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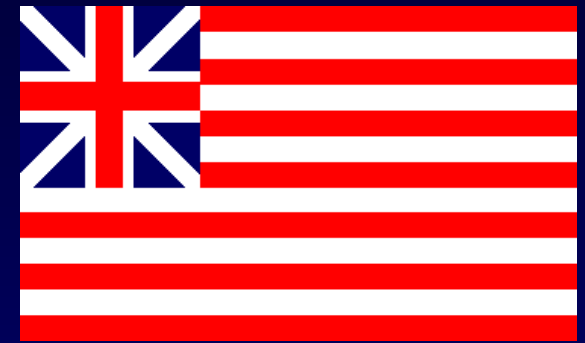
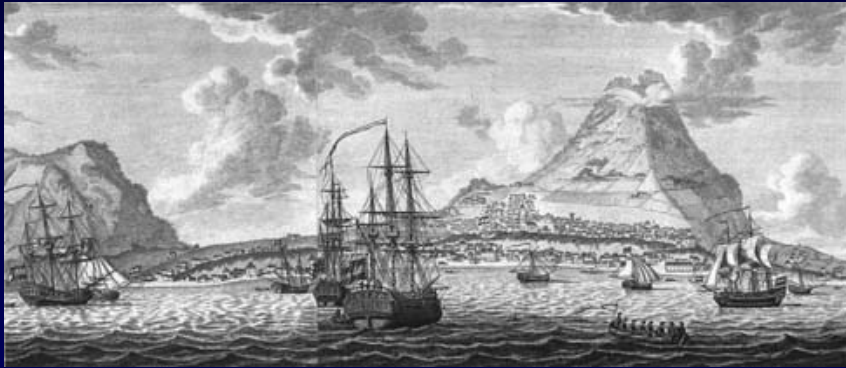
International Courts and Tribunals

In co-operation with

EULEC

The European Institute for
Freedom, Security and Justice

RuG



The Grand Union 1776

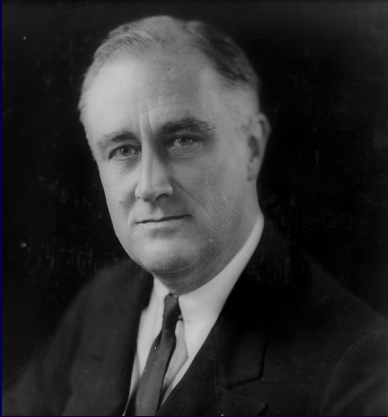
During the Revolutionary War of Independence:

Saint Eustatius: one of the Dutch Caribbean Islands, a former colony, did salute the flag of the USA on 10 November 1776. It was the Governor of Eustatius who gave the order.

Therefore, it was an act to be imputed to the Dutch Republic. There was a real risk that the Republic would be facing a declaration of war by the United Kingdom, who considered the USA a rebellious party in those days.



13 Stars and Stripes 1777



Franklin D. Roosevelt

In commemoration of the salute of the Flag of the United States
fired in this fort on 10 November 1776 by Order of
Johannes de Graaff, Governor of St. Eustatius,
in reply to a national gun-salute fired by the U.S. Brig-of
War "Andrew Doria" under captain Isaiah Robinson of the
Continental Navy.
Here the sovereignty of the U.S.A. was first formally
acknowledged to a national vessel by a foreign official.



The History of International Criminal Tribunals and Courts.



Henri Dunant
in 1901 Nobel Peace Prize



Impact on the work of the national judiciary



"THE HAGUE, LEGAL CAPITAL OF THE WORLD".



Dutch Government.





