The Variable Landscape of International Criminal Justice

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Non-exhaustive Timeline of International Criminal Justice
(by date of establishment / conclusion of the founding instrument)
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Organisation of Justice in Luxembourg

Source: https://justice.public.lu/fr/organisation-justice.html
Hybrid Justice for Victims of Mass Crimes – Making the System Meaningful

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11. A narrow concept of jurisdiction may, perhaps, be warranted in a national context but not in international law. International law, because it lacks a centralized structure, does not provide for an integrated judicial system operating an orderly division of labour among a number of tribunals, where certain aspects or components of jurisdiction as a power could be centralized or vested in one of them but not the others. In international law, every tribunal is a self-contained system (unless otherwise provided). This is incompatible with a narrow concept of jurisdiction, which presupposes a certain division of labour. Of course, the constitutive instrument of an international tribunal can limit some of its jurisdictional powers, but only to the extent to which such limitation does not jeopardize its "judicial character", as shall be discussed later on. Such limitations cannot, however, be presumed and, in any case, they cannot be deduced from the concept of jurisdiction itself.

Source: ICTY, the Prosecutor v. Dusko Tadic, IT-94-1, decision on the defence motion for interlocutory appeal on jurisdiction, 2 October 1995.
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F. The ‘Mixed’ Tribunals

The result of the increasing internationalization of prosecution of serious human rights and war crimes, many so-called ‘mixed’ or hybrid tribunals have been established in several situations. Examples are:

- **Prosecutor v Thomas Lubanga Dyilo**, No. ICC-01/04-01/06-2901, Decision on Sentence pursuant to Article 77 (10 July 2012).
7. The Security Council mandated the Secretary-General to negotiate an agreement aimed at establishing a tribunal of an international character based on the highest international standards of criminal justice. Although the features of such an international character were not specified, the constitutive instruments of the special tribunal in both form and substance evidence its international character. The legal basis for the establishment of the special tribunal is an international agreement between the United Nations and a Member State; its composition is mixed with a substantial international component; its standards of justice, including principles of due process of law, are those applicable in all international or United Nations-based criminal jurisdictions; its rules of procedure and evidence are to be inspired, in part, by reference materials reflecting the highest standards of international criminal procedure; and its success may rely considerably on the cooperation of third States. While in all of these respects the special tribunal has international characteristics, its subject matter jurisdiction or the applicable law remain national in character, however.

8. The special tribunal for Lebanon is distinguished from other international criminal tribunals established or assisted by the United Nations in two respects: (a) in the conduct of the trial process, more elements of civil law are evident than of common law; and (b) the investigative process conducted by the International Independent Investigation Commission constitutes, in fact, the core nascent prosecutor’s office.

Source: Report of the Secretary-General on the establishment of a special tribunal for Lebanon, S/2006/893, 15 November 2006
Over the past few years, we have witnessed a renewed and revived interest in creating hybrid tribunals as a means to address situations of mass atrocity. Hybrid courts have been set up in Kosovo, the Central African Republic, and Senegal (to prosecute the crimes...
Special Tribunal for Lebanon

Having been established by an Agreement between the United Nations and the Lebanese Republic (hereinafter “the Agreement”) pursuant to Security Council resolution 1664 (2006) of 29 March 2006, which responded to the request of the Government of Lebanon to establish a tribunal of an international character to try all those who are found liable for the commission of acts of terrorism, crimes and offences against life and personal integrity, illicit associations and failure to report crimes and offences, including the rules regarding the material elements of a crime, criminal participation and conspiracy; and

1. (a) The provisions of the [Lebanese Criminal Code](#) relating to the prosecution and punishment of acts of terrorism, crimes and offences against life and personal integrity, illicit associations and failure to report crimes and offences, including the rules regarding the material elements of a crime, criminal participation and conspiracy; and

(b) Articles 6 and 7 of the [Lebanese law](#) of 11 January 1958 on “Increasing the penalties for sedition, civil war and interfaith struggle”.

(c) The Government and the Secretary-General shall consult on the appointment of judges;

Source: [https://www.stl-tsl.org/](https://www.stl-tsl.org/)
Kosovo Specialist Chambers & Specialist Prosecutor's Office

2. The Specialist Chambers shall adjudicate and function in accordance with,

a. the Constitution of the Republic of Kosovo,

b. this Law as the *lex specialis*,

c. other provisions of Kosovo law as expressly incorporated and applied by this Law,

d. customary international law, as given superiority over domestic laws by Article 19(2) of the Constitution, and

e. international human rights law which sets criminal justice standards including the European Convention on Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights, as given superiority over domestic laws by Article 22 of the Constitution.