

Methods of the International Criminal Court and the Role of Social Media

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Introduction

In the 20th century crimes against humanity and crimes of war have become more present in our conscience and awareness. The reasons are that they have become more methodical, more devastating, and also better documented. The 20th century has seen a development from international awareness of international crime and human rights violations, to the establishment of international criminal tribunals and ultimately the establishment of the International Criminal Court, and an undeniable influence of social media on the international discourse.

Genocide is one of these crimes against humanity, and arguably the gravest one. With ad-hoc international and national criminal tribunals, special and hybrid courts, as well as the permanent International Criminal Court (ICC), big steps have been taken towards justice in the wake of genocide and crimes against humanity. Genocide is hardly a novel crime; it is the name that was newly coined in the mid-1900s. In fact, mass killings and possible genocide have occurred for centuries. The mass killing under Russian leader Stalin¹ (Appendix A) occurred before the height of the Nazi Holocaust. Even before then, mass atrocities were committed over time, though not well documented. For instance the Armenian genocide under the Ottoman Empire, has been widely accepted as a “true” genocide, with roughly one-and-a-half-million dead.² To this day Turkey denies these numbers.³ With the end of World War II and the end of the Nazi regime, the first international tribunals in history were held, prosecuting top-level perpetrators. This was the first stepping-stone in the development of International Law and International Justice.

With the increase of cases being heard by the courts and the tribunals, the question arises how these institutions can be effective. In the first part of this paper, I ask what procedures and mechanisms the ICTs and the ICC employ in an attempt to effectively address accountability for

genocide and crimes against humanity. In the second part I address the role of social media, its benefits and its abuses. The methods and mechanisms should shed some light on the effectiveness of the trials. I aim to address how and why these international courts are employed. At the same time, the use of Information and Communication Technology (ICTech^a) has become significant to individuals as well as organizations. I will address their use and implications.

In the 1990s, the first International Criminal Tribunal was established for Yugoslavia (ICTY) in response to the genocide of Serbs in Yugoslavia. The ICTY tried the first sitting head of state. The Special Court for Sierra Leone was established in 2002 and tried the first president (in this case of Liberia). This court closed at the end of 2013 and has become the Residual Special Court of Sierra Leone. Heads of state were previously believed to enjoy impunity from prosecution. International Law used to prohibit the prosecution of an individual for crimes that were committed by a state under their reign. As this perspective has changed, leaders such as Slobodan Milošević (Yugoslavia) and Charles Taylor (Liberia) have been tried before the ICC. Omar Al-Bashir (Sudan) has been indicted but is still at large. More recently, Uhuru Kenyatta, sitting president of Kenya, has been indicted and brought to The Hague for trial. I will use the first three cases to highlight the work of the International Criminal Court and the Tribunals.

This paper is organized into two main parts: 1) the ICC and ICTs, including an overview of existing literature in the field of genocide studies, the three selected cases, and how the courts attempted to address crimes against humanity and impunity; 2) the role that ICTech, i.e. Twitter plays.

^a Commonly abbreviated as ICT but due to the use of ICT for International Criminal Tribunals in this paper, I will refer to it as ICTech

Approaches to the Workings of the ICC

In order to understand how the ICC and the tribunals attempt efficacy in prosecution of individuals indicted for crimes against humanity, war crimes, and genocide, we have to take a closer look at what constitutes “success”. Here, we look at impunity, deterrence, and lasting peace.

Theoretical Background

Many scholars have weighed in on the issue of what the ICC actually does to accomplish its goals of deterrence and punishment. The theoretical foundation of this paper is oriented by the work of William Schabas, Kathryn Sikkink, and others. Schabas has provided much analysis of the workings of the international courts. He comes from a legal background, thus operating within the legal framework of the genocide convention, the Universal Declaration of Human Rights, etc. Schabas appears to be a proponent of the success of the international criminal courts. The content of this paper is drawing from Kathryn Sikkink’s work in two ways. First, she is a supporter of the international criminal courts and their success. She writes on the spread of the tribunal principle from post-civil war Spain to transitional governments in Chile and Brazil, to the international criminal tribunals as used by the ICC. These often locally situated tribunals have shown successes in reconciliation and peace. Second, with Margaret Keck, Sikkink published on transnational organizations and the use of technology. The authors found that technology (internet/cell phones/computers) allow for activists to organize across borders and social boundaries. This was published in 1998 and foreshadowed the role of technology in the revolutions in the Middle East.

Barbara Harff also contributes with an analysis of prevention. Harff is taking an empirical approach (regression analysis) to the detection and prevention of politicide and genocide.⁴ She

shares the results from a statistical model to predict whether a state will commit geno-/politicide with 74% accuracy. Whether 74% is reliable enough to further implement Harff's model is not discussed but it demonstrates the applicability of her criteria. In her findings, state failure frequently is tied to low interaction with other states, low economic performance, prior geno/politicide, high infant mortality, and ethnic minority elites. This is reflected in the situation in Tunisia and Egypt which brought about the revolutions discussed later on. Her statistical approach is meant to allow international governments to determine where help is needed and to devise strategies to turn those countries around. This can mean economic development, participation in international organizations, social development, etc. in order to prevent revolutions and unrest from happening.

Impunity

Heads-of-State used to enjoy impunity from any legal action based in an effort to protect the leaders of a country. However, this protection has led to abuse, which has been demonstrated over and over again, where heads-of-state deliberately had a group of their population killed or removed (Cambodia, Serbia, etc). We could claim that impunity has been successfully ended based on the indictments of Milošević, Taylor, Kenyatta, and Al-Bashir. Yet, there is harsh criticism coming from the African Union (AU). African leaders (and other critics) see an overwhelming focus on African countries. In Fall 2013, the AU called on the ICC to reinstate the impunity of sitting state leaders; they asserted that the indictment and arrests of these leaders frequently end with releases^b while disrupting their authority and ability to lead their countries at home.⁵ Kenyatta was part of the AU meeting and certainly had an interest in this request.

^b Releases due to a lack of evidence

The criticism of the overwhelming focus on African countries is well sustained. For instance, the list of indictments on the ICC website boasts exclusively individuals of color from Africa. One may wonder about human rights violations in Asian, Middle Eastern, or South American countries, which would benefit from investigation. The ICC was created on the foundation of thirty-four African countries^c out of a total of 122 who signed the Rome Statute.^d The indictment of individuals of member states is significantly easier than from non-member states. In these cases, for instance, connections need to be drawn to victims from a signatory state. Still, the majority of cases that the ICC is investigating have been referred by African states. Out of the 8 situations (which led to 28 cases), four situations have been referred by African member states; only two came through the UN Security Council and another two from investigation of the Prosecutor.^e For the time being, impunity of heads-of-state has been removed.

Deterrence Theory

Deterrence is a main objective in the justice system. Besides punishing those who are guilty it also attempts to deter those who may become future offenders from acting upon such inclinations. Punishments are intended to allow the individual to reconsider before committing a crime.

Cesare Beccaria and Jeremy Bentham originally discussed deterrence theory. Deterrence Theory is based on the assumption that man is a rational actor making rational choices. This means, before committing a crime, a person would perform a cost-benefit analysis determining whether a certain crime would be worth the punishment.⁶ This is now called the economic model of the

^c <http://www.aljazeera.com/news/africa/2013/10/africans-urge-icc-not-try-heads-state-201310125566632803.html>

^d http://www.icc-cpi.int/en_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx

^e http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/Pages/situations%20and%20cases.aspx

rational actor; it shares the same roots with rational choice theory, a dominant political, economic concept.

Deterrence is not just a goal in domestic courts but in international criminal law, including the ICC and the ICTs. For example in the indictment of Omar Al-Bashir, frequent criticism is laid against the ICC for its inability to actually arrest Al-Bashir. However, a major point is missed: Al-Bashir is the first *sitting* head-of-state to be indicted by the ICC⁷. This not only set a bold sign that impunity for political leadership has in fact ended but it is also intended as a deterring factor for other heads-of-state. Based on Deterrence Theory, criminal law assumes that other heads-of-state will consider possible indictments and conviction before issuing orders to eliminate a group of people or stoking tensions in the country.

