INVESTIGATION OF THE REASON, LAWS AND PUNISHMENTS OF REAL AND LEGAL PERSONS OF THE THIRD INTERNATIONAL CRIMINAL COURT

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Abstract
As a result of the bloody wars, international criminal courts were formed based on different time conditions. The purpose of the International Criminal Tribunals was to prosecute and prosecute perpetrators of international crimes and ultimately to create international peace and security and order. Looking at the historical evolution, it is clear that the idea of establishing an International Criminal Court has existed for almost a hundred years, and even the idea of establishing an International Criminal Court at the end of World War I has been raised, but unfortunately because of the orientations. Political and Lack of International Implementation and Occasionally Dispute between Heads of State This global idea was never realized. Until another war broke out and World War II broke out, the world once again witnessed atrocities at a much larger scale and more catastrophic than the First World War, and thereafter the international community came to the realization that the First Establish an international tribunal in the international arena, followed by the Nuremberg International Tribunal and the Tokyo International Military Tribunal to uphold the rights of thousands of innocent people affected by the catastrophe of war and the atrocities resulting from it.

Key Words: International Criminal Courts • Third Generation Courts • International Criminal Tribunal • Fourth Generation • International Law

INTRODUCTION
As a result of the bloody wars, international criminal courts were formed based on different time conditions. The purpose of the International Criminal Tribunals was to prosecute and prosecute perpetrators of international crimes and ultimately to create international peace and security and order. Looking at the historical evolution, it is clear that the idea of establishing an International Criminal Court has existed for almost a hundred years, and even the idea of establishing an International Criminal Court at the end of World War I has been raised, but unfortunately because of the orientations. Political and Lack of International Implementation and Occasionally Dispute between Heads of State This global idea was never realized. Until another war broke out and World War II broke out, the world once again witnessed atrocities at a much larger scale and more catastrophic than the First World War, and thereafter the international community came to the realization that the First Establish an international tribunal in the international arena, followed by the Nuremberg International Tribunal and the Tokyo International Military Tribunal in order to secure the right of thousands of innocent people affected by the catastrophe of war and its atrocities; The world has taken a major step towards a decisive role in ensuring human security. After the collapse of the former Soviet Union, humanity thought that after this world would live in peace away from the war and the disasters that followed, but the crimes in Rwanda and the former Yugoslavia and so on. It bitterly proved that international criminals will not tolerate the peace and quiet of humanity. The establishment of international criminal tribunals for the former Yugoslavia and for Rwanda by the UN Security Council in 1993 and 1994, respectively, under Chapter 7 of the UN Charter, despite their limited competence, is a remarkable achievement. Fifty years after the Universal Declaration of Human Rights and fifty years after the signing of the International Convention on the Elimination of Genocide, the international community has finally established a permanent body to punish not only serious crimes that undermine world conscience, but also prevent it. Committing them too. The emergence and formation of successive international criminal courts is a fascinating phenomenon of the new era. This is the result of the unity and relative consensus of the leaders of the present nations in order to bring the criminals who want to disrupt the global peace and tranquility. After the Second World War, the Nuremberg and Tokyo International Military Courts were established under the London Agreement of August 8, 1945, explicitly recognizing the individual responsibility of individuals for crimes against peace, war crimes and crimes against humanity. The most important of these courts, as stipulated in the Nuremberg and Tokyo letter, was the trial and punishment of those accused of committing war crimes, and the court procedure was designed to hold individuals accountable for international law. He insisted. To this end, to address these crimes, various international criminal courts have been designated, First-Instance Courts (Nuremberg and Tokyo), Second-Instance Courts (Yugoslavia and Rwanda), Third-Instance Courts (Sier Leonnean Special Court, Lebanon Special Court), Best) and finally the International Criminal Tribunal was established and established under the jurisdiction of the fourth-generation tribunals. Due to the lack of a permanent and effective criminal enforcement guarantee, international crimes occur repeatedly and repeatedly worldwide. Thus, the punishment of the perpetrators of criminals who violate and violate human rights plays a decisive role in ensuring and sustaining world peace and lasting peace.

The first, second, and third generations of this international tribunal are temporary, and the fourth generation, which has evolved from the previous generations, is the permanent tribunal of the International Court of Justice. The first-instance courts, like the Tokyo and Nuremberg courts, are based on an international treaty. Second-generation courts, such as the former Yugoslavia and Rwanda International Criminal Courts, also called the Special Courts (Ed Hook), are based on the Security Council Resolution and in accordance with Chapter 7 of the United Nations Charter (which authorizes the use of armed forces for abolation). An intruder or threatening agent issues international security), are formed. The main end of these trials was to end war crimes and to prosecute and punish major
human rights violators and those responsible for crimes and to help maintain and restore global peace and security. Third Circuit Courts that are also the subject of this study in the late 1990s and subsequently the 2000s, with the help of the laws and experiences of the first-instance courts (Nuremberg and Tokyo) and the second (International Criminal Courts of Yugoslavia, Rwanda), are aimed to restore world peace and ensure that human rights abusers and war criminals are executed. These courts are formed following the issuance of a Security Council resolution based on an agreement between the United Nations and a government. These courts are also called mixed courts. The East Timor Special Court, the Khmer Rouge Court (The Cambodia Special Courts), the Sierra Leonian, Lebanon and Kosovo Special Courts are examples of this generation of courts. There are two reasons we can say that these courts are mixed: the first reason is that it is a combination of national or national judges and international judges and the second is the validity of dual and complex rules, which is a combination of the rules of the judiciary. Domestic offenses are the scene of international crimes and trials that each have a positive and negative impact on their trials. In a broader sense, it is even possible to apply the laws of a third country to the enforcement of judgments issued by third-generation courts, followed by two examples of agreements reached between international organizations and countries. First: the first agreement with the country where the crime took place with the aim of prosecuting and combining national laws and international regulations.

Second: Agreement with a country other than the crime scene, with the aim of enforcing imprisonment sentences that, in the process of enforcing the sentence, will be governed by the laws of these countries on how to execute imprisonment or reduce the sentence and pardon the convicts. With the establishment of mixed or so-called third-generation courts, international law has entered a new phase in its evolution. It is important to note that the question of the unity or dichotomy of national law and international law has always been one of the most controversial issues in international law scholars’ writings, and that if we believe in unity, international law will prevail over national law. Whether or not it is one of the controversial issues discussed by scholars in this field. If we take a look at recent centuries, we find that as we approach the 20th century and the end of this century, the number of supporters of the theory of international law over national law grows. As is commonly known in international law, governments have in the past been more inclined to the doctrine of law, and this was due to their zeal for sovereignty and independence, but with the restriction of governments’ autonomy over the present century. And the need for international cooperation has gradually diminished the importance of the doctrine of the law of rights, and has gradually increased the importance and influence of the theory of legal unity with the supremacy of international law in practice. Third-generation international tribunals have been established in partnership with the United Nations and the government that has committed international crimes in its homeland. Most of the hearings have been based in the territory of the crime scene and in some cases even the relevant government has agreed to hold the trial outside the country - The Hague if necessary. The acceptance of UN intervention or cooperation in the establishment of these courts and the prosecution of crimes within the territories of the countries concerned is a form of acceptance of the principles of international law over sovereignty and national law. In addition, by examining the provisions of the agreements between the United Nations and the relevant government and the statutes establishing the courts, a kind of domination of international law over national law is evident.

In establishing mixed courts, such as other international judicial bodies such as the International Court of Justice or the European Court of Human Rights, the principles in dealing with crimes such as fair trial and ensuring the independence and impartiality of judges are fully respected. These courts have clear and statutory principles of procedure, and their decisions and opinions are guaranteed by national and international law enforcement. The purpose of forming mixed courts is to punish perpetrators in serious violation of the principles of international law, in particular humanitarian law, as well as the detention of other perpetrators of international crimes and ultimately the restoration of the rule of law in the international arena. Unlike the International Criminal Court and, like the former Yugoslavia and Rwanda International Criminal Tribunals, these courts are also established within a specific geographical and national area to handle international and domestic crimes within a specified time period. They are formed. The most important difference between mixed courts and other international courts is that the third-generation courts are in most cases either partially related to the country’s judicial system or are not within the framework of the domestic judicial system. On the other hand, the legal basis for their establishment is also different, as the former Yugoslavia and Rwanda crime tribunals were created under the Seventh Resolution of the United Nations Charter and as a subsidiary body of the Security Council, but the mixed courts are based on bilateral agreements between the United Nations. The alliance and the government, which is the scene of the crimes, are formed. The rules of these courts are a combination of national and international law, and their legitimacy derives from both legal systems. The judges, prosecutors, and staff of such tribunals are also elected from nationals of the country concerned and other UN-designated countries, and thus have domestic and international jurisdictions.

