

Mixed Criminal Tribunals

Cesare P.R. Romano

TABLE OF CONTENTS

- A. Notion
- B. Rationale for Mixed Criminal Tribunals
 - 1. Shortcomings of Domestic Courts
 - 2. Shortcomings of International Courts
- C. Legal Fundamentals
 - 1. Legal Bases
 - (a) The ‘Internationalized Domestic Courts’ Genus
 - (b) The ‘Domesticated International Courts’ Genus
 - 2. Jurisdiction
 - (a) *Ratione Personae*
 - (b) *Ratione Temporis*
- D. Structure and Functioning
 - 1. Mixed Composition
 - 2. Mixed Applicable Law
 - 3. Relationship to the Respective National Court System
 - 4. Relationship with Third-States, International Organizations and International Courts and Tribunals
- E. Assessment

A. Notion

- 1 ‘Mixed criminal tribunals’ (also known as “hybrid” or “internationalized” criminal tribunals) are criminal courts of law that have features of both international and domestic criminal jurisdictions. Typically, they are composed of international and local staff (judges, prosecutors, and other personnel) and apply a compound of international and national substantive and procedural law.
- 2 At the same time, they are different from both domestic and international judicial bodies, too. Unlike fully international criminal jurisdictions, they include judges and prosecutors from the affected regions and apply a mix of the criminal laws of the country where they operate, as amended and corrected to reflect international → *human rights* and criminal law standards. Unlike typical domestic courts, they include foreign judges and prosecutors and apply international laws and standards regardless of the particular constitutional structure of the country concerned. To ensure enforcement of decisions, they may rely on international forces, mostly or in part, and for their financing they rely on various donor States and/or international organizations.
- 3 During the past decade, six mixed criminal tribunals have been created and have become operational: the Serious Crimes Panels in the District Court of Dili (East → *Timor*) (operational between 2000 and 2005); the mixed panels in the courts of → *Kosovo* (started operating in 2001); the Special Court for → *Sierra Leone* (2002); the War Crimes Chamber of the Court of *Bosnia-Herzegovina* (2005); the Extraordinary Chambers in the Courts of Cambodia (2006) (→ *Cambodia Conflicts [Kampuchea]*); and the Special Tribunal for Lebanon (2009). Of these, over the years some terminated operations while others significantly changed structure and jurisdiction. Thus, the Serious Crimes Panels in the District Court of Dili terminated operations in 2005, when the United Nations Mission

MIXED CRIMINAL TRIBUNALS

of Support to East Timor (UNMISET) withdrew. In 2008, the original “Regulation 34” and “Regulation 64” panels in the courts of Kosovo - the mixed criminal tribunals set up under the framework of the UN Mission on Kosovo (UNMIK) and active since 2000 - were replaced by mixed panels under the aegis of the European Union Rule of Law Mission in Kosovo (EULEX Kosovo).

- 4 Besides these fully functioning bodies, further mixed criminal jurisdictions have been considered for various situations, including → *Burundi*, to try international crimes committed during the 1990s in clashes between Tutsis and Hutus; → *Iraq*, to try those responsible for a long series of bombings during the U.S. military occupation; and Sudan, as an alternative to prosecution by the → *International Criminal Court* of crimes committed in → *Darfur*.
- 5 In theory, the → *Supreme Iraqi Criminal Tribunal* (formerly known as *Iraqi Special Tribunal*) could be considered a mixed criminal tribunal, too. The relevant statutes provide that foreigners could be appointed alongside Iraqi judges and prosecutors. However, in practice, it has operated as a purely Iraqi tribunal. Only Iraqi judges and prosecutors have staffed it, and the tribunal operates with minimal foreign supervision, applying Iraqi laws to try Iraqi nationals or residents accused of international crimes committed in Iraq during Saddam Hussein’s regime. Hence, this entry will not consider this tribunal.
- 6 While the Human Rights Commission within the Constitutional Court of Bosnia-Herzegovina (formerly the Human Rights Chambers for Bosnia-Herzegovina) shares many traits with mixed criminal tribunals, it is not a criminal tribunal but rather a human rights court, as it applies human rights treaties and not → *international criminal law*, hence, will not be treated in this entry either.
- 7 Borrowing the terminology employed by natural scientists, one can say that mixed criminal tribunals are a ‘genus’ within the larger ‘family’ of international criminal courts and tribunals. More specifically, one can distinguish two different ‘sub-genera’. The first one is ‘internationalized domestic courts’. These are in essence national courts onto which an international element has been grafted. They are national courts with international tutelage. The second one is ‘domesticated international courts’. These are essentially international criminal courts, like the → *International Criminal Tribunal for Yugoslavia (ICTY)*, the → *International Criminal Tribunal for Rwanda (ICTR)* and the → *International Criminal Court (ICC)*, but that have been coloured with national elements (judges, prosecutors, laws) of the countries for which they have been established. In essence, they are an exercise in localization of international criminal justice.
- 8 Deciding which body belongs to which genus is ultimately a matter of degree and point of view, but probably the mixed tribunals in Kosovo, Bosnia-Herzegovina and East Timor, belong to the former, while the Sierra Leone, Cambodia, and Lebanon cases fit the latter. Of course, each of these jurisdictions is a ‘species’ of its own, being the result of specific historical and political circumstances, and therefore, any generalization implies a certain degree of distortion and arbitrariness. The case of Cambodia, in particular, is probably somewhat astride between the two sub-genera.

B. Rationale for Mixed Criminal Tribunals

- 9 Mixed criminal tribunals are the result of shortcomings affecting both domestic and international criminal courts in the prosecution of international crimes.

1. Shortcomings of Domestic Courts

- 10 Usually, prosecution of crimes, national or international, is the task of domestic courts (→ *Jurisdiction of States*; → *Criminal Jurisdiction of States under International Law*). This is so because, traditionally, only national authorities have at their disposal the coercive powers needed to ensure arrest and prosecution of suspects, enforcement of criminal sentences, and the sovereign right to do so. Sometimes, however, prosecution of crimes under international law by national courts faces fundamental and practical problems.
- 11 Prosecuting international crimes can be a burdensome exercise, materially and politically. Only a few States have the capacity to carry out such prosecutions. Some might not be able to guarantee the personal safety of those involved in trials (judges, prosecutors, defence, witnesses, indictees, etc) or secure custody of indictees who have sought refuge abroad. Even when they are capable of prosecuting international crimes, national authorities might not be willing to do so for political reasons. Notoriously, during the Cold War, perpetrators of international crimes invariably escaped punishment because they found protection from either side of the Iron Curtain. Also, national courts might be far from impartial, especially when they have to adjudicate on international crimes that were directed against or committed on behalf of their own → *State* (→ *Fair Trial, Right to, International Protection*).
- 12 These obstacles could lead to injustice against suspects or to impunity of perpetrators of international crimes, and it is largely to address these drawbacks that the ICTY, the ICTR, and possibly to a greater degree, the ICC, were created. Yet, fully international tribunals do have shortcomings of their own.

