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HOW SHOULD UN STANDARDS GUIDE INTERNATIONAL JUDICIAL TRAINING IN POST-CONFLICT SITUATIONS?: PERSONAL REFLECTIONS 20 YEARS AFTER THE RWANDAN GENOCIDE

BY LYAL S. SUNGA*

The Arab Spring reminds us that ordinary people, coming together, can pull down the mightiest of dictators. Real-time news chronicled key moments of the popular struggles against tyrannical oppression right across the Middle East and North Africa, while social media helped to further focus people power and mobilize women's human rights activists.¹

Revolutions are inherently risky affairs with destiny, and demonstrations, riots, uprisings, and rebellions do not necessarily guarantee a better future. At least they can brighten prospects for better governance, individual and social justice, and, it is hoped, the promotion and protection of human rights for all. However, such prospects for sustainable human security require serious and concerted efforts at institution building. Otherwise, small concessions or quick fixes that incumbent rulers may offer are bound to disappoint the people, if not exacerbate their resentment. The situation in Egypt illustrates this very well. Peaceful protests began all over the country on 25 January 2011 and quickly provoked the overreaction of security forces and the army, eventually incurring the loss of hundreds of lives. Protests against rising food and living costs and entrenched corruption, and for an end to President Hosni Mubarak's 30 years of one-party rule and state of emergency, ultimately forced his resignation. The Supreme Council of Egyptian Armed Forces took over the reins of government on 11 February 2011.² But then protestors had to risk their lives for several more months to pressure the stubbornly intransigent military government into actually setting a date for

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1 See, e.g., *The Role of Social Media in Arab Women's Empowerment*, 1 ARAB SOC. MEDIA REP. (Dubai School of Government), November 2011, at 26; see also Alyson Neel, *Collaboration Among Arab Spring's Women Activists Beneficial, Crucial*, TODAY'S ZAMAN, 20 December 2011.

² On 3 August 2011, proceedings in Cairo commenced in Mubarak's criminal trial for premeditated murder and corruption-related offences. *Military Ruler Testifies in Mubarak Trial*; *Hussein Tantawi Testifies in the Trial of Hosni Mubarak as Demonstrators Rally Outside of the Court House* (Aljazeera, 25 September 2011), <http://www.aljazeera.com/news/middleeast/2011/09/201192410551080602.html> (accessed on 4 December 2011).

upcoming elections, moving forward on constitutional change, and taking popular demands for democratic reform more seriously.³ Mohammed Morsi, leader of the Muslim Brotherhood's Freedom and Justice Party, took power in democratic elections in June 2012, but following months of protests against his inept handling of the economy, and above all, his arrogation of constitutional powers, Egyptian armed forces then ousted his government on 3 July 2013. After the Egyptian people struggled for democracy, they rejected the democratically elected government and supported a new military junta! The unelected military government soon outlawed the Muslim Brotherhood as a terrorist organization on 25 December 2013 and immediately rounded up dozens of Morsi supporters.⁴ The new military government imprisoned Morsi and charged him with responsibility for the murder of prison guards committed during a prison breakout in 2011 in which Morsi himself escaped from jail; espionage; conspiracy to commit terrorism; insulting of the judiciary; and fraud.⁵ Can the Egyptian judiciary now be trusted to grant Morsi and his supporters fair trials in line with international standards?

The Arab Spring reminds us that in the aftermath of civil war or other major political crisis, the judiciary must reassume its pivotal role in ensuring full respect for the rule of law, including accountability and adjudicative transparency, human rights, and equal access to justice, including for those most vulnerable, preferably sooner than later. Unless the judiciary can meet these responsibilities, and be seen to be meeting them, the chances for peace, confidence, and stability can diminish quickly into a state worse than that seen in prerevolutionary days. Summary "justice" bodes ill for a nation's future, whether it takes the form of assassinations, summary executions, victor's justice, or revenge attacks, all of which undermine the rule of law and signal a continuation of hostilities, rather than progress towards peace and security. The killing of Colonel Qadhafi in Sirte very soon after he surrendered to rebel forces is just one example among many hundreds of extrajudicial, summary, or arbitrary executions perpetrated across the region over the last few years.⁶ At the time of writing of this article on 1 May 2014, in postrevolutionary Libya as in Egypt, the independence of the judiciary and the right to fair trial seemed far from assured, particularly with regard to high-profile political cases, such as that of the son of former leader of Libya Muammar

³ *Cairo's Tahrir Square Fills with Protesters; Tens of Thousands of Protesters Have Rallied in Cairo to Press for Speedier Reforms from the Egyptian Government*, (BBC News, 8 July 2011), <http://www.bbc.co.uk/news/world-middle-east-14075493> (accessed on 4 December 2011).

