

Thesis title: Human rights protection in the law and practice of international and hybrid criminal tribunals

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SUMMARY OF THE DISSERTATION

The dissertation I have presented addresses the issue of human rights protection in the law and practice of international and hybrid criminal tribunals. As a result of massive human rights violations, the international community has taken action to hold perpetrators of the most serious crimes of international law accountable. These actions have led to the establishment of international and hybrid criminal tribunals. This dissertation specifically highlights how human rights underpin the law and practice of international and hybrid criminal tribunals.

The aim of my dissertation is to determine the level of human rights protection in the law and practice of international and hybrid criminal tribunals. The main research question is to what extent the law and practice of international and hybrid criminal tribunals protect human rights. I also asked whether the international and hybrid criminal tribunals established so far have sufficiently protected human rights, whether they were established in a timely manner and whether they were effective institutions. It was also important for this dissertation to ask whether the international community, in creating further institutions of international criminal law, had learned from the inadequacies of the institutions created earlier. It was also necessary to ask whether the response of the United Nations to successive manifestations of massive human rights violations was sufficient and timely. In this thesis, it also seems important to point out the close connection between the regulations of international criminal law and the norms protecting human rights in terms of the regulation of *delicta iuris gentium*. The aim of this dissertation is also to demonstrate the impact of human rights protection norms on the law and practice of international and hybrid criminal tribunals and to highlight the fact that international criminal law institutions are also human rights enforcers. This thesis demonstrates that the most serious violations of individual rights fulfil the characteristics of international crimes, as a result of which further international and hybrid criminal tribunals have been established.

The dissertation is divided into six chapters. The first is devoted to human rights. I have provided examples of definitions of human rights, their origins, the evolution of the system of their protection, and I have addressed the issue of the subject and object scope of this issue. I have indicated similarities and differences in the protection of human rights by regional systems and the universal system of human rights protection. I have provided evidence of the interdisciplinary nature of this area of law and briefly described selected human rights as included in the European Convention on Human Rights. In the second chapter, I addressed the topic of international criminal law. I have demonstrated its close connection to human rights and provided examples of definitions of this body of legal norms. After indicating the origins and sources of this field of law, I briefly described the principles of international criminal law, as well as selected institutions of international criminal law and their impact on the protection of human rights. The third chapter is devoted to the international military tribunals - the International Military Tribunal at Nuremberg and the International Military Tribunal for the Far East in Tokyo. In this chapter, I have described the historical events that led to the establishment of the institutions in question and indicated the basis for their functioning. I have presented the proceedings conducted before these institutions and analysed the advantages and disadvantages of the tribunals established. Finally, I have demonstrated the strong link between the establishment of military tribunals and the protection of human rights. In the fourth chapter, *ad hoc* international criminal tribunals are described. I presented the crimes of international criminal law that led to the establishment of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda. I have indicated the principles of the *ad hoc* tribunals, listed the human rights violations that were prosecuted before these institutions and analysed their effectiveness. I have also presented the International Residual Mechanism for Criminal Tribunals. Chapter five deals with hybrid tribunals. I have briefly characterised them, followed by a description of the activities of the Special Court for Sierra Leone, the Extraordinary Chambers of the Courts of Cambodia, the Special Panels of Judges for Serious Crimes in East Timor and the United Nations Special Tribunal for Lebanon. For each of these institutions, I have described what events led to their establishment with a particular focus on human rights violations. I have indicated the principles of their functioning and presented selected proceedings conducted before these tribunals. I have also assessed their effectiveness and presented how they have influenced the development of international criminal law and human rights law. Chapter Six presents the creation of the International Criminal Court in The Hague. I have described the history of the creation of the Rome Statute and its most important

provisions for the protection of human rights. I have also briefly presented the structure of the International Criminal Court, the principles of its functioning, and the scope of its jurisdiction. I have identified the elements of the crimes of genocide, crimes against humanity, war crimes and crimes of aggression as defined in the Rome Statute. For each of the analysed crimes, I have presented the close connection of the presented regulations with the protection of human rights. The chapter also briefly described the proceedings conducted by the International Criminal Court. At the end of the thesis, the conclusions resulting from the analyses are presented.

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