At the end of World War I, the conquering governments of the war under the Treaty of Versailles in 1919 called for the trial of the German emperor on charges of gross violations of international morality and the sacred validity of the treaties, thus completely undermining the regime’s complete immunity. It took. Although the Netherlands refused to extradite Wilhelm II to the German court and grant him political asylum, the decision led to the formation of a Leipzig court in German territory presided over by a German judge and to investigate and file several war crimes cases. Sentences were issued. After World War II, the Nuremberg and Tokyo International Military Courts, established under the London Agreement of August 8, 1945, explicitly recognized the individual responsibility of individuals for crimes against peace, war crimes, and crimes against humanity. The common law chapter of the three courts mentioned was that after the end of the war it was formed by the conquerors to try the defendants and impose on the survivors of the war. The most important of these courts, as stated in the Nuremberg and Tokyo Statutes, was the trial and punishment of those accused of committing war crimes and emphasizing the responsibility of individuals in the international arena and in international law. In addition to the above, UN General Assembly Resolution 1946 adopted in the framework of customary international law, Article 4 of the 1948 Convention on Mass Destruction, Article 3 of the 1973 Apartheid Convention, and Articles 4 to 12 of the 1984 Convention on Torture also abolished the immunity of former heads of state. Emphasizes and emphasizes the connection with international crimes. Subsequently, with the establishment of the former Yugoslavia, Rwanda, Sierra Leonian and British Criminal Courts in the case of Pinochet, the immunity regime changed dramatically, and the fundamental immunities of heads and other former government officials of the international crimes were seriously questioned.

What is important about third-generation courts is that given the scale and form of the crimes committed in Lebanon compared to the crimes committed in the other five countries, the Lebanese mixed criminal court has a special status and perhaps comparable credit. With five other countries. One of the most important features of the third-generation courts is their relevance to the Security Council, which is based on an agreement between the applicant governments and the United Nations or a regional organization such as the African Union. Have taken.

Third-generation courts differ in terms of prosecution jurisdiction and the type and amount of punishment perpetrators have. For example: the Special Tribunal in

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Lebanon has jurisdiction to deal with terrorist crimes stemming from the bombings, while the Special Tribunal for Kosovo deals more with ordinary and ordinary crimes, and its judges are composed of national and international judges. On the other hand, the location of these courts is an important feature of these courts, but it can still be argued that third-generation courts follow a uniform structure. For example, prosecution of perpetrators, although the principle of territorial jurisdiction or, in other words, the country where the crimes took place, but in practice in some cases, the seat of the court has been out of place, such as the Charles case. Taylor, related to the Sierra Leonean crimes that took place in the Netherlands, as also the Cambodian Khmer Rouge case and that, and the crime of genocide, was set up to investigate the matter? One of the causes of the commission of the crimes, and why despite Cambodia's official leadership during the so-called Democratic Republic of Cambodia (1975-1979), the Cambodian People's Revolutionary Court to investigate the crimes they had committed. On August 15, 1979, the Cambodian People's Revolutionary Court convicted Paul Put in absentia for crimes against humanity and genocide. The court's ruling was not recognized by members of the international community for failing to comply with international legal standards. On June 21, 1997, the Cambodian Government officially addressed the United Nations with the request of the international community to formally petition to establish a competent tribunal to prosecute perpetrators of gross human rights abuses in Cambodia. On March 15, 1999, a group of UN experts responded to the request, proposing to set up a court outside Cambodia that was opposed by the government. On August 10, 2001 while still between the government and the United Nations Unanimous, the law was adopted by the Cambodian Parliament (forming special branches of Cambodian courts to investigate crimes committed during the rule of the Democratic Republic of Cambodia). On February 8, 2002, the United Nations announced its withdrawal from the so-called Red Trial Talks. On June 6, 2003, an agreement was signed between the UN and the Cambodian government in Phnom Penh, which provided for the prosecution of crimes committed during the rule of Cambodian Cambodians. On October 27, 2004, the Act amending the law (establishing special branches of the Khmer Rouge Tribunal to investigate crimes committed during the rule of the Democratic Republic of Cambodia) was adopted pursuant to the June 6, 2003 Agreement, which subsequently became international. On February 8, 2006, the court's administrative staff was appointed and hired. On July 3, 2006, national and international judges were sworn in. On December 2, 2007, the court formally commenced its activities by adopting the Rules of Procedure and the Rules of Procedure.

1. The Background and Reason for the Establishment of the Third Generation International Tribunals

In this article, the context and reasons for the emergence of each of the third-generation international criminal tribunals are analyzed.

1.1. Background and Cause of the Cambodian International Criminal Court

The Khmer Rouge Tribunal or the Special Branches of the Cambodian Tribunal is a judicial mechanism set up with international assistance and UN assistance to deal with the Khmer Rouge complaints and prosecution and trial that was approved on June 12, 2007. The Rules of Procedure and the Rules of Procedure formally commenced. The judicial mechanism established in this court was established to motivate the trial of key Khmer Rouge leaders and individuals who held the highest level of criminal responsibility for crimes committed during the so-called Democratic Cambodian or Khmer Rouge regime (April 17, 1975-January 6, 1979). A period that resulted in the deaths of more than one million and seven hundred thousand people as a result of hunger, torture, forced labor and execution. The tribunal is in fact composed of special and temporary tribunals following the 2003 agreement of the Cambodian government and the United Nations and the participation of the international community with the aim of providing justice to Cambodian nationals, strengthening the rule of law and establishing national reconciliation with the help of tools such as rights. National, International Law, International Codes of Human Rights and Humanitarian Law were established by adopting a domestic law in the Cambodian court structure. The court is structured and designed so that it is capable of doing so at the same time under Cambodian national law or the established or customary rules of international law in accordance with international standards governing the concept of justice. In addition, the jurisdiction of the court in respect of time and place and perpetrators is restricted, respectively, to the crimes committed in Cambodia from April 17, 1975 to January 6, 1979, and to the leaders and perpetrators of crimes committed during the so-called democratic Cambodian era. There are questions about this International Tribunal, judicially, and the judicial and lack of respect for the commission of crimes, and why despite Cambodia's membership of the International Criminal Court. A joint court was set up to investigate the matter? One of the causes of catastrophes such as crime against humanity and genocide, foreign interference in the country and lack of respect for the right to self-determination of nations, which results in internal conflict and hostility. The Khmer Rouge, after seizing power, implemented its Marxist-Leninist programs as transitional programs. They abolished private property in order to create a classless society and, in pursuit of their ideological goals, forced about two million people to farm in Phnom Penh and elsewhere, both in the process and in the field. Forced labor flows. Many people died for forced labor on agricultural land. The Khmer Rouge claimed that only people of good will are capable of making a revolution, and if they cannot, they will be executed. For example, executed thousands of soldiers, military officers, officials of the Khmer Rouge and a number of others, all of whom were not regarded as pure Khmer Rouge. They forced people to believe and follow the leader of the party. This leader was considered by them to be the parents of the whole nation. In addition to enforcing the people and their ranks, the Khmer Rouge divorced, executed, tortured, and ultimately imprisoned their opponents, achieving a degree of recognition and humiliation in pursuit of their goals: There is no benefit in keeping you and no harm in destroying you.

It is important to note that given the magnitude of the catastrophes in Cambodia, at that time, no response from the international community expressing the intention to bring to justice those who were prosecuted and prosecuted was actually carried out. The failure of the international community in the 1970s to determine the punishment for international crimes and the realization of international criminal justice was the reason for the lack of proper response at the time. In the wake of international developments and the spread of crimes against humanity in Cambodia, the Red Khmer agreed on April 8 15, 1998, to surrender Paul Point to the People's Revolutionary Court to investigate the crimes they had committed. On August 15, 1979, the Cambodian People's Revolutionary Court convicted Paul Put in absentia for crimes against humanity and genocide. The court's ruling was not recognized by members of the international community for failing to comply with international legal standards. On June 21, 1997, the Cambodian Government officially addressed the United Nations with the request of the international community to formally petition to establish a competent tribunal to prosecute perpetrators of gross human rights abuses in Cambodia. On March 15, 1999, a group of UN experts responded to the request, proposing to set up a court outside Cambodia that was opposed by the government. On August 10, 2001 while still between the government and the United Nations Unanimous, the law was adopted by the Cambodian Parliament (forming special branches of Cambodian courts to investigate crimes committed during the rule of the Democratic Republic of Cambodia). On February 8, 2002, the United Nations announced its withdrawal from the so-called Red Trial Talks. On June 6, 2003, an agreement was signed between the UN and the Cambodian government in Phnom Penh, which provided for the prosecution of crimes committed during the rule of Cambodian Cambodians. On October 27, 2004, the Act amending the law (establishing special branches of the Khmer Rouge Tribunal to investigate crimes committed during the rule of the Democratic Republic of Cambodia) was adopted pursuant to the June 6, 2003 Agreement, which subsequently became international. On February 8, 2006, the court’s administrative staff was appointed and hired. On July 3, 2006, national and international judges were sworn in. On December 2, 2007, the court formally commenced its activities by adopting the Rules of Procedure and the Rules of Procedure.