2. Shortcomings of International Courts

- 13 First, these tribunals are removed from the societies affected by the crimes they are supposed to prosecute. Proceedings take place hundreds of miles away from where they were committed. It is more difficult for international criminal tribunals to play a role in the reconciliation or national reconstruction process under these circumstances (→ *Transitional Justice in Post-Conflict Situations*), and judgments may be regarded as alien, and thus rejected by the local population and authorities. Moreover, these courts are exclusively composed of judges who are not familiar with the realities on the ground during the period in which the crimes were committed, the local language(s), or with the legal culture of the society concerned (→ *International Courts and Tribunals, Judges and Arbitrators*).
- 14 Second, fully international criminal bodies tend to grow considerably in size employing hundreds if not thousands of personnel with significant costs even when they can be shared by a large number of wealthy States. Also, there is a further problem from the perspective of their creators. They tend to develop their own internal logic, momentum, and agenda, which can be little influenced by their creators, least of all by individual States.
- 15 Third, even in the case of the ICC, they cannot address every possible situation because of restrictions on jurisdiction: temporal, geographical, or otherwise (→ *International Criminal Courts and Tribunals, Complementarity and Jurisdiction*; → *International Criminal Courts and Tribunals, Defences*).
- 16 Finally, bodies like the ICTY and the ICTR are established without relying on the existing judicial system of the State where the crimes occurred, but starting from a *tabula rasa*, a process that is time- and resource-intensive.

C. Legal Fundamentals

I. Legal Bases

- 17 The legal bases of mixed criminal tribunals typically reflect the political and historical circumstances in which they were created.

(a) The ‘Internationalized Domestic Courts’ Genus

- 18 Both in Kosovo and East Timor, upon withdrawal of, respectively, Indonesian and Serbian troops, the → *United Nations (UN)* took over the totality of sovereign activities including the administration of justice, both civil and criminal. To administer these two regions, the UN Security Council (→ *United Nations, Security Council*) created the United Nations Transitional Administration in East Timor (UNTAET) through Resolution 1272 of 25 October 1999 and the United Nations Mission in Kosovo (UNMIK) through Resolution 1244 of 10 June 1999, both headed by a Special Representative of the Secretary-General (SRSG; → *United Nations, Secretary-General*) whose authority derives directly from those Security Council resolutions.
- 19 Unlike most precedent missions that remained mostly confined to peace-keeping tasks, the UN entrusted UNTAET (after independence, UNMISSET) and UNMIK with wide-ranging objectives, encompassing the reconstruction of a viable, fair, and credible court system, including both criminal and civil jurisdictions. In the case of East Timor, the challenge was markedly that of building a court system out of the *tabula rasa* left behind by the withdrawing Indonesians. In the case of Kosovo, it was building a credible and impartial system of justice, both civil and criminal, despite ethnic Albanian-dominated courts.
- 20 Since in both cases serious violations of international criminal law had to be addressed, the respective SRSGs issued regulations creating special panels in the courts of East Timor and Kosovo to prosecute them. In UN-administered territories, SRSG regulations are the supreme and only law pending return to → *sovereignty*, subject only to Security Council decisions.
- 21 In the case of East Timor, Reg. 2000/11 created one court of appeal in the nation’s capital, Dili, and eight district courts with both civil and criminal jurisdiction. Concerning specifically criminal matters, it introduced the key distinction between ‘ordinary’ and ‘serious’ crimes. The Dili District Court was given exclusive jurisdiction over serious crimes, and Reg. 2000/15 created the first Serious Crimes Panel of the District Court of Dili. After East Timor’s independence, in 2002, UNTAET was replaced by a different UN mission (UNMISSET) with a different mandate to reflect the new situation. The Serious Crimes Panel continued operating until 2005, when UNMISSET withdrew.
- 22 In the case of Kosovo, the original legal bases for mixed panels were two different UNMIK regulations. Under Reg. 2000/34, international judges and prosecutors could participate in any case whenever they thought they should be present to ensure due process rights. However, under the applicable law in Kosovo, serious crimes are heard by panels of two professionals and three lay judges, and even the assignment of two international judges to hear such cases could not bring about a majority and, thus, would be insufficient to guarantee impartiality. Hence, under a second regulation (Reg. 2000/64), the prosecutor, accused, or defence counsel were given the power to ask UNMIK to designate a panel consisting of three judges, including at least two international judges, one of whom would be the presiding judge, or demand a change in venue. In sum, under the Reg. 34 procedure, international judges were the minority, while under the Reg. 64 procedure, international judges were always the majority. It is not surprising therefore that

eventually the overwhelming majority of cases were heard by panels constituted under the Reg. 64 procedure. After Kosovo independence, in 2008, the European Union replaced the United Nations as international stabilizing presence. To assist and support the Kosovan authorities in the rule of law area - specifically police, judiciary and customs - the EU Council created the European Union Rule of Law Mission in Kosovo (EULEX), the largest civilian mission ever launched under the Common Security and Defence Policy (EU Council Joint Action 2008/124/CFSP of 4 February 2008, as amended by 2009/445/CFSP of 9 June 2009). As in the case of the pre-independence mixed panels, one of the central aims of the justice component of EULEX is to improve and strengthen Kosovo's judiciary to make it fully multi-ethnic, impartial, free from political influence and capable of holding fair trials according to international standards and best European practices. EULEX judges and prosecutors (about 40 judges and 20 prosecutors) work together with the local counterparts in mixed panels or mixed teams, ensuring that cases of war crimes, but also terrorism, organized crime, corruption, inter-ethnic crimes, financial/economic crimes and other serious crimes, are properly investigated, prosecuted, adjudicated and enforced.

