INTERNATIONAL CRIMINAL TRIBUNALS

A VISUAL OVERVIEW

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WHY THIS PUBLICATION?

There is wide awareness, though little true understanding, of the work of the international criminal tribunals. International prosecutions of high-ranking civilian and military leaders, including former heads of state, on charges of crimes against humanity, war crimes and genocide, represent for many the ultimate condemnation of these individuals’ past actions and a measure of their fall from power. Yet, despite the tribunals’ grasp on the popular imagination, they are the subject of significant misconceptions and confusion. Much of the media coverage dedicated to their work remains superficial, at best, and largely muddles over key distinctions between various tribunals, past and present. Conversely, the more informed scholarship is largely confined to specialty publications that remain inaccessible to most. In truth, many lawyers and non-lawyers alike lack a clear understanding of the role and functioning of these increasingly-pivotal international institutions.

This publication seeks to redress this knowledge gap by providing well-researched and accessible information for those wishing to more fully understand the international criminal tribunals and the conflicts over which they have jurisdiction. An informed public is an engaged public - and the issues that animate these tribunals, including delivering justice for victims of some of the world’s worst atrocities, are too significant to be discussed solely by a small cadre of international criminal law specialists.

Notably, this publication was created in partnership with graphic and information designers so as to reach a broader public. The designers’ visualizations present information regarding the tribunals and their underlying conflicts in a direct and accessible manner to a wide range of viewers, including those without a legal background. Beyond this democratizing function, information visualization also serves to reveal important data and trends that might otherwise go unnoticed in a more conventional format. Ideally, the following information, which is current as of January 2013, would be integrated into a continually updated interactive web portal dedicated to engaging a global public on issues of international justice.

In sum, this publication aims to facilitate a broader discussion of the international criminal tribunals’ notable accomplishments, as well as ongoing shortcomings.
“He finished raping me ... and said that he could perhaps, do more ... but [I] was about the same age as his daughter.”

Testimony of Witness 50 in the Kunarac et al trial.
In 1993, after a UN investigation of crimes being committed in the then-ongoing armed conflict in the former Yugoslavia, the UN Security Council created the ICTY under Chapter VII of the UN Charter. The armed conflict concerned the six republics that made up the former Yugoslavia (Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia [including the regions of Vojvodina and Kosovo] and Slovenia). In June of 1991, the republics of Slovenia and Croatia declared their independence from the Socialist Federal Republic of Yugoslavia (FRY) and its military (JNA). This decision was immediately challenged militarily by Serbia, which wished to retain the republics in the Serb-dominated FRY. While Slovenia secured its independence after just a few weeks of fighting, the conflict in Croatia dragged on until 1995.

The armed conflict in Bosnia and Herzegovina was also precipitated by its declaration of independence from the FRY, which further fragmented the republic among Muslim, Croat and Serb ethnic lines. All three sides fought each other with the forces of each ethnic group made up of government troops, along with local and paramilitary forces. While Serb atrocities against Bosnian Muslims were committed on a broader scale, all parties to the conflict used various ethnic cleansing techniques intended to homogenize regions under their control. This conflict, the bloodiest by far of those that gripped the region during the period, formally came to an end following the December 1995 signing of the Dayton Peace Accord.

In February of 1998, intermittent conflict between Serb forces and the ethnic Albanian community in Kosovo escalated into the last of the wars in the FRY. Breaches of international humanitarian law included forced deportations, attacks on fleeing civilians and indiscriminate shelling of towns and villages by Serb forces. NATO carried out a 78-day-long campaign of air strikes against targets in Kosovo and Serbia. In response, Serb forces further intensified the persecution of the Kosovo Albanian civilians. Ultimately, Serbian President Slobodan Milosevic agreed to withdraw his troops from the province. Some 750,000 Albanian refugees came home and about 100,000 Serbs – roughly half the province’s Serb population – fled in fear of reprisals. In June 1999, Serbia agreed to international administration of Kosovo with the final status of the province still unresolved.
Located at The Hague, in The Netherlands, the ICTY was created in May 1993 by the UN Security Council under Chapter VII of the UN Charter.

The ICTY has jurisdiction over crimes against humanity, genocide, and war crimes in international and non-international armed conflicts committed in the territory of the former Yugoslavia after January 1, 1991.

The ICTY exercises primacy over the national tribunals of the former Yugoslavia but may refer cases to these courts, which continue to exercise concurrent jurisdiction. The judicial chambers of the ICTY, which consist of three Trial Chambers and one Appeals Chamber (the latter of which is shared with the ICTR), are comprised of international judges.

Due to delays and the capture of the last at large indictees in 2011, all trials and appeals at the ICTY will likely be concluded no sooner than 2016.
THE ICTY’S STATUTE AND RULES OF PROCEDURE AND EVIDENCE outline the procedures applicable to cases brought before the tribunal. Under these documents, the Prosecutor has broad discretion to initiate investigations and to indict individuals suspected of crimes that are within the parameters of the ICTY’s jurisdiction.

Formal charges against a defendant are marked by the confirmation of an indictment by a pre-trial judge. Following their arrest or voluntary surrender, defendants then appear before the ICTY where they enter a plea of guilty or not guilty on each count of the indictment against them. Typically, a case will then proceed to trial, at the conclusion of which the Trial Chamber will issue a Trial Judgment which determines the defendant’s guilt or innocence (in which case they are released). The Trial Chamber’s determinations can be appealed to the Appeals Chamber, which, following an appeals hearing, issues an Appeals Judgment affirming, reversing or revising the Trial Judgment. Defendants still in custody who are acquitted on appeal are released.

Defendants whose Trial Judgment convictions are affirmed or who are convicted on appeal are typically transferred to serve out the remainder of their sentence to one of 17 domestic jurisdictions that have signed agreements with the ICTY. Proceedings against these convicted defendants close once they are released, either through early release or after serving out the entirety of their sentence. More generally, proceedings against defendants before the ICTY may be terminated if their indictment is withdrawn or if their case is referred to a competent national jurisdiction, and where a defendant dies.

Within this generally applicable procedural framework however, cases are inevitably shaped by their own unique circumstances. In some instances, the time from indictment to final conviction is completed relatively quickly, which often reflects an arrest immediately following the indictment and the entry of a guilty plea that allows for abbreviated hearings (see e.g., DERONJIĆ, Miroslav). In other cases, defendants evade arrest for years following their indictment thus significantly delaying their being brought to trial (see e.g., MLADIĆ, Ratko).

Individually, the graphics that follow show the unique procedural history of each of the 161 indictments issued by the ICTY, while collectively they illustrate the magnitude of the work carried out by the tribunal since its first indictment was issued in November 1994.
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**Symbol Key**
- **FORMAL CHARGES**
- **INITIAL APPEARANCE**
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- **APPEAL JUDGMENT**
- **INDICTMENT WITHDRAWN OR REFERRED TO NATIONAL JURISDICTION**
- **FOUND INNOCENT ON APPEAL**
- **FOUND INNOCENT AT TRIAL**
- **RELEASE FROM CUSTODY**
- **DEATH OF DEFENDANT**
The Interahamwe searched the forest then saw the Witness and the baby she was carrying on her back. The Interahamwe put the baby on the ground and stripped and beat the Witness until she lost consciousness. [...] When the Witness regained consciousness, she saw her raped daughter dead, with her mouth open and legs apart. Another child, soaked in the blood from her raped daughter’s vagina, was screaming next to the dead body.