⁴ Richard Spencer, *Three Dead, 265 Arrested, as Muslim Brotherhood Protesters Clash with Police*, THE TELEGRAPH, 27 December 2013, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/egypt/10539443/Three-dead-265-arrested-as-Muslim-Brotherhood-protesters-clash-with-police.html>

⁵ *What's Become of Egypt's Morsi?* (BBC News, 24 March 2014), <http://www.bbc.com/news/world-middle-east-24772806>.

⁶ Colonel Qadhafi was captured and killed by rebel forces in Sirte, Libya, on 20 October 2011. See *Muammar Gaddafi Killed as Sirte Falls; Former Libyan Leader Dies as last Bastion Falls, but Questions Remain about the Circumstances of His Death*, (Aljazeera, 20 October 2011), <http://english.aljazeera.net/news/africa/2011/10/20111020111520869621.html> (accessed on 1 March 2012).

Gaddafi, Saif al-Islam, who fled to Niger as the military balance shifted in favour of the rebels. He was captured on 19 November 2011 about 650 kilometres south of Tripoli, and transferred to Zintan, where he remained as of 1 May 2014.⁷ On 23 January 2012, Libya announced its intention to try Saif al-Islam, rather than to surrender him to The Hague for ICC prosecution.⁸ Many doubted whether he could possibly get a fair trial in Libya.⁹

It is therefore important to consider how UN standards could assist countries to recover from conflict by strengthening democratic governance, human rights, and the rule of law through the judiciary. First, I argue that in many post-conflict situations, the country needs to be supported by a range of transitional justice solutions. Second, reflecting on my personal experiences in the immediate aftermath of the civil war in Rwanda, I underline that international criminal law could be a necessary but insufficient element of the equation to enable the judiciary to resume its key role in promoting justice, the rule of law, human rights, and peace and stability. Finally, I recommend certain substantial normative fields that should guide international judicial training to strengthen democratic governance, human rights, and the rule of law in the post-conflict context.

TRANSITIONAL JUSTICE AS A NECESSARY BUT INSUFFICIENT MEANS FOR PROMOTING THE RULE OF LAW

In many instances of severe violence or civil war in which ethnic, racial, or religious animosity takes the form of crimes against humanity, war crimes, or even genocide, the judiciary may have been destroyed, as in Rwanda¹⁰ or in Somalia, or it may have been seriously compromised by the executive, as in some of the successor states of the former Yugoslavia.¹¹ In some countries affected by conflict, such as Libya, Papua New Guinea, Somalia,¹² or Afghanistan,¹³ reconstruction and rehabilitation of the formal

⁷ Chris Stephen & David Batty, *Saif al-Islam Gaddafi Captured in Libya; Interim Tripoli Government Says Son of Muammar Gaddafi Was Arrested While Attempting to Flee to Neighbouring Niger*, THE GUARDIAN, 19 November 2011, <http://www.theguardian.com/world/2011/nov/19/saif-al-islam-gaddafi-captured>.

⁸ Ali Shuaib, Sara Webb, Oliver Holmes & Ben Harding, *Libya Says It, Not ICC, Will Try Gaddafi's Son Saif al-Islam*, Reuters, 23 January 2012.

⁹ *Saif al-Islam Gaddafi Transfer for Tripoli Hearing Blocked; the Militia Holding the Son of Late Libyan Leader Muammar Gaddafi, Saif Al-Islam, Has Refused to Transfer Him to the Capital for a Pretrial Hearing*, (BBC News, 19 September 2013), <http://www.bbc.com/news/world-africa-24161544>.

¹⁰ See, e.g., UN Security Council Resolution 997; S/RES/997 of 9 June 1995, paragraph 9 of which encourages all UN member states and donor agencies to support the ICTR and the rehabilitation of Rwanda's justice system.