1.2. Background and cause of the International Tribunal for East Timor

The 1990s are a crucial milestone in the history of international criminal justice, and especially in the era of global expansion and the growing development of international criminal law. This culminated with the fall of the Berlin Wall and the beginning of the second wave of emancipation in the form of state-mother-state breakdown and the development of the process of emerging nations seeking political independence and emancipation from the former centers of colonial territorial order. At this juncture, the international community has witnessed many tragic events and attempts aimed at suppressing separatist separatists, which in their own right, are a frightening experience and a lesson to be learned. East Timor, occupied by Indonesia in 1975, is one of the countries...
experiencing civil war and colonization. Ruled by Indonesia until 1999, it gained independence following a popular referendum and movement in 1999, with subsequent crimes including genocide, rape, torture and forced transfer. Faced with independence, these actions prompted the reaction of the international community, and finally, a specialized tribunal was formed in conjunction with the United Nations to investigate crimes and crimes. An East Timor court set up to try and punish perpetrators of crimes committed by Indonesian and government-backed militias that killed thousands of people, though due to political and The perpetual wrangle over the rights and power of only a limited number of leaders and collaboration has been tried by the side of several thousand people and displacing about 500,000 people from their homes. Following the request of the UN Commission on Human Rights, the Timor-Leste Truth Commission was established by the UN Secretary-General and in its final report in 2000 established a body to prosecute and prosecute crimes committed by perpetrators of human rights violations who have grossly violated human rights and humanitarian law. Have been called, regardless of the nationality of the perpetrators and the crime scene. A special tribunal composed of international and national judges with crimes committed in the first period from February 25 to October 25, 1999, based on efforts by the United Nations Transitional Administration in East Timor Resolution 1272 in East Timor. Slow. The East Timor Special Court is located in the capital of the country. Until 2003, the court had only one branch, but in 2003 the second branch was established and then the third branch was established. Each branch consisted of two international judges and one East Timorese judge. Of course, with regard to the national international or complex structure of the tribunal, it is worth noting that the UN Security Council and the Secretary-General of the Tribunal have designated the tribunal as a special tribunal similar to that of the former Yugoslavia and Rwanda. Are security) do not recognize.

1-3 Reasons for the establishment of the International Criminal Court of Bosnia and Herzegovina

The International Court of Justice ruled after 14 years of petition dated 20 March 1993 by the Government of Bosnia and Herzegovina against Yugoslavia (Serbia and Montenegro) for the implementation of the Convention on the Prohibition and Punishment of the Crime of Genocide. In this hearing, the Court is faced with a variety of legal and historical issues that may prolong the trial. The verdict is of particular importance in many respects, and is particularly relevant given the criminal and legal aspects of the events related to the atrocities and crimes committed in Bosnia in the former Yugoslavia International Criminal Tribunal. In this case, the appellants ask the Court to condemn the breach of the Convention on the Prohibition and Punishment of the 1948 Genocide of the UN General Assembly and other international crimes described in the petition. The Court has examined many issues and issues that are unprecedented in their kind. In addition, the verdict was widely criticized. In spite of the complexities involved in identifying the perpetrator and the succession issues of the States, the Court was finally able to issue a substantive verdict on February 26, 2007, not because of genocide, but because it did not prevent the perpetrator. It’s responsible for knowing. This paper analyzes analytically the aforementioned substantive opinion and evaluates it positively. Following the collapse of the USSR in August 1991 and the eventual defeat of the Eastern bloc, a wave of independence movements in the bloc-dependent countries led to the bloody wars in the Balkans and the Socialist Federal Republic of Yugoslavia in general. Transformed and its political geography turned into small republics one after the other, separated and declared independence. Following the bloody tribal, religious and ethnic wars of the Republic of Croatia, Macedonia, Serbia, Montenegro, Bosnia and Herzegovina and Slovenia were separated. Following Croatia’s and Slovenia’s declaration of independence from Yugoslavia, Bulgaria and Herzegovina also decided on independence. The Serbian Democratic Party demanded the creation of an independent Serb territory in Bosnia and Herzegovina. For the leaders of the party, there was a major obstacle in their way, the predominantly Bosnian Muslim population that Serb politicians saw as the obstacle to achieving their goal. To achieve their goal, they had decided to change the demographic structure by cutting, removing, wiping out and massacring the Muslims and to some extent the Croats, adopting it as a general program and policy and implementing it during the war years. On 20 March 1993, the Government of Bosnia and Herzegovina files a lawsuit against Yugoslavia (Serbia and Montenegro) for the implementation of the Convention on the Suppression and Punishment of the Crime of Genocide, requesting that the Court exercise the Convention on the Prohibition and Punishment of the Crime of Genocide. 1948 United Nations General Assembly, Fourteenth Geneva Conventions 1949 and First Protocol of 1977 to the Geneva Conventions, International Armed Forces, Hague 1907 Convention on Land Wars, Fundamental Principles of International Humanitarian Law, Universal Declaration of Human Rights, Obligations Derived from general principles and international customs and obligations arising from The provisions of the Charter of the United Nations shall be examined and condemned by the Court, The Government of Yugoslavia for such offenses. The Republic of Bosnia separated from Yugoslavia in March 1991 and declared independence. The Government of Bosnia and Herzegovina was admitted to the United Nations May 22, 1992. Due to the deterioration of the situation, the newly independent Republic of Bosnia and Herzegovina filed a petition to the International Court of Justice on 20 March 1993 against the Government of Yugoslavia (Serbia and Montenegro). Bosnia and Herzegovina’s lawsuit went from filing a lawsuit for 14 years to a final verdict, and it faced many issues and issues that are unprecedented in their form, despite the judge’s ability to deal with related issues. Subsequent to the succession of states, the Court was finally able to issue its substantive verdict on February 26, 2007, holding the defendant liable not for committing genocide, but for failing to prevent it.

1-4 Background of Sierra Leone Special Court

From the time of Sierra Leone’s independence in 1961 to the outbreak of domestic violence in this country, numerous corrupt governments have emerged. In the early 1990s, a group of insurgents called the Revolutionary United Front launched a ten-year war in the country, exploiting the political and economic turmoil of Sierra Leone. In the Interim Government of Sierra Leone, Fouda Sankoh also backed rebel leader Fouda Sankoh. They also launched their first attack on Liberia on March 23, 1991, to overthrow the government and seize the mines of Sierra Leone’s mines, committing many atrocities since their entry into rape and forced child molestation. On May 4, 1992, the Sierra Leone government recruited Samuel Hingoezeman, a civilian defense force led by Samuel Hingoezeman, to fight insurgents, who later led Ahmed Tajan to power in 1996. End this war. As the clashes erupted in November 1996, the Kabbah government made peace with the insurgents under the Abidjan Peace Agreement, but this peace was due to a coup d’etat of the then-president, Charles Kankai Taylor, also backed rebel leader Fouda Sankoh. They also launched their first attack on Liberia on March 23, 1991, to overthrow the government and seize the mines of Sierra Leone’s mines, committing many atrocities since their entry into rape and forced child molestation. On May 4, 1992, the Sierra Leone government recruited Samuel Hingoezeman, a civilian defense force led by Samuel Hingoezeman, to fight insurgents, who later led Ahmed Tajan to power in 1996. End this war. As the clashes erupted in November 1996, the Kabbah government made peace with the insurgents under the Abidjan Peace Agreement, but this peace was due to a coup d’etat of the Revolutionary Council of Military Forces and a law-abiding government against the government. In May 1997 he was barred. As soon as the government was formed, John Paul Chrome united with the insurgents, the result of which was nothing more than the widespread humanitarian atrocities, including torture and rape of children and children, and the need for arrests and arbitrary detention of dissidents and assassins. With the deteriorating human rights situation in Sierra Leone, the Security Council, at the request of the West African Economic Community, by Resolution 1132, pursuant to its Charter in October 1997, authorized the intervention and
use of force. Finally, in February 1998, the militia of the organization known as Ecumog helped bring Ahmad Tajan Kabah back to power. In May 1999, the parties returned to the negotiating table, and on July 7, all were asked to form a national reconciliation government, the Lamé Peace Agreement, which carries out important parts of the Abu Dhabi peace agreement with the Special Representative of the Secretary-General and the Commonwealth of Independent States. West signed. One of the important points of the agreement was the granting of amnesty to all the rebel forces and their partners, and the establishment of a national reconciliation and reconciliation commission to facilitate the peace process. However, this agreement did not last long. With the prolongation of January 2002, Tarafin officially terminated it on January 18, 2002, and then the central government, with UN-backed support, set up a military tribunal and committed many acts of violence, including many acts of violence. Illegal and arbitrary executions were carried out against the prisoners of the Revolutionary Military Council forces and their insurgents and supporters. Presidential elections were held during which Ahmad Tajan Kabah won again. It should be noted that all the parties involved in the conflict were reluctant to commit any atrocities against civilians, so long as government and paramilitary forces, as well as insurgents, their allies, and soldiers, were recruited. Torture and killing of civilians and prisoners were carried out.