- Excerpt from Judgment in Prosecutor v. Kajelijeli, citing witness testimony.
The UN Security Council established the ICTR under Chapter VII of the UN Charter in response to the genocide in Rwanda. The 1994 Rwandan genocide was fueled by long-running ethnic and political tensions between Hutu and Tutsi groups, which were exacerbated during Belgium’s colonial rule and continued after Rwanda gained independence in 1962.

In the years following Rwanda’s independence, waves of Hutu discrimination, harassment and violence drove many Tutsis from the country, including to neighboring Uganda where they formed the Rwandan Patriotic Front (RPF) in 1990. Following a three-year civil war waged between the RPF and government forces, Rwandan president Habyarimana agreed to the Arusha Peace Agreement in 1993, which called for the creation of multiparty democracy in Rwanda. Hutu extremists denounced the Arusha Peace Agreement and intensified their propaganda campaign against Tutsis, notably through the press and Radio-Television Libre des Mille Collines (RTLMC).

On April 6, 1994, a plane carrying Rwanda and Burundi’s presidents was shot down outside Kigali. RTLMC immediately blamed president Habyarimana’s assassination on Tutsis (the responsible parties have never been conclusively identified) and within hours the Rwandan army, along with Hutu militias known as Interahamwe, began setting up roadblocks, apprehending Tutsis and massacring them. Hundreds of thousands of civilians were enlisted or coerced into participating in the killings, which began targeting not only Tutsis but also moderate Hutus, as well as those who refused to participate in the slaughter. From April to mid-July 1994, when the RPF gained control over the country and effectively ended the genocide, approximately 800,000 Rwandans were massacred, with countless more raped, mutilated and tortured.

To its great discredit, the international community did little to address the ongoing slaughter in Rwanda. As a consequence of the 1993 Arusha Peace Agreement, the UN had established the United Nations Assistance Mission for Rwanda (UNAMIR), headed by Canadian General Romeo Dallaire, to assist in Rwanda’s transition. In the months preceding the genocide, the UN had established the ICTY in response to the genocide, the UN largely ignored General Dallaire’s warnings of an impending campaign of extermination. Then, once the genocide had begun, the UN reduced its UNAMIR presence in Rwanda from 2,539 to 270 personnel, effectively renouncing any armed intervention to stop the massacre. Only after the RPF had halted most of the killings and forced Hutu genocidaires toward the Congolese border in July 1994 was any significant international assistance sent to Rwanda. It was against this backdrop of inactivity, and the then-recent establishment of the ICTY, that the UN Security Council established the ICTR in November 1994.
General Dallaire, force commander of the UN Assistance Mission for Rwanda (UNAMIR), sends a telegram to UN Secretary General with key information regarding the risk of genocide in Rwanda.

APRIL 6
The plane carrying Rwandan President Habyarimana and the President of Burundi is shot down outside of Kigali.

APRIL 7
Government officials in a position to take over the country are assassinated, including Prime Minister Busingyuma, who is killed along with the Belgian UN personnel guarding her.

MAY 21
RPF forces capture the Kigali airport.

EARLY JUNE
Massacre at Nyakizu. 20,000 people killed.

LATE JUNE
Rwandese government forces weakened as RPF intensifies its offensives to take Kigali and other government-controlled areas.

JULY 17
UN reports that over a million Rwandese have crossed over into Zaire fearing reprisals from the RPF.

LATE AUGUST
Hutu government flees Rwanda, followed by a tide of refugees fearing reprisals from the RPF.

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Sitting in Arusha, Tanzania, the ICTR was created in November 1994 by the UN Security Council under Chapter VII of the UN Charter. The ICTR has jurisdiction over crimes against humanity, genocide, and war crimes in non-international armed conflicts, which were committed in the territory of Rwanda between 1 January 1994 and 31 December 1994. The ICTR may also prosecute Rwandan citizens responsible for the commission of these crimes in the territory of neighboring States during the same period.

The judicial chambers of the ICTR, which consist of three Trial Chambers and one Appeals Chamber, are comprised of international judges. Although all ICTR activities were to be completed by 2010, trials and appeals are still ongoing before the tribunal, and nine indictees remain at large. The ICTR is now actively referring cases to Rwanda and has established a residual mechanism as it moves to wrap up its proceedings.
PROCEEDURES BEFORE THE ICTR LARGELY MIRROR THOSE OF THE ICTY. Thus, the ICTR’s Statute and its Rules of Procedure and Evidence outline the procedures applicable to cases brought before the tribunal. Under these documents, the Prosecutor has broad discretion to initiate investigations and to indict individuals suspected of crimes that are within the parameters of the ICTR’s jurisdiction.

Formal charges against a defendant are marked by the confirmation of an indictment by a pre-trial judge. Following their arrest or voluntary surrender, defendants then appear before the ICTR, where they enter a plea of guilty or not guilty on each count of the indictment against them. Typically, a case will then proceed to trial, at the conclusion of which the Trial Chamber will issue a Trial Judgment which determines the defendant’s guilt or innocence (in which case they are released). The Trial Chamber’s determinations can be appealed to the Appeals Chamber, which, following an appeals hearing, issues an Appeals Judgment affirming, reversing or revising the Trial Judgment. Defendants still in custody who are acquitted on appeal are released.

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More generally, proceedings against defendants before the ICTR may be terminated if their indictment is withdrawn or if their case is referred to a competent national jurisdiction, and where a defendant dies.

As is evident from the graphics that follow, the ICTR has indicted a little more than half as many individuals as the ICTY. Proceedings before the ICTR have also proceeded at a slower pace than those before the ICTY. Moreover, a number of ICTR indictees remain at large, though their cases are increasingly being referred to Rwanda’s domestic tribunals as the ICTR moves to wind up its operations.

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**Symbol Key:**
- ![Normal Charges](image)
- ![Initial Appearance](image)
- ![Trial Judgment](image)
- ![Trial Conviction](image)
- ![Appeal Judgment](image)
- ![Appeal Conviction](image)
- ![Found Innocent on Appeal](image)
- ![Indictment Withdrawn or Referred to National Jurisdiction](image)
- ![Death of Defendant](image)
- ![Release from Custody](image)
“When I was young, a long time ago I used to write. Now I can’t write because I do not have hands.”

Testimony of Witness TF1-072 in the Brima et al trial.

NUMBER OF UN PEACEKEEPERS IN SIERRA LEONE IN 2000:
17,500

ESTIMATED NUMBER OF DEATHS DUE TO CONFLICT:
50,000
The SCSL was created in 2002 through an agreement between Sierra Leone and the UN, in response to the atrocities committed during the civil war that ravaged the country throughout the 1990s.

The protracted conflict in Sierra Leone opposed pro-government forces, namely the Civil Defence Forces (CDF) to two rebel groups (the Revolutionary United Front (RUF) and the Armed Forces Revolutionary Council (AFRC)), as well as each faction’s respective international allies.

By the early 1990s, unemployment in Sierra Leone was widespread and the educational system had collapsed. Leaders of the RUF, aided by Liberian President Charles Taylor, emerged out of this discontent with the objective of overthrowing the ruling government and taking control of the country’s diamond mines. In 1997, a rebel faction of the Sierra Leone Army, the AFRC, carried out a coup d’état against the democratically-elected government. The AFRC then aligned itself with the RUF in an uneasy power-sharing agreement, which opposed them to the pro-government CDF. In 1998, backed by foreign troops from the Economic Community of West African States Monitoring Group (ECOMOG), the CDF managed to regain control of key districts in Sierra Leone and retaliate control of Freetown. Additional international personnel from the UN Mission in Sierra Leone (UNAMSIL), whose presence grew to 17,500, deployed to Sierra Leone to try to maintain peace between the warring factions and protect the civilian population. After the signing and subsequent collapse of numerous peace agreements between the government and rebel forces, the civil war officially ended in January of 2002.