- 23 The War Crimes Chamber in Bosnia-Herzegovina is a case *sui generis*. The legal bases are essentially first, the General Framework Agreement for Peace in Bosnia-Herzegovina, also known as the Dayton Accord (→ *Yugoslavia, Dissolution of*), which created the position of the High Representative (who is also the European Union's Special Representative) to oversee implementation of the civilian aspects of the peace settlement, including the administration of justice. On 3 July 2002 the Parliament of Bosnia and Herzegovina adopted the Law on the Court of Bosnia-Herzegovina. The law was promulgated on 12 November 2000 by the High Representative. The Court of Bosnia-Herzegovina was formally established by the Decision of the High Representative dated 8 May 2002. An agreement between the High Representative and the Government of Bosnia-Herzegovina created a Special Section for War Crimes (Section I). The creation of the War Crimes Section was endorsed by the Security Council in Resolution 1503 of 26 September 2003, which called on all Member States to support the work of the High Representative in setting it up. Finally, an agreement between the High Representative and the ICTY made it possible to transfer cases back to Bosnia-Herzegovina for prosecution *in situ*, an important function of this mixed criminal tribunal these days.

(b) The 'Domesticated International Courts' Genus

- 24 The background of 'internationalized domestic courts' is usually a situation where the international community (ie, the UN, a group of States gathered in an ad hoc caucus, or a regional organization [→ *International Organizations or Institutions, Regional Groups*], such as the European Union) took over, in whole or in part, the administration of sovereign activities in a given territory. The case of 'domesticated international courts', however, is radically different. At all times, sovereignty remains vested in the domestic government, and in the case of civil wars, the government in power is an expression of the victorious party. This is the case of Sierra Leone, Cambodia, and Lebanon.
- 25 It follows that while in the former situations, the international community can unilaterally (re)create a judicial system, in the latter situations, the creation of mechanisms of criminal accountability must be negotiated with the local government, with all the political pitfalls this implies. Hence, while in the former situations, the legal bases can be traced directly to an act *de imperio*, such as Security Council resolutions (→ *International Organizations or Institutions, Resolutions*), the legal bases of the latter cases are usually → *treaties* negotiated between those governments and, usually, the UN. This is a crucial dif-

ference ripe with several legal implications, especially when it comes to securing cooperation of national courts, other States, and international organizations (→ *International Organizations or Institutions, External Relations and Cooperation*) with the mixed criminal tribunals (see Secs D.4, D.5 below).

- 26 Also, while in the former situations accountability for international crimes is just one aspect, albeit important, of usually complex missions, in the case of negotiated mechanisms, accountability for the most serious crimes is the only objective of the exercise. Hence, ‘domesticated international courts’ tend to be more ad hoc and focused on a particular crime or set of suspects than ‘internationalized domestic courts’.

2. Jurisdiction

- 27 Despite differences in goals, scope, and legal bases, all mixed criminal tribunals are ad hoc in nature (as a matter of fact, this is a feature they share also with the ICTY and ICTR). They are à la carte international justice, as they are essentially tailor-made for particular crimes and crises, for the jurisdiction of international or mixed criminal tribunals is typically limited to a certain category of crimes (limitations *ratione materiae*), to a specific territory (*ratione loci*), to a specific time (*ratione temporis*), or to a particular category of persons (*ratione personae*).
- 28 Limits to jurisdiction are always the result of political compromises and as such are subjective. They may reflect historical judgments, political claims, power structures, allegedly objective facts, political correctness, material considerations such as costs and limited funding, or simple expediency. Hence, to understand them properly, one should always keep in mind the background leading to the establishment of each body considered. For the sake of conciseness, the following sections will illustrate only the two most interesting limitations: *ratione temporis* and *ratione personae*.

(a) *Ratione Personae*

- 29 One of the fundamental differences between the ‘internationalized domestic courts’ and the ‘domesticated international courts’ genus is that while in the case of the former the aim is typically to ensure administration of justice first and foremost and prosecuting war crimes and crimes against humanity comes second, in the latter it is the opposite. Thus, in Sierra Leone, Cambodia, and Lebanon, jurisdiction is limited to those who bear the greatest responsibility for violations of domestic laws and international humanitarian law (→ *Humanitarian Law, International*), that is to say, the political and military leaders. The number of persons indicted by these bodies is accordingly very low: to date, 13 in the case of Sierra Leone, and 5 in the case of Cambodia. It remains to be seen how many will eventually be indicted by the Special Tribunal for Lebanon, but it is unlikely the number will be greater than that. Conversely, in the cases of East Timor, Kosovo, and Bosnia-Herzegovina, there is no special focus on top brass and it is rather the lower echelons of the army, paramilitary units, and State administration that are prosecuted (→ *Individuals in International Law*; → *Command Responsibility*; → *Criminal Responsibility, Modes of*; → *Individual Criminal Responsibility*).
- 30 One way of explaining the difference is to note that in Sierra Leone and Cambodia (but not quite in the case of Lebanon), political and military leaders suspected of international crimes have been defeated and often captured, and therefore, can be prosecuted, while lesser figures and crimes can be handled by national courts. Granted, that is also largely true in the case of Kosovo and Bosnia-Herzegovina, but in the former Yugoslavia, lack of

focus on the upper echelon is probably due to the fact that another international criminal body is in place to ensure prosecution (ie, the ICTY).

- 31 In this regard, the case of East Timor is unique because those who bear the greatest responsibility were out of the reach of the panels, as they are top Indonesian generals and politicians who are at large in Indonesia and are sheltered by the Indonesian government. Because of this, the international community pursued a two-tiered strategy: prosecution in East Timor of East Timorese nationals who committed atrocities, and pressuring Indonesia to prosecute its own nationals. The Indonesian Human Rights Court Act of 23 November 2000 created an ad hoc Human Rights Court. This is a special body within the Indonesian judicial system, fully Indonesian, with no international participation, and with the authority to hear and rule on cases of gross violation of human rights including genocide and crimes against humanity (→ *Human Rights and Humanitarian Law*) perpetrated by Indonesians outside the territory of Indonesia. However, in practice, prosecution in Indonesia has been very limited. To date, only one person (Eurico Guterres, a chief militia leader during the post-independence massacre) has been prosecuted for the events in East Timor before this body. More troubling still, although he was convicted and sentenced to ten years of imprisonment in November 2002, he is still at large, commanding a paramilitary organization in Indonesian Papua.