Just recently, the UN Human Rights Council has sent a strong message to Kim Jong-un and North Korea: on March 28, 2014 it passed a resolution calling on the UN Security Council to “take action, including referring North Korea to some form of international judicial process”⁸ to account for its human right violations. This threat would have had less meaning and less power prior to the Al-Bashir indictment. In addition, the indictment and prosecution of Charles Taylor, the first *former* head-of-state to be indicted, reinforces the commitment of the international justice system to punish those guilty of war crimes and crimes against humanity. These two cases are reinforced by deterrence theory and operate in the belief that ending impunity can prevent future atrocities.

Whether these threats alone are going to deter North Korea from further (alleged) human rights violations and whether Al-Bashir’s indictment will end his oppressive reign is questionable. However, Korea’s ambassador to the UN So Se-pyong’s reaction shows that they are certainly taken seriously. He was recorded having said that this will make things worse and that the

international community should “mind its own business.”⁹ North Korea is also fully aware of the veto-power of its ally China on the Security Council.

Methods of the ICC and ICT

Ultimately, methods in addressing the crime of genocide in relation to the ICC and the tribunals means that a) open prosecutions of perpetrators of crimes against humanity and genocide have concluded or will conclude; that b) that whatever goal was set at the beginning of the trials have been achieved; and that c) advocacy for peace and reconciliation takes place. This can be measured on the amount of observable unrest in the respective regions. Often unrest cannot be “blamed” on the ICC or an ICT but this would have to be evaluated on a case-by-case basis.

I suggest that the ICC has not been as efficient as it could be at addressing crimes against humanity and genocide because of enduring power struggles within the structure (the UN Security Council, etc), which limit access to perpetrators, long-lasting trials, and a lack of reconciliation amongst the populations. Lack of reconciliation can be the breeding ground for future violence, as conflicts never get resolved. Reconciliation can be achieved through local trials and so-called truth commissions.¹⁰ It is a necessary step towards stronger relations between different groups and necessary to avoid retaliatory activities from the former victims, or renewed flaring up of ethnic tensions. Advocacy is a significant step in this approach as well. Frequently, there is criticism that the victims have not been heard or found representation, especially if trials take place outside the country, for example at the official seat of the International Criminal Court in The Hague.

Established in 2002, the ICC is still a comparably new establishment. With its 122 member countries that are parties to the Rome Statute of the International Criminal Court, it has become a large institution but by far does not include all nations. Many countries are not yet members,

which would increase the Court's ability to be successful. The United States have not yet ratified the Rome Statute and are not members to the criminal court, yet, they have important influence on the court's proceedings and decisions due to their membership in the UN Security Council. The direct and indirect ways in which nations exert their power influence the ICC's and the tribunals' ability to operate. There is much diffusion of power through the many capillaries of power offered through membership in the UN or its subsidiaries (i.e. courts, treaties, agreements). It is important to note, that the United Nations and ICC are intrinsically linked: while the ICC is an independent institution, the ICC prosecutor receives referrals from the UN Security Council. The Security Council is also involved in the mandates of the Court and can pass resolutions to get the court involved in conflicts, i.e. in Syria.¹¹ The Security Council also receives resolutions like the one regarding North Korea from the Human Rights Council. These power relationships provide important hints at the current state of international criminal prosecution.

Social Media

In the second part of this paper, I turn to the use of Twitter as a tool on the side of institutions of law as well as the people. It shows that with opportunity also comes misuse. In this section, I am looking at the usage of Twitter with a content analysis of postings by the ICC, the ICTY, and the RSCSL. Following, I will analyze the role of Twitter, the opportunities it provides for social groups but also abuse.

Margaret Keck and Kathryn Sikkink take a closer look at intricate networks of activism and agency, similar to those utilized in the Middle Eastern revolutions. Activist networks and non-governmental organizations (NGOs) have become able to organize over long distances and geographic regions avoiding costly barriers of international organization. At this point, they can

have the same reach as international institutions, with much less administrative restraint. Thus, they move more freely and in their wake follow international media and response. International Institutions, however, have also discovered technology as a way to stay connected with the people.

Maria Paradiso provides a similar outlook in her research on North African migrants and their use of “information and communications technologies” (ICTech) during their travel north. Paradiso draws on Castells et al. by pointing out that mobile communications indeed have allowed “clusters of people in their social and private lives”¹² to connect. Furthermore, as Keck and Sikkink anticipated, spatial, national, and socio-economic lines have become blurred. She developed a communication model of four phases that she applied to the uprisings in Tunisia and Egypt:

In phase I, information spread through the Internet. In phase II, shared indignation of public opinion was forged. In phase III, feelings of indignation were coupled with concerns about rising food prices and social inequality. In phase IV, a specific, oppressive act and subsequent suicide ignited Tunisians’ collective emotions and mobilized mass protests on the streets, a process that enable via wireless communication and by word of mouth.¹³

Paradiso connects these four phases to the use of technology, i.e. Internet, cell phones. She further links these steps to the role of Foreign Direct Investments and the increase of food prices in the region. The four-phase model can be applied to other instances of uprisings in the Middle East. It also allows for careful forecasting of the reoccurrence of such revolutions in other locations that offer similar combinations of food dependency, poverty, inequality, and ICTechs.

In his analysis, Alqudis-ghabra states that conditions were “ripe” and the uses of ICTechnology tools accelerated the process of revolution; the question now is whether these tools can also be used to build a brighter future. There was an emphasis on the skills and role of those who used Twitter, for example, more than how many users there were.¹⁴ This is the power that institutions

like the ICC and ICTs may have realized with their regular updates on Twitter and Facebook. It gives those following the impression that progress is made on a daily basis and that the courts are transparent and open. With videos posted to YouTube and linked on Twitter, anyone in the world with ICTechnology access can follow the trials and proceedings.

The Courts and their Roles in International Justice

Earlier tribunals, like the Nuremberg tribunals, used to end in death sentences and executions.

However, with the abolishing of the death penalty in international law, sentences have changed to life in prison. This means 30-70 years for the usually aged perpetrators. Despite these proceedings, genocides have continued to happen throughout the 20th century: Cambodia, Bosnia/Serbia, Rwanda, and others.

It is important to differentiate between the International Court of Justice, which is an organ of the United Nations, and the International Criminal Court, as well as the ad-hoc criminal tribunals.

The latter two are also connected to the UN, as the Security Council can refer cases. I am only looking at cases of the ICC and ICTs, which are limited to cases against individuals charged with crimes against humanity, war crimes, and genocide. The ICJ hears cases against governments, violations of international law, and inter-nation disputes.

Kathryn Sikkink points to the fact that human rights organizations or NGOs, i.e. Amnesty International (AI), which investigate and record human rights violations, were not formed until recent history and therefore much documentation is not available for cases that happened prior.¹⁵ AI for instance was founded in 1961, twenty years after the founding of the UN. Therefore, international accountability for abuse of civilians still is a fairly new concept. Yet, these

organizations have become an important element of information gathering, which cannot only pressure states into action¹⁶ but it also provides necessary knowledge.

Kathryn Sikkink provides an analysis in favor of the ICT/ICC's effectiveness. According to her work, it has just begun to show its full potential in terms of indictments, trials, convictions, and carrying out sentences. She also spends a significant amount of time on advocacy, discussing the tribunals in Spain, as well as the origins of truth commissions in Argentina and Chile. Sikkink elaborates on how local trials and so-called truth commissions have been very successful in South America. The truth commissions have been very useful tools in transitional governments.¹⁷ These were transitions from oppressive regimes to more democratic governments. The truth commissions and local trials were believed to foster more community involvement and thus enable healing. It is for the same reasons that the ICC and ICTs defer as many cases as possible to local and domestic courts. They allow for the victims to be involved in the process. Trials in The Hague, for instance, are too removed and do not provide the same level of reconciliation to the people. Yet, in some cases, local trials are in danger of becoming arenas of retaliation and scapegoat trials. Then they are held in foreign courts.

Sikkink responds to the frequent criticism of the ICT/ICC's length of trials, which often stretch over years. From her perspective those trials that have been criticized for dragging on for too long, show a stronger impact on peace in a country than trials that are faster and seemingly more effective. Her position supports continuing growth of the International Criminal Law system, to establish its credibility, and allow countries as well as international institutions to act promptly in the emergence of targeted violence against a group of people.

This responsibility to react is currently assumed by western powers, the international community, international institutions, such as the UN, the Security Council, NATO, the European Union, the

African Union, and an Asian alliance, etc. Some of these institutions require reform to move them from their realist conceptions to a reflection of the current, globalized world. For instance, a revision of the veto power granted to permanent UN Security Council members, in fact, a revision of permanent UN membership is needed. We must become swifter and more prepared to react to quick developments in human rights violations.

