

Restoring Peace and Justice in Syria: A Proposal for an Ad-Hoc Tribunal

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Abstract

The Syrian Conflict which erupted in 2011 has turned into a civil war and is completing nine nine years in 2020, leaving millions of people dead, wounded, missing and displaced. Even after several negotiations and efforts by international organizations and states there has been no solution to this problem. While some nations are abiding by their personal interests during this time of crisis, the situation in Syria is worsening day by day thereby questioning the efficacy of the international criminal justice system. Peace and justice are the objectives to be achieved and in order to achieve this, the perpetrators of crimes should be brought into light and punished. In this context, this author focuses upon the need and importance of setting up an international criminal tribunal for prosecuting the perpetrators of atrocities committed in Syria.

Keywords: Syria, Civil war, Ad hoc tribunal

Introduction

Former UN Secretary General Mr. Kofi Annan once said, “Impunity cannot be tolerated and will not be. In an independent world, the rule of law must prevail.” This is the very idea behind setting up of The International Criminal Courts and tribunals. There are several challenges to prosecuting crimes committed in Syria in the context of International Criminal Law. This majorly deals with the limitations of the existing legal systems. This article is divided into five parts. The first part deals with a general introduction to the topic, in the second part, the author delves into the challenges in prosecuting the

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perpetrators of the international crimes committed in Syria before the existing courts. The third part presents the need and significance of an ad-hoc tribunal compared to other available systems. In part four, the author discusses how ad-hoc tribunals can be more effective than other courts. In the concluding section, possible suggestions are provided.

Challenges in Prosecuting the Crimes UNSC and the Syrian Conflict

In 2017 August, the International War Crimes Prosecutor Ms Carla del Ponte resigned from her position in the UN's Investigative Panel into Human Rights Abuses in the Syrian Civil War.¹ She blamed both the parties responsible for the conflict and the Security Council for its inability to bring justice to Syria. Article 103 of the UN Charter states that, "In the event of a conflict between the obligations of members of the UN under the present charter and their obligations under any other international agreement, their obligations under the present charter shall prevail."² Therefore, when a decision is passed by the UNSC under Article 25 and Chapter VII pertaining to international peace and security issues, such a resolution is legally controlling.³ This gives the UNSC a wide range of powers in issues which can be construed as pertaining to peace and security. In reality these legal decisions are often driven by political choices rather than 'peace and security' and hence clarifies why many analysts conclude that the Security Council is first a political body and only next a legal body.⁴ This is the same reason behind the failure of UNSC to bring the perpetrators of the Syrian conflict to justice, even though it was not specifically pointed out by the Prosecutor.

The UNSC's five permanent members- the USA, UK, France, Russia and China have the power to veto a resolution retaining the status of *primus inter pares*. Since the start of the Syrian uprising in march 2011, Russia has vetoed 12 UNSC Resolutions which covered human rights violations, indiscriminate aerial bombing, use of force against civilians, use of toxic chemical weapons,

¹Bethan McKernan, *War Crimes Prosecutor Quits UN Panel on Syrian Civil War because its Pointless*, INDEPENDENT, 8th August, 2017, <https://www.independent.co.uk/news/world/middle-east/un-syria-civil-war-panel-war-crimes-prosecutor-quits-pointless-carla-del-ponte-swiss-attorney-a7882711.html>. (last accessed on 21/04 /2021).

²U.N. Charter Art. 103.

³Stefan Talmon, *The Security Council as World Legislature*, 99 AM. J. INT'L L. 175 (2005).

⁴M. Cherif Bassiouni, *The Perennial Conflict between International Criminal Justice and Realpolitik*, 22 GEORGIA ST.UNIV. L. REV. 541 (2006). See also, Steven R. Ratner, *The Security Council and International Law in THE UN SECURITY COUNCIL: FROM THE COLD WAR TO THE 21ST CENTURY* (Lynne Rienner: 2004).

and calls for a meaningful ceasefire.⁵ China has also vetoed in tandem with Russia in several draft resolutions.⁶ Even the previous attempts to refer the matter to ICC has been prevented by Russia and China using their veto powers.⁷ Russia's veto is providing political cover to the Assad Regime and obstructing the peace process of the UN. Therefore, the UNSC has not only failed to prevent the Syrian Conflict but further failed to take action against the consequences.

