

Editorial

Achieving Milestones

*Louis Middelkoop**

On 14 March last, the International Criminal Court reached its arguably biggest milestone since its creation ten years ago. On that day the Court delivered the very first trial judgment against a war criminal. The judgment, which convicted Congolese militia leader Thomas Lubanga for enlisting child soldiers, was much anticipated. The stakes were high, not only for the defendant, but also for his victims, the prosecutor, and the international community, in particular ICC donor countries. This first judgment comes timely. As Hitomi Takemura observes in this issue, the court can only maintain its legitimacy towards its constituencies if it is perceived to perform its activities well. After ten years, the court showed that it is capable of doing what it is supposed to do.

For at least one constituent group the judgment is a true feast. Students of international criminal law can debate to their hearts' content about the wider implications of the Lubanga judgment and ventilate whether or not the judges did a good job. After having only had pre-trial chamber decisions at their disposal for many years, scholars can finally write commentaries on more definite pronouncements on the law. Amsterdam Law Forum is therefore proud to host a conference discussing the achievements of the International Criminal Court on the occasion of the publication of this issue. The editorial team is looking forward to hearing thought-provoking debates about the progress that the ICC has made, its challenges and its future.

To provide impetus to this discussion ALF publishes three articles on international criminal justice in this current issue. Firstly, the above-mentioned piece by Takemura discusses the legitimacy of the ICC from both a procedural and sociological perspective. John Coughlan, Sana Ghouse and Richard Smith discuss how the UN-sponsored Cambodia Tribunal has impacted the overall operation of the Cambodian judicial system. A relevant topic for any follower of the ICC, as the Court's ultimate goal is said to be making itself redundant because national systems start to genuinely and effectively prosecute international crimes themselves. Frederiek de Vlaming discusses another pertinent topic: the transparency of the selection of defendants. With regard to the Yugoslavia tribunal this turns out to be rather opaque. Will and must the ICC do better?

On the interdisciplinary front, this issue of ALF features a range of articles that deal with international politics and transitional justice. Timo Behr offers a very timely criticism of the EU's failure to act cohesively during the Arab Spring. Azin Tadjini discusses to what extent regional international Islamic law is reconcilable with itself and with general international law, in particular human rights law. The importance of this topic in times of transformation in the Middle-east cannot be underestimated. Moving further south, Milena Sterio offers her observations after a mission to the Seychelles about the suitability of Somalia's stable neighbouring to try pirates operating in the region.

Like the ICC, Amsterdam Law Forum has reached a milestone of its own. Arguably far less impressive than convicting a war criminal, but nevertheless quite important for a young law

* Louis Middelkoop is editor in chief of Amsterdam Law Forum.

review: In this issue we publish our first double-blind independent peer reviewed article. Léon Dijkman befalls this honor with his interesting law and literature approach to the impact of Wikileaks in creating a space for a rational-critical debate that Habermas argues is so essential to any functioning democracy. The introduction of a peer review system did not only result in this publication, but also entailed rejecting four other articles. A rather painful exercise after both author and editors put much work into the manuscripts. However, in the words of one resigned author: “that’s life.”

Staying in the realm of legal philosophy, Britta van Beers wrote an excellent article on modern day cannibalism. Earlier this year a Dutch TV station aired a program in which two of its hosts ate each other’s tissue which had been removed by a plastic surgeon earlier during the show. To the mind of Amsterdam Law Forum’s editors, the subsequent public debate was rather poor. There was a general atmosphere that this consent-based cannibalism was wrong, but nobody could really articulate why and the question soon disappeared from public discourse again. Van Beers eloquently links the incident to many other contemporary bio-ethical debates and present day liberalism and gives strong arguments as to why consent cannibalism is indeed a problem worth discussing.

We at Amsterdam Law Forum hope you will enjoy reading the articles of this issue and we invite you to contribute to some of the many debates this journal covers.