Throughout, the conflict in Sierra Leone was marked by exceptional brutality, including the widespread conscription of children as soldiers and sexual slaves, and the calculated physical mutilation of civilians. The RUF, in particular, became infamous for its amputation of civilians’ limbs as a terror tactic. An estimated 50,000 people were killed during the Sierra Leonean conflict, while countless others were forced to flee their homes.
**DOMESTIC EVENTS**

**MARCH 1996**
President Kabbah takes office after elections amidst ongoing civil conflict between government and the RUF.

**NOVEMBER 1996**
President Kabbah signs Abidjan Peace Accord with RUF, granting their forces broad amnesty. Hostilities quickly resume, however.

**MAY 1997**
 Faction of Sierra Leone Army overthrows the government of President Kabbah and forms the AFRC, which enters into uneasy power sharing agreement with the RUF.

**OCTOBER 1997**
Conakry Peace Plan signed in Guinea to restore Constitutional governance to Sierra Leone. AFRC nevertheless continues to cling to power.

**FEBRUARY 1998**
Nigerian-led forces from ECOMOG remove AFRC from Freetown and reinstate President Kabbah.

**SPRING 1998**
ECOMOG and pro-government CDF retake several districts in Sierra Leone.

**EARLY 1999**
AFRC forces invade Freetown before being forced to retreat, which results in massive civilian casualties.

**OCTOBER 1999**
Government and RUF sign Lomé Peace Agreement. AFRC not represented. RUF hostilities still continue.

**FEBRUARY 2000**
UN increases UNAMSIL forces to 17,500 personnel.

**JULY 2000**
UN and Sierra Leone sign an agreement to establish the SCSL in Freetown.

**NOVEMBER 2000**
New ceasefire signed between government and RUF in Abuja.

**JANUARY 2002**
Civil war is formally declared over by President Kabbah and weapons are symbolically burned.

**INTERNATIONAL RESPONSE**

**SUMMER 1997**
International outcry over AFRC coup in Sierra Leone. ECOMOG troops are mandated to address the civil conflict in Sierra Leone.

**MAY 1997**
Faction of Sierra Leone Army overthrows the government of President Kabbah and forms the AFRC, which enters into uneasy power sharing agreement with the RUF.

**OCTOBER 1997**
Conakry Peace Plan signed in Guinea to restore Constitutional governance to Sierra Leone. AFRC nevertheless continues to cling to power.

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**NOVEMBER 2000**
New ceasefire signed between government and RUF in Abuja.

**JANUARY 2002**
Civil war is formally declared over by President Kabbah and weapons are symbolically burned.
Sitting in Freetown, Sierra Leone, the SCSL was created through an agreement between Sierra Leone and the UN. It has jurisdiction over both international crimes, namely crimes against humanity and war crimes, as well as crimes under Sierra Leonean law committed in Sierra Leone since 30 Nov. 1996. The SCSL exercises primacy over the national courts of Sierra Leone, which have concurrent jurisdiction. From 2002 to 2004, the SCSL also operated alongside a national Truth and Reconciliation Commission.

The judicial chambers of the SCSL, which consist of two Trial Chambers and an Appeals Chamber, are comprised of a combination of judges appointed by the UN (a majority) and by Sierra Leone (a minority). Given this mix of domestic and international elements, the SCSL is commonly described as a hybrid tribunal.

While one indictee remains at large, all other SCSL trials have been completed, including that of Charles Taylor, the former president of Liberia, which was exceptionally held at The Hague out of security concerns. Charles Taylor’s trial conviction is currently before the SCSL Appeals Chamber.
PROCEDURES BEFORE THE SCSL ALSO LARGELY MIRROR THOSE of the ICTY and the ICTR. Thus, the SCSL’s Statute and its Rules of Procedure and Evidence outline the procedures applicable to cases brought before the tribunal. Under these documents, the Prosecutor has broad discretion to initiate investigations and to indict individuals suspected of crimes that are within the parameters of the SCSL’s jurisdiction.

Formal charges against a defendant are marked by the confirmation of an indictment by a pre-trial judge. Following their arrest or voluntary surrender, defendants then appear before the SCSL where they enter a plea of guilty or not guilty on each count of the indictment against them.

Typically, a case will then proceed to trial, at the conclusion of which the Trial Chamber will issue a Trial Judgment which determines the defendant’s guilt or innocence (in which case they are released). The Trial Chamber’s determinations can be appealed to the Appeals Chamber, which, following an appeals hearing, issues an Appeals Judgment affirming, reversing or revising the Trial Judgment. Defendants still in custody who are acquitted on appeal are released.

Defendants whose Trial Judgment convictions are affirmed and/or who are convicted on appeal are typically transferred to serve out the remainder of their sentence to one of the domestic jurisdictions that have signed agreements with the SCSL. Proceedings against these convicted defendants close once they are released either through early release or after serving out the entirety of their sentence.

More generally, proceedings against defendants before the SCSL may be terminated if their indictment is withdrawn or if their case is referred to a competent national jurisdiction, and where a defendant dies.

SYMBOL KEY:
- FORMAL CHARGES
- INITIAL APPEARANCE
- TRIAL JUDGMENT
- TRIAL CONVICTION
- FOUND INNOCENT AT TRIAL
- APPEAL JUDGMENT
- APPEAL CONVICTION
- FOUND INNOCENT ON APPEAL
- INDICTMENT WITHDRAWN OR REFERRED TO NATIONAL JURISDICTION
- DEATH OF DEFENDANT
- RELEASE FROM CUSTODY
“And for the past 32 years [his] absence is something that we cannot bear. It is a permanent absence. ... [His] suffering was and is still our suffering and it does not go away with time, and I can tell you that the suffering in fact is more and more intense. It is like a gigantic screen that would be too close to our eyes.”

Testimony of Witness M. Lefeuvre in Case 001
The ECCC was created in 2005 through an agreement between Cambodia and the UN to prosecute the surviving senior leaders of the Khmer Rouge and those most responsible for the atrocities committed during the Khmer Rouge period.

The Khmer Rouge ruled Cambodia from April 17, 1975, to January 6, 1979, a relatively short period considering the lasting devastation that the regime inflicted upon the country and its people. At least 1.7 million Cambodians, or approximately one fifth of the entire population, are estimated to have died during the Khmer Rouge regime due to execution, overwork, starvation, and disease.

The Khmer Rouge actively sought to destroy the fabric of Cambodian social life in order to transform the traditional, family-centered society into a state-centered, self-supporting communist model. The Khmer Rouge tore families apart, arranged mass marriages, destroyed pagodas, and defrocked Buddhist monks. Cambodians suffered through intense forced labor and widespread famine, all the while enduring the continuous threat of violence and death. The Khmer Rouge established extermination camps, including the notorious S-21 security center, where upwards of 12,000 men, women and children were systematically interrogated, tortured and executed.

In addition to the profound human toll brought about by their policies, the Khmer Rouge destroyed much of Cambodia’s civil infrastructure, including the judicial system. Only six to ten lawyers are estimated to have survived the era.

Khmer Rouge forces fled Phnom Penh in 1979, in the face of a Vietnamese military offensive. Armed conflict continued in Cambodia throughout the 1980s as various factions, including those of the remaining Khmer Rouge, battled the Vietnamese-backed government. Following the 1991 Paris Peace Accords, national elections were held in Cambodia under UN supervision. In 1997, the Cambodian government requested UN assistance in prosecuting former Khmer Rouge leaders. Several years of fraught negotiations ensued between Cambodia and the UN before the ECCC was ultimately established in 2005.
Following the Khmer Rouge’s capture of Phnom Penh, the foreign presence is reduced to virtually nothing and Cambodia is sealed off from most of the outside world for the next 3.5 years.

