INTEGRITY of JUDICIAL SYSTEM and of INTERNATIONAL LAW
Absence of integrity, uniformity, presence of split, ‘black holes’ and ‘double-standards’ in judicial system of many states and in the international law as a whole
PMSCs

Private Military and Security Companies (PMSCs)
Problems with jurisdiction, regulation, registering, licensing, transparency, accountability, violations of human rights
Draft of UN CONVENTION
On Regulating Private Military and Security Companies (PMSCs)

In 2012 circulated by UN Secretariat among MFAs of all 193 UN state-members. Awaits adoption.
1. International Criminal Criminal Tribunals (Court Martial) created ad hoc by UN SC

2. Mixed (hybrid) Courts
   2.1 Based upon a State-UN Treaty
   2.2 Est. by UN in Peacekeeping areas

3. Internationalised national courts

4. International Criminal Court (ICC)
Absence or corrosion of legal integrity on the territory of non-recognized and/or failed states
Separation of Civil and Military Justice
Jurisdiction of US military justice is overspread onto many types of civilian affairs.
- Smaller than civilian courts
- Ad hoc nominated officers
- Officers may be without legal education
- May be biased, as far as originate from the same contingent as suspects
- Judging by majority, not by consensus
Military Commissions

Extraordinary court for justice over adversarial combatants.


Many prisoners in lengthy trials, but sentenced just 7 individuals since then.
US operation in Afghanistan: Law-Enforcement or Military Operation (war)?
Extradition from Europe to the USA complicated, if suspects will be taken by non-transparent Military Commissions.
Report by Associated Press:

Since 2001
119,044 arrested for terrorism

35,117 sentences for “terrorism”
in 66 countries
Report by Associated Press:

Since 2001

13,000 sentenced for “terrorism” in Turkey

7,000 sentenced for “terrorism” in China (PRC)
Report by Associated Press:

In the USA
2934 arrested for “terrorism”

2568 sentenced for “terrorism”
Report by Associated Press:
Pakistan:
1552 arrested for “terrorism” in 2006
12 886 sentenced for “terrorism” in 2009
7.9% Terrorism-associated prosecution in 2001

47% Terrorism-associated prosecution in 2007
Terrorist organizations prosecuted in US Courts:

94 – FARC
87 – Al-Qaeda
42 - Hesbollah
24 - Hamas
Citizenship of prosecuted for terrorism:
98 - Columbia
60 – Pakistan
22 – Palestine
18 – Jordan
Citizenship of prosecuted for terrorism:

14 – Iraq
13 – Egypt
12 – UK
10 – Saudi Arabia
Military targets – 16%
Civilian targets – 84%
Military commissions – 7 prosecutions

Civilian courts – 523 convictions for terrorism
US Military commissions do not consider that foreign suspects have constitutional human rights.
Right for a Fair trial:
Principle of equal (comparable) prosecution for equal (comparable) crimes requires higher integrity of judicial system
Right for a Fair trial:
Necessary to eliminate non-standard non-transparent elements of judicial system,
like Court Martial not subordinated to general principles of Civilian Justice,
or like extraordinary Military Commissions
Fill the gap in the law:
PMSCs need to be regulated.

Adopt UN Convention on PMSCs.
CONCLUSIONS

Fill the gap in the law:

Coordinate approach to Justice in non-recognized and/or failed states.
CONCLUSIONS

Provide higher integrity and homogeneity of judicial system, both on national and international levels.