Some prerequisites for professional capacity

1. Access to legal information

2. Access to digested legal information or knowledge

3. Access to tools that address the weakest links in work processes

The utility of:

4. Self-learning capacity

5. Professional networks

Expanding the ICL discourse community

Potential community

Initial use of
Internet etc.

Traditional

End

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