INTERNATIONAL RESPONSE

- **SUMMER 1975**: Following the Khmer Rouge’s capture of Phnom Penh, the foreign presence is reduced to virtually nothing and Cambodia is sealed off from most of the outside world for the next 3.5 years.
- **APRIL 1975**: Khmer Rouge forces capture Phnom Penh. Pol Pot and the Khmer Rouge leadership forcibly relocate 2 million Cambodians from urban centers to the countryside. Repressions against Lon Nol supporters are widespread and all those “corrupted” by foreign influences are increasingly viewed with suspicion by the regime.
- **MARCH 1976**: Secret directive from Khmer Rouge leaders is issued that details which internal groups are responsible for executing which perceived enemies.
- **AUGUST 1976**: Initial meetings are conducted to establish S-21, the infamous execution camp in Phnom Penh, where upwards of 12,000 individuals were systematically interrogated, tortured and executed.
- **MARCH 1977**: Purges within the Khmer Rouge’s own ranks intensify. S-21 receives an ever larger influx of prisoners.
- **FALL/WINTER 1977**: Purges within the Khmer Rouge’s own ranks intensify. S-21 receives an ever larger influx of prisoners.
- **EARLY 1977**: As border clashes between Cambodia and Vietnam escalate, China sends large quantities of arms to support the Khmer Rouge against Russian-backed Vietnamese troops.
- **AUGUST 1977**: Initial meetings are conducted to establish S-21, the infamous execution camp in Phnom Penh, where upwards of 12,000 individuals were systematically interrogated, tortured and executed.
- **DECEMBER 1977**: Cambodia severs diplomatic relations with Vietnam. The Khmer Rouge intensifies its increasingly paranoid internal purges.
- **JANUARY 1979**: Khmer Rouge forces abandon Phnom Penh to advancing Vietnamese forces but will continue to wage a civil war against the Vietnamese supported government until the 1990s.
- **Famine grips large parts of Cambodia. By 1979, more than one-fifth of the entire Cambodian population will have died due to execution, overwork, disease and starvation.
- **JANUARY 1979**: Khmer Rouge forces abandon Phnom Penh to advancing Vietnamese forces but will continue to wage a civil war against the Vietnamese supported government until the 1990s.
- **1977 AND 1978**: Reports from Cambodian refugees escaping into camps on the Thai border describe brutal living conditions and mass exterminations of “class enemies.”
- **EARLY 1977**: As border clashes between Cambodia and Vietnam escalate, China sends large quantities of arms to support the Khmer Rouge against Russian-backed Vietnamese troops.
- **1977**: With Vietnamese forces moving toward Phnom Penh, Khmer Rouge execute all but a handful of remaining S-21 detainees.
- **1978**: Caught in a Cold War mentality, the UN refuses to recognize the new Vietnamese-supported government in Phnom Penh. Despite the death of upwards of 1.7 million people under the Khmer Rouge, the UN will instead continue to recognize the exiled Khmer Rouge government as the official Cambodian representatives, until the 1990s.
Sitting in Phnom Penh, Cambodia, the ECCC was created through an agreement between Cambodia and the UN. The ECCC has jurisdiction over international crimes, namely crimes against humanity, genocide and war crimes, as well as crimes under Cambodian law that were committed by senior leaders of the Khmer Rouge and those most responsible for these crimes during the period from 17 April 1975 to 6 January 1979.

The judicial chambers of the ECCC are modeled on the Cambodian civil law system and consist of a Pre-Trial Chamber (3 Cambodian + 2 International Judges), a Trial Chamber (3 Cambodian + 2 International Judges), and a Supreme Court Chamber (4 Cambodian + 3 International Judges), as well as two Co-Investigating Judges (1 Cambodian + 1 International Judge) and two Co-Prosecutors (1 Cambodian + 1 International Prosecutor).

Similarly to the SCSL, the ECCC is commonly referred to as a hybrid tribunal given its blend of international and domestic components.

In keeping with the Cambodian civil law system, the ECCC does not formally allow for guilty pleas.

In addition to the conviction against Duch, and the ongoing trial proceedings against the defendants in Case 2, preliminary investigations were started against unnamed suspects in Cases 3 and 4. Proceedings in Cases 3 and 4, which have proven highly contentious within the ECCC, are ongoing.

In all, five indictments were issued, with an average of one per year. Three individuals are still at large. Individuals with final convictions include Kaing Guek Eav (alias “Duch”), who was convicted in Case 2.

One of the four defendants brought to trial in Case 2 was found unfit to stand trial. No named suspects in Cases 3 and 4.

The tribunal has been operational since 2005, with contributions from Japan and estimated costs of $337,850,800.
PROCEDURES BEFORE THE ECCC ARE LARGELY DERIVED FROM CAMBODIA’S civil legal system and differ substantially from those of the other international criminal tribunals. The ECCC Law and the ECCC’s Internal Rules and Regulations outline the procedures applicable to cases brought before the tribunal. Under these documents, the Co-Prosecutors have broad discretion to initiate preliminary investigations against individuals suspected of crimes that are within the parameters of the ECCC’s jurisdiction. If there is sufficient preliminary evidence, the Co-Prosecutors file an Introductory Submission with the Co-Investigating Judges, who are tasked with carrying out a judicial investigation into the factual and legal allegations set out in the Introductory Submission. During their initial appearance before the Co-Investigating Judges, suspects are notified of the allegations against them. At the conclusion of the judicial investigation, the Co-Investigating Judges either file a formal indictment (known as a Closing Order) against a defendant, or dismiss the proceedings. Disagreements between the Co-Prosecutors or the Co-Investigating Judges, as well as appeals of orders from the Co-Investigating Judges, are settled by the Pre-Trial Chamber.

Following the issuance of a Closing Order by the Co-Investigating Judges, the case proceeds to trial, at the conclusion of which the Trial Chamber issues a Trial Judgment, which determines the defendant’s guilt or innocence (in which case they are released). Notably, victims can be formally joined to the proceedings as Civil Parties, which confers upon them certain procedural rights, including the right to seek collective and moral reparations. The Trial Chamber’s determinations, including those regarding reparations, can be appealed to the Supreme Court Chamber, which, following an appeals hearing, issues an Appeals Judgment, affirming, reversing or revising the Trial Judgment. Defendants still in custody who are acquitted on appeal are released. Defendants whose Trial Judgment convictions are affirmed and/or who are convicted on appeal are transferred to a Cambodian detention facility to serve out the remainder of their sentence. Proceedings against these convicted defendants come to a close once they are released. More generally, proceedings against a defendant before the ECCC may also be terminated where the indictment is withdrawn or where the defendant dies.

**SYMBOL KEY**

* | INTRODUCTORY SUBMISSION
| INITIAL APPEARANCE
| FINAL INDICTMENT (CLOSING ORDER)
| TRIAL JUDGMENT
| FOUND GUILTY AT TRIAL
| APPEAL JUDGEMENT
| FOUND GUILTY ON APPEAL
| INDICTMENT WITHDRAWN
| DEATH OF DEFENDANT
| RELEASE FROM CUSTODY

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**TRIBUNAL CASES**

1. IENG, Sary  
2. IENG, Thirith*  
3. KAING, Guek Eav  
4. NUON, Chea  
5. SAMPHAN, Khieu  
6. CASE 003  
7. CASE 004  

* Found unfit to stand trial and released from custody.
"The Security Council unequivocally condemns the 14 February 2005 terrorist bombing in Beirut, Lebanon, that killed former Lebanese Prime Minister Rafiq Hariri and others and caused serious injury to dozens of people ... The Security Council expresses its deepest sympathy and condolences to the people and Government of Lebanon and to the victims and their families."

