

## Editorial Preface

*Lana G.P. Bosch*

The publication of the 2016 Spring Issue marks a new beginning of sorts for Amsterdam Law Forum. The late formation of our current team has illuminated the weaknesses in transitioning from one board to the next after each academic year. This is a problem that ALF is now addressing to ensure the smooth continuity of this young journal that holds so much potential and promise: its potential to truly serve as a forum that facilitates the interaction of different disciplines, from people of varying expertise, tackling issues relevant to international and transnational law; and its promise of serving as a stepping stone for the careers of rising academics.

Despite a very late start, the tenacity of the team will see the publication of three issues this academic year, paving the way for it to once again be a consistent quarterly journal in the years to come.

This first issue opens with a scientific article by Dr. Ahmed Ali M. Khayre. The article, divided into three parts, investigates how human rights violations could be best redressed in collapsed states, specifically, in the state of Somalia. In Part I, the author considers the failure of Somali stakeholders and the international community to address human rights violations during reconciliation conferences, and brings two opposing views into discourse. The first is that justice, referring to the prosecution of perpetrators of human rights violations, is a necessary element of lasting peace. The second is the view that peace takes precedence, and that attempts at criminal prosecution would only hamper peace negotiations, which suggests the incompatibility of pursuing both justice and peace simultaneously. In Part II, Khayre addresses different transitional justice mechanisms, and investigates the feasibility of each mechanism's successful implementation. The author finds that such successful implementation hinges on the existence of a functioning government, and is therefore, not possible in collapsed states. In Part III, the author addresses the question of whether universal jurisdiction is a suitable option to deal with human rights violations. Khayre ultimately argues that whilst it may be an effective tool in some cases, it would inadequately contribute to reconciliation or the pursuance of peace and system reform in collapsed states, which have experienced prolonged violence, as is the case in Somalia. The article concludes by suggesting the adoption of policies and mechanisms that deal with the past and make preparations for the future, as opposed to the incoherent application of accountability mechanisms.

The second scientific article, by Stella Ageli, examines the conduct of private military companies in conflict areas. Through an analysis of the conduct of Executive Outcomes in Angola, MPRI in the Former Yugoslavia, and Blackwater in Iraq, the author argues that these companies themselves were perpetrators of war crimes. In doing so, Ageli prompts the reader to question the traditional perspective that only States or its agents are subjects seen as capable of violating international law.

The issue closes with a commentary by Dr. Eva Manco on article 40 of the UN Convention on the Rights of the Child, a provision that aims to protect the rights and safety of a child involved in criminal justice proceedings. Manco provides an in-depth exploration of the normative aspects found in paragraphs 1 and 2 of article 40, and completes her exploration by reflecting on how the role of the police in the juvenile justice system can be in line with article 40 CRC. This section emphasises how impactful the interaction between the police and a juvenile offender is, as it is often the child's first contact within the formal criminal justice system. In addition to the role of the police, she reflects on the elements that make a court child-friendly, concluding that the best interest of the child should be the paramount consideration in every step of the juvenile justice system in order to address the conflicting behaviour, whilst minimizing the possibility of re-offending, and the effects of stigma.

As its current Editor-in-Chief, I hope to honour the work of my predecessors by elevating Amsterdam Law Forum's standing as an academic journal by bringing our readers two more issues, as well as an academic event centred on the topic of business and human rights. On behalf of my fellow board members, our team of student editors, the authors featured, and everyone else who made this issue possible, we present to you the 2016 Spring Issue, and wish you an enjoyable reading experience!