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# War Crimes and International Criminal Law

Thematic Bibliography no. 6/11

# Les crimes de guerre et la justice pénale internationale

Bibliographie thématique no. 6/11



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# Books

## Livres\*

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2010

341.4 /00043

La paix contre la justice ? Comment reconstruire un Etat avec des criminels de guerre - Bruxelles : Andre Versailles.

127 p. : ill. ; 22 cm.

(L'International en Jeu ; 1)

ISBN: 9782874950803

Author(s):

1. Hazan, Pierre

Subject(s):

1. INTERNATIONAL OFFENSES

2. PEACE-BUILDING

3. INTERNATIONAL CRIMINAL COURT

Added entry(s):

1. Groupe de Recherche et d'Information sur la Paix et la Securite (BE)

Notes:

Bibliography: p. 126-127.

'De l'ex-Yougoslavie au Soudan, du Proche-Orient au Cambodge, la question de l'intervention de la justice internationale se pose desormais a chaque conflit, suscitant immanquablement de virulentes controverses. Deux theses s'affrontent : les uns ne voient dans cette justice qu'une arme utilisee ou delaissee par les gouvernements selon leurs interets du moment; d'autres considerent au contraire la lutte contre l'impunite comme le socle d'un Etat de droit et d'une societe democratique. La justice est-elle un obstacle ou une condition a la paix ? Est-elle indispensable pour reconstruire des societes et retablir une paix durable ? L'auteur clarifie les enjeux et analyse les effets des politiques d'amnistie, de chatiment et de pardon. Il se penche tout d'abord sur l'emergence de nouveaux concepts (paix positive, peacebuilding, reconciliation ...) qui ont entraine la revolution judiciaire des annees 1990. Le cadre historique et normatif ainsi pose, il examine ensuite l'impact de cette nouvelle diplomatie judiciaire a partir d'une dizaine d'etudes de cas. Enfin, l'auteur degage de nouvelles pistes, montrant comment des strategies de justice, y compris non penales, peuvent faciliter les processus de paix.'

ID number: 80023504

Year: 2010

Type: M

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\* This list contains material received as of May 31<sup>st</sup>, 2011.– Cette liste est arrêtée au 31 mai 2011.

341.4 /00044

Twilight of Impunity : The War Crimes Trial of Slobodan Milosevic -  
Durham, NC : Duke University Press.

xxix, 545 p. : ill. ; 25 cm.

ISBN: 9780822347460

Author(s):

1. Armatta, Judith

Subject(s):

1. MILOSEVIAC, SLOBODAN, 1941-2006--TRIALS, LITIGATION, ETC.
2. WAR CRIME TRIALS--NETHERLANDS--HAGUE
3. YUGOSLAV WAR, 1991-1995--ATROCITIES
4. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Notes:

Bibliography: p. 517-522. Includes index.

'An eyewitness account of the first major international war-crimes tribunal since the Nuremberg trials, this work is a guide to the prosecution of Slobodan Milosevic for war crimes, crimes against humanity, and genocide. The historic trial of the 'Butcher of the Balkans' began in 2002 and ended abruptly with Milosevic's death in 2006. The author, a lawyer who spent three years in the former Yugoslavia during Milosevic's reign, had a front row seat at the trial. In this work she brings the dramatic proceedings to life, explains complex legal issues, and assesses the trial's implications for victims of the conflicts in the Balkans during the 1990s and international justice more broadly. She acknowledges the trial's flaws, particularly Milosevic's grandstanding and attacks on the institutional legitimacy of the International Criminal Tribunal. Yet she argues that the trial provided an indispensable legal and historical narrative of events in the former Yugoslavia and a valuable forum where victims could tell their stories and seek justice. It addressed crucial legal issues, such as the responsibility of commanders for crimes committed by subordinates, and helped to create a framework for conceptualizing and organizing other large scale international criminal tribunals. The prosecution of Slobodan Milosevic in The Hague was an important step toward ending impunity for leaders who perpetrate egregious crimes against humanity.'

ID number: 80023754

Year: 2010

Type: M

341.4 /00046

Courting Democracy in Bosnia and Herzegovina : The Hague Tribunal's  
Impact in a Postwar State - Cambridge, UK : Cambridge University  
Press.

xvii, 330 p. : ill. ; 24 cm.

(Cambridge Studies in Law and Society ; 36)

ISBN: 9780521763806

Author(s):

1. Nettelfield, Lara J.

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA
2. DEMOCRATIZATION--BOSNIA AND HERCEGOVINA
3. BOSNIA AND HERCEGOVINA--POLITICS AND GOVERNMENT

Notes:

Bibliography: p. 305-314. Includes index.

'The International Criminal Tribunal for the former Yugoslavia (ICTY) struggled to apprehend and try high-profile defendants like the Serbian leader Slobodan Milosevic, and often received more criticism than praise. This volume argues that the underappreciated court has in fact made a substantial contribution to Bosnia and Herzegovina's transition to democracy. Based on more than three years of field research and

several hundred interviews, this study brings together multiple research methods, including surveys, ethnography, and archival materials, to show the court's impact on five segments of Bosnian society, emphasizing the role of the social setting in translating international law in domestic contexts. Much of the early rhetoric about the transformative potential of international criminal law helped foster unrealistic expectations that institutions like the ICTY could not meet, but judged by more realistic standards, international law is seen to play a modest yet important role in postwar transitions. The findings of this study have implications for the study of international courts around the world and the role law plays in contributing to social change.'

ID number: 80023874

Year: 2010

Type: M

## 2009

341.4 /00042

War Crimes, Conditionality and EU Integration in the Western Balkans - Paris : European Union Institute for Security Studies.

103 p. ; 24 cm.