On June 12 and August 9, 2000, then President of Sierra Leone, Ahmad Tajan Kabah, in a letter addressed to the Secretary-General and the United Nations Security Council, made 27 requests for the establishment of an international tribunal for Sierra Leone to help rebels and their associates. The domestic judicial system was in a contentious position at the time of the signing of the Lamé Agreement. It established a "justice-centric" system for the prosecution of criminals. Did. However, Sheura opposed the proposal to establish another international tribunal, and instead proposed the establishment of a special tribunal in the form of a mixed court, and subsequently asked the Secretary-General to conclude an agreement with the Sierra Leone government to conclude an arbitration agreement. Prosecuting those who have the most responsibility for committing crimes against humanity, war crimes and other gross violations of Sierra Leone's domestic and international humanitarian law are subject to jurisdiction. The result of these negotiations was the formulation of a draft agreement establishing the Special Court of Sierra Leone in addition to the Statute, which was finally submitted by the Secretary-General on October 4, 2000, together with his report to the Security Council. The final text of the Sierra Leone Special Court Agreement and Statute, after minor modifications and amendments, was approved by the United Nations and the Government of Sierra Leone on January 16, 2002. On March 7, 2002, the Sierra Leonean Parliament adopted a law implementing both documents in the country. Finally, Article 21 of the Agreement came into force on April 12, 2002, the day after the exchange of legal documents between the parties, the Agreement and the Statute of the Tribunal, after notification by the Secretary-General.

1-5 Background and Reason for the International Tribunal of Lebanon
Lebanon was once again shaken by the beautiful and desolate land of February 14 following a terrorist explosion. The explosion that killed former Lebanese Prime Minister Rafiq Hariri and his twenty-two companions, a phenomenon that has endangered not only innocent lives, but also global peace and security. Therefore, the issue of establishing an international court to investigate the above terrorist acts was felt. The Security Council fails to conduct effective investigations to uncover the truth of the matter by simply establishing an "Independent International Investigation Commission" to assist Lebanese authorities in its "investigation into the various aspects of this terrorist act, in particular identifying its culprits."

Approve and specifically call on the Lebanese Government to give due consideration to the findings and results of the aforementioned "Commission" in the process of the prosecution and execution of the perpetrators by the competent courts of Lebanon; Adopted by the resolutions of 1 December, 2 December, and 2 March 2 The Security Council was neglected for various considerations on 1 and 2 May and led to the establishment of the Special Tribunal. However, it is noted that all parties concerned had agreed to the principle of establishing a court. The Security Council also, in the preface to the above resolution, referring to the letter of the United Nations Secretary-General Fadad Siniora on May 5, stating that the Lebanese Prime Minister had agreed to the establishment of the Special Tribunal, as stated by the Prime Minister of Lebanon. The Security Council, using its powers under Chapter 7 of the Charter, gave Lebanon ten days to comply with the legal requirements for its entry into force in accordance with its internal regulations, which the aforementioned authorities refused to comply with. The Security Council resolution came into force. The UN Secretary-General concluded that the establishment of a mixed court was the best response to the Lebanese government's request and international responsibility in the case. The Secretary-General added that the United Nations' practical procedures over the past five years have focused on establishing different types of international tribunals. A court established by a Security Council resolution or by a statute or by an agreement between the United Nations and countries directly benefiting from the establishment of a court. After much debate between the United Nations and the Lebanese government, the best way to establish a court was through the conclusion of an agreement between the Lebanese government and the Security Council, and the Security Council, having been established by an international treaty, does not mean, however, that it is an international tribunal like the International Criminal Courts of Yugoslavia and Rwanda. The structure, the rules of jurisdiction and the jurisdiction of this court indicate that this is a "special court".

1-6. The field of formation of extraordinary branches of the Senate International Court On February 2, a judicial body called the "Superior African Courts" officially opened in Senegal
It was established on August 1 by an agreement between the African Union and the Senegalese government to try perpetrators of gross violations of international law that took place between 1 and 2 in the territory of Chad. In fact, the Senate government withdrew from these agreements under international pressure and with the requirement of the International Court of Justice following a verdict in a Belgian lawsuit against Senegal (1) called "trial or extradition". In fact, the first defendant in the trial is none other than Mr. Habre, the then President of the Chad government, who held the government for two or three years. As some international sources have said, Mr. Habre was tortured and brutally murdered by many opposition and ethnic groups in Chad during his presidency, so that Human Rights Watch dubbed him "Pinochet of Africa". He had given. According to estimates by some international institutions during Mr. President Huber's presidency, between one thousand and four thousand were killed and more than tens of thousands tortured. Hobre applied for asylum in Senegal and was granted asylum. In 2008, a
number of Chad nationals in Senegal filed a complaint against him, which was rejected at the appeal stage on the grounds that the Senate government had jurisdiction to investigate crimes outside its territory and against nationals of other states and by defendants. No foreigner. Subsequently, in the course of the year, a number of Chad nationals and some civil society organizations filed a complaint against Mr. Hubre in the Belgian judiciary, and the Belgian government, which provided general jurisdiction in its laws, demanded that Mr. Hubre be extradited or brought to justice by the Senate; But the Senate did not respond to any of these requests. As a result, the Belgian government has filed a lawsuit with the International Court of Justice for violating Senegalese regulations under the Convention on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of Commitment or Trial of Defendants to the Tribunal. Justice demanded condemnation of Senegalese government. Acknowledging its jurisdiction in the verdict, the Tribunal stated that: the Senegalese government must either bring Mr. Hubre to trial or return him to the beneficiary government (Belgium); It may be more than the International Court of Justice has ordered. On May 5, judges in the "Super African Branches" in Senegal sentenced former Chad dictator Hussein Hubre to death. In a case similar to that of the Extraordinary Branch is a tribunal agreed by the government of Senegal and the African Union in February to pursue the "person or persons" most responsible for committing international crimes in Chad and between the ages of 1 and 2, when Chad was elected President of the country, the tribunal convicted a Senegalese man almost five years after the fall of the Hobre government. In 2006, when Meccell became Senate President, the International Court of Justice ruled to prosecute or extradite Mr. Hubre. The process led to the establishment of a special court in Senegal. The African Union finally signed an agreement with the Senegalese government to establish the Extraordinary Branch, which was approved by the National Assembly on December 17th. The Branch was established to prosecute or prosecute those responsible for violations of international law, international custom, and conventions ratified by Chad and Senegal, which committed in the country of Chad from June 7 to December 1.

1. Examine the structure of the third generation international courts

By examining the different legal documents for the establishment of complex (third generation) courts, we find that the laws are similar to international courts, although the documents and legal bases of their establishment are fundamentally different, while the United Nations, independent of the decisions of local governments, Established and administered by the East Timor and Kosovo mixed courts, the mixed structures in Cambodia and Sierra Leone are the result of negotiations between the United Nations and the governing governments concerned.