It is evident from the functioning of the UNSC that when the Council membership is not unified, the council cannot be effective. The US and the European allies still have the option of applying political pressure on Russia in order to end the Syrian Conflict. However, even these states have failed in upholding the peace and justice in this regard. Looking at the failures and misbehavior of individual states, this will have the biggest impact on the UN, since its credibility and the role in fighting impunity is being questioned.⁸ The future of international criminal justice is looking bleak at this juncture.

International Criminal Court and the Syrian Conflict

The ongoing conflict is an example for the purpose for which the International Criminal Court (ICC) was set up in the first place – to fight impunity. The ICC however has failed to take action and bring justice in the Syrian conflict in various instances. Primarily, ICC has limited jurisdiction over Syria as it is not a party to the Rome Statute.⁹ The only other means through which ICC can exercise its jurisdiction is through a UNSC referral.¹⁰ However, there is a very obvious objection to a UNSC referral from Russia which is the Assad Regim's strongest ally.

On March 4th, 2019, the London based Guernica Center for International Justice submitted an Article 15 communication to ICC Prosecutor Ms Fatou

⁵Scott Lucas, *How Russia's UN Vetoes have Enabled Mass Murder in Syria*, THE CONVERSATION, 2ndOctober, 2018, <https://theconversation.com/how-russias-un-vetoes-have-enabled-mass-murder-in-syria-103565>. (last accessed on 21/04/2021).

⁶Peter Nadin, *How the UN Security Council Failed Syria*, THE INTERPRETER, 30th August, 2017, <https://www.lowyinstitute.org/the-interpreter/how-un-security-council-failed-syria> (last accessed on 21/04/2021).

⁷*Referral of Syria to ICC Fails*, UNITED NATIONS, 22ndMay, 2014, <https://www.un.org/press/en/2014/sc11407.doc.htm>. (last accessed on 21/04/2021).

⁸Observer Editorial, *UN Failure to Stop Slaughter in Eastern Ghouta*, THE GUARDIAN, 25thFebruary, 2018, <https://www.theguardian.com/commentisfree/2018/feb/25/observer-view-un-failure-stop-slaughter-eastern-ghouta> (last accessed on 21/04/2021).

⁹ICC, Art. 13.

¹⁰ICC, Art. 14.

Bensouda, asking her to open an investigation into the forcible deportation of Syrians into Jordan.¹¹ Furthermore, on March 7th, 2019, a group of lawyers led by Rodney Dixon, QC of Temple Garden Chambers filed a similar communication on behalf of 28 Syrian refugees in Jordan.¹² The group of lawyers relied on the precedent established by the ICC Pre-Trial Chamber (PTC) in 2018, when the PTC ruled that “the court has jurisdiction over the alleged deportation of members of the Rohingya people from Myanmar to Bangladesh... Deportation is a crime against humanity, and that one element of crime- crossing the border occurred in Bangladesh.”¹³ Syria and Myanmar are both not parties to the Rome Statute, but Jordan and Bangladesh are parties to the Rome Statute. Applying this analogy, Syrians are arguing that the ICC has jurisdiction over deportations from Syria to Jordan, which is party to the Rome Statute and is home to more than 1 million Syrian refugees.¹⁴ According to some critics there are some identifiable problems to the Myanmar precedent as well. Firstly, the Myanmar/Bangladesh preliminary investigation is concerned with deportation or forcible transfer under Art 7 of the Rome Statute, and while there is clear evidence of a military backed policy of deportation from Myanmar to Bangladesh, there is no evidence of such a policy of deportation or forcible transfer from Syria to Jordan.¹⁵ Secondly, it has been argued that the position of ICC has been diminished to seeking justice where ‘it can’ rather than where ‘it should’.¹⁶ This is argued because even though the allegations are made against the Myanmar regime under crimes against humanity, such a case would have made more sense and would have been more effective if the ICC had been able to investigate into allegations of genocide. The same applies to even the Syrian conflict where there are many serious atrocities which ought to be brought to light, but the victims are forced to accept the limitations of the jurisdiction and ICC and settle for any remedy available. However, criticisms aside, in the same context it is also applaud-able that the ICC is finally able to take some efforts towards the Syrian conflict.

¹¹Maryam Saleh, *Syrian Refugees use Precedent set in Rohingya Case*, THE INTERCEPT, 16th March, 2019, <https://theintercept.com/2019/03/16/syria-conflict-international-criminal-court/> (last accessed on 21/04/2021).

