Citizens' War Crimes' Tribunals

Binoy Kampmark

Ad hoc war crimes tribunals established by concerned citizens to punish the 'crime of aggression' and various atrocities, have a history stretching back to 1967, when the Russell War Crimes Tribunal was convened. Since then, several such tribunals have been held, providing an array of evidence to examine when considering whether such deliberations can ever be useful. The legacy of such tribunals is a mixed one, but it is argued here, considering the efforts of the Russell Tribunal of Palestine, that the attendant weaknesses (a lack of sanctions and jurisdictional force) can also be their greatest merit.

Are there not impossible things which no human action can make possible? – Marta Harnecker (2007: 70).

George Monbiot, veteran British activist and author had made no secret of his indignation with former British Prime Minister Tony Blair. Incandescent with rage, Monbiot felt that the citizen's arrest of the man he accused of war crimes was not only appropriate but essential for justice to be done. In 2010, he urged readers in *The Guardian* to arraign Blair for 'illegal acts of mass murder', or, to be more accurate, 'the supreme international crime' – the crime of aggression. The Crime of Aggression was first defined at the Nuremberg war crimes trials after World War II. Monbiot also inaugurated a website – www.arrestblair.org, its sole purpose being to raise money for a citizen's arrest of Blair. 'Anyone meeting the rules I've laid down will be entitled to one quarter of the total pot: the bounties will remain available until Blair faces a court of law' (2010).

Such efforts form the basis of citizens' activities in the pursuit of justice when there is a perceived reluctance to prosecute powerful figures who have been said to have committed high crimes. In such cases, citizen activism has attempted to fill the breach with at times novel exercises of judgement and condemnation. Democratic citizenry, as argued by Amartya Sen and Carolyn Forché, is an active body, rendered 'fit through democracy', a daily assertion of conduct that takes responsibility for actions (Esquith 2002).

Esquith (2002) observes that war crimes tribunals and truth commissions might be 'easily parodied and exploited' but may prove effective forces of 'democratic education in more consolidated as well as transitional democratic societies'. Such experiments might also be deemed exercises in the 'acceleration in conflict resolution and a persistent discourse of justice' (Teitel 2003: 70). The problems of establishing international criminal tribunals are complex enough. They are also deemed, as Kingsley Chiedu Moghalu (2006) remarked, matters of political choice, and creatures of political will. That does not necessarily imperil their validity, though it suggests how hostility to such tribunals may arise.

In the context of international citizens' tribunals, putative authority derives from assumptions of responsibility and duty undertaken by the civic body. Legitimacy for such civic action extends from the activism associated with social movements, non-government organisations and community groups. The peoples' International Climate Justice Tribunal, which had preliminary hearings in October 2009, provided a striking example of this purpose: 'Although the duty has not been granted us by any formally constituted legal authority, we recognise responsibility in the name of mankind and in defence of civilisation and Mother Earth' (Solon Foundation 2009).

The challenges presented by peoples' tribunals are best described by the theoretical suggestions made by the Chilean political scientist Marta Harnecker (2007) in discussing various forms of authority. For Harnecker, an 'a-legal space' exists as a means of explaining various collective actions that, while not legally binding, exert considerable authority as 'political facts'. They might have a legal flavour in terms of aspirations, but lack the formal status of law. Of interest to Harnecker is an acceptance on the part of progressive movements that they do not consider a 'theoretical, organic, programmatic crisis' disabling (Harnecker 2007: 66). Antonio Gramsci's view on how the politician should not merely operate factually, but also normatively, is cited. The figure of political action can move 'in the plane of effective reality, but so he can control and overcome it (or contribute to it)' (Gramsci, cited in Harnecker 2007: 67).

Harnecker examines, in particular, the actions of the political party *La Causa R*. The party erected ballot boxes through Caracas in 1992 to ask citizens to 'vote'

on whether the then president Carlos Andrés Pérez should stay in office. The action was considered effective. Twenty-five percent of the city's residents participated in this mock referendum. Of those who participated, 90 percent voted against the President. It was an act that was 'not legal but not illegal', and resulted in political change – in this case, the eventual impeachment of the President. Such an illustration is useful in terms of our discussion here, as an example of citizen-directed domestic political action akin to the peoples' tribunals movement.

