

1474 Trial of Peter von Hagenbach

In connection with offenses committed while governing territory in the Upper Alsace region on behalf of the Duke of Burgundy, Peter von Hagenbach is tried and sentenced to death by an ad hoc tribunal of twenty-eight judges representing different local polities. The crimes charged, including murder, mass rape and the planned extermination of the citizens of Breisach, are characterized by the prosecution as “trampling under foot the laws of God and man.” Considered history’s first international war crimes trial, it is noted for rejecting the defense of superior orders and introducing an embryonic version of crimes against humanity.

1758 Emerich de Vattel Lays Foundation for Formulating Crime of Aggression

In his seminal treatise *The Law of Nations*, Swiss jurist Emerich de Vattel alludes to the great guilt of a sovereign who undertakes an “unjust war” because he is “chargeable with all the evils, all the horrors of the war: all the effusion of blood, the desolation of families, the rapine, the acts of violence, the ravages, the conflagrations, are his works and his crimes . . . in consequence of it [he] is guilty of a crime against mankind . . .” De Vattel thus provides the theoretical underpinnings for the modern formulation of the crime of aggression.

1856 Paris Declaration Respecting Maritime Law

Issued following the Crimean War, the *Paris Declaration Respecting Maritime Law* abolishes all forms of piracy and privateering (government authorization of privately owned ships to attack and capture enemy vessels during wartime). It also provides rules for maritime neutrality and regulates the conduct of blockades.

1863 Lieber Code

During the US Civil War, German-American jurist Francis Lieber prepares for the Union Army *Instructions for the Government of Armies of the United States in the Field*, promulgated by President Lincoln in April 1863 as *General Order No. 100*. This document, the first codification of the laws and customs of war, lays out specific rules for protecting civilians and their property, treating prisoners and enemy wounded humanely, and limiting military targets to those that are deemed essential.

1868 St. Petersburg Declaration

Adopted at an international conference convened by Russia, the *St. Petersburg Declaration* prohibits “the employment of such arms” as “would uselessly aggravate the suffering of disabled men, or render their death inevitable” and would be “contrary to the laws of humanity.” To this end, the Declaration forbids the use of certain fragmenting, explosive and incendiary ammunition.

1625 Hugo Grotius Publishes *On the Law of War and Peace*

Dutch jurist and philosopher Hugo Grotius, one of the principal founders of international law with such works as *Mare Liberum* (*On the Freedom of the Seas*), publishes *De Jure Belli ac Pacis* (*On the Law of War and Peace*). Considered his masterpiece, the book elucidates and secularizes the topic of just war, including analysis of belligerent status, adequate grounds for initiating war and procedures to be followed in the inception, conduct, and conclusion of war.

1815 Declaration Relative to the Universal Abolition of the Slave Trade

The first international instrument to condemn slavery, the *Declaration Relative to the Universal Abolition of the Slave Trade* is issued by the Congress of Vienna to resolve issues arising from the Napoleonic wars. The Declaration qualifies slavery as a scourge to humanity and recalls that numerous European governments have either abolished the trade or resolved to do so. Subsequently, countries enter into a skein of piecemeal multilateral and bilateral agreements prohibiting slavery that are enforced with varying degrees of success. More effective abolition is realized with the 1926 *Convention to Suppress the Slave Trade and Slavery* and the 1956 *Supplementary Convention*, which together define and criminalize slavery and related practices such as debt bondage and serfdom. In 2000, the UN adopts the *Trafficking Protocol* to the *Convention against Transnational Organized Crime* that aims to prevent and combat trafficking in persons, especially women and children; protect and assist victims of trafficking; and promote cooperation among states in order to meet those objectives.

1864 First Geneva Convention

A book about the bloody Battle of Solferino (1859) in Italy, written by Swiss eyewitness Henri Dunant, shocks the world. It leads to creation of the International Committee of the Red Cross (1863), and to a 16-nation conference convened in Geneva in August 1864, which adopts the *Convention for the Amelioration of the Condition of the Wounded in Armies in the Field*, commonly known as the “Geneva Convention of 1864.” The Convention provides for: (1) relief to the wounded regardless of nationality; (2) neutrality/inviolability of medical personnel; and (3) the distinctive sign of the red cross on a white ground. The subsequent Geneva Conventions of 1906, 1929 and 1949 will build on this platform. Dunant is awarded the first Nobel Peace Prize in 1901, sharing it with Frédéric Passy.

