
Letter from the Editors

THE BEGINNING OF THE TWENTY-FIRST CENTURY has seen groundbreaking developments in international criminal law. The International Criminal Court (ICC), the world's first permanent international tribunal charged with trying individuals for genocide, war crimes, and crimes against humanity, has detained its first suspects. The first war crimes trial of a sitting head of state, Slobodan Milošević, began in The Hague. Although that momentous trial ended perhaps a few months short of its conclusion by the death of the Accused, the second war crimes trial of a sitting head of state, Charles Taylor of Liberia, is underway at the Special Court for Sierra Leone, a hybrid tribunal created by the United Nations and the government of Sierra Leone. Another hybrid tribunal, the War Crimes Chamber of the State Court of Bosnia and Herzegovina, began trying suspects accused of crimes during the 1990s armed conflict in Bosnia. As these and other developments unfold, international practitioners face increasingly complex questions concerning how to effectively address war crimes. This special issue of the *Human Rights Brief* examines some of the complex issues that have arisen with the growth of international criminal tribunals.

One unique aspect of trials at the ICC is that victims may participate in court proceedings, not as witnesses but as actual parties. Fiona McKay of the Victims Participation and Reparations Section in the Registry of the ICC discusses the meaning of "victim" in this context and controversies and challenges regarding victim participation.

A highly important, very practical issue is the question of funding new mechanisms that try alleged war criminals. Having worked in defense at three hybrid tribunals — the Extraordinary Chambers in the Courts of Cambodia, the War Crimes Chamber in Bosnia, and the Special Court for Sierra Leone — Rupert Skilbeck brings an experienced perspective to this complex challenge in the context of examining the very different financial situations of these three courts.

The plight of child soldiers has drawn increasing international attention in recent years, in no small part because of the work of the Special Court for Sierra Leone. David Crane, former Chief Prosecutor of that court, provides an insider's view of its efforts to bring to justice those who recruit and use child soldiers. He also sheds light on the Special Court's critical decision not to prosecute child soldiers.

Another side of the West African conflict that embroiled Sierra Leone and Liberia in the 1990s is currently playing out in a U.S. federal court. Elise Keppler, senior counsel at Human Rights Watch's International Justice Program, and Shirley Jean and J. Paxton Marshall, associates from Weil, Gotshal & Manges LLP, discuss the case against Charles "Chuckie" Taylor, Jr., son of former Liberian President Charles Taylor, who is being tried for acts of torture he committed in Liberia while head of the pro-government Anti-Terrorist Unit. His case represents the first prosecution under a U.S. law that criminalizes torture committed abroad.

As the genocide in Rwanda demonstrated, it is often the failure of governments to protect civilians that allows a genocide to unfold. Drawing on diverse inspirations, Chad J. Hazlett, Director of Protection at the Genocide Intervention Network, explores the innovative question of whether and when private actors are justified in breaking laws to protect civilians from mass atrocities.

In the final article in this issue, Hadar Harris, Executive Director of the Center for Human Rights and Humanitarian Law at American University, Washington College of Law (WCL), and Solomon Shinerock, a J.D. candidate at WCL, discuss the recent joint efforts of WCL and the International Committee for the Red Cross to increase and improve U.S. law school instruction on international humanitarian law, a topic vital to the prosecution of war crimes.

The Editors-in-Chief would first like to express our gratitude to Juan E. Méndez, President of the International Center for Transitional Justice, who is the subject of the featured extended alumni profile in this issue of the *Human Rights Brief*. We also wish to thank the writers and their institutions for their important contributions to this issue. Our thanks also go to Rebecca Hamilton for her expertise on genocide. Finally, we would like to extend a special thank you to Richard Dicker for his invaluable assistance in helping us shape this issue.

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Cite as 15 No. 3 Hum. Rts. Brief

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