Journal of International Criminal Justice

Volume 1, Number 1, 2003

Ronald Dworkin

The Judge's New Role: Should Personal Convictions Count?

Mireille Delmas-Marty

The Contribution of Comparative Law to a Pluralist Conception of International Criminal Law

Ferrando Mantovani

The General Principles of International Criminal Law: The Viewpoint of a National Criminal Lawyer

William A. Schabas

National Courts Finally Begin to Prosecute Genocide, the 'Crime of Crimes'

Ralph Henham

The Philosophical Foundations of International Sentencing

Jann K. Kleffner

The Impact of Complementarity on National Implementation of Substantive International Criminal Law

Salvatore Zappalà

The Reaction of the US to the Entry into Force of the ICC Statute: Comments on UN SC Resolution 1422 (2002) and Article 98 Agreements

Guénaël Mettraux

US Courts-Martial and the Armed Conflict in the Philippines (1899–1902): Their Contribution to National Case Law on War Crimes

Steffen Wirth

Germany's New International Crimes Code: Bringing a Case to Court

Stephane Bourgon

The Impact of Terrorism on the Principle of 'Non-Refoulement' of Refugees: The Suresh Case before the Supreme Court of Canada

Paola Gaeta

Ratione Materiae Immunities of Former Heads of State and International Crimes: The Hissène Habré Case

Daryl A. Mundis

Current Developments at the ad hoc International Criminal Tribunals

Sylvia de Bertodano

Current Developments in Internationalized Courts

Stéphane Bourgon

Judgments, Decisions and Other Relevant Materials Issued by International Courts and Other International Bodies on Human Rights

Salvatore Zappalà

Towards an International Criminal Procedure

Volume 1, Number 2, 2003

Stefano Manacorda

Restraints on Death Penalty in Europe: A Circular Process

Luisa Vierucci

Prisoners of War or Protected Persons qua Unlawful Combatants? The Judicial Safeguards to which Guantanamo Bay Detainees are Entitled

Paul Roberts and Nesam McMillan

For Criminology in International Criminal Justice

Riccardo Pisillo Mazzeschi

Reparation Claims by Individuals for State Breaches of Humanitarian Law and Human Rights: An Overview

Andrea Gattini

To What Extent are State Immunity and Non-Justiciability Major Hurdles to Individuals' Claims for War Damages?

Orna Ben-Naftali and Keren R. Michaeli

Justice-Ability: A Critique of the Alleged Non-Justiciability of Israel's Policy of Targeted Killings

Micaela Frulli

When Are States Liable Towards Individuals for Serious Violations of Humanitarian Law? The *Markovié* Case

Luc Reydams

Belgium's First Application of Universal Jurisdiction: the Butare Four Case

Antonio Cassese

The Belgian Court of Cassation v. the International Court of Justice: the *Sharon* and others Case

Paola Anna Pillitu

European 'Sanctions' against Zimbabwe's Head of State and Foreign Minister: A Blow to Personal Immunities of Senior State Officials?

Daryl A. Mundis

Tachiona v. Mugabe: A US Court Bows to Personal Immunities of a Foreign Head of State

Andrew Clapham

Symbiosis in International Human Rights Law: The *Öcalan* Case and the Evolving Law on the Death Sentence

Martha Walsh

The International Bar Association Proposal for a Code of Professional Conduct for Counsel Before the ICC

Jorge A. F. Godinho

The Surrender Agreements between the US and the ICTY and ICTR: A Critical View

Robert Kushen

The Surrender Agreements between the US and the ICTY and ICTR: The American View

Daryl A. Mundis

Current Developments at the ad hoc International Criminal Tribunals

Stéphane Bourgon

Judgments, Decisions and Other Relevant Materials Issued by International Courts and Other International Bodies on Human Rights

Neil Boister

Policing World Society: Historical Foundations of International Police Cooperation

Volume 1, Number 3, 2003

George P. Fletcher

Against Universal Jurisdiction

Louise Arbour

Will the ICC have an Impact on Universal Jurisdiction?