Security Council Statement of 15 February 2005
The STL was created in 2007 by the UN Security Council under Chapter VII of the UN Charter, in response to Lebanon’s request for assistance in prosecuting those accused of carrying out a terrorist attack on 14 February 2005 in Beirut. The attack killed 23 people, including the target of the bombing, the former Lebanese Prime Minister Rafiq Hariri.

An investigation carried out shortly after the 14 February 2005 attack implicated individuals with ties to the Syrian government. Syria exercised substantial control over Lebanese politics as a result of its continued military presence in the country. In the months following the attack, hundreds of thousands of Lebanese citizens gathered to protest Syria’s presence in Lebanon, while more attacks on anti-Syrian journalists and politicians ensued. In response to demands from the UN, Syria finally announced the withdrawal of its military forces from Lebanon in April 2005.

The STL was created through close consultation between Lebanon and the UN. Following the 14 February 2005 attack, the UN secretary-general sent a fact-finding mission to Beirut to enquire into its causes, circumstances and consequences. In April 2005, the UN Security Council established the UN International Independent Investigation Commission (UNIIIC) to gather evidence and to assist the Lebanese authorities in their own investigations.

On 13 December 2005, following a series of other killings and bombings in Lebanon, the Lebanese government requested that the UN create a criminal tribunal of an international character. On 23 January 2007, the UN and the Lebanese government signed an agreement to create the STL. The agreement was given to the Lebanese parliament for ratification but its speaker refused to convene the body to hold the necessary vote. The Lebanese government sent a petition to the UN Secretary General requesting that the UN Security Council form the STL, which it did via Resolution 1757. The STL’s mandate includes the 14 February 2005 attack and any connected attacks that may have occurred in Lebanon between 1 October 2004 and 12 December 2005.
DOMESTIC EVENTS

14 FEBRUARY 2005
A large explosion in Beirut kills 23 people, including former Lebanese prime minister Rafik Hariri, and injures many others.

APRIL 2005
Following large anti-Syria protests in Beirut and in response to demands from the UN, Syria withdraws its military forces from Lebanon.

INTERNATIONAL RESPONSE

FEBRUARY 2005
UN Security Council denounces attack in Beirut. UN Secretary General sends fact-finding mission to Lebanon, which recommends an international investigation to identify the perpetrators.

7 APRIL 2005
UN Security Council establishes UN International Independent Investigation Commission (UNIIIC) primarily to investigate 14 February 2005 attack.

MARCH 2006
UN Secretary General given mandate to negotiate with Lebanon about tribunal. UNIIIC delivers second report to UN.

DECEMBER 2006
UN Security Council acknowledges request from Lebanon to form international tribunal. UNIIIC delivers third report to UN.

JANUARY 2007
Speaker of Lebanese parliament refuses to convene the body to vote on ratification. Instead, Lebanese government requests that the UN Security Council directly form the STL under its UN Charter powers.

JANUARY 2007
Lebanon and the UN sign an agreement for the creation of the STL, which is given to Lebanese parliament for ratification.

2004
Lebanese prime minister Rafik Hariri resigns following Syrian interference in Lebanon’s political affairs. Syria continues to maintain a military force in Lebanon and exert influence over its government.

2005
UN Security Council denounces attack in Beirut. UN Secretary General sends fact-finding mission to Lebanon, which recommends an international investigation to identify the perpetrators.

2006
Lebanese authorities carry out domestic investigation, which results in the arrest of four Lebanese generals, along with the indictment of Syrian figures. In 2009, the four generals are freed by order of the STL.

2007
Lebanon and the UN sign agreement for the creation of the STL to prosecute perpetrators of 14 February 2005 attack and related crimes in Lebanon between October 2004 and December 2005.
Sitting right outside The Hague, The Netherlands, the STL was created by the UN Security Council under Chapter VII of the UN Charter. The STL’s jurisdiction is limited to crimes under domestic Lebanese law, including acts of terrorism, related to the 14 February 2005 attack that killed former Lebanese prime minister Rafiq Hariri or any connected attacks that may have occurred in Lebanon between 1 October 2004 and 12 December 2005.

The judicial chambers of the STL consist of a Pre-Trial Chamber (1 international judge), a Trial Chamber (2 international + 1 Lebanese judge), and an Appeals Chamber (3 International + 2 Lebanese judges).

In addition to the case regarding the 14 February 2005 attack, which is being tried against four at large indictees in absentia, the STL has established jurisdiction over three other connected attacks.

STL ANNUAL CONTRIBUTIONS, 2009 - 2013

TOTAL CURRENT COST OF STL
$241,097,507

DATE OF FIRST STL INDICTMENT
28 JUNE 2011

FIRST STL INDICTEES
Salim Jamil Ayyash, Mustafa Amine Badreddine, Hussein Hassan Oneiissi, Assad Hassan Sabra

INDICTMENTS ISSUED
4
average of 0.8 per year

ONGOING PROCEEDINGS
FOUR INDIVIDUALS
PLEADED GUILTY
ZERO

INDICTMENTS REFERRED TO NATIONAL JURISDICTIONS
ZERO

INDICTEES STILL AT LARGE
FOUR
In keeping with the unique procedures before the STL, the four at large indictees are being tried in absentia.

NUMBER OF COUNTRIES WHERE CONVICTED PERSONS ARE SERVING THEIR SENTENCES
ZERO

INDIVIDUALS WITH FINAL CONVICTIONS
ZERO
The STL’s statute and rules of procedure and evidence outline the procedures applicable to cases brought before the tribunal. Under these documents, the Prosecutor has broad discretion to initiate investigations and to indict individuals suspected of crimes that are within the parameters of the STL’s jurisdiction.

Formal charges against a defendant are marked by the confirmation of an indictment by a pre-trial judge. Following their arrest or voluntary surrender, defendants then appear before the STL where they enter a plea of guilty or not guilty on each count of the indictment against them. In keeping with the unique procedures before the STL, defendants may also be tried in absentia.

A case will then proceed to trial, at the conclusion of which the Trial Chamber will issue a Trial Judgment which determines the defendant’s guilt or innocence (in which case they are released). The Trial Chamber’s determinations can be appealed to the Appeals Chamber, which, following an appeals hearing, issues an Appeals Judgment affirming, reversing or revising the Trial Judgment. Defendants still in custody who are acquitted on appeal are released.

Defendants whose Trial Judgment convictions are affirmed and/or who are convicted on appeal would typically be transferred to serve out the remainder of their sentence in one of the domestic jurisdictions that has signed an agreement with the STL. Proceedings against these convicted defendants close once they are released, either through early release or after serving out the entirety of their sentence.

More generally, proceedings against defendants before the STL may be terminated if their indictment is withdrawn or if their case is referred to a competent national jurisdiction, and where a defendant dies.
“There was a mother that came [to the army camp.] For days she was crying at the camp's entrance. We had to chase her away. She kept on saying, ‘Give me back my son, he's only age 12.’”

Witness P-0077 - Thomas Lubanga Dyilo Trial, testimony on 27 March 2009
The ICC was established as a permanent international criminal tribunal through a multilateral treaty, the Rome Statute, which entered into force on 1 July 2002. Unlike the so-called international ad hoc (ICTY, ICTR) or hybrid (SCSL, ECCC, STL) criminal tribunals, which were established in response to a particular conflict or event, the ICC was established to prosecute international crimes in future “situations” (to use the ICC term). Crimes committed before 1 July 2002 are therefore not within the ICC’s mandate.