¹¹ See Alejandro Chehtman, *Developing Bosnia and Herzegovina's Capacity to Process War Crimes Cases: Critical Notes on a "Success Story"*, 9 J. INT'L. CRIM. JUS. 547 (2011).

¹² Historically, Libya, Papua New Guinea, and Somalia have been more reliant on customary or tribal justice systems, which are not necessarily well suited to dealing with mass claims arising from armed conflict. See generally WORKING WITH CUSTOMARY JUSTICE SYSTEMS: POST-CONFLICT AND FRAGILE STATES (Erica Harper ed., 2011).

¹³ Livingston Armytage, *Justice in Afghanistan—Rebuilding Judicial Competence after the Generation of War*, 67 HEIDELBERG J. INT'L. L. 185 (2007), available at <http://www.centreforjudicialstudies.com/wp-content/uploads/HeidelbergJournalIntLaw.pdf>.

justice system could require even the first-time introduction of current human rights and rule-of-law concepts, norms, and standards.

The enormity of such challenges became painfully obvious to me during my mission with the UN Security Council's Commission of Experts on Rwanda to the country in October 1994, a few months after the civil war had ended, in which between five hundred thousand and one million Tutsi and politically moderate Hutu civilians were slaughtered in a premeditated, preplanned, deliberate, and systematic genocide. Rwandan society had been torn apart while the UN and international community failed to prevent the genocide. During the critical moments in April 1994, when the plans to eliminate the entire Tutsi minority were put into horrific action, instead of rapidly increasing its peacekeeping mission strength in Kigali and authorizing it with a robust mandate to protect the civilians about to be slaughtered, the UN Assistance Mission in Rwanda was suddenly reduced, playing right into the hands of the *génocidaires* and costing the UN considerable credibility in the process.¹⁴ I vividly recall General Paul Kagame's remark during the commission's meeting with him: "I hope you can understand that we in Rwanda have learnt not to expect too much from the UN." The Security Council mandated the Commission of Experts on Rwanda to find ways to bring criminal justice to the country and to help fill the immense institutional void in justice capacity.

Once Kagame's Rwandan Patriotic Front managed to halt the genocide, secure effective control over Rwanda, and install a new government, it became clear that insisting on the immediate holding of democratic elections would have been entirely reckless on the part of the international community. Democratic elections most likely would have brought the Hutu majority back to power and, quite possibly, could have also re-empowered the extremists to exterminate the Tutsi minority, which, before the genocide, comprised around 14 percent of the Rwandan population. Democratic elections could not provide any magic solution in post-conflict Rwanda.

The government of Rwanda wisely accepted the assistance of the UN High Commissioner for Refugees, the UN Development Programme, the United Nations Children's Fund, and other UN humanitarian agencies to help stabilize the country.¹⁵ It also welcomed the establishment, by the UN Office of the High Commissioner for Human Rights in early autumn of 1994, of the Human Rights Field Operation in Rwanda, which reached a maximum strength of 168 human rights field officers deployed throughout Rwanda to monitor, investigate, and report on past violations,

¹⁴ See *Report of the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda*, S/1999/1257 (16 December 1999), which incisively chronicles the series of failures on the part of the entire UN system to prevent or halt the genocide in Rwanda.

¹⁵ See, e.g., UN General Assembly Resolution 49/23 on Emergency International Assistance for a Solution to the Problem of Refugees, the Restoration of Total Peace, Reconstruction and Socio-Economic Development in War-Stricken Rwanda, A/RES/49/23 (22 December 1994).

including genocide; monitor ongoing violations; assist in the return of IDPs and refugees to their home communes; and provide the government with human rights technical cooperation.¹⁶