(Chaillot Papers ; 116)

ISBN: 9789291981427

Subject(s):

1. WAR CRIME TRIALS--BALKAN PENINSULA
2. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA
3. EU--ENLARGEMENT
4. CONDITIONALITY (INTERNATIONAL RELATIONS)
5. EU--BALKAN PENINSULA

Added entry(s):

1. Batt, Judy, ed.
2. Obradovic-Wochnik, Jelena, ed.
3. European Union Institute for Security Studies (FR)

Notes:

'The baleful legacy of the wars of the 1990s continues to dog the states and societies of the former Yugoslavia and has overshadowed the disappointingly slow and hesitant trajectory of the region towards the EU. At the start of the new millennium, with the removal of key wartime leaders from the political scene in both Croatia and Serbia, it was widely hoped

that the region would prove able to 'leave the past behind' and rapidly move on to the hopeful new agenda of EU integration. The Stabilisation and Association Process, launched for the countries of the Western Balkans in 1999, included both full cooperation with the ICTY and regional reconciliation among the political conditions set for advancing these countries on the path to EU integration. EU political conditionality was intended to support the efforts of new political leaders to redefine national goals away from the nationalist enmities of the past and focus firmly on forging a path to a better future. This paper examines the extent to which this strategy has worked, especially in the light of the difficulties it has encountered in the face of strong resistance to cooperation among sections of the former Yugoslav population, many of whom have not yet fully acknowledged the crimes committed during the 1990s. Key chapters in the volume raise the vital questions of leadership and political will. EU political conditionality does not work unless the EU has a partner ready and willing to 'play the game', a scenario which presupposes that EU integration has become the overriding priority on the national political agenda.'

ID number: 80022691

Year: 2009  
Type: M

341.4 /00035

Peace Operations and International Criminal Justice : Building Peace  
after Mass Atrocities - Abingdon, UK : Routledge.

xiii, 265 p.; 24 cm.

(Contemporary Security Studies)

ISBN: 9780415444590

Author(s):

1. Lyck, Majbritt

Subject(s):

1. WAR CRIMES

2. WAR CRIMINALS

3. UNITED NATIONS--PEACEKEEPING FORCES

Notes:

Bibliography: p. 228-261. Includes index.

'This volume provides the first thorough examination of the involvement of peace enforcement soldiers in the detention of indicted war criminals. The book first addresses why peace enforcement missions need to be involved in detaining indicted war criminals. This discussion includes an analysis of how the securing of justice and transitional justice is incorporated into the UN's approach to peace-building. It also explores IFOR's, SFOR's and KFOR's activities in this regard, before turning to an analysis of how these detentions are incorporated into peace enforcement doctrines, mandates and rules of engagement. The book then outlines the mechanisms that need to be established in order to enable peace enforcers to arrest war criminals effectively in the areas where they are deployed. It concludes with a discussion of the prospects for the involvement of peace enforcement soldiers in the detention of indicted war criminals, and of the lessons future peace enforcement missions can learn from the experience of IFOR, SFOR and KFOR.'

ID number: 80021993

Year: 2009

Type: M

## 2008

341.4 /00040

The International Criminal Court and National Jurisdictions - Farnham, UK  
: Ashgate.

viii, 177 p.; 24 cm.

ISBN: 9780754674368

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

2. CRIMINAL JURISDICTION--INTERNATIONAL COOPERATION

3. CRIMINAL PROCEDURE (INTERNATIONAL LAW)

Added entry(s):

1. Politi, Mauro, ed.

2. Gioia, Federica, ed.

Notes:

Includes index.

'At a stage in its development when the workings of the International Criminal Court may be assessed, this timely volume provides valuable insights into its activities and, in particular, its interaction with national jurisdictions and international organizations. The contributors discuss a broad range of topics and present a 'first assessment' of complementarity. They address the issues at the heart of the substantive and procedural law of the Court, and examine

aspects relating to national implementation and international cooperation. The final section presents a discussion of the likely future for the relationship between the ICC and national jurisdictions.'

ID number: 80022464

Year: 2008

Type: M

341.2 /00388

No Easy Fix : Global Responses to Internal Wars and Crimes against Humanity - Montreal : McGill-Queen's University Press.

xxiii, 375 p. : ill.; 24 cm.

ISBN: 9780773533684

Author(s):

1. Marchak, M. Patricia, 1936-

Subject(s):

1. HUMANITARIAN INTERVENTION
2. INTERNATIONAL CRIMINAL COURTS
3. CIVIL WAR
4. CRIMES AGAINST HUMANITY

Notes:

Bibliography: p. 337-358. Includes index.

'Bringing together her own field interviews, documentary material, and secondary sources, the author critically assesses the recent history of international interventions and criminal prosecutions. She examines three cases in detail - Cambodia, Rwanda, and the former Yugoslavia in its current forms of Bosnia and Serbia - considering their international context prior to and during internal wars and arguing that each case has to be understood in its own context and history. There is no common pattern and no easy fix that can mend broken societies after wars.'

ID number: 80022225

Year: 2008

Type: M

341.4 /00039

Madame Prosecutor : Confrontations with Humanity's Worst Criminals and the Culture of Impunity : A Memoir - New York : Other Press.

x, 434 p. : ill.; 25 cm.

ISBN: 9781590513026

Author(s):

1. Ponte, Carla Del
2. Sudetic, Chuck

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA
2. INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
3. WAR CRIME TRIALS

Notes:

Includes index.

