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POLICY BRIEF SERIES

What Does the STL Experience Mean for the Muslim World? A Common Law Judge's Perception

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The Special Tribunal for Lebanon ('STL') was an international institution serving the people of Lebanon. Their civil law jurists, having largely created the Roman law, from the seventh century extended their interests to accommodate the arrival of Islám. They contributed notably to the Roman-Germanic, Napoleonic and common law described by a major authority as among Europe's greatest contributions to the world.[1]

This brief looks at what the STL experience means for the Muslim world, focusing on four issues: (i) the centrality of equality, including treating crimes by Muslims just as seriously as crimes by non-Muslims against Muslims; (ii) the importance of governments of Muslim-majority countries supporting such transitional criminal justice as that of the STL; (iii) the relevancy of basic international criminal law principles to non-State actors such as Hezbollah and their use of weapons that cannot discriminate; and (iv) the significance of the STL knowledge-repository for Arabic-speaking actors.

1. Context and Verdicts

On 14 February 2005 Rafiq Hariri was assassinated. As Prime Minister of Lebanon he had resigned to seek re-election to support Resolution 1559 (2004) of the United Nations ('UN') Security Council – that Syria must relinquish control of Lebanon and the political party Hezbollah must disarm.[2] But a truckload of military explosive, detonated in Beirut by a suicidal assassin, destroyed him and his vehicle, killing 21 and injuring 226 others.[3]

By UN Security Council Resolution 1757 of 30 May 2007,[4] on 10 June 2007, there came into force an agreement between the Lebanese government and the UN for creation of the STL to try those responsible for the 14 February 2005 attack.[5] The chambers of the STL included a trial chamber of one Lebanese judge and the other two international, two alternate judges (one Lebanese and the other international), and an appeals chamber of two Lebanese and three international judges – to which I was appointed, serving for a term as President. Other organs of the STL were the Prosecutor, the Registry and the Defence Office; the judges, Prosecutor and Head of Defence Office were appointed by the UN Secretary-General.

The Prosecutor presented an indictment against five accused, alleging against Messrs Badreddine and Ayyash conspiracy to commit a criminal act, commission of such act, intentional homicide of Rafiq Hariri, like homicide of 21 other people, and attempt to commit homicide of 226 other people; and against Messrs Merhi, Oneissi and Sabra the conspiracy allegation and as accomplice to other charges.

All accused were tried *in absentia*. Having been the subject of funerals in Iran, Syria and Lebanon, the leader Mustafa Badreddine was found by a majority of the Appeals Chamber to have died during hostilities, and so was ineligible to be further tried.[6] The minority judges disagreed.[7] But linked to the leading assassin, Mr. Ayyash, who was convicted by the Trial Chamber,[8] and to the co-accused Messrs Merhi and Oneissi whose acquittals by the Trial Chamber were reversed on appeal,[9] we were satisfied that Mr. Badreddine had been a Hezbollah military commander during 2004 and 2005, party to, and, in my opinion, leading the preparation and execution of the fatal attack and attempted concealment of those responsible.[10] The acquittal by the Trial Chamber of Mr. Sabra was not challenged on appeal.

2. The Centrality of Equality, Including Treating Crimes by Muslims as Seriously as Crimes by Non-Muslims against Muslims

Lebanon's acceptance of trial *in absentia*, largely adopted in Article 22 of the Statute of the STL,[11] is an instrument of equality, to bring to justice those who being able to evade arrest would otherwise see

1 By Philip Wood CBE, KC Hon in Panel of Recognised International Market Experts in Finance, "English Law as an Asset – Reflections on Choice of Law after Brexit", in *PRIMEtime*, 13 July 2021.

2 UN Security Council Resolution 1559 (2004), UN Doc. S/RES/1559, 2 September 2004 (https://www.legal-tools.org/doc/bfd306/).

3 See "Factbox: The Assassination of Lebanon's Hariri and its Aftermath", *Reuters*, 4 August 2020.

4 UN Security Council Resolution 1757 (2007), UN Doc. S/RES/1757, 30 May 2007 (https://www.legal-tools.org/doc/69a612/).

5 *Ibid*., Annex (titled 'Agreement between the United Nations and the Lebanese Republic on the Establishment of a Special Tribunal for Lebanon').