I will highlight some methods the ICTs and the ICC employ to effectively address accountability for genocide and crimes against humanity, using the examples of the ICTY, SCSL, and the attempts to indict Omar Al-Bashir for his alleged crimes in the Darfur conflict. A reflection on the existing literature in the field will provide insight in that area. Based on the assumption that human behavior and our ability to hate and annihilate will not change on their own, I will discuss how the ICTs and the ICC can be useful tools, if not the only tools, to contain such aggression and to prevent genocide from happening over and over again.

Why is the Rome Statute important?

The UN Genocide Convention, along with the UN's Universal Declaration of Human Rights, the UN Convention on Torture, and the establishment of a permanent International Criminal Court are huge improvements in the ability to prosecute perpetrators. They are used to put trials into context and to inform post-conflict education. The Rome Statute provides the basis on which the ICC and ICTs operate. It allows for the prosecution of heads-of-state and other political leaders for crimes committed against groups of people and the violation of human rights. The gravest such crime, genocide, was coined and defined by Rafael Lemkin, a survivor of the Jewish Holocaust of World War II. In his tireless effort to put a name to the crime and to find a way to end it once and for all, Lemkin accomplished the acknowledgement of the crime and the ratification of the UN Genocide Convention in 1948.¹⁸ All three cases referred to below, are

based on accusations of genocide. This Convention is now the operating framework in international relations and international law to determine whether a mass atrocity can in fact be classified as genocide or a different crime against humanity. The UN Genocide definition is not only inspired by but also tailored to fit the Jewish genocide under the Nazi regime. Often this genocide is considered the ultimate suffering, the worst suffering. Some survivors of the Holocaust can and do argue that their suffering was the worst. At the same time, this approach takes away from other instances of mass murder, which were less structured. Who is to say that women and men tortured and killed by the Khmer Rouge, people who got their limbs hacked off by Hutu fighters, or women who were gang raped, abused, and killed in Bosnia did not subjectively experience the same level of suffering? In order to prevent further suffering, we must be able to address new and different instances without comparing them point for point with the Holocaust.

The ratified convention, however, has created much scholarly controversy. It is a version of Lemkin's original text, which was subjected to vetoes from UN member states, such as Russia.¹⁹ This controversy deals with the question of how firm or socially focused the term genocide should be interpreted: is the Convention too narrow and should it include *politicide*²⁰, *ethnocide*²¹, etc. or is it appropriate as is? For the purpose of international law and the ICT/ICC as discussed in this paper, genocide is, as ratified, the "intent to destroy, in whole or in part, a national, ethnical, racial or religious group."²² The many arguments made against its scope are not directly related to criticism of the court's effectiveness; they are mostly concerned with instances that are not captured by the ICT/ICC, for example *ethnocide*, *politicide*, and *democide*.²³

The ICC acknowledges mass murder based on political orientation genocide, which has been vetoed in the UN Convention. International Criminal Law looks for “intent”, the specific motive is not relevant.²⁴ Even if genocide is “accidental”, meaning that it did not have primary intent but was also not prevented, it is still considered genocide. If a change in policy would have prevented genocide from happening, the involved parties can be held accountable. This clearly differs from the UN Genocide Convention. Under the Convention it would be tremendously difficult to intervene or prosecute a state or individual for genocide if there is no stated intent.

Sikkink and Weitz would agree that this legal framework and the institutions are a big step towards prevention.²⁵ They act as deterrents and justice but also lead to the question of why did they not deter Al-Bashir or Milošević? Some scholars have pointed to nations’ leader’s sense of impunity and perception of exceptionalism, as well as the moving of crimes against humanity into the shadows, away from the international public eye. Both situations that the ICT/ICC has vowed to eliminate. Sikkink, Fein, and Weitz would likely agree that this is a work in progress and will ultimately lead to the end of these horrific crimes.

The Goals of International Criminal Courts

In order to address its methods, we need to focus on what the goals are for the ICC and ICTs.

The Preamble to the Rome Statute, which is the foundation of the International Criminal Court and its Tribunals states it is “Determined to put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes” as a goal. In the ICC’s Strategic Plan it states to “Fight against impunity and contribute to the prevention of crime and long lasting respect for the rule of law,”^f to end the “culture of impunity.”²⁶ Impunity has for a long time enabled states’ leadership to oppress and eliminate people uncomfortable to the leading

^f ICC Strategic Plan, April 2013

elites. This includes opponents to the political regime, minorities that proved an obstacle to an ethnically “pure” nation, or a group of people that fell into the role of scapegoats. Firstly, impunity meant that a sitting-head-of-state or a regime could not be held legally responsible in an effort to not disrupt their legitimacy and efficiency as leaders of a nation. Secondly, in an international realm that is governed by realist political thought, each nation is a sovereign and independent actor. Nations would not get involved in the domestic business of other nations. The oppression and elimination of people within state borders was considered domestic business. However, such “business” rarely just happens and affects a state within the domestic realm. Unrest, refugees, and outward hostility affect the surrounding regions as well.

The first International Criminal Tribunal (ICT) and the founding of the International Criminal Court (ICC) were significant disruptions to that ontology. With the signing of the Rome Statute, many nations accepted a new world order in which other nations can legally disrupt domestic politics abroad. Those who did not sign probably considered it an interference with their sovereignty; those who did sign were looking for protection and a voice. The ICC was a promise to end impunity, bringing accountability to those in power; and it delivered. However, the criticism that there is an overwhelming focus on African countries, seemingly excluding other nations will have to be addressed. Perhaps the recent UNHR Council resolution requesting the indictment of the leader of North Korea will be a first step.

The ICC and ICTs have been true to this goal, as we will see in the three cases discussed. Martin Shaw states that heads of state of non-signing states to the UN Genocide Convention or the International Criminal Court, not only enjoy impunity but consider themselves immune to international prosecution and do not believe that they could be actually held responsible. Shaw sees that as a major challenge for the ICT/ICC. Yet, Akhavan states that the “vigilance of

international criminal justice will ensure that their crimes do not fall into oblivion, undermining the prospect of an easy escape or future political rehabilitation. A post-conflict culture of justice also makes moral credibility a valuable political asset for victim groups, rendering vengeance less tempting and more costly.”²⁷ Some of this has been true so far, as trials last long times, domestic courts are established, and most courts are kept from revengeful groups. At the same time, many of the trials following the Rwandan genocide have been held in small town or community courts. These have been criticized significantly for a lack of due process and as venues of retaliation. The Rwandan genocide had its 20th anniversary this spring.

Using the cases of Yugoslavia (ICTY), Sudan (2009), and Sierra Leone (SCSL/RSCSL), I will discuss how each court attempts efficacy in prosecution by looking at its methods at addressing the crime of genocide. I will examine the indictments of Slobodan Milošević (ICTY), Charles Taylor, and the arrest warrant for Omar Al-Bashir, judgments, as well as sentencing. As evidence permits, I will also review what impact the rulings had on the respective regions. Finally, I will look at how the accused are brought to justice.

The discussion in this paper comes at a critical point in time. Since its establishment in 2002 enough time has passed for its first critical re-evaluations. This is particularly important given the speed with which news of uprisings and human rights violations travel around the world today. We are more aware of such crimes than ever before, and institutions like the UN and its courts are under pressure to respond that much faster as well. There is no lack of criticism available but also plenty of support for the Court’s mission and accomplishments. With this paper, I hope to contribute to the discussion by outlining its steps towards efficacy.

The Role of the Courts - ICT/ICC/special courts, national courts, hybrid courts

The SCSL Appeals Chamber has stated that, in relation to legitimate sentencing purposes, 'the primary objectives must be retribution and deterrence'. This is also acknowledged by the ICTY Appeals Chamber which stated that ...