(b) *Ratione Temporis*

- 32 The starting date of the jurisdiction of the Special Court for Sierra Leone has been one of the most difficult points in the negotiations leading to its establishment. Although the civil war (→ *Armed Conflict, Internal*; → *Armed Conflict, Non-International*) in Sierra Leone lasted approximately one decade (1991–2001), with many coups and counter-coups, military interventions, outbreaks of violence, and short-lived negotiated agreements, the jurisdiction of the court covers only crimes committed from 30 November 1996, which is the date of the conclusion of the Abidjan Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front. This date was chosen because it marks the first time the fighting factions attempted to reach a peaceful settlement and because it ensured that the most heinous crimes committed by all parties would be prosecuted. Yet, this choice is not consistent with Art. IX Lomé Agreement of 7 July 1999 ('Lomé Agreement'), which provides for a wide amnesty for crimes (→ *Amnesties*). However, amnesties granted through the Lomé Agreement have no validity before the Special Court.
- 33 In the case of East Timor, the jurisdiction of serious crimes panels had no temporal limits for crimes under international law. However, in practice, all charges heard by the panels related to the period leading up to and immediately following the Indonesian withdrawal in 1999. In the case of murder, sexual offences, and torture (→ *Torture, Prohibition of*), they could only be prosecuted by the panels if committed between 1 January–25 October 1999 (the last ten months of the 24 year-long Indonesian occupation). Also, the jurisdiction *ratione temporis* of the Human Rights Court established by the Indonesian Human Rights Court Act (see Sec. C.2. (a) above) is, unsurprisingly, extremely narrow. It is limited to atrocities that occurred between April–September 1999 in three East Timor locations (Liquica, Dili, and Suai), de facto limiting the Human Rights Court's jurisdiction to five egregious acts of violence committed by specific well-known individuals.
- 34 As it was mentioned the jurisdiction of the Special Tribunal for Lebanon Tribunal is limited to one single car bomb attack, where Mr. Hariri perished, committed on 14 February 2005, albeit, jurisdiction can be extended to other attacks, on other dates, if the Tri-

bunal finds that these other attacks are connected and are of a nature and gravity similar to the attack against Hariri.

- 35 The jurisdiction of the Cambodian Chambers is limited to crimes committed between 17 April 1975–6 January 1979, which are the dates when the Khmer Rouge entered Phnom Penh and when the Vietnamese army entered it on the heels of the fleeing Khmer Rouge. Yet, Cambodia has been engulfed in violence, civil war, and foreign interventions for a much longer period, arguably from 1965–91. The fact that many of the key figures of the troubled decades of Cambodia are still in positions of power largely explains the focus on the peak years of the conflict.

D. Structure and Functioning

1. Mixed Composition

- 36 It is the full participation of nationals of the countries affected that clearly sets mixed criminal tribunals apart from all other international criminal forums. Indeed, while there are almost no citizens of the former Yugoslavia and none of Rwanda serving as judges or prosecutors in the ICTY or the ICTR, both national and foreign personnel typically staff mixed criminal tribunals.
- 37 International and national judges and court personnel are meant to complement each other. That, at least, is one of the rationales usually listed for their creation. For instance, reliance on local judges and court personnel should instil in the local population a sense of ‘ownership’ of the justice which is made in their name. On the other hand, international personnel are mostly there to ensure this sense of ownership does not translate into partiality. By their very presence they are meant to increase actual and perceived fairness and impartiality in proceedings. Also, mixed criminal tribunals are typically established in countries which have been ravaged by civil war, where the state judicial machinery is unable to deliver either because it has been dismantled, or because it has been crippled by years of interference and hands-on control by political authorities. Thus, foreign judges and judicial staff are intended to provide particular expertise in the prosecution of serious international humanitarian law violations and to ensure that justice conforms to international standards. Local judges, on their part, should provide international judges with understanding of the local linguistic, social, and legal culture.
- 38 That being said, the exact balance between the national and international components varies from case to case. Usually, international judges are the majority of the bench, but that is not always the case. Similarly, the prosecutor and/or the registrar of the court are usually foreign while the deputy is local, but there are exceptions, which, again, can only be explained by keeping in mind the particular historical and political contexts in which each of these bodies was created.
- 39 For example, serious crimes panels in East Timor consisted of two international judges and one local judge. Panels took decisions by majority vote, each judge having equal weight in the decision. The binary structure ‘international/national’ also characterized the staff of other relevant judicial apparatuses (ie, Public Prosecution and Legal Aid Services).
- 40 In the case of the Special Court for Sierra Leone, international judges are always the majority. Three judges serve in the Trial Chamber, one of whom is appointed by the government of Sierra Leone and two are appointed by the UN Secretary-General. Five judges serve in the Appeals Chamber, two of whom are appointed by the government of Sierra Leone and the other three are appointed by the UN Secretary-General. Judgments are to be rendered by a majority of judges.

