Violations of human rights can amount to criminal offences, indeed, the most serious crimes imaginable, such as genocide and crimes against humanity. In the wake of World War II, two military tribunals were separately established to try German Nazi officials and officers (International Military Tribunal or Nuremberg Tribunal) and Japanese officials and officers (International Military Tribunal for the Far East or Tokyo Tribunal) for serious crimes committed during the course of the war. These criminal trials are criticised by some commentators as an example of ‘victors’ justice’; however, they established fundamental principles of international humanitarian law.

Ad hoc criminal tribunals began to proliferate in the 1990s, usually established by the UN, or the UN in partnership with a state. It seemed that there was no longer a political acceptance of inaction in the face of mass killings, rapes, and forced movements of populations. For example, the following tribunals have now been established:

- UN International Criminal Tribunal for the Former Yugoslavia (1993) – in the face of atrocities, including so-called ‘ethnic cleansing’, committed during the war in the former Yugoslavia between 1992-1995, the UN established this tribunal at The Hague, The Netherlands;
- UN International Criminal Tribunal for Rwanda (1994) – established by the UN to sit in Tanzania to address the genocide in Rwanda in 1994;
- Special Panels for Serious Crimes, Timor Leste – the UN Transitional Administration of East Timor was established in the wake of the violence that marred the 1999 referendum on independence from Indonesia. In 2000, it created a criminal mechanism to try people responsible for serious crimes committed in 1999;
- Special Court for Sierra Leone – established jointly by the UN and the Government of Sierra Leone in 2002 to try those bearing the greatest responsibility for war crimes and crimes against humanity committed in Sierra Leone since 30 November 1996; and
- Extraordinary Chambers Responsible for the Prosecution of Crimes Committed by the Khmer Rouge – this tribunal began work in 2005 to reach back in time to address the so-called ‘Killing Fields’ of Cambodia under the Khmer Rouge in the 1970s, during which an estimated 1.5 million Cambodians died.

During the same period, truth and reconciliation commissions also proliferated to bring to light stories of violations committed in the past – for example, when the apartheid regime was removed in South Africa, a Truth and Reconciliation Commission was established to deal with the legacy of apartheid. Truth and reconciliation commissions have also been established in many other countries listed here.

Typically, truth and reconciliation commissions allow victims to tell their stories, to face the perpetrators of the crimes, and may lead to criminal prosecutions or amnesties. By the end of the 20th century, there was a renewed energy for accountability for the commission of serious crimes. A long-held dream of internationalists for an international body to hold perpetrators of serious crimes accountable has now been realised. The International Criminal Court (ICC) is an independent, permanent court based at The Hague in The Netherlands. Founded in 2002, it is responsible for trying people accused of the most serious crimes of international concern – genocide, war crimes and crimes against humanity.

These crimes are detailed in the Rome Statute of the International Criminal Court. The ICC is a court of last resort, meaning that it cannot take cases that a state is investigating or prosecuting domestically. It can only deal with events that have taken place since 1 July 2002 on the territory or by the nationals of states that have ratified the Rome Statute.

The current caseload of the ICC includes cases dealing with alleged war crimes, crimes against humanity and/or acts of genocide in:

- the Democratic Republic of the Congo
- Uganda
- Central African Republic
- Darfur, Sudan
The Office of the Prosecutor is conducting preliminary investigations in other places including Afghanistan, Georgia, Guinea, Colombia, Honduras, Korea and Nigeria.


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