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HYBRID TRIBUNALS IN INTERNATIONAL CRIMINAL LAW: JURISDICTIONAL CHALLENGES AND LESSONS FROM SIERRA LEONE, CAMBODIA AND IRAQ.

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ABSTRACT

Hybrid tribunals represent an innovative mechanism within international criminal law designed to address mass atrocities when domestic courts are unable or unwilling to deliver justice. This research paper critically examines the jurisdictional foundations, operational challenges, and institutional effectiveness of hybrid and ad hoc tribunals with specific reference to the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, and the Iraqi High Tribunal. The study analyses how these tribunals combine international and domestic legal elements in composition, procedure, and substantive law, aiming to ensure accountability while promoting local ownership. Central focus is placed on subject-matter, personal, temporal, and territorial jurisdiction, which directly determine the legitimacy and practical functioning of such courts. The paper evaluates the strengths and weaknesses of hybrid models in prosecuting genocide, war crimes, and crimes against humanity, and assesses the impact of political interference, sovereignty concerns, and resource limitations. Through comparative analysis, the research highlights how variations in jurisdictional design influence judicial independence, procedural fairness, and public confidence. The study further explores the relationship between hybrid tribunals and the International Criminal Court under the principle of complementarity. It concludes that although hybrid tribunals have contributed significantly to the development of international criminal jurisprudence, persistent jurisdictional ambiguities

and structural constraints continue to affect their overall efficiency. The paper recommends clearer jurisdictional mandates, stronger international cooperation, and improved integration with domestic legal systems to enhance the credibility and long-term impact of future accountability mechanisms in international criminal justice.

1. INTRODUCTION

Crime is a constant in our world, dating back to the very beginnings of society, and is likely to persist indefinitely. Citizens will always have faith in their state that whenever any unjust or prejudiced acts have been caused, the state will look into it and, through appropriate judicial mechanisms, it will punish the wrongdoers, but whenever the state fails to do so, it leads to grave injustice to the citizens who suffered and lost their lives due to the heinous acts. In such cases, the International Criminal Court has Jurisdiction where the national judicial systems are unwilling or unable to prosecute. It is hereinafter referred to as ICC. ICC is a permanent international tribunal mandated to investigate, prosecute, and try individuals accused of committing the gravest crimes of concern to the international community, which are genocide, crimes against humanity, war crimes and the crime of aggression. This development of the ICC reflects humanity's collective response to atrocities that transcend borders. Right after the atrocities of the Second World War, the Nuremberg and Tokyo Tribunals led the idea of holding individuals, not only states, accountable for war crimes and crimes against humanity. However, for decades thereafter, international criminal justice mechanisms remained sporadic and dependent on political will. In 1990, the UN Security Council established the International Criminal Tribunal for the former Yugoslavia ICTY, 1993, and the International Criminal Tribunal for Rwanda (ICTR). These were ad hoc Tribunals, created in response to specific conflicts, with jurisdiction defined by the UN Security Council. Together, they prosecuted over 240 individuals for genocide, war crimes, and crimes against humanity. Their work contributed to the development of international criminal jurisprudence but also exposed practical limitations, high costs, remoteness from affected populations, and the perception of "Victor's Justice."

The limitations of the Ad hoc mechanism gave rise to hybrid tribunals, which combine international and domestic elements in composition, procedure and jurisdiction. Examples include the Special Court for the Sierra Leone SCSL, the Extraordinary Chambers in the Courts of Cambodia (ECCC), and the Iraqi High Tribunal (IHT). These bodies were designed to secure both international legitimacy and local ownership, while addressing atrocities in their specific

context. Yet, their mandates were often contested, particularly with respect to jurisdiction, what crimes could be tried, whose conduct could be scrutinized, and how far tribunals could reach into sovereign domestic legal systems. At the same time, the international community sought a permanent solution. The adoption of the Rome Statute in 1998 and the establishment of the International Criminal Court (ICC) in 2002 marked a turning point. Unlike ad hoc or hybrid tribunals, the ICC is a permanent judicial body empowered to investigate and prosecute individuals for genocide, crimes against humanity, war crimes, and aggression. The ICC is not a substitute for national courts; rather, it is a court of last resort, stepping in only when national jurisdictions are unable or unwilling to prosecute.

