

**Cesare PR Romano, André Nollkaemper, and
Jann K Kleffner (eds), *Internationalized Criminal
Courts: Sierra Leone, East Timor, Kosovo and
Cambodia* (Oxford: Oxford University Press,
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At the end of the twentieth century and the beginning of the twenty-first century, a new generation of internationalised criminal justice bodies emerged to prosecute suspects of international crimes such as genocide, crimes against humanity and war crimes. Designed to address the weaknesses of both international and domestic criminal courts, these courts combine national and international elements. Their bench consists of both international and national judges and they can apply both international and national law. This book is an edited and updated collection of papers emerging from a conference held in Amsterdam in January 2002. The conference was jointly convened by ‘No Peace Without Justice’, the Amsterdam Center on International Law and the project on international courts and tribunals. *Internationalized criminal courts* addresses a wide range of legal and policy issues arising out of the creation and operation of the so-called ‘internationalised’ criminal courts and tribunals (i.e courts and tribunals established and operated with a degree of participation of the international community) and analyses the place of such tribunals in the international criminal justice system. This book addresses three active and one putative jurisdiction of this kind: the serious crimes panels in the District Court of Dili (East Timor); the ‘Regulation 64’ panels in the courts of Kosovo; the special court for Sierra Leone; and the so-called Extraordinary Chambers in the courts of Cambodia. These four bodies are the subject of this book, and are grouped together here under the label ‘internationalised criminal courts and tribunals’. At times, these four bodies have also been dubbed ‘hybrid’ or ‘mixed’ courts and tribunals. However, it is the opinion of the editors of this book that the adjective

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‘internationalised’ more adequately describes the nature of these bodies, while the other designations sometimes employed in literature fail to do so. It is the participation of the international community in the creation and management of these bodies that make them an intriguing object of study for the international legal scholar. The adjectives ‘hybrid’ or ‘mixed’ fail to highlight the role played by the international community.

Contributions from scholars of international law and international criminal law, and from practitioners working in these courts, provide in-depth analysis of the differing approaches and procedures of these courts and an evaluation of their wider impact on the development of international criminal law and practice. Those contributors identify common challenges facing such tribunals. These include legal and policy issues, such as relationship with other domestic and international courts, and with third states, and questions of applicable substantive and procedural law, as well as more practical operational issues, such as resource limitations and the complexities of integrating national and international elements into a functioning tribunal. However, the book also reveals and explores the heterogeneity among the existing and planned internationalised criminal tribunals, and the flexibility inherent in the broad concept of ‘internationalised’ tribunals.

This book consists of three parts. Part One is divided into two chapters. Chapter one, by Antonio Cassese, deals with the role of internationalised courts and tribunals in the fight against international criminality. Chapter two, by Daphna Shraga, deals with the second generation UN-based tribunals. Part Two focuses on internationalised criminal courts and tribunals. This part is divided into nine chapters. Chapter three deals with explaining and evaluation the UNMIK court system. Chapter four addresses Internationalised courts in Kosovo; chapters five and six deal with East Timor; chapters seven, eight and nine with Sierra Leone, and chapter eleven with Cambodia. Part Three of this book addresses a number of more general issues such as prosecutors, financing, the substantive and procedural criminal law applicable in such tribunals, the relationship between these internationalised courts and national courts, legal assistance to internationalised criminal courts and tribunals, the relationship between the international criminal court and internationalised criminal jurisdictions, the geographical jurisdiction of these courts and tribunals

The last two chapters consider some more fundamental questions about internationalised courts and tribunals. In chapter 20 Condorelli and Boutruche ask whether internationalised criminal courts and tribunals are necessary? Considering the issues highlighted in this volume, it is obvious that this is not simply a theoretical and controversial question. In fact, answering this question will shed some light on the prospects of this new kind of court: is it a model to be reproduced or instead a development of little use in the present international judicial system? In order to answer the question, the authors argue that there is a need to point out the common features among these creatures that appear so different. This first step toward a systematization of the phenomenon is crucial to understand whether these internationalised tribunals are necessary. However, in order to draw a complete picture of the internationalised criminal tribunals as a tool for the international legal system, the authors recognise that it is necessary to say something about the particularity of each of them. Finally, the authors argue that the question of the future of the internationalised courts is closely linked to their relationship with the international criminal court. Are they complementary or in competition? In the final chapter, Alain Pellet muses over whether these courts are better than nothing. His conclusion is lukewarm: "I am not sure that I am in 100 per cent agreement with Antonio Cassese, Luigi Condorelli and Théo Boutruche since, in particular, I am probably less persuaded than they are the internationalised courts are globally to be praised".

The different chapters of this book show the complexity and importance of the questions raised by the internationalised criminal tribunals. As the international community continues to struggle with issues of post-conflict justice, the editors and the contributors to this book have provided a detailed and timely critical assessment of the concept of the internationalised criminal courts and tribunals, and the potential role and limitations of such courts and tribunals in contributing to justice and reconciliation.