9.1 INTRODUCTION

Each country makes laws, rules and regulations for a peaceful and harmonious life. An orderly society and its law abiding citizens add to the progress and development of the country. However laws are often flouted and rules broken resulting in the peace and stability of the country being threatened. Herein the role of the judiciary becomes important.

The Government of any country is composed of three main branches- Legislature, Executive. The Judiciary is one of the branches of the government. Also referred to as the judicial system, it consists of a system of courts. The main function of the judiciary is to interpret and apply the law. It is also a dispute settlement forum. It is supposed to be independent and impartial.

The Judicial set up plays an important role when laws are violated. Since most often than not the violation of laws and regulation results in some punitive action like fine, imprisonment and even death, the judiciary decide if the person has violated the law or not. Courts try all kind of cases- criminal and civil being the two primary groups. Criminal cases include crimes like murder, theft, rape, robbery, etc while civil cases deal with property, contract disputes, etc. Each country has
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its own specific rules, laws and regulation. The structure of the court system also differs.

Yet there are some common acts which are prohibited and punished by all countries. These represent common understanding of what is acceptable behavior by all states belonging to a civilized world. These are crimes that the entire world condemns and denounces. Some uncontroversial examples of these would include genocide, torture, war crimes, crimes against humanity etc. All of them are extremely serious violations of individual rights, identity and existence which threaten peaceful coexistence as well as global peace, stability and progress.

These crimes are different from ordinary crimes. The scale and intensity of such crimes are quite different and have a devastating impact on entire populations at large. These crimes affect a large number of people, and have a negative impact that crosses international boundaries to devastate global peace and prosperity. An impact which is exacerbated in the case of neighbouring countries. The horrific nature of such crimes, their breadth of reach as well as the grave threat they pose have resulted in international community responding to such crimes.

This has meant an initiative at the global level where global mechanisms—most notably international courts—have been established to deal with the offenders and punishe them. The international community has taken up the responsibility to address such crimes ensuing in a series of international courts being set up over the last few decades.

In this Unit we will trace the historical establishment of such courts at the international level. It will also discuss the specific features of such courts—some similarities as well as some differences. It will also shed light on the different categories and types of crimes that come under the purview of such courts.

9.2 OBJECTIVES

After reading this unit, you should be able to:

• explain the concept of international criminal justice;
• describe the reasons for the growth of international criminal courts;
• identify the historical evolution of these courts; and
• discuss the specific crimes that are ‘international crimes; and thus under these courts.

9.3 THE CONCEPT OF INTERNATIONAL CRIMINAL JUSTICE

As discussed in the introductory section, criminal courts at the international level were established to deal with extremely grave crimes and to ensure that the entire world collectively stands against the commission of such crimes in the future as well. However we need to recognise the fact that the concept of international criminal justice has captured the attention of the international community in recent years.

What exactly do we mean by the term ‘international criminal justice’? The Government of a country has to ensure that the life, liberty and rights of its citizens
are protected. Like we all know when rules are broken, rights of persons/individuals are violated. The role of the judicial system is to interpret the law and give justice to the victims/individuals/families who have suffered as a result of their rights being violated. In all countries the domestic courts address these crimes.

And in the end it is hoped that victims will get justice and the offender will be punished for his wrong doing and the larger society will learn from this and not commit similar crimes in the future. This is because society recognizes and accepts that certain acts, if committed, are wrong and the offender will be punished if such acts are committed.

We also have to remember that this is a new approach. International law or as we commonly call it the law between nations generally lays down rules and regulations between states (governments of different countries). Herein, law was created by States for the benefit of states to increase inter-state cooperation, peace and harmony. Relations between states were always the foremost concern of the international community. However international criminal justice is different. It has emerged to address serious international crimes, most which are committed by individuals. Its main focus is on the actions and omissions of individuals/human beings/persons which have resulted in crimes of a grave nature. Here the main focus is on the individual and not the State.

<table>
<thead>
<tr>
<th>Self Assessment Question</th>
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<tbody>
<tr>
<td>1) What do you understand by the term International Criminal Justice? What is International Criminal Law?</td>
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International criminal law is a separate branch of law that deals with international crimes committed by individuals. It sets up courts and tribunals for addressing these crimes and punishing the offender and rendering justice to victims and their families. International criminal justice thus consists of rules and law of international criminal law plus systems like courts and tribunals to implement these rules and laws.