International substantive criminal law in development

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Before the Vienna congress (1814)

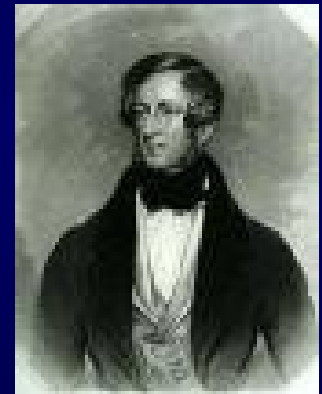
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Napoleon
and his Waterloo



Leading persons during the Vienna Congress 1815



After the Vienna Congress:



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This rendition of legality prompts extreme dualism at the national level

- This extreme concept of legality is the result of the absolute concept of intern sovereignty and absolute nationality
- The law of war and armed conflict, international criminal law and international humanitarian law is a necessity
- Basic assumption:
in criminal matters treaty law can not be self executing
- First attempt to achieve codification: The Hague 1899

Peace Conferences



Tsar Nicolaas II



Kaiser Wilhelm II

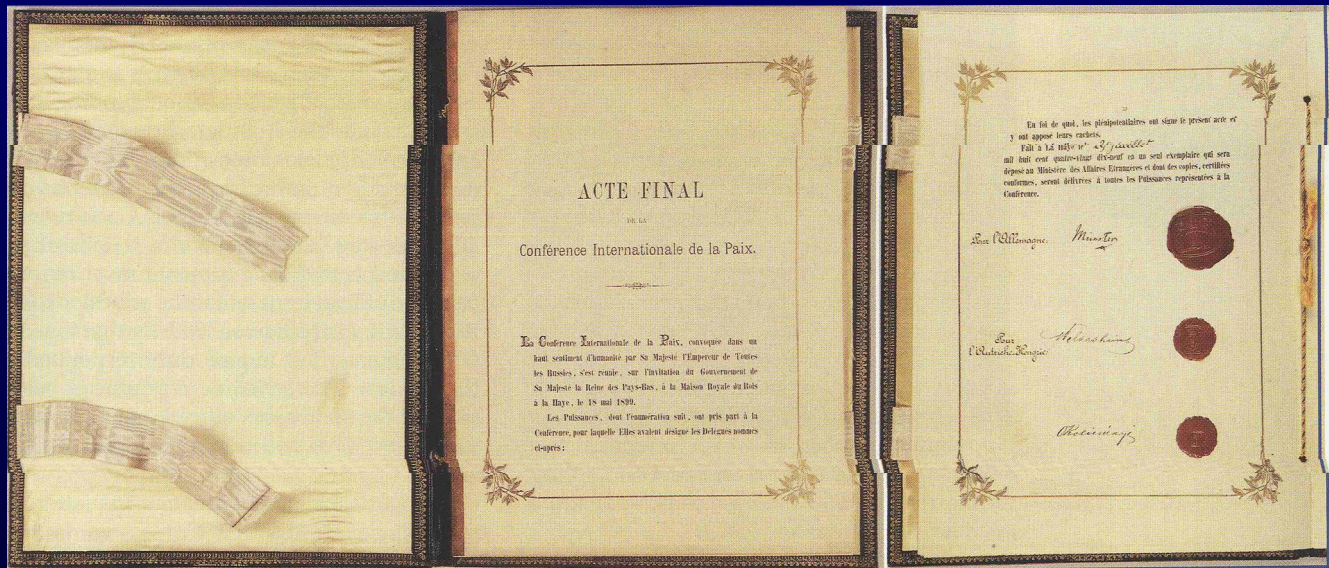


Queen Wilhelmina

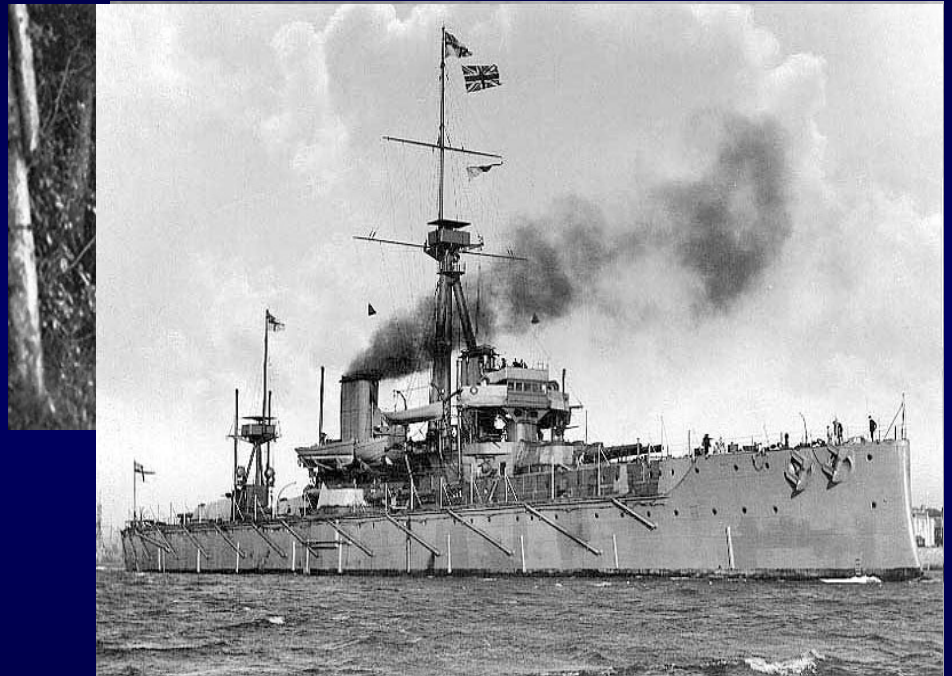
Basic assumptions underlying the concept of IUS AD BELLUM in the end of the XIXth Century(1899)

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Dutch tradition ⁽²⁾



1899 and thereafter



The risk of a sudden outbreak of war is imminent

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Christ sent back at the Peace Conference:
"He has no army"

