

# 混合法庭： 國際刑法制度中 追訴嚴重犯罪的新模式

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本文透過檢視聯合國相關文本資料，運用個案研究法，討論混合法庭設立的背景及其理論基礎，並對東帝汶重罪特別法庭、科索沃重罪特別法庭、獅子山重罪特別法庭、柬埔寨重罪特別法庭、黎巴嫩問題特別法庭、非洲特別法庭等六個個案加以研析。本文主要研究發現為：(1)混合法庭有助於滿足轉型正義，提升衝突後國家的社會和諧性；(2)混合法庭可作為衝突後國家的重要法治工具，重建衝突後國家的內國司法體系；(3)混合法庭具有整合不同司法系統的功能，促使混合法庭成為國際刑法制度中追訴嚴重犯罪之新模式。

關鍵字：混合法庭、國際刑事法院、國際人道法、轉型正義

# **Hybrid Courts: New Forms of Prosecuting Serious Crimes in International Criminal Law**

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## **ABSTRACT**

This essay analyzes the background and theory of hybrid courts by reviewing United Nation documents. In addition, the methodology of this essay follows the case study method. The cases under examination in this essay focus on the Special Panels for Serious Crimes in East Timor, Regulation 64 Panels in the Courts of Kosovo, Special Court for Sierra Leone, Extraordinary Chambers in the Courts of Cambodia, Special Tribunal for Lebanon, and Extraordinary African Chambers. The main findings of this essay are: (1) in post-conflict states, society will be more harmonious by achieving transnational justice, which is a benefit of employing the hybrid court; (2) the hybrid court is a key legal tool to rebuild the domestic judicial system of post-conflict states; (3) by integrating a different judicial system, the hybrid court will allow for new forms of prosecuting serious crimes in international criminal law.

**Key Words:** hybrid court, International Criminal Court, international humanitarian law, transnational justice