1.1 Hypothesis

The Hybrid and ad hoc tribunals, despite being established to fill gaps left by the domestic courts and the ICC, face significant jurisdictional challenges, especially in matters relating to the subject matter, personal, and temporal jurisdiction, which directly affect the legitimacy, effectiveness, and ability to deliver justice.

1.2 Objectives

1. To analyse the jurisdictional foundations of hybrid and ad hoc tribunals.
2. To evaluate the effectiveness of tribunals in Sierra Leone, Cambodia and Iraq in addressing crimes under ICL.
3. To identify lessons that can inform the design of future accountability mechanisms.

2. CONCEPTUAL FRAMEWORK OF INTERNATIONAL CRIMINAL TRIBUNALS

The International Criminal Tribunals are judicial bodies established to investigate, prosecute and try individuals for crimes that shock the conscience of humanity including Genocide, War Crimes, Crimes against Humanity and Aggression. These tribunals emerged in the aftermath of the major conflicts, addressing a crucial gap in global justice, which is the unwillingness or the inability of the domestic jurisdictions to hold high-level perpetrators accountable. The tribunals' primary purpose is to ensure accountability and thereby establish deterrence. A key point in this discussion is the concept jurisdiction, the legal power by to adjudicate a case which is crucial for defining any tribunals legitimacy and effectiveness.

2.1 Ad Hoc Tribunals

These are the temporary tribunals, created by a resolution of the UN Security Council or an international treaty, to address specific conflicts or atrocities and to bring justice to victims of international crimes. The Security Council has established two ad hoc criminal tribunals, the International Criminal Tribunal for the former Yugoslavia (ICTY 1993) and the International Criminal Tribunal for Rwanda (ICTR 1994). Their key characteristics include a limited jurisdiction focused on a specific time period and territory, a completely international composition of judges and prosecutors and their dependence on the UN Security Council for enforcement and funding.¹

2.2 Hybrid Tribunals

Also known as mixed or internationalized tribunals, these courts combine elements of both international and domestic law, procedure and personnel. They are typically created by a formal agreement between the United Nations and the host nation. Examples include the Special Court for Sierra Leone (SCSL), the Extraordinary Chambers in the Courts of Cambodia (ECCC) and the Iraqi High Tribunal (IHT). The defining feature of these tribunals is their attempt to blend international legal standards with local ownership. This is often reflected in mixed panels of international and domestic judges, the application of both international and national criminal law and a physical location within the affected country. This model attempts to overcome the “distance and legitimacy problem” faced by ad hoc tribunals by fostering greater local engagement.

2.3 Permanent Tribunals

This category represents the long-term institutionalization of international justice. Unlike the temporary ad hoc and hybrid models, a permanent tribunal is designed to provide ongoing, continuous jurisdiction over a wide range of international crimes, independent of a specific conflict. The International Criminal Court (ICC, 2002) is the sole example of a permanent international criminal court with global jurisdiction. Its authority is based on the principle of complementarity, meaning it only acts when a state is unwilling or unable to genuinely prosecute an international crime. The ICC’s establishment under the Rome Statute of 1998 marked a significant shift from reactive, post-conflict justice to a proactive, standing judicial

¹Dag-Hammarskjöld-Library,-UN-International-Law-Documentation, <https://research.un.org/en/docs/law/courts#:~:text=Criminal Court Cooperation-,Ad hoc Criminal Tribunals, these ad hoc criminal tribunals.> (last visited July 1, 2025).

mechanism.