MIXED CRIMINAL TRIBUNALS

- 41 International judges also constitute the majority at the Special Tribunal for Lebanon. The Pre-Trial Chamber is composed of one international judge only. Three judges, of whom one Lebanese and two international, sit in the Trial Chamber (plus there are two reserve judges, one international and one Lebanese). Five judges, of whom two Lebanese and three international, sit in the Appeals Chamber.
- 42 In the case of Kosovo, the situation is more complex. During the UNMIK period, international judges could be either the minority or the majority of the bench. As has been mentioned before (see Sec. C.1 (a) above), there were two types of possible international panels. In one (Reg. 2000/34), international judges were the minority, and in the other (Reg. 2000/64), the majority. Since Kosovo's independence, under Law No. 03/L-053 "On the Jurisdiction, Case Selection and Case Allocation of EULEX Judges and Prosecutors in Kosovo" and the "Guidelines for case allocation for EULEX Judges in Criminal Cases at the Supreme Court of Kosovo", criminal cases are tried before 3 or 5 judges, with a EULEX judge (ie, international) presiding. The remaining of the panel might include other EULEX judges (one or two, if it is a 5 judge panel), as decided by the President of the Assembly of EULEX Judges, according to the modalities on case selection and allocation developed by the Assembly of EULEX Judges.
- 43 In the War Crimes panels in the Court of Bosnia-Herzegovina, the equilibrium has changed over time. Initially, panels were comprised of two international judges and one national (ie, from Bosnia-Herzegovina) judge, who also acted as the presiding judge. In 2008, the composition of the panels changed to two national judges and one international judge, with the national judge being the presiding judge. Eventually, the aim is phase-out international judges and to have only national judges in the chamber.
- 44 The Extraordinary Chambers in the Courts of Cambodia is probably the most peculiar case. It aptly illustrates the complexities of the political context in which they might operate. Unlike the other cases, international judges and staff do not have de facto control of the body. International judges, instead of being the majority, are intended to constitute the minority. Yet, to make sure the judicial process does not become hostage to local politics, a crafty mechanism has been conceived to give both the national and international components equal voice.
- 45 The Agreement between the United Nations and the Royal Government of Cambodia establishing the Extraordinary Chambers provides for a two-tier system consisting of a Trial Chamber and a Supreme Court, acting both as appellate chamber and final instance. The trial chambers are to be composed of five professional judges (three Cambodian and two international), and the Supreme Court, of seven judges (four Cambodian and three international). In both cases, the president of the chamber is Cambodian.
- 46 Yet, when it comes to decision-making, Cambodian judges will still not be able to impose their will on the international judges. All decisions are to be approved by a super-majority vote (four out of five judges at the trial level, and five out of seven at the Supreme Court level). This gives the international judges the possibility of blocking decisions—if the international judges can actually agree among themselves and team up against their Cambodian colleagues. Moreover, when there is no unanimity, decisions shall contain both the views of the majority and minority. However, this means that if a situation arises where the evidence would lead to the conviction of the defendant but the Supreme Court does not reach the required unanimity or super-majority because the Cambodian judges are pressured by former Khmer Rouge officials, there would be no conviction and the Cambodian judges would have imposed, in effect, their will on the international judges. Furthermore, there will be two prosecutors: one Cambodian and one foreign. The co-prosecutors are supposed to work together to prepare indictments. However, should dis-

agreements arise between them, any of them can request to have the dispute settled by a Pre-Trial Chamber of five judges (three Cambodian and two international), again voting with a super-majority of four out of five votes. In practice, the relationship between the international and national components of the Extraordinary Chambers has proven to be far from harmonious, with resort to dispute settlement procedures more frequent than desirable.

2. Mixed Applicable Law

- 47 Unlike international criminal tribunals, mixed criminal tribunals apply a blend of domestic and international substantive and procedural law (→ *International Criminal Courts and Tribunals, Procedure*). Again, the exact composition of the blend varies from case to case and meta-legal factors may explain variations. In general, the substantive and procedural law applied by mixed courts of the “internationalized domestic courts” sub-genus, such as those in Kosovo, East Timor and Bosnia-Herzegovina, is mostly on the laws of the country in which the tribunal is established revised, corrected, and/or complemented by international law rules so as to achieve internationally acceptable human rights and criminal law standards. Compliance with minimum international standards, in particular the → *International Covenant on Civil and Political Rights*, is clearly a prerequisite for the participation of the international community in the exercise. Amendments of national codes of criminal law and procedure are done by the local authorities (the national government or the international organization administering the territory in case of regions that have not yet achieved self-determination) following national constitutional requirements.
- 48 However, mixed courts of the “domesticated international courts” sub-genus, such as those in Sierra Leone, Cambodia and Lebanon, tend to rely mostly on international law, with some added elements of local laws to address certain particular phenomena that characterized the local conflict or local judicial practices. To begin with the structure, composition, jurisdiction and powers of mixed courts of this genus are all dictated by treaties entered into between the United Nations and the governments of the respective countries, and, in some cases, certain Security Council resolution. The drafting of the rules of procedure, including practice directions and codes of conduct, is left to the judges.
- 49 For what concerns substantive applicable law, there are significant variations from court to court within this genus. The Extraordinary Chambers rely almost exclusively on international law. They apply the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, for what concerns the crime of genocide; the Rome Statute of the International Criminal Court, for crimes against humanity, as modified by the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia; the 1949 Geneva Conventions, and the 1956 Cambodian Penal Code for what concerns homicide, torture, and religious persecution; the 1954 Hague Convention for Protection of Cultural Property in the Event of Armed Conflict, for destruction of cultural property; and the Vienna Convention of 1961 on Diplomatic Relations, for crimes against internationally protected persons.
- 50 Conversely, the Special Tribunal for Lebanon does not apply any substantive international criminal law and relies solely on Lebanese laws, in particular the provisions of the Lebanese Criminal Code relating to the prosecution and punishment of acts of terrorism, crimes and offences against life and personal integrity, illicit associations and failure to report crimes and offences, including the rules regarding the material elements of a crime,

criminal participation and conspiracy; and certain articles of the Lebanese law of 11 January 1958 on “Increasing the penalties for sedition, civil war and interfaith struggle”.

- 51 The Special Court for Sierra Leone is somewhat in between these two antithetical approaches. It has the power to prosecute crimes against humanity, serious violations of article 3 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, and of Additional Protocol II thereto of 8 June 1977, and other serious violations of international humanitarian law, offences relating to the abuse of girls under the Sierra Leonean Prevention of Cruelty to Children Act, 1926 (Cap 31), or offences relating to the wanton destruction of property under the Malicious Damage Act, 1861, albeit to date charges have not been laid under these articles.

3. Relationship to the Respective National Court System

- 52 Mixed criminal tribunals are grafted onto, or embedded in, domestic criminal courts, depending on the specific sub-genus considered. The linkage raises the question of how the two relate to each other, not to mention other possible parallel efforts of → *Truth and Reconciliation Commissions*. Do national courts have jurisdiction over acts that are within the jurisdiction of a mixed tribunal, and if so, what rules govern concurrent jurisdiction between national and mixed criminal tribunals? Can individuals resort to a national court to challenge the legality of the establishment of a mixed tribunal? Can national courts review judgments of a mixed tribunal (→ *Judicial and Arbitral Decisions, Validity and Nullity*)? Can suspects who have been tried in a mixed tribunal also be tried later in a national court or vice versa (→ *Ne bis in idem*)? And what is the authority of judgments of mixed criminal tribunals for national courts?
- 53 These types of issues are, to some extent, comparable to the relationship between national courts and international courts. However, mixed criminal tribunals have a much closer relationship with national courts, and the answers to these legal questions, therefore, could be different from those in the case of a truly international court.
- 54 It is difficult to provide catch-all answers as differences in the procedures by which these courts are established as well as in their jurisdiction and authority resist generalization. To illustrate, the Special Court Agreement Ratification Act of 2002 provides that the Special Court for Sierra Leone is not part of the judiciary of Sierra Leone, and offences before the court are not prosecuted in the name of the Republic of Sierra Leone. On the other hand, the Law on the Establishment of Extraordinary Chambers in Cambodia provides that Extraordinary Chambers are established in the existing national court structure.
- 55 Be that as it may, mixed criminal tribunals are generally separated and isolated from the national courts. Their jurisdiction is either *de jure* or *de facto* mostly of an exclusive nature. It is only in rare and narrowly defined circumstances that national courts can act with regard to matters within the jurisdiction of a mixed tribunal. To the extent that jurisdiction is concurrent (East Timor and Sierra Leone), the mixed tribunal has primacy and can request the deferral of a case. The power of national courts to review the legality of the establishment of mixed criminal tribunals or to review decisions of mixed criminal tribunals is limited at best. A judgment of a mixed tribunal in principle bars a subsequent trial by the respective national courts.