"it is well established that at the ICTY and the ICTR, retribution and deterrence are the main objectives in sentencing'. In the context of international criminal justice, retribution is not to be understood as fulfilling desire for revenge, but as duly expressing the outrage of the international community at these crimes and it is meant to reflect a fair and balanced approach to punishment for wrongdoing. In other words, the punishment must fit the crime."^g

The international justice system now consists of a number of courts. There are the international tribunals, special courts, domestic courts, the International Criminal Court, as well as the UN Mechanism for International Criminal Tribunals ("the Mechanism")^h. These are in addition to the International Court of Justice (ICJ) and the Appeals Chamber. The main differences are that the ICJ hears cases between nations (as opposed to individuals), while the other courts try individuals. Cases of Human Rights violations are predominantly dealt with in domestic courts, often in the countries where the violations occurred. In some cases these trials are moved to third party countries in order to avoid the politicizing of the case or if the fairness of the trial appears in danger. So far, two Special Courts have been established, one for Sierra Leone (SCSL) and one for Cambodia. The SCSL sentenced Charles Taylor to 50 years in prison for his war crimes in 2012 and concluded its work on 12/31/2013. Interestingly, the Appeals Chamber upheld the sentence in its entirety. With the conclusion of the SCSL and Taylor serving his sentence in Great Britain, the supervision of the sentences has been transferred to the Residual Special Court for Sierra Leone (RSCSL) with headquarters in Sierra Leone and The Hague.

The other important point to note is that most international cases are in fact heard in domestic courts. Members to the Rome Statute but also non-members can "request the Office of the

^g Charles Taylor, sentencing, p. 6 <http://www.sc-sl.org/LinkClick.aspx?fileticket=U6xCITNg4tY%3d&tabid=107>

^h <http://www.unmict.org>

Prosecutor to carry out an investigation.”²⁸ The UN Security Council can, in addition, refer a case to be investigated by the ICC. The cases heard by the ICC are restricted to matters after its founding in 2002 and to crimes against humanity, war crimes, and genocide. If the respective countries are already investigating the same matter, the ICC is unlikely to pick up the same case. Depending on the gravity of the breaches of the Geneva Convention, cases are referred to domestic courts or picked up by the ICC/ICTs. Crimes of Genocide, for instance, are picked up by the ICC.

The Mechanism is a newer installation of the international criminal system. It has been created to assume and consolidate the functions of the ICTY (in The Hague) and ICTR (Arusha, Tanzania) and carry out their responsibilities in the future. The stated mission is “continuing the ‘jurisdiction, rights and obligations and essential functions’ (UNSC Resolution 1966) of the ICTR and the ICTY; and maintaining the legacy of both institutions.”²¹ The work of The Mechanism is comparable to that of the RSCSL.

In its current state, the ICC and the tribunals are intrinsically linked to the UN Security Council and the support of the respective countries. Long timeframes for trials, inability to arrest perpetrators immediately, and the distance to the victims are reasons that, so far, international trials have been limited in their ability to act quickly and provide fast-paced prosecution. For instance, currently there is much debate whether Syria is a new host of genocide; yet there is no clear answer whether it is, who the perpetrators and the victims are, and who would have to lead the intervention. Every state has the “right to non-interference;” the UN urges all States to respect the principle of non-interference in the internal affairs of States and the sovereign right of peoples to determine their political, economic and social system.²⁹ The determination between a

ⁱ <http://www.unmict.org/about>

right to non-interference and the loss of such right is a critical but time consuming task. This was the case with the situation in former Yugoslavia or Rwanda. In addition, once these matters have been decided and the need for a tribunal has been determined, it can take extended periods of time to indict those accused of crimes and who may be “at large”.

Overall, the field of International Law, the International Criminal Court, and genocide as a prosecutable crime are a fairly new development. Between the UN Convention and the definition of the ICC, genocide should be fairly easy to detect and prosecute. However, in reality the UN Convention is limited enough that it makes it difficult for the international community to intervene in an ongoing genocide. It is a challenge to determine when intent is proven and to find the point to interfere if the hostilities are political. The intervention in Bosnia and Kosovo is the most recent and successful intervention by the UN. In Rwanda, however, where neighboring tribes started killing each other, seemingly without government agenda, it took a long time before the international community found cause to interfere.

Furthermore, as Sikkink explains, in some countries the fear of the previously oppressive regime sticks for a long time, probably for fear of accomplices or the system returning. She explains this in relation to the revolution in Spain in the 1930s. She states that “this unquantifiable fear must be taken into account when we try to explain why some countries can hold prosecutions and others cannot.”³⁰ In these cases the ICC/UN determine whether trials will be held domestically in the respective countries or whether they need to be transferred to The Hague or another host-country.

Some of the criticisms of case transfers are related to the removal of proceedings to other countries. Many of the victims do not get the same representation as if it was a domestic trial, thus giving them “no voice in court.” However, if the proceedings are local, disruptions and

political unrest are a major concern.³¹ An example is the Saddam Hussein trial, in which Hussein defended himself and used the proceedings as a platform for propaganda and interruption. These tribunals have been successful overall but experience incredible challenges from the outside.

The ICTY – The Slobodan Milošević Case

The International Criminal Tribunal for the Former Yugoslavia (ICTY)^j was formed with the end of the conflict in the region, following prolonged UN intervention. The ICTY was the first such international tribunal in history. It was founded in 1993 and is currently set to end proceedings in December 2015 or July 2016. All its cases have been transferred to The Mechanism. Slobodan Milošević, President of Serbia and Commander in Chief, was indicted at the ICTY for alleged genocide, crimes against humanity, grave breaches of the Geneva Convention, violations of war/customs of war, killing of Bosnian Muslims and Bosnian Croats, and forced labor in Bosnia and Croatia from 1992-1995. In addition, he was indicted for crimes against humanity and violations of war and customs of war in Kosovo in 1999. Overall, his military actions took place across Bosnia, Kosovo, Serbia, and Croatia. The list of indictments is extensive.³² The trial began in February 2002 and was concluded prematurely four years later due to Milošević's death.^k

So far, the work of the ICTY has cost \$286,012,600 in 2010-11 and \$250,814,000 in 2012-13.³³ This frequently leads to criticism regarding the costs of these tribunals. However, as the ICTY informs, it has 760 international staff, and has indicted 161 individuals, 74 have been sentenced, 18 acquitted, and 36 withdrawn. There are no accused at large, and 20 cases are still going on.

^j Extensive case information is available here: <http://www.icty.org/action/cases/4>

^k Milošević trial: 2/13/2002-3/12/2006

On average this results in \$134,206,650 per year in order to bring the guilty to justice, to provide closure to the victims, and to set a sign that human rights violations and genocide are taken seriously by the international community. In comparison, the international community spends about \$1.7 trillion³⁴ on their militaries; this lets the amount used for international justice almost disappear in the background).

The ICTY has been able to prosecute every single individual accused of playing a significant role in the genocide and crimes against humanity in former Yugoslavia. It has been able to give the residents of the respective nations the peace of mind that the old perpetrators will not return.¹ Ethnic tensions still exist but the breeding ground on which these tensions were able to grow into criminal action has been removed. Individuals and groups of people have been able to reach out to the other groups, and steps have been taken to reconcile and to forgive. In addition, many governments have established independent Truth Commissions³⁵, such as for the Former Yugoslavia, to allow people to share their experiences, to learn about others, and to begin moving forward.³⁶ Part of this effort is also the remembrance of the anniversaries of events and public dialogue.³⁷

The SCSL – The Charles Taylor Case

The Special Court for Sierra Leone (SCSL) was the first international court to indict a former head of state since the Nuremberg Trials, Charles Ghankay Taylor, President of Liberia. It was founded in 2002 and began its work in March 2003. The court officially ended on December 31, 2013 and has moved all responsibilities to the Residual Special Court for Sierra Leone (RSCSL).

¹ “Thus, the penalties imposed by the Trial Chamber must be sufficient to deter others from committing similar crimes. Deterrence is both general, referring to the notion that a convicted person who is punished can serve as an example to others, who will then desist from committing or will be unlikely to commit the said crimes for fear of being punished, and also specific deterrence or incapacitation, which describes the objective of preventing future criminal conduct by restraining or incapacitating convicted persons.” Taken from Charles Taylor, sentencing, p. 7: <http://www.sc-sl.org/LinkClick.aspx?fileticket=U6xCITNg4tY%3d&tabid=107>

The Charles Taylor proceedings opened in June 2007 in The Hague, and were concluded after five years in April 2012 with a 50-year prison sentence for Taylor. He is fulfilling his sentence in Great Britain. The RSCSL clarified in a Twitter feed that reports were incorrectly stating that there had been other nations willing to carry out Taylor's sentencing. Great Britain was the only country willing.