6 STL, *Prosecutor v. Ayyash et al.*, Appeals Chamber, Decision on Badreddine Defence Interlocutory Appeal of the "Interim Decision on the Death of Mr Mustafa Amine Badreddine and Possible Termination of Proceedings" (with Dissenting Opinion of Judge Nsereko appended), 11 July 2016, STL-11-01/T/AC/AR126.11, para. 3 (https://www.legal-tools.org/doc/312855/).

7 *Ibid*.; STL, *Prosecutor v. Ayyash et al*., Appeals Chamber, Dissenting Opinion of Judge David Baragwanath on the Appeals Chamber's "Decision on Badreddine Defence Interlocutory Appeal of the 'Interim Decision on the Death of Mr Mustafa Amine Badreddine and Possible Termination of Proceedings'", 13 July 2016, STL-11-01/T/AC/AR126.11 (https://www.legal-tools.org/doc/0a2417/).

8 STL, *Prosecutor v. Ayyash et al*., Trial Chamber, Judgment, 18 August 2020, STL-11-01/T/TC, para. 6904 (https://www.legal-tools.org/doc/gcoqu8/).

9 STL, *Prosecutor v. Merhi and Oneissi*, Appeals Chamber, Appeals Judgment, 10 March 2022, STL-11-01/A-2/AC, p. 205 ('*Merhi and Oneissi* Appeals Judgment') (https://www.legal-tools.org/doc/kzzvxx/).

10 See *ibid*., paras. 26, 401, 626–627; see *Merhi and Oneissi* Appeals Judgment, Separate Opinion of Judge Baragwanath Concurring in the Result, pp. 206 ff., paras. 35–44, see *supra* note 9.

11 Statute of the Special Tribunal for Lebanon, 30 May 2007, Article 22 (https://www.legal-tools.org/doc/da0bbb/).

themselves as above the law. Such mode of trial is in two parts. In the STL, an initial trial could be ordered after satisfaction of stringent precautions stipulated by the Appeals Chamber, and appointment by the Head of the independent Defence Office of respected defence counsel. If an accused convicted *in absentia* is later arrested, his absolute right to retrial *in praesentia* meets the need to guarantee compliance with the constitutional rule *audi alteram partem* later mentioned. In a Separate Appeals Chamber opinion of 10 March 2022, I expressed appreciation of the "well-focused submissions of counsel appointed […] to represent the Accused".[12]

I consider "law's fundamental role is to demand reconciliation of conflict across a variety of contexts. Its premise is that everyone matters and matters equally".[13] The STL's establishment (in co-operation with 11 Lebanese universities and the Asser Institute in The Hague) of an Inter-University Programme of both outreach (led by Olga Kavran) and teaching students in Lebanon international criminal law and procedure was described by participating Professor Georges Masse[14] as "the best attempt towards reconciliation in Lebanon […] bring[ing] together universities and students from different backgrounds".

To define equality is challenging. According to the German philosopher Hanno Sauer it was not until "fifty years ago […] equality became a moral and political passion, and a new language was fashioned, with its own power to generate ethical obligations and political imperatives".[15] The 1945 UN Charter stipulates in Article 2 that "[t]he [UN] Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles": "1. The Organization is based on the principle of the sovereign equality of all its Members".[16] That principle of State responsibility prohibits the abuse by a powerful State of citizens of a weaker State; recounted by Thucydides: "You know as well as we do that right, as the world goes, is only a question between equals in power, while the strong do what they can and the weak suffer what they must".[17]

The scope of equality has been extended by legislatures and judges to apply within the State, led by Mr. Justice Birkett in *Constantine v. Imperial Hotels Ltd.* ('*Constantine*')[18] for breach of contract sustained by the celebrated West Indian cricketer and peer, Leary Constantine.[19] *The Private Side of Transforming Our World* by Ralf Michaels, Verónica Ruiz Abou-Nigm and Hans van Loon records: "On the one hand, we want to spur development to reduce poverty and inequality. On the other hand, we know that economic development, with its usage of carbon fuels and land resources, has devastating effects on the planet".[20]

This is the dual crisis addressed by the 17 Sustainable Development Goals 2030 formulated by the UN in 2015. Law plays a crucial role in their realization. But it reveals: "while their relation to *public* international law has been studied, *private* law has received less attention, and private international law (sometimes called conflict of laws) none at all".[21]

Following Professor Michael Taggart, I consider that, since *Constantine*'s case, it is now beyond debate in any responsible tribunal that Muslims are entitled to be treated equally to others and bound to treat others similarly. Hence, the massive investigation, trial and convictions of alleged parties to the killing of Rafiq Hariri, funded by Lebanon and volunteer States. His assassination and the creation by the UN Security Council of the STL changed many lives, most of them Muslim. Those convicted became outlaws. The people of Lebanon learned the identity of the primary criminals. Overall, the case evidenced the need in all respects for equal treatment of and by Muslims according to the highest international standards, including by employing trial *in absentia*.