2.4 HISTORICAL EVOLUTION

2.4.1 The Nuremberg and Tokyo Tribunals (1945-1948)

The conclusion of World War II marked a pivotal moment in the evolution of international criminal law. The heinous acts perpetrated by the Nazi regime in Germany and the Imperial Japanese forces compelled the Allied Powers to promptly initiate measures to ensure accountability for war crimes, crimes against peace, and crimes against humanity. These developments culminated in the establishment of the International Military Tribunal (IMT) at Nuremberg and the International Military Tribunal for the Far East (IMTFE) at Tokyo, both of which became the cornerstone of contemporary international criminal jurisprudence.² The Nuremberg Tribunal, constituted under the Charter of the International Military Tribunal (London Charter) of 8 August 1945³, aimed to ensure the just and prompt trial of major war criminals of the European Axis Powers. Ultimately, 12 high ranking Nazi officials were sentenced to death for their involvement in crimes against peace, war crimes, and crimes against humanity, including the genocide of millions of Jews during the Holocaust.⁴

2.4.2 ICTY and ICTR (1990)

The establishment of the United Nations (UN) in 1945 marked a significant turning point in the evolution of international criminal jurisprudence. Founded with the objective of saving succeeding generations from the scourge of war and maintaining international peace and security, the UN introduced mechanisms that enabled collective action against threats to peace and violations of humanitarian principles. Under Chapters VI and VII of the UN Charter, the Security Council was entrusted with the responsibility to preserve international peace and security through both peaceful and coercive measures. In exercising this authority, the Council established ad hoc international criminal tribunals most notably, the International Criminal Tribunal for the Former Yugoslavia (ICTY) in 1993 and the International Criminal Tribunal for Rwanda (ICTR) in 1994 to prosecute individuals responsible for grave violations of international humanitarian law. The International Criminal Tribunal for the Former Yugoslavia (ICTY), established by the United Nations Security Council in 1993, served as the inaugural

² *World Affairs: The Journal of International Issues*, Vol. 23, No. 2 (SUMMER 2019 (APRIL-JUNE)), pp. 10-21, 12. <https://www.jstor.org/stable/48531097>. (last visited July 1, 2025).

³ Agreement for the prosecution and punishment of the major war criminals of the European Axis. Signed at London, on 8 th August 1945. No. 251. (last visited July 3, 2025).

⁴ *Supra* note 2.

tribunal of its kind since the Nuremberg and Tokyo Tribunals. Its primary mandate was to prosecute severe violations of humanitarian law that transpired during the conflicts in the Balkans. The Statute of the ICTY delineated four primary categories of crimes: grave breaches of the 1949 Geneva Conventions, violations of the laws or customs of war, genocide, and crimes against humanity. The tribunal was empowered to prosecute individuals who had planned, instigated, ordered, committed, or aided and abetted in the planning or execution of such crimes.

2.4.3 The Hybrid Tribunals (2000)

The early 2000s brought about a major transformation in international criminal justice, highlighted by the rise of hybrid tribunals and courts that blended domestic and international legal frameworks. These new tribunals emerged in response to the growing awareness of the shortcomings of purely ad hoc international courts like the ICTY and ICTR. While these courts made strides in legal development, they were often criticized for being disconnected from the communities they aimed to serve, incurring high operational costs, and having a limited effect on strengthening local judicial systems. To tackle these issues, the international community started to explore “mixed” or “hybrid” judicial models that aimed to merge the legitimacy and accessibility of domestic systems with the impartiality and legal rigor of international standards. Some notable examples of this approach include the Special Court for Sierra Leone (SCSL, 2002), the Extraordinary Chambers in the Courts of Cambodia (ECCC, 2003), and the Iraqi High Tribunal (IHT, 2005). These institutions were crafted to incorporate national judges and laws alongside international participation and procedures, which helped to lessen the feeling of external imposition while boosting local ownership and public trust.⁵ The hybrid model promised to bridge the gap between international and domestic justice, enhancing legitimacy, building local judicial capacity, and promoting the internalization of international norms. However, experience revealed that jurisdictional complexities, funding instability, and inconsistencies in structure often limited their overall efficiency and long-term impact. Still, their establishment represented an important evolutionary step, an attempt to adapt global justice mechanisms to local contexts while maintaining international legal standards.⁶

⁵ Sarah M. H. Nouwen, *Hybrid Courts: The Hybrid Category of a New Type of International Crimes Courts*, 6 *Utrecht L. Rev.* 190 (2010). (last visited July 8, 2025).

