

## V. CONCLUSION

A hybrid court is not a panacea, of course. Indeed, one of the important lessons of the scholarship on transitional justice is that no mechanism is perfect, and none is appropriate in all contexts. Moreover, many accountability and reconciliation processes can operate in tandem and complement one another. Thus, the use of one approach almost never excludes other possibilities. This ecumenical perspective may be one of the primary reasons that the field of transitional justice continues to be a font of on-the-ground creativity and innovation.

Hybrid courts are merely the most recent step in this endless process of creative adaptation. Responding to significant shortcomings in both purely international and purely domestic approaches, hybrid courts have been devised in at least four settings and are under consideration elsewhere. These courts, though often hampered by underfunding and other logistical difficulties, at least have the potential to address three serious drawbacks of both international and domestic tribunals. First, they may be more likely to be perceived as legitimate by local and international populations because both have representation on the court. Second, the existence of the hybrid court may help to train local judges and funnel money into local infrastructure, thereby increasing the capacity of domestic legal institutions. Third, the functioning of hybrid courts in the local community, along with the necessary interaction—both formal and informal—among local and international legal actors may contribute to the broader dissemination (and adaptation) of the norms and processes of international human rights law.

Moreover, any fears (or hopes) that these hybrid courts will serve as a complete substitute for purely international or purely domestic courts are misplaced because the hybrid courts are best viewed as a complement to both. Indeed, there is no reason to believe that hybrid courts will divest the ICC of jurisdiction. Rather, because the ICC will never be able to try more than a few cases in any given setting, the hybrid courts may continue to be a necessary part of any transitional justice process.

In any event, simply by highlighting hybrid courts as a new transitional justice mechanism to be recognized and considered, I hope to encourage further study of their strengths and weaknesses both in theory and in practice. While the heartbreaking reality of this field is that atrocities continue to occur, the saving grace is that people continue to innovate and create new models to address the brutality of the past and help to build a more peaceful future. Hybrid domestic/international courts are merely the most recent creative adaptation, and those who work in this area should soberly assess the promise and pitfalls of hybrid courts, while celebrating the innovative spirit that has led to their creation.

Laura A. Dickinson\*

## SEYMOUR J. RUBIN (1914–2003)

Seymour (“Sy”) Rubin died on March 11, 2003, at the age of eighty-eight. A former executive vice president and executive director of the American Society of International Law and former general counsel of the Agency for International Development, and an editor of this *Journal*, Mr. Rubin held a variety of governmental and academic positions in the international arena over a long and distinguished career.

Rubin was graduated from the University of Michigan in 1935. He was a member of the university’s varsity wrestling team, as he would recall at the time of the physical assault by Iranian

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arbitrators on a Swedish member of the Iran–United States Claims Tribunal. A magna cum laude graduate of Harvard Law School, he was law clerk to Judge Augustus N. Hand of the U.S. Circuit Court of Appeals. Early in World War II, he served as counsel in the Office of Price Administration. In 1943 he joined the Department of State, serving successively as chief of the Division of Economic Security Controls, deputy director of the Office of Economic Security Policy, and assistant legal adviser for economic affairs. In the latter capacity, he was legal adviser to the U.S. delegation to the organizing conferences of the General Agreement on Tariffs and Trade and chief of the U.S. delegation on postwar problems in negotiations with the governments of Sweden, Portugal, and Spain; he played a leading part in negotiating the disposition of German assets with those governments and that of Switzerland.

Rubin was engaged in law practice from 1948 to 1961, while undertaking special missions for the U.S. government, among them, negotiating Marshall Plan agreements. He also served as assistant director of the Mutual Security Administration (1952–1953); as general counsel of the Agency for International Development (1961–1962); as U.S. representative in Paris on the Development Assistance Committee of the Organisation for Economic Co-operation and Development (1962–1964); and as U.S. representative to the United Nations Commission on International Trade Law (UNCITRAL) (1968–1969). He was a member of the UN Commission on Transnational Corporations, and, for twenty years, of the Inter-American Juridical Committee of the Organization of American States. He was the energetic and effective executive director of this Society from 1975 to 1982.

As professor of law at the Washington College of Law of American University, Rubin taught from 1974 until shortly before his death, specializing in international trade and foreign investment. He was a member of an arbitral tribunal of the International Centre for Settlement of Investment Disputes that rendered its award early in 2003. He was the author of three books and various articles on problems of foreign investment.

Sy Rubin was a man of exceptional vitality and spirit, who believed in international cooperation and practiced it. He and his wife of sixty years, Janet Beck Rubin, who survives him, were leading figures on the Washington social scene; many a member of this Society will appreciatively remember their hospitality. His multitude of friends will miss Sy Rubin.

STEPHEN M. SCHWEBEL\*

### ROBERT E. HUDEC (1934–2003)

On March 12, 2003, Robert Hudec died in his sleep, while on vacation in Florida. He was sixty-eight years old. On that date, the world lost one of its great scholars of international trade law, and a great teacher and friend to many. Hudec had served with distinction on the Board of Editors of this *Journal* since 1999.

Beginning in the 1960s, Hudec, with bravery and foresight, devoted his considerable talents to the infant field of international trade law. He became a renowned authority on the General Agreement on Tariffs and Trade (GATT) and on its successor organization, the World Trade Organization (WTO). Scholars and government officials from all over the world sought his counsel on issues regarding the law and governance of international trade. He served as a consultant to the U.S. government, as well as to the GATT Secretariat, and was a member of several dispute settlement panels of the WTO, the GATT, the North American Free Trade Agreement, and the Canada-U.S. Free Trade Agreement. In addition to forty-five law review articles and monographs about trade law, he authored five books, most recently *Essays on the Nature of International Trade Law* (1999).

\* Of the Board of Editors.