

**Gentian Zyberi, *The Humanitarian Face of the International Court of Justice: Its Contribution to Interpreting and Developing International Human Rights and Humanitarian Law Rules and Principles* (Utrecht School of Human Rights Research Series, Volume 26, 2008)
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This monograph is one of the first on the contribution of the International Court of Justice (‘ICJ’) to interpreting and developing international human rights and humanitarian law rules and principles. Although such a book has been long awaited by academics, students and practitioners of human rights and public international law worldwide, it has been worth the wait despite its minor weaknesses. Both the choice of title—‘The Humanitarian Face of the International Court of Justice’—and its high academic standard and length indicate the author’s effort to present the topic comprehensively, broadly and in a novel way. Written by Gentian Zyberi, an assistant professor at the University of Utrecht and an advisor to the Albanian Ministry of Foreign Affairs, the book offers a clear, in-depth and fresh insight to the contribution of the ICJ to international human rights and humanitarian law. The book derives from the author’s PhD dissertation, defended on 3 April 2008 at the University of Utrecht. The book is divided into six chapters, which adopt a well-structured clear approach, with the chapters coherently following each other, although more chapters might have lightened the reader’s load as they are fairly long. At the beginning, the author explains that the book’s primary objective is to research ‘the contribution and the role of the World Court in interpreting and developing international human rights and humanitarian law rules and principles’¹. The research was conducted through detailed analysis of the jurisprudence of the International Court of Justice relating to human rights and humanitarian law. The author argues that his research aims ‘to increase the understanding of one important and potentially binding element of the international legal system, the World Court...’²

Following the introductory chapter, the second chapter is divided into three parts. The first part briefly presents the background to the ICJ and places it in the framework of international dispute settlement mechanisms. The second part deals with the possibilities for and limitations of the Court. In other words, it attempts to highlight both the open

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¹ Gentian Zyberi, *The Humanitarian Face of the International Court of Justice: Its Contribution to Interpreting and Developing International Human Rights and Humanitarian Law Rules and Principles* (Utrecht School of Human Rights Research Series, Volume 26, 2008) 3.

² *Ibid* 6.

doors and the hurdles facing the Court for it to assume a more active role in contributing and shaping the rules and principles of international human rights and humanitarian law. For instance, the author argues that all United Nations organs and agencies should be able to access the Court's advisory function.³ Part three comes to a number of conclusions on the Court's possibilities and limitations in the fields of international human rights and humanitarian law. The structure of the book might have benefited from the first part of this chapter constituting a self-standing chapter.

Chapter three concentrates on the book's core subject, the ICJ's contribution to the interpretation and development of international human rights law rules and principles. It is again divided into three parts and again they could have been self-standing chapters. The second part analyses the jurisprudence (both contentious cases and advisory opinions) of the ICJ relating to the interpretation and development of rules and principles of international human rights law by examining 16 contentious cases and 11 advisory opinions selected by the author as directly addressing international human rights law.⁴ It is not clear, however, what methodology was employed to select cases 'having a direct relation to international human rights law'. The analysis of the jurisprudence begins with an examination of an advisory opinion on the interpretation of peace treaties involving Bulgaria, Hungary and Romania, and ends with an analysis of a case concerning certain criminal proceedings in France. Despite its academic quality, this chapter starts at page 65 and ends at page 248—too long for the reader to follow the argument of the book. Chapter three ends with some general conclusions relating to the ICJ's contribution to interpreting and developing international human rights rules and principles.

Chapter four examines the contribution of the Court to the interpretation and development of international humanitarian rules and principles. It first sets out the background for a subsequent detailed analysis of the Court's jurisprudence. In its second part, the chapter presents and analyses the jurisprudence of the Court relating to humanitarian issues, starting with the Corfu Channel cases. This chapter convincingly argues that the contribution of the ICJ 'clarifies and develops rules and principles of international humanitarian law ... through a legal process that has also been characterised as the "humanisation of international humanitarian law"', and 'integrates international humanitarian law concepts and principles within the wider framework of international law'.⁵ The chapter finally submits that the Court 'contributes to maintaining the unity of international humanitarian law and its uniform application by the international judicial bodies operating in this field'.⁶

³ Ibid 60.

⁴ Ibid 86.

⁵ Ibid 332.

⁶ Ibid.

Chapter five has four parts. They examine the relationship between the ICJ and other international courts and tribunals, and also the relationship between the ICJ and the international quasi-judicial bodies. The chapter argues that 'international law can never be a panacea as, besides its inherent limitations, law is only one aspect of complex inter-state relations, which are always transforming and developing, it nevertheless remains an essential aspect of international intercourse'.⁷

Finally, chapter six concludes with a synthesis of the previous chapters and argues that states should make the ICJ a focal point of the international legal order by providing access to it for international criminal tribunals and the United Nations Human Rights Council. One wonders how realistic such a proposal is, but it should be welcomed for its novelty. The author concludes that 'through its case law the Court has been able to wed international law to humanitarian demands for the protection and respect of individual human rights and human life and dignity'⁸ and assesses that 'the Court's record so far provides sufficient reason to hope that the ICJ shall continue to render a useful contribution to the interpretation and development of international human rights and humanitarian rules and principles'.⁹

This work distinguishes itself from other monographs on public international law, and international human rights and humanitarian law, in that it offers the reader a good point of departure for exploring the contribution of the ICJ to interpreting and developing international rules and principles of international human rights and humanitarian law. In other words, in many ways it fills a gap by providing a systematic, in-depth and detailed study of the influence and contribution of the ICJ in international human rights and humanitarian law.

One may note that the book could have been written in a manner more critical of the current international framework, including the jurisprudence of the ICJ. It appears, however, that this was not the main objective of the book, which was written as an introduction and basis for further study, analysis and research. These minor weaknesses, however, do not overshadow the intellectual and scholarly value of the book.

The author of this book has invested much research, practical experience, time and patience in its preparation and has produced an important addition to the academic literature in English on public international law, and international human rights and humanitarian law, particularly on the jurisprudence of the ICJ. It is an excellent starting point for advanced research and academic work in international law and an indispensable reference tool for students and practitioners. It can only be hoped that the author will find the time and patience to also publish this edition in Albanian to make it accessible to a wider audience.

⁷ Ibid 430.

⁸ Ibid 434.

⁹ Ibid 448.