Antonio Cassese

Is the Bell Tolling for Universality? A Plea for a Sensible Notion of Universal Jurisdiction

Georges Abi-Saab

The Proper Role of Universal Jurisdiction

Claus Kress

The Procedural Law of the International Criminal Court in Outline: Anatomy of a Unique Compromise

Dapo Akande

The Jurisdiction of the International Criminal Court over Nationals of Non-Parties: Legal Basis and Limits

Dieter Fleck

Are Foreign Military Personnel Exempt from International Criminal Jurisdiction under Status of Forces Agreements?

Salvatore Zappalà

Are Some Peacekeepers Better Than Others? UN Security Council Resolution 1497 (2003) and the ICC

Luc Reydams

Belgium Reneges on Universality: The 5 August 2003 Act on Grave Breaches of International Humanitarian Law

Hervé Ascensio

Are Spanish Courts Backing Down on Universality? The Supreme Tribunal's Decision in *Guatemalan Generals*

Daryl A. Mundis

Current Developments at the ad hoc International Criminal Tribunals

Giovannangelo De Francesco

Formula de Radbruch e diritto penale. Note sulla punizione dei 'delitti di Stato' nella Germania postnazista e nella Germania postcomunista [The Radbruch Formula and Criminal Law. Notes on the punishment of crimes of State in postnazi and post-communist Germany]

K. Ambros

Der Allgemeine Teil des Völkerstrafrechts. Ansätze einer Dogmatisierung [The General Part of International Criminal Law. First Steps toward a theoretical Approach]

Paola Andrea Lombardi

Cuento de Navidad, es posible un mundo diferente [Christmas Tales: A Different World Is possible]

Volume 2, Number 1, 2004

Daryl Mundis

The United States of America and International Justice

Paul Stephan

US Constitutionalism and International Law: What the Multilateralist Move Leaves Out

Michael Reisman

Learning to Deal with Rejection: The International Criminal Court and the United States

Patricia M. Wald

Is the United States' Opposition to the ICC Intractable?

David J. Scheffer

How to Turn the Tide Using the Rome Statute's Temporal Jurisdiction

Francisco Orrego Vicuña

The International Criminal Court and the In and Out Club

Hans-Heinrich Jescheck

The General Principles of International Criminal Law Set Out in Nuremberg, as Mirrored in the ICC Statute

The Hon. David Hunt

The International Criminal Court

Matthew R. Brubacher

Prosecutorial Discretion within the International Criminal Court

Marco Sassòli

The Status of Persons Held in Guantánamo under International Humanitarian Law

Luigi Condorelli and Pasquale De Sena

The Relevance of the Obligations Flowing from the UN Covenant on Civil and Political Rights to US Courts Dealing with Guantánamo Detainees

George P. Fletcher

Black Hole in Guantánamo Bay

Damien Vandermeersch

The ICC Statute and Belgian Law

Göran Sluiter

Implementation of the ICC Statute in the Dutch Legal Order

Gideon Boas

An Overview of Implementation by Australia of the Statute of the International Criminal Court

Juliet Hay

Implementing the ICC Statute in New Zealand

John R.W.D. Jones, Claire Carlton-Hanciles, Haddijatou Kah-Jallow, Sam Scratch, and Ibrahim Yillah

The Special Court for Sierra Leonee

Juliette Lelieur-Fischer

Prosecuting the Crimes against Humanity Committed during the Algerian War: an Impossible Endeavour?

Claus Kress

The German Chief Federal Prosecutor's Decision Not to Investigate the Alleged Crime of Preparing Aggression against Iraq

Antonio Cassese

Black Letter Lawyering v. Constructive Interpretation

Luisa Vierucci

The European Arrest Warrant

Pablo Rodríguez

Should Judges' Professional Convictions Matter?