3. Support by Governments of Mainly-Muslim Countries for Transitional Criminal Justice

As well as Lebanon, the STL's funders and supporters included other States with Muslim population. Abdel and Jalal El-Ahdab's 1,200-page text on Arab arbitration recounts the Prophet's commendation and actual use of arbitration,[22] long before the pioneering arbitration agreement between the United States and the United Kingdom in *The Alabama Claims Case* (1869–1872).[23] The United Kingdom legal database BAILI demonstrates by 4,885 citations under 'Arab law' its actual range and sophistication.

Those facts evidence why other States with Muslim population should and do support institutions for transitional criminal justice. They are to be contrasted with the El-Ahdabs' account of Lord Asquith's disgraceful refusal as a common law arbitrator even to acknowledge the Arabic law – of which he was ignorant – stating that "it would be fanciful to suggest that in this very primitive region there is any settled body of legal principles applicable to the construction of modern commercial instruments".[24]

I have enjoyed and been educated by both meetings with the Lebanese Bar at the Maison de l'Avocat and senior judiciary in Beirut and Paris and, ever since, regular discussions with Lebanese students. Chief Justice Jean Fahed introduced me to the perhaps uniquely gifted Lebanese jurist Ulpian who wrote 42 per cent of Justinian's *Digest of Roman Law.* The experience of Muslim as well as other colleagues across the range of age and ages added to experience, first at the New Zealand Bar, then as a domestic and international judge. It helped me learn about such issues of common interest as terrorism as a legal concept that are among today's reasons for our profession. Our appellate determination that it is recognized by customary international law considered the presumption that the Lebanese criminal definition by statute, which we were required by the STL Statute to apply, conformed with international law.[25]

It was illuminating to learn that such basics as the rules of natural justice, familiar as underlying the common law – *nemo judex in causa*

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12 *Merhi and Oneissi* Appeals Judgment, Separate Opinion of Judge Baragwanath Concurring in the Result, para. 4, see *supra* note 9.

13 David Baragwanath, "Reflections", in Anna Dziedzic and Simon N.M. Young (eds.), *The Cambridge Handbook of Foreign Judges on Domestic Courts*, Cambridge University Press, 2023, p. 243.

14 Professor Georges Masse is Chairperson of the International Affairs Department of American University of Science and Technology, Beirut.

15 Charles Foster, "Them and Us: How Good Are We at Getting on With One Another?", in *Time Literary Supplement*, 10 January 2025 (reviewing Hanno Sauer's *The Invention of Good and Evil*, Oxford University Press, 2024).

16 Charter of the United Nations, 26 June 1945, Article 2 (https://www.legal-tools.org/doc/6b3cd5/).

17 Thucydides, *The History of the Peloponnesian War*, Book 5, Barnes & Noble Classics, 2006, pp. 340 and 342, paras. 89, 100, 101.

18 High Court of the United Kingdom, *Constantine v. Imperial Hotels Ltd.*, Judgment, 28 June 1944, [1944] KB 693.

19 In 1943, racial discrimination increased by the arrival in the United Kingdom of American servicemen and leisure spaces used to be segregated. Having booked for four nights in the hotel with family and friends, Leary Constantine was told that they could only stay for one night.

20 Intersentia Online, "The Private Side of Transforming our World – UN Sustainable Development Goals 2030 and the Role of Private International Law" (available on its web site).

21 *Ibid*.

22 Albert Jan van den Berg, "Foreword", in Abdul Hamid El-Ahdab and Jalal El-Ahdab, *Arbitration with the Arab Countries*, 3rd ed., Wolters Kluwer, Alphen aan den Rijn, 2011, pp. xlv–xlvii.

23 *Ad hoc* Arbitration Tribunal under the 1871 Treaty of Washington, *Alabama Claims of the United States of America against Great Britain*, Award rendered on 14 September 1872 by the tribunal of arbitration established by Article I of the Treaty of Washington of 8 May 1871, 14 September 1872, 29 RIAA 125 (https://www.legal-tools.org/doc/tatniys2/).