4. *Relationship with Third-States, International Organizations and International Courts and Tribunals*

- 56 Mixed criminal tribunals are also different from fully international criminal courts because they are affected by particular problems regarding relationships with States other than those where they are located and with international organizations (→ *International Organizations or Institutions, General Aspects*) as well as international criminal courts and tribunals.
- 57 In theory, the question of ensuring cooperation of ‘third-States’ was straightforward in the cases of East Timor and Kosovo while under UN administration. In both, special panels ultimately drew authority from a Security Council resolution and could count on the continuing support of the organization. All UN Member States are obliged to cooperate with them. Yet, in practice, securing custody of wanted indictees and evidence from Indonesia, → *Serbia and Montenegro*, and Albania has been far from automatic. After independence and the withdrawal of the UN, it has become even more difficult.
- 58 The issue is problematic in the case of Sierra Leone, Cambodia, and Lebanon, too. These bodies have been created by way of an agreement between the governments of those states and the UN (→ *Treaties, Third-Party Effect*; → *Vienna Convention on the Law of Treaties [1969]*). In all cases, the Security Council urged the creation of tribunals, monitored negotiations, and endorsed the results. At least in the case of Sierra Leone, it urged States to cooperate. Yet, so far, it has always stopped short of putting its mandatory powers behind any of these tribunals. When third-States refuse to hand over suspects upon request of a mixed tribunal, the lack of an explicit request by the Security Council can create a legal ‘grey zone’ that may stall for a long time the entire process. The question is particularly problematic in the case of the Special Tribunal for Lebanon since many, if not all, likely indictees are in Syria.
- 59 Then there is the question of the relationship with international criminal courts, should there be any that have jurisdiction over the relevant area. In this case the answer depends on the position the given mixed tribunal has in the national constitutional order. To illustrate, Kosovo mixed panels are part of the Kosovan judiciary, hence, they are national courts. The ICTY, whose jurisdiction extends to the whole of the former Yugoslavia, Kosovo included, has primacy over national courts and may take over national investigations and proceedings, including those before special panels in Kosovo, at any stage, if this proves to be in the interest of international justice. But an ICTY-like court cannot have primacy over a Sierra Leone-like mixed tribunal, which is not part of the Sierra Leone judicial system, unless backed by a resolution of the Security Council.
- 60 Conversely, the jurisdiction of the ICC is only complementary to that of national courts. Thus, hypothetically, should any international crime be committed in the region in the future, the ICC could not take over those cases from special panels in Kosovo. Whether it could take over investigations and proceedings from a mixed criminal court which is not part of the judiciary of a State when that State is party to the ICC Statute as in the case of Sierra Leone is more complex, and probably depends on decisions of the Security Council in that regard.
- 61 The case of the War Crimes section of the Court of Bosnia-Herzegovina is unique. The creation of this special chamber was part of a general overhaul of the national justice system by the High Representative under the Dayton agreements. As part of the Court of Bosnia-Herzegovina, the chamber exercises supreme jurisdiction over the most serious war crimes cases committed in Bosnia-Herzegovina while cantonal and district courts handle other war crimes cases. Yet, it is generally recognized that the main purpose of the exercise is, in reality, to act as a sort of local branch of the ICTY and help it process

pending cases so as to allow it to complete its work within the timetable indicated by the Security Council (the so-called ‘completion strategy’).

E. Assessment

- 62 Mixed criminal tribunals are the most recent addition to the growing galaxy of international judicial bodies. Indeed, mixed criminal tribunals have also been called ‘third-generation criminal tribunals’ because they follow a first generation of international criminal bodies comprising the Nuremberg and Tokyo military tribunals, active between 1945–48 (→ *International Military Tribunals*), and a second generation made up of the ICTY, the ICTR, and the ICC, all created in the 1990s.
- 63 All mixed criminal tribunals started operating between 2000 and 2009 and most are still works-in-progress. To date, only the Special Panels for Serious Crimes in East Timor have completed work. The mixed panels in Kosovo and Bosnia-Herzegovina and the Special Court for Sierra Leone are still operating. The Extraordinary Chambers in Cambodia are right now holding their first trials while the Special Tribunal for Lebanon has still to issue indictments.
- 64 There are many ways in which mixed criminal courts can be assessed. Accounting of indictments and cases decided is one. Thus, for instance, in five years (2000–05), the East-Timor Serious Crimes Unit filed 95 indictments against 391 individuals with the special panels. The special panels decided a total of 87 cases, of which 84 were convictions and 3 acquittals. Figures for the other “internationalized domestic courts” are similar or lower.
- 65 Figures for “domesticated international courts” are much lower. In 2003, the Prosecutor of the Special Court for Sierra Leone issued 13 indictments, and no new indictments are expected before it concludes operations at the end of March 2011. Of the accused, two died before they could be tried. Of the remaining 11 accused, eight have been tried, and their appeals concluded. Another accused, the former Liberian President Charles Taylor is, at the time of writing, being tried away from the seat of the Special Court, in The Hague. One indictee remains a fugitive. To date, the co-investigating judges of the Extraordinary Chambers have charged five persons. It is unlikely more indictments will be issued. At the time of writing, two trials were in progress.
- 66 Yet, the number of indicted and trials is not the only way to evaluate the record of mixed criminal courts, nor necessarily the most insightful. It is also necessary to hold them against the expectations that the international community had when they were created. The mixed criminal courts genus grew largely as a reaction to the perceived failure of the ad hoc criminal tribunals (ICTY and ICTR), which had been accused of being slow, inefficient, bottomless pits into which hundreds of millions of dollars were thrown every year, and removed from the places where crimes had been committed and the victims.
- 67 The promise of mixed international tribunals was to deliver justice exactly tailored to the needs of the situation, close to the victims and incorporating locals in the court’s structure and with budgets and management tightly controlled. Again, while mixed courts are probably still too new to be able to justify any firm conclusion, it is already evident that they might fall well short of the stated goals and probably suggest that the criticism levelled against the ad hoc tribunals was based on unrealistic expectations.
- 68 To begin with, there is little evidence that mixed courts are significantly less expensive or more rapid than ad hoc criminal courts. Over about 15 years of operation, the ICTY and ICTR have respectively indicted 161 and 87 individuals, many of which ranked highly within the political and military cadres of Rwanda and Yugoslavia. Only two indictees of