In short, other avenues present themselves in terms of morally execrating individuals in high positions who have been accused of grave crimes against the international community. One notable experiment of international citizens' justice, which yielded varied offspring, remains the Russell International War Crimes Tribunal. The Russell Tribunal held sessions in Stockholm and Roskilde in 1967. The Tribunal was convened to investigate allegations of war crimes in the Vietnam War by the United States and its allies. But what is less known is how the Tribunal itself ushered in a series of international citizens' tribunals of various degrees of significance.

Following the Russell Tribunal, other committees were formed by citizens to try purported high crimes. Their scope has been varied and in some cases, innovative. In 1976, a peoples' International Tribunal on Crimes against Women held hearings. In recent times, peoples' tribunals have proliferated over a plethora of issues. An Independent People's Tribunal on the World Bank Group in India found crimes in the conduct of the World Bank. Tribunals on climate change have also been convened (Solon Foundation 2009). A citizens' international war crimes trial was held in Kuala Lumpur (Falk 2011). It is therefore striking to find that literature on the legacy of such tribunals, in both theory and practice, is far from extensive. Arthur Jay Klinghoffer and Judith Apter Klinghoffer (2002) examined the value of international citizens' tribunals in one of the few notable studies on the subject.

This article will now consider the latest efforts to convict, albeit always in absentia, figures or institutions alleged to be responsible for various high crimes. While these efforts have been numerous, special attention will be given to the attempts made by the Russell Tribunal on Palestine as a study on theory and practice in the effectiveness of such peoples' tribunals. It examines the potential effectiveness of such moves, considering the first effort made by the judges of the Russell Tribunal on Vietnam. What such actions suggest is a hunger on the part of international citizenry to engage the justice system at the elemental level, tackling alleged high crimes through unofficial means that should, strictly speaking, be addressed by official judicial procedures. If states refuse to institute domestic or international prosecution for alleged high crimes, citizens may step in, at least symbolically, to fill in the void. Political alienation can be overcome by measures of citizens' engagement, notwithstanding their lack of formal judicial status.

Early crimes, early efforts

In the *New York Times* on 28 March 1963, the British philosopher of logic and mathematics Bertrand Russell alleged that the United States was 'conducting a war of annihilation in Vietnam' (Russell 1967: 31). Russell wrote to the paper outlining what he claimed to be various illegal methods of war adopted by the U.S. military. The atrocity assertions were met with doubt. By 1967, the journalist Joseph Buttinger (1967) claimed in his far from radical history that torture and shooting of prisoners was 'routine', while the more indignant intellectuals of the New Left pressed for a broader categorisation of the war as criminal and genocidal. The Nuremberg decisions purported to apply a universal law in assessing the behaviour of governments. As the U.S. Chief Prosecutor at Nuremberg Robert Jackson submitted, 'If certain acts and violations of treaties are crimes, they are crimes whether the United States does them or whether Germany does them' (Falk et al.1971: 222). The resurrection of Nuremberg's principles against the war efforts of the United States became the main feature of the Russell War Crimes Tribunal which attempted to apply the jurisprudence of atrocity to the conflict in Vietnam. Its membership was broad comprising, primarily, international citizens of the left – the Yugoslavian jurist Vladimir Dedijer, existentialist philosopher Jean-Paul Sartre and the dissident Polish born Marxist Isaac Deutscher.

What was different from Nuremberg, as Sartre opined, was the Russell Tribunal's absence of a punitive power structure. There was no issue of victor's justice, nor one of penalty since there was 'no formal prosecution'. There was 'a jury and no judge' (Julin 1967: 712). The Russell Tribunal, since it had neither the strength nor the means to frame the law behind the prosecution, had considerable flexibility in what it could garner and what it could dictate. As the Klinghoffers themselves noted, the venue itself lacked legal standing (2002: 1).

The outcome of the tribunal was in little doubt, a perennial tendency in the exercises of such judicial exercises. Even before they start, a note of certainty is struck. The members found that the United States was guilty of the 'deliberate, systematic bombardment of civilian targets … dwellings, villages … medical establishments, leper colonies, schools, churches, pagodas, historical and cultural monuments'. Russell spoke of the 'moving and unparalleled resistance of the people of Vietnam' (Kulic 2009).