'The author answered in 1999 the United Nations' call to become the chief prosecutor of the International Criminal Tribunal for the former Yugoslavia and for Rwanda. She confronted genocide and crimes against humanity head-on, struggling to bring to justice the highest-ranking individuals responsible for massive acts of violence in Rwanda, Bosnia and Herzegovina, Croatia, and Kosovo. The tribunals have been unprecedented. They operate along the edge of the divide between national sovereignty and international responsibility, in the gray zone between the judicial and the political. This is a largely unexplored realm for prosecutors and judges, a realm whose native inhabitants - political leaders and diplomats, soldiers and spies - assume that they can commit the big crime without being held

responsible. It is a realm crisscrossed by what the author calls the 'muro di gomma' - the 'wall of rubber' - a metaphor referring to the tactics government officials use to hide their unwillingness to confront the culture of impunity that has allowed persons responsible for acts of unspeakable, wholesale violence to escape accountability. This book is the author's courageous and startling memoir of her eight years spent striving to serve justice by fighting the immunity that powerful criminals and political figures too often enjoy.'

ID number: 80022364

Year: 2008

Type: M

341.3 /00177

Unlawful Attacks in Combat Situations : From the ICTY's Case Law to the Rome Statute - Leiden : Nijhoff.

xix, 288 p.; 25 cm.

(International Humanitarian Law Series ; 18)

ISBN: 9789004162006

Author(s):

1. Olasolo, Hector

Subject(s):

1. WAR--PROTECTION OF CIVILIANS

2. WAR CRIMES

Notes:

Bibliography: p. 271-282. Includes index.

'Death and destruction are unavoidable effects of war and combat situations. The fact that people have been killed or injured or property has been destroyed should not encourage anyone to rush to the conclusion that war crimes have been committed. On the contrary, before reaching such a conclusion, it is necessary to carefully analyze the conduct of the person causing death, injury or damage in order to ascertain whether such conduct is consistent with international humanitarian law. Technology, law and public opinion on what is acceptable has greatly evolved since World War II. The issue of civilian damage caused in combat operations has become an important topic in public opinion since Operation Desert Storm in 1991. Public pressure to limit incidental civilian damage has notably increased following the NATO aerial campaign in Kosovo in 1999 and the subsequent conflicts in Afghanistan in 2001, Iraq in 2003 and Lebanon 2006. The book focuses on the manner in which unlawful

attacks launched during the conduct of hostilities have been dealt with in the Rome Statute of the International Criminal Court, the international treaty which, to date, deals most comprehensively with war crimes committed in international and non-international armed conflicts, and in the case law of the International Criminal Tribunal for the Former Yugoslavia, the first international judicial body that has investigated and prosecuted crimes committed during the conduct of hostilities since World War II.'

ID number: 80022049

Year: 2008

Type: M



341.4 /00034

The Milosevic Trial : Lessons for the Conduct of Complex International Criminal Proceedings - Cambridge, UK : Cambridge University Press. xviii, 306 p.; 23 cm.

ISBN: 9780521700399

Author(s):

1. Boas, Gideon

Subject(s):

1. WAR CRIME TRIALS
2. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Notes:

Includes index.

'When Slobodan Milosevic died in the United Nations Detention Unit in The Hague over four years after his trial had begun, many feared - and some hoped - that international criminal justice was experiencing some sort of death itself. Yet the Milosevic case, the first trial of a former head of state by a truly international criminal tribunal and one of the most complex and lengthy war crimes trials in history, stands for much in the development and the future of international criminal justice, both politically and legally. This book analyses the trial to determine what lessons can be learnt that will improve the fair and expeditious conduct of complex international criminal proceedings brought against former heads of state and senior political and military officials, and develops reforms for the future achievement of best practice in international criminal law.'

ID number: 80021480

Year: 2007

Type: M

341.4 /00037

Law, War and Crime : War Crimes Trials and the Reinvention of International Law - Cambridge, UK : Polity.

ix, 225 p.; 23 cm.

ISBN: 9780745630236

Author(s):

1. Simpson, Gerry J.

Subject(s):

1. WAR CRIMES
2. WAR CRIME TRIALS

Notes:

Bibliography: p. 194-209. Includes index.

'From events at Nuremberg and Tokyo after World War II, to the recent trials of Slobodan Milosevic and Saddam Hussein, war crimes trials are an increasingly pervasive feature of the aftermath of conflicts. The author explores here the meaning and effect of such trials, and places them in their broader political and cultural contexts. The book traces the development of the war crimes field from its origins in the outlawing of piracy to its contemporary manifestation in the establishment of the International Criminal Court in The Hague. The author argues that the field of war crimes is constituted by a number of tensions between, for example, politics and law; local justice and cosmopolitan reckoning; collective guilt and individual responsibility; and between the instinct that war, at worst, is an error, and the conviction that war is a crime. The book asks a number of critical questions. What does it mean to talk about war in the language of the criminal law ? What are the consequences of seeking to criminalise the conduct of one's enemies ? How did this relatively new phenomena of putting on trial perpetrators of mass atrocity and defeated

enemies come into existence ? This book seeks to answer these important questions whilst shedding new light on the complex relationship between law, war and crime.'

ID number: 80022065

Year: 2007

Type: M

## 2006

341.4 /00027

The International Criminal Court : A Global Civil Society Achievement -  
London : Routledge.

xv, 158 p. : ill. ; 23 cm.

ISBN: 0415333954

Author(s):

1. Glasius, Marlies

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

2. CIVIL SOCIETY

Notes:

Bibliography: p. 132-149. Includes index.

'This book examines the main features of the International Criminal Court from a political science and international relations perspective. It describes the main features of the Court and discusses the political negotiations and the ongoing clashes between those states that oppose the Court, particularly the United States, and those that defend it. The second aim of the book is to understand the negotiations on the establishment of the ICC as an example of how international decision-making is influenced by global civil society. Finally, it asks whether such global civil society influence is really to be welcomed as a democratic or ethical contribution to international politics.'

ID number: 80020316

Year: 2006

Type: M

341.4 /00031

Designing Criminal Tribunals : Sovereignty and International Concerns in  
the Protection of Human Rights - Aldershot, UK : Ashgate.

xii, 189 p. ; 24 cm.