Threat of war and armed conflict are multiplying

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Armageddon in August 1914

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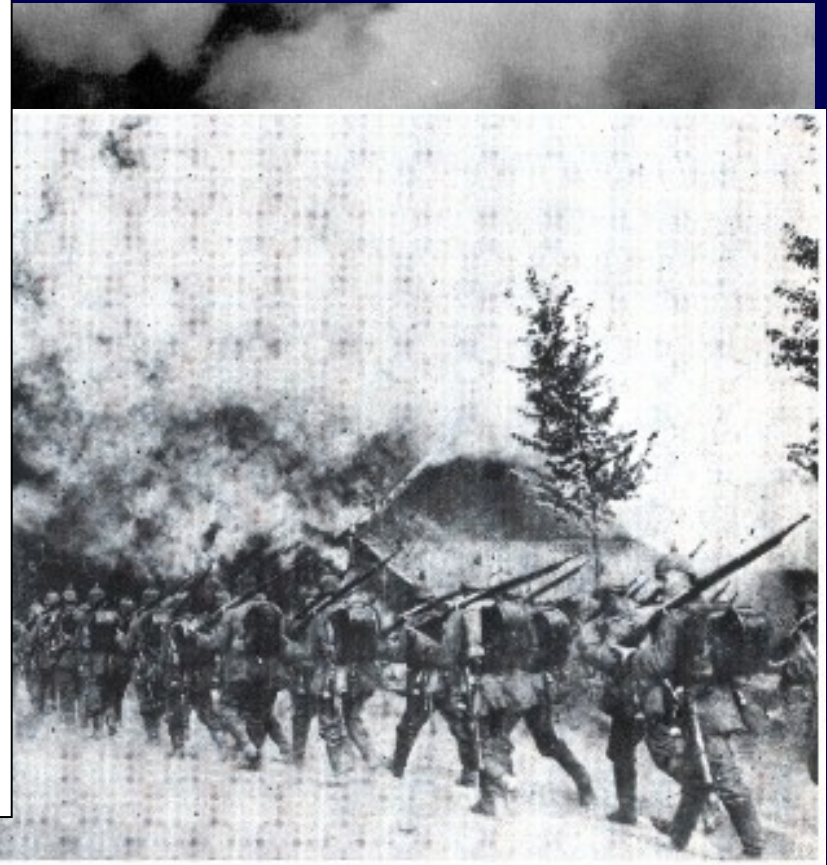
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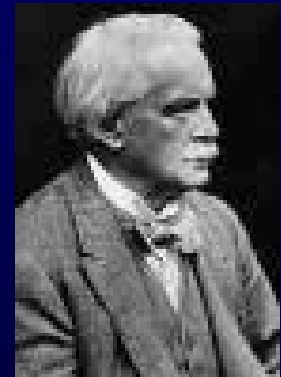
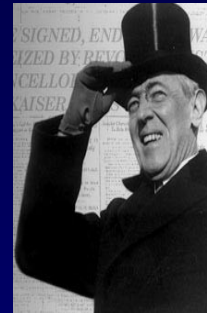
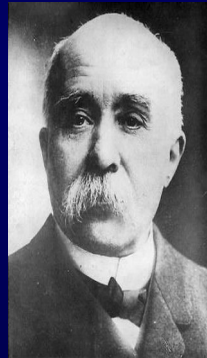
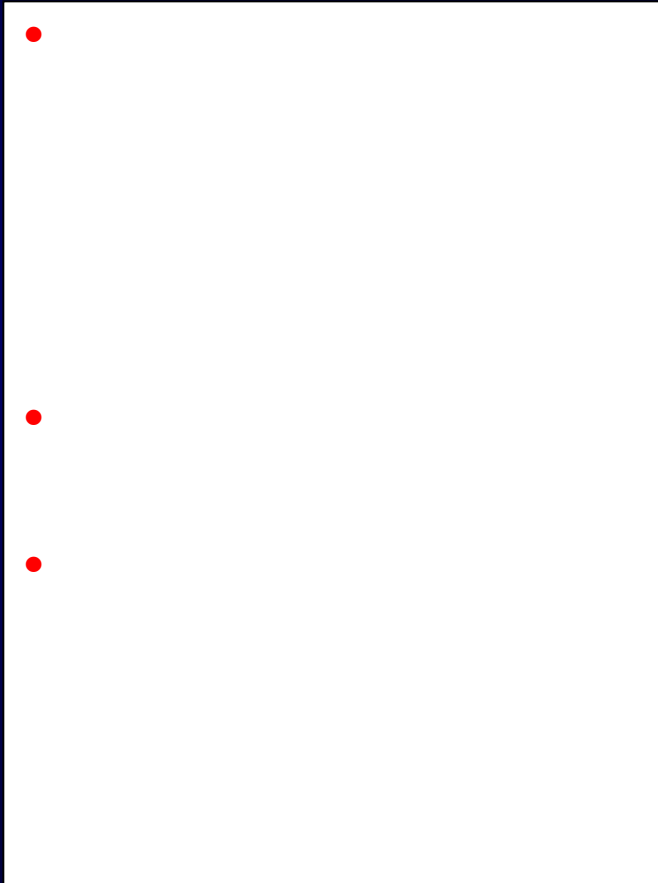


Woodrow Wilson

president of the United States



Towards a World Peace 1918?



an Emperor



Queen Wilhelmina, (parented to the German Emperor) was thought to have facilitated the Emperor's coming. The Dutch Government and Parliament were not amused.



Reconstruction of the Peace after 1918



Main characteristics of the Versailles Treaty:



Only the war criminals of the Central Powers have to stand trial



The central war criminals
to be assigned by the allies
have to stand trial

- Hindenburg
- Ludendorff
- Von Hötendorff
- Von Kluck



The German Reichsgericht has to
hand down their verdicts as
trustee of the Versailles Treaty
Organisation

Fate of the League of Nations: in the 30-ies



Hitler and Stalin



The LEAGUE ridiculised



REAR VIEW.