Such conclusions reportedly fell on deaf ears. As Clifford Truesdell and Joyce Johnson observed in the *New York Review of Books* (1 Jul, 1971), the decisions of the tribunal had 'not appeared in the United States'. Since the political position of the judges was predominantly on the Left, ideology transpired to distract critics from examining the nature of America's Indochina adventure. American war designs were overlooked in favour of *ad hominem* attacks against the gathered authors in Stockholm and Copenhagen. Its critics were, according to numerous editorials, 'cynical and ridiculous' (*Time*, May 19, 1967: 37); Sartre was 'a long Communist crony' (Time, May 12, 1967: 30); Russell's intellect was enfeebled by political naiveté, 'an old man in a hurry,' wrote Bernard Levin acidly, 'who has left his judgment, his reputation and his usefulness behind' (Levin 1967: 68). The large document arising from the proceedings, detailing U.S. war policy, was ignored in the personal invective of Cold War passion.

American elites and public opinion saw the Tribunal as an exercise flawed by ideological contentions and inappropriate procedures. Officials of the United States, argued critics, were not given a fair hearing. For one, such citizen judges were not schooled in the basics of procedural justice. Even anti-Vietnam war critics questioned the universal purview of the Russell Tribunal: it was caught in a political demonising of American foreign policy, a selective approach to the atrocities of one side at the expense of the other. The atrocities of the Viet Cong, for instance, were not submitted to the same review (*Newsweek* 44). The prominent anti-war activist Staughton Lynd (1967), for that reason, refused to participate in the proceedings. 'I believe that [what Russell proposes] amounts to judging one side (the N.L.F) by its ends, the other side (the United States) by its means. Precisely this double standard is what I had thought all of us, in this post-Stalin era, wished to avoid' (1967: 76).

To see the exercise as one without impact, despite such negativity, would be a mistake. An editorial in *Commonweal* (May 16, 1967) saw this people's tribunal as a novel form of protest in an 'effort to rescue the nation and the world from what can only be described as Lyndon's folly' (*Commonweal* 1967: 252). Indeed, contributions to *Commonweal* prior to the full-scale deployment of U.S. forces in Vietnam were already arguing how 'our government is making murderers of us all' (Zahn 1966). Parallels were being drawn between the impotence of the Catholic community in Germany to stop Hitler in his tracks and the indifference of Americans to condemn a war which was providing regular reminders of the destruction of Ethiopian towns (by Mussolini's Italy) and the cult of the military in the dark days of fascist aggression. The development of the 'cult of the Green Beret (with its equivalent of the Horst Wessel song and all!)' was particularly disturbing for contributor Gordon C. Zahn, who had authored a monograph on the subject of Catholicism's silence in Germany during the crimes of the Third Reich (1966: 356).

Unofficially, the exercise of citizens' justice troubled officials. Publicly, the Johnson administration was uninterested in the efforts made by the members of the Tribunal. U.S. Secretary of State Dean Rusk refused to send a representative to the Russell Tribunal, seeing little need in playing 'games with a 94 year-old English Professor' (*Newsweek* May 15, 1967: 44). Privately, however, comments were made on the potential impact the tribunal might have on Swedish-U.S. relations. Johnson's national security advisor Walt Rostow discussed the matter with Swedish Prime Minister Tage Erlander in Bonn, on the occasion of West German Chancellor Konrad Adenauer's funeral. Rostow conveyed the President's concerns: 'the burden of newspaper stories on you at this time would be heavy and that, in fact, this kind of story helps prolong the war' (Rostow 1967).

Erlander, while sympathetic to Rostow, had his hands tied. The Tribunal members had already created a storm when Russell published the letter Erlander had sent him on 9 December 1966. 'I urge you not to choose Sweden as a site for such meetings' (Klinghoffer & Klinghoffer 2002: 139). Neutralism, Erlander felt, would be jeopardised if such a process was to take place, not to mention the potential for undermining the secret mediation being facilitated by Stockholm between Hanoi and Washington. A worst case scenario would be American economic retaliation. Both Erlander and his foreign minister made it 'clear that the whole operation is bad for Sweden's relations with the US; but he has no legal basis for excluding visitors from France, Britain, Yugoslavia etc. because there are now no visa provisions operating unless Sweden's national security is involved in the narrowest possible sense' (Rostow 1967). This was a position he would repeat on American television (Klinghofer & Klinghofer 2002: 139).