⁶ *Ibid.*

3. JURISDICTIONAL BASIS OF HYBRID AND AD HOC TRIBUNALS

Jurisdiction is the cornerstone of every legal institution, defining the scope of authority within which justice may be exercised. In international criminal law, jurisdiction determines who may be prosecuted, for what acts, in which territories, and during what time period. It thus functions as the very framework that distinguishes a legitimate tribunal from an ad hoc political mechanism. For hybrid and ad hoc tribunals, jurisdiction represents not merely a procedural boundary, but a reflection of the delicate balance between international authority and state sovereignty. International criminal tribunals, whether ad hoc, hybrid, or permanent, derive their jurisdictional authority from varying legal sources. The ad hoc tribunals of the 1990s, notably the International Criminal Tribunal for the former Yugoslavia (ICTY)⁷ and the International Criminal Tribunal for Rwanda (ICTR),⁸ were established by binding resolutions of the United Nations Security Council under Chapter VII of the UN Charter. Their jurisdiction extended over genocide, war crimes, and crimes against humanity committed in specific territories and during particular timeframes, thereby linking international authority to enforcement obligations on Member States.⁹

3.1 Subject Matter Jurisdiction

The subject-matter jurisdiction of hybrid and ad hoc tribunals defines what types of crimes these courts are empowered to adjudicate. This jurisdiction is not unlimited it is restricted to specific categories of international crimes recognized under customary international law and relevant treaty law. The purpose of such a limitation is to ensure consistency with established norms of jus cogens and to prevent the arbitrary expansion of international criminal responsibility.

3.2 Territorial Jurisdiction

Territorial jurisdiction defines the geographical limits within which a tribunal may exercise its judicial authority. In the context of hybrid and ad hoc tribunals, territorial jurisdiction acquires a distinctive dimension, as these courts are often established to deal with crimes committed in specific conflict zones or under particular political circumstances where state sovereignty,

⁷ UN Charter & Security Council Authority (ICTY): *S.C. Res. 827, U.N. Doc. S/RES/827 (May 25, 1993)* (establishing ICTY).

⁸ UN Charter & Security Council Authority (ICTR): *S.C. Res. 955, U.N. Doc. S/RES/955 (Nov. 8, 1994)* (establishing ICTR).

⁹ *Prosecutor v. Tadić, Case No. IT-94-1, Decision on the Defense Motion for Interlocutory Appeal on Jurisdiction (Int'l Crim. Trib. for the Former Yugoslavia Oct. 2, 1995).*

consent, and international mandates interact in complex ways. Unlike purely national courts whose jurisdiction flows from territorial sovereignty, or purely international courts such as the International Criminal Court (ICC) whose jurisdiction derives from multilateral treaty consent, hybrid and ad hoc tribunals are often born of necessity, reflecting a negotiated balance between the authority of the international community and the sovereign prerogatives of the affected state.

3.3 Personal Jurisdiction

The personal jurisdiction of hybrid and ad hoc tribunals defines who can be prosecuted under their authority, that is, which individuals fall within their legal reach. Unlike domestic courts that try both natural and juristic persons, international and hybrid tribunals exercise jurisdiction only over natural persons, reflecting the principle of individual criminal responsibility embedded in the Nuremberg precedent.¹⁰

3.4 Temporal Jurisdiction

Temporal jurisdiction (*ratione temporis*) defines the specific time period during which a tribunal has authority to adjudicate crimes. It ensures that the court's mandate is limited to events occurring within a clearly defined temporal scope often corresponding to a specific conflict or regime period. In hybrid and ad hoc tribunals, this restriction serves both legal and political purposes: it prevents retroactive criminalization (*nullum crimen sine lege*) and reflects the practical necessity of focusing on identifiable episodes of mass atrocity.