### 9.4 HISTORICAL EVOLUTION OF INTERNATIONAL MECHANISMS

Post the Franco Prussian War of 1870, Switzerland had proposed the idea of setting up an international court but nothing came of it. The international community again toyed with the idea in the aftermath of the World War-I period. Since the First World War 1914-1918 had resulted in immense destruction to human life and property, the Treaty of Versailles signed in 1918 was the peace settlement between the different countries that had fought the war. The world also thought it was important to maintain international peace and that’s why individuals and countries who had waged wars and committed grave crimes and human rights violations should be punished.
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The Treaty of Versailles was the defining document as it suggested the establishment of an international criminal tribunal to try the German Emperor Kaiser William II. A Commission of Experts was set up to deal with the issue of trial and punishment of individuals who had committed serious offences during the I WW. The Commission also recommended that defeated heads of State should also be punished for their role in the war.

Kaiser was accused of encouraging war and acting against international morality and was consequently to be tried as a war criminal for crimes that Germany has committed during the First World War. He was also considered responsible for encouraging the military generals and politicians of Germany to wage war against other States.

The League of Nations (LON) an international organization comprised of states as members was formed in 1919 with the aim to prevent wars and settle disputes peacefully. In 1937, the LON organized a meeting and finalized a Convention for the Creation of an International Criminal Court—the same was signed by 10 states. Since the required number of States did not ratify this treaty, it never came into force. The idea was again revisited after the II World War.

After the defeat of Germany, a military tribunal was set up in Nuremberg, Germany to try war criminals titled as the International Military Tribunal at Nuremberg (IMTN). These were known as the Nuremberg Trials. Similarly, to try the Emperor of Japan as well as its military, a tribunal was established in Tokyo known as the International Military Tribunal for the Far East (IMTFFE). These came to be known as the Tokyo trials. Both tribunals tried criminal cases against individuals and were temporary courts.

Thus the two major contributions of this phase were—international mechanisms were set up. One of the specialized bodies of the UNO, the International Law Commission was given the task of preparing the ‘Nuremberg Principles’. These principles are considered to be guideline in understanding the nature of a what may be considered as a crime, if carried out during war situations. The General Assembly of the UNO confirmed these principles in a Resolution in 1946. The ILC was further asked by the GA to resume work on a treaty for a permanent criminal mechanism at the international level. The ILC submitted its draft to the GA in 1954.

In the meanwhile, General Assembly drafted several treaties related to serious violations of human rights. One of the earliest one is the Convention on the Prevention and Punishment of the Crime of Genocide, 1948. The crimes of genocide have a horrific historical precedent but the scale and scientific brutality of the Nazi Holocaust during World War II, wherein the Nazis in Germany killed, imprisoned, starved and exterminated specific racial and national groups, made for an unforgettable backdrop to the discussions on the Convention.

The Genocide Convention seeks to punish acts of genocide through an international penal tribunal. This was followed by the International Convention on the Suppression and Punishment of the Crime of Apartheid in 1973 wherein the domination of one racial group over another resulting in its oppression and human rights violation was considered to be a crime of apartheid.
But there was still no permanent international criminal mechanism. While work continued on preparing a comprehensive treaty on a permanent body, two incidents shook the world community and pushed the international community towards its goal of establishing a permanent criminal court. One was the crimes that happened in Yugoslavia (Europe) and the other was the genocide that took place in Rwanda (Africa). Two ad hoc and temporary criminal courts were set up for both the countries to address the grave crimes that have occurred and punish individuals who were responsible for those crimes.

These two temporary tribunals paved the way for a permanent court. The General Assembly reviewed several drafts from the period 1951-1958. Finally in 1996 the draft submitted by the ILC on ‘Code of Crimes Against Peace & Security of Mankind’ and this was finally put for debate and discussion before all States in 1998 by the General Assembly in Rome. What emerged was the acceptance of the treaty now called the Rome Statute that provided for the world’s truly first International Criminal Court. The ICC started work in 2002 after receiving the required number of States accepting the Rome Statute.
9.5 NEED AND REASONS FOR THE GROWTH OF INTERNATIONAL COURTS

Like we have seen in the previous paragraphs the world always cherished the dream of establishing a permanent criminal court. However till the Rome Statute in 1998 that finally resulted in the world’s first every permanent and global criminal court, there have been several attempts in between, at different points of history right from 1918 onwards, wherein some sort of a punitive mechanism was either set up or in the process of being established. The question to be answered in this context is ‘why is it that the international community was so keen and determined to establish a permanent international criminal justice mechanism?