¹²*Id.*

¹³Ruling of ICC Pre-Trial Chamber, International Criminal Court, 6th September, 2018, <https://www.icc-cpi.int/Pages/item.aspx?name=pr1403> (last accessed on 21/04/2021).

¹⁴*Supra* note 12, *Id.*

¹⁵Matt Killingsworth, *Justice, Syria and the International Criminal Court*, Australian Institute of International Affairs, 13th March, 2019, <https://www.internationalaffairs.org.au/australianoutlook/justice-syria-international-criminal-court/> (last accessed on 21/04/2021).

¹⁶*Id.*

At a later stage, even if the ICC takes up the investigation of the Syrian Conflict it has to face a lot of difficulties to carry out legal proceedings at a later stage, a deferral from the UNSC being one of them. The UNSC has the power to defer the investigation or prosecution by a resolution adopted under Chapter VII of the UN Charter.¹⁷ This again is giving power to the UNSC and its P5 members to fulfil its political interests. And considering the approach adopted by the UNSC members in the Syrian Conflict till now, there is a high possibility of a deferral from P5 members following peace in the peace v. justice approach.

Secondly, ICC will require the cooperation of the state to proceed with the arrest warrant, as it does not have a police force of its own. This can be seen in the context of Omar Al Basheer case.¹⁸ Sudan is not party to the Rome Statute and therefore initiating proceedings against Al Basheer raised questions of how the nature of ICC as a treaty based institution whose statute only binds parties to that treaty should be reconciled with the court's exercise of jurisdiction in circumstances where the interests and legal rights of those non-party states are implicated.¹⁹ Neither the Government of Sudan which is not a party to the Rome Statute nor the African Union cooperated with the arrest warrant issued by the ICC in the Darfur conflict. The Security Council feared that as a response to the arrest warrant the Government of Sudan would withdraw the UN troops from Darfur. In this context, the threat of prosecutions seemed to be a policy tool under the Security Council, and it gave out a message that ICC as an international organization is negotiable.²⁰ The example of Sudan shows how challenging it is for ICC to prosecute non-state parties, especially lacking support from the UNSC. Therefore, even if proceedings are carried out against Syria by the ICC, it is highly doubtful whether it will progress beyond the initial stages, facing opposition from the UNSC itself, and furthermore lacking cooperation for investigation or arrest. For all that we know if we rely on UNSC and ICC anymore, like the Darfur conflict, even the Syrian conflict will extend causing more casualties and raise more questions on the failure of ICC as a mechanism to curb global impunity.

¹⁷ICC, Art. 16.

¹⁸Prosecutor v. Omar Al Basheer, Case No. ICC-02/05-01/09-139, ICL 912 (ICC 2011).

¹⁹Dapo Akande, *The Jurisdiction of the International Criminal Court over Nationals of Non-Parties: Legal Basis and Limits*, 1 J. INT'L CRIM. JUST. 618 (2003).

²⁰Lutz Oette, *Crimes in Darfur before the ICC: Five Years on Peace and Justice, or Neither?*, 8 J. INT. CRI. JUST. 345 (2010).

Need for International Criminal Tribunals: Background of Syrian Conflict

In March 2011, pro-democracy protests erupted throughout Syria to put an end to the authoritarian practices of the Assad regime which had been in place since 1971.²¹ In order to suppress this uprising, the Syrian government made extensive use of the police, military and paramilitary forces.²² There were severe human rights violations across the country. In response, opposition militias formed within the civilians itself - one of the most prominent ones being the Free Syrian Army (FSA). By 2012 this conflict between the government and militia developed into a full-fledged civil war. Essentially, the Syrian government's main backers were Russian, Iran and Hezbollah (a militia group based in Lebanon).²³ The United States, Turkey, Saudi Arabia and Qatar are described to be few supporters of some rebel groups.²⁴ The ongoing conflict also encouraged the participation of terrorist organizations like Al-Qaeda and ISIS. As a result of this war, it is estimated that around 13.1 million Syrians are in need of humanitarian assistance like food and medicines and out of this nearly 3 million are living in hard to reach areas. More than 5.6 million refugees have fled the country, and over 6.1 million displaced within Syria.²⁵ Therefore, the Syrian conflict has resulted in a humanitarian and refugee crisis, which is beyond all proportions. These numbers are only going to increase unless the international community adopts necessary measures immediately.