The Journal of International Criminal Justice Award for the best paper by a young scholar published in 2003

Elsa Gopala

Juridictions Pénales Internationales. La Procédure et la Preuve

Francesco Moneta

La Cooperazione tra Stati e Tribunali Penali Internazionali [State Cooperation and International Criminal Tribunals]

Volume 2, Number 2, 2004

Gilbert Guillaume

Advantages and Risks of Proliferation: A Blueprint for Action

Fausto Pocar

The Proliferation of International Criminal Courts and Tribunals: A Necessity in the Current International Community

Antonio Augusto Cançado Trindade

The Merits of Coordination of International Courts on Human Rights

Danilo Zolo

The Iraqi Special Tribunal: Back to the Nuremberg Paradigm?

José E. Alvarez

Trying Hussein: Between Hubris and Hegemony

Michael P. Scharf

Is It International Enough?: A Critique of the Iraqi Special Tribunal in Light of the Goals of International Justice

Yuval Shany

Does One Size Fit All?: Reading the Jurisdictional Provisions of the New Iraqi Special Tribunal Statute in the Light of the Statutes of International Criminal Tribunals

Claus Kress

The Iraqi Special Tribunal and the Crime of Aggression

David J. Scheffer

Three Memories from the Year of Origin, 1993

Ralph Zacklin

Some Major Problems in the Drafting of the ICTY Statute

Larry D. Johnson

Ten Years Later: Reflections on the Drafting

Richard Goldstone

A View from the Prosecution

Ninian Stephen

A Viable International Mechanism

L. C. Vohrah

Some Insights into the Early Years

Louise Arbour

The Crucial Years

Mark B. Harmon and Fergal Gaynor

Prosecuting Massive Crimes with Primitive Tools: Three Difficulties Encountered by Prosecutors in International Criminal Proceedings

Minna Schrag

Lessons Learned from ICTY Experience

Grant Niemann

The Life and Times of a Senior Trial Attorney at the ICTY from 1994 to 2000

Nicola Piacente

Importance of the Joint Criminal Enterprise Doctrine for the ICTY Prosecutorial Policy

Giuliano Turone

The Denial of the Accused's Right to Make Unsworn Statements in Delalic

Sylvie Pantz

From Bosnia to Kosovo and to Bosnia Again

Patricia M. Wald

ICTY Judicial Proceedings: An Appraisal from Within

Dorothee de Sampayo Garrido

Problems and Achievements as Seen from the Viewpoint of the Registry

David Tolbert

Reflections on the ICTY Registry

John R.W.D. Jones

The Gamekeeper-Turned-Poacher's Tale

Steven Kay

The Move from Oral Evidence to Written Evidence: 'The Law Is Always Too Short and Too Tight for Growing Humankind'

Sylvia de Bertodano

What Price Defence? Resourcing the Defence at the ICTY

Thomas Verfuss

Trying Poor Countries' Crimes in a Rich City: The Problems of the Press from the Former Yugoslavia

Carla Del Ponte

Prosecuting the Individuals Bearing the Highest Level of Responsibility

Theodor Meron

Procedural Evolution in the ICTY

Stéphane Bourgon

Procedural Problems Hindering Expeditious and Fair Justice

Pierre Hazan

The Revolution by the ICTY: The Concept of Justice in Wartime

Ralph Zacklin

The Failings of Ad Hoc International Tribunals

Mirko Klarin

The Tribunal's Four Battles

Gabrielle Kirk McDonald

Problems, Obstacles and Achievements of the ICTY

Claude Jorda

The Major Hurdles and Accomplishments of the ICTY: What the ICC Can Learn from Them

Antonio Cassese

The ICTY: A Living and Vital Reality

Christopher Greenwood

Command Responsibility and the Hadihasanović Decision

Steven Powles

Joint Criminal Enterprise: Criminal Liability by Prosecutorial Ingenuity and Judicial Creativity?

