

# Israel Law Review

A journal of human rights, public and international law

## Introduction

***Yuval Shany and Sir Nigel Rodley***

Positive Complementarity and the Law Enforcement Network: Drawing Lessons from the Ad Hoc Tribunals' Completion Strategy

***Patrícia Pinto Soares***

How International Courts Shape Domestic Justice: Lessons from Rwanda and Sierra Leone

***Sigall Horovitz***

Domestic Investigation and Prosecution of Atrocities Committed During Military Operations: The Impact of Judgments of the European Court of Human Rights

***Silvia Borelli***

The Normative Impact of the Inter-American Court of Human Rights on Latin-American National Prosecution of Mass Atrocities

***Ximena Medellín-Urquiaga***

How Can International Criminal Courts Have a Greater Impact on National Criminal Proceedings? Lessons from the First Two Decades of International Criminal Justice in Operation

***Yuval Shany***

Statutory Sentencing Reform in Israel: Exploring the Sentencing Law of 2012

***Julian V Roberts and Oren Gazal-Ayal***



מרכז מינרבה לזכויות האדם  
The Minerva Center for Human Rights  
مركز مينيرفا لحقوق الإنسان



Faculty of Law,  
The Hebrew University  
of Jerusalem

**CAMBRIDGE**  
UNIVERSITY PRESS

### EDITORS-IN-CHIEF

Sir Nigel Rodley *University of Essex, UK*  
Yuval Shany *Hebrew University of Jerusalem, Israel*

### EXECUTIVE EDITOR

Danny Evron *Hebrew University of Jerusalem, Israel*

### ACADEMIC EDITOR

Yaël Ronen *Hebrew University of Jerusalem, Israel*

### STUDENT EDITORS

*Hebrew University of Jerusalem, Israel*

Guy Aaronsohn	Tal Kra-Oz
Adi Atlas	Maayan Menashe
Shahar Avimor	Shani Nyer
Aviad Ben-Yehuda	Yuval Shalem
Noa Bornstein-Ziv	Idan Shkaltz
Shay-Nitzan Cohen	Livia Silver
Gila Craimer	Eitan Smith
Niran Dor	Lior Spindel
Jacob Flex	Ari Tsur
Guy Keinan	

### INTERNATIONAL ADVISORY BOARD

Professor Aharon Barak <i>Inter-Disciplinary Center, Herzliya, Israel</i>	Professor Mordechai Kremnitzer <i>Hebrew University of Jerusalem, Israel</i>
Judge Daphne Barak-Erez <i>Supreme Court of Israel</i>	Professor David Kretzmer <i>Hebrew University of Jerusalem, Israel</i>
Professor Malcolm Feeley <i>University of California, Berkeley, USA</i>	Professor Fionnuala Ní-Aoláin <i>University of Minnesota, USA and University of Ulster, Ireland</i>
Professor Jochen Frowein <i>Max Planck Institute for Comparative Public Law and International Law, Heidelberg, Germany</i>	Professor Frances Raday <i>College of Management Academic Studies, Rishon Le Zion, Israel</i>
Professor Francoise Hampson <i>University of Essex, UK</i>	Professor William Schabas <i>Middlesex University, UK</i>
Professor Vicki Jackson <i>Harvard Law School, USA</i>	Professor Malcolm Shaw <i>University of Cambridge and Leicester University, UK</i>
Professor Michael Karayanni <i>Hebrew University of Jerusalem, Israel</i>	Professor Henry Steiner <i>Harvard Law School, USA</i>
Professor Eckart Klein <i>Potsdam University, Germany</i>	Professor Ruti Teitel <i>New York Law School, USA</i>

Focusing on law in times of tension and conflict, the *Israel Law Review* is a leading publication in the field of human rights, public law and international law.

The *Review* is a peer-reviewed journal with a long-standing reputation for excellence, and attracts a combination of established authors and new voices writing on cutting edge topics. It is the oldest and most acclaimed Israeli law journal published in English, established in 1966.

The *Israel Law Review* is published under the auspices and management of the Minerva Center for Human Rights at the Law Faculty of the Hebrew University of Jerusalem. Under this stewardship, it focuses on scholarship in the fields of human rights, public law and international law. It also examines the application of legal norms under conditions of conflict and political uncertainty, highlighting the relevance of the Israeli experience in these fields to other parts of the world and that of other societies to Israel.

# ISRAEL LAW REVIEW

---

---

Volume 46

Number 3

2013

---

---

Introduction

*Yuval Shany and Sir Nigel Rodley* ..... 317

**ARTICLES**

Positive Complementarity and the Law Enforcement Network: Drawing Lessons from the Ad Hoc Tribunals' Completion Strategy

*Patrícia Pinto Soares* ..... 319

How International Courts Shape Domestic Justice: Lessons from Rwanda and Sierra Leone

*Sigall Horowitz* ..... 339

Domestic Investigation and Prosecution of Atrocities Committed During Military Operations: The Impact of Judgments of the European Court of Human Rights

*Silvia Borelli* ..... 369

The Normative Impact of the Inter-American Court of Human Rights on Latin-American National Prosecution of Mass Atrocities

*Ximena Medellín-Urquiaga* ..... 405

How Can International Criminal Courts Have a Greater Impact on National Criminal Proceedings? Lessons from the First Two Decades of International Criminal Justice in Operation

*Yuval Shany* ..... 431

Statutory Sentencing Reform in Israel: Exploring the Sentencing Law of 2012

*Julian V Roberts and Oren Gazal-Ayal* ..... 455

## ACKNOWLEDGEMENTS

The *Israel Law Review* gratefully acknowledges the financial assistance provided by the permanent endowment fund established by Abraham D. Slavitt of Norwalk, Connecticut, USA, in memory of his beloved wife, Jennie A. Slavitt; by the Minerva Foundation, through the Minerva Center for Human Rights at the Hebrew University of Jerusalem; and by the Faculty of Law at the Hebrew University of Jerusalem.