ISBN: 0754642690

Author(s):

1. Roper, Steven D.

2. Barria, Lilian A.

Subject(s):

1. INTERNATIONAL CRIMINAL COURTS

Notes:

Bibliography: p. 177-183. Includes index.

'This book traces the development of international humanitarian law especially since World War II and focuses on the role of the international community in crafting international and mixed war crimes tribunals. The book examines the cases of the former Yugoslavia, Rwanda, Sierra Leone, Cambodia and East Timor and argues that these tribunals are legal institutions embedded within a political environment in which the need for nation-state consensus can undermine their judicial effectiveness and ultimately the quest for justice. One of the principal themes examined is how the demands of state sovereignty and finance have contributed to the constant innovation of these tribunals.'

ID number: 80021109

Year: 2006

Type: M

## 2005

341.4 /00025

International Crimes and the ad hoc Tribunals - Oxford, UK : Oxford University Press.  
xxxiii, 442 p.; 24 cm.  
ISBN: 0199271550

Author(s):

1. Mettraux, Guenael

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA
2. INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
3. INTERNATIONAL OFFENSES
4. WAR CRIMES

Notes:

Includes index.

'This volume provides the first comprehensive analysis of the law of international crimes as applied by the ad hoc tribunals for the former Yugoslavia and Rwanda. The contribution of the ad hoc Tribunals to international criminal law and international justice has been manifold, both academically and historically, and they will continue to influence the findings and decisions of many other courts (both domestic and international), and to provoke discussion for many years to come. The book examines the legal and historical significance of some of the most important judicial developments to occur in the last 50 years in international criminal law. It states the law of the Tribunals, and provides concrete illustrations of the application of the law to a variety of criminal cases, providing a comprehensive and detailed analysis of this voluminous body of jurisprudence. The primary focus is on the jurisdiction *ratione materiae* of the Tribunals : the definition and application of the law of war crimes, crimes against humanity, and genocide. However, it also examines the Tribunals' jurisdiction *ratione personae*, insofar as this enables a full understanding of the law of crimes (for instance, in relation to forms of criminal liability).'

ID number: 80020266

Year: 2005

Type: M

## 2004

341.4 /00020

The Permanent International Criminal Court : Legal and Policy Issues - Oxford, UK : Hart.  
xviii, 498 p.; 24 cm.  
(Studies in International Law ; 5)  
ISBN: 1841132810

Subject(s):

1. INTERNATIONAL CRIMINAL COURT
2. INTERNATIONAL OFFENSES
3. WAR CRIME TRIALS

Added entry(s):

1. McGoldrick, Dominic, ed,
2. Rowe, Peter J., ed.
3. Donnelly, Eric, ed.

Notes:

Includes index.

'The idea of an International Criminal Court has captured the international legal imagination for over a century. In 1998 it became a reality with the adoption of the Rome Statute. This book critically examines the fundamental legal and policy issues involved in the establishment and functioning of the

Permanent International Criminal Court. Detailed consideration is given to the history of war crimes trials and their place in the system of international law, the legal and political significance of a permanent ICC, the legality and legitimacy of war crimes trials, the tensions and conflicts involved in negotiating the ICC Statute, the general principles of legality, the scope of defences, evidential dilemmas, the perspective of victims, the nature and scope of the offences within the ICC's jurisdiction - aggression, genocide, war crimes, crimes against humanity, questions of admissibility and theories of jurisdiction, the principle of complementarity, national implementation of the Statute in a range of jurisdictions, and national and international responses to the ICC. The expert contributors are drawn from a range of national jurisdictions - UK, Sweden, Canada, and Australia. The book blends detailed legal analysis with practical and policy perspectives and offers an authoritative complement to the extensive commentaries on the ICC Statute.'

ID number: 80019336

Year: 2004

Type: M

341.4 /00023

Justice in a Time of War : The True Story behind the International Criminal Tribunal for the Former Yugoslavia - College Station, TX : Texas A&M University Press.

xxiii, 248 p. : ill. ; 24 cm.

ISBN: 1585444111

Author(s):

1. Hazan, Pierre

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

2. WAR CRIME TRIALS

Notes:

Bibliography: p. 239-240. Includes index.

ID number: 80020111

Edition: 1st ed.

Year: 2004

Type: M

40 /00139

The International Criminal Tribunal for the Former Yugoslavia : An Exercise in Law, Politics, and Diplomacy - Oxford, UK : Oxford University Press.

vi, 239 p. ; 24 cm.

ISBN: 0199263051

Author(s):

1. Kerr, Rachel

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

2. WAR CRIME TRIALS

Notes:

Bibliography: p. 220-236. Includes index.

'On 25 May 1993, the United Nations Security Council took the extraordinary and unprecedented step of deciding to establish the International Criminal Tribunal for the Former Yugoslavia (ICTY) as a mechanism for the restoration and maintenance of international peace and security. This was an extremely significant innovation in the use of mandatory enforcement powers by the Security Council, and the manifestation of an explicit link between peace and justice, and politics and law. The establishment of ad hoc tribunals for the former Yugoslavia and Rwanda was followed by the adoption of the Rome Statute of

the ICC in July 1998, the arrest of General Augusto Pinochet in London in October 1998, and the establishment of ad hoc tribunals in Cambodia, Sierra Leone, and East Timor, all of which pointed to an emerging norm of international criminal justice. The key to understanding this is the relationship between the political mandate and the judicial function. The Tribunal was established as a tool of politics, but it was a judicial, not a political, tool. This book provides a systematic examination of the Tribunal, what it is, why it was established, how it functions, and where its significance lies. The central question is whether an international judicial institution such as the Tribunal can operate in a highly politicized context and fulfil an explicit political purpose, without the judicial process becoming politicized. Separate chapters chart the origins of the court; the process of establishment; jurisdictional procedure; state cooperation, including obtaining custody of the accused; and the role and function of the Chief Prosecutor. This last element is the key to the Tribunal's success in maintaining a delicate balancing act so that its external political function does not impinge on its impartial judicial status, and instead enhances its effectiveness. The book concludes with an assessment of the conduct of the Milosevic case to date.'

