International Legal Process
War Crimes Tribunals Research Techniques

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Note there are several hyperlinks in this .ppt. All hyperlinks have been underlined.
Research Plan

- What are your options?
- Too many: books, periodicals, web sites.
- Problem:
  - Your time constraints.
- Getting too many results.
- How do you actually research something you know nothing about?
Public International law consists of rules and principles which govern the relations and dealings of nations with each other.

International organizations play increasingly important role in the relationships between nations one of them which is the United Nations.
Article 38 of the Statute of the International Court of Justice directs the Court to apply the following sources of law in deciding disputes:

- "(a) international conventions, whether general or particular, establishing rules expressly recognized by contesting states;
- (b) international custom, as evidence of a general practice accepted as law;
- (c) the general principles of law recognized by civilized nations;
- (d) … judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.”
Beware of dualist and monist theories of International law.

The dualist theory considers international law and national law as being independent of each other. Both systems are regarded as mutually exclusive and are therefore generally not able to get into conflict with each other.

- How many legal traditions/systems are there? Any suggestions?
- How many countries?
## Systems

<table>
<thead>
<tr>
<th>Legal System</th>
<th>Number of Jurisdictions</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Law</td>
<td>89</td>
<td>25.87%</td>
</tr>
<tr>
<td>Mixed Systems with Civil Law</td>
<td>65</td>
<td>18.90%</td>
</tr>
<tr>
<td>Common Law</td>
<td>42</td>
<td>12.21%</td>
</tr>
<tr>
<td>Mixed Systems with Common Law</td>
<td>54</td>
<td>15.70%</td>
</tr>
<tr>
<td>Customary Law</td>
<td>3</td>
<td>0.87%</td>
</tr>
<tr>
<td>Mixed Systems with Customary Law</td>
<td>55</td>
<td>15.99%</td>
</tr>
<tr>
<td>Muslim Law</td>
<td>2</td>
<td>0.58%</td>
</tr>
<tr>
<td>Mixed Systems with Muslim Law</td>
<td>33</td>
<td>9.59%</td>
</tr>
<tr>
<td>Talmudic Law</td>
<td>1</td>
<td>0.29%</td>
</tr>
</tbody>
</table>
South East Asia
War crimes research often delve into associated topics such as human rights, treaty research and genocide.

Try to get some context before you start your research quest.
Locating international instruments

After 50 years of discussion and documentation on the need for an international criminal court, the Rome Statute of the International Criminal Court was adopted on 17 July 1998 and entered into force on 1 July 2002, establishing “an independent permanent International Criminal Court in relationship with the United Nations system, with jurisdiction over the most serious crimes of concern to the international community as a whole.”

The texts of most major multilateral treaties are easy to locate online.

Online Sources
- EISIL (American Society of International Law) also has a list of conventions.
- United Nations Treaty Collection (Online) (Search for it via the catalog)
- Westlaw (USTREATIES database)
- Lexis - US Treaties on Lexis (Legal > Area of Law - By Topic > International Law > Treaties & International Agreements)
- The Human Rights Library (University of Minnesota) offers a list of conventions on war crimes, crimes against humanity and genocide and a list of law of armed conflict conventions.
- International Humanitarian Law Database (International Committee of the Red Cross)
- The Laws of War (Avalon Project at Yale Law School)
- TIARA Treaties and international agreements researchers' archive KZ118 .T73 1996 – we also have the electronic source.

Finding bilateral and older multilateral treaties online can be more difficult. This is when you might want to consult some of the larger online treaty collections or use a treaty index. Below are listed some of the best sources to get you started. For modetailed information on researching treaties, see Treaty Research Guide.
- Online research databases at WULAW: http://www.law.wustl.edu/library/database/libint.asp
Westlaw - International Criminal Tribunal - Combined [INT-ICT] Coverage begins with 1995. This database has case law from both the ICTY and the ICTR. (GULC only) Lexis does not have complete ICTR / ICTY case coverage.

Source: www.ll.georgetown.edu/guides/WarCrimes.cfm
Websites

- **Links**
  - [International Criminal Tribunal for Rwanda](http://www.yale.edu/cgp/news.html) (ICTR)
  - [International Criminal Tribunal for the former Yugoslavia](http://www.yale.edu/cgp/news.html) (ICTY)
  - [International Criminal Court](http://www.yale.edu/cgp/news.html) (ICC)
  - [Special Court for Sierra Leone](http://www.yale.edu/cgp/news.html)
  - [International Court of Justice](http://www.yale.edu/cgp/news.html) (ICJ)

- [Rome Statute of the International Criminal Court](http://www.yale.edu/cgp/news.html) [pdf] This treaty established the International Criminal Court.