—Orr in the Chicago Tribune.

M. Strijards



WOODROW HASN'T EVEN SENT HER A PICTURE POST CARD

—Darling in the New York Tribune.

Evolutions in international criminal law after 1940



Characteristics of this “new” international criminal law



The establishment of the United Nations

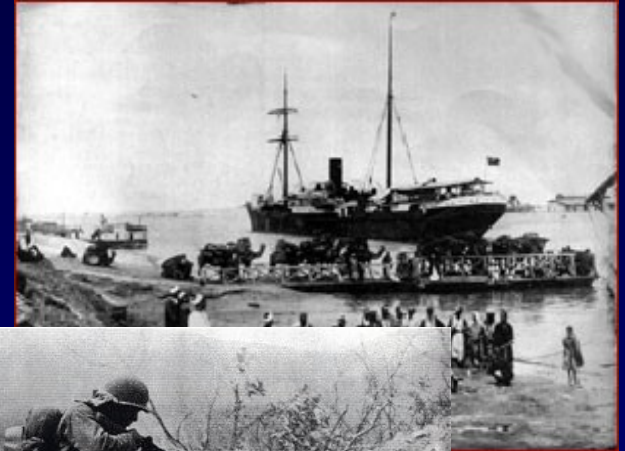
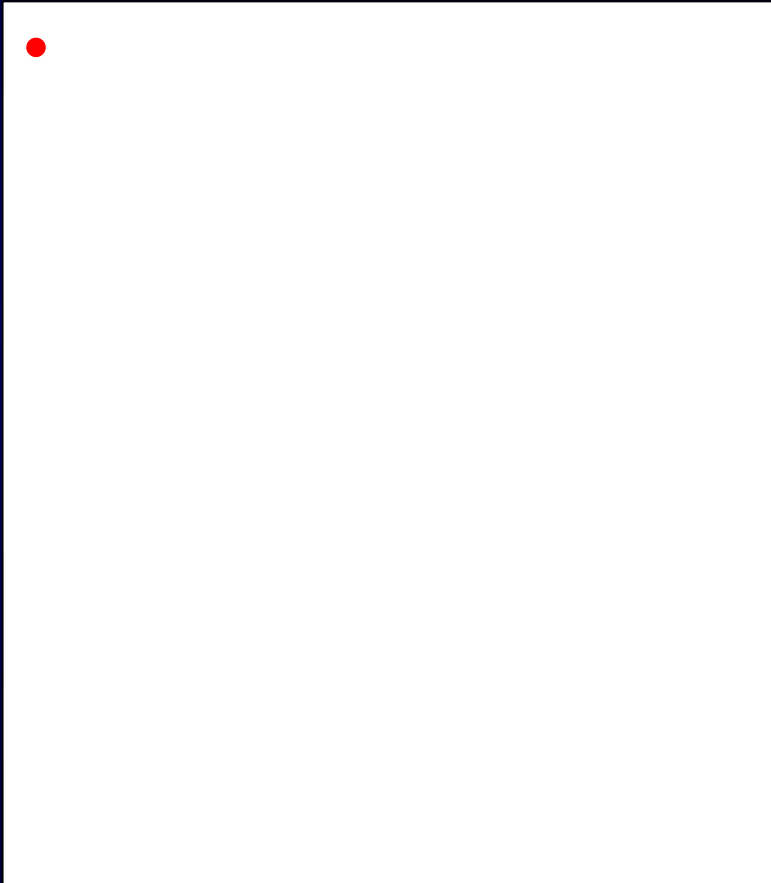


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Results of WW II



International Law Commission



IHL Treaties



Common Art. 49/50/129/146



IHL Treaties - continued



IHL Treaties - continued



Human Rights Treaties



International Criminal Law Sources

establishing Ad Hoc Tribunals



International Criminal Law Source establishing a Permanent Tribunal



Developments within the UN



ICTY and ICTR



Conflicts with ECHR



Example: Milosevic



manus ministra

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- *no access to the Dutch judiciary at all?*