24 *Ibid*.

25 STL, *Prosecutor v. Ayyash et al.*, Appeals Chamber, Interlocutory Decision on the Applicable Law: Terrorism, Conspiracy, Homicide, Perpetration, Cumulative Charging, 16 February 2010, STL-11-01/I/AC/R176bis/F0010/Cor/20110223/R000489-R000642/EN/pvk, paras. 124 and 147 (https://www.legal-tools.org/doc/4c16e9/).

sua and *audi alteram partem* – did not derive from England. They were written by Ulpian in the third century AD[26] and then maintained by the civil law of Lebanon. They concern just and equal adjudication. Developed by Ulpian, the Prophet, and the international law to which the Lebanese Charles Malik and Prime Minister Nawaf Abdallah Salim Salam have been major contributors, the law treats equally misconduct and serious crimes by Muslims against any other, and such offences by non-Muslims against Muslims.

Unfair discrimination, like State or institutional breach of international law, is unacceptable. That need for equal treatment of all States and their people has, however, yet to be fully appreciated. I was confronted by such unfairness within the STL. A staff member born in Palestine was being classified by the STL as stateless and for that reason refused certain privileges. I could not understand how a person whose ancestors were Palestinian citizens of the Ottoman Empire could fairly be called stateless as a result of the Ottoman defeat in World War I, when the mandatory of Palestine appointed in 1922 by the League of Nations was the United Kingdom which was bound to protect them.[27] There was an obvious obligation to ensure that former Palestinian citizens of the Ottoman Empire in Palestine were treated not as stateless, but as citizens of Palestine. The outrageous historical abuse of the Jewish people culminating in the Holocaust justified every reasonable effort to find a safe homeland for them. But their past abuse provided further powerful evidence of the necessity to ensure, concurrently, protection of the Palestinians.

The current tragic plight of Palestine and her people could well undermine the will of governments of mainly-Muslim countries to support transitional criminal justice such as that of the STL. The common sense of humanity and all decent law identifies and deplores injustice, in particular the double standards of inequality. Inhabitants of what became the Ottoman Palestine have experienced throughout history abuse of power, resulting in extreme human suffering and widespread sense of injustice, helplessness and indignation. The resulting geopolitical climate has resulted in abuse and humiliation. That can give rise not only to justified resentment but even loss of hope of improvement. The role of transitional criminal justice includes restoring confidence in the ability and determination of its institutions to bring about change.

The STL has enjoyed invaluable support from Muslim countries, adding to Lebanon's own 49 per cent share (set by the UN Security Council) of the considerable expense of identifying those primarily responsible for the highly sophisticated preparation, conduct, and attempted cover-up of those who committed the Hariri assassination. The annual reports of the STL show how between 2009 and 2020 Lebanon's annual share fluctuated between 49 per cent of approximately EUR 55 and 65 million. During this time, the remaining part of the budget was covered by between 25 and 29 States, with contributions also by Muslim-majority countries.[28] As President, I paid seven visits to Beirut which included discussion of its 49 per cent funding obligation imposed by the UN Security Council, and had many conversations in person with groups of actual and potential funding States.

The STL is a constructive example of proactive initiative and support by mainly-Muslim countries for transitional criminal justice. It represents a model that may be available when there is a sufficient level of agreement within the UN to engage with a territorial State that suffers the consequences of relevant international crimes. In other situations where injustice in the Muslim world causes deep indignation (such as the current situation in Gaza), the conditions for consensus involvement by the international community are weaker. Other options for transitional criminal justice may be explored in such situations, including States' exercising their inherent powers to establish a new mechanism or national use of universal jurisdiction within States.

These observations in no way endorse the criminal behaviour of Hamas actors on 7 October 2023. Those who killed, raped, tortured, injured or detained Israelis that day deserve the practical effort of condemnation by law employed against the killers of Mr. Hariri. It is important to focus on the criminals and protect others, as later clearly explained by Edward Jenks. I make no general criticism of Israelis or Americans, each of whom risks unfair victimhood by personal attribution of decision-makers in their societies, with its consequences for innocent people possessing invaluable legacies of both Testaments, and of how in two World Wars their compatriots saved many millions from abasement.