Salvatore Zappalà

The Prosecutor's Duty to Disclose Exculpatory Materials and the Recent Amendment to Rule 68 ICTY RPE

Göran Sluiter

The ICTY and Offences against the Administration of Justice

DarylA. Mundis and Fergal Gaynor

Current Developments at the ad hoc International Criminal Tribunals

Volume 2, Number 3, 2004

Ivan Simonovic

Dealing with the Legacy of Past War Crimes and Human Rights Abuses: Experiences and Trends

Tzvetan Todorov

The Limitations of Justice

Antoine Garapon

Three Challenges for International Criminal Justice

Danilo Zolo

Peace through Criminal Law?

Roger O'Keefe

Universal Jurisdiction: Clarifying the Basic Concept

Zsuzsanna Deen-Racsmány

A New Passport to Impunity?: Non-Extradition of Naturalized Citizens versus Criminal Justice

Paola Gaeta

May Necessity Be Available as a Defence for Torture in the Interrogation of Suspected Terrorists?

Andrea Gattini

Kelsen's Contribution to International Criminal Law

Martti Koskenniemi

Hersch Lauterpacht and the Development of International Criminal Law

Martti Koskenniemi

Intelligence Agencies and War Crimes Prosecution: Allen Dulles's Involvement in Witness Testimony at Nuremberg

Salvatore Zappalà

The Iraqi Special Tribunal's Draft Rules of Procedure and Evidence: Neither Fish nor Fowl?

Luisa Vierucci

Is the Geneva Convention on Prisoners of War Obsolete?: The Views of the Counsel to the US President on the Application of International Law to the Afghan Conflict

Antonio Cassese

Are International Human Rights Treaties and Customary Rules on Torture Binding upon US Troops in Iraq?

Daryl A. Mundis and Fergal Gaynor

Current Developments at the ad hoc International Criminal Tribunals

Sylvia de Bertodano

Current Developments in Internationalized Courts: East Timor – Justice Denied

Saddam Hussein's First Hearing

Daryl A. Mundis

Elements of War Crimes under the Rome Statute of the International Criminal Court, Sources and Commentary

Peter Murphy

The Criminal Responsibility of Individuals for Violations of International Humanitarian Law

Georgios A. Antonopoulos

Critical Reflections on Transnational Organised Crime, Money Laundering, and Corruption

Volume 2, Number 4, 2004

Dan Sarooshi

Prosecutorial Policy and the ICC: Prosecutor's *Proprio Motu* Action or Self-Denial?

Claus Kress

'Self-Referrals' and 'Waivers of Complementarity': Some Considerations in Law and Policy

Paola Gaeta

Is the Practice of 'Self-Referrals' a Sound Start for the ICC?

George P. Fletcher

Citizenship and Personhood in the Jurisprudence of War: Hamdi, Padilla and the Detainees in Guantánamo Bay

George H. Aldrich

Had the US Executive Gone Too Far?: Comments on Rasul and Hamdi

W. Michael Reisman

Rasul v. Bush: A Failure to Apply International Law

Charles H.B. Garraway

Military Excesses?: Is There a 'Right Way' of Dealing?

Gary D. Solis

Obedience to Orders: History and Abuses at Abu Ghraib Prison

Roberta Arnold

The Abu Ghraib Misdeeds: Will There Be Justice in the Name of the Geneva Conventions?

Mohamed Shahabuddeen

Does the Principle of Legality Stand in the Way of Progressive Development of Law?

Mirjan Damaska

Negotiated Justice in International Criminal Courts

Henri-D. Bosly

Admission of Guilt before the ICC and in Continental Systems

Stefano Maffei

Negotiations 'on Evidence' and Negotiations 'on Sentence': Adversarial Experiments in Italian Criminal Procedure

Michael P. Scharf

Trading Justice for Efficiency: Plea-Bargaining and International Tribunals

William A. Schabas

Conjoined Twins of Transitional Justice?: The Sierra Leone Truth and Reconciliation Commission and the Special Court

Neil Boister

Failing to get to the Heart of the Matter in Sierra Leone?: The Truth Commission is Denied Unrestricted Access to Chief Hinga Norman

Micaela Frulli

The Question of Charles Taylor's Immunity: Still in Search of a Balanced Application of Personal Immunities?