ID number: 80019163

Year: 2004

Type: M

## 2003

341.4 /00021

International Justice and the International Criminal Court : Between Sovereignty and the Rule of Law - Oxford, UK : Oxford University Press.

x, 215 p. ; 24 cm.

ISBN: 0199256004

Author(s):

1. Broomhall, Bruce

Subject(s):

1. INTERNATIONAL CRIMINAL COURT
2. INTERNATIONAL OFFENSES

Notes:

Bibliography: p. 193-209. Includes index.

'Since the Nuremberg Trial of the top Nazi leaders following the Second World War, international law has affirmed that no-one, whatever their rank or office, is above accountability for their crimes. Yet the Cold War put geopolitical agendas ahead of effective action against war crimes and major human rights abuses, and no permanent system to address impunity was put in place. It was only with the Cold War's end that governments turned again to international institutions to address impunity, first by establishing International Criminal Tribunals to prosecute genocide, war crimes, and crimes against humanity in the former Yugoslavia and Rwanda, and then by adopting the Rome Statute of the International Criminal Court in 1998. Domestic courts also assumed a role, notably through extradition proceedings against former Chilean President Augusto Pinochet in London, then in Belgium, Senegal and elsewhere. At the same time, as some have announced a new era in the international community's response to atrocities, fundamental tensions persist between the immediate State interests and the demands of justice. This book is about those tensions. It reviews the rapid recent development of international criminal law, and explores solutions to key problems of official immunities, universal jurisdiction, the International Criminal Court, and the stance of the United States, seeking to clarify how justice

can best be done in a system of sovereign States. While neither the end of the Cold War nor the 'decline of sovereignty' in themselves make consistent justice more likely, the ICC may encourage a culture of accountability that will support more regular enforcement of international criminal law in the long term.'

ID number: 80019462

Year: 2003

Type: M

## 2002

341.4 /00019

Indictment at The Hague : The Milosevic Regime and Crimes of the Balkan War - New York : New York University Press.

339 p. ; 24 cm.

ISBN: 0814716261

Author(s):

1. Cigar, Norman L.
2. Williams, Paul R.

Subject(s):

1. YUGOSLAV WAR, 1991-1995--ATROCITIES
2. KOSOVO WAR, 1998-1999--ATROCITIES
3. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Notes:

'This book represents the most detailed examination of the conduct of the Milosevic regime and the individual responsibility of the senior members of its leadership for war crimes in Croatia and Bosnia-Herzegovina. The enquiry which forms the basis of this book, making a case and defining the grounds for the indictment of Milosevic, was initiated at a time when there appeared to be little, if any, prospect of the international community promoting an investigation, much less a formal indictment of those responsible for the war crimes. The indictments finally issued by the Tribunal are a confirmation of the validity of the argument and evidence presented here. This book therefore can be read as a detailed 'case study' which defines the nature and legal responsibility of a regime in the commission of war crimes and analyzes the legal and evidentiary facets that eventually formed the basis of the Tribunal's indictment of Slobodan Milosevic.'

ID number: 80018769

Year: 2002

Type: M

## 2002

34 /00031

Finding the Balance : The Scales of Justice in Kosovo - Brussels :  
International Crisis Group.  
iii, 37 p. : ill. ; 30 cm.  
(ICG Balkans Report ; 134)

Subject(s):

1. LAW--KOSOVO (REPUBLIC)
2. WAR CRIME TRIALS

Added entry(s):

1. International Crisis Group (BE)

Notes:

'An independent, effective, and transparent justice system will be the cornerstone of a stable and democratic society in Kosovo. Ensuring that such a system is developed in a sustainable manner must be one of the top priorities of the United Nations Interim Administrative Mission in Kosovo (UNMIK) and the Provisional Institutions of Self-Government (PISG). In this report, ICG argues that although progress has been made, serious obstacles and challenges remain.'

URI:

[http://www.crisisweb.org/projects/balkans/kosovo/reports/a400772\\_12092002.pdf](http://www.crisisweb.org/projects/balkans/kosovo/reports/a400772_12092002.pdf)

ID number: 80018306

Year: 2002

Type: M

## 2001

341.4 /00013

Croatia : Facing Up to War Crimes - Brussels : International Crisis Group.  
15 p. : ill. ; 30 cm.  
(ICG Balkans Briefing)

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA
2. WAR CRIME TRIALS

Added entry(s):

1. International Crisis Group (BE)

Notes:

'On 8 October 2001, the International Criminal Tribunal for the former Yugoslavia (ICTY) confirmed an indictment charging Slobodan Milosevic, the former president of Serbia and of the Federal Republic of Yugoslavia (FRY), with crimes committed in Croatia. Milosevic's indictment was welcomed with particular enthusiasm by the Croatian government, which has struggled for months with the politically explosive issue of war crimes committed by Croats. This briefing paper examines the government's performance in meeting its international obligations with reference to the ICTY, and analyses why this issue causes such strain. It assesses the government's capacity to overcome its political difficulties, and suggests how the international community might reasonably offset some of the damaging domestic pressure that the government incurs when it seeks to fulfil Croatia's political and legal obligations.'

URI:

[http://www.crisisweb.org/projects/balkans/balkansregion/reports/a400468\\_16102001.pdf](http://www.crisisweb.org/projects/balkans/balkansregion/reports/a400468_16102001.pdf)

ID number: 80017811

Year: 2001

Type: M

323 /00780

Under Orders : War Crimes in Kosovo - New York : Human Rights Watch.  
xxviii, 593 p. : ill. ; 23 cm.  
ISBN: 1564322645

Subject(s):

1. KOSOVO WAR, 1998-1999--ATROCITIES
2. WAR CRIMES--KOSOVO (REPUBLIC)
3. KOSOVO WAR, 1998-1999
4. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Added entry(s):

1. Human Rights Watch (US)

Notes:

Bibliography: p. 503-504. Includes index.