Taylor was indicted for his involvement in the Civil War in Sierra Leone. He has been accused of helping to plan attacks and terror campaigns with the Armed Forces Revolutionary Council (AFRC) Revolutionary United Front (RUF) in return for "blood diamonds" from Sierra Leone. The charges against Taylor are extensive; he was indicted for 17 counts of crimes against humanity and was convicted for 11 counts of crimes against humanity: acts of terrorism, murder, violence to life, rape, sexual slavery and violence, outrages upon personal dignity, other inhumane acts, as well as enlisting child soldiers (younger than 15 years of age), enslavement, and pillage³⁸. The prosecution had asked for 80 years in prison, which was reduced to 50 years in the ruling. Either way, this means a lifelong sentence to Taylor, who is in his 60s. Interestingly, this case, as most others, went before the Appeals Court, which upheld the ruling and sentence.

The Charles Taylor trial has cost a total of estimated \$50,000,000 and his imprisonment will cost approximately additional \$131,000 per year. Critics may argue that these sums are disproportionately high, in particular as this was the first case to be largely funded by international donations³⁹, i.e. tax payers in 40 member countries. Yet, the extent of the crimes committed, the number of people killed or mutilated, and the challenges that countries like Sierra Leone face in order to recover, to forgive and to grow are hardly comparable to the sums paid to bring a key perpetrator to justice. World Bank data shows that since the founding of the SCSL in

2002, the GDP of Sierra Leona has skyrocketed. In particular since 2007 (the beginning of the Charles Taylor trial), the GDP has continued rising. Between 2002 and 2013, the overall GDP has grown from \$1.239 billion to \$3.769 billion.⁴⁰ At the same time, death rates have been slowly falling, while literacy rates and education amongst the population is steadily rising. This may indicate a redistribution of wealth and economic power in a country that was previously oppressed, terrorized, and used for its natural resources. The price paid to prosecute Taylor is negligible in comparison to what has been gained for the region. These numbers do not speak for individual wealth but for the growing health of a national economy.

The ICC – The Omar Al-Bashir Case

The case of Omar Al-Bashir's crimes in Dafur, Sudan is being handled at the International Criminal Court in The Hague. He has been accused of strengthening and working with the Arab Janjaweed militia against the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM). Since July 2008, two arrest-warrants have been issued against Al-Bashir, who has yet to be indicted. Al-Bashir is the first *sitting* head of state to be wanted for arrest by the ICC. He has been accused of 10 counts: Five (5) counts of crimes against humanity: murder, extermination, forcible transfer, torture, and rape. Two (2) counts of war crimes: intentional attacks against civilians, pillaging of towns and villages, and three (3) counts of genocide.⁴¹ He has been implicated in the killings of members of the Fur (of Darfur), Masaleet, and Zaghawa ethnic groups.⁴² Since Al-Bashir has not yet been indicted, several countries have encouraged peace talks but so far with little success. In addition, Al-Bashir levels criticism against the western powers for using the ICC as a tool against less popular African leaders, in particular those with less support from Western countries. This is part of the power struggles that the ICC/ICTs faces. It has been almost six years since the first arrest warrant against Al-Bashir, and

yet he maintains his position as President of Sudan. Violence is sprouting up in the southern part of the country lately but Al-Bashir has plenty of support from those in power close to him to fend off the arm of international law. His movements between countries are well documented in the news,⁴³ yet he is at large as the ICC is unable to actually arrest him. Critiques of the ineffectiveness of the ICC are rooted in these situations.

Al-Bashir is taking advantage of the growing criticism that to this point, the ICC has only indicted and convicted leaders of the African continent. Such criticism, however, ignores the work of the ICTY, which as an organ of the ICC did not operate in Africa. Nevertheless, the criticism is valid as the current website of the ICC depicts exclusively leaders of color in its “wanted” pages. This does not clear Al-Bashir from the allegations against him and it certainly does not deny the massive deaths and abuses in Sudan. It makes it the more important to indict Omar Al-Bashir in order to learn what has been going on in Darfur/Sudan and to take a step towards permanent peace. Yet, with Al-Bashir remaining in power, there is little hope that he will actually be indicted anytime soon.

Social Media

Social Media has been playing a major role in recent political movements, such as the uprisings in the Middle East, or more recently the political struggles in Ukraine. Suddenly the whole world within an instant can see pictures of what is going on half-way around the globe. Pictures and descriptions of people taking to the streets, military moving into a city, people in line waiting for food handouts, buildings laying in shambles. Yet, problems have arisen as well. How often are those reports and those pictures that say 1000 words from places other than what we think they are? There has been much discussion of the misrepresentation of events by social media and its face value as taken by the mass media. For instance, pictures have been posted about the

conflict in Venezuela when in fact they appear to have originated in Bulgaria a couple years ago. Another telling photo of hundreds of peoples pushing through streets lined by the remains of bombed buildings, waiting for food supplies. Yet this picture was not from Palestine as claimed but from the conflict in Syria. These examples demonstrate not only the power of pictures but also the power of social media, and how the irresponsible use of social media sources helps misinform the broad public. There are many more such examples.⁴⁴ This is a reminder to carefully evaluate what is published and its sources. The value of instant news can on one hand speed up the process of international intervention and awareness, and yet can create a struggle that does not actually exist (or at least not in that shape).

In the next section, I will examine the role of Twitter and Facebook in the Jasmine and Lotus Revolutions^m. I further will take a look at how the International Criminal Court and the Special Court for Sierra Leone are utilizing social media outlets. The case against Omar Al-Bashir is not yet being tried and thus does not provide social media coverage.

Revolution in the Middle East

With Facebook and Twitter and the like, barriers between the political authority and the public have been lifted, to make it easier for the regular citizens to contribute and make their worries heard.⁴⁵

During the time of beginning unrest in the Middle East, Twitter and Facebook became the main tools for activists to organize. The use of these tools propelled any existing revolution forward significantly; it ignited action across groups of people and drew the attention of foreign media. As Keck and Sikkink had predicted in 1998, modern technology would help groups of people connect across lines of class and nationality. As Chebib et al describe in 2011, Twitter and Facebook allowed for Tunisians and Egyptians of different socioeconomic levels, age groups,

^m Lotus revolution refers to the situation in Egypt; Jasmine Revolution to Tunisia

and political interests to organize their revolutions.⁴⁶ “We use Facebook to schedule the protests, Twitter to coordinate, and YouTube to tell the world.”⁴⁷ In Egypt it reportedly began with the beating and killing of Khaled Mohamed Said at the hands of Egyptian police in June 2010, while in Tunisia protests against unemployment and income inequality flared up significantly with the suicide of the fruit vendor Mohamed Bouazizi, who set himself on fire in December 2010. The uprising in Tunisia successfully ended the reign of Zine El Abidine Ben Ali within weeks. Triggered by these events, an uprising began in Egypt. Following the murder of Said, Google-exec Wael Ghonim created a Facebook page called “Kullen Khaled Said – We Are All Khaled Said.”⁴⁸ The number of people joining grew rapidly to 600,000,⁴⁹ a number significant in the uprising in early 2011. It had become one of many pages that were used by young Egyptians to “vent,” to share information, and to organize.^o These pages became platforms for the organization of protests and aided the end of Hosni Mubarak’s reign in Egypt. These social media outlets allowed international media to follow events closely. Jeff Jarvis describes Facebook and Twitter as tools that created “raw, unfiltered news”.⁵⁰ As Andy Carvin elaborates in a number of examples, Twitter provides a lot of first hand accounts but also much false information. Here, a journalist must know who and where certain Twitter users are, they and their friends become nodes and networks of information. The lack of this reliability in information arising from Twitter is what may lead to wrongful information, such as pictures of “old” conflicts getting warmed up again for the sake of sensationalism. He speaks of combining the “strengths of traditional journalism and combining them with the real-time, Wild West nature of the social media landscape.”⁵¹ None of these revolutions or struggles are completely new to

ⁿ quote taken from Vargas

^o Ultimately, “printed flyers and mass text messaging” were the means to communicate on the ground. (Vargas)

the world but none have been able to gain as much momentum and global awareness before as the Jasmine Revolution.

Since the success of this reporting, informed by social media and the people on the ground, Twitter has gained a lot of legitimacy in the mainstream media. Any big event, be it a presidential debate or a football game, boasts a Twitter feed. Where do we draw the line between real information and pointless chatter? In 2010-11, journalists could heavily rely on Twitter and Facebook in order to anticipate where to find activity.⁵² Social media becomes significant when it is the only window into a “foreign” world, into a place that otherwise is hidden from the eyes of the public and in particular the international community. Without social media, the international community would not have realized and paid attention to what was happening as fast and as comprehensively as it did in 2007.

