

# The Role of International Criminal Tribunals in Promoting Respect for Fair Trial Rights

Wolfgang Schomburg\*

## I. INTRODUCTORY REMARKS

¶1 An accused party's access to fundamental fair trial rights is a key indicator of equitability in any system of criminal justice, as proceedings lose their credibility and integrity without the consistent application of due process standards.<sup>1</sup> However, to rely on the notion of a "fair trial" without specifying exactly what that notion encompasses would leave inalienable human rights to the (at times arbitrary) discretion of decision makers.

¶2 This article analyzes how the two United Nations *ad hoc* Tribunals, the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), have defined the notion of a fair trial by adopting the provisions of the International Covenant on Civil and Political Rights of 16 December 1966 (ICCPR).<sup>2</sup> These International Tribunals were established to protect human rights of victims by bringing former "untouchables"—individuals who were alleged to have committed grave crimes but had been shielded from prosecution—to justice. However, the tribunals must also provide for fair trials because they have a duty to guarantee the fundamental rights of the accused.

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