4. Relevancy of Basic International Criminal Law Principles to Non-State Actors Such as Hezbollah, and the Use of Weapons That Cannot Discriminate

The first proposition of the section heading is obvious. It was complicated by the reluctance of the Nuremberg Tribunal to go beyond individual humans as targets of international criminal law.

Listed as STL contempt judge for the relevant month, I was presented with allegations that two companies and an individual of each had committed contempt by publicly disclosing the identity of witnesses whom the Prosecutor sought, for their own protection, to keep confidential until suitable safeguards were in place. I was satisfied there was a case to answer in respect of the two human suspects. But surprisingly, the international criminal law texts asserted as law a rule, so old as to be expressed in Latin, that under international criminal law a corporate body could not be prosecuted.

For two reasons I did not accept that opinion. First, given the

[26] See Digest 26.8.1 pr.; Codex 3.5 (*nemo judex in causa sua*), Digest 48.8.2 (*audi alteram partem*), in Justinian, *Corpus Juris Civilis*, ed. by Theodor Mommsen and Paul Krueger, Weidmann, Berlin, 1872.

[27] All Class A mandates other than Mandatory Palestine had gained independence by 1946, but when the United Kingdom evacuated Palestine on 15 May 1948, the independence of Palestine had not been secured. Perhaps affected people were not given enough political support for creation of a Palestinian State. Might the Palestinian leaders – who challenged the entire creation of Israel imposed upon them by others – once it was inevitable, reluctantly have acquiesced. I recognize that many interests are brought to bear on the question of Palestinian citizenship, including the 11 September 1965 Casablanca Protocol.

[28] Lebanon's annual payments were set by the UN Security Council at 49 per cent of the STL budget, which for the First Annual Report (2009–2010) (https://www.legal-tools.org/doc/34d109/) was USD 55.4 million. Some 25 countries made voluntary contributions or in-kind support of the remaining 51 per cent. For the Second Annual Report (2010–2011) (https://www.legal-tools.org/doc/785201/), the budget was USD 65.7 million. Again 25 further countries provided the remaining voluntary 51 per cent. Thereafter, until the Eleventh Annual Report (2019–2020) (https://www.legal-tools.org/doc/xdbh2q8p/), the budget, apart from Lebanon, ranged from EUR 55.3 million (26 countries) to EUR 62.8 million (29 countries): The Third (2011–2012) budget, EUR 55.3 million (26 countries) (https://www.legal-tools.org/doc/785201/); Fourth (2012–2013) budget, EUR 59.9 million (26 countries) (https://www.legal-tools.org/doc/319ddb/); Fifth (2013–2014) budget, EUR 59.8 million (28 countries) (https://www.legal-tools.org/doc/7cdb46/); Sixth (2014–2015) budget, EUR 59.8 million (28 countries) (https://www.legal-tools.org/doc/f9a5b1/); Seventh (2015–2016) budget, EUR 62.8 million (29 countries) (https://www.legal-tools.org/doc/f96629/); Eighth (2016–2017) budget, EUR 59 million (28 countries) (https://www.legal-tools.org/doc/330c02/); Ninth (2017–2018) budget, EUR 58.8 million (28 countries) (https://www.legal-tools.org/doc/1a1fad/); Tenth (2018-2019) budget, EUR 55.1 million (29 countries) (https://www.legal-tools.org/doc/ailmnxt3/); and Eleventh (2019–2020) budget, EUR 55.145 million (29 countries) (https://www.legal-tools.org/doc/xdbh2q8p/). The Twelfth (2020–2021) budget was reduced by 37 per cent (and was contributed externally by 27 countries) (https://www.legal-tools.org/doc/au7d2tax/). The Thirteenth (2021–2022) budget was further reduced by 80 per cent (though this time, 29 countries) (https://www.legal-tools.org/doc/bph939cg/). The Fourteenth Annual Report (2022–2023) (https://www.legal-tools.org/doc/adgdbq83/) advised: 30 December 2022 UN General Assembly appropriation for period to closure at the end of 2023, USD 2.97 million. It records since 2009 voluntary contributions or in-kind support from 30 donors of which it identifies 28 without particularity of amount.

role of companies in modern society it was practical nonsense. The corporate suspects were a television company and a newspaper publisher, whose resources had facilitated the publications. I could see no sensible reason to allow them to impede the protection of the witnesses needed to give evidence in support of the Prosecution's allegations. Secondly, not only had common law States rejected corporate immunity, but their example was being followed by States of the civil law; and importantly Lebanon, which had legislated to remove it. For me to apply an obsolete international law rule would mean that, since Lebanese legislation had removed any such immunity, the companies could have been prosecuted there; yet in our international court charged with pursuing Lebanese substantive criminal law, they would be immune.