Pursuant to the Rome Statute, situations can be brought before the ICC in one of three ways. The ICC Prosecutor can initiate an investigation of a situation on the basis of (1) a referral from any State Party to the ICC, including a self-referral or (2) a referral from the UN Security Council acting under Chapter VII of the UN Charter. In addition, the ICC Prosecutor can (3) initiate investigations of her own accord, subject to various procedural safeguards, on the basis of information received from individuals or organizations. Once one of these three “triggering” mechanisms has been invoked, the ICC must assure itself that it has jurisdiction over the crimes alleged and the situation at issue. Currently, the ICC can prosecute the international crimes of genocide, crimes against humanity and war crimes, and, after 2017, potentially the crime of aggression. Further, the ICC may only exercise jurisdiction over a situation where either: a) these crimes were committed by a national of a State Party to the ICC; b) these crimes were committed on the territory of a State Party to the ICC; c) the situation was referred to the ICC by the UN Security Council; or, d) a Non-State Party accepts the jurisdiction of the ICC.

As of January 2013, there were eight situations before the ICC, all of which concerned countries in Africa. Four of these situations were self-referred by ICC State Parties (Uganda, the Democratic Republic of the Congo, the Central African Republic and Mali), two situations were referred by the UN Security Council (Darfur and Libya), and another two situations were initiated proprio motu by the ICC Prosecutor (Ivory Coast and Kenya). Within each broad situation, there may be a number of specific cases brought against one or more defendants. While the history of the conflicts in these eight situations is too varied to summarize here, a timeline highlighting key dates is provided for each situation in the following pages. Information regarding the situation in Mali is not included given the recent official announcement of an investigation.

Population Estimates:

**UGANDA** (2002): 24,659,073
**DRC** (2002): 55,225,478
**CENTRAL AFRICAN REPUBLIC** (2002): 3,642,739
**SUDAN** (2002): 37,090,298
**LIBYA** (2011): 6,597,960
**IVORY COAST** (2010): 21,058,798
**KENYA** (2007): 36,913,721

**MAP OF ICC JURISDICTIONAL TRIGGERS**
- ICC State Party Referral
- UN Security Council Referral
- ICC Office of the Prosecutor Proprio Motu Investigation
**IVORY COAST**

- **2010 - 2011**
  - UN and French troops carry out air strikes on pro-Gbagbo military sites. Pro-Ouattara storm Gbagbo’s residence and arrest him.

- **2011**
  - UN Security Council refers the Situation in Darfur to ICC for crimes committed on its territory since July 2010.

**KENYA**

- **2007**
  - Violence breaks out following the re-election of President Kibaki over his opponent Raila Odinga.

**LIBYA**

- **2011**
  - UN Security Council refers Situation in Libya to ICC for crimes committed on its territory from February 15, 2011 to at least February 28, 2011.

**DARFUR**

- **2003 AND 2004**
  - As part of counterinsurgency, government forces and the Janjaweed carry out attacks throughout Sudan against civilians, particularly the Fur, Masalit and Zaghawa.

**ICC**

- **MARCH 2005**
  - UN Security Council refers the Situation in Darfur to ICC for crimes committed on its territory since July 2010.

- **JUNE 2005**
  - ICC opens formal investigation into Situation in Darfur.

- **JUNE 2005**
  - ICC Pre-Trial Chamber grants Prosecutor request to formally open investigation into the post-election violence in Kenya in 2007-2010.

- **JUNE 2009**
  - ICC Pre-Trial Chamber grants Prosecutor request to formally open investigation into the post-election violence in Ivory Coast in 2010-2011.
Sitting at The Hague, the ICC was established through a multilateral treaty, which entered into force on 1 July 2002. To date, 121 countries are State Parties to the ICC, though a number of notable countries have not ratified the Rome Statute, including China, India, Israel, Russia and the United States. The ICC currently has jurisdiction over crimes against humanity, genocide, and war crimes, and, after 2017, potentially the crime of aggression. The ICC is complementary to national criminal jurisdictions and must defer to national systems unless they are unwilling or unable genuinely to investigate or prosecute crimes that would otherwise be under the ICC's jurisdiction.

The judicial chambers of the ICC, which consist of a Pre-Trial Division, a Trial Division and an Appeals Division, are made up of international judges. Designed to function as a permanent tribunal, the ICC will continue to operate following the conclusion of the other international criminal tribunals' more limited mandates.

**ESTIMATED COST OF ICC (2002-2015)**

$1,616,202,054

**FIRST ICC ARREST WARRANTS ISSUED**

8 JULY 2005

**FIRST ICC WANTED PERSONS**

Joseph Kony, Vincent Otti, Okot Odhiambo, Dominic Ongwen, Raska Lukwiya

**ARREST WARRANTS/SUMMONS**

30 average of 3 per year

**ONGOING PROCEEDINGS**

TWENTY FOUR INDIVIDUALS

PLEADED GUILTY

NONE

WANTED PERSONS STILL AT LARGE

THIRTEEN

INDIVIDUALS WITH FINAL CONVICTIONS

ZERO

Thomas Lubanga Dyilo was found guilty of committing war crimes and sentenced to 14 years of imprisonment by Trial Chamber I. His conviction is now on appeal.

Thomas Lubanga Dyilo is being detained in The Hague pending his appeal.

The judicial chambers of the ICC, which consist of a Pre-Trial Division, a Trial Division and an Appeals Division, are made up of international judges. Designed to function as a permanent tribunal, the ICC will continue to operate following the conclusion of the other international criminal tribunals' more limited mandates.

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The ICC’s Statute and its Rules of Procedure and Evidence outline the procedures applicable to situations brought before the Court. Pursuant to the Rome Statute, situations can be brought before the ICC in three ways.

The ICC Prosecutor can initiate an investigation of a situation on the basis of (1) a referral from any ICC State Party, including a self-referral or (2) a referral from the UN Security Council under its Chapter VII of the UN Charter powers. In addition, the ICC Prosecutor can (3) initiate investigations of her own accord, subject to various procedural safeguards, on the basis of information received from individuals or organizations.

Once an investigation is properly underway, the Prosecutor investigates all facts and evidence relevant to an assessment of criminal responsibility. Where the Prosecutor concludes there are reasonable grounds to believe a person has committed a crime within the jurisdiction of the Court, the Pre-Trial Chamber will, on application from the Prosecutor, decide whether to order a warrant of arrest or a summons to appear voluntarily for the wanted person. Contrary to the procedure before other tribunals, it is only after the wanted person appears before the Court that the Pre-Trial Chamber holds a hearing to decide whether to confirm the charges that will be the basis for trial.

Where the charges are not confirmed, the wanted person must be released if they are in ICC custody. Where the charges are confirmed, the case proceeds to trial, at the conclusion of which the ICC may issue a Trial Judgment which determines the defendant’s guilt or innocence (in which case they are released). The Trial Chamber’s determinations can be appealed to the Appeals Chamber, which, following an appeals hearing, issues an Appeals Judgment affirming, reversing or revising the Trial Judgment. Defendants in custody who are acquitted on appeal are released. Defendants whose Trial Judgment convictions are affirmed and/or who are convicted on appeal are typically transferred to serve out the remainder of their sentence to one of the domestic jurisdictions that have signed agreements with the ICC. Proceedings against these convicted defendants come to a close once they are released, either through early release or where they served out the entirety of their sentence. More generally, proceedings against defendants before the ICC may be terminated if their indictment is withdrawn or if the ICC defers to a national jurisdiction, and where a defendant dies.