2-1. Criminal cases designated and derived from third-generation courts

The philosophy behind the establishment of any criminal justice authority is to prosecute individuals for committing specific crimes. Criminalization is the most important criminal law measure in any legal system that reflects the views and cultures of that society and the accepted norms. The entry of purely international criminal cases - unprecedented in the national laws of the countries concerned - indicates the undeniable influence of international criminal law on domestic law. **Definition set forth in the Rome Statute 1. Severe Violations of the Geneva Conventions 1 and 2. Other offenses defined in Section Two of the Code of Establishment of Extraordinary Branches, August 9, are limited.** In the first part, three of the four titles fall under the jurisdiction of the International Criminal Court (Rome Court); genocide, crimes against humanity and explicit war crimes are referred to international documents and even repeated definitions of criminal offenses in the context of this document. Has been avoided. The next case, which appears to be Cambodian domestic law, is also internationally valid because it is a specific law, inspired by international criminal law, with the intention of establishing specific branches. Then there are other international documents also considered in the Law on the Establishment of Extraordinary Branches (as amended by the October 1, Cambodian Act), in addition to defining genocide, crimes against humanity and crimes, in addition to Articles 1 and 2 and 2 respectively. War, copied from international documents cited above, in Articles 1 and 2, respectively, in pursuit of perpetrators of cultural property destruction under the Hague Convention for the Protection of Cultural Property during Armed Conflicts and Crimes against Internationally Protected Persons. According to the Vienna Convention on Diplomatic Relations. In East Timor, the Special Criminal Investigations Panel has jurisdiction to investigate genocide, war crimes, crimes against humanity and torture in addition to the premeditated murder and sexual assault committed from January 1 to October 1 of that year. The investigation of premeditated murder and sex crimes is governed by Timur's domestic law and the jurisdiction of international crimes actually covers all the crimes contained in the Rome Statute and torture. In addition, it is the only mixed and international tribunal claiming universal jurisdiction. Articles 6 to 6 of the Statute of the Sierra Leone Special Court deal with crimes under the jurisdiction of the tribunal, crimes against humanity, torture and war crimes. The Extraordinary Branch is a tribunal agreed by the government of Senegal and the African Union in February to pursue the "person or persons" most responsible for committing international crimes in Chad and between the ages of 1 and 2, when Chad was elected President of the country, the tribunal convicted a Senegalese man almost five years after the fall of the Hobre government. In 2006, when Meccell became Senate President, the International Court of Justice ruled to prosecute or extradite Mr. Hubre. The process led to the establishment of a special court in Senegal. The African Union finally signed an agreement with the Senegalese government to establish the Extraordinary Branch, which was approved by the National Assembly on December 17th. The Branch was established to prosecute or prosecute those responsible for violations of international law, international custom, and conventions ratified by Chad and Senegal, which committed in the country of Chad from June 7 to December 1.

2-2. How to execute the verdicts from the courts

The nature of the crimes under the jurisdiction of the third-generation tribunals is such that, in principle, they are perpetrated by high-ranking state authorities, as appears to be one of the reasons for the establishment of third-generation courts, an agreement with the United Nations or international organizations. Others, such as the African Union in Senegal and the assistance of international judges due to the weakness of the nation's criminal justice system, have sought to prosecute the perpetrators, with the support of the international community, given that the outcome, validity and authority of any court proceeding. The manner in which its sentences are executed depends; therefore, the punishment of such persons should not be Passion place where the crimes take place. Accordingly, in the courts of the third generation, Ali al-Basal is the place of execution of sentences and in one of the acts of the country where the volunteer states declare their will.

For example, pursuant to Article 2 of the Statute of the Special Court of Lebanon:
The sentence of imprisonment shall be enforced in the territory of a State chosen by the Special Court from the list of States which choose to accept the conviction.

The conditions of imprisonment shall be in accordance with the applicable rules of the State and shall be governed by the Special Court. In the Statute of the Lebanese Special Court, the principle of non-execution of imprisonment in the country is the place where terrorist crimes are committed, but in the Statute of the Sierra Leonean Court under Article 22: (Prison sentence in Sierra Leone. Also, as circumstances require. The enforcement of the sentence can be enforced in any country where the defendant has entered into an agreement with the International Criminal Tribunal for Rwanda or the International Criminal Tribunal for the former Yugoslavia and has indicated its willingness to accept the convicts. Implement prison sentences with other governments to conclude similar agreements. Conditions of imprisonment, whether in Sierra Leone or in a third country, are governed by the Special Court in accordance with the laws of the State. The State which enforces the sentence shall be bound by Article 6 of the present Statute for the term of the sentence. Also, pursuant to Article 2 of the Lebanese Special Court Statute on Amnesty or Reduction of Penalties, "If the offender is entitled to pardon or mitigate the punishment under the law of the state in which he is imprisoned, the Special Court shall, Will inform. The President of the Special Tribunal shall decide on the matter in the interests of justice and the general principles of law in accordance with the judges of the tribunal. A similar ruling is provided for in Article 2 of the Sierra Leonean Statute. It is therefore clear from the foregoing material that third-generation courts are, in principle, subject to two types of agreements between international organizations and countries, the country whose courts took place in the consolidated trials of its domestic rules and regulations. Benefits international and mixed judges, agreeing with the country where the prison sentence is enforced and enforcing the country's dual law enforcement and international rules on third-generation courts. Some of the agreements for trying Senegalese Victims of Crime in the Senate International Tribunal Under the Statute, if convicted, the court issues a sentence for the defendant. These damages can be paid to the victims. This may be voluntary assistance from foreign governments, international organizations and NGOs. Compensation from the Victims' Fund will be open to all defendants. These damages can be paid to the victims, individually and collectively, whether they are present at the Hobre Tribunal. The judge (Gabrado Gustavo Com) has said that if Hobre is found guilty, there will be a series of other hearings for damages to civil parties.

1-4. Review of the principle of non-retrial

The prohibition of retrial and retribution is one of the recognized human rights norms in international criminal law, which is enshrined in important human rights instruments such as the International Covenant on Civil and Political Rights and the Statute of the International Criminal Court (Article 1). This means that no one should be prosecuted more than once for a criminal behavior and more importantly for the punishment. Because of the multiplicity of jurisdictions (territorial, personal, supportive and universal, and given that the criminal jurisdiction of one country does not negate criminal jurisdiction in other countries), it is always possible in international law for several countries to have simultaneous criminal jurisdiction over a single crime. The rule prohibiting retrial is recognized in international criminal law and has been reflected in several international documents, in order to prevent a single crime from being re-litigated. The rule prohibiting retrial is recognized in international criminal law and has been reflected in several international documents, in order to prevent a single crime from being re-litigated. The rule prohibiting retrial is a principle of international criminal law that is found in court documents. Article 3 of the Statute of the Special Court of Sierra Leone states: 1. No one shall be tried in the courts of Sierra Leone for acts previously tried in connection with their commission in the Special Court; Who have been tried for committing any of the aforementioned criminal offenses in Articles 1 to 3 of the Statute in a national court may be re-tried by the Special Tribunal if: (a) The act in which the person was tried for a crime; Or (b) the proceedings are not impartial or independent before a national tribunal and are thus held to exclude the accused from criminal responsibility internationally, or the trial has not been conducted with due diligence. (2) The Special Court, when determining the punishment for a person convicted of a crime under the present Statute, shall apply the amount of punishment previously imposed by the national court for the same person The offense will be considered and put into effect. The acquittal and any finding of innocence which is rendered by the International Criminal Tribunal for Rwanda or the International Criminal Tribunal for the former Yugoslavia and has indicated its willingness to accept the convicts. Implement prison sentences with other governments to conclude similar agreements. Conditions of imprisonment, whether in Sierra Leone or in a third country, are governed by the Special Court in accordance with the laws of the State. The State which enforces the sentence shall be bound by Article 6 of the present Statute for the term of the sentence. Also, pursuant to Article 2 of the Lebanese Special Court Statute on Amnesty or Reduction of Penalties, "If the offender is entitled to pardon or mitigate the punishment under the law of the state in which he is imprisoned, the Special Court shall, Will inform. The President of the Special Tribunal shall decide on the matter in the interests of justice and the general principles of law in accordance with the judges of the tribunal. A similar ruling is provided for in Article 2 of the Sierra Leonean Statute. It is therefore clear from the foregoing material that third-generation courts are, in principle, subject to two types of agreements between international organizations and countries, the country whose courts took place in the consolidated trials of its domestic rules and regulations. Benefits international and mixed judges, agreeing with the country where the prison sentence is enforced and enforcing the country's dual law enforcement and international rules on third-generation courts. Some of the agreements for trying Senegalese Victims of Crime in the Senate International Tribunal Under the Statute, if convicted, the court issues a sentence for the defendant. These damages can be paid to the victims' fund. This may be voluntary assistance from foreign governments, international organizations and NGOs. Compensation from the Victims' Fund will be open to all defendants. These damages can be paid to the victims, individually and collectively, whether they are present at the Hobre Tribunal. The judge (Gabrado Gustavo Com) has said that if Hobre is found guilty, there will be a series of other hearings for damages to civil parties.