Setting up Ad-hoc Tribunals

At this juncture where a need for peace and justice for Syria has arisen, we have to look at possible solutions while also taking into perspective the challenges International Criminal Law is facing, as discussed above. An approach of setting up of an Ad-hoc criminal tribunal following the model of the ICTY/ICTR in solving the Syrian Conflict cannot be sidelined as it can incorporate the elements of International Criminal law by making use of the regional dispute resolution mechanisms. The idea of 'peace through justice' is consistent with the UN Charter which is aimed at the maintenance

²¹Syrian Civil War, Encyclopaedia Britannica, <https://www.britannica.com/event/Syrian-Civil-War>. (last accessed on 21/04/2021).

²²Id.

²³Julie Marks, *Why is there a Civil War in Syria*, HISTORY, 18thSeptember, 2018, <https://www.history.com/news/syria-civil-war-assad-rebels> (last accessed on 21/04/2021).

²⁴Id.

²⁵Id.

of international peace and security, and this goal is achievable through the international tribunal exercising jurisdiction irrespective of where or by whom international crimes are committed, emphasizing individual criminal responsibility and bringing justice for victims.²⁶ The need for the existence of International Criminal Tribunals that will punish past and deter future crimes is to show that the safeguard of civilians and non-combatants is a demand of the law, and not a matter of arbitration.²⁷

In order to prosecute the perpetrators, the Ad-hoc tribunal is a better choice than ICC since, firstly, the jurisdiction of the ICC is subject to the principle of complementarity where the ICC is a court of last resort.²⁸ The principle of complementarity entails that the domestic jurisdiction enjoys primacy over the international courts thereby giving importance to national sovereignty. However, in the case of the Ad-hoc International Criminal Tribunals, it pushes the boundaries of sovereignty, accepting the stance that sovereignty cannot be sufficient defense for human rights violations.²⁹ Secondly, unlike the complex regulations which govern the initiation of proceedings by the prosecutor of ICC, the prosecutor of international Ad-hoc Tribunals can initiate proceedings without any further authorization from the state or Security Council.³⁰ An Ad-hoc tribunals prosecutor's independence is often only temporally and geographically limited through the framework of the statute establishing such a tribunal.³¹ The atrocities committed within the territory of Syria are not peculiar to the concerned state, but to the international community as a whole, thereby justifying the setting up of an International Criminal Tribunal exclusively for Syria. Considering the jurisdictional drawbacks the ICC will have to face in the future, and the number, extent and gravity of cases in Syria, it is ideal to set up a special tribunal for the International Crimes committed during the Civil war in Syria rather than depending on the ICC.

Thirdly, the decisions of the Ad-hoc International Criminal Tribunal would be

²⁶Vesselin Poposki, *International Criminal Court: A Necessary Step Towards Global Justice*, 31(4) SECURITY DIALOGUE 405 (2000).

²⁷Ralph Wedgwood, *The International Criminal Court: An American View*, 10 EUROPEAN J. INT. LAW 93 (1999).

²⁸Hilmi M. Zawati, *The International Criminal Court and Complementarity*, 12 J. INT. LAW & INT. RELATIONS 208 (2016).

²⁹Philipose, E., *Prosecuting Violence, Performing Sovereignty: The Trial of Dusko Tadic*, 15 INT. J. SEMIOTICS OF LAW 159(2002).

³⁰Stojanka Mirceva, *Why the International Criminal Court is Different*, GLOBAL POLICY FORUM, 26th January, 2004, <https://www.globalpolicy.org/component/content/article/164/28450.html>. (last accessed on 21/04/2021).