- Use the advanced features on Google when searching.
- The problem with searching the internet is that you get too many or too few results..... Need something in .pdf? add that to your search
- Google books search: [link](http://books.google.com/books?id=MbiedpEFzbYC&pg=PA171&lpg=PA171&dq=Leila+sadat+%22war+crimes%22&source=web&ots=9hOykfTydF&sig=QsxPz9ZIgsro5Nh-BP_Rxt3C40k&hl=en&sa=X&oi=book_result&resnum=1&ct=result#PPR5,M1)
Courts and tribunals

INTERNATIONAL LAW

Courts and Tribunals

- International Court of Justice
- International Tribunal for the Law of the Sea
- International Criminal Tribunal for the Former Yugoslavia
- International Criminal Tribunal for Rwanda
- International Criminal Court
- United Nations Administrative Tribunal

Principal Legal Bodies of the United Nations

- Sixth Committee of the General Assembly
- International Law Commission
- United Nations Commission on International Trade Law

Legal Documentation, Treaties, International Law PathFinder
The trick is finding the **official citation**. EISIL, the international law database maintained by the American Society of International Law can help. If the treaty you are using is located in EISIL, then the "More Information" link under the main text link will provide you with citation information.

- Bieber’s Dictionary of Legal Abbreviations for sources published in Anglo-American countries for a citation (Law Reserve KF246.B52001)

- The Bluebook, in its Tables (T.2), offers a passable list of important foreign statutory publications and case reporters that helps to make sense of their full titles, chronology and coverage
What does our library have to offer?
Has someone done the job for you?

- The library catalog is your friend http://catalog.wustl.edu/.

- It is ok to go local – then global and then back to local by doing an electronic shelf browse by the newly discovered call number of interest at another library.
Major treatises

- Have you ever tried searching by call number? E.g. : KZ6311 .I32 2007 You can also search by author or title or keyword.

- Have you ever tried the electronic shelf browse feature in the online catalog?

Examples of LC subject headings you may be interested in:

- International Courts
- War crimes War crime trials -- Yugoslavia War criminals -- Yugoslavia Kosovo War, 1998-1999 -- Atrocities
- War Crimes – bibliography
- International criminal courts -- Cases.
- International law -- Yugoslavia -- Cases.

• International criminal justice: a critical analysis of institutions and procedures / edited by Michael Bohlander. KZ6310 .I582 2007

• Internationalized criminal courts and tribunals: Sierra Leone, East Timor, Kosovo, and Cambodia / edited by Cesare P.R. Romano, André

• International law and international relations: bridging theory and practice / Thomas J Biersteker LC: KZ1250

• Selective International criminal law sources – continued are listed in this document – to access: click on the hyperlink:Sources
Consolidated legal texts for the Special Court for Sierra Leone / by Charles Jalloh  KZ6310 .J35 2007

Sadat, Leila N. Theory and practice of international criminal law: essays in honor of M. Cherif Bassiouni 2008 (on order)

You can also browsing for titles electronically once you identify a title that seems promising.
Still not satisfied? Feel free to search for sources on WorldCat/FirstSearch.

Did you locate a title that seems interesting – but you are in a time crunch? Try searching for the same call number in our catalog. Use the electronic browse feature in the catalog to identify a book of interest to your.

Why? Your challenge as a student: Time. Why wait to have a book interlibrary loaned to you when you can find a book with a similar content in our library.
No time for books?

Try searching for articles on your topic by author/title/keyword search. Your options:
- Index to Legal Periodicals (1980-current)
- Index to Legal Periodicals Retro database (goes back to 1908)
- Legal Track (1982-current)
- Index to foreign legal periodicals

Click here to access them: [http://www.law.wustl.edu/library/database/liblegal.asp](http://www.law.wustl.edu/library/database/liblegal.asp)

Go to Westlaw International (WLD-INT). There are 1000 foreign legal periodicals in this database. You can also search for articles in LexisNexis. Remember: Use Shepard’s and KeyCite to expand to other secondary sources.


Subscription databases continued.

Hein Online: *American* Journal of International Law, American Journal of Comparative Law + there are International Legal Materials, and several international law journals.

[International law journals](#) (click on hyperlink).
International law journals with war crime materials: To be added.
Staying current via news papers.

- News papers and blogs
- International Herald Tribune (INTLHT) (Westlaw)
- Economist, The (Westlaw and LexisNexis)
- The Wall Street Journal (abstracts only on Westlaw)
- The London Times (FILE-NAME: TTIMES) (LexisNexis) not on Westlaw?
- Remember to add alerts on WL and LN. I will show you how.
- News papers and blogs via the internet E.g. BBC.com
Current Awareness cont.