Social media has now become a widely accepted tool. On one hand this has led to any significant entity having a Twitter feed or Facebook page etc, and on the other hand has led to fearful regimes attempting to shut down these outlets (i.e. Turkey in 2014). In the following section, I will discuss the role of Twitter for institutions, such as the ICC, ICTY, and RSCSL.

Social media and public institutions

Since social media has become a part of life and way for people to share their interests, to connect with others, and to stay in touch with politics and popular trends, institutions have followed suit. It has become a huge advantage for companies and public institutions to share their news with the world on Twitter, Facebook, and also YouTube. This trend has also led the ICC, ICTY, and RSCSL (formerly SCSL) to update interested followers on current decisions, proceedings, and administrative activities.

In an effort to understand what the main messages are, I have compiled the Twitter posts for all three organizations for a 6 months period: October 1, 2013 and March 30, 2014. I have focused exclusively on posts in the English language. The posts in French or Bosnian respectively mirrored the English posts. Below, I am showing a brief content analysis of these feeds, as well as visualization in the form of word clouds.

Word clouds are a great visual as they show words in a larger size according to their frequency of usage. This also allowed me to take a closer look at the tweets of each of the institutions. For instance, the ICTY tweets several times a week, always in English as well as Bosnian. The RSCSL's tweets were getting a little scarce, as the last 6 months were a time of transition. The SCSL officially dissolved on December 31, 2013. Most posts were showing pictures of locals in Freetown who were also involved with the court, and postings of vacancies. This clearly shows the transitional nature, the wrapping up of a successful court, the transport of Charles Taylor to Great Britain to serve his sentence, and the hiring of new administrative staff for a less active residual court. The visual analysis of the ICC, ICTY, and RSCSL shows a much more active picture (Appendix B).

	ICC		ICTY		RSCSL	
Total entries						
#1	Case	37	Trial	226	Special Court Sierra Leone	22
#2	Appearance	19	Karadžić	178	Freetown	18
#3	Programme	17	Witness	143	Residual	13
#4	Statement	17	Scheduled	124	Vacancy	12
#5	Trial	17	Courtroom	122	Taylor	7

This chart shows the top five most common terms tweeted by the respective institutions for the time frame of 6 months between October 1, 2013 and March 31, 2014.

In order to count the most common words and create word clouds for the three institutions discussed in this paper, I transferred all Twitter feeds for each organization for a 6-month time

period into separate documents and then into a word cloud.⁵³ The top five words in the Twitter feeds are a reflection of the current state of each of the courts, ICC, ICTY, and RSCSL.

The ICC is currently in the middle of proceedings related to the conflict in the former Yugoslavia. Thus words like case, appearance, statement, and trial show up as the most frequently tweeted. The Twitter feeds are intended at informing the interested public of the daily occurrences, usually supplemented with YouTube video links, or press releases.

The ICTY tweets show the words trial, Karadžić, and witness most frequently. This is a reflection of the current proceedings involving Radovan Karadžić⁵⁴, accused of genocide in the former Yugoslavia. The proceedings have been going on since 2009 and are scheduled to close this year, 2014. Most of the tweets are revolving around this case, again providing supplemental information through trial recordings on YouTube or other articles.

Due to the official closure of the SCSL on December 31, 2013, the feeds of the RSCSL between October 1, 2013 and March 31, 2014 have focused on the wrapping up of SCSL business, the hiring of staff for the new RSCSL located in Freetown, the capital of Sierra Leone. Therefore, the words Freetown, Residual, and Vacancy popped up at the top of the Twitter feed word count. Taylor was the fifth most common term. It was used in reference to Charles Taylor's transfer to Great Britain.

Social media and mainstream news

As the case of Andy Carvin has demonstrated, Twitter's rise to a widely accepted tool in the news is founded on his success in the Middle East during the Jasmine Revolution. What Carvin and others have accomplished had been unprecedented: true real-time news from people experiencing and making the experiences for others. Instead of only journalists embedded on the

ground who would tweet⁵⁵ but also filter their news through international media networks, for the first time ever we had access to the “raw data” of events from average people. What has changed in the meantime that concerns are now being raised about the legitimacy of news from Twitter? In the endless race for the newest news and being the first to report an event, sensational posts from Twitter are taken at face-value and reported as news. What is missing may be the time and dedicated staff needed to verify the “news.” News outlets take a risk when turning around such tweets as breaking news but there are rarely any consequences.

As several writers have pointed out, i.e. Paradiso, Chebib, Alqudsi-ghabra, etc, Twitter, Facebook, and YouTube were simply tools (ICTechnologies) that helped exacerbate and speed up the revolutions in the Middle East. They allowed for mainstream media to be *at the pulse* of the events, to follow from afar, or to know where to go for real-time event coverage. These tools have allowed for people of very different backgrounds to work together and bring about change that otherwise would have been suppressed and diverted by the governments. This not only created new opportunities for the people but the mainstream news media as well. Suddenly there is a new way to receive “breaking news” first. The eternal strive to be the first news outlet to broadcast “new news” has found a new tool for its toolbox. As new as this methodology is there are problems and risk: there are challenges in deciphering which “confirmed” news is indeed confirmed and identifying pictures as truthful. Andy Carvin of NPR has developed a very journalistically safe approach and has proven his ability to distinguish “truth” from “fake” during the Middle Eastern revolutions. At the same time, some may remember the unveiling of the FOX News newsroom⁵⁶, which was intended on demonstrating that the organization is working at the pulse of time (or news). Yet, as Carvin elaborates, the importance lies in making connections between people on the ground and their confidants to avoid taking updates at face

value. This seems to be a trade that needs to be further developed and learned in much of the media landscape.

Conclusion

It was my intention in this paper to shed light on the workings of the International Criminal Court system, including the ICC, ICTs, Special Courts, etc. as well as their attempts at efficacy. Furthermore, I hoped to show the new linkages between social media and the work of international justice. In order to accomplish this, I looked at three specific cases: 1) the Slobodan Milošević case at the International Criminal Tribunal for the Former Yugoslavia (ICTY), 2) the case of Charles Taylor of Liberia at the Special Court for Sierra Leone (SCSL), and 3) the case against Omar Al-Bashir, sitting head of the State of Sudan. Each of these cases highlights that if the respective perpetrators can be indicted and brought to court, the courts work fairly efficiently. For instance, the ICTY has since its beginning indicted 161 individuals of which only 20 cases are still ongoing. One of the most prominent ones is scheduled to conclude this year. Zero individuals are at large. This means that at the time of the 22nd anniversary the court is getting closer to conclusion.

In addition, the outcomes certainly appear to have a positive effect on the recovery of the respective nations. For instance, the nations of former Yugoslavia are working on their differences and have been maintaining peace ever since the end of the war. As is often criticized, the tribunals and courts are expensive and often take a long time to come to conclusion. Yet, they have shown to be a supporting piece in the establishing of more stable societies. The most important step is to show that criminals will be held accountable and that there is a commitment from the international community to enforce international law.

This was made particularly clear with the indictment of a former head of state, Charles Taylor, former President of Liberia. This was a step towards the end of impunity for heads of state, a stated goal of the ICC and ICTs. Charles Taylor was the first President to get indicted, tried, and sentenced. He is now serving a 50-year sentence in a British prison. Ever since Taylor's indictment and subsequent sentencing, Sierra Leone appears to have recovered economically, as GDP, and GDP per capita have skyrocketed. The surrounding nations have experienced similar developments, which I assume are also related to the end of a war in the immediate region. The trial of Taylor has cost an incredible \$50 million. This is a point of contention for critics. At the same time, the cost of the war was significantly higher, not only in human casualties but also economically.

The conclusion of the SCSL and transformation to the RSCSL is a sign of success. The goals that were set at the beginning of the Court have been achieved. Many cases have been transferred to local courts, while the major cases, such as Taylor's have been successfully concluded. These processes certainly have not transformed Sierra Leone into a place without struggles and challenges. Yet they have demonstrated that there is justice and should provide peace of mind that the main criminals will not return.

It is not clear how the situation would change in Sudan if Al-Bashir were indicted. The current situation in Sudan is less than stable, though violence appears to have shifted towards the south of the country. The Taylor case has shown that if Al-Bashir were to be indicted he would most likely be tried and sentenced. It also appears that Al-Bashir has mostly stopped or at least limited traveling in order to avoid extradition. This situation is an example for the difficulty that the ICC has in following up on arrest warrants and indicting the alleged perpetrators. Between the UN's stated right of every nation to "self-determination" and the ICC's right to issue arrest

warrants against sitting heads of state, we face a “stand-off” between the powerful. Only time will show how this situation will be solved.