**Symbol Key**
- ARREST WARRANT/SUMMONS
- INITIAL APPEARANCE
- CHARGES CONFIRMED
- CHARGES NOT CONFIRMED
- TRIAL CONVICTION
- TRIAL JUDGMENT
- FOUND INNOCENT AT TRIAL
- APPEAL JUDGMENT
- APPEAL CONVICTION
- INDICTMENT WITHDRAWN OR DEFERRAL TO NAT’L JURISDICTION
- DEATH OF DEFENDANT
- RELEASE FROM DEFENDANT
**ANNUAL COSTS PER TRIBUNAL AND TRIBUNAL COSTS IN PERSPECTIVE**

**TRIBUNAL COSTS**

2012
- **US FEDERAL COURT SYSTEM BUDGET**
  - $6 BILLION

2012
- **U.S. PRESIDENTIAL ELECTION**
  - $15 BILLION

2011
- **WALL STREET BONUSES**
  - $6 BILLION

2011
- **APPLE SAMSUNG VERDICT**
  - $2 BILLION

2013-2015
- **COMBINED INTERNATIONAL CRIMINAL TRIBUNALS**
  - $2.32 BILLION

**INTERNATIONAL CRIMINAL TRIBUNAL CROSS-CUTTING ISSUES**

**TOP TRIBUNAL FUNDING SOURCES**

1. **UNITED STATES** ($1,067,305,915)
2. **JAPAN** ($970,189,116)
3. **GERMANY** ($584,596,428)
4. **UNITED KINGDOM** ($479,424,301)
5. **FRANCE** ($448,956,203)
6. **ITALY** ($334,746,308)

**CARTOGRAM OF TRIBUNAL FUNDING (1993 - 2015)**

Areas of countries sized in proportion to their tribunal contributions (1993 to 2015)

**DECLINE IN UNITED STATES SUPPORT FOR INTERNATIONAL CRIMINAL TRIBUNALS**

[Graph showing decline in United States contributions to International Criminal Tribunals as a percentage of total contributions]
Prosecutions before the International Criminal Tribunals focus on three international crimes: genocide, war crimes and crimes against humanity. A prosecutor’s decision to charge one or more of these three crimes is shaped by the jurisdiction of the tribunal before which they appear, the legal elements of the crimes and the specific facts of their case, among others.

Most international criminal tribunals have jurisdiction over (i.e., the power to hear cases concerning) all three of these international crimes. Thus, the ICTY, ICTR, ECCC and ICC all have jurisdiction over genocide, war crimes and crimes against humanity. The SCSL has jurisdiction over war crimes and crimes against humanity, as well as domestic crimes under Sierra Leonean law (as does the ECCC under Cambodian law). Finally, the STL remains an exception in that its jurisdiction extends solely to crimes under domestic Lebanese law.

Genocide, war crimes and crimes against humanity can be distinguished from one another and from domestic crimes, based on the context in which they were committed. Broadly speaking, genocide requires that the perpetrator act with the intent to destroy, in whole or in part, a racial, ethnic, religious or national group; war crimes must be committed within an armed conflict, whether international or not in nature; and a crime against humanity must be committed as part of a widespread or systematic attack directed against a civilian population. Thus, an “ordinary” domestic murder will only be elevated to one (or more) of these three international crimes where these broader contextual elements are also met.

The accompanying visualizations depict the number of charges and convictions per crime for each of the tribunals. These numbers reflect both the scope of each tribunal’s mandate, including the number of years it has been in operation, as well as the nature of the crimes committed in its underlying conflict(s). That the ICTR has had the majority of charges and convictions for the crime of genocide, for example, is directly linked to the nature of the crimes committed in Rwanda in 1994. In contrast, the SCSL’s Statute does not include jurisdiction over the crime of genocide given the differing nature of the crimes committed in its underlying conflict.
CRIMES AGAINST HUMANITY IS ONE OF THE THREE INTERNATIONAL CRIMES PROSECUTED BY THE INTERNATIONAL CRIMINAL TRIBUNALS, ALONG WITH GENOCIDE AND WAR CRIMES. AS EVIDENCED BY THE EXTRACTS REPLICATED HERE, THE DEFINITION OF WHAT CONSTITUTES A "CRIME AGAINST HUMANITY" HAS SHIFTED FROM TRIBUNAL TO TRIBUNAL.

In part, this divergence reflects the nature of the prohibition against crimes against humanity, which was traditionally rooted in unwritten customary international law norms. Further, even when the crime's precise customary international law definition was agreed upon, some tribunals adopted a narrower definition for purposes of their own statute. Nevertheless, certain defining elements have remained consistent throughout, namely the civilian nature of the population under attack. Jurisprudence from the tribunals has also played an important role in fleshing out the crime's definition under international law. As indicated by the figures on these and the preceding pages, the extent of this jurisprudence varies across tribunals.

Figures on the opposing page detail the types and number of underlying offences for which crimes against humanity charges have been brought at each tribunal (multiple counts against a defendant for the same type of underlying offence are treated as a single charge). Underlying offences are charged in conjunction with the broader international crimes (e.g., torture as a crime against humanity or torture as a war crime). The numbers associated with each underlying offence do not necessarily correspond to that offence's prevalence during the various conflicts, however. Indeed, while rape and other sexual offences were often widespread during many of the conflicts at issue, these offences were traditionally neglected before the tribunals.

**UNDERLYING OFFENCES PER TRIBUNAL**

<table>
<thead>
<tr>
<th>Offence</th>
<th>ICTY</th>
<th>ICTR</th>
<th>SCSL</th>
<th>ICC</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPORTATION or FORCIBLE TRANSFER of POPULATION</td>
<td>58</td>
<td>26</td>
<td>237</td>
<td>28</td>
</tr>
<tr>
<td>EXTERMINATION</td>
<td>121</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IMPRISONMENT</td>
<td>28</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MURDER</td>
<td>210</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OTHER INHUMANE ACTS</td>
<td>157</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PERSECUTION</td>
<td>136</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RAPE OR SEXUAL SLAVERY</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TORTURE OR CRUEL TREATMENT</td>
<td>50</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**CRIMES AGAINST HUMANITY PER TRIBUNAL**

<table>
<thead>
<tr>
<th>Tribunal</th>
<th>Number of Crimes Against Humanity Offences Charged</th>
</tr>
</thead>
<tbody>
<tr>
<td>ICTY</td>
<td>461</td>
</tr>
<tr>
<td>ICTR</td>
<td>237</td>
</tr>
<tr>
<td>SCSL</td>
<td>83</td>
</tr>
<tr>
<td>ECCC</td>
<td>44</td>
</tr>
</tbody>
</table>

For the purpose of the [ICC's] Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- Murder
- Other inhumane acts
- Persecution
- Rape or sexual slavery
- Torture or cruel treatment

Number of Crimes Against Humanity Offences Charged Per Tribunal:

- ICTY: 461
- ICTR: 237
- SCSL: 83
- ECCC: 44
WHILE PUNISHMENT AND SENTENCING FORM AN INTEGRAL part of the function and purpose of the international criminal tribunals, their statutes give little guidance as to what considerations should be taken into account during this phase of the proceedings. In practice, sentencing determinations are essentially ad hoc, holistic judgments based on a multitude of factors, including notably the gravity of the crime committed and the accused’s leadership role.

The above visualization highlights the vast disparities in the number and median length of sentences rendered by the tribunals (these figures include final sentences as well as those currently on appeal). The number of sentences issued by a tribunal reflects the time it has been in operation, its mandate and how efficient it has been in hearing cases. The median length of a tribunal’s sentences is shaped by its judges’ idiosyncratic sentencing practices and the nature of the crimes before it, which, as illustrated on the opposite page, greatly influences the sentences.