'This report documents the murders, rapes, forced expulsions, and other war crimes committed by Serbian and Yugoslav government forces against Kosovar Albanians between March 24 and June 12, 1999, the period of NATO's air campaign against Yugoslavia. The report documents a coordinated and systematic campaign to terrorize, kill, and expel the ethnic Albanians of Kosovo that was organized by the highest levels of the Serbian and Yugoslav governments in power at that time. The report also describes serious abuses committed by the Kosovo Liberation Army, which abducted and murdered civilians during and after the war, as well as by NATO, which failed to adequately minimize civilian casualties during its bombing of Yugoslavia. The primary focus, however, is the Serbian and Yugoslav state-sponsored violence inflicted against ethnic Albanian citizens of Yugoslavia.

ID number: 80018583

Year: 2001

Type: M

## 2000

341.4 /00016

La justice penale internationale : son evolution, son avenir : de Nuremberg a La Haye - Paris : Presses Universitaires de France.  
vii, 261 p. ; 22 cm.

(Collection Criminalit, Internationale)

ISBN: 2130501826

Author(s):

1. Bazelaire, Jean-Paul
2. Cretin, Thierry

Subject(s):

1. INTERNATIONAL OFFENSES
2. INTERNATIONAL CRIMINAL COURT

Notes:

Bibliography: p. 251-253. Includes index.

'Cour penale internationale : au tout debut du XXIe siecle, 60 pays auront ratifie la convention ad hoc. Alors, malgre l'hostilite de grands pays comme les Etats-Unis, la societe humaine disposera d'un outil permanent et - dans l'ideal - mondial pour juger les auteurs de genocides, de crimes contre l'humanite ou de crimes de guerre. A terme, ce tribunal devrait aussi etre competent pour les formes majeures de crime organise, ces grandes mafias que leur nature transnationale met a l'abri de la justice des Etats. L'existence de cet instrument de la justice penale internationale sera une date importante de l'histoire du monde. Ce sera egalement l'achevement d'un processus mal connu debute voici pres d'un siecle, et dont les etapes se sont appelees Nuremberg, tribunal international pour le Rwanda, ou pour l'ex-Yougoslavie. Pour la premiere fois, en un ouvrage clair, deux magistrats exposent les principes de la justice penale internationale, racontent les etapes de son histoire, exposent ses grands textes et traites internationaux.'



ID number: 80017889

Year: 2000

Type: M

341.4 /00018

The United States and the International Criminal Court : National Security and International Law - Lanham, MD : Rowman & Littlefield. xvi, 266 p.; 24 cm.

ISBN: 0742501345

Subject(s):

1. INTERNATIONAL OFFENSES
2. INTERNATIONAL CRIMINAL COURT

Added entry(s):

1. Sewall, Sarah B., ed.
2. Kaysen, Carl, ed.
3. American Academy of Arts and Sciences (US)

Notes:

Includes index.

'This collection of essays, published some months before President Clinton's announcement in December 2000 that the US would sign the treaty creating an international criminal court (ICC), explores the ambiguous position adopted by the United States towards that court. The collection of 14 essays from distinguished diplomats, security specialists, political scientists, judges and jurists ranges widely over the historical roots of the ICC; the relations between the US and the ICC (including useful contributions on US military law, status of forces agreements and the ICC); the difficult relation between criminal justice and conflict resolution; and finally the Court's impact on international criminal law and the perceived threat which might be posed to the integrity of global law if, in the end (which currently appears likely despite Clinton's announcement), US ratification is withheld.'

ID number: 80017932

Year: 2000

Type: M

341.4 /00012

Stay the Hand of Vengeance : The Politics of War Crimes Tribunals - Princeton, NJ : Princeton University Press.

402 p. : ill.; 24 cm.

(Princeton Studies in International History and Politics)

ISBN: 069104922X

Author(s):

1. Bass, Gary Jonathan, 1969-

Subject(s):

1. WAR CRIME TRIALS
2. INTERNATIONAL CRIMINAL COURTS

Notes:

Includes index.

'International justice has become a crucial part of the ongoing political debates about the future of shattered societies like Bosnia, Kosovo, Rwanda, Cambodia, and Chile. Why do our governments sometimes display such striking idealism in the face of war crimes and atrocities abroad, and at other times cynically abandon the pursuit of international justice altogether ? Why does justice today seem so slow to come for war crimes victims in the Balkans ? This book offers an unprecedented look at the politics behind international war crimes tribunals, combining analysis with investigative reporting and a broad historical perspective. The Nuremberg trials powerfully demonstrated how effective war crimes tribunals can be. But there have been many other important

tribunals that have not been as successful, and which have been largely left out of today's debates about international justice. This timely book brings them in, using primary documents to examine the aftermaths of the Napoleonic Wars, World War I, the Armenian genocide, World War II, and the recent wars in the former Yugoslavia.'

ID number: 80022789

Year: 2000

Type: M

40 /00122

Reconciliation via the War Crimes Tribunal ? - Aldershot, UK : Ashgate. ix, 128 p. ; 22 cm.

ISBN: 1840144874

Author(s):

1. Fatic, Aleksandar

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

2. WAR CRIME TRIALS

Notes:

Bibliography: p. 107-117.

'This is an examination of the issues of reconciliation after civil wars and the role international war crimes tribunals play in facilitating that reconciliation, apart from enforcing justice against perpetrators of war crimes. This book argues that war crime tribunals are partial and will be counterproductive.'

ID number: 80016410

Year: 2000

Type: M

323 /00785

Reality Demands : Documenting Violations of International Humanitarian Law in Kosovo 1999 - Brussels : International Crisis Group. xi, 278 p. : ill. ; 21 cm.