4. LEGAL FOUNDATIONS AND JURISDICTIONAL FRAMEWORKS OF HYBRID TRIBUNALS

After the International Criminal Tribunal for the former Yugoslavia (ICTY, 1993) and the International Criminal Tribunal for Rwanda (ICTR, 1994), the international criminal justice system saw a big change with the rise of hybrid and ad hoc tribunals. These tribunals are a mix of domestic and international laws and play a crucial role in prosecuting serious crimes. But they faced criticism for being too far removed from the affected societies, making it hard for them to engage directly with local communities, promote reconciliation, and ensure justice is served. So, hybrid courts came to the rescue! These tribunals combine domestic and

¹⁰ Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis, Aug. 8, 1945, 59 Stat. 1544, 82 U.N.T.S. 279.

international legal elements to strengthen domestic legal systems, ensure local participation, and prosecute serious violations of international humanitarian law. Some of the most influential hybrid models include the Special Court for Sierra Leone (SCSL), the Extraordinary Chambers in the Courts of Cambodia (ECCC), and the Iraqi High Tribunal (IHT). This chapter delves into their legal foundations and jurisdictional structures to understand their unique approaches and challenges in delivering justice.

4.1 Special Court for Sierra Leone (SCSL)

Sierra Leone went through a terrible civil war for 11 years. It was filled with brutal violence, including mass killings, amputations, sexual slavery, and the forced recruitment of child soldiers. After peace efforts failed, President Ahmad Tejan Kabbah asked the United Nations for help. The UN Security Council agreed and allowed negotiations to start on a treaty. This led to the UN - Sierra Leone Agreement of 2002, which officially created the Special Court for Sierra Leone (SCSL). Unlike the International Criminal Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR), the SCSL wasn't created under Chapter VII of the UN Charter. Instead, it's a special court based on a treaty, separate from both the UN and the Sierra Leonean courts. But it's still recognized by the Sierra Leonean government and is part of their national law. This means that while the court follows international law, it only works in Sierra Leone. This is a big step towards the court being owned by the local people. The SCSL has more power than the local courts. It can ask the local courts to stop working on cases if it needs to.¹¹

The tribunal has three main parts: the Trial and Appeals Chambers, the Office of the Prosecutor, and the Registry. Most of the judges are international, but Sierra Leonean judges and staff make sure locals are also involved. One of the coolest things about the tribunal is that it has its own Defence Office, which is like a separate team that protects the rights of the accused.

Ratione materiae (subject matter): Crimes against humanity, war crimes under Article 3 and Additional Protocol II, other serious violations of international humanitarian law, and specific domestic offenses like child cruelty and malicious damage. **Ratione personae (personal jurisdiction):** The Statute only prosecutes “persons who bear the greatest responsibility,” primarily focusing on senior commanders and political leaders. No one under 15 could be

¹¹ Eileen Skinnider, Experiences And Lessons From “Hybrid” Tribunals: Sierra Leone, East Timor And Cambodia, <https://icclr.org/WpContent/Uploads/2019/06/Experiencesfrominternationalspecialcourts.Pdf>. (last visited Sept. 8, 2025).

prosecuted. *Ratione temporis* (temporal jurisdiction): The Statute's jurisdiction is limited to 30 November 1996 onwards, coinciding with the collapse of the Abidjan Peace Accord. The SCSL went after leaders from all the major armed groups, including the RUF, AFRC, and CDF.

4.2 Extraordinary Chambers in the Courts of Cambodia (ECCC)

Cambodia's history is marked by prolonged conflict, beginning with the struggle for independence until 1954, followed by the rise of the Khmer Rouge regime (1975–1979), and subsequently, two further decades of warfare despite Vietnamese intervention. When the Khmer Rouge captured Phnom Penh in April 1975, nearly two million civilians were forcibly evacuated to rural labor camps, where they endured starvation, torture, executions, and mass persecution. By the end of Democratic Kampuchea, approximately 1.7 million people had perished nearly one fifth of Cambodia's population. Cold War geopolitics further complicated justice efforts. Even after Pol Pot's removal in 1979, powerful states such as the United States and China continued to recognize the Khmer Rouge, enabling the regime to retain its seat at the United Nations for 14 more years. Pol Pot himself remained free until his death in 1998. Initial international discussions toward accountability began in 1988 but progressed slowly. The 1991 Paris Peace Agreements created the United Nations Transitional Authority in Cambodia (UNTAC). However, the Agreements did not reference the Genocide Convention and failed to compel accountability for past crimes. In 1994, the Cambodian National Assembly outlawed the Khmer Rouge, but subsequent defections in 1996–97 led to pardons granted to several former leaders. A significant shift occurred in July 1997, when Prime Ministers Hun Sen and Prince Norodom Ranariddh jointly appealed to the United Nations, requesting assistance in establishing a tribunal, explicitly acknowledging a lack of domestic legal capacity to prosecute crimes of such scale. In 1998–99, a UN-appointed Group of Experts evaluated the available evidence and recommended a fully international tribunal. Cambodia, however, resisted external control, prompting further negotiations. The United States proposed a “supermajority” system requiring approval from at least one international judge for all decisions a compromise to prevent political manipulation while preserving national sovereignty. Cambodia enacted the first law establishing a special tribunal in July 2001, but concerns about its independence caused the UN to temporarily suspend cooperation in February 2002. Negotiations resumed later that year, culminating in the March 2003 UN-Cambodia Agreement, which the Cambodian National Assembly approved in October 2004. This agreement formally established the Extraordinary Chambers in the Courts of Cambodia

