

The authors introduced new field of human rights law in chapter sixteen that is, international labor law. In this chapter, the authors elaborate the role of the International Labor Organization in protecting labor rights particularly in stopping child labor.

Chapter seventeen particularly focuses on political science and other social science perspective on human rights. Therefore, this book was not only written for law students but also has been used in political science and international relations students. This final section offers a theory of how norms emerge, evolve in the international community and help to prevent violations. The authors also included an analysis of the various actors and mechanisms that characterize that process.



## Principle & Practice of Universal Jurisdiction: PCHR's Work in OPT

<http://english.wafa.ps/?action=detail&id=14016>

Palestinian Centre for Human Rights (PCHR) presented in its new report, "The Principle and Practice of Universal Jurisdiction: PCHR's Work in the occupied Palestinian territory". This detailed and comprehensive work on universal jurisdiction is the first one on this topic in the Arab world.

PCHR released this report in a timely fashion, while the International Forum entitled "Justice: New Challenges - the Right to an Effective Remedy before an Independent Tribunal" organized by FIDH in Yerevan (Armenia) from 6th to 8th April 2010 is in course.

The Director of PCHR, Raji Sourani, is among the list of key personalities and renowned national and international experts invited to participate in the forum. The forum brought together human rights defenders from the 155 FIDH member organizations throughout the world along with judges of the Eu-

ropean Court of Human Rights, the Prosecutor of the International Criminal Court and Nobel Peace Prize Laureates. It is a unique opportunity to present the work on universal jurisdiction PCHR is doing with its international partners since many years.

The 184 page-long PCHR report focuses on the history, theory, and practice of universal jurisdiction; a legal principle which holds that international crimes are of such seriousness that they affect the international community as a whole. As such, national courts – acting as agents of the international community – are granted jurisdiction: they may investigate, try and prosecute those suspected of committing international crimes.

In an attempt to shield suspected war criminals from justice, Israel has consistently proved itself unwilling to conduct genuine investigations and prosecutions. Not once in the 42

years of history of the occupation have senior Israeli officials been investigated or prosecuted in accordance with the requirements of international law. The Israeli investigative and legal systems serve to promote and protect a culture of pervasive impunity. Given this reality, recourse must be had to mechanisms of international justice. Victims' legitimate rights to the equal protection of the law and an effective judicial remedy must be upheld. Those responsible for the most serious international crimes must be held to account.

In 2002, PCHR first turned to the pursuit of universal jurisdiction. Since then, a number of arrest warrants have been obtained, and PCHR – in cooperation with partners such as Hickman & Rose (UK) and Abogado-Boye (Spain) – have established an international network of committed lawyers. This report shares some of this experience, in order to provide an insight into the practicalities of universal jurisdiction.

High profile universal jurisdiction cases, such as that of Pinochet, the Guatemalan Generals, Hissène Habré, and PCHR's own efforts against senior members of the Israeli military and political establishment, have caught the attention of the media and State officials. The horrific

nature of international crimes, and the high political standing of those accused, has given rise to significant controversy, and in some instances an aggravation of intra-State tension. Those prosecuting universal jurisdiction cases have been accused of manipulating international law for political purposes. In order to refute these allegations, and to inform the debate, this report has a twofold purpose. First, it addresses the principle of universal jurisdiction itself, detailing its underlying motivation, its evolution, and its application in the post-second world war period. It is intended that this aspect of the booklet will explain the purpose and utility of universal jurisdiction, illustrating why such cases are pursued. Second, the legal mechanisms available to Palestinian victims of Israeli violations are examined. This aspect of the booklet draws universal jurisdiction into the Palestinian context, examining the available legal mechanisms in light of the requirements of international law, and illustrating why the pursuit of universal jurisdiction is of such fundamental necessity if victims' rights are to be protected, and the rule of law upheld.

“The Principle and Practice of Universal Jurisdiction” concluded that universal jurisdiction is the only available legal mechanism capable

of ensuring Palestinian victims right to an effective judicial remedy. In the broader context, universal jurisdiction is also an essential tool in the fight against impunity. As long as individuals and State are granted impunity, they will continue to violate international law; civilians will continue to suffer the often horrific consequences.

