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"Hybrid Tribunals as a Viable Transitional Justice Mechanism to Combat Impunity in Post-Conflict Situations"

22(2) NZULR, 213-239, 2008

Victoria University of Wellington Legal Research Paper No. 13/2019

ALBERTO COSTI, Victoria University of Wellington - Faculty of Law

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Since the end of the 1990s, the international community has increasingly relied on hybrid or mixed tribunals to prosecute international crimes in the aftermath of armed conflict. Hybrid tribunals rely on national laws, judges and prosecutors, contributing to the capacity-building of the local judiciary and the legal system; while also including international standards, personnel, resources, experience and technical knowledge, conferring legitimacy upon them. At the same time, hybrid tribunals pose real problems in their attempt to incorporate different types of law, different levels of expertise and different models of management and funding. The emergence of hybrid tribunals in East Timor,

Kosovo, Sierra Leone, and Cambodia, and recent moves in Bosnia-Herzegovina and Burundi are indicative that hybrid tribunals will be central to the development of international criminal law in the coming decades. This article looks at the emergence of hybrid tribunals, analyses their practice and highlights their possible limitations.

"Jus in Bello and the War on Terror: Are Extraordinary Renditions Grave Breaches of the Law of War?"

3 Asia-Pacific Yearbook of International Humanitarian Law, 2007

Victoria University of Wellington Legal Research Paper No. 14/2019

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In the global "war on terror", the United States has espoused a very expansive view of international law as regards the right to use force. Its position relating to the application of principles governing the conduct of hostilities has been somewhat more constrained. This article argues that in those situations where the law of armed conflict applies to the "war on terror", the process of extraordinary rendition, by which terrorist suspects are forcibly transferred between states and subjected to torture and inhuman treatment, violates the law of armed conflict in general and may constitute "grave breaches" of the Geneva Conventions, amounting to war crimes.

"Addressing the Major Legal, Political and Practical Obstacles Facing Hybrid Tribunals in Post Conflict Situations: Learning from the Past Experience and Lessons for the Future"

The Nuremberg War Crimes Trial and Its Policy Consequences Today, edited by Prof. Dr. Beth A. Griech-Polelle (Baden-Baden, Germany, Nomos, 2009), 1 ED, pp. 131-155.

Victoria University of Wellington Legal Research Paper No. 15/2019

ALBERTO COSTI, Victoria University of Wellington - Faculty of Law

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In this chapter, the author examines the concept of transitional justice and the transformation of societies from repressive rule or armed conflict to reconciliation and the creation of a justice system to prevent further human rights abuses through the use of hybrid tribunals. The chapter addresses certain questions such as: Can hybrid tribunals successfully replace international tribunals in order to bring perpetrators of international crimes to justice? Do hybrid tribunals fulfil the expectations of transitional justice better than ad hoc tribunals like the ICC or TRCs? Do hybrid tribunals represent the building blocks of a new, just world order, or are they subject to the same imperfections as the transitional justice mechanisms? The chapter first lays out the legacies and deficiencies of current and past international tribunals, before turning to hybrid tribunals. The chapter then discusses the conceptual advantages of hybrid tribunals compared to traditional mechanisms. This leads the author to conclude that although hybrid tribunals have become the new model for the enforcement of international criminal law, they may only operate successfully if there is active international support and if there is a genuine will to facilitate the process of reconciliation in a society.

"Year in Review: Nuclear Weapons, Non-Proliferation & International Security"

(2009) 7 New Zealand Yearbook of International Law 354-377

Victoria University of Wellington Legal Research Paper No. 16/2019

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This review considers the outcome of the Third Prepcom for the 2010 NPT Review Conference. The author highlights selected resolutions adopted by the United Nations General Assembly as they relate to nuclear weapons, non-proliferation and international security.

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About this eJournal

Victoria University of Wellington Legal Research Papers Series primarily contains scholarly papers by members of the **Faculty of Law at Victoria University of Wellington**. Some issues collect a number of papers on a similar theme to form a suite of papers on a single topic. Others issues are general or distribute mainly recent work.

The Student/Alumni Series is a subseries of the Victoria University of Wellington Legal Research Paper Series. The subseries started in 2015 and publishes papers by students and alumni of Victoria University

of Wellington, comprising primarily work for honours and postgraduate courses. Papers are collected into thematic or general issues.

The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachusetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Appellate Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the Law School has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and senior lecturers are tenured doctrinal scholars, not legal writing teachers. A senior lecturer corresponds approximately to a North American associate professor in rank.

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