

A note from the Editor

One of the most significant developments that has marked the last decade of the twentieth century is the establishment of international criminal jurisdiction to punish grave breaches of international humanitarian law. The aim is simple: to do everything possible to prevent the most appalling crimes committed during armed conflicts from going unpunished. Putting this idea into practice, however, has proved to be a difficult task, as can be seen quite clearly from the pages of history. Today, the International Criminal Tribunal for the former Yugoslavia (ICTY) at The Hague, and its sister institution in Arusha, the International Criminal Tribunal for Rwanda (ICTR), show that the aim can be achieved. In addition, the United Nations project to establish a permanent international criminal court is already well advanced. Here, then, are three initiatives which seek to demonstrate that individual criminal liability is not an empty concept, even in times of armed conflict.

What do the creation of the two ad hoc criminal tribunals and their activities signify for international humanitarian law? Are these tribunals capable of reinforcing respect for the rules of that law, which, in wartime, is the last bastion against barbarity? Will their judgments effectively contribute to implementation of humanitarian law? The *Review* has invited a number of people to examine various aspects of the activity of the Tribunals for the former Yugoslavia and for Rwanda. Some contributors actually work there in an official capacity, or have done so in the past. The *Review* is particularly grateful to them for their articles, in which the views expressed are purely personal.

The ICRC Deputy Director of Operations has made an initial evaluation of the work done by both Tribunals from the standpoint of international humanitarian law and the ICRC, which has been mandated by the international community to strive for observance of humanitarian law in times of armed conflict. This was no simple challenge, as attitudes in the past with regard to penal repression as a means of implementing the law of Geneva have often been somewhat ambiguous. Jacques Stroun's observations show that the ICRC fully accepts penal repression both as

a means of dispensing justice and as an instrument for promoting greater respect for international humanitarian law. However, the author stresses the need for a clear distinction between the judicial function and the humanitarian role assigned to the ICRC.

The *Review* is particularly grateful to Professor Paul Tavernier for agreeing to write an introduction. This paints a broad picture of the various steps being taken to make individual criminal liability applicable at the international level in cases of armed conflict.

The contributions regarding the Rwanda Tribunal are more numerous than those relating to the Tribunal for the former Yugoslavia. This is actually no bad thing, as the Tribunal in Arusha is not as well known. More exposure is needed for the ICTR, which is taking on arduous tasks in particularly difficult conditions.

Finally, the *Review* is pleased to supplement the various contributions on international penal repression with two prefaces, one written by the former President of the ICTY, Judge Antonio Cassese, the other written by the President of the ICTR, Judge Laïty Kama.

The Review