Subsequent tribunals

The scope of events that have warranted the interest of international citizens' tribunals demonstrate how influential the Russell Tribunal's precedent has been. Transnational judicial activity, initiated by international citizens, has grown in interest. Be it Sudan and the refusal by the international community to intervene; the issue of Palestinian rights in the West Bank and Gaza; the Iraq War; or the impact of the World Bank on developing economies, the model of the tribunal has been embraced by international citizenry. The focus of these tribunals is standard: the reiteration of the Nuremberg precedents on leader responsibility, war crimes and crimes against humanity. By the time the Kuala Lumpur War Crimes Tribunal began its hearings on the role played by the US-led coalition in its invasion of Iraq in November 2011,

jurist Richard Falk, an initial critic of the Russell Tribunal experiment would argue that, 'The KLWCT did not occur entirely in a jurisprudential vacuum' (Falk 2011).

The Russell Tribunal on Palestine (RTP) provides a fitting case study in this discussion. As described by the Bertrand Russell Peace Foundation (2012), the Russell Tribunal on Palestine would operate in the tradition of the Russell Tribunal on War Crimes in Vietnam. It was 'a citizens' initiative which aims to reaffirm the primacy of international law as the basis for solving the Israeli-Palestinian conflict, and at raising awareness of the responsibility of the international community on the continuing denial of the rights of the Palestinian people'. A traditional and conspicuously public formula is adopted in such initiatives. Their promulgation is not by any formal act, but by public announcement. For instance, as the Peace Foundation explains, the Russell Tribunal on Palestine was launched by press conference on 4 March, 2009 in Brussels. It was chaired by the French Ambassador for Life, and former resistance fighter Stéphane Hessel.

The range of the hearings was considerable, adopting an even more expansive format than that used at Stockholm and Copenhagen. Hearings took place in Barcelona, London, Cape Town, New York, with the final March session concluded in Brussels in 2013. The themes were also extensive, with Barcelona dealing with complicities and omissions of the European Union and its member states regarding the occupation of Palestinian territories by Israel and Israel's alleged violations of international law; the London session examining international corporate complicity in terms of violations of international human rights law, humanitarian law and war crimes; the Cape Town proceedings considering the possibility that Israel might be responsible for apartheid practices; and New York proceedings taking a specific US and UN focus on complicity in Israel's violation of international law.

While lacking legal status, the objective adopted by the RTP was that of its Vietnam predecessor – that the Tribunal abide by the will of the people to consider injustices and violations of international law that had been simply avoided by international jurisdictions, or recognised and continued with impunity (Russell Tribunal on Palestine 2012). In so doing, members would abide by the framework of international law established by UN General Assembly, Resolution 181, 'Future government of Palestine' A/RES/181(II), (29 November 1947) on the partition of Palestine and to UN General Assembly, Resolution 10/15, 'Advisory opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, including in and around East Jerusalem' A/RES/10/15 (20 July 2004) acknowledging the International Court of Justice view that the construction of the Wall by Israel in the Occupied Palestinian Territories was in violation of international law. The outcome of the Tribunal's efforts would be a form of civic engagement. Through this approach 'civil society' in the states concerned with the question of Palestine could be mobilised. 'The legitimacy of the Russell Tribunal on Palestine does not come from a government or any political party but from the prestige, professional interests and commitment to fundamental rights of the Members that constitute the Tribunal' (Russell Tribunal on Palestine 2012).

Criticisms of the various sessions were forthcoming, replicating the arguments made against the original Russell tribunal model. NGO Monitor was particularly harsh, questioning the objective basis of the RTP and suggesting that the convenors were using 'a legal façade to create an image of neutrality and credibility' (3 Oct, 2009). The argot of a judicial proceeding was being mimicked to mask a political experiment (NGO Monitor 3 Oct, 2009).

