
The creation of the International Criminal Tribunals for the former Yugoslavia (ICTY) and for Rwanda (ICTR) has expanded the jurisprudence in the field of international criminal law enormously. Not surprisingly, it also has stimulated the growth of scholarly work in this area. In this spirit, Klip and Sluiter, of Utrecht University, have launched a series on the case law of both Criminal Tribunals. The first volume was devoted to the ICTY. Subsequently, leading cases of the ICTR from 1994 to 1999 have been gathered and annotated in volume two; this second volume is the subject of the present book review.

The book consists of four parts. These parts concern: (1) preliminary matters; (2) relations to national jurisdictions; (3) procedural matters; and (4) judgments and sentencing. Each of the four parts is subdivided into sections covering specific topics. In outlining the contents of each part, this review seeks to address some aspects of the commentaries that are annexed to the decisions and judgments. In addition, some general observations are offered.

**Preliminary matters**

In the first part, Trial Chamber decisions on preliminary issues can be found. Such decisions are rendered before the actual start of the trials. Part one is composed of two sections, the first on jurisdiction and the second on the form of the indictment. The section on jurisdiction contains the key decision on jurisdiction in the *Kanyabashi* case, in which the legality of the establishment of the ICTR was affirmed. Commentator Kreß points out that the ICTR largely follows the path set out by the ICTY Appeals Chamber in the *Tadić* case. In doing so, he highlights the main differences between the two cases, as well as the major weakness of the case at hand.

The next section involves the form of the indictment. Since the *ad hoc* Tribunals are a novelty in international criminal law, the Prosecutor more or less had to invent the wheel here. In the various decisions included in this section, the Trial Chamber indicated the level of specificity that was needed. Another decision, including a separate opinion, analysed the procedure to be followed in case of amendments to an indictment. Commentator O'Dowd enumerates appropriate human rights standards and other relevant case law concerning the form of the indictment. His references to relevant ICTY decisions are valuable, since volume I did not provide such coverage. In this regard, one may also take note of the recent appeals judgment of 23 October 2001 in the *Kupreškić* case, in which the ICTY Appeals Chamber...
clearly stated that indictments must specify all relevant material facts, so that the accused has sufficient notice of the allegations against him.

Relations to national jurisdictions
The second part of the volume comprises decisions covering the relations of the Tribunal to national jurisdictions. In its effective overall functioning, the Tribunal is heavily dependent on the co-operation with states in a variety of ways. What a starting tribunal needs most, however, is suspects. Thus, section 3 consists of three decisions on deferral requests. In these cases, Switzerland and Belgium were required to refer to the Tribunal investigations and proceedings in cases that were being conducted in their national courts. Although the three decisions are comparable in contents, inclusion of all three is justified from a documentary point of view. In his annotation, Vanderbeken questions the specific deferral of the case of Radio Télévision Mille Collines (RTLM) from Belgium, since the Tribunal can only exercise jurisdiction over natural persons. Moreover, Vanderbeken indicates that the legal position of victims should be taken into account when deciding on deferral, since victims do not have any locus standi before the Tribunal.

Section 4 relates to a specific accused person. The issue discussed in this section is the opposite of the deferral question addressed in section 3. In the case at hand, the Prosecutor wanted to withdraw the indictment and transfer the accused to Belgium. The Tribunal allowed the withdrawal, but held that the accused had to be released immediately and could not be transferred to a country other than the one where he had been arrested. As annotator, Sluiter remarks that the Tribunal thus applied the rule of speciality derived from extradition law. Sluiter also addresses the safe conduct document that the Registrar gave to the former accused upon his release, correctly noting that the controversy that arose around this document entailed important questions on the internal division of power between the organs of the Tribunal, and on the power of the Registrar to solicit state co-operation, as well as on the duty of states to co-operate, since Tanzania did not respect the safe conduct request.

Procedural matters
The third part, sections 5 to 9, is composed of decisions on a whole range of procedural matters, namely arrest and transfer to the custody of the Tribunal, witnesses, disclosure, choice of counsel and right to and scope of appeal. Thus, in contrast to Volume I, this part also encompasses procedural aspects other than issues related to evidentiary matters.

Section 5 includes the well-known decisions in the Barayagwiza case on vital questions of his arrest and detention in Cameroon, his transfer to the custody of the Tribunal and the delay of his initial appearance. In addition, a decision on some similar matters in another case is included in this section. The decisions of the Trial Chamber and the Appeals Chamber in the case of Barayagwiza, as well as the separate opinion of Judge Shahabuddeen, are rather technical. Fortunately Swart, as commentator, clearly guides the reader through the intricacies,