1899 & 1907 The Hague Conventions

Adopted, respectively, at 1899 and 1907 international peace conferences held in The Hague, Netherlands, these Conventions are considered the foundational treaties for the regulation of the conduct of hostilities during wartime. The Hague Conventions set forth parameters regarding the means and methods of warfare, including a ban on a number of weapons and methods of warfare (including use of “dum dum” bullets which expand in the body, poison weapons, and attacks from hot air balloons), categorization of prisoners of war, protection of neutral parties, occupation of territory, and rules for attacks on military targets. They also take many of the principles of the 1864 Geneva Convention and adapt them to maritime warfare. Finally, they also include what is known as the “Martens Clause” (drafted by Russian delegate Fyodor Martens), which embeds an overarching moral code into humanitarian law by providing: “Until a more complete code of the laws of war has been issued, the High Contracting Parties deem it expedient to declare that, in cases not included in the Regulations adopted by them, the inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience.”

1919 Treaty of Versailles

The *Treaty of Versailles*, signed June 28, 1919, formally ends hostilities between the Allies and Germany in the wake of World War I and provides, in Article 227, for creation of an ad hoc international criminal tribunal to prosecute Germany’s Kaiser Wilhelm II for initiating the war; and, in Article 228, for prosecution of German military personnel accused of violating the laws and customs of war. The ad hoc tribunal is never established, the Kaiser is never prosecuted, and only a few low-level German war criminals are tried and lightly punished.

1919 Covenant of the League of Nations

The *Covenant of the League of Nations* is concluded as part of the Treaty of Versailles. Article 10 of the Covenant provides that member States will “respect and preserve as against external aggression the territorial integrity and existing political independence” of the other member States.

1921 The Leipzig Trials

Resisting Allied trials of war crimes perpetrators pursuant to Versailles Treaty Article 228, the Germans agree to prosecute only a limited number of low-ranking suspects, and only under German law, in Leipzig’s Criminal Senate of the Imperial Court of Germany. While the Germans permit Allied representatives to participate as co-prosecutors, local pressure insures that only a few minor military officials are indicted, and they receive light punishments.

1915 Allied Joint Declaration Regarding the Armenian Genocide

On May 24, 1915, as the Ottoman Empire is massacring the Armenian population within its territories during World War I (1914-1918), France, Great Britain and Russia issue a joint declaration asserting that “[i]n the presence of these new crimes of Turkey against humanity and civilization, the allied Governments publicly inform the [Ottoman Government] that they will hold personally responsible for the said crimes all members of the Ottoman Government as well as those of its agents who are found to be involved in such massacres.” This is thought to constitute the first use, within an international law context, of the term “crimes against humanity.”

1919 Turkish Courts Martial of Armenian Genocide Perpetrators

Following the Ottoman Empire’s defeat in World War I, a new government is formed and, in February 1919, it establishes courts martial to prosecute members of the “Young Turk” regime responsible for the Armenian genocide. Pursuant to these courts martial, a small group of lower-level officials is punished, but the fate of the major perpetrators is supposed to be decided by a treaty between the Allies and the Ottoman Empire, and they are ultimately able to evade justice.

1920 Treaty of Sèvres

The *Treaty of Sèvres* formally ends hostilities between the Allies and the Ottoman Empire after World War I and provides for the trial by the Allies of Turkish war criminals accused of violating the laws and customs of war and of engaging in the Armenian massacres. The Treaty never enters into force and is superseded by the *Treaty of Lausanne* (1923), which is silent on the issue of criminal responsibility pursuant to an accompanying Declaration of Amnesty.

1928 Kellogg-Briand Pact

On August 27, 1928, in Paris, per the initiative of US Secretary of State Frank Kellogg and French Minister of Foreign Affairs Aristide Briand, several nations sign the *General Treaty for Renunciation of War as an Instrument of National Policy*, commonly known as the “Kellogg-Briand Pact.” Although the Pact contains only three articles and no enforcement mechanism, it renounces war as a solution for international controversies and dictates that all disputes be settled by pacific means.

1933 Founding of the International Rescue Committee

Founded at the suggestion of Albert Einstein in order to assist victims of Adolf Hitler's persecution in Germany, and designed to assist victims of the world's worst humanitarian and human rights crises, the United States-based International Rescue Committee (IRC) provides emergency relief, post-conflict development and resettlement services, and human rights protection and advocacy. It operates in the United States and in over 40 countries worldwide.