Fiction of extraterritoriality



Lockerbie Court 2000



SCOTTISH COURT SERVICE



UN ICC-accelerated



ICC developments (1)



FAO building Rome

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ICC developments (2)

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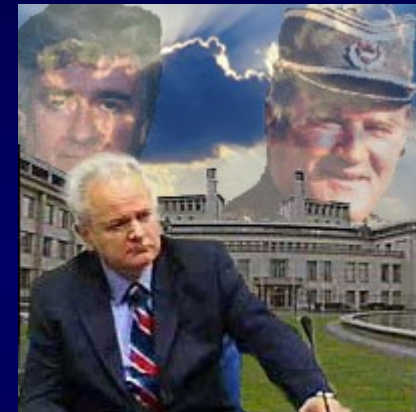
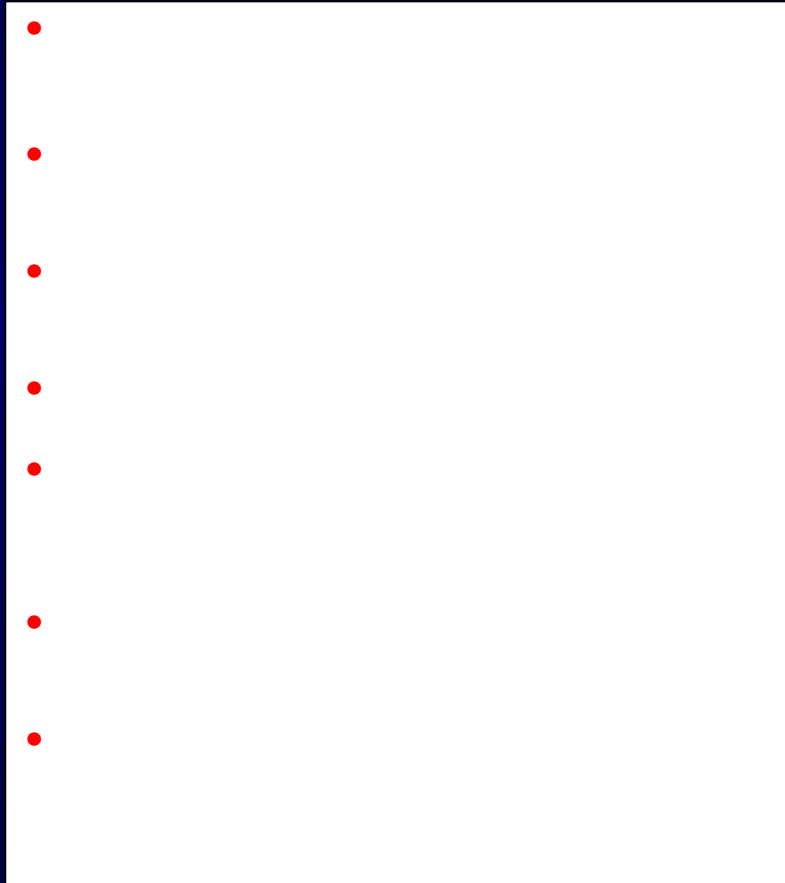
ICC development (3)



Assembly of State parties

Features

International Criminal Court



ICC functioning since 2002

- Sudan
- ...



Disputes with Courts and Tribunals

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Disputes with Courts and Tribunals