Despite the tribunals’ assertions that there is no hierarchy of crimes for sentencing purposes, empirical analysis suggests otherwise. Indeed, as indicated by the graphic on the opposite page, on average, those convicted of genocide receive longer sentences than those convicted of crimes against humanity, who in turn receive longer sentences than those convicted of war crimes. This apparent hierarchy of crimes, when considered along with the composition of each tribunal’s caseload, may account for some of the disparity between the varying median length of the tribunals’ sentences. Of note, when compiled, the median sentence for all 152 sentences rendered by the tribunals is 20 years.
Traditionally, victims have not played an active role before the international criminal tribunals. During the WWII-era Nuremberg Trials, not a single victim–witness was called. While more contemporary tribunals like the ICTY, ICTR and SCSL have greatly relied on the testimony of victims, for whom they have also established support units, victims may only appear as witnesses before these tribunals and are not considered parties to the proceedings.

In contrast, the ICC, STL and the ECCC all allow victims to be formally joined to the proceedings that concern them, which grants them certain procedural rights not otherwise available to those who appear solely as witnesses. Moreover, both the ECCC and the ICC provide for the possibility of reparations for victims. At the ECCC, victims who have been formally joined as civil parties may request that the tribunal order collective and moral reparations against a convicted person. This award may be of limited use where the convicted person is indigent, however.

For its part, the ICC may order both individual and collective reparations to be awarded to victims by a convicted person. Further, the Trust Fund for Victims (TFV) can also distribute general assistance funds to victims of crimes under the ICC’s jurisdiction, even absent a conviction. The TFV is financed through voluntary contributions, as well as fines paid by convicted persons.
INTERNATIONAL JUSTICE RESOURCES

IJCENTRAL
www.ijcentral.org

JUSTICE IN CONFLICT
justicenconflict.org

LIEBER CODE
www.liebercode.org

TRIAL
www.trial.ch/en/home.html

HUMAN RIGHTS WATCH – INTERNATIONAL JUSTICE
www.hrw.org/topics/international-justice

OPEN SOCIETY FOUNDATIONS – INTERNATIONAL JUSTICE
www.opensocietyfoundations.org/topics/international-justice

AMNESTY INTERNATIONAL – CAMPAIGN FOR INTERNATIONAL JUSTICE
www.amnesty.org/en/international-justice

RADIO NETHERLANDS WORLDWIDE – INTERNATIONAL JUSTICE
www.rnw.nl/international-justice

WRONGING RIGHTS
www.wrongingrights.com

THE MULTILATERALIST
bosco.foreignpolicy.com

OPINIO JURIS
opinionjurs.org

AMERICAN NGO COALITION FOR THE ICC
amicc.blogspot.com

INTERNATIONAL CRIMINAL LAW BUREAU
www.internationallawbureau.com

PHD STUDIES IN HUMAN RIGHTS
huminrightsdottorate.blogspot.com

FORUM FOR INTERNATIONAL CRIMINAL AND HUMANITARIAN LAW
www.ficlh.org

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INFORMATION FOR THE OVERVIEW OF UNDERLYING CONFLICT IS BASED ON:


- The ICTY website (www.icty.org/sid/622)

- The Cases” (ICTV website (www.icty.org/sid/322)

INFORMATION FOR THE TIMELINES IS BASED ON:

- SC Resolution 73 (1995)
- SC Resolution 89 (1995)
- SC Resolution 627 (1995)
- David Binder, “U.S. Recognizes 3 Yugoslav Republics as Independent” (N.Y. Times (April 7, 1992)


- Report of the Secretary-General pursuant to the General Assembly Resolution 53/35: The Fall of Srebrenica, A/54/549 (15 November 1999)
- David Luban, Julie R. O’Sullivan and David P. Stewart, ”International and Transnational Criminal Law” (Aspen Publishers, December 2006)
- “General Information”, ICTY website (www.icty.org/path/to/default.aspx)

POPULATION ESTIMATES ARE BASED ON:

- Help Hamborg, “Report on the size and ethnic composition of the population of Kosovo” (14 August, 2002)

- The ICTY website (www.icty.org/sid/322)

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- CIA World Factbook (2007) (Kenya)
- CIA World Factbook (2010) (Ivyco Coast)
- CIA World Factbook (2011) (Libya)

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- ECCC Annual Contributions based on figures collected and kindly provided by Stuart Ford. See also How Leadership in International Criminal Law is Shifting from the U.S. to Europe and Asia: An Analysis of Spending On and Contributions To International Criminal Courts, Stuart Ford, 55 St. Louis U. J. Int'l L. (Fall 2010)
- Information also based on: ECCC (www.eccc.gov.kh/ and UNARKit websites (www.unarkit-online.org/), home.htm)

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- Quotation is from Security Council Statement of 15 February 2005 (S/PV.2015/2005/4)
- Death toll and information regarding the size of impact crater is based on: "Death Toll in Kenya Exceeds 1,000, but Tabils Reach Crucial Phase" NY Times (Feb. 6, 2008)
- Compendium to "Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Côte D’Ivoire", Pre-Trial Chamber II (Nov. 11, 2011)
- ICC, "Background: Situation in the Central African Republic"
- Human Rights Watch, "Uprooted and Abused: Renewed Conflict in Northern Uganda" (2006)
- ICC Press Release, "Prosecutor receives referral concerning Central African Republic" (7 January 2006)
- ICC, "Background: Situation in Uganda"
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- "ICC: Situation in Libya"
- "Situation and Cases", ICC website (www.icc-cpi.int/en_menus/icc/situations_and_cases)
- "ICC, Case Information Sheet, Situation in Democratic Republic of the Congo [Case no. ICC-01/04-01/06]
- "ICC, Case Information Sheet, Situation in the Republic of Côte D’Ivoire" (2009)
- "ICC, Summary of the Case: Prosecutor’s Application for Warrant of Arrest under Article 58 Against Omar Hassan Ahmad Al Bashir"
- "ICC, Statement of the Prosecutor to the United Nations Security Council on the situation in Darfur, pursuant to UNSCR 1593" (2005)
- "ICC, Statement of the Prosecutor to the United Nations Security Council on the situation in Darfur, pursuant to UNSCR 1593" (2005)
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- "ICC, Situation in Libya"
- "Reuters, ‘Timelies: Libya’s civil war nears end’" (2011)
- "Situation in the Republic of Kenya, Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Kenya, Pre-Trial Chamber II (March 2010)
- "Jeffrey Gettleman, ‘Death Toll in Kenya Exceeds 1,000, but Tabils Reach Crucial Phase’ NY Times (Feb. 6, 2008)
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- "Information drawn from STL website (www.stl-tsl.org/en/about-the-stl/timeline-of-events)
- "Population estimates are based on: "Situation and Cases", ICC website (www.icc-cpi.int/en_menus/icc/situations_and_cases)
- Additional information drawn from  "About the STL”, STL website (www.stl-tsl.org/en/about-the-stl)
- "Information for the overview of underlying conflict is based on: "Underlying Conflict is Based On:"
- "Information for the timelines is based on:"
- "ECCC Annual Contributions based on figures collected and kindly provided by Stuart Ford. See also How Leadership in International Criminal Law is Shifting from the U.S. to Europe and Asia: An Analysis of Spending On and Contributions To International Criminal Courts, Stuart Ford, 55 St. Louis U. J. Int’l L. (Fall 2010)
- "Information also based on: ECCC (www.eccc.gov.kh/ and UNARKit websites (www.unarkit-online.org/), home.htm"
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