The New York session, it was also argued, lacked a serious Palestinian presence, occasioned by an assortment of visa denials for such figures as the Palestinian Ambassador to the EU, Leila Shahid and Raji Sourani, founder of the Palestinian Centre for Human Rights (Federici 2012). The proceedings revealed to such commentators as Federici a striking inadequacy in the very framework of international law the tribunal was using. Nor could Israel, despite its citizens being made aware of the ethical and legal problems of Israeli policy, be necessarily moved. The Tribunal's own witnesses emphasised this point. 'We thought,' claimed a key witness in the proceedings, the Israeli socialist historian and activist Ilan Pappé, 'that Israelis, when they would know and would agree that this is what happened, that [such revelations] would inform their ethical and moral view. But this has not happened' (Federici 2012).

The Cape Town gathering received considerable criticism for its conclusions that 'Israel subjects the Palestinian people to an institutionalised regime of domination amounting to apartheid as defined under international law' (RTP 5 Nov, 2011). Richard J. Goldstone, a former justice of the South African Constitutional Court, and chief of a UN fact-finding mission on the Gaza conflict of 2008-9, described it as a 'slander' on Israel (RTP 5 Nov, 2011). 'The charge that Israel is an apartheid state is a false and malicious one that precludes, rather than promotes, peace and harmony'. Goldstone further extended his criticisms of the Tribunal, claiming that the 'evidence' was one-sided to begin with and actually dangerous for the prospects of peace. A few journalists reported that the session in Cape Town resembled 'lurid political theatre' (Massyn 2011).

In the United States, the pro-Israeli Stand With Us community group spoke of the RTP as 'yet another effort

of the global campaign to delegitimize Israel and promote boycotts, divestment, and sanctions (BDS) against it' (Stand With US 2011). Seeing law in its legal compass, the organisation spoke of how only four of the jurors had 'any claim to knowledge of expertise in law; the others are actors, writers and activists.' Similarly, Massyn (2011) saw it as a simulacrum of law, equipped with 'super-serious titles' for the jurists, 'testimony' and a 'quasi-legal process'.

Such criticism serves to show that civic efforts in the form of peoples' tribunals have considerable influence within the 'a-legal' context of political change, even if they are deemed by critics to be misguided at best, insidious at worst. In a sense, they cannot be deemed to be exercises of law purely described since they are outside official legal channels to begin with. It is precisely their legacy, for all its extra-legal importance, that concerns opponents. The very hostility vented by such figures as former U.S. government official Elliot Abrams serves as a case in point, describing the RTP as 'another milestone in the history of intellectual dishonesty [and] virulent bias' (5 Nov, 2011).

Reflections

In the scheme of things, are such transnational people's tribunals effective? The black letter lawyers would find fault with such experiments due to a lack of viable sanction and formal establishment. Without a judiciary backed by powers of enforcement, we can only ever be sentimental over such matters as entering convicted names into a 'Register of War Criminals'. There are no prisons awaiting the verdict at the end of the day, no constabulary to clap the sentenced figure in irons and lead him from the dock. The culprits are at best scolded, at worst ridiculed.

The historical record shows that such tribunals do have traction, if not publicly, then at least in the backroom, where policy makers express concern about the impacts such deliberations might have. The effect of the Russell Vietnam War Crimes tribunal affected Swedish-American relations in 1967 and it has been the model for subsequent tribunals. While publicly shunning the tribunal, the officials of the Johnson administration took measures, such as visa rejections, to prevent the members of the tribunal from convening.

The challenges posed here are writ large in discussions of global governance and who the stakeholders in that process should be. 'We're trapped in a debilitating paradox,' argue Richard Samans et al. (2011). The global community is perceived as interconnected and interdependent. 'Yet governance at all levels – public and private as well as global, national, and local – is struggling to adapt.' Countries might have become more economically and environmentally interdependent, but so have individuals. Political expression is being made 'outside formal national governmental channels', be it through 'NGOs, business trade associations, international media outlets, or virtual professional and social networks on the Internet' (Samana et al. 2011). The problems of governance pointed out by these authors are not merely economic but juridical in terms of remedying injustices.