1937 Convention for the Creation of an International Criminal Court

On November 16, 1937, in response to the assassination of King Alexander of Yugoslavia, a *Convention for the Creation of an International Criminal Court* is opened for signature in Geneva under the auspices of the League of Nations. But this Convention, along with its companion *Convention for the Prevention and Punishment of Terrorism*, does not secure the minimum number of ratifications necessary to enter into force.

1945 Yalta Conference

At the February 4-11, 1945 Yalta Conference, the US, USSR and UK agree to prosecute Axis leaders by judicial trial after Allied victory in Europe. Summary execution of the major German war criminals had been considered before Yalta but the United States preference for a judicial solution prevails.

1945 London Agreement for Establishment of the International Military Tribunal

On August 8, 1945, the US, USSR, UK and France sign the London Agreement, providing for prosecution of the major German war criminals by an International Military Tribunal (IMT) in Nuremberg. The constitution, jurisdiction, and functions of the IMT are set forth in an attached Charter, which provides that each signatory will exercise a prosecutorial and judicial role in the proceedings, and that the defendants will have certain basic rights. The offenses to be prosecuted are defined as Crimes against Peace, War Crimes, Crimes against Humanity, and Conspiracy to commit each of those underlying crimes. The Charter provides that Nazi organizations can be indicted along with individual Nazi leaders.

1946-48 Creation of International Military Tribunal for the Far East

On January 19, 1946, General Douglas MacArthur issues a "special proclamation" creating the *International Military Tribunal for the Far East* (IMTFE), commonly referred to as the Tokyo Tribunal. The Tribunal convenes on April 29, 1946, and prosecutes twenty-eight high-level Japanese leaders (both military and civilian) for crimes parallel to those charged at the IMT, but three defendants die or are incapacitated during the trial. The judges and prosecutors are from eleven countries (US, USSR, UK, Netherlands, Australia, Canada, China, France, Philippines, New Zealand, and India). On November 12, 1948, the judges find the remaining 25 defendants guilty, sentencing seven to death by hanging, sixteen to life imprisonment, and two to lesser terms.

1943 Moscow Declaration

As evidence mounts of Germany's gross and widespread human rights violations during World War II (1939-1945), the United States, the Soviet Union and the United Kingdom sign a "Statement of Atrocities" as part of the Allies' *Moscow Declaration* of October 30, 1943. The Declaration states that those responsible will be brought to justice, and it establishes the War Crimes Commission, which will meet in London in 1944 to compile lists of war criminals and to determine effective ways of bringing them to justice.

1945 Founding of United Nations (UN) and International Court of Justice (ICJ)

The *United Nations Charter* is drafted (April), signed (June) and goes into effect (October) in 1945. A cornerstone of the Charter is its Chapter I prohibition in Article 2(4) against the threat or use of force "against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations." Chapter XIV of the Charter also establishes the *International Court of Justice*, the UN's principal judicial organ, which has both "contentious case jurisdiction" (allowing states to sue one another in civil lawsuits) and "advisory opinion jurisdiction" (for which the ICJ provides legal opinions when requested by authorized entities). NB: The ICJ does not have jurisdiction to hear criminal cases but has had before it cases with international criminal law implications, such as the case of *Bosnia v. Serbia* (2007), wherein the Court had to decide whether Serbia violated its obligations under the Genocide Convention.

1945-46 IMT Trial of the Major War Criminals at Nuremberg

The *International Military Tribunal* indicts twenty-four individuals, eventually prosecuting twenty-two of them: Martin Bormann (in absentia), Karl Dönitz, Hans Frank, Wilhelm Frick, Hans Fritzsche, Walther Funk, Hermann Göring, Rudolf Hess, Alfred Jodl, Ernst Kaltenbrunner, Wilhelm Keitel, Konstantin von Neurath, Franz von Papen, Erich Raeder, Joachim von Ribbentrop, Alfred Rosenberg, Fritz Sauckel, Hjalmar Schacht, Baldur von Schirach, Arthur Seyss-Inquart, Albert Speer, Julius Streicher, and seven Nazi organizations. Proceedings open at Nuremberg's Palace of Justice on November 20, 1945, and conclude on October 1, 1946 when the judges deliver their verdicts. Twelve are sentenced to death; three are condemned to prison for life; four receive sentences of ten to twenty years; and three are acquitted. Four of the organizations are found to be "criminal": the Nazi leadership corps, Schutzstaffel (SS), Sicherheitsdienst (SD), and Geheime Staatspolizei (Gestapo).