There are several reasons for the same. We shall enumerate some of them here. Firstly, States and the respective governments instead of protecting and promoting rights of its people and citizens were, in fact, the primary violators. The States justified this on the ground that they had the authority and supremacy to treat their citizens and others (non citizens) on their territory in any manner that they deemed fit. This meant that some groups were specifically targeted in a brutal and horrific manner necessitating the international community to responds to such atrocities. Some horrific recent examples include the Hutus’ killing spree against the Tutsis in Rwanda and the ethnic cleansing carried out by the Serbs against the Bosnian Muslims in former Yugoslavia.

Secondly, like we have seen earlier on, the world was always preoccupied with inter-state relations and hence the focus was always on ensuring that States coexist peacefully. Thus, all laws internationally reflected only concerns and problems of States. There was almost no attention paid to the population/inhabitants of States and that is because individuals were never considered important and were always at the mercy of their respective governments. Hence, atrocities and violations by States on its people were frequently ignored by the international community.

However, when international human rights law recognized that individuals had rights and freedoms and the same must be not only guaranteed by their respective State but individuals must also be protected against States/government who violated their rights, the international community stepped in. At this point it was considered important to have an international court that will try States or heads of States and military for crimes committed against its own citizens. Thus human rights violations were no longer considered to be internal matters but issues that the world community would interfere in.

Thirdly, wars at most points of history were fought between different States. However increasingly in the nineteenth century wars were fought within States that is wars were no longer international but were now internal. The Government of a State was fighting against a particular group or there were problems between different groups in the same country. The atrocities and offences committed in these internal wars have been unseen and unheard.

The neighbouring States also felt the brunt of the war as there was a flow of refugees in their territory or their territory was used to launch attacks. The stability and peace of the region in which these wars occurred (Africa/Asia/Europe) also was threatened. The world felt it would be appropriate for an international tribunal
to punish offenders as the States where these offences were being committed would not be able to hold trials and punish people.

Fourthly, the crimes that were addressed in these international courts were of extremely grave nature and required that the world collectively should take a stand against it. These crimes were considered to be against prevailing values and morality of civilized nations and thus the collective endorsement of the international community was considered to be a *sine qua non* in punishing the offenders. The crimes also affected not individual citizens but families, groups, communities and countries as a whole and thus were to be condemned cumulatively.

### Self Assessment Question

3) Identify three most important reasons for international courts to be established.

- [ ]
- [ ]
- [ ]

Moreover, the effects of the crimes were also trans-boundary and thus threatened to spoil the atmosphere of peace and stability in neighbouring States and in the region and thus had to be collectively addressed by the world. One way out for this was by supporting the establishment of a permanent court to try these offences.

Fifthly, it is also important to hold, individuals, governments and States responsible for terrible violations of human rights. It is necessary to arrest the, try them and punish them. This can be achieved only by criminal courts. Since many a times the people in power and authority commit such crimes it is important that the international community assists in punishing them. The International community also has an obligation to ensure that human rights violators do not go unpunished and that they are held accountable for the deeds that they have committed.

Sixthly, an international court that is permanent and supported by all States would be also considered to be more neutral as it will apply its laws equally on all individuals. It will also be seen as an impartial body that would ensure punishment and justice and thus would receive support from all states. An international body is more likely to receive a greater deal of cooperation that will add to the success and effective functions of the court. State will also feel a legal as well as moral obligation to obey the directions and orders of the international body as it represents the interest of the entire world and not just the powerful, stronger and bigger States.