Subject(s):

1. HUMANITARIAN LAW

2. WAR CRIMES--KOSOVO (REPUBLIC)

3. KOSOVO WAR, 1998-1999--ATROCITIES

4. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Added entry(s):

1. International Crisis Group (BE)

Notes:

'The substance of this report is divided into five chapters, followed by some brief conclusions. The first of these outlines the methodology of the Project and seeks to describe its growth and development, as well as give recognition to those individuals and organisations who have been of invaluable assistance to it. Following this, there is a chapter describing the law to be applied in the report and a short introduction to the ICTY. A general chapter on the history of Kosovo conflict, the military and security forces involved, the 1998 campaign and subsequent developments precedes a more detailed analysis of the attacks and operations carried out in several areas within Kosovo in 1999. The final chapter seeks to apply the law, as outlined, to the facts as described, and explore the issue of individual criminal responsibility for the violations of international humanitarian law thus identified.'

ID number: 80018619

Year: 2000

Type: M

341.4 /00017

The International Criminal Court : The Making of the Rome Statute :  
Issues, Negotiations, Results - The Hague : Kluwer Law International.  
xxxv, 657 p.; 24 cm.

ISBN: 904111212X

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

Added entry(s):

1. Lee, Roy S., ed.
2. United Nations Institute for Training and Research

Notes:

Includex index.

'It was an historic moment and certainly one of the finest moments in the history of the United Nations, when, finally, the Rome Statute creating a permanent international criminal court was adopted on 17 July 1998 at the United Nations Conference in Rome, Italy. This publication is a collective work by a group of persons closely associated with the actual making of the Rome Statute. It covers the substantive and procedural issues raised during the preparatory stages as well as at the Conference. These active participants in the Conference provide an account of the main contentions on each of the key issues, the divergent approaches put forward by the principal proponents, how differences were resolved, how groups of articles were prepared, and how the final text as a whole was assembled. All the authors served certain key functions during the Conference, most of them chaired or co-ordinated the work of a committee, a working group or a negotiating body, all of which together produced the Statute. Their professional account of the work of the Conference makes this publication a unique resource for States contemplating ratification and preparing national implementation legislation. This book gives the insiders' reportage of the negotiations that culminated in this momentous Statute.'

ID number: 80017918

Year: 1999

Type: M

40 /00144

Annotated Leading Cases of International Criminal Tribunals. Volume 1:  
The International Criminal Tribunal for the Former Yugoslavia  
1993-1998 - Antwerpen : Intersentia.

720 p.; 24 cm.

ISBN: 9050950760

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA
2. WAR CRIME TRIALS

Added entry(s):

1. Klip, Andre, ed.
2. Sluiter, Goran, ed.

Notes:

'This is the first annotated selection of decisions, orders and judgements of the International Criminal Tribunal for the Former Yugoslavia. It includes the leading cases of the first five years of existence of the International Tribunal. Notes to the decisions have been written by a group of well-known scholars in the field of international criminal law. All decisions have integrally been reprinted in the book. The volume will therefore be very helpful to students, legal practitioners, judges and prosecutors who are confronted with

the various aspects of the Law of the Tribunal.'

ID number: 80019551  
Year: 1999  
Type: M

341.3 /00109

Crimes of War : What the Public Should Know - New York : Norton.

399 p. : ill. ; 24 cm.

ISBN: 0393047466

Subject(s):

1. WAR CRIMES
2. HUMANITARIAN LAW

Added entry(s):

1. Gutman, Roy, ed.
2. Rieff, David, ed.

Notes:

Bibliography: p. 386-388.

'In this timely A-to-Z guide, award-winning journalists, television reporters, and photographers, together with leading legal scholars and military law experts define the major war crimes and key terms of law and take a fresh look at nine recent wars using the framework of international humanitarian law.'

ID number: 80018268

Year: 1999

Type: M

## 1997

341.4 /00029

De Nuremberg a La Haye et Arusha : justice internationale - Bruxelles : Bruylant.

143 p. ; 24 cm.

ISBN: 2802710192

Subject(s):

1. WAR CRIME TRIALS
2. INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
3. INTERNATIONAL COURT OF JUSTICE
4. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA
5. NUREMBERG WAR CRIME TRIALS, NUREMBERG, GERMANY, 1946-1949

Added entry(s):

1. Destexhe, Alain, ed.
2. Foret, Michel, ed.

Notes:

'Genocide au Rwanda, crimes contre l'humanite a grande echelle en Bosnie : pres de trois ans apres la creation des tribunaux internationaux ad hoc, aucun jugement n'a encore ete rendu. Bilan derisoire qui ne va pas dans le sens de la justice et alors que la justice seule est capable de briser le cercle vicieux de la violence alimente par l'impunite. A l'occasion du 50eme anniversaire du Proces de Nuremberg charge de juger les principaux dirigeants du regime nazi, le groupe PRL PDF du Senat a organise un colloque sur le theme de la justice internationale. Des historiens, des juristes et des militants des droits de l'homme proposent leurs reflexions sur le lien entre l'Histoire et le present. Ils mettent en regard le proces de Nuremberg et les deux tribunaux ad hoc crees par le Conseil de Securite des Nations Unies.'

ID number: 80020730

Year: 1997

Type: M

1995

40 /00096

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 : Basic Documents = Tribunal international charge de poursuivre les personnes presumees responsables de violations graves du droit international humanitaire commises sur le territoire de l'ex-Yougoslavie depuis 1991 : documents de reference - [s.l.] : United Nations.

ix, 512 p.; 24 cm.