3) In determining the punishment of a person convicted of a crime under the present Statute, the Special Tribunal shall take into account the amount of punishment previously imposed by the national court for the same person and executed. Gave.

1-5 Composition of Judicial Authorities and judges of Third Generation

The current practice since the establishment of international criminal courts since the first generation has been the establishment of a multidisciplinary court. The multiplicity of judges is, to a large extent, a guarantee of the health, fairness and impartiality of the proceedings. According to the mixed courts, there is a need for a multiplicity of judges, as one of the common features of these courts is their international national composition of judges and their international or regional dominance. It is natural that the decisions of this group will be implemented by a majority of votes. Employee recruitment is also important. Because the majority of the mixed staff were selected from among the locally qualified, the mixed courts are an excellent opportunity for judges and lawyers to acquire international skills and knowledge. In addition, this experience
enables domestic law professionals to understand, apply, interpret, develop, and transpose controversial norms of international law into their country's judicial system. In the extraordinary Cambodian branches, the Cambodian judges are in the majority. The primitive branch consists of three judges, two international judges and three Cambodian judges. The appeals court (the Supreme Court Branch) also consists of seven judges, three international and four Cambodian. International judges are nominated or elected by the Secretary-General of the United Nations and appointed by the Supreme Judicial Council of Cambodia (Articles 1 to 2 of the Cambodian Law Amendment). Given the appearance of this composition, it may seem that the presence of international judges in the primitive branches or courts. The Supreme Court may not be very influential; but in order to solve this problem, in deciding on a preliminary ruling under Article 5 of the Cambodian law, if no consensus is reached, at least four judges will be required to vote, and at least five judges will be in the Supreme Court. Every branch should make a decision, and one international judge must vote in favor of it. One Cambodian and one foreigner work together as prosecutors and investigating judges in Articles 1 and 2 of the Act. According to Article 5 of the Cambodian Law, a special pre-trial branch has been set up to resolve disputes between financial audits and national and international prosecutors whose composition and decision-making are similar to those of the lower courts, and its decision is binding and enforceable. Appeal. The head of the Bureau is Cambodia and his deputy is international and responsible for international affairs or matters (Article 5 of the Act). So Cambodian staff are mostly national, while the composition of the staff at the Kosovo court is more like the extraordinary branch of the Cambodian court. In Kosovo, there are two types of mixed delegations. First, international judges and prosecutors were added to the Kosovo court, which of their choice could only attend the court or take over the hearing. Of course, because these people were in the minority, their vote was often ineffective. According to UNSCR 5, one international prosecutor, one international investigating judge, or a panel of three judges, at least two of whom may be international, may, at the request of the prosecutor, the defense or The accused, subject to the request of the Attorney General on major crimes cases. Of the judges elected to the International Division of the Branches and $ 1.5 million to the National Sector, indicating the importance and role of international actors. The Sierra Leone Special Court is funded entirely by voluntary international partnerships. The Bosnia and Herzegovina court has paid $ 1.2 million, the German government $ 5 million and the Polish government $ 7 million. The costs of the Kosovo court are divided into fifty-one percent by the courts, forty-nine percent by the Lebanese government, Senegal rooms are often funded by donor countries. On November 2, Senegal and the donor countries agreed to pay $ 2.5 billion for the Hobar Courts. Chad commitments (1 million euros, the Netherlands one million euros, the EU one million dollars, the United States one million dollars, Belgium 1 euro, Germany 1/2 euro, France 1/2 euro and Luxembourg 1/2 Euro). The Netherlands has also given more support to the development consortium. In addition, Canada, Switzerland and the European Union (the Red Cross) provided technical assistance. The Steering Committee, chaired by the European Union, comprises of Donor countries and financial donors, receives and approves periodic reports.

2. Comparative review of third-generation courts with the International Criminal Court

The combined courts of East Timor, Sierra Leone, Cambodia, and Kosovo fall into one category, one in which all four jurisdictions go back to the International Criminal Court’s statute before it becomes effective. We know that the International Criminal Court has jurisdiction for offenses that have occurred after the entry into force of the Statute of the International Criminal Court. The final resolution of the Rome Conference in paragraph (e) expresses the hope that international crimes will only include:

1) War crimes; 2) Crime of rape; 3) Crimes against humanity; 4) Not crime of genocide; but international terrorism and drug crimes should also be included in international crimes.

The Criminal Court has no jurisdiction to retaliate and is only allowed to prosecute the crimes committed after July 1. If the offenses are therefore not subject to the jurisdiction of the International Criminal Court has jurisdiction for offenses that have occurred after the entry into force of the Statute of the International Criminal Court. The final resolution of the Rome Conference in paragraph (e) expresses the hope that international crimes will only include:

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criminality gap, for example, the "Hama" massacres that took place in February when the Syrian army attacked Hafez al-Assad's order carried out a land demolition and burning operation in the Hama city with several thousands killed, and can be prosecuted in a mixed international criminal court. The International Criminal Court has potentially universal jurisdiction because the Security Council under Article 2 (b) of the Rome Statute can refer a case to the Court.

3. Merits and Disadvantages of Third Generation Courts

Certainly the establishment of any institution, whether judicial or otherwise, especially in the course of action, can have its merits and disadvantages; third-generation criminal courts are no exception.

One of the benefits of such mixed criminal courts is that the formation of a mixed court with national and international judges continues to place sovereignty in the hands of the government and the convictions of the mixed court are more readily accepted by the heads of state and the people of that time. It does not feel that they have been violated by the votes of an international court ruling their country. Another benefit of these courts is that those who are fully acquainted with the language, culture and past of that country are considered part of that country by the administration of justice. Communication with witnesses, perpetrators, victims and their families is easy, and ultimately the most significant impact human Rights Watch cites as this year report, Rule of Law Tools for War-Affected States, Impacts on Its Judiciary and Repair it and help with the legal education of the judicial system that is the country. The task of reporting these courts to the United Nations is a form of UN monitoring of the functioning of these courts. Under Article 6 of the Statute of the Special Court of Sierra Leone, the President of the Special Tribunal is required to report annually on the functioning and activities of the Tribunal to the Secretary-General of the United Nations and the Government of Sierra Leone. In addition to the annual financial reports and the progress of extraordinary branch activities in the Cambodian courts, reports to the extraordinary branch friends' meetings and human resources department reports on the pros and cons, deficiencies, improvements and needs of the subsidiaries has been. Paragraph 2 of Article 6 of the Statute of the Special Court of Lebanon has also been assigned by the head of the appeals branch. The President of the Special Tribunal will report to the Secretary-General and the Government of Lebanon on the annual performance of the Tribunal on the operations and activities of the Tribunal. In the Lebanese Special Court, in accordance with Article 6 of the Statute, "the official language of the Special Tribunal shall be Arabic, French and English. In each case, the Presiding Judge or the Branch may decide to use one or two languages as the working language if necessary." Also, Article 6 of the Sierra Leone Statute provides that the language of the Special Tribunal shall be English. Article 5 The Statute of the Cambodian Court also declares the official language of the High and Lower Courts Khmer, and the language of these courts is Khmer, English and French. In the context of the Statute and the Agreement between the Government of Lebanon and the United Nations, there is no mention of third-country requirements for cooperation with the Special Court. While the statute defines Lebanese domestic law as the sole source of prosecution of crimes that the Special Court has jurisdiction over, it also considers domestic offenses unique forms of international criminal responsibility, the common criminal program. And it carries command responsibility. This contradicts the principle of the legality of crimes, which is a fundamental principle of international humanitarian law, because it condemns the statute of persons who are not held liable under national law in Lebanon. This is the joint criminal program and the responsibility of commanding doctrines that relate exclusively to international crimes. In the area of criminal procedure, the Statute of the Special Tribunal is influenced by its pre-existing international and complex criminal statutes. The Special Court Statute establishes three major legal establishments that some authors consider to be some kind of innovation in the statute. For example, the pre-trial judge's prediction, the judge's role in conducting trials, and the participation of victims of crime in court proceedings. The absentee trial, regardless of its absence at international criminal courts, occasionally occurred in the tradition of these trials; for example, in the Nuremberg court, Martin Borman, Hitler's deputy, was missing because his trial was absent. The absence of a trial in Article 1 of the Statute of the International Military Tribunal in Nuremberg provides as follows: The Tribunal shall have the right to investigate in absentia the accused referred to in Article 4 of this Charter, provided that the accused is found Do not, or the court consider, in the interests of justice, in some respects the absence of due process. This article is in contravention of Article 8 of the International Covenant. It provides: The accused has the right to be tried in person.

