

WAR CRIMES: A CALL TO ACTION

The IALS has staged a number of lectures and conferences over the past year or so which have examined the prosecution of war crimes and crimes against humanity, and sought to draw lessons from the way cases have been conducted. Speakers have considered the implications of the Pinochet case, Australian Nazi war crimes, British “minor” war crimes trials in Germany from 1945-48 and the Khmer Rouge trials for courts and tribunals seeking to deal with present and future atrocities. The latest conference to be held in Charles Clore House on this theme grew in the course of its development to become a major multi-disciplinary event. “War crimes – retrospectives and prospects” took place from February 19-21 and was organised by a number of academic institutions.

Not many conferences examine their subject as exhaustively as this one. Speakers from different disciplines offering a wide range of experience considered various conflicts from legal, historical, political, social and post-reconstructive standpoints. Familiar names emerged, such as Belsen and Auschwitz, the Congo, Bosnia and Herzegovina, Cambodia and Rwanda. Attitudes to state practice when dealing with war crimes were debated from a historical perspective and in the light of more recent experiences, such as the prosecutions in Guantanamo Bay.

Many fundamental questions were asked. Who undertakes war crimes trials and on whose behalf? What should be the role of the International Criminal Court? How should post-conflict resolution be approached? Should international jurisprudence trickle down into domestic courts? Do the ICC and international tribunals focus on economically poorer and less powerful entities and individuals? These and other issues were addressed, and have been summarised by Judith Rowbotham, Michael Kandiah and Lorie Charlesworth in their conference report (see the news section of this issue).

It is easy to become disillusioned with the effectiveness of the global legal process for dealing with war crimes and crimes against humanity. International tribunals struggle for credibility – and in some cases funding – in countries such as Sierra Leone and Cambodia as they attempt to reach justice for the victims of barbaric former regimes. The establishment of the ICC represented a major step forward by the international community, but a number of states including four of the major powers – China, Russia, India and the US – have refused to join the court. In March the ICC issued its first arrest warrant for a sitting head of state against Sudanese President Omar al-Bashir for complicity in war crimes committed by his government in its long-running campaign against the rebels in Darfur. This did not deter him from travelling to an Arab League summit a few days later in Qatar, which is not a member of the ICC.

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Events such as February’s conference can make a worthwhile contribution by helping to counter cynicism and apathy over the prosecution of war crimes. The conference was organised by SOLON (an academic consortium of four universities) and three member institutes of the School of Advanced Study at London University – the Institute of Historical Research, the Institute of Commonwealth Studies and the IALS. Organisers, speakers and delegates all played their part in a memorable event.

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