1946-47 Paris Congress and Creation of the International Law Commission (ILC)

Soon after the Nuremberg judgment, an international congress meets in Paris and calls for adoption of an international criminal code prohibiting crimes against humanity, and for the prompt establishment of an international criminal court. The UN General Assembly passes Resolution 94, establishing a committee of legal experts to make recommendations on ways the UN could encourage the progressive development of international law and its codification. Accordingly, in 1947, the General Assembly creates the International Law Commission.

1948 Universal Declaration of Human Rights

Drafted in response to the human rights horrors of World War II, and adopted by the UN General Assembly on December 10, 1948, the *Universal Declaration of Human Rights* (UDHR) consists of thirty articles setting out a variety of rights, including due process protections in criminal cases, that will underpin subsequent human rights treaties, including the *International Covenant on Civil and Political Rights* (1966) and the *International Covenant on Economic, Social and Cultural Rights* (1966). These form, along with the UDHR, the so-called "International Bill of Rights." The International Bill of Rights inspires a new generation of human rights treaties elaborating on its basic protections, including the *Convention on the Elimination of All Forms of Discrimination against Women* (1979) and the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1984).

1949 Geneva Conventions

On August 12, 1949, over fifty countries sign the four *Geneva Conventions*:

1. First Convention, dealing with the wounded and sick in armed forces in the field, (a revision and development of the 1929 Geneva Convention)
2. Second Convention, dealing with wounded, sick and shipwrecked members of armed forces at sea (a revision and development of the 1907 Hague Convention No. X)
3. Third Convention, dealing with prisoners of war (a revision and development of the 1929 Geneva Convention)
4. Fourth Convention, dealing with civilians (a supplement to provisions in the 1899 Hague Convention No. II and the 1907 Hague Convention No. IV).

The four Conventions contain a common Article 3 relating to the protection of victims of armed conflicts that are not international in character. Each Convention sets forth a list of "grave breaches" that justify criminal prosecution, including willful killing, torture or inhuman treatment, biological experiments, willfully causing great suffering, causing serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

1946-49 Subsequent Twelve Nuremberg Military Tribunals

As of December 9, 1946, the American military prosecutes 185 lower-ranking officials of the Nazi regime in the same Nuremberg courtroom, in proceedings known as the *Nuremberg Military Tribunals* (NMTs), organized pursuant to Allied Control Council Law No. 10. General Telford Taylor serves as chief of prosecution for the twelve trials:

1. The *Medical* Case (Dec 9, 1946 - Aug 20, 1947)
2. The *Milch* Case (Jan 2 - Apr 14, 1947)
3. The *Justice* Case (Mar 5 - Dec 4, 1947)
4. The *Pohl* Case (Apr 8 - Nov 3, 1947)
5. The *Flick* Case (Apr 19 - Dec 22, 1947)
6. The *IG Farben* Case (Aug 27, 1947 - Jul 30, 1948)
7. The *Hostage* Case (July 8, 1947 - Feb 19, 1948)
8. The *RuSHA* Case (Oct 20, 1947 - Mar 10, 1948)
9. The *Einsatzgruppen* Case (Sep 29, 1947 - Apr 10, 1948)
10. The *Krupp* Case (Dec 8, 1947 - Jul 31, 1948)
11. The *Ministries* Case (Jan 6, 1948 - Apr 13, 1949)
12. The *High Command* Case (Dec 30, 1947 - Oct 28, 1948)

Four defendants are excused due to illness and four commit suicide. Of the remaining defendants, 142 are found guilty of at least one of the charges; 24 receive death sentences, of which 11 are subsequently converted to life sentences; 20 are sentenced to life imprisonment; 98 receive sentences of varying lengths; and 35 are acquitted.

1948 Genocide Convention

On December 9, 1948, the UN General Assembly adopts the *Convention on the Prevention and Punishment of the Crime of Genocide*. Article VI of the Convention provides for alleged criminals to "be tried by a competent tribunal of the State in the territory of which the act was committed or by such international tribunal as may have jurisdiction." Related to this, members of the UN General Assembly ask the International Law Commission to study the possibility of establishing an international criminal court. The US ratifies the Genocide Convention 40 years later, in 1988.

1949-54 International Criminal Court Statute Drafted by ILC

From 1949 to 1954, the UN's International Law Commission formulates draft statutes for an international criminal court but Cold War politics hinder its progress. The UN General Assembly tables the drafts, pending agreement on a definition of the crime of aggression and on a code of international crimes.