Universal jurisdiction is presented as stepping stone on the road to universal justice, whereby the protections of international law may be extended to all individuals without discrimination.

**(Ni Putu Anggraeni)**

## **Sri Lanka Migrant Stand-off in Indonesia Port Ends**

<http://news.bbc.co.uk/2/hi/8629134.stm>

After a six-month-long stand-off, the Sri Lankan migrants who have been stuck on a boat off the coast of Indonesia have finally left the port of Merak. They are now in buses on their way to a detention centre in Indonesia. The Sri Lankans had been refusing to get off their boat until they were guaranteed safe passage to Australia to live there.

The resolution brings an end to a crisis that has plagued both the Indonesian and Australian governments. Indonesia's Foreign Ministry spokesman, Teuku Faizasya, told the BBC that the majority of the 200 Tamil Sri Lankan refugees were now in buses headed for Jakarta's airport, to be relocated to other parts of the

country. He said the Sri Lankans had agreed to cooperate after lengthy negotiations.

Indonesia had made no promises to the refugees, he added, only assuring them that once they were in a detention centre, the proper immigration procedures would be carried out to determine who amongst them had refugee status.

The biggest obstacle to a resolution in this crisis was that the Sri Lankan refugees had refused to get off their boat until they were promised a home in Australia, which was their original destination, when they set sail on their long and treacherous journey six months ago. They say they are fleeing persecution in Sri Lanka and face discrimination

there because they are Tamil. They have refused to be relocated to their homeland. It is not clear whether Australia has agreed to take the Sri Lankan refugees.

Recently, the Australian govern-

ment said it would temporarily stop processing asylum claims from Sri Lanka and Afghanistan because of the number of people from those two nations arriving in the country by boat.

(Ni Putu Anggraeni).

## Croatia Apologizes for Bosnian War Crimes

<http://www.euractiv.com/en/enlargement/croatia-apologises-bosnian-war-crimes-news-448002>

On an official visit in Sarajevo, Croatian President, Ivo Josipovic, apologized for crimes committed in Bosnia and Herzegovina during the 1990s and called on the entire region to cooperate more closely in all areas. Addressing the national parliament of Bosnia and Herzegovina during an official visit to Sarajevo, the Croatian President extended condolences and sympathy to every victim of the 1992-1995 war in Bosnia-Herzegovina (BiH), emphasizing that every life lost was a loss for everybody. He said he would travel to Ahmici and Krizancevo Selo in the Lasva Valley to pay his respects to victims "whose only sin was that they belonged to the other side and were different".

Bosnian Croat Defence Council (HVO) forces killed over 100 Bosnian Muslim (Bosniak) villagers in April 1993, and the predomi-

nately Bosniak Army of BiH killed local Croats in the village of Krizancevo Selo in December that year.

Josipovic said in parliament that only the law and justice can help purge our peoples of the evil and recriminations about crimes and ensure that the evil will not happen ever again. Top Bosnian officials and the country's diplomatic corps were also in attendance alongside Bosnian lawmakers.

Josipovic said that due to their ignorance, malignancy and insanity policymakers in the 1990s believed that the solution for Bosnia and Herzegovina was its division. However, such policies sowed the seeds of evil not only in BiH but also in the countries from which those policies originated, he said.

The consequence for BiH was that the tissue of this specific social

and cultural entity based on multi-ethnicity was torn up, the Croatian president said in his speech. He said that he deeply regretted that the Republic of Croatia contributed to it with its policy in the 1990s. He was deeply sorry that this policy contributed to the suffering of people and to the divisions which still affect us. He added that a new era had come in which the mistakes from the past times should be recognized and a new course should be set bringing lasting peace, stability and prosperity to the region.

