

STL president lectures at USJ about international justice

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Special to The Daily Star

BEIRUT: During his first visit in Lebanon as president of the Special Tribunal for Lebanon (STL), Antonio Cassese made the most of the opportunity to highlight the major issues concerning international criminal courts of law. As former president of the International Criminal Tribunal for the Former Yugoslavia, the Italian jurist knows his subject.

Cassese lectured on the topic last Friday at University Saint Joseph's Aboukhater amphitheater, where a well-heeled crowd

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showed up to hear the jurist focus on three key points.

Quoting Plato, Cassese began by talking about the link between violence and justice.

"The law of 'an eye for an eye' is primitive justice," he said. "Real justice tries to assess the reality of facts and it must prevent violence," he explained. But can this principle be applied in the more complex realm of international relations?

"In 1945, when the UN was founded, the first article specified that one of its goals was to carry out settling conflicts by peaceful means," Cassese said. "Chapter 7, about peacekeeping, through the United Nations Security Council, gave primacy to peace over justice." According to the professor, this way of thinking about international conflicts has now been reversed.

Likewise, the primacy of territoriality to deal with criminality no longer prevails.

"Often, the guilty is not punished in his own country, because he's a member of the political or military [establishment], or because the country's justice closes its eyes," he stated. This leads to the fundamental necessity of interna-

tional tribunals, which are in part composed of neutral judges. In the case of the STL, only four of the 11 judges in charge are Lebanese.

The third part of the speech tackled the thorny issue of the limits of international justice.

To begin with, Cassese deplored the absence of a real legal system at the international level. "We don't have all the tools used by the national [state] system, such as a criminal investigation department, court hearings or coordination between the local authorities," he pointed out.

Moreover, there's no such thing as an international tribunal, according to Cassese.

"Of course, there's the International Criminal Court [ICC] in La Hague, but certain states can very well not apply its decisions," he emphasized.

The US, China, Russia and most of the Arab countries, for example, never ratified the treaty for the ICC. Indeed, international criminal courts still have to appeal to local authorities to see the implementation of their judicial decisions.

But the most difficult task comes from the nature itself of these courts. "We don't deal with 'ordinary crime', but with crimes which are the expression of a collective entity," he said. "It's very hard to identify all the guilty people; investigations are very long, complex, and can last for years. In Yugoslavia, according to the estimates, around 200,000 people were thought to have been implicated. Only 160, since 1993, have been brought before the courts."

In his concluding comments the president of the STL promised to "proceed as fast as possible and in an impartial way." With the fifth anniversary of the event that sparked the creation of the STL approaching, the public is naturally anxious about the pace of progress. But the STL didn't officially begin its work until March of last year, meaning that Year One of an expected multi-year process hasn't yet come to a close.