- **UN Chronicle.** Good source for current information and also provides cites to important resolutions and documents. Selected articles are available on the web.
- **UN News.** This web page provides access to the Daily Journal, Press Releases, Briefings, etc.
- **What's New on the UN Web site.** To keep abreast of new documents and information on the UN web site, check the "What's New" feature on a regular basis.
- **UN Pulse.** Alerts you to selected UN online information, major reports, publications and documents. Created and maintained by a team of reference librarians at the United Nations Dag Hammarskjöld Library in New York, UN Pulse is updated as new information is published and received.
- **UN Wire.** An Independent news briefing about the UN. Daily news summary sponsored by the UN Foundation.
- **UN Dispatch** is a blog providing commentary and coverage on UN issues.

(Source: http://www.law.berkeley.edu/library/classes/iflr/un.html#journals)
RSS Feed Option on news services and blogs.

- **Jurist**, the legal news and real-time legal research website maintained at the University of Pittsburgh School of Law, provides excellent current awareness pages on international criminal tribunals and courts. Clicking below on the main link takes you to the Jurist news page for that court or general topic.

- You can also click on the RSS Feed link for each topic and paste this URL into a personal news aggregator. If you're searching for a news aggregator, you may want to look at this blog entry that reviews RSS readers, or read more about RSS.

Source: [http://www.ll.georgetown.edu/guides/WarCrimes.cfm](http://www.ll.georgetown.edu/guides/WarCrimes.cfm)
Researchers delving into the trial documents of the ICTY and the ICTR frequently seek specific materials. Experience has shown that not all trial documents are available online or in all of the print sources.

- For example, in the ICTR case of Alfred Musema (ICTR-96-13), the original indictment charged Musema with "genocide, conspiracy to commit genocide" and other charges. The amended indictment charged him with "genocide, or in the alternative, complicity in genocide, conspiracy to commit genocide" and other charges. The charge of complicity in genocide was omitted from the original indictment. The ICTR website only provides the amended indictment. The print source Reports of Orders, Decisions and Judgements (ICTR) KZ1201.A2 T751 (item will have to be interlibrary loaned) likewise only includes the amended indictment (although it is not labeled "amended").

- The only sources that reprint the original indictment (the indictment not including the complicity in genocide charge) are the Global War Crimes Tribunal Collection KZ1190.G56. The bottom line: for the most thorough research, be sure to compare online and print availability of ICTR and ICTY documents! (Source:http://www.ll.georgetown.edu/guides/WarCrimes.cfm)

The “Global War Crimes Tribunal” collection can be located at KZ1190.G56 in our library. Check out the browse by call number feature once you have identified a title or call number that looks interesting.
Internet Caveats

- Anybody can post anything to the Web, it is therefore important to evaluate information with a critical eye.
- Not everything is available on the Web.
- If you don't know the source of the information, take it with two grains of salt!

(Washington University in St. Louis School of Law Library)
Good research guides are essential to an efficient research effort involving foreign and international law. You can start with:

- New England School of Law [http://www.nesl.edu/research/warcrim.cfm](http://www.nesl.edu/research/warcrim.cfm)
- Georgetown School of Law all have excellent research guides devoted to war crimes. [http://www.ll.georgetown.edu/intl/guides/warcrimes/print.html](http://www.ll.georgetown.edu/intl/guides/warcrimes/print.html)
- LLRX.com provides excellent research guides on international criminal law.
- The American Society of International Law [http://www.asil.org/ASIL.org](http://www.asil.org/ASIL.org) offers an additional research guide on human rights,
- LLRX.com features several guides to foreign legal systems written by foreign professionals.


ASIL Electronic Resource Guide
Keeping your research organized…….

Is a free, easy-to-use Firefox extension to help you collect, manage, and cite your research sources. It lives right where you do your work — in the web browser itself.

http://www.zotero.org/
- check out the audio tutorial.
Help desk movie

- [http://www.youtube.com/watch?v=pQHX-SjgQvQ](http://www.youtube.com/watch?v=pQHX-SjgQvQ) link to a Norwegian movie on YouTube. – Just for fun.
- Remember: You can also make and appointment with a reference librarian or stop by the reference desk.
What I hope you learnt:

- Sources of international law.
- How to locate them.
- How to use the online catalog to locate items that may be of interest to your research.
- How to expand your research using the electronic browse feature in the online catalog.
- How to establish electronic alerts to your electronic search queries.
- How to become an efficient researcher when researching international legal issues.
Sources

- Research guides mentioned in this .ppt
- How to find the law / by Cohen, Berring and Olson (1989)
- Tove Klovning .ppt “Researching Foreign Legal Systems” 2004, 2008 at

http://www.aallnet.org/sis/fcilsis/syllabi/Klovning/Foreignlaw2008tk.ppt#432,1,%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20Researching%20the%20Law%20of%20a%20Foreign%20Country%20–%20Online%20Resources