2. The rules and penalties governing the statute of third generation courts.

In this article, the laws and penalties of the Third Generation International Court of Justice have been analyzed and analyzed.

4-1. Rules and penalties governing the statute of the East Timor Court East Timor Third Generation Court is bound by two sources for its trials: Indonesia's Criminal Code, United Nations Transitional Administration Regulations in East Timor, which extracts material from the International Criminal Court's Statute (UN-TNT) - it was called AT / 2). The crimes mentioned in these sources were Genocide, war crimes, crimes against humanity, torture, murder, sex crimes. The definitions of genocide and crimes against humanity and war crimes were drawn exactly from the Rome Statute and the procedure used in this mixed court was written in accordance with the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda. This jurisdiction is clearly of a complex nature, with the simultaneous application of Indonesian's penal code along with the 1/2 document related to the United Nations Transitional Administration, which strengthened the international spirit of this court; Which in one instance of the mixed courts (Lebanese court only Lebanese domestic law could apply to the mixed court. This set of laws, like the East Timor court, encompasses both international and national dimensions and essentially affirms the same complexity; That is, national law alongside international law, but a major difference between the court of law There is Sierra Leone and East Timor, the national law applicable in East Timor is Indonesia's national law, and the national law applicable in Sierra Leone is Sierra Leone, which is quite clear because at the time of the crime in East Timor the government was basically East Timor and the independent state of East Timor did not have the law in force. On the other hand, criminal offenses were ruled in Indonesia's East Timor region at the time of the offenses, namely the year 2 of Indonesia's Criminal Code. Therefore, the crimes committed in the East Timor region were in addition to humanitarain law violations of Indonesian law rather than criminal violations of another country. In the case of a maximum of twenty-five years of imprisonment under Article (1) (a) and (b) of this Article of the Statute, the maximum penalty shall be US $ 1.5.

4-2. Rules and Regulations Governing the Sierra Leonean Court

Violations of International Humanitarian Law - Sierra Leone's Statute The Sierra Leonean Special Court Statute of Justice has found this court to be a violation of international humanitarian law and Sierra Leone's law (Article 2, Article 6 of the Statute), and in its Article 2 and offenses against it. In Article 2, it expresses violations of Article 2 of the Geneva Conventions of August 1 and Second Protocol of Accession of January 1, and in Article 1 it has the jurisdiction of the court to investigate crimes under Sierra Leonean law. Article 6 of the Statute, Sierra Leone Special Court: The Special Court shall have jurisdiction to prosecute persons who, under Sierra Leonean law, are responsible for the following crimes:

- Offenses related to the abuse of girls under the Criminal Prevention of Children Act (Chapter 1):
  - Abuse of a girl under the age of 6, contrary to section 2
• Abuse of a 5 to 5 year old girl, unlike part 2
• Kidnapping a girl for immoral purposes, contrary to Article 2

B) Offenses related to the intentional destruction of property
According to the statute of limitations on financial damages from statute 2: — burning residential homes or homes while living.

2. Burning Public Buildings Unlike Sections 1 and 2
3. Burning Other Buildings Unlike Section 2

The Sierra Leonean court was the first international tribunal to deal extensively with child recruitment issues. Due to the controversy, views of judges and jurists in this regard, appropriate procedures have been developed for the compulsory and non-compulsory conscription of children. The Tribunal may, under its jurisdiction, prosecute these three types of crimes, gross violations of the Geneva Conventions, violations of the laws or customs of war, mass killings and crimes against humanity. The most severe punishment for those convicted in this court is life imprisonment.

4-3. Senegalese Court Rules and Regulations
The Senegalese super-branch has four crimes: genocide; crimes against humanity; torture; war crimes. The Statute of Superior Branches recognizes the jurisdiction to deal with crimes of racial cleansing, crimes against humanity, war crimes and torture as defined in the Statute. In view of the offenses to be committed, the June 1 (Amendment 1) Law on the Suppression of Severe Violations of International Humanitarian Law and the Convention shall be regarded as one of the main laws in force in this court. The definitions generally follow the provisions of the Statute of the International Criminal Court and other international tribunals. The crimes must have taken place in Chad during the reign of Hobre, between June 1 and December 1. The Tribunal may, in its jurisdiction, prosecute these three types of crimes, gross violations of the Geneva Conventions, violations of the laws or customs of war, mass killings and crimes against humanity. The most severe punishment for those convicted in this court is life imprisonment.

4-4. Laws and Regulations of the International Court of Lebanon
The laws governing the Lebanese Special Court can be examined in two material and formal ways.

4-4-1. Substantive Rules
According to Article 2 of the Statute of the Special Court of Lebanon, the two rules apply to the offenses that fall within the jurisdiction of this court. The Lebanese Penal Code for the prosecution and suppression of terrorist acts, crimes and crimes against life and physical integrity of persons, unlawful assembly and non-disclosure of crimes and offenses, including failure to comply with the rules relating to the disclosure of a material element of crime, criminal participation and conspiracy. Articles 1 and 2 of the Penal Code of Intensification and Chinese Conspiracy, Civil War, and Sectarian Clashes in Lebanon, January 7. The legal system in Lebanon is a written legal system (civil law) given the French presence in that land. However, the court’s obligation to comply with the provisions of the Lebanese Special Court’s Statute makes it particularly relevant to the substantive laws governing this court. While the statute considers Lebanese domestic law to be the sole source of investigations for crimes that the Special Court has jurisdiction, it also has unique forms of international criminal responsibility, namely joint criminal responsibility and responsibility for domestic crimes. Applies to the commander. This contradicts the principle of the legality of crimes, which is a fundamental principle of international humanitarian law, because it condemns the constitution of persons who are not held responsible under Lebanese criminal law. Both of these concepts, the joint criminal program and command responsibility There are doctrines that are unique to international crimes.

4-4-2. Form Rules
According to Article 5 of the Statute, judges must ratify the procedure as soon as the court begins. In this work, the Lebanese Code of Criminal Procedure is set as strategic rules, alongside international criminal law texts to ensure a fair hearing. As the international texts in the field of criminal procedure are largely derived from the Communal system, the procedure of the Special Court of Lebanon has a mixed nature and will be a mixture of the two civil systems. In the area of criminal procedure, the Statute of the Special Tribunal is influenced by the Statute of the International Criminal Tribunal before it. The Special Court Statute establishes three important legal establishments that some authors consider to be some kind of innovation in the statute of the court, for example the foreseeable judge, the role of the judge in the trials and the participation of the victims in the proceedings. In the Kamen la Ali principle of absenteeism, the absentee justice system is not possible (for that reason, absenteeism is possible for the international courts of Yugoslavia and Rwanda, while the Statute of the Special Tribunal for Lebanon has accepted the procedure under such circumstances. First, this feature of the laws governing the Special Tribunal in Lebanon should not be a facilitator of this court’s work, given the combination of court judges that should not be composed of Lebanese judges (with experience in civil law) and international judges (who must have some Kamen La experience). There is a problem with Ali al-Qaeda, because the court’s practice is important because it represents a combination of And the system will be Kamen La and Civl la.

The law governing the Lebanese Penal Code is that of assassination, murder and failure to inform the commission of a crime. Lebanese penal code, like some countries, defines terrorism and defines terrorism as “an act intended to intimidate the country by resorting to explosive or incendiary devices or poisonous or flammable or infectious and microbial substances that endanger the public.” he does. According to the statute, the convicts of Rafiq Hariri will be sentenced to life imprisonment or less, as determined by international courts and Lebanese courts. Article 5 of the Statute of the Court is worded as follows: “1. The primitive branch may sentence the convicted person to life imprisonment or temporary imprisonment. In determining the punishment of imprisonment for the offenses set forth in this Statute, the Bedouin Branch shall, if appropriate, refer to an international practice concerning the prison sentence and to the practice of the Lebanese national courts; Consider the importance of the crime and the circumstances of the convicted person.

4-5. Type and amount of punishment and rules governing the International Court of Cambodia
Under the Cambodian legal system, the death penalty has been formally abolished for years. The Cambodian Special Branches are tasked with investigating crimes committed from 1 to 5 years. The domestic law in force at the time of the crime is the country’s penal code, which provided for capital punishment for crimes committed. Article 5 of the “new” Statute of the Special Branches provides for the maximum punishment of life imprisonment provided for in Articles 1, 2, 3 and 5 of the Penal Code. Articles 2 and 4 of the law also impose a sentence of life imprisonment of up to five years to life imprisonment and necessarily confiscate and confiscate the proceeds of crime. In East Timor, where the death penalty was applicable, in the first UN action under Article 2 of Regulation No. 1/2 dated November 7, this penalty was abolished.

5. Determination of punishment for natural and legal persons
At the London conference, the US envoy suggested that the court be given jurisdiction to investigate some German public law entities such as the security police and the National Socialist Party, etc. and declare such organizations criminal if necessary. . The Soviet representative considered this an education. At his conferences in Moscow and the Crimea, he said, condemnation of the entire Nazi system and its affiliated organizations had been declared criminal in general. In the French envoy’s view, such a proposal, contrary to the principle of criminal liability of
The International Criminal Court, for the first time, has jurisdiction over the historical crimes committed by the German government before the court was formed, and Martin Borman, Hitler's deputy, Martin Borman, chairman of the Nazi Advisory Council for the Chau Mafia. His trial was absent. After eleven months, the trial ended, the verdict was on appeal. Dr. Shakh, Fan Papen and Fritsche were acquitted of these offenses. Three were sentenced to life in prison and two to twenty years and one to fifteen years and one to ten years respectively, and the rest were sentenced to death. Hitler's deputy, Martin Borman, left Germany for Hitler's death, but was killed in street fighting. The first attempts to develop rules on international responsibility date back to the time of the Hague Conference on International Law. The efforts of the international community have so far failed, with the exception of several drafts by the International Law Commission. The existence of universal obligations in the field of international responsibility of states, the work of the United Nations Commission on International Law in this regard, if not one of the sources of international law on international responsibility, must at least accept the most important international documents available. Use in this topic is counted.

5.2. The exclusive and exclusive liability of legal persons arising from the Statute General rules are the main source of universal legal obligations under international law

The International Court of Justice has also acknowledged the existence of universal obligations. "A fundamental distinction must be made between the obligations of governments to the international community as a whole and the obligations of governments to each other in the framework of diplomatic support. Commitments of the first category, by nature, include all governments. Given the importance of these rights, all governments can have a legal interest in preserving them, such as universal obligations. Members of the International Law Institute at the San Jacques de Cambod Bench in September adopted a resolution entitled "Protection of Human Rights and the Principle of Non-Interference in the Governments' Affairs", which is hereby repealed. "Human rights are a manifestation of human dignity. The task of government is to ensure that they comply with the same dignity that the UN Charter and the Universal Declaration of Human Rights have already declared. This international obligation, as defined by the International Court of Justice, is a universal obligation. This obligation is imposed on all states before the international community, and every state has a legal interest in protecting human rights. In addition, this commitment requires solidarity among governments to ensure the fastest way to ensure universal and effective human rights protection. The resolution was adopted by a vote of nine to nine. The International Court of Justice in the case of Barcelona Transaction announces universal commitments that prevent the most severe human rights violations. In fact, these commitments stem from recognizing the illegality of genocide as well as the principles and principles of fundamental human rights, including anti-slavery and racial discrimination. But the tribunal states: Commitments guaranteed within the framework of diplomatic protection are not part of the general obligation because a state cannot claim compensation for its diplomatic protection obligations before proving that in that case, it was right, because the rules of diplomatic protection have two conditions: first, that the transgressive state has breached a commitment to the nationals of another state. Second, because there is only such a benefit to it, it can sue for breach. The IOM resolution not only includes obligations preventing the most serious violations of human rights, but also the general obligation of governments to ensure that human rights are respected, without any distinction between the rules and the extent of their violations. Rules have come to pass. The resolution puts forward new dimensions within the framework of human rights that can be seen as a step forward in encouraging and protecting human rights, but it also raises concerns that appear to be correct. By declaring human rights as a universal obligation, the resolution authorizes governments to unilaterally implement measures, penalties, or countermeasures to protect human rights.

CONCLUSION

The cornerstone of international criminal justice was laid in the international courts of Nuremberg and Tokyo. The continuity of the principles adopted in these courts was solidified by the creation of the former Yugoslavia and Rwanda international courts in the 1990s, and finally flourished at the end of the 20th century with the formation of the International Criminal Court as a complement to the former cross-border proceedings. This evolution has been slow in the international law system due to the dominance of relations based on domination in the international system and adherence to the principle of sovereignty and its limits, including the principle of intra-border criminal law and the principle of equality of states. The exercise of universal jurisdiction over serious international offenses is an effective indicator of the continued globalization of criminal justice. This is because in jurisdiction cases such as cases where the principles of protection of nationalities and the principle of crimes against the country cannot be applied simultaneously, the judicial authorities do not act on behalf of their domestic legal system but on behalf of the international legal system. This is expected to be done by international bodies established for this purpose, such as international criminal courts. The behavior of internal institutions acts as a deterrent.

International criminal law has witnessed significant developments over the past decade. Establishment of the former Yugoslavia and Rwanda tribunals has reinforced the hope of having a permanent international criminal tribunal. Provisional International Criminal Courts are also known as the basis for evaluation. Their jurisdiction has affected the Statute of the International Criminal Court, as well as the elements of the offenses and the rules of procedure and the related evidence.

The International Criminal Tribunal for the former Yugoslavia and Rwanda have gradually proven that practical international criminal proceedings are feasible and feasible. The former Yugoslavia prosecutor has succeeded in setting the stage for justice for high-level officials responsible for the atrocities and atrocities committed in the former Yugoslavia. In all, the two interim tribunals have gone so far as to place military, paramilitary, and civilian leaders on the tribunal instead of minor authorities. Following the general elections in the former Federal Republic of Yugoslavia that led to the overthrow of the Milosevic regime, the Security Council requested the Secretary-General to report, as soon as possible, on the assessment and plans for the Court's expiry date.

The Statute of the International Criminal Court guarantees new successes and innovations. The acceptance of war crimes committed in civil strife as crimes that fall within the jurisdiction of the Divisional Statute reflects the fact that most of the current conflicts are ethnic conflicts perpetrated in the
territory of a state. Given the active role that women have played in the negotiations for the ratification of the Statute, it has been ensured that the Statute of the International Criminal Court and its Criminal Procedure Document and its Appendix and substantiating evidence are sensitive to gender issues. The participation of victims of crime in various stages of proceedings and their right to compensation by the International Criminal Tribunal has been unprecedented in the history of international law.

Also, the implementation of these obligations in the Statute of the International Criminal Court will create an unprecedented situation and will force the domestic legislator to adopt or amend new laws in order to implement the international obligations. Because some crimes are not subject to the jurisdiction of the International Criminal Court in domestic law. In Thailand there is no crime of torture and the torturer is only prosecuted as a crime against an individual such as an assault. In Australia, even though the Genocide Convention has been adopted, genocide is not considered a crime under that country's law.

Also, a new era of international cooperation on criminal matters will begin. In addition to the traditional extradition of a defendant to another state, governments will have to submit the accused to an international organization (International Criminal Court). Since the former Yugoslavia and Rwanda are subsidiary organs of the United Nations Security Council, their request to cooperate with them is authorized by the United Nations Security Council, and governments are required by the UN Charter. The situation is different in the case of the International Criminal Court; the Court is composed of a statute that obliges member states. Countries have to adapt their domestic laws or even their constitutions to these developments. The possible formation of a permanent International Criminal Tribunal will in itself prevent future international offenses.

In an overview of the developments in the immunity process of heads of state and international criminal courts, in particular third-generation international courts, from the Treaty of Versailles (1919) to the statutes of the Nuremberg Courts (Article 7), Tokyo (Article 6), the former Yugoslavia (Article 7), The Rwandan Court (Article 6), the Sierra Leone Special Court (Article 6), the Statute of the International Criminal Court (Article 27) and the procedures of the International and National Criminal Courts have witnessed, at the present time, the heads of state in committing international crimes and gross violations. Neither human rights nor international humanitarian law enjoy personal immunity Occupational immunity, in other words, persons entitled to immunity, including heads of state, in the event of a breach of the rules of international law cannot rely on their immunity and are free from criminal liability.

REFERENCES