³¹Id.

binding over Syria rather than the decisions of the ICC over Syria. In order to rely on the decisions given out by a tribunal, certain aspects like provisions as under the statute establishing the tribunal, the nature of the tribunal including how it was established, and whether the state of the official sought to be tried is bound by the instrument establishing the tribunal must be looked into.³² Here, a distinction between the tribunals established by the United Nations Security Council (UNSC) like ICTY and ICTR and the ones established by a treaty like ICC arises. The tribunals established by UNSC are capable of removing jurisdictional issues since all the states are members of the UN and are bound by its decisions as they have consented to it via the UN Charter.³³ However, only parties to a treaty can be bound by the provisions of a treaty, and if a particular state is not party to the treaty then such a treaty cannot apply to them unless in certain exceptional circumstances.³⁴ Therefore, it can be summed up that whether decisions of an international tribunal are binding upon states depend upon whether the instrument creating those tribunals expressly or implicitly allows it, and whether the state of the official concerned is bound by such an instrument establishing the tribunal.³⁵ Hence, the decisions of the Ad-hoc International Crime Tribunal would be binding in Syria without being barred by any jurisdictional issues considering the aspect that Syria is not a party to the ICC Statute. Therefore, considering the above-mentioned propositions it is ideal to set up an Ad-hoc International Crime Tribunal in Syria to put an end to the Syrian conflict.

Effectiveness of the Tribunal: Transparency and Location of the Tribunal

The international Ad-hoc tribunals have been extremely effective at ensuring criminal accountability for war crimes and crimes against humanity in areas where other court systems may have been less effective.³⁶ These tribunals have even spent a significant amount of resources and time in order to ensure transparency, thereby serving as the most important part of the overall international justice process.³⁷ The recent tribunals like SCSL and ECCC have even dedicated resources and funding towards a strong public outreach

³²Dire Tladi, *Cooperation, Immunities, and Article 98 of the Rome Statute: The ICC, Interpretation, and Conflicting Norms*, 106 AM. SOC'Y INT'L. PROC. 307 (2012).

³³U.N. Charter, Art. 25.

³⁴Vienna Convention on the Law of Treaties, Art. 34 (1969).

³⁵Prosecutor v. Krstic, Case No.IT-98-33-A, 1stJuly, 2003.

³⁶Status of cases, INTERNATIONAL CRIMINAL TRIBUNAL FOR FORMER YUGOSLAVIA, <http://www.icty.org/action/cases/4>, Status of cases, INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA, <http://www.unictcr.org/Cases/StatusofCases/tabid/204/Default.aspx>. (last accessed on 21/04/2021).

³⁷Gerda Visser, *Freedom of Information: The Future for Collected Prosecutorial Evidence at the International Criminal Tribunal for Rwanda*, 7 CARDOZO PUB. L. POL'Y & ETHICS J. 633 (2009).

program.³⁸ This is really essential as it will help the population affected by the atrocities and the broader international community to understand the operations of these tribunals. The truth revealing process assists in airing the truth about the atrocities that will even become a part of the healing process of the affected persons.³⁹

There is even a choice of decision regarding the location of the tribunal.⁴⁰ This decision can be taken considering the situation of the conflict. Most Ad-hoc criminal tribunals have been located as close as possible to the atrocities occurring in order to ensure that the population most affected by the war crimes has the ability to feel and sense justice and to use that feeling of justice as part of the healing process.⁴¹ This will also result in easy access to evidence to facilitate the investigation process. At the same time, in some cases the establishment of a tribunal near the conflict zones can even exacerbate tensions and lead to additional attacks which in turn might instill more fear in a local population that the tribunal actually addresses.⁴² Therefore, an ideal decision can be made regarding the location for setting up of an international tribunal for the Syrian conflict after analyzing what is best considering the nature of the Syrian conflict. This can ensure that the judges, lawyers and witnesses are in a safe environment, and at the same time the tribunal has access to all the information and intelligence collected during the investigation. Therefore, accessibility, safety and victim sentiments are the important points of consideration. A tribunal which is set up after giving due consideration to these factors will increase the effectiveness of the justice delivery process.

Credibility of Proceedings

The perception of the justice administered by an international criminal tribunal is just as important to the court's credibility as the verdict in any single case.⁴³

³⁸Stephen J. Rapp, *The Compact Model in International Criminal Justice: The Special Court of Sierra Leone*, 57 DRAKE L. REV. 11 (2008).

³⁹*Id.*

⁴⁰Sandra L. Hodgkinson, *Are Ad-Hoc Tribunals an Effective Tool for Prosecuting International Terrorism Cases?*, 24 EMORY INT'L L. REV. 515 (2010).

⁴¹Lindsey Raub, *Positioning Hybrid Tribunals in International Criminal Justice*, 41 N.Y.U. J. INT'L L. & POL. 1013 (2009).