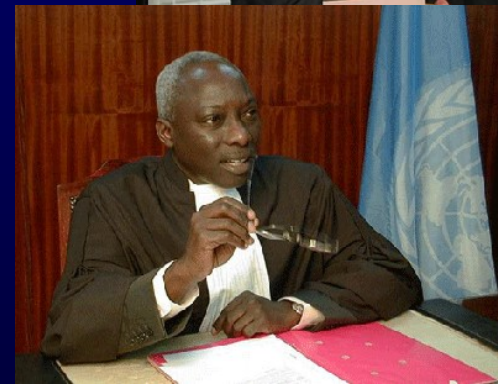
Triangular relation between



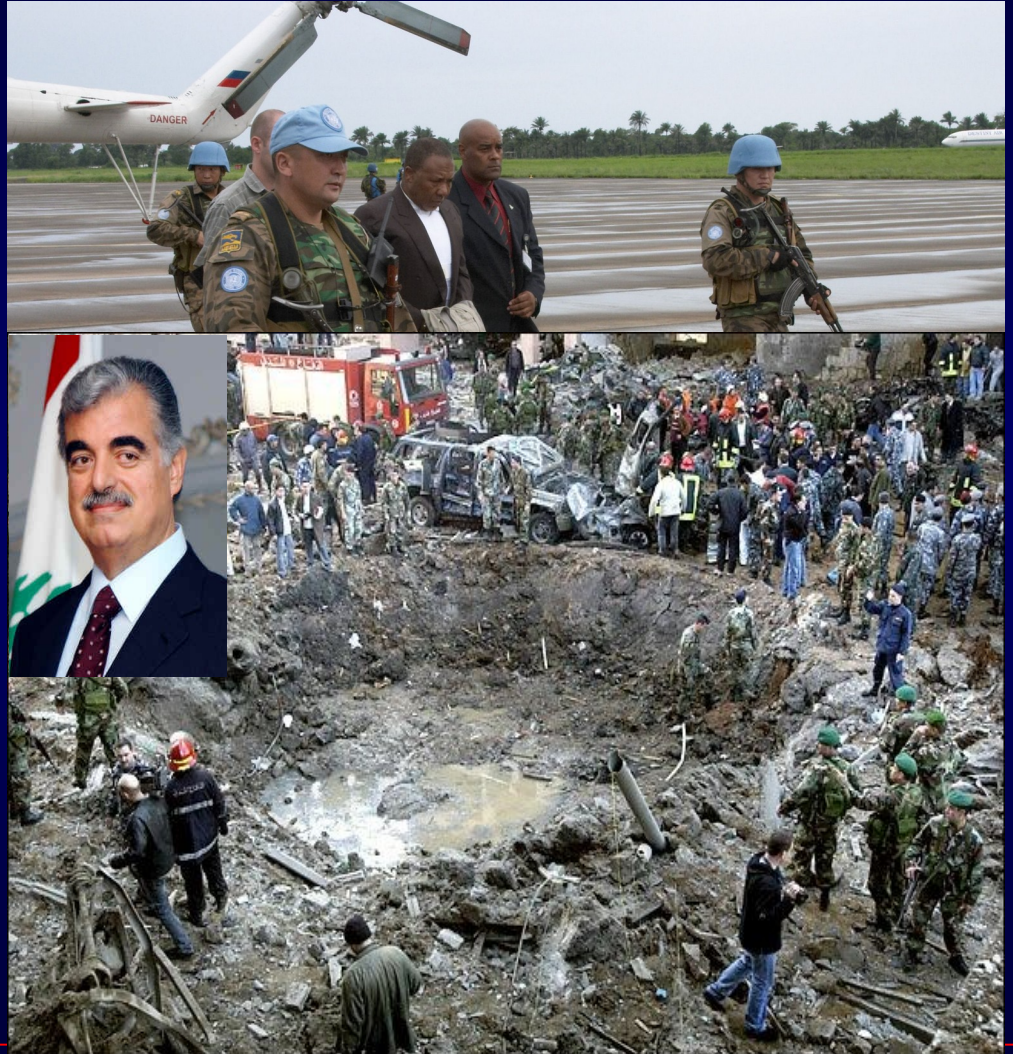
- Host Agreements
- Additional Host Arrangements



Execution Authority:



In the mean time two new Ad Hoc Tribunals



Karadzic



31 july 2008: ICTY



Penitentiary law

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Transit problems



Safe housing



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