General Kagame's new Tutsi-dominated government showed every intention to prosecute the perpetrators of the genocide and associated violations, but the country's judiciary had been completely demolished. Eighty percent of judges and lawyers had been deliberately targeted and killed, and judicial premises throughout Rwanda had been smashed. What to do with the thousands of genocide suspects who were herded into severely overcrowded penitentiaries, prisons, and local detention centres? The problem was that in almost all cases, there were no dossiers even documenting grounds for arrest, let alone providing justification for continued detention. If the government were to follow international fair trial standards, it would have had to release almost all detainees immediately, but that could have endangered post-conflict Rwandan security by releasing perpetrators alongside individuals who had no blood on their hands. In November 1994 Rwanda voted against the Security Council resolution establishing the Tribunal, but the Government knew it had to support enforcement of international criminal law for the violations, since it was itself incapable of prosecuting the *génocidaires*.¹⁷ So thousands of suspects rotted for many years in Rwandan jails without the benefit of any legal process in dangerously overcrowded and severely unhygienic conditions, since the government, although determined to prosecute, was incapable of doing so, and the ICTR could not, and in fact never did, fill the gap.¹⁸ It was not until 2005 that the Rwandan customary gacaca system was up and running in a way that could administer justice with respect to thousands of genocide suspects, and one could only hope, perhaps naively, that such trials preserved the presumption of innocence and honoured other international fair-trial standards.¹⁹

It was clear from the outset that ICTR prosecutions could only ever provide a small, though important, part of the longer-term solution for moving beyond the ruin

¹⁶ See *Report of the High Commissioner for Human Rights on the Activities of the Human Rights Field Operation in Rwanda, Submitted Pursuant to General Assembly Resolution 50/200, E/CN.4/1996/111* (2 April 1996).

¹⁷ Rwanda happened to be sitting in the Security Council as a non-permanent member at the time Security Council Resolution 955 was adopted by 13 votes in favour, 1 vote against (Rwanda), and 1 abstention (China). The Government of Rwanda welcomed the establishment of the Tribunal, but disagreed with its temporal competence (from 1 January to 31 December 1994) as being too limited, the lack of capital punishment as a possible sentencing option, and certain other matters relating to procedure and competence. See, further, Lyal S. Sunga, *The Commission of Experts on Rwanda and the Creation of the International Criminal Tribunal for Rwanda: A Note*, 16 HUM. RTS. L. J. 121 (1995); and Lyal S. Sunga, *The First Indictments of the International Criminal Tribunal for Rwanda*, 18 HUM. RTS. L. J. 329 (1997). See, further, VIRGINIA MORRIS AND MICHAEL P. SCHARE, *AN INSIDER'S GUIDE TO THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA* (Transnational Publishers 1995) (2 volumes).

¹⁸ See *Report on the Situation of Human Rights in Rwanda Submitted by the Special Representative, Mr. Michel Moussalli, Pursuant to Resolution 1998/69, E/CN.4/1999/33* (8 February 1999), which refers to the difficulties in ensuring fair and expeditious justice in post-conflict Rwanda and the deplorable conditions of detention for those awaiting trial.

¹⁹ *The Justice and Reconciliation Process in Rwanda*, UN Background Note, at <http://www.un.org/en/preventgenocide/rwanda/pdf/Backgrounder%20Justice%202014.pdf>.

and despair of armed conflict towards a brighter future. Ultimately, the Rwanda judiciary would have to take over the trials from the ICTR, and this process began to pick up in 2009, as the ICTR implemented its completion strategy and transferred some of its cases to Rwanda. Thus, international criminal justice plays a critical role in fighting impunity where the domestic legal system has failed. However, in Rwanda, international criminal trials were terribly few in comparison to the large number of perpetrators evidently implicated in the atrocities. By 1 May 2014, the ICTR had completed only 44 cases; there were four cases in progress and four cases transferred to Rwanda's domestic jurisdiction for trial.²⁰ The ICTR's budget for 2010-11 was around USD ¼ billion.

Similar stories played out with regard to trials relating to crimes committed in the successor states of the former Yugoslavia. The International Criminal Tribunal for the former Yugoslavia (ICTY) prosecuted a number of high-level officials, including Slobodan Milosevic, Radovan Karadzic, and Ratko Mladic, as well as lower-level commanders and even camp guards and militia. However, ICTY prosecutions also have been relatively few, although more numerous than those of the ICTR: by 1 May 2014, the ICTY had concluded proceedings with respect to 141 accused.²¹

The experience of the ad hoc international criminal tribunals for Rwanda and the former Yugoslavia, and of tribunals mixing international and domestic law, for example, the Special Court for Sierra Leone,²² the Special Tribunal for Lebanon,²³ the Extraordinary Chambers in the Courts of Cambodia,²⁴ and even that of the permanent International Criminal Court, shows that international and internationalized criminal justice can be a necessary but insufficient condition by which to resurrect justice in post-conflict societies. International criminal justice can be useful, even essential, as a

²⁰ See the ICTR website at <http://www.unictr.org/Cases/tabid/77/Default.aspx?id=4&mnid=4> (accessed on 1 May 2014). See also the *Sixteenth Annual Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994*, A/66/209-S/2011/472 (29 July 2012), which explains the ICTR's current status of cases, activities, and completion strategy.