Despite much criticism, the International Criminal Courts still enjoy much support and have shown on multiple occasions that they are an effective and well-organized tool of international law. There may be issues that could be improved on, such as cost efficiency and speed of prosecution. If put into perspective, however, these criticisms appear to be negligible. Costs are small in comparison to the economic and social gains of the trials. The slow speed of some trials, as Sikkink argues, does not hinder the peace process either; in fact, the longer the trial takes the more time there is for processing and reconciliation. Overall, the ICC/ICTs make a successful impression. They also work as efficiently as one could expect from an organization trying to bring the highly powerful to justice. These courts have grown tremendously from a vision to institutions. Over time, hopefully, some of the problems can be successfully addressed, including cost, duration, and the seeming focus on only African countries.

In addition to an evaluation of the courts, I have provided a discussion of the role of Twitter and other social media in current times. Not only did these services play a major supporting role for the social uprisings in the Middle East, most successfully in Tunisia and Egypt, they have also become tools for the international courts. A world audience can follow as activists on the ground organize and fight for a cause. At the same time, backlashes by authorities are reported across the globe in real time. In the cases of Tunisia and Egypt, police/military brutality caused an international outcry followed by diplomatic pressures on these countries. There is hope that social media tools will continue to play a large role, as people can record violence, atrocities, and political upheaval in real-time. Perhaps this will be a way to hold states accountable and to allow for interference before genocide can develop in secret.

In addition, the use of social media by institutions, such as the ICC, helps with the spread of information regarding cases, trials, and judgments. As I stated in the beginning, declared goals of the ICC were to end impunity for heads of state and deterrence. With increasing levels of publicity, and the ready availability of videos of trials against alleged genocidists and war criminals, we may be able to deter leaders from future acts violating human rights.

The International Criminal Court and its tribunals, as well as social media, in their very own ways have shaped a new international community, with whose own rights and justice. As different as each of these seem, they do complement one another. We can only observe what happens in the future, whether the ICC/ICTs act as deterrents for mass crime, or if Twitter can facilitate fast responses to human rights violations.

Appendix A:

Table I. 20th Century Democide

Regimes	Years	Democide (000) ¹			Annual Rate % ²
		Total	Domestic	Genocide	
Megamurderers	1900–87	151,491	116,380	33,476	0.92 ⁴
Deka-megamurderers	1900–87	128,168	100,842	26,690	0.18 ⁴
USSR	1917–87	61,911	54,769	10,000	0.42
China (PRC)	1949–87	35,236	35,236	375	0.12
Germany	1933–45	20,946	762	16,315	0.09
China (KMT)	1928–49	10,075	10,075	Nil	0.07 ⁵
Lesser megamurders	1900–87	19,178	12,237	6,184	1.63 ⁴
Japan	1936–45	5,964	Nil	Nil	Nil
China (Mao Soviets) ³	1923–49	3,466	3,466	Nil	0.05 ⁵
Cambodia	1975–79	2,035	2,000	541	8.16
Turkey	1909–18	1,883	1,752	1,883	0.96
Vietnam	1945–87	1,670	944	Nil	0.10
Poland	1945–48	1,585	1,585	1,585	1.99
Pakistan	1958–87	1,503	1,503	1,500	0.06
Yugoslavia (Tito)	1944–87	1,072	987	675	0.12
Suspected megamurderers	1900–87	4,145	3,301	602	0.24 ⁴
North Korea	1948–87	1,663	1,293	Nil	0.25
Mexico	1900–20	1,417	1,417	100	0.45
Russia	1900–17	1,066	591	502	0.02
Centi-kilomurderers	1900–87	14,918	10,812	4,071	0.26 ⁴
Top 5	1900–87	4,074	2,192	1,078	0.89 ⁴
China (Warlords)	1917–49	910	910	Nil	0.02
Turkey (Atatürk)	1919–23	878	703	878	2.64
United Kingdom	1900–87	816	Nil	Nil	Nil
Portugal (Dictatorship)	1926–82	741	Nil	Nil	Nil
Indonesia	1965–87	729	579	200	0.02
Lesser murderers	1900–87	2,792	2,355	1,019	0.13 ⁴
World total	1900–87	169,202	129,547	38,566	0.09 ⁶

¹ Virtually final figures, except for minor additions. Includes genocide, politicide, and mass murder; excludes war-dead. These are most probable mid-estimates in low to high ranges. Figures may not sum due to round off.

² The percent of a population killed in democide per year of the regime.

³ Guerrilla period.

⁴ Average.

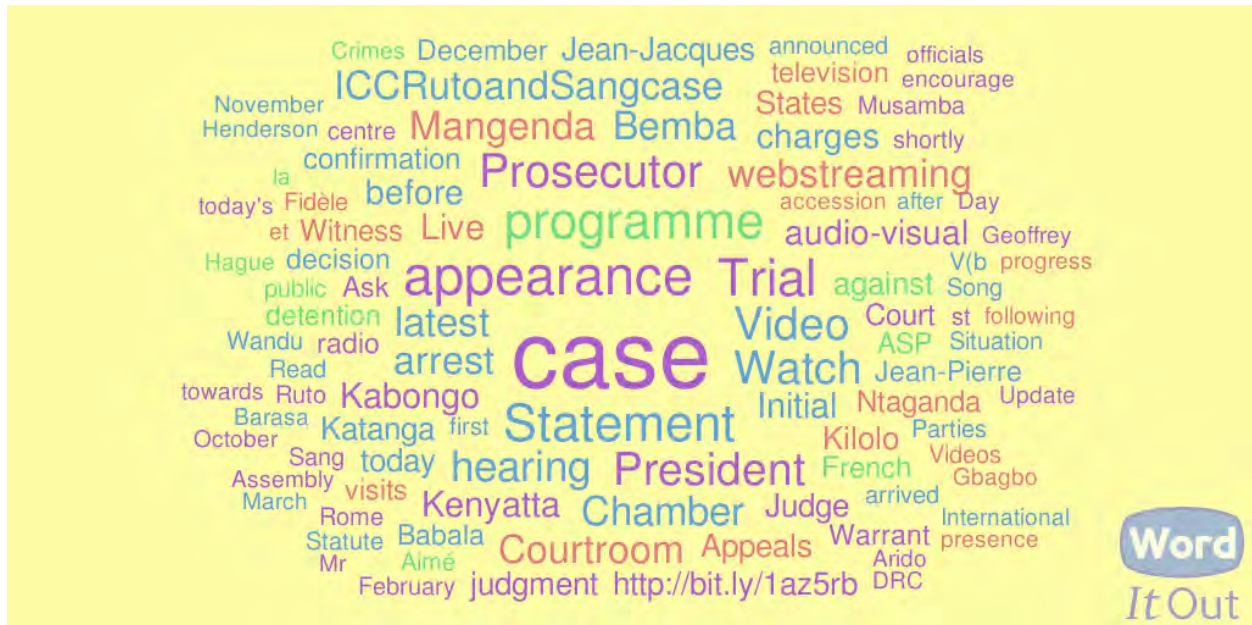
⁵ The rate is the average of that for three successive periods.

⁶ The world annual rate is calculated for the 1944 global population.

