

## **Foreword by the former President of the International Criminal Tribunal for the former Yugoslavia**

The International Criminal Tribunal for the former Yugoslavia (“the International Tribunal”) was established over four years ago in response to the mass killings, widespread and systematic rape and “ethnic cleansing” being practised in the former Yugoslavia on a scale and of a ferocity not seen on the European continent since the end of the Second World War. The United Nations Security Council considered that this situation constituted a threat to international peace and security. It therefore established the International Tribunal as a subsidiary judicial organ, in the belief that this would help halt and redress such violations.

Whether the International Tribunal has succeeded, or will succeed, in fulfilling the mission assigned to it by the Security Council will be for historians to judge. What can be said with certainty, however, is that the judicial activity of the International Tribunal — which to date consists of 19 public indictment confirmations, five Rule 61 proceedings, one completed trial (*Tadic*), two sentencing procedures (*Tadic* and *Erdemovic*) and five more trials underway or due to start in the near future (*Celebici*, *Blaskic*, *Dokmanovic*, *Kovacevic* and *Aleksovski*) — has generated much comment on its indictments, decisions and judgements, and kindled an enormous interest in international humanitarian law and international criminal law. The creation of the International Tribunal was also a factor in the Security Council’s decision to establish the International Criminal Tribunal for Rwanda and gave fresh impetus to the demand for a permanent international criminal court.

This volume of articles published by the *International Review of the Red Cross* is a welcome contribution to the growing literature on the two ad hoc international tribunals and on international humanitarian and criminal law. I would hazard to add that commentary on the jurisprudence of the International Criminal Tribunal for Rwanda is particularly needed at this stage, since the activities of this, our sister tribunal, are both under-reported and undervalued. The International Criminal Tribunal for Rwanda may have a vital role to play in defining the content and forms

of genocide, including incitement to commit genocide, conspiracy to commit genocide and complicity in genocide, as well as the commission of genocide itself. The articles on its work in this issue are therefore particularly valuable contributions to the discussion.

Needless to say, the International Criminal Tribunal for the former Yugoslavia also relies on the widespread publication of its judicial acts and commentaries thereon for the fulfilment of its mandate. In accordance with the well-known maxim, "Justice must not only be done, but must be seen to be done", it is not enough for the International Tribunal simply to administer international criminal justice impartially and with due regard for the rights of the accused. It must also carry out this activity under the scrutiny of the international community. Publications such as this greatly contribute to the effort to make the International Tribunal's work known and to ensure that the voices of the victims, on whose behalf the international community acted when it established the International Tribunal, are heard. I hope, too, that the *Review* will prompt further discussion, both of the ad hoc international tribunals and of the momentous project to establish a workable system of international criminal justice.

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