(ECCC).¹²

4.3 Iraqi High Criminal Court (IHT)

The Iraqi High Criminal Court was created to make sure that the terrible things that happened during the Ba'athist regime were punished. After Saddam Hussein was overthrown in 2003, Iraqi lawyers said that justice should not be based on revenge or politics. They wanted to make sure that the courts were independent and followed the law. So, in December 2003, lawyers in Baghdad met to design a tribunal that would be fair to Iraq and follow international laws. At first, it was called the Iraqi Special Tribunal (IST) under the Coalition Provisional Authority (CPA). But after Iraq became its own country again, it became the Iraqi High Criminal Court (IHT) in October 2005. When the Iraqi government made the rules themselves, the court became more legitimate. This change showed that Iraq wanted to take responsibility for its own justice, not just for foreign intervention.

The International Criminal Tribunal for the Former Yugoslavia (IHT) Statute incorporates and enforces international criminal law, particularly crimes such as genocide, crimes against humanity, and war crimes, as a domestic judicial authority. This aligns with a fundamental principle of international law: domestic courts serve as the primary forums for prosecuting grave international crimes. International mechanisms intervene only when States are unable or unwilling to prosecute offenders. The legal legitimacy of the IHT is reinforced by several factors, i.e, the International Covenant on Civil and Political Rights (ICCPR) requirements for fair and public trials. Laws and customs of war, including the Geneva Conventions and Protocol I obligations to ensure regular and impartial judicial processes. And Iraq's sovereign right to adopt and enforce its own penal sanctions. One of the most debated aspects internationally was the retention of the death penalty. However, removing it under foreign pressure would constitute modern "legal colonialism," undermining national sovereignty and eroding public acceptance of verdicts. The IHT was therefore grounded in Iraqi society's established legal expectations, ensuring that judgments would be authoritative and credible among the people most affected by the crimes.¹³

¹² Eileen Skinnider, Experiences And Lessons From "Hybrid" Tribunals: Sierra Leone, East Timor And Cambodia, <https://icclr.org/WpContent/Uploads/2019/06/Experiencesfrominternationalspecialcourts.Pdf>. (last visited Sept. 20, 2025).

¹³ Michael A. Newton, The Iraqi High Criminal Court: controversy and contributions, Volume 88 Number 862, https://international-review.icrc.org/sites/default/files/irrc_862_10.pdf. (last visited Nov,6, 2025).

5. COMPARATIVE ANALYSIS OF JURISDICTIONAL CHALLENGES IN HYBRID TRIBUNALS

Hybrid and ad hoc tribunals emerged as mechanisms intended to bridge the gap between international criminal justice and the limitations of domestic legal systems. Although each tribunal was created with a similar underlying aim of accountability for mass atrocities where national courts failed their jurisdictional mandates, structures, and outcomes vary significantly. This chapter undertakes a comparative analysis of the Special Court for Sierra Leone (SCSL), the Extraordinary Chambers in the Courts of Cambodia (ECCC), and the Iraqi High Tribunal (IHT) with a focus on jurisdictional authority, subject-matter competence, sovereignty interplay, temporal and territorial constraints, legitimacy, and their effectiveness in securing justice and reconciliation.