Josipovic said a common European future is the best solution, adding that he was confident his country would soon become a European Union member. He underlined Croatia's support for its neighbours' EU membership bid and added that the European Bosnia-Herzegovina is a vital national interest of Croatia. He said the three constituent peoples of Bosnia must find a formula for their common livelihoods on their own, and that others could merely help them in those efforts, not decide for them. He said, Croatia is particularly interested in the success of negotiations on Bosnia's constitutional changes. Zagreb, he explained, is bound by the constitution to provide for Croats living in Bosnia, whose number was cut by half in the last war, he added.

## History looms large

The previous day, Josipovic met with journalists who asked him questions about the country's controversial past. Asked if he would visit Bleiburg, a site in Austria where a large number of retreating Croatian pro-Nazi Ustashe troops and civilians were executed by Tito's Partisans at the end of World War II. Josipovic said he would not go there as long as the place was politicized and visited by people in black who want to change history. Josipovic was referring to Croats still nostalgic about the Ustashe past, who turned Bleiburg into a nationalist and anti-Serbian symbol.

During the war, the German and Italian invasion of Yugoslavia in 1941 installed a puppet state on the territory of Croatia and Bosnia and Herzegovina, in which the returned Ustashe were in charge and carried out massacres on Serbs and other non-Croats.

## Secret list on memory stick

Josipovic said that he supported the adoption of legislation that would allow the publication of the Homeland War Veterans Register, after a leaked list published anonymously on the Internet last week sparked a huge outcry in Croatia. The list contains the names of some

501,000 people registered as war veterans from the 1991-1995 'Croatian War of Independence'. But this figure is much higher than previously thought. As registered war veterans are entitled to generous pensions and fringe benefits, public opinion saw it as a successful attempt by some Croats to bribe officials into putting their names on the list.

While an investigation is ongoing into how the list was leaked, Croatian Defence Minister, Branko Vukelic, said the information was probably stolen from the state using a memory stick. In the meantime, the press reported that four people had been arrested over the leaked secret list.

#### Positions

The **European Commission** and the **European Parliament's** rapporteur on Croatia, **Austrian MEP Hannes Swoboda (Socialists**

**& Democrats)** welcomed the statements by Croatian President, Ivo Josipovic in Sarajevo.

The spokesperson for Enlargement Commissioner Štefan Füle, Angela Filote, said that they welcome the statements by the Croatian President as a step towards building better relations in the region. The past of the Western Balkan countries was difficult and painful. It is important to make it impossible for the past to hamper the progress towards the joint future in the European Union. She said that Josipovic's statement was important not only for relations between Bosnia-Herzegovina and Croatia but also for relations in the entire region. Welcoming Josipovic's address to the Bosnian parliament, Hannes Swoboda expressed hope that Serbia would join in Croatia's position towards Bosnia and Herzegovina.

(Ni Putu Anggraeni).

### Indonesia Rejects Religions Law Review

<http://news.bbc.co.uk/2/hi/asia-pacific/8631248.stm>

Human Rights groups have criticized the decision of Indonesian Government to uphold the controversial 1967 blasphemy law. They say it threatens religious freedom in the most populous Muslim nation. On Monday, Indonesia's constitutional court decided in favor of the

law, thwarting hopes it would be reviewed to allow new religions and sects. Only six faiths are officially recognized in Indonesia, *inter alia*, Catholic and Protestant Christianity, Buddhism, Islam, Hinduism and Confucianism. The international

rights watchdog, Human Rights Watch said Constitutional Court of Indonesia has dealt a blow to religious freedom with its decision to uphold the blasphemy law.

Elaine Pearson, deputy Asia director at Human Rights Watch, said the decision of The Constitutional Court on the blasphemy law poses a real threat to the beliefs of Indonesia's religious minorities. She said further if President Yudhoyono is serious about promoting religious pluralism in Indonesia, he should work to have this law and others like it taken off the books.

The group added that the decision could threaten the rights of minorities in the world's most populous Muslim nation. According to reports the US Commission on In-

ternational Religious Freedom said that blasphemy laws often cause tension between religious communities. If Constitutional Court of Indonesia had overturned the law, other religions would have been allowed to practice freely here.