1950 Adoption of the Nuremberg Principles

The International Law Commission formulates seven “Nuremberg Principles,” to codify the principles of international law recognized by the IMT Charter and Judgment:

1. Any person who commits an act that constitutes a crime under international law is responsible therefor and liable to punishment.
2. The fact that internal law does not impose a penalty for an act that constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.
3. The fact that internal law does not impose a penalty for an act that constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.
4. The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him.
5. Any person charged with a crime under international law has the right to a fair trial on the facts and law.
6. The crimes hereinafter set out are punishable as crimes under international law: (a) Crimes against peace: (i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances; (ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i). (b) War crimes: Violations of the laws or customs of war which include, but are not limited to, murder, ill-treatment or deportation of slave labor or for any other purpose of the civilian population of or in occupied territory; murder or ill-treatment of prisoners of war or persons on the Seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity. (c) Crimes against humanity: Murder, extermination, enslavement, deportation and other inhumane acts done against any civilian population, or persecutions on political, racial, or religious grounds, when such acts are done or such persecutions are carried on in execution of or in connection with any crime against peace or any war crime.
7. Complicity in the commission of a crime against peace, a war crime, or a crime against humanity as set forth in Principle VI is a crime under international law.

1973 Apartheid Convention

On November 30, 1973, the UN General Assembly adopts the *International Convention on the Suppression and Punishment of the Crime of Apartheid*. The Convention declares that apartheid is a crime for which individuals can be held accountable and defines the crime as a series of “inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them.” Such acts include denial of the right to life and liberty, imposition of living conditions designed to destroy the group, legislative measures to prevent the group’s participation in national life, division of the population along racial lines, and exploitation of the group’s labor force. Moreover, the Convention characterizes apartheid as a crime against humanity.

1954 ILC Draft Code of Offenses against the Peace and Security of Mankind

The International Law Commission (ILC) issues *The Draft Code of Offenses against the Peace and Security of Mankind*. It contains a list of crimes (including the crime of aggression, for which no definition is provided) and a series of progressive principles such as command responsibility, individual criminal liability for international crimes, and negation of Head of State immunity. General Assembly consideration of the Draft Code is deferred until the ILC can make further progress on the definition of the crime of aggression.

1961 Trial of Adolf Eichmann

In 1960, the Israeli government seizes key Holocaust organizer and SS commandant Adolf Eichmann in Argentina and puts him on trial in Jerusalem the following year. Asserting passive personality and universal jurisdiction over Eichmann’s crimes, the Israelis conduct the first trial in history for the crime of genocide – in the form of “Crimes against the Jewish People” – an offense largely mirroring Article II of the 1948 Genocide Convention. Unlike the Nuremberg trials, this proceeding’s focus is the crimes of the Holocaust and it becomes a watershed in terms of raising international awareness about the Final Solution and its victims. Eichmann is found guilty as charged, a verdict upheld by the Israeli Supreme Court, and he is executed on May 31, 1962.

1961 Founding of Amnesty International

Amnesty International is founded in London in July 1961 by English labor lawyer Peter Benenson to highlight the plight of political prisoners and advocate for human rights. In addition to traditional human rights work, it provides guidance, education and advocacy regarding international criminal justice issues. Human Rights Watch (originally founded in 1978 as Helsinki Watch to monitor the USSR’s compliance with the 1975 Helsinki Accords) is another influential NGO that has played a significant education and advocacy role with respect to the development of international criminal justice.

1974 UN General Assembly Adopts Resolution on Aggression

On December 14, 1974, the UN General Assembly adopts Resolution 3314, a broad definition of aggression, drawn largely from Article 2(4) of the Charter (though omitting reference to threats) and then enumerates specific examples of acts of aggression including, but not limited to: (a) the invasion or attack by the armed forces of a State of the territory of another State (including related military occupation); (b) bombardment by the armed forces of a State against the territory of another State; (c) the blockade of the ports or coasts of a State by the armed forces of another State; (d) an attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State; (e) the use of armed forces of one State which are within the territory of another State with the agreement of the receiving State; (f) the action of a State in allowing its territory to be used by another State for perpetrating an act of aggression against a third State; and (g) the sending by a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State. This resolution takes on new life when, many years later, the ICC member states debate whether the crime of aggression should be within the jurisdiction of the International Criminal Court (ICC).