A tribunal's credibility depends on the legal basis of its creation. This determines how binding its authority is and how willing states and international actors are to cooperate. The SCSL was created through a treaty between the United Nations and the Government of Sierra Leone in 2002. This treaty-based foundation ensured a recognized hybrid nature, with shared responsibility that enhanced both local ownership and international legitimacy. In contrast, the ECCC was established through an agreement between the UN and Cambodia but implemented primarily through Cambodian domestic law.

5.1 Subject Matter Jurisdiction

Each tribunal claimed the right to try the three major international crimes: genocide, war crimes, and crimes against humanity. But the SCSL made a big change in international law by specifically prosecuting the recruitment and use of child soldiers under 15. This important legal decision made it easier to hold people accountable for crimes against children around the world. The ECCC's job is smaller and focused on crimes committed during the Khmer Rouge regime between 1975 and 1979. It made important decisions about forced marriage and other gender-based crimes that are considered crimes against humanity, but it couldn't deal with many other crimes that happened outside that time. The IHT had a bigger job and could try crimes under Iraqi domestic laws as well as international crimes. This allowed it to cover all the bad things that happened during the Ba'athist regime, but it also made it unclear what the international laws were and raised concerns about punishing people in the past and only prosecuting certain people.

5.2 Temporal and Territorial Jurisdiction

The tribunal's power is limited by time and geography. The SCSL could prosecute crimes committed during the Sierra Leone civil war from 1996 to 2002, including crimes committed by rebel groups outside the country if they were linked to the same conflict. This ensured that both state and rebel groups were held accountable. The ECCC only had jurisdiction in Cambodia for the four years of Khmer Rouge rule. This limited scope, due to political hesitancy, left many parts of Cambodia's decades of conflict unaddressed, which hindered justice. The IHT had the power to prosecute crimes committed after 1968, covering the entire Ba'athist era until 2003. While this extended the tribunal's historical reach, it struggled to be impartial because most prosecutions targeted former ruling elites.

5.3 Personal Jurisdiction and Immunity

Personal jurisdiction decides who can be prosecuted. The SCSL focused on "the most responsible people," ensuring that both state and non-state actors were held accountable. One of its most important decisions was the prosecution of Charles Taylor, which proved that a serving or former head of state can't be immune from international crimes. This was a big step forward in international criminal law. The ECCC also only targeted the most senior leaders of the Khmer Rouge. But there were practical problems because many of the accused were very old, physically weak, and died. This limited the tribunal's ability to give the justice people expected. The IHT specifically prosecuted senior Ba'ath Party officials, including Saddam Hussein. Even though getting rid of leader immunities was in line with international rules, the way the trials were set up and conducted, especially the use of political stories and the outcomes of the executions, made people think the trials were more about punishment than about fairness.

6. CONCLUSION

Hybrid and ad hoc tribunals are crucial in holding accountable mass atrocities, especially when domestic legal systems are weak. They show how international criminal law has evolved from just international intervention to shared responsibility and local justice. This study looked at how different jurisdictions affect how these tribunals work, are accepted, and have an impact. It focused on three major cases: the Special Court for Sierra Leone (SCSL), the Extraordinary Chambers in the Courts of Cambodia (ECCC), and the Iraqi High Tribunal (IHT). The study found that jurisdiction is the key to hybrid tribunals. It determines their legal power and how fair, independent, and effective they are. Tribunals that balanced international and national actors, like the SCSL, were better at being impartial and following international standards. On

the other hand, tribunals that relied too much on domestic politics, like the ECCC and IHT, faced more external pressure, unfair justice, and problems with legitimacy. The study also showed that hybrid tribunals, even with the same goals, have different ways of dealing with cases, people, and time. For example, the SCSL helped advance international law by prosecuting crimes like forced marriage and recruiting child soldiers, but it didn't protect leaders from prosecution. The ECCC, while important for documenting crimes committed by the Khmer Rouge, faced political interference and a narrow time limit. The IHT became a symbol of revenge justice instead of helping people move forward, as its establishment under foreign occupation hurt its legal credibility and made it less trusted by the people.