Conservative groups feared this would open the door to liberal interpretations of Islam being recognized. In Indonesia both the Sunni and Shia forms of Islam are accepted, but opponents say the law remains unfair and vague. They say that in its current form it can be used to discriminate against religious groups those fundamentalist Muslim groups dislike. The majority of Indonesia's 235 million strong populations are moderate Sunni Muslims, with a reputation for tolerance.

(Jeska Daslita)

### UN Begins Gulf Human Rights Tour in Saudi Arabia

[http://news.bbc.co.uk/2/hi/middle\\_east/8629493.stm](http://news.bbc.co.uk/2/hi/middle_east/8629493.stm)

The UN high commissioner for human rights has begun a visit to Saudi Arabia, a country much criticized by human rights organizations. High Commissioner Navi Pillay said countries in the region need to address the issues of abuse against foreign workers and improve women's

rights. But the government has improved its co-operation with the UN rights body.

Saudi Arabian law does not grant equal rights to women or foreign workers. The high commissioner is on a 10-day trip to the Gulf region, in which she will visit six

countries. In a speech at a university near Jeddah, Pillay said Some countries are reconsidering the sponsorship system that rigidly binds migrants to their employers, enabling the latter to commit abuses, while preventing workers from changing jobs or leaving the country.

There are an estimated 12 million foreign workers in the Gulf region. They are admitted into Gulf countries under a system known as Kafala, where the employee, labourer or servant must surrender their travel documents to a guarantor, which in effect renders them bonded labour human rights groups say. Domestic workers are often subject to abuse, and in 2008 the government began an awareness campaign to combat the abuse of domestic workers.

## **International Human Rights Commission Takes Jurisdiction over Louisiana Environmental Racism Case *Residents of Mossville, LA Celebrate Landmark Decision***

[http://ehumanrights.org/news\\_release\\_mar30-10.html](http://ehumanrights.org/news_release_mar30-10.html)

The Inter-American Commission on Human Rights of the Organization of American States (“OAS”) ruled in favor of admitting a human rights complaint filed by Advocates for Environmental Hu-

man Rights (“AEHR”) on behalf of people living in Mossville, Louisiana. The decision marks the first time that the Commission has taken jurisdiction over an environmental racism case in the United States. The Play also said there is much more needs to be done by Gulf states to improve women’s rights. Discriminatory barriers continue to hamper women’s right to shape their own lives and choices and fully participate in public life. These barriers must be removed. It was also time to “lay to rest” the concept of “male guardianship” which bestows control over women to their male relatives. There is an “encouraging level of government activity” around women’s rights in recent years, Mrs Pillay said. She added positive developments for women’s civil and political rights are still inconsistent and uneven in the region. Women continue to face severe discrimination and are inadequately protected against domestic and other violence, according to Amnesty International. **(Jeska Daslita)**

man Rights (“AEHR”) on behalf of people living in Mossville, Louisiana. The decision marks the first time that the Commission has taken jurisdiction over an environmental racism case in the United States. The

Commission’s review will focus on whether the US Government has violated the human rights of Mossville residents to racial equality and privacy. As a judicial arm of the OAS, the Commission reviews and renders decisions on petitions alleging human rights violations in the United States and 34 other OAS member countries.

Nathalie Walker, co-director and attorney with AEHR said the United States government is a member of the OAS and has also ratified the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights which create clear obligations to protect human right to freedom from racial discrimination whether it is intentional or the result of a policy or action. However, these obligations are rarely acknowledged by the United States government much less upheld. Dorothy Felix, a petitioner in the case who also volunteers as the Vice-President of Mossville Environmental Action Now (“MEAN”), said she is grateful that the Commission decided to take the human rights case. She believed environmental protection should not be based on the skin color. The government can and must do better to protect human rights.

Mossville is an historic African American community in southwest Louisiana that is surrounded by 14 industrial facilities that annually release millions of pounds of toxic chemicals. According to the Mossville human rights petition, several studies by governmental agencies and nongovernmental groups link the pollution from these facilities to residents’ exposure to dioxins, noxious odors, and unhealthy air and water quality in the community. The petition alleges that the US Government and local political subdivisions ignored their obligation to protect human rights when they permitted and provided other authorizations for polluting industries to build and operate near Mossville.

