

Foreword by the President of the International Criminal Tribunal for Rwanda

The decision to devote an issue of the *International Review of the Red Cross* to a series of articles on the two ad hoc International Criminal Tribunals set up by the United Nations to prosecute persons responsible for serious violations of international humanitarian law in the former Yugoslavia and in Rwanda reflects the increasing importance of these courts both for the general public and for legal experts.

The establishment of the two Tribunals — the one for the former Yugoslavia in February 1993 and the one for Rwanda in November 1994 — is a milestone in the development of international humanitarian law. It also focuses attention on the need to set up mechanisms for monitoring compliance with the law and for punishing violations. Various reports drawn up by the United Nations Secretary-General make it clear that the intention of the Security Council in establishing these Tribunals was not to create new legal standards but to set up a system whereby the implementation of customary international law could be overseen by independent international judicial bodies.

Nevertheless, this initiative, by making it possible to monitor respect for the rules of international humanitarian law and to prosecute persons responsible for serious violations, has several major implications for the evolution of this body of law.

In the first place, the judgments handed down by the Chambers of the two Tribunals will represent a substantial addition to existing case law relating to certain crimes, particularly genocide.

Secondly, the principle of direct individual criminal responsibility is now established in international law. Henceforth, international courts will be able to prosecute private individuals for violations of international law, even if those violations are committed within the internal framework of a particular State.

Thirdly, the establishment of the two Tribunals has certainly given fresh impetus to the debate on the possibility of setting up a permanent international criminal court — a step which many people would like to see taken. Indeed, only a court with universal jurisdiction and a sufficiently broad referral mechanism could have a truly deterrent and preventive effect and thus permit progress in the area of international criminal justice.

Fourthly, the decision to set up the ad hoc Tribunals will make a significant contribution to the development not only of international humanitarian law but also of international justice, by recognizing the imperative need for justice in international relations. Many people of goodwill, legal experts in the field of human rights and humanitarian workers have long thought that the impunity enjoyed by those responsible for serious violations of humanitarian law has inexorably fuelled the spiral of violence by encouraging the victims, their families and their friends to seek revenge.

There is still insufficient awareness of the major contribution which the two ad hoc Tribunals set up by the United Nations can make to justice and to the development of international humanitarian law. It is my sincere hope that the excellent articles published in this issue of the *Review* will help remedy the situation.

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for Rwanda