²¹ See <http://www.icty.org/sections/TheCases/KeyFiguresoftheCases> (accessed on 1 May 2014). See *Eighteenth Annual Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1991*, A/66/210, S/2011/473 (31 July 2011), which explains the ICTY's current status of cases, activities, and completion strategy.

²² The Special Court for Sierra Leone was established jointly by the United Nations and the Government of Sierra Leone to enforce responsibility for serious violations of international humanitarian law and the law of Sierra Leone committed in Sierra Leone since 30 November 1996.

²³ The Special Tribunal for Lebanon was established to enforce individual criminal responsibility with regard to the attack of 14 February 2005, which killed the former prime minister of Lebanon, Rafiq Hariri, in Beirut and 22 other people.

²⁴ The Extraordinary Chambers in the Courts of Cambodia was set up to try former senior Khmer Rouge officials for crimes under international law, including genocide, and crimes against humanity and violations of the Cambodian criminal code committed in Cambodia between during the Khmer Rouge regime, which held power between 17 April 1975 and 7 January 1979.

transitional measure, but it only sets a path for justice, which the domestic authorities themselves eventually have to navigate. Transitional justice, therefore, forms an essential part of a more comprehensive post-conflict UN strategy, which has to fully recognize the role of domestic courts and other dispute resolution mechanisms to enforce criminal law and reestablish the rule of law in line with relevant international standards, principles, and norms. International criminal justice and transitional justice mechanisms in post-conflict situations have to complement and support domestic formal and informal judicial mechanisms in line with international human rights standards, not least to prevent the post-conflict judicial regime from becoming an instrument of injustice and oppression.

ESSENTIAL NORMATIVE ELEMENTS FOR INTERNATIONAL JUDICIAL TRAINING IN POST-CONFLICT SITUATIONS

Where conflict has destroyed a country's justice system or turned it into an instrument of oppression and injustice, the route to reestablishing fair and effective justice that honours rather than undermines human rights and the rule of law can be extremely difficult without international assistance. The collapse of state institutions including the judiciary can be so severe that lawlessness pervades the territory for decades, such as in most of Somalia since the end of the Siad Barre regime (1969-91), which itself had systematically perpetrated serious human rights violations throughout the country. In some instances, entire territories within a state may be devoid of the rule of law, or subject to tribal or clan rules that completely disregard or actively violate the human rights of women, children, and certain ethnic minorities, or violate other human rights. In parts of Afghanistan, Pakistan, and the Democratic Republic of Congo, even the police and army fear to tread. The former Yugoslavia, Rwanda, Sierra Leone, Cambodia, Lebanon, and some of the countries shaken up by the Arab Spring demonstrate the complexity and enormity of post-conflict justice long after the initially traumatic events. These examples underscore the imperative for imaginative solutions through which the international community can work with the government or territorial authority to restore the rule of law in ways that respond well to specific circumstances and local conditions, culture, and political sensitivities of the particular country at hand, and which also meet all international standards relating to the administration of justice.

The point is that international assistance remains necessary but insufficient to help countries establish or reestablish the rule of law at the post-conflict stage. On the one hand, the challenge of rendering justice in post-conflict situations simply does not permit judges and lawyers to ignore the past or pretend that the conflict that has torn their country apart never existed at all. Claims relating to restitution of unlawfully confiscated or stolen property, torture, rape, murder, unlawful detention, and so many other kinds of disputes relating to war, impunity, and systematic human rights violations cannot be fairly adjudicated without reference to the context in which they

arose. The requirements of impartiality, independence, and objectivity demand that justice should be rendered on an equal and nondiscriminatory basis. It is therefore unrealistic, and probably undesirable, to expect the judiciary to be completely blind or oblivious to the history of the conflict or the social and political context in which violations occurred. On the other hand, particularly in situations where ethnic conflict has pitted individuals and groups against one another, the level of distrust and cynicism in state institutions, including the judiciary, is likely to be very high. Judges and lawyers therefore must reach for the highest standard to protect the judiciary from any sort of bias or perceptions of bias. That in turn requires that, as soon as conditions of peace and security permit, the vision of national judges and lawyers in post-conflict countries must be broadened to encompass internationally recognized rule-of-law solutions and appropriate transitional arrangements, in particular, through international judicial training that focuses on the following.