There is another aspect of this discussion that deserves attention. In the views of such deconstructionist theorists of jurisprudence as the Finnish legal scholar Koskenniemi, international law can never be seen to be an objective practice, marred as it is by its structural indeterminacy (1989: 500). The debate on whether the creation of international war crimes tribunals are, in fact, examples of political fiat rather than legal acumen continues to rage (Zolo 2009; Meernik 2000; Minear 1971). Any international legal experiment, certainly one fronted by citizens, has to be seen in that light. International conduct is simply not subject to the standard rational rules, being rather a combination of morality, politics and self-interest. In that case, the international citizens' tribunal is a fitting instrument for tapping into public consternation at the alleged high crimes of officials otherwise outside the scope of standard prosecutions. It is a means of tackling those 'impossibilities' Harnecker discusses; an approach that reflects community standards in an 'a-legal space' of political action.

There are also arguments that official international tribunals are impediments to peace and stability (Akhavan 2009; Posner & Yoo 2005). The corollary of this is that peoples' tribunals are not as disruptive, given their non-binding character and flexible program of examination. In fact, U.S. President Woodrow Wilson argued that any international war crimes trial after World War I should have no punitive powers to try the arraigned leaders of the Central Powers, most notably the ex-Kaiser, Wilhelm II (Kampmark 2008: 519). Instead, any measure seeking to expose the Kaiser's illegal conduct during the war should rely on 'moral execration', something which a citizens' tribunal does aptly.

International citizens' tribunals also suggest an active framework of deliberations that broaden the focus of justice. Far from being necessarily parochial expressions of legal sentiment, such tribunals can sharpen issues, focus discussion on salient points, and shed light on matters in a broader way that bypasses self-interested states. Their effectiveness can be gathered from the sheer hostility of critics who would rather dismiss them, but find significant threat in their potency in affecting public opinion. It is precisely in such protests that their effectiveness can be gleaned.

References

Abrams, E. 2011 'Another Effort to Destroy Israel', *Weekly Standard*, Nov 5.

Akhavan, P. 2009 'Are International Criminal Tribunals a Disincentive to Peace? Reconciling judicial romanticism with political realism', *Human Rights Quarterly*, 31, 3: 624-654.

Bertrand Russell Peace Foundation. 2012 *The Russell Tribunal on Palestine*, http://www.russfound.org/RToP/RToP.htm, accessed Feb 7, 2013.

Buttinger, J. 1967 *Vietnam: A dragon embattled*, Praeger, New York.

Commonweal, Editorial.1967, 'The Dissent Ahead', 16 May: 86.

Esquith, S. 2002 'Transitional and Restorative Justice.' Paper presented at the annual meeting of the American Political Science Association, Boston Marriot Copley Place, Sheraton Boston & Hynes Convention Centre, Boston, Massachusetts, 28 August.

Falk, R. 2011 *Kuala Lumpur Tribunal: Bush and Blair guilty*, Al Jazeera, 1 Dec, available at <http://www.aljazeera.com/indepth/opinion/2011/11/20111128105712109215.html>, viewed 4 September 2012.

Falk, R. A., Kolko G., and Lifton R. J., eds. 1971 *Crimes of War*, Vintage, New York.

Federici, C. 2012 'Russell Tribunal on Palestine in New York: On US, UN complicity', *The Palestinian Chronicle*, 10 Oct: http://palestinechronicle.com/old/view_article_details.php?id=19629.

Harnecker, M. 2007 *Rebuilding the Left*, Zed Books Ltd, London.

International Citizens *'Tribunal on Lebanon 2008 'Final Verdict of the International Citizens' Tribunal on Lebanon'*, Proceedings, < http://www.iacenter.org/palestine/lebon-tribun-verdict030708/>, viewed 4 September 2012.

Independent People's Tribunal on the World Bank in India 2008 Findings of the Jury, Verdict from the Independent People's Tribunal held at Jawaharlal Nehru University, New Delhi, India, 21-24 September 2007, http://www.worldbanktribunal.org/WB_Tribunal_Jury_Findings.pdf.

Julin, G. 1967 'Evidence at Stockholm: "The judges are everywhere"', *The Nation*, 206, 5 June: 712.

