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International Criminal Tribunals as Theatres of Justice

On their Use of Historical Narratives and Dramatic Devices

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ABSTRACT

The tendency of war crime tribunals to be carried out in a dramatic fashion has often give rise to many criticisms. These Tribunals came under fire for using dramatic settings in order to attempt to write definitive historical accounts on war crime violations or to provide victims with some closure. The criticisms made were primarily in regard to the Holocaust trials established in Nuremberg or in Israel as these marked a tremendous step forward in punishing mass atrocities by the perpetrators. In this thesis, we will speculate as to whether these criticisms could apply to the current International Criminal Tribunals: the International Criminal Tribunal for Ex-Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR) and International Criminal Court (ICC). This analysis will lead us to draw three different observations thus highlighting how traditional criticisms cannot apply to new international war crime tribunals. Firstly, if these Tribunals endorse extralegal aspirations, these take a different shape than the one pointed out by the traditional critics. Secondly, some aspects of theatricality or use of history can be identified in the Tribunals. However, it is worth noting that these do not seem to be carried out solely in order to achieve ideological and extralegal goals. In actual fact, they appear to be necessarily present in the trials dealing with mass atrocities. Thirdly, these scenographical and historical settings could turn out to be inappropriate in terms of the Tribunals achieving the extralegal goals they endorsed.