Antonio Cassese

The Special Court and International Law: The Decision Concerning the Lomé Agreement Amnesty

Alison Smith

Child Recruitment and the Special Court for Sierra Leone

James Cockayne

Special Court for Sierra Leone: Decisions on the Recusal of Judges Robertson and Winter

Daryl A. Mundis and Fergal Gaynor

Current Developments at the Ad Hoc International Criminal Tribunals

Frederick de Vlaming

More Voices Should be Heard on the ICTY

A. Cassese

Editor's Reply

Juliette Lelieur-Fischer

Review: Völkerstrafrecht (International Criminal Law)

Corrigendum

Journal of International Criminal Justice Prize Premio Regione Toscana Giorgio La Pira

Volume 3, Number 1, March 2005

Mirjan Damaska

Assignment of Counsel and Perceptions of Fairness

Göran Sluiter

'Fairness and the Interests of Justice': Illusive Concepts in the Miloševic Case

George P. Fletcher

Parochial versus Universal Criminal Law

Gerhard Werle and Florian Jessberger

'Unless Otherwise Provided':: Article 30 of the ICC Statute and the Mental Element of Crimes under International Criminal Law

Chile Eboe-Osuji

'Complicity in Genocide' versus 'Aiding and Abetting Genocide': Construing the Difference in the ICTR and ICTY Statutes

Dominic Raab

Evaluating the ICTY and its Completion Strategy: Efforts to Achieve Accountability for War Crimes and their Tribunals

Maya Steinitz

'The *Milošević* Trial — Live!': An Iconical Analysis of International Law's Claim of Legitimate Authority

Symposium 1

Daniel D. Ntanda Nsereko

Prosecutorial Discretion before National Courts and International Tribunals¹

Hassan B. Jallow

Prosecutorial Discretion and International Criminal Justice

Luc Côté

Reflections on the Exercise of Prosecutorial Discretion in International Criminal Law

Notes and Comments

Shin Hae Bong

Compensation for Victims of Wartime Atrocities: Recent Developments in Japan's Case Law

Carlos M. Vázquez

Altmann v. Austria and the Retroactivity of the Foreign Sovereign Immunities Act

Andrea Gattini

War Crimes and State Immunity in the Ferrini Decision

Bardo Fassbender

Compensation for Forced Labour in World War II: The German Compensation Law of 2 August 2000

Mirko Sossai

The Internal Conflict in Colombia and the Fight against Terrorism: UN Security Council Resolution 1465 (2003) and Further Developments

Highlights 11

Daryl A. Mundis and Fergal Gaynor

Current Developments at the Ad Hoc International Criminal Tribunals

Stéphane Bourgon and Muriel Cauvin

Judgments and Decisions Issued by International Courts and other International Bodies on Human Rights in 2003

JICJ-Giorgio La Pira 2004 Prize Announcement

Volume 3, Number 2, May 2005

Giovanni Conso

The Basic Reasons for US Hostility to the ICC in Light of the Negotiating History of the Rome Statute

Gerhard Hafner

An Attempt to Explain the Position of the USA towards the ICC

Articles 1

David Scheffer

Article 98(2) of the Rome Statute: America's Original Intent

Geoffrey Nice and Philippe Vallières-Roland

Procedural Innovations in War Crimes Trials

Symposium 1

Ruth Rissing-van Saan

The German Federal Supreme Court and the Prosecution of International Crimes Committed in the Former Yugoslavia

Damien Vandermeersch

Prosecuting International Crimes in Belgium

Pier Paolo Rivello

The Prosecution of War Crimes Committed by Nazi Forces in Italy

William Bourdon

Prosecuting the Perpetrators of International Crimes: What Role May Defence Counsel Play?

Notes and Comments

Cesare Pitea

Rape as a Human Rights Violation and a Criminal Offence: The European Court's Judgment in M.C. v. Bulgaria

Michael Bohlander

Can the Iraqi Special Tribunal Sentence Saddam Hussein to Death?