⁴²Testimony on the Practice of International Criminal Tribunals and Their Relevance to Military Commissions in the Light of *Hamdan v. Rumsfeld*, statement of Gerald Gahima, Senior Fellow, United States Institute of Peace, <http://armedservices.house.gov/comdocs/schedules/07-26-06GahimaTestimony.pdf> (last accessed on 21/04/2021).

⁴³James Blount Griffin, *A Predictive Framework for the Effectiveness of International Criminal Tribunals*, 34 VAND. J. TRANSNATL. L. 405 (2001).

Justice must not only be done but also be seen to be done.⁴⁴ If the prosecution pushes the rules of evidence to obtain an order of conviction, that will affect the credibility of the tribunal.⁴⁵ Therefore, the rules of procedure must be strictly given and followed in order to record a conviction. This even implies following the fair trial procedures. The ICTY and ICTR are often applauded for setting an example and following the fair trial procedures for trial in international criminal law.⁴⁶ Furthermore, the courts should not depend on conflicting testimony which will undermine the credibility of the verdicts.⁴⁷ Secondly, the trial should occur fast and expeditiously.⁴⁸ Justice delayed is as bad as justice denied. The public will lose faith in the justice delivery process if it is time-consuming. An Ad-hoc tribunal is set up for a particular purpose and must be given a specific time frame as well to promote its efficiency and effectiveness.

After understanding the shortcomings of the already existing International Courts and Tribunals it is easy to set up an International Tribunal knowing what is to be avoided, and what rules are to be strictly observed over the others. Since the nature of the Syrian conflict is properly analyzed before setting up an Ad-hoc tribunal, such a tribunal will fit the needs and requirements that the aftermath of the conflict necessitates, in order to bring to light the perpetrators and justice to the victims.

Conclusion

Many critics argue that the International Criminal Tribunals are ineffective. One of the main contentions is that within the international community, power is often fragmented and dispersed, and the lack of a central authority is resulting in the failure of international criminal law.⁴⁹ States often do not comply with the laws if it is not according to their interest, and even if they agree to comply, the lack of monitoring and inspection will result in further violations. Adding to this is the allegations of selective justice and double

⁴⁴Gary Jonathan Bass, *International Law: War Crimes and the Limits of Legalism*, 97 MICH. L. REV. 2103 (1999).

⁴⁵RICHARD H. MINEAR, *VICTORS JUSTICE: THE TOKYO WAR CRIMES TRIAL* 179 (PUP: 1971)

⁴⁶Wolfgang Schomburg, *The Role of International Criminal Tribunals in Promoting Respect for Fair Trial Rights*, 8 NW. J. INT'L HUM. RTS. 1 (2009).

⁴⁷MICHAEL P. SCHARF, *BALKAN JUSTICE: THE STORY BEHIND THE FIRST INTERNATIONAL WAR CRIMES TRIAL SINCE NUREMBERG* (Carolina Academic: 1997).

⁴⁸*Id.*, at 44.

⁴⁹ANTONIO CASSESE, *INTERNATIONAL LAW* (OUP: 2005).

standards of the UN are also in the picture. The idea behind setting up of a tribunal is alleged to serve the interests and motive of certain countries rather than for the purpose of serving peace and justice. Furthermore, there is also a contention that the Ad-hoc tribunals are very expensive and the countries who have gone through such severe war must use that money in rebuilding their country. Schabas stated that, “By 2004 the United Nations Ad-hoc tribunals consumed more than \$250 million per annum, which is about 15% of the UN’s general budget.”⁵⁰

Even after considering all the shortcomings of setting up an ad-hoc tribunal, it is still the best possible solution to the Syrian conflict. This paper analyzed the alternative solutions available to bring justice and the failure of each system, including the domestic courts and the ICC. An ad-hoc tribunal can incorporate the elements of International Criminal law as well as regional aspects, and therefore would be best suited for the Syrian Conflict. It will be free from bias, would be more efficient and effective than any other system considering the intrinsic nature of the ongoing conflict. No legal system exists without any flaws, and there is no perfect solution to any conflict, however, the international community can take effective steps to minimize such flaws and make sure that the purpose behind the setting up of such a tribunal is fulfilled.

⁵⁰WILLIAM A. SCHABAS, THE UN INTERNATIONAL CRIMINAL TRIBUNALS: THE FORMER YUGOSLAVIA, RWANDA AND SIERRA LEONE (CUP: 2006).