MIXED CRIMINAL TRIBUNALS

the ICTY and 13 of the ICTR remain at large. To this, one must add the fundamental contribution that both tribunals made to the strengthening and expansion of international criminal law. The price has been about 2.8 billion dollars over 15 years, or about 11.2 million per indictee. In comparison the Special Court for Sierra Leone, which originally was created to operate for only three years with an \$80 million budget, has now entered its eighth year of operations with a total cost of well above \$150 million to pay for just 13 indictments and 11 trials. The cost per indictee of the Special Court for Sierra Leone is remarkably very similar, if not higher, to that of the ICTY-ICTR. Moreover, the fact that mixed tribunals are funded on the basis of voluntary contributions, as contrasted to assessed contributions, as in the case of the ICTY-ICTR or ICC, makes them harder to manage and creates an incentive for free-riding and race to the bottom between donors. Besides, savings at mixed courts are done at the expense of those who can hardly protest: the defendants. The conclusion is that there is no such thing as inexpensive and fast criminal justice, neither internationally nor, arguably, nationally.

- 69 Second, the idea that mixed courts will bring justice close to the victims has gradually given way, at least in the case of some bodies, to pragmatic considerations. The trial of former President of Liberia Charles Taylor was moved to The Hague, to the ICC premises, for reasons of security. Placing the Special Tribunal for Lebanon in Lebanon itself was never an option. At most, nearby Cyprus or Italy were considered, but eventually it was decided that the best location was again in a suburb of The Hague.
- 70 Third, the participation of the governments of the states where crimes occurred in the creation and administration of mixed criminal courts has proved to be at best a mixed blessing. The long and troubled history of the creation of the Special Tribunal for Lebanon and the Extraordinary Chambers show that the UN can quickly become a hostage of local politics and used to settle national political vendettas. The often very narrow jurisdiction of mixed courts can smack of blindsided and personalized justice, giving rise to toxic accusations of partiality.
- 71 Fourth, the co-existence on the bench and in the prosecutor's office of national and international personnel has proven to be far from idyllic. Besides obvious linguistic and cultural barriers and salary differentials, the knowledge that nationals will have to stay after the end of the process, while their international colleague will leave, probably moving on to higher appointments or other missions, creates split allegiances and attitudes, factors that hardly facilitate the accomplishment of the mission at hand.
- 72 Finally, mixed criminal tribunals encounter enormous problems when it comes to securing the cooperation of national authorities, third-States, and international organizations. Lacking the full support of the Security Council, as the ICTY and ICTR do, or the clout of the ICC, they are easily swayed and hampered by wily governments.
- 73 In February 2005, the UN Secretary-General appointed a Commission of Experts to review the work of the Serious Crimes Unit, the special panels, as well as the Indonesian ad hoc Human Rights Court. The Commission concluded that the serious crimes process has not achieved full accountability for those who bear the greatest responsibility for serious violations of human rights committed in East Timor in 1999. It attributed the failure mainly to inadequate funding, lack of independence of the Office of the General Prosecutor from the government of East Timor, and stalling by the Indonesian government. Its bottom-line recommendation reads like the ultimate condemnation of mixed criminal tribunals: the establishment by the Security Council, acting under Chapter VII UN Charter, of an ad hoc international criminal tribunal for East Timor to be located in a third-State, or alternatively, referral to the ICC.

- 74 Thus, considering mixed criminal tribunals seem to have fallen well short of the expectations, it is inevitable to wonder what the future of this genus of international criminal bodies will be. Will they pass down into history as a stopgap while the ICC gradually expanded its jurisdiction and gained momentum? Or are they here to stay, in some form? The answer is not straightforward.
- 75 In general, the strength of mixed criminal courts is that they are highly customizable. There is virtually no situation in which a kind of mixed tribunal could not be imagined and created. They can be made to fit any country or suspect. They can be created ad hoc to prosecute crimes against internationally protected persons or other international crimes created by treaties, and even in fields other than international criminal law, such as terrorism (→ *Terrorism*) and drug crimes (→ *Transnational Organized Crime*). This consideration alone should guarantee that, in some form, at some point, more mixed criminal courts will be created. If anything, we might see more ‘internationalized domestic courts’, such as those in Kosovo, East Timor, and Bosnia-Herzegovina. The goal of these bodies is not solely to prosecute international crimes, but also, and to buttress the national judiciary and the rule of law in the affected country. As long as the UN or regional organizations remain in the business of state-building, taking over when needed and *ad interim* the exercise of sovereign powers in territories, with broad mandates, it is likely the future will bring more mixed courts. Then again, since Kosovo and East Timor, the UN has not engaged in any nation-building exercise and has rather reverted to the practice of sending missions with a limited presence on the ground, such as those in Afghanistan and Iraq.
- 76 Conversely, the future of ‘domesticated international courts’, such as the Sierra Leone Special Court, the Cambodian Extraordinary Chambers, or the Special Tribunal for Lebanon, is much more uncertain. While it has been relatively easy to justify expenses and raise money for the panels in East Timor and Kosovo - since their budget was part of larger missions’ budgets - those in Sierra Leone, Cambodia and Lebanon rely solely on voluntary contributions. Albeit substantially less expensive as a whole than the ‘second generation’ international criminal tribunals, such as the ICTY and ICTR, it has proven to be an utterly arduous exercise to raise funds for them. As a matter of fact, discontent with mixed criminal bodies might very well lead to the reconsideration of the ICTY-ICTR model. Or it might lead to the ultimate acceptance of the ICC as a necessity.
- 77 Indeed, looming large is the question of the future of mixed criminal courts once the ICC achieves its potential. On the one hand, the jurisdiction of the ICC will likely never cover the whole planet. Even in an unrealistic scenario where all States of the world have accepted its jurisdiction, it will never cover crimes committed before the entry into force of the ICC Statute. Since international crimes have no statute of limitations mixed criminal tribunals will not be totally crowded out by the ICC for a generation or two. But it becomes increasingly difficult to justify the establishment of mixed criminal jurisdictions when the ICC could be resorted to, at least for crimes committed after 1 July 2002. The willingness of the United States to have the situation in Darfur, Sudan, referred to the ICC, instead of trying to pressure the Sudanese government to enter into an agreement similar to the ones concluded by the UN with the governments of Sierra Leone and Cambodia, is an indication that economy and rationalization rank high on the agenda of all States, regardless of their attitude towards the ICC..