Fannie Lafontaine

No Amnesty or Statute of Limitation for Enforced Disappearances: The Sandoval Case before the Supreme Court of Chile

Highlights 12

Daryl A. Mundis and Fergal Gaynor

Current Developments at the Ad Hoc International Criminal Tribunals

Book Reviews 1

James Cockayne

Review: On the Cosmopolitanization of Criminal Jurisdiction

Reviews 1

Alan Nissel

Review: The Competing Jurisdictions of International Courts and Tribunals

Cécile Aptel

Review: International Justice and the International Criminal Court: Between Sovereignty and the Rule of Law

Karin Intermill

Review: The Contours of Police Integrity

Volume 3, Number 3, July 2005

Symposium 1

George P. Fletcher and Jens David Ohlin

Reclaiming Fundamental Principles of Criminal Law in the Darfur Case
Journal of International Criminal Justice Advance Access published on July 4, 2005

Claus Kress

The Darfur Report and Genocidal Intent

Christian Tomuschat

Darfur—Compensation for the Victims

Luigi Condorelli and Annalisa Ciampi

Comments on the Security Council Referral of the Situation in Darfur to the ICC

Philip Alston

The Darfur Commission as a Model for Future Responses to Crisis Situations

Lu Jianping and Wang Zhixiang

China's Attitude Towards the ICC

Bakhtiyar Tuzmukhamedov

The ICC and Russian Constitutional Problems

Usha Ramanathan

India and the ICC

Hirad Abtahi

The Islamic Republic of Iran and the ICC

Michael Salter and Maggi Eastwood

Negotiating Nolle Prosequi at Nuremberg: The Case of Captain Zimmer

Alan Tieger and Milbert Shin

Plea Agreements in the ICTY: Purpose, Effects and Propriety

Rodney Dixon and Alexis Demirdjian

Advising Defendants about Guilty Pleas before International Courts

Articles 1

Carsten Stahn

Complementarity, Amnesties and Alternative Forms of Justice: Some Interpretative Guidelines for the International Criminal Court

Stuart Beresford

Child Witnesses and the International Criminal Justice System: Does the International Criminal Court Protect the Most Vulnerable?

Roberta Arnold

Military Criminal Procedures and Judicial Guarantees: The Example of Switzerland

Notes and Comments

Fulvio Maria Palombino

Should Genocide Subsume Crimes Against Humanity?: Some Remarks in the Light of the *Krsti*é Appeal Judgment

Marc Henzelin

Mutual Assistance in Criminal Matters between Switzerland and Taiwan: The *Andrew Wang and others* Case

Volume 3, Number 4, September 2005

I. How Could it Happen?

Paul J. Magnarella

The Background and Causes of the Genocide in Rwanda

Jean Mukimbiri

The Seven Stages of the Rwandan Genocide

Ingvar Carlsson

The UN Inadequacies

Linda Melvern

The Security Council in the Face of Genocide

Romeo Dallaire, Kishan Manocha, and Nishan Degnarain **The Major Powers on Trial**

II. The Rwandan Courts in Quest of Accountability

William A. Schabas

Genocide Trials and Gacaca Courts

Jacques Fierens

Gacaca Courts: Between Fantasy and Reality

III. Appraising the Role of the ICTR

Erik Møse

Main Achievements of the ICTR

François-Xavier Nsanzuwera

The ICTR Contribution to National Reconciliation

Victor Peskin

Courting Rwanda: The Promises and Pitfalls of the ICTR Outreach Programme Journal of International Criminal Justice Advance Access published on August 12, 2005

Göran Sluiter

The ICTR and the Protection of Witnesses

Luc Reydams

The ICTR Ten Years On: Back to the Nuremberg Paradigm?

IV. Focusing on ICTR Case Law 1

Payam Akhavan

The Crime of Genocide in the ICTR Jurisprudence

Kelly Dawn Askin

Gender Crimes Jurisprudence in the ICTR: Positive Developments

Gabriele Della Morte

De-Mediatizing the Media Case: Elements of a Critical Approach