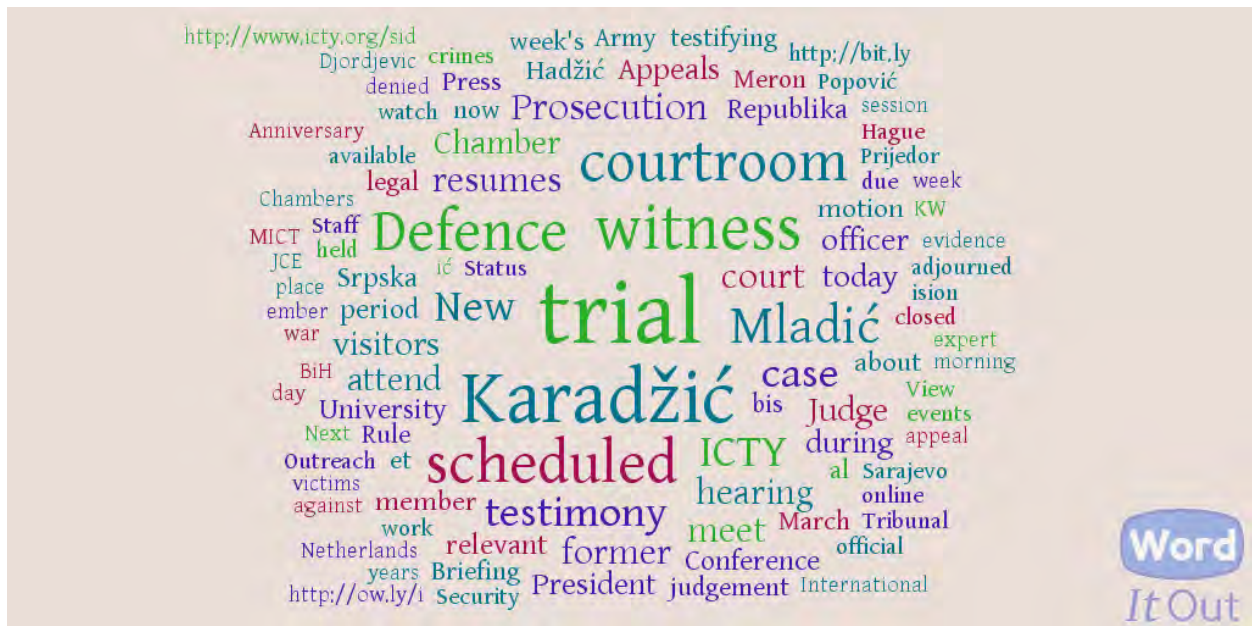
In this chart the murders under Stalin show a death toll of 61,911,000 people. It is listed as democide due to the political nature of the victimization. Rummel also lists according numbers from the Nazi-genocide. Most was ethnically, racially, and socially charged but also of political nature. Hitler oversaw the death of 20,946,000 people according to Rummel.

Appendix B:

Word Cloud for the ICC Twitter feed (October 1, 2013 – March 31, 2014)



Word Cloud for the ICTY Twitter feed (October 1, 2013 – March 31, 2014)



Word Cloud for the RSCSL Twitter feed (October 1, 2013 – March 31, 2014)



¹ Rummel, p. 3

² Armenian National Institute

³ This issues flared up just recently about a theater play related to the Armenian genocide issue in Konstanz, Germany. The Turkish embassy has been denying the genocide and unsuccessfully requested that the play be terminated. (“The Story of the Last Thought”; <http://www.welt.de/kultur/theater/article126083816/Die-tuerkische-Fahne-soll-nicht-ueber-Leichen-wehen.html>)

⁴ She is referring to politicide and genocide together though she distinguishes both crimes.

⁵ Odula, Tom

⁶ Kennedy, p. 2

⁷ was indicted by the ICTY

⁸ Cumming-Bruce, Nick: http://www.nytimes.com/2014/03/29/world/asia/un-north-korea.html?_r=0

⁹ Cumming-Bruce, Nick: http://www.nytimes.com/2014/03/29/world/asia/un-north-korea.html?_r=0

¹⁰ Woolf and Hulsizer, p. 25

¹¹ Here Russia and China have been vetoing involvement in Syria: www.iccnw.org.

¹² Paradiso, p. 169

¹³ Paradiso, p. 176

¹⁴ Alqudsi-ghabra, p. 154

¹⁵ Sikkink, p. 56

¹⁶ see Sikkink’s Transnational Networks

¹⁷ Sikkink discussed this topic in a 2007 article prior to the *Justice Cascade*: “The impact of human rights trials in Latin America”

¹⁸ for a comprehensive account on Rafael Lemkin’s effort: Samantha Power, *A Problem from Hell*

¹⁹ The Convention on the Prevention and Punishment of the Crime of Genocide, Article 2, as drafted by Raphael Lemkin, defined genocide as the *intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such*:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

²⁰ Politicide refers to the prosecution of individuals for their alleged membership in a political group or their political orientation.

²¹ “Ethnocide means that an ethnic group is denied the right to enjoy, develop and transmit its own culture and its own language, whether individually or collectively.... We declare that ethnocide, that is, cultural genocide, is a violation of international law equivalent to genocide, which was condemned by the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.” - UNESCO Latin American Conference, Declaration of San José, 11 December 1981, UNESCO Doc. FS 82/WF.32, reproduced in Alex Alvarez. In Press. *Native American Genocide*

²² UN Genocide Convention

²³ Democide was coined by R.J. Rummel; in his own words: “The murder of any person or people by a government, including genocide, politicide, and mass murder.” (found on <http://www.hawaii.edu/powerkills/DBG.CHAP2.HTM>); also in Hewitt, W. (2004)

²⁴ Gellately & Kiernan, p. 15 (Gellately)

²⁵ Weitz, p. 254

²⁶ Akhavan

²⁷ Akhavan, p. 7

²⁸ <http://www.icc-cpi.int/iccdocs/PIDS/publications/UICCEng.pdf>

²⁹ <http://www.un.org/documents/ga/res/45/a45r151.htm>

³⁰ Sikkink, p. 58

³¹ Sikkink, Introduction, p. 4

³² http://www.icty.org/x/cases/slobodan_/cis/en/cis__slobodan_en.pdf

³³ www.icty.org

³⁴ <http://www.globalissues.org/article/75/world-military-spending#WorldMilitarySpending>

³⁵ Governments or civil societies in about 28 countries around the world have established truth Commissions independently. Amnesty International (AI) is a strong supporter of these Commissions, as are many governments and organizations, working towards reconciliation, understanding, healing, and forgiving in countries of former crisis. AI states that the following goals:

- clarify as far as possible the facts about past human rights violations
- provide the evidence they gather to continuing and new investigations and criminal judicial proceedings
- formulate effective recommendations for providing full reparations to all the victims and their families ³⁵

In addition to reconciliation etc, Truth Commissions intend to capture the “truth” as it has been experienced and lived by the victims and survivors. With personal stories, true events can be captured as both sides experienced them. They are modeled on a South American concept as Kathryn Sicking describes in the Justice Cascade. Sikkink states that “Truth Commissions started in Argentina in 1983 as an autonomous innovation by policy makers in coordination with the human rights movement there.” These “experiences” in turn sparked similar development in Chile, and spread from there. Now, they are found all across the world and continue to capture important information ‘on the ground’.

³⁶ <http://www.amnesty.org/en/international-justice/issues/truth-commissions>

³⁷ examples are the 20th anniversary of the conflict in the former Yugoslavia (<http://www.bbc.com/news/world-europe-17636640>), or more recently the 20th anniversary of the genocide in Rwanda (http://www.washingtonpost.com/world/africa/rwandans-mark-20th-anniversary-of-genocide-amid-reminders-that-justice-has-yet-to-be-done/2014/04/07/ecfbd4c4-be75-11e3-b574-f8748871856a_story.html)

³⁸ <http://www.sc-sl.org/CASES/ProsecutorvsCharlesTaylor/tabid/107/Default.aspx>

³⁹ <http://www.icty.org/sections/AbouttheICTY/SupportandDonations>

⁴⁰ www.worldbank.org/en/country/sierraleone/overview

⁴¹ www.icc-cpi.int

⁴² www.bbc.co.uk/news/world-africa-16010445

⁴³ <http://english.cntv.cn/2014/04/07/VIDE1396827366508793.shtml>

⁴⁴ this blog has compiled a number of examples: <http://www.globalresearch.ca/constructing-the-anti-government-protests-in-venezuela-through-deception-a-photo-gallery/5369165>

⁴⁵ Chebib, p. 151

⁴⁶ Paradiso: in 2011, 3,800,000 Internet users/36% of population in Tunisia; 15.8% of population used Facebook (170)

⁴⁷ quote taken directly from Chebib and Sohail

⁴⁸ Vargas

⁴⁹ Chebib, 143

⁵⁰ Carvin, p. x

⁵¹ Carvin, p. XIII

⁵² Chebib, 143

⁵³ I used worditout.com.

⁵⁴ for case information: http://www.icty.org/x/cases/karadzic/cis/en/cis_karadzic_en.pdf

⁵⁵ Carvin, p. 23: for example, Nicholas Kristof of the New York Times, and Ben Wedeman of CNN

⁵⁶ <http://video.foxnews.com/v/2725988842001/shepard-smith-tours-the-fox-news-deck/>;
<http://www.theverge.com/2013/10/7/4812630/fox-news-shepard-smith-news-deck>;
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