SELECT BIBLIOGRAPHY

- “Hybrid International Criminal Tribunals” in R Mackenzie, C Romano, Y Shany, *Manual on International Courts and Tribunals* (2010, 2nd ed.).
C Trenkov-Wermuth, *United Nations Justice* (2010).

MIXED CRIMINAL TRIBUNALS

- L Raub, "Positioning Hybrid Tribunals in International Criminal Justice", 41 *N.Y.U. J. Int'l L. & Pol.* 1013 (2009)
- J Ciorciari and A Heindel (eds), *On Trial: The Khmer Rouge Accountability Process* (2009).
- E Cimiotta, *I Tribunali Penali Misti* (2009).
- P Kermani Mendez, 'The New Wave of Hybrid Tribunals: A Sophisticated Approach to Enforcing International Humanitarian Law or an Idealistic Solution with Empty Promises?' (2009) 20 *Criminal Law Forum* 1, 53–96.
- M Mugraby, 'The Syndrome of One-time Exceptions and the Drive to establish the Proposed Hariri Court', in S Haugbolle and A Hastrup (eds), *The Politics of Violence, Truth and Reconciliation in the Arab Middle East* (2009).
- S Dyrchs, *Das hybride Khmer Rouge-Tribunal : Entstehung, Entwicklung und rechtliche Grundlagen* (2008)
- F Mégret, 'A Special Tribunal for Lebanon: The UN Security Council and the Emancipation of International Criminal Justice' (2008) 21 (2) *Leiden J Int'l L* 485–512.
- Office of the United Nations High Commissioner for Human Rights, *Rule-of-Law Tools for Post-conflict States: Maximizing the Legacy of Hybrid Courts* (2008).
- C Tofan, *The Establishment of the Hariri Tribunal* (2008).
- D Cohen, "Hybrid Tribunals: Prospects and Challenges", in *Historische Dimensionen von Kriegsverbrecherprozessen nach dem Zweiten Weltkrieg* 91 (2007).
- T Kuosmanen, *Bringing Justice Closer: Hybrid Courts in Post-Conflict Societies* (2007).
- D Cohen, "'Hybrid' Justice in East Timor, Sierra Leone, and Cambodia: "Lessons Learned" and Prospects For the Future' (2007) 43 *Stan J Int'l L* 11–38.
- A Lelarge, 'Le Tribunal spécial pour le Liban' (2007) 53 *Annuaire français de droit international* 397–428.
- S Linton, 'Putting Cambodia's Extraordinary Chambers into Context', (2007) 11 *Sing YB Int'l L* 195–259.
- A-C Martineau, *Les Juridictions pénales internationalisées: un nouveau modèle de justice hybride* (2007).
- C Laucci, *Digest of jurisprudence of the Special Court for Sierra Leone: 2003–2005* (2007).
- 'Symposium: The Special Tribunal for Lebanon' (2007) 5 *J Int'l Crim Just* 5.
- E Higonnet, "Restructuring Hybrid Courts: Local Empowerment and National Criminal Justice Enforcement", 23 *Ariz. J. Int'l & Comp. L.* 347 (2006).
- H Ascensio, *Les Juridictions pénales internationalisées: Cambodge, Kosovo, Sierra Leone, Timor Leste* (2006).
- W Schabas, *The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda and Sierra Leone* (2006).
- 'Symposium: International Criminal Tribunals in the 21st Century' (2006) 21 *Am U Int'l L Rev* 4.
- 'Symposium: Cambodian Extraordinary Chambers. Justice at Long Last?' (2006) 4 (2) *J Int'l Crim Just.*
- T Fawthrop and H Jarvis, *Getting away with Genocide? Elusive Justice and the Khmer Rouge Tribunal* (2005).
- C Romano, A Nollkaemper, and J Kleffner (eds), *Internationalized Criminal Courts and Tribunals: Sierra Leone, East Timor, Kosovo, and Cambodia* (2004).
- K Ambos and M Othman (eds), *New Approaches in International Criminal Justice: Kosovo, East Timor, Sierra Leone and Cambodia* (2003).
- L Dickinson, 'The Promise of Hybrid Courts', 97 *Am J Int'l L* (2003) at 295.

MIXED CRIMINAL TRIBUNALS

SELECT DOCUMENTS

All documents, including judgments, pertaining to mixed criminal courts can be found on their respective websites.

- Special Court for Sierra Leone: <<http://www.sc-sl.org/>>.
- Extraordinary Chambers in the Courts of Cambodia: <<http://www.eccc.gov.kh>>.
- Special Tribunal for Lebanon: <<http://www.stl-tsl.org/>>.
- Court of Bosnia-Herzegovina: <http://www.sudbih.gov.ba/>
- Mixed panels in Kosovo:
 - United Nations Interim Administration Mission in Kosovo <<http://www.unmikonline.org>> (15 April 2010).
 - EULEX: <http://www.eulex-kosovo.eu/>
- Mixed panels in East Timor:
 - United Nations Mission of Support in East Timor, <<http://www.un.org/Depts/dpko/missions/unmiset/index.html>> (15 April 2010).
 - United Nations Transitional Administration in East Timor <<http://www.un.org/peace/etimor/UntaetN.htm>> (15 April 2010).
 - Judicial System Monitoring Programme <<http://www.jsmp.minihub.org/>> (15 February 2006).

April 2010