Monique Harden, Co-Director & Attorney with AEHR, said Mossville is one of several communities of color across the United States disproportionately burdened with toxic pollution as a result of governmental decisions that are tipped in favor of polluters. This judicial review by the Inter-American Commission on Human Rights can open the door to ending the pattern of environmental racism by introducing a human rights framework for environmental protection. **(Jeska Daslita)**

## Experts Praise Amnesty Report on EU Extradition Actions

<http://www.rnw.nl/international-justice/article/experts-praise-amnesty-report-eu-extradition-actions>

**International law experts applaud Amnesty International report on Monday, which demand European countries to stop using diplomatic assurances to send foreigners back to nations that use torture, saying that these assurances are not effective.** Sarah Wolff of the Clingendael European Studies Programme in the Hague said the report is timely, as it comes at a time when there is a debate in the EU regarding these issues.

In its report ‘Dangerous Deals: Europe’s Reliance on ‘Diplomatic Assurances’ against Torture’, London-based Amnesty International maps out how European countries use “unreliable, unenforceable” diplomatic assurances to send foreigners alleged to be threats to national security to countries where they are at risk of torture. Julia Hall, Amnesty International’s expert on counter-terrorism and human rights in Europe, said assurances against torture from governments that routinely practice such abuse simply cannot be trusted. European governments that accept these promises are undermining the absolute prohibition of torture.

One example cited in the report was of Tunisian national Sami Ben Khemais Essid, who had been detained in Italy under charges of terrorism. He was deported from Italy to Tunisia in June 2008. The Report said the Tunisian officials promised that he would not be ill-treated in custody there. However, it explains further eight months after his return; he alleged that he was tortured during an interrogation at the Tunisian Ministry of the Interior.

Ineke Boerefijn, associate professor at Utrecht University’s Netherlands Institute of Human Rights, pointed out the fact that one country needs to ask for assurance from another country that there shall be no torture already indicates that there is risk of torture. Boerefijn pointed to the UN Convention against Torture and the European Convention on Human Rights which explicitly say that no state may expel a person to another state if there are grounds to believe that the person should be subjected to torture. She also said these are very firm guarantees, which may not be undermined. Diplomatic assurances often turn out not to provide the nec-

essary safeguards.

Wolff also pointed to the Charter of Fundamental Rights of the European Union, which became legally binding for all EU countries with the Lisbon Treaty in December 2009. Article 19 of this Charter cites that no person may be expelled to a state where there is risk of torture. Within the so-called Stockholm Programme, which is a programme regarding the EU area of Freedom, Security and Justice, the EU is in the process of creating a Human Rights Action Plan dealing with judicial and police cooperation between EU and non-EU countries. Wolff said Details of the Stockholm Programme Action Plan, which includes the Human Rights Action Plan, should be known in the coming months.

Amnesty based its report on the use of diplomatic assurances by numerous European states to justify forcibly removing foreigners deemed to be national security threats. The report underlined that

these practices have “increased considerably” following the September 11th, 2001, attacks on the US. The report includes research on a dozen countries including Austria, Azerbaijan, Bosnia and Herzegovina, Denmark, France, Germany, Italy, Russia, Slovakia, Spain, Sweden, and the United Kingdom. Amnesty’s Hall stresses European governments must recommit to the fundamentals of human rights protection, pointing out diplomatic assurances do not provide such a safeguard and the practice of relying on them should be abandoned starting now.

As an alternative to extradition to countries where people risk torture, Boerefijn said that suspects held in European countries should be tried in that European country, or a third country with a reliable human rights record. Wolff, meanwhile, said in the longer run EU countries should promote rule of law in police and judiciary measures with non-EU countries.

(Jeska Daslita)

## Parties to Three International Treaties on Hazardous Waste to Join Forces

<http://www.thejakartapost.com/news/2010/02/02/parties-three-int%E2%80%99-treaties-hazardous-waste-join-forces.html>

Over 1.000 signatories to three international treaties on hazardous chemical substances will hold meetings in Bali to discuss coordinated efforts to mitigate toxic pollutants. The meeting of over 160 parties to the Basel, Stockholm and Rotterdam conventions will be held from February 22 to February 24.