Political Arrangements and Peace Agreements

Judges in post-conflict situations should take full account of any transitional arrangements that may have been installed in the country so as to minimize conflict with the spirit of such agreements. Accordingly, judges need to become well informed about any treaty arrangements or peace agreements that form part of the political context in which the judiciary has to render justice.

Transitional Justice Mechanisms

Judges need to be trained on the relationship between national truth and reconciliation commissions that might have been established on the one hand, and criminal prosecutions on the other, whether international or domestic, to maximize adjudicative harmony within post-conflict justice and reconciliation.²⁵

Relationship between International and Domestic Law as a Constitutional Matter

Judges must understand that international law creates obligations binding on the state and that they are under an obligation to apply international law. In many jurisdictions, judges fail to apply international law in cases before them out of sheer ignorance of the applicable norms. They therefore miss opportunities to dispense justice in line with the rest of the world's best practices.

Transnational Criminal Law and Mutual Interstate Cooperation in Criminal Matters

Judges in a country where serious human rights violations have been perpetrated might have to rule on requests for extradition and arrest warrants or subpoenas in connection with the prosecution of suspected perpetrators who may have fled to other countries. Particularly in post-conflict situations, judges should be made aware of the

²⁵ See, further, Lyal S. Sunga, *Ten Principles for Reconciling Truth Commissions and Criminal Prosecutions*, in *THE LEGAL REGIME OF THE INTERNATIONAL CRIMINAL COURT* 1075 (José Doria, Hans-Peter Gasser & M. Cherif Bassiouni eds., 2009).

web of bilateral and multilateral agreements that facilitate interstate cooperation in criminal matters across national frontiers.

International Criminal Law

Judges should keep up-to-date on the main developments in international-criminal-law jurisprudence. This would help them adjudicate cases in line with current definitions of crimes under international law and reflect evolving principles and norms. Knowledge of the purpose and operation of international criminal law is particularly important where the International Criminal Court or other international or internationalized justice mechanism may be functioning in the country.

International and Regional Human Rights Law

The international right to fair trial provided in Article 14 of the International Covenant on Civil and Political Rights, 1966, forms a fundamental part of customary international law, and is also very likely part of the corpus of rights from which no derogation is permitted, even in time of public emergency, such as war.²⁶ Judges should therefore apply international and regional fair trial norms and standards and, indeed, all other international and regional legal norms pertaining to their work. In this regard, UN human rights treaty body recommendations and general comments offer considerable guidance relating to the administration of justice, as do many UN guidelines and best practices, including those set out in the UN Office of Drugs and Crime's *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*.²⁷

International Humanitarian Law and International Refugee Law

Judges should become more familiar with the main normative principles and application of international humanitarian and refugee law so as to be able to recognize these kinds of issues if they arise in cases coming before them. In this connection, the commentaries produced by the International Committee of the Red Cross may be very useful,²⁸ as well as the practice of the UN High Commissioner for Refugees.²⁹

²⁶ See UN Human Rights Committee General Comment No. 5 on Derogation of Rights, Article 4 of the International Covenant on Civil and Political Rights, 1966 (31 July 1981).

²⁷ UNITED NATIONS OFFICE ON DRUGS AND CRIME, COMPENDIUM OF UNITED NATIONS STANDARDS AND NORMS IN CRIME PREVENTION AND CRIMINAL JUSTICE (2006), at <http://www.unodc.org/unodc/en/justice-and-prison-reform/compendium.html> (accessed on 1 March 2012).

²⁸ See, e.g., Commentary on Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Geneva (12 August 1949).

²⁹ See *refworld*, the UNHCR's refugee-law database, at <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain> (accessed on 1 March 2012).