I ordered two trials, each of both an individual and the company and, being disqualified by such orders from hearing the cases, they passed to another judge. Both companies appealed against the order and two appeals panels, one 2–1 and the other 3–0, dismissed the appeals. One case resulted in acquittals, the other in convictions.[29] The opinion justifying prosecution of a company was adopted by Justice Sotomayor in *Jesner v. United States* for four members of the United States Supreme Court.[30]

The only practical constraint of going beyond individual humans as a target is any real doubt as to its practical identity as a unit. It is unlikely that either the SS or Hezbollah would fail that test, so clearly met by a registered company.

The second proposition, requiring careful discrimination as to the target, is fundamental to customary international criminal law. Geoffrey Robertson KC described it as "an essential component in a just war ever since its definition by Thomas Acquinas".[31] A homely account was given by Edward Jenks:

> The man who has been wounded by a chance arrow must not shoot at sight the first man he happens to meet. He must make some attempt to identify the aggressor. If the wound proves fatal, the relatives of the slain may avenge the victim. But they, too, must not act indiscriminately; they must restrict their vengeance to the murderer, and his kindred who may be supposed to be sheltering him.[32]

The use of a massive bomb killing indiscriminately both intended targets and citizens unrelated to Prime Minister Hariri's policy to support UN Security Council Resolution 1559 (2004) (that Syria must relinquish control of Lebanon and the political party Hezbollah must disarm), was performed in radical breach of settled principles of customary international law. Such conduct went against the spirit of the STL's existence (both the importance of compliance with basic norms of international criminal law and that violators should be held accountable). The STL's legacy is directly relevant to all actual and potential armed actors in the Lebanese jurisdiction.

5. The Significance of the STL Knowledge-Repository for Arabic-Speaking Actors

The STL's task of administration, investigation, prosecution, defence and adjudication of its massive case required a substantial budget for translation from and to Arabic, French and English, recognizing the primacy of Arabic as the first language of Lebanon.

Given the volume and range of the STL evidence, submissions and decisions, it is very fortunate that the STL legacy team (notably Mme Pauline van Kersen) has worked tirelessly with the ICC Legal Tools Project to give users the most complete access to STL documents in the ICC Legal Tools Database, the leading legal-information service on international criminal law (which offers more than 340,000 documents and enjoys more than 50 million annual hits).[33]

It is possible here only to record our debt to all within and beyond the STL for their immense effort of communicating orally and in writing, in the three primary languages and others, information, much of it legally and factually complex, both within the STL's 400 member staff and, vitally by way of outreach, especially to the people of Lebanon. It should permit future research into the resource to which the ICC Legal Tools Database gives access.

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[29] STL, *Prosecutor v. Beirut S.A.L. and Al Amin*, Contempt Judge (Baragwanath J.), Redacted version of decision in proceedings for contempt with orders in lieu of an indictment, 31 January 2014, STL-14-06/I/CJ/F0001/20140131/R000001-R000030/EN/af, paras. 18–28 (https://www.legal-tools.org/doc/h0b7cz/), and confirmed by an appeals panel in STL, *Prosecutor v. New TV S.A.L. and Al Khayat*, Appeals Panel, Decision on Interlocutory Appeal Concerning Personal Jurisdiction in Contempt Proceedings, 2 October 2014, STL-14-05/PT/AP/AR126.1/F0012-AR126.1/20141002/R000101-R000150/EN/AR/FR/af (https://www.legal-tools.org/doc/e8fbb1/).

[30] Justice Sotomayor for four members of the United States Supreme Court in *Jesner v. United States*, Judgment, 24 April 2018, 584 U.S. 241, with the other five deciding the appeal on other grounds.

[31] Geoffrey Robertson, *Crimes Against Humanity: The Struggle for Global Justice*, 4th ed., Penguin Books, London, 2012, p. 701.

[32] Edward Jenks, *A Short History of English Law*, Butterworth & Co., London, 1912, pp. 7–8.

[33] The service is freely available at https://www.legal-tools.org/, and the STL Collection can be full-text searched or browsed in the lower-left corner in a folder under 'Other International(ised) Criminal Jurisdictions'.

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