1984 Convention Against Torture

The 1984 *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* provides a detailed definition of torture and other cruel, inhuman or degrading treatment, and prescribes a series of measures to deal with these crimes, including, in Articles 5-7, a state obligation, premised on universal jurisdiction, to either institute criminal proceedings against the torturer or to extradite the person to another state to stand trial there.

1989 Trinidad and Tobago Request Statute for Permanent ICC

Motivated in part by an effort to combat drug trafficking, Trinidad and Tobago resurrects a pre-existing proposal for the establishment of a permanent international criminal court, and petitions the UN General Assembly to prepare a draft statute. The International Law Commission then prepares a draft statute for presentation at a diplomatic conference.

1994 Establishment of the ICTR

The April-July 1994 genocide in Rwanda motivates the UN Security Council to establish, pursuant to Resolution 955 of November 8, 1994, a second ad hoc tribunal, the *International Criminal Tribunal for Rwanda* (ICTR). The ICTR has jurisdiction over offenses of genocide, crimes against humanity and war crimes (in violation of Common Article 3 and/or Additional Protocol II) committed during the year 1994. It indicts 92 individuals, including former Prime Minister Jean Kambanda (who pleads guilty to genocide), and genocide mastermind Colonel Théoneste Bagosora, who is tried and convicted. In all, it convicts 60 persons in 40 judgments and acquits 10 persons while transferring four persons for trial to national jurisdictions (one each to the Netherlands and Rwanda and two to France). The ICTR also makes significant contributions to the development of international criminal law, particularly with respect to the law of genocide and atrocity speech.

1977 Additional Protocols to the Geneva Conventions

In 1977, the Geneva Conventions (GC) are supplemented by two further agreements. Additional Protocol I (AP I) applies to international armed conflict and expands the GC protections in various ways, including detailed protections for civilians during military operations, command responsibility and a prohibition on methods of warfare that are intended to cause or may cause widespread, long-term, and severe damage to the environment. Additional Protocol II (AP II) is the first international treaty devoted exclusively to situations of non-international armed conflict (NIAC), defined by the ICRC as “protracted armed confrontations occurring between governmental armed forces and the forces of one or more armed groups, or between such groups, arising from the territory of a state.” AP II expands upon the minimal humanitarian NIAC regulations previously covered by Common Article 3 alone. Both AP I and AP II prohibit recruiting or using child soldiers (i.e., children under the age of fifteen).

1987 Trial of Klaus Barbie

Extradited from Bolivia three years previously, former Lyon Gestapo chief Klaus Barbie is tried in France, found guilty of crimes against humanity, and sentenced to life in prison. In the course of the proceedings, French courts find that crimes against humanity need not be limited to civilians; they may also be committed against military personnel, e.g., members of the French Resistance. The French eventually prosecute and convict former Vichy officials Paul Touvier (1994) and Maurice Papon (1997) of Holocaust-related crimes against humanity.

1993 Establishment of the ICTY

Atrocities committed in Bosnia-Herzegovina and Croatia in connection with the dissolution of the former Yugoslavia provoke the UN Security Council to establish the ad hoc *International Criminal Tribunal for the Former Yugoslavia* (ICTY) on May 25, 1993, pursuant to Resolution 827. The ICTY has jurisdiction over war crimes, genocide and crimes against humanity committed on the territory of the former Yugoslavia as of 1991. It indicts 161 persons, including former Serbian president Slobodan Milosovic (who dies before the end of his trial), and Bosnian-Serb leaders Radovan Karadzic and Ratko Mladic. In all, it convicts and sentences 64 persons in 50 separate proceedings, acquits 13 persons and transfers 8 cases involving 13 persons to national jurisdictions. In the process, the ICTY generates groundbreaking jurisprudence in the area of international criminal law.

1998 Adoption of the Rome Statute of the International Criminal Court

On July 17, 1998, working from the draft ILC statute, a diplomatic conference of 120 countries adopts the *Rome Statute of the International Criminal Court* (ICC). The ICC is given jurisdiction over the crimes of genocide, crimes against humanity, war crimes, and aggression (pending future review, aggression is not defined or activated) committed by citizens of signatory states or committed on their territories, regardless of the perpetrator's citizenship. The Court may be seized of a case in one of three ways: (1) referral by a state party; (2) referral by the Security Council (in which case the crimes alleged need not be perpetrated by a signatory's citizen or on a signatory's territory); and (3) a Prosecutor-initiated investigation. The Statute provides that the ICC is to operate on the principle of "complementarity," providing that the ICC intervene only when domestic institutions are unwilling or unable to act on their own.

2000 Establishment of the East Timor Special Panels

In March 2000, after Indonesian military personnel commit atrocities in East Timor, the UN Transitional Administration in East Timor (UNTAET) establishes the *Special Panels of the Dili District Court* to prosecute genocide, war crimes, crimes against humanity, murder, sexual offenses and torture. The Special Panels, which close in 2005, constitute a "hybrid" tribunal in that they blend East Timorese and international personnel and law. The Tribunal issues indictments against 391 persons, conducts 55 trials, and secures 84 convictions and 4 acquittals.

2002 Rome Statute Enters Into Force

The 60th ratification of the Rome Statute is deposited on April 11, 2002, and the ICC officially comes into being on July 1, 2002. The inaugural meeting of the ICC's Assembly of States Parties (ASP) is held in New York City from September 3-10, 2002.

2003 Establishment of the Extraordinary Chambers in the Courts of Cambodia

On June 6, 2003, the *Extraordinary Chambers in the Courts of Cambodia* (ECCC) are established, pursuant to an agreement between the Royal Government of Cambodia and the United Nations to try senior members of the Khmer Rouge for serious violations of Cambodian penal law and international criminal law. On July 26, 2010, the ECCC indicts Kaing Guek Eav (aka "Comrade Duch"), the commandant of Security Prison 21 (aka "Tuol Sleng"), the Khmer Rouge's torture and detention facility in Phnom Penh, for crimes against humanity and war crimes, and he is later sentenced to life in prison. Senior Khmer Rouge leaders Nuong Chea, Khieu Samphan, Ieng Sary, and Ieng Thirith are also indicted.

1998 Universal Jurisdiction Case of Augusto Pinochet

In a landmark case, on October 10, 1998, Spanish magistrate Baltasar Garzon indicts for human rights crimes former Chilean dictator General Augusto Pinochet, who is arrested in London and deemed by the British Law Lords to be extraditable to Spain pursuant to the principle of universal jurisdiction. Although he is ultimately released on grounds of ill-health, the unprecedented detention of Pinochet on foreign soil for atrocity crimes committed in his homeland, without a warrant or request for extradition from Chile, represents a watershed in international criminal law with respect to the principle of universal jurisdiction.

2002 Establishment of the Special Court for Sierra Leone

In 2002, after horrific atrocities are committed during the Sierra Leone Civil War, the UN and the government of Sierra Leone enter into an agreement to create a "treaty-based sui generis court of mixed jurisdiction and composition" in Sierra Leone's capital, Freetown, with the aim of trying "those who bear greatest responsibility" for the war crimes and crimes against humanity committed as of November 30, 1996, including chopping off the limbs of those who failed to profess loyalty to the rebels. This hybrid tribunal consists of two trial chambers with two international and one Sierra Leone judge each, an Appeals Chamber with three international and two Sierra Leone judges, and a Prosecutor appointed by the UN Secretary-General and a Deputy Prosecutor appointed by the Sierra Leone government. The Court indicts 11 persons, and secures 9 convictions from among the following military groups: the Revolutionary United Front (RUF); the Armed Forces Revolutionary Council (AFRC), the Civil Defence Forces (CDF). In a special courtroom in The Hague, it also prosecutes former Liberian President Charles Taylor and convicts him of aiding and abetting the RUF. Taylor's conviction on April 26, 2012, is the first conviction of a head of state pursuant to trial since Admiral Doenitz's conviction at Nuremberg.

2003 ICC Becomes Operational

On March 11, 2003, the first ICC judges are sworn in at a ceremony hosted by the Netherlands in The Hague. Fifteen cases in the following seven situations are then brought before the ICC: Situation in Uganda; Situation in the Democratic Republic of the Congo; Situation in Darfur, Sudan; Situation in the Central African Republic; Situation in the Republic of Kenya; Situation in Libya; Situation in Côte d'Ivoire.

2005 Establishment of the Court of Bosnia and Herzegovina War Crimes Chamber

After war crimes chambers had been established to deal with 1990s atrocities committed in Kosovo (so-called “Regulation 64” panels, set up within the domestic Kosovo court system in 1999) and Serbia (War Crimes Panel within the Belgrade District Court, created in 2003), a joint initiative between the ICTY, and the Office of High Representative (OHR) in Bosnia and Herzegovina (BiH) established the War Crimes Chamber (WCC) in the Court of BiH. The WCC has five panels of both domestic and international judges who preside over cases involving human rights or war crimes that took place in BiH during the 1992-1995 Balkans conflict. The WCC has several cases transferred to it by the ICTY as part of the ICTY’s completion strategy; it also handles new cases not originating from the ICTY.

2006 Hamdan v. Rumsfeld

In *Hamdan v. Rumsfeld*, 548 U.S. 557 (2006), the US Supreme Court invalidates the Bush Administration’s military commissions – which had been established to prosecute prisoners detained at Guantanamo Bay in connection with the Administration’s “war on terror” – because the commissions do not comply with due process guarantees in the Uniform Code of Military Justice and the Geneva Conventions’ Common Article 3. The Court rejects the Bush Administration’s argument that Common Article 3 does not protect the prisoners at Guantanamo, concluding that the conflict with al Qaeda is a non-international armed conflict within the meaning of Common Article 3.

2010 ICC Review Conference Amends 1998 Rome Treaty as to Crime of Aggression

On June 11, 2010, after nearly two weeks of intense debate and years of preparatory work, the Review Conference of the Rome Statute, meeting in Kampala, Uganda, adopts Amendments to the Statute that include a definition of the crime of aggression and a regime establishing how the Court will exercise its jurisdiction over this crime. At the earliest, the ICC will be empowered to exercise jurisdiction over the crime of aggression after January 1, 2017, assuming that at least 30 ratifications have been obtained by that date, and that a decision is made by a 2/3 majority of the States Parties to activate the jurisdiction.

2012 Liechtenstein Becomes First Nation to Ratify Kampala Amendments on Aggression

On May 8, 2012, the Principality of Liechtenstein deposits at the United Nations its instrument of ratification of the aggression-related Amendments to the Rome Statute that were adopted at the 2010 Kampala Review Conference. This constitutes the first ratification of the Amendments that include a definition for the crime of aggression and a procedure for the ICC to exercise its jurisdiction over individuals who, as leaders of States Parties, plan, prepare, initiate or execute acts of aggression against other States Parties of the ICC.

2005-06 Trial of Saddam Hussein by the Supreme Iraqi Criminal Tribunal

Beginning in October 2005, Saddam Hussein and seven other defendants are prosecuted by the *Supreme Iraqi Criminal Tribunal* (formerly known as the *Iraqi Special Tribunal*), established under Iraqi national law as a special domestic court to try atrocity and corruption crimes committed between July 17, 1968 and May 1, 2003. Hussein and his co-defendants are charged with crimes against humanity with regard to events that took place after a failed assassination attempt in Dujail in 1982. Hussein is convicted on November 5, 2006 and hanged on December 30, 2006. Hussein and five of his subordinates, including Ali Hassan al-Majid (aka “Chemical Ali”) are also indicted on genocide charges in connection with the al-Anfal “Kurdish Genocide” Campaign, and all five are convicted in that case. In all, the Tribunal indicts 24 persons, of whom 17 are sentenced in five separate trials for genocide, war crimes and crimes against humanity, including Tariq Aziz, the former minister of foreign affairs. Three persons are acquitted.

2007 Establishment of the Special Tribunal for Lebanon

To prosecute the perpetrators of the 2005 assassination of Lebanese Prime Minister Rafiq Hariri, on May 30, 2007, the UN Security Council creates the Special Tribunal for Lebanon (STL). Seated in The Hague, the STL’s subject matter jurisdiction is limited to terrorism-related offenses under Lebanese law and its personnel are a mix of international and Lebanese. On June 28, 2011, the STL confirms the indictment of four defendants, Mustafa Amine Badreddine, Salim Jamil Ayyash, Hussein Hassan Oneissi, and Assad Hassan Sabra – all members of Hezbollah accused of coordinating and executing the assassination.

2012 ICC’s First Trial Verdict: Thomas Lubanga Found Guilty

On March 14, 2012, a panel of ICC judges finds Thomas Lubanga guilty of the war crimes of conscripting, enlisting, and using children under the age of fifteen years for combat purposes while he served as political head of the Union of Congolese Patriots (UPC), a rebel group in the Ituri region of the Democratic Republic of the Congo (DRC). This is the ICC’s first verdict since becoming operational in 2003. On July 10, 2012, the ICC sentences Lubanga to fourteen years imprisonment.

To propose additions to this Timeline, please contact Sandra Schulberg at ssschulberg@aol.com.

Schulberg Productions gratefully acknowledges the assistance of Michael Bazyley, Don Ferencz and Stefan Barriga.

Graphic design by Israel Ehrisman.