ISBN: 9210567013

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA
2. WAR CRIME TRIALS

Added entry(s):

1. International Criminal Tribunal for the Former Yugoslavia (NL)
2. Tribunal Penal International pour l'Ex-Yougoslavie (NL)

Notes:

'Since the eleven Judges took office in November 1993 several basic texts, regulating different aspects of the work of the Tribunal have been adopted. This volume contains most of these texts and, in addition, the resolutions of the Security Council establishing the Tribunal and the report of the Secretary-General proposing its Statute. The Rules of Procedure and Evidence, adopted at the end of the Second plenary session in February 1994, form the centerpiece of this normative work.'

ID number: 80012891

Year: 1995 ?

Type: M

341.4 /00008

Repression des crimes de guerre : espoir ou utopie ? - Bruxelles : GRIP. 89 p. : ill.; 21 cm.

(Dossiers du GRIP ; 199)

ISBN: 2872910115

Author(s):

1. Lanotte, Olivier

Subject(s):

1. WAR CRIME TRIALS

Added entry(s):

1. Institut Europeen de Recherche et d'Information sur la Paix et la Securite (BE)

Notes:

'Cet ouvrage presente les principes du droit international penal au travers de l'histoire, analyse l'exemple de Nuremberg et les suites de la Seconde Guerre mondiale. Apres s'etre penche sur les competences et l'organisation des Tribunaux pour le Rwanda et l'ex-Yougoslavie, l'auteur expose egalement les obstacles a la creation d'une Cour internationale permanente.'

ID number: 80012376

Year: 1995

Type: M

1994

323 /00524

Peace Conference on Former Yugoslavia : The Politico-Military Interface -

London : Brassey's.

81 p. : ill. ; 21 cm.

(London Defence Studies ; 21)

Author(s):

1. Messervy-Whitting, Graham

Subject(s):

1. YUGOSLAV WAR, 1991-1995

2. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Added entry(s):

1. University of London. Centre for Defence Studies (GB)

Notes:

'The aim of this study is to examine the politico-military interface in the Conference's relations with the local parties, with other international bodies and national governments, with the agencies on the ground, then within ICFY itself, during the period ended August 1993. A chronological summary, covering the period up until August 1993 of ICFY's main activities, is annexed for the record.'

ID number: 80010073

Year: 1994

Type: M

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# Journal Articles

## Articles de revues\*

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### 2011

The Secret of Polichinelle, or the Real Reason Why the ICTY Was Created For.

(INTERNATIONAL AFFAIRS (Minneapolis), vol. 57, no. 2, 2011, p. 220-229.)

Author(s):

1. Guskova, Elena

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

ID Number: JA027730

Year: 2011

Language: English

Type: ART

### 2010

The Ascension of Blue Beret Accountability : International Criminal Court Command and Superior Responsibility in Peace Operations.

(JOURNAL OF CONFLICT AND SECURITY LAW, vol. 15, no. 3, Winter 2010, p. 533-555.)

Author(s):

1. O'Brien, Melanie

Subject(s):

1. UNITED NATIONS--PEACEKEEPING FORCES

2. CRIMINAL LAW

3. INTERNATIONAL CRIMINAL COURT

Notes:

Personnel involved in United Nations (UN) peace operations have been found to commit misconduct, some of which amounts to criminal conduct. The UN has been working to establish a disciplinary system which will prevent and punish any misconduct by peace operation personnel. However, the UN cannot prosecute criminal perpetrators. Criminal jurisdiction can only be enacted by states and the International Criminal Court (ICC). This article seeks to analyse how Article 28 of the Rome Statute of the ICC can be used to prosecute commanders and superiors of a UN peace operation for war crimes, crimes against humanity and genocide. The application of Article 28, however, is not straightforward, due to the complexity of the command, authority and control structure of a peace operation. Examination of both military command and civilian superior responsibility is undertaken, including recognition of the cross-over of the roles of military and civilian commanders and

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\* This list contains material received as of May 31th, 2011.– Cette liste est arrêtée au 31 décembre 2011.

superiors in peace operations. While this article argues that prosecution under command and superior responsibility is essential, the complications that may arise with the application of such responsibility are recognized and directions for the prosecutor offered.

ID Number: JA027499

Year: 2010

Language: English

Type: ART

Credible Commitments and the International Criminal Court.

(INTERNATIONAL ORGANIZATION, vol. 64, no. 2, Spring 2010, p. 225-256.)

Author(s):

1. Simmons, Beth A.
2. Danner, Allison

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

Notes:

The creation of an International Criminal Court (ICC) to prosecute war crimes poses a real puzzle. Why was it created, and more importantly, why do states agree to join this institution ? The ICC represents a serious intrusion into a traditional arena of state sovereignty : the right to administer justice to one's nationals. Yet more than one hundred states have joined. Social scientists are hardly of one mind about this institution, arguing that it is (alternately) dangerous or irrelevant to achieving its main purposes : justice, peace and stability. By contrast, the authors theorize that the ICC is a mechanism to assist states in self-binding, and draw on credible commitments theory to understand who commits to the ICC, and the early consequences of such commitments. This approach explains a counterintuitive finding : the states that are both the least and the most vulnerable to the possibility of an ICC case effecting their citizens have committed most readily to the ICC, while potentially vulnerable states with credible alternative means to hold leaders accountable do not. Similarly, ratification of the ICC is associated with tentative steps towards violence reduction and peace in those countries precisely least likely to be able to commit credibly to foreswear atrocities. These findings support the potential usefulness of the ICC as a mechanism for some governments to commit to ratchet down violence and get on the road to peaceful negotiations.

ID Number: JA026841

Year: 2010

Language: English

Type: ART

The International Criminal Court : Time to Adjust U.S. Foreign Policy.

(ORBIS, vol. 54, no. 4, Fall 2010, p. 644-655.)

Author(s):

1. Zipprich, Scott E.

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

ID Number: JA027176

Year: 2010

Language: English

Type: ART



War Crimes in the Armed Conflict in Pakistan