Kampmark, B. 2008 'War Crimes and the Failed Trial of Kaiser Wilhelm II', *Australian Journal of Politics and History,* 53, 4: 519-537.

Klinghoffer, A. J. and Klinghoffer, J. A. 2002 *International Citizens' Tribunals: Mobilising public opinion to advance human rights*, New York: Palgrave.

Koskenniemi, M. 1989 *From Apology to Utopia: The structure of international legal argument*, Lakimiesliiton Kostannus, Helsinki.

Kulic, G. 2009 *'War Atrocities': False atrocity tales, swift boaters, and winter soldiers – what really happened in Vietnam*, Potomac Books, Inc: Washington, D.C.

Levin, B. 1967 'Bertrand Russell: Prosecutor, judge and jury', *New York Times Magazine*, 19 February, 68.

Lynd, S. 1967 'The War Crimes Tribunal: A dissent', *Liberation*, 12: 76-77.

Massyn, R. 2011 'Lurid Political Theatre', *The Citizen,* 6 Nov, http://www.citizen.co.za/citizen/content/en/citizen/opinion-columnists?oid=237574&sn=Detail&pid=146826&Luridpolitical-theatre.

Meernik, J. 2000 'Victor's Justice or the Law? Judging and punishing at the International Criminal Tribunal for the Former Yugoslavia', *The Journal of Conflict Resolution* 47, 2: 140-162.

Minear, R. H. 1971 *Victors' Justice; The Tokyo War Crimes Trial*, Princeton University Press, Princeton, NJ.

Moghalu, K. C. 2006 Global Justice: The politics of war crimes trials, *Praeger Security International*, Westport, CT.

Monbiot, T. 2010 'Wanted: Tony Blair for war crimes. Arrest him and claim your reward', *Guardian*, 25 January.

Newsweek. 1967 'The Games Men Play', 69, 15 May: 42-44.

NGO Monitor. 2012 'Russell Tribunal on Palestine', 3 October.

Posner, E. A. and Yoo J. C. 2005 'Judicial Independence in International Tribunals', *California Law Review* 93, I: 1-74.

Rostow W. with P.M. Erlander, Bonn (1967, 25 April), West Germany, on occasion of Chancellor Adenauer's Funeral, White House, Declassified January 22, 1996, Declassified Document Reference System, Library of Congress, Washington, D.C.

Russell, B. 1967 *War Crimes in Vietnam*, George Allen & Unwin, London.

Russell Tribunal on Palestine, 2011, http://www.russelltribunalonpalestine.com/en/

Samans, R., Schwab K. and Malloch-Brown M. 2011 'Running the World, After the Crash: Has the era of global cooperation ended before it began?' *Foreign Policy*, 2 Jan.

Solon Foundation, http:/www.Solon Foundation.org.

Stand with Us. 2011 'Russell Tribunal on Palestine', *Fact sheet*, http://www.standwithus.com/factsheets/pdfs/Russell%20Tribunal%20on%20PalestineA.pdf.

Time Magazine. 1967 Editorial, 'Trial's End', 89, 19

Teitel, R. 2003 'Transitional Justice Genealogy', Harvard *Human Rights Journal,* 16: 69-94. May, 37.

——. 'Sartre's Séance', 89, 12 May: 30.

Truesdell, C. and Johnson, J. 1971 'War Crimes', Letter, *New York Review of Books*, 1 July.

UN General Assembly, Resolution 181, 'Future government of Palestine' A/RES/181(II), (29 November 1947), available from undocs.org/A/RES/181.

UN General Assembly, Resolution 10/15, 'Advisory opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, including in and around East Jerusalem' A/RES/10/15, (20 July 2004), available from undocs.org/A/RES/10/15.

Zahn, G. C. 1966 'The Crime of Silence', *Commonweal*, June 17: 354-6.

Zolo, D. 2009 *Victor's Justice: From Nuremberg to Baghdad*, trans. M.W. Weir, Verso: London.

Author

Dr. Binoy Kampmark was a Commonwealth Scholar at Selwyn College, Cambridge, and currently lectures in law and politics in the School of Global, Urban and Social Studies, RMIT University. He writes extensively on the links between international law, politics and history.