Indonesian delegate, Rasio Ridho Sani, said, for Indonesia, joint cooperation between the members of the three treaties will have a positive budget impact as more funds will be spent on activities in the field rather than on administrative matters. Indonesia is party to the Basel and Rotterdam conventions. He added that Indonesia is on the way to ratify the Rotterdam agreement.

State Environment Minister, Gusti Muhammad Hatta, will be the president of the conference of parties (COP) to the Basel convention.

The Bali meeting will focus on six issues, including joint activities, joint managerial functions, joint services, synchronization of budget cycles and a joint audit account. The idea to enhance cooperation among the three multilateral environmental treaties was raised in 2006 to resolve overlapping work in regard to chemical pollutants.

The Basel Convention on the control of trans-boundary move-

ments of hazardous waste and its disposal has been ratified by 172 countries. The convention requires parties to ensure that hazardous waste is managed in an eco-friendly manner to protect human health and the environment from the adverse effects of pollutants.

The Rotterdam Convention on Prior Informed Consent (PIC) promotes the open exchange of information on the trade of certain hazardous chemicals and pesticides. Under the Rotterdam treaty, which went into force in 2004, parties can decide whether to allow or ban the importation of chemicals listed in the Agreement.

The Stockholm convention on Persistent Organic Pollutants (POPs) obliges each party to take measures to curb the release of pollutants into the environment. POPs are toxic chemicals that remain in the environment for a long period and can accumulate in the fatty tissue of living organisms.

Currently, 164 countries have signed the Stockholm convention, which came into effect in 2004. Indonesia ratified the Stockholm convention last year (2009) after the country signed it in 2001.

The convention bans 12 chemicals, known as the “dirty dozen”, because they do not break down eas-

ily in the natural environment, can travel long distances, and accumulate in human and animal tissue.

The Global Ministerial Environmental Forum was organized by the United Nations Environment Program (UNEP). Indonesian del-

egate, Liana Bratasida, said the country would raise ocean issues at the ministerial meeting to press for global recognition of the role of oceans in mitigating climate change. **(Ni Putu Anggraeni)**

## UN committee criticizes North Korea rights violations

<http://www.thejakartapost.com/news/2009/11/20/un-committee-criticizes-north-korea-rights-violations.html>

A key United Nations (UN) committee expressed a very serious concern at widespread reports of torture and other grave human rights violations in North Korea and strongly urged the government to put an end to the violations.

North Korea's deputy United Nations ambassador, Pak Tok Hun, rejected the resolution by the UN, calling it the result of a political conspiracy led by the United States against the country in an attempt to obliterate the state and social system. The resolution was approved by the General Assembly's Human Rights Committee by a vote of 97-19 with 65 abstentions. It has to be approved at a plenary session of the 192-member world body, where its adoption is virtually certain. The resolution expresses very serious

concern at public executions, arbitrary detentions, limitation on freedom of movement, punishment of refugees and asylum seekers, and restrictions on freedom of speech, religion and assembly in North Korea. It strongly urges the reclusive communist nation to immediately put an end to the systematic, widespread and gravel violations of human rights and to ensure that those responsible for violations are brought to justice before an independent judiciary. The resolution was co-sponsored by Japan and the European Union. Pak accused the European Union (EU) of acting as a surrogate for the United States and called Japan as a criminal state.

Sweden, which currently holds the EU presidency, stated the General Assembly has adopted resolu-

tions against human rights violations in North Korea since 2005, but the government has ignored them.

Pak said all attempts to isolate and suffocate North Korea will fail. He said the country's Korean-style socialist system will be unshakable and North Korea will remain invincible forever. Pak accused the resolution's sponsors of "double standards" in dealing with human rights, citing the U.S. invasion of foreign states and killing of civilians, Japan's crimes against humanity, and the racial discrimination and xenophobia rampant in the EU countries.

(Ni Putu Anggraeni)



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