Finally, it is also believed by some that the mere presence of a permanent criminal body where individuals would be tried and punished for crimes and human rights atrocities that they have committed in conflict situations would scare future offenders. This may, in turn, reduce or even prevent such grave human rights offences from occurring.
9.6 INTERNATIONAL CRIMES OVER WHICH THESE COURTS EXERCISE JURISDICTION

Crimes of all kind and nature would result in violation of human rights as well as the rules and regulations that are necessary for an orderly societal life. However there are some crimes that fall within the category of ‘international crimes’. To refer to these crimes as international crimes signify that they are a special category of crimes.

They are termed as international crimes as they are gross violation of individual and group rights. They shock the conscience of the world and considered to be antithetical to all the moral values of civilized nations. These crimes pose a threat not only in the states where they occur but also in the region as well as to the whole global order. These crimes are a threat to the existence of human civilization and every State has a legal duty to prevent and stop such crimes as well as ensure that those responsible for committed such crimes are tried and punished.

The crime of Genocide is regarded as the biggest aberration. It is a calculated, systematic and intended killing or destruction of a group of people based on their nationality, race, religion or ethnic background. It refers to violent crimes committed against a particular group with the goal to destroy that group’s existence. It implies a coordinated assault and killing of civilian (non military personnel) population.

Genocide does not have to result only in mass killings or mass murders—there are other ways in which this crime can be executed. It can be a physical or mental infliction of harm as well. The bottom line being the person or group of persons are being targeted as they belong to any of the four categories mentioned above. Genocide can occur in either war or peace time or in both.

War crimes are a select category of crimes that are regarded as international crimes. Individuals who violate international humanitarian laws (laws of armed conflicts) intentionally or recklessly are responsible for war crimes. War crimes include a series of offences and cover a wide spectrum of offenses, among them deliberate, indiscriminate, and disproportionate attacks harming civilians, using human shields, and committing torture, enforced disappearances, rape and summary executions. Individuals can be held responsible for not only actual commission of such crimes but also an attempt. Other related activities like as assisting in, facilitating, or aiding and abetting a war crime would also result in criminal responsibility of the individual. War crimes have to be committed in the context of a ‘war’ or an ‘armed conflict’. The war can be between two States or within a State itself between two groups. It is not only civilian leaders who can be held responsible and punished but military commanders and soldiers also can be dealt with in the same manner.

Torture is yet another form of international crime. Torture implies unnecessary pain or suffering that can be both mental and physical and that is inflicted on a person for either obtaining any information from him or for coercing him into doing something or for intimidating him. Committed both by agents of the State (police, security forces etc) and by non-state actors, acts of torture can include rape, electric shocks, sleep deprivation, solitary confinement etc.

Crimes against humanity are another set of grave human rights violations that results in humiliating and serious attack on human dignity. Often carried out with
state support, it is both widespread and systematic and mostly targets the civilian or non soldier population. It may be committed during or after war. It constitutes of acts like tape, murder, torture, disappearance, sexual violence, slavery, apartheid and other inhuman acts transpiring in gross human rights transgressions. Crimes against humanity can occur in peace and war times.

Piracy is one of the most ancient international crimes. Since pirates are not citizens/nationals of any country nor do they owe allegiance/loyalty to any government, they have historically been regarded as the common enemy of mankind. Piracy includes crimes like violence, looting, killing and abduction on high seas mostly which under international law are regarded to be common property of all States. This casts a legal duty on all states to pursue, arrest, prosecute and punish pirates.

Slave trade and slave trafficking are also one of the oldest international crimes denounced by the international community. It translates into an activity where one person is an owner and another human being is his property. This master and slave relationship entails a legal duty on the slave to fulfil all activities and tasks of his owner/master. There is absolute curtailment of right to liberty, freedom of movement, lack bargaining power for wages, work conditions, benefits etc. and it amounts to an enslaved life. It's an aspect of forced labour where human beings are treated worse than animals. It is sometimes passed from one generation to another.

The crime of aggression also constitutes an international crime. However States have not yet agreed on a definition on the crime of aggressions. Aggression simply means one country waging a war on another and this military intervention is not justified on the grounds of self defence. There exists a lack of clarity on the exact elements of the crime of aggression.

There are several other international crimes which are regarded by many to constitute gross human rights infringements like trafficking for labour/commercial sexual exploitation, drug peddling, illegal arms dealings etc.

9.7 SUMMARY

- In this unit, we discussed the meaning and concept of international criminal justice. We saw how international criminal justice deals with crimes and offence committed by individuals. We also discussed how the judiciary is responsible for holding individuals responsible for crimes they have committed. The judicial set up like we know is composed of courts and tribunals and the job of the judiciary is to apply and interpret laws and hold individuals violating the law responsible for their acts by punishing them. In this manner victims (people whose rights have been violated) would get justice.

- We further discussed how international courts and tribunals emerged. We also saw how at different phases in history the world was extremely keen to establish a permanent criminal justice mechanism. We traced the historical evolution and growth of such criminal justice bodies at the international level. We discussed the Nuremberg and Tokyo trails followed up by the temporary courts-ICTY and ICTR and finally the permanent international criminal court ICC.
Further we also elaborated on why the world felt it necessary to establish international tribunals. We saw that wars had increasing become more inhumane with unknown, unseen and unheard atrocities being committed against human beings. The failure of the Government/States in protecting the rights of its citizens was also compounded by the fact that wars today have become internal in character and not really international. These intra States conflicts necessitated that the world community intervenes and protects the rights of people as the Government was itself responsible for committing grave crimes.

We also saw that what categories of crimes became international crimes. We discussed crimes like genocide, war crimes, crimes against humanity, torture etc. We saw these were serious crimes as they involved heinous acts, mass killings and often have trans-boundary effects. The international crimes are also condemned by all States and every nation has individually and collectively the responsibility to punish those who commit such crimes.

9.8 TERMINAL QUESTIONS

1) What is international criminal justice?
2) How have international courts evolved?
3) Explain what constitutes ‘international crimes’?
4) Why is it necessary to have international courts and tribunals?

9.9 ANSWERS AND HINTS

Self Assessment Questions
1) Refer for Section 9.3
2) Refer for Section 9.4
3) Refer for Section 9.5

Terminal Questions

1) International criminal justice refers to that area of law wherein international crimes are defined. It also lays down rules and regulations for punishing individuals who have committed serious violations of human rights. International criminal justice also implies a system of courts, tribunals and mechanism wherein rules are applied and interpreted and the offender is tried and punished.

International criminal justice is a new field of law. Generally the world was only concerned with maintaining pace, harmony and friendly relations between States and that's why international law focused only on developing and implementing rules, regulations and laws governing inter State relations.

State had absolute free hand in dealing with citizens and non citizens in their country and the international community never bothered to interfere.

States were, in fact, instead of protecting rights and freedoms of its citizens responsible for committing serious human rights violations against them. And the States justified this on the ground that they had the right to deal with internal matters in a manner that they thought right. When the world began
to understand that even individuals that is human beings had rights and liberties and duties and the State/Government was under a legal obligation to ensure the safety of its citizens that these human rights violations began being questioned by the international community.

Today international criminal justice recognizes the fact that Governments have primary responsibility towards its citizens. In addition international criminal justice holds even the individual in the highest position of power and authority responsible for crimes that may amount to international crimes. Individuals not only have rights but they also have duties and they can be held criminally responsible if they commit serious crimes.

International criminal justice can target both civilian as well as military heads. It means politicians, heads of Government/States, ministers, elected representatives can be punished if they have committed acts that amount to international crimes. Also omissions or inaction on their part resulting in such crimes occurring can also result in criminal liability being imputed to them. Its also can bring with its scope military commanders who are in charge of troops and battalions and army units for either ordering such commission of act or failing to prevent it. Foot soldiers and low ranking officials can also be held responsible even if they are following orders.

2) The international community has for long cherished the dream of establishing a permanent international criminal justice mechanisms. History is replete with examples wherein efforts were made towards the goal of a permanent court criminal in nature. Beginning with the end of I World War wherein the peace settlement achieved through the Treaty of Versailles in 1918 sought to hold the German Emperor William Kaiser II responsible for actively encouraging wars and influencing the politicians and military in Germany to adopt warring tendencies.

Kaiser was also accused of acting against accepted international morality and values and violating existing treaty provisions. The Treaty of Versailles in Article 227 envisaged a penal tribunal, international in character to be established to try Kaiser for all the above mentioned acts and punish him. However the tribunals never materialized as he fled to Netherlands which in turn, refused to hand him over for trial.

The first global institutions set up after in I World War, the League of Nations also debated with the idea but later on dismissed the possibility of setting up a penal court. Nevertheless it discussed, finalized and adopted a Treaty on an International Criminal Court which never took off as all States didn’t join the treaty. This was followed up by the II World War trials in Tokyo and Nuremberg for crimes committed in during the II World War phase. These two were ad hoc courts set up in Germany and Japan respectively to try and punish individuals for serious violations in war times. There were set up by the victorious powers and represented the beginning of crystallization of an idea of criminal court.

The UNO set up after the II World War also advocated the idea of a penal court. The General Assembly drafted the Genocide Convention that sought the crime of genocide to be punished by an international court. The GA also asked the International Law Commission to draft a text on the lines of a permanent criminal court and several draft treaties were submitted by the
ILC between 1951-1958. The establishment of two *ad hoc* or temporary criminal tribunals by the Security Council as a response to the atrocities in Former Yugoslavia and Rwanda made the dream of a permanent courts realizable.

The ILC in the meanwhile drafted yet again another comprehensive treaty and submitted it to the GA in 1996. The GA discussed the treaty in Rome resulting in the adoption of the Rome Statute that led to the establishment of the world’s first international criminal court.

3) International crimes are extremely serious crimes as they affect a large number of people. They are also accepted social and moral values of existing civilized nations. They are horrific acts that seek to target and kill innocent people. They are also violations of existing human rights treaties which accord a wide variety of rights and protection to all human beings. They also have a spill-over effect—into neighbouring countries, in the region where the country is situated and also threaten global peace and stability.

International crimes are also gross human rights violations as they result in mass killings and murders. The number of victims is huge and incomparable. The widespread nature of the crimes also make it a matter of international concern. Also the scale, intensity and the aftermath of violence that is perpetuated makes these crimes something that the entire world should prohibit and punish.

International crimes are also a major breach of trust as the governments that are supposed to protect its citizens are in fact primary violators of citizens’ rights. Moreover international crimes place an absolute and mandatory legal duty on other States to intervene and halt the offence, killings and violence that is occurring. There is an exclusive category of crimes that are labelled as international crimes—Genocide, war crimes, crimes against humanity, torture, piracy, slavery etc.

Genocide is defined as the calculated and systematic strategy to wipe out a group or a community based on its national, ethnic, religious or racial roots. It is achieved not necessarily only through murders or mass killings but starvation resulting in death, forcible transferring children from one group to another, preventing occurrence of births in that group—all that threaten the existence and identity of the group can be termed as genocide.

War crimes are another category of crimes that occur in war situations. The war may be between states or within a state itself—thus it can be either an international war or a purely internal war. But the context of war is important for a crime to qualify as a war crime. Attacks on protected persons like civilians, sick/wounded soldiers, prisoners of war etc amounts to war crimes. There can be acts of torture, rape, killings, starvation etc. that results in war crimes.

Crimes against humanity refer to particularly serious offences that result in serious attack on human dignity of a person. It would be widespread and supported and executed as a government policy or acts ignored by the government resulting in murder, rape, extermination etc. Crimes against humanity can also occur in peace or war times or in both. The act of torture consists of infliction of serious pain and sufferings that could be mental or physical and carried out by an official (police, security forces etc) with the
aim of getting a confession, or forcing a person to admit to something etc. Treatment which is inhuman or degrading or humiliating may also fall within this crime.

The crime of aggression simply means waging a war with another State. However the world has not reached a definite yardstick of aggression; which all States agree to. It would also imply a military conflict where a State cannot justify its military actions on the basis of self defence or protecting its territory and people. The act of Piracy meaning robbery, killing, looting and abduction on the high seas by individuals who don’t belong to any particular country or governments is yet another International crime. Piracy is regarded as a crime against the entire mankind. Since the territory on which crimes of piracy occurs are the high seas that belong to the entire world, a legal duty rests in States to prevent acts of piracy.

The crime of slavery is another international crime. Slavery denotes the situation of one person regarding another human being as his personal property and keeping him/her enslaved. The slave is under the total control of his master and has no choice in anything and is obligated to perform all tasks his master allocates to him. There is no freedom of movement, liberty etc and being work in bonded conditions. Generally slavery is passed from one generation to another. One example is debt bondage that often children have to repay through servitude.

4) International courts are important because they reflect the collective will of States to punish some crimes that are commonly regarded as against human civilization. International courts may be the most practical approach to punish individuals who have committed crimes of some serious nature as the domestic judicial system may have collapsed.

International courts that are permanent may also deter future war criminals. International courts are a reflection of some commonly shared acts that challenge human existence by all civilized States. A permanent and world criminal justice system will be able to facilitate greater state cooperation and collaboration in maintaining peace and banning grave violations.

Since most of the time governments commit such serious crimes and that too, by people who at the helm of power and authority, an international court would be a more effective mechanism to punish them rather than the national judicial system as the latter would be under the control of influential and powerful persons.

9.10 GLOSSARY

<table>
<thead>
<tr>
<th><strong>Apartheid</strong></th>
<th>An official policy of racial segregation formerly practiced in the Republic of South Africa that involves political, legal, and economic discrimination against non-whites.</th>
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<tbody>
<tr>
<td><strong>Convention</strong></td>
<td>An agreement between states, sides, or military forces, especially an international agreement dealing with a specific subject, such as the treatment of prisoners of war.</td>
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### How is IHL Applied at the International Level?

<table>
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<tr>
<th>Term</th>
<th>Description</th>
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<tr>
<td><strong>Criminal</strong></td>
<td>a popular term for anyone who has committed a crime.</td>
</tr>
<tr>
<td><strong>Ethnic Cleansing</strong></td>
<td>The attempt by one party to eradicate in part or in full a community of ethnically similar people.</td>
</tr>
<tr>
<td><strong>Genocide</strong></td>
<td>The systematic and widespread extermination or attempted extermination of an entire national, racial, religious, or ethnic group.</td>
</tr>
<tr>
<td><strong>Group</strong></td>
<td>a number of persons or things considered together as being related in some way.</td>
</tr>
<tr>
<td><strong>International Community</strong></td>
<td>A political term used in international humanitarian law to describe countries that are members of the United Nations or that are states parties to a treaty or convention.</td>
</tr>
<tr>
<td><strong>Nuremberg Principles</strong></td>
<td>A set of guidelines for determining what constitutes a war crime. The document was created by necessity during the Nuremberg Trials of Nazi party members following World War II.</td>
</tr>
<tr>
<td><strong>National</strong></td>
<td>a citizen or subject of a particular nation who is entitled to its protection</td>
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<tr>
<td><strong>Penal</strong></td>
<td>of, or pertaining to, or involving punishment, as for crimes or offenses.</td>
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<tr>
<td><strong>Racia</strong></td>
<td>pertaining to a racial group like Africans, Asians Europeans etc.</td>
</tr>
<tr>
<td><strong>Rome Statute</strong></td>
<td>Adopted on 17 July 1998 and entered into force on 1 July 2002, the statute established an independent permanent International Criminal Court in relation to the United Nations system, with jurisdiction over the most serious crimes of concern to the international community.</td>
</tr>
<tr>
<td><strong>Treaty</strong></td>
<td>A formal agreement between two or more states, as in reference to terms of peace or trade or any other issue.</td>
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<tr>
<td><strong>Violation</strong></td>
<td>a breach, infringement, or transgression, as of a law, rule, promise, etc.:</td>
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<tr>
<td><strong>Victim</strong></td>
<td>a person who suffers from a destructive or injurious action or who is deceived or cheated, as by his or her own emotions or ignorance, by the dishonesty of others,</td>
</tr>
<tr>
<td><strong>Offender</strong></td>
<td>Person who commits a sin or crime or breaks the law</td>
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<tr>
<td><strong>Resolution</strong></td>
<td>a formal expression of opinion or intention made, usually after voting, by a formal organization,</td>
</tr>
<tr>
<td><strong>Justic</strong></td>
<td>To cause to come before a court for trial or to receive punishment for one's misdeeds</td>
</tr>
</tbody>
</table>
9.11 REFERENCES AND SUGGESTED READINGS

1) M.C. Bassiouni & Nanda, *A Treatise on international criminal law: Vol. I: Crimes and punishment*

2) M.C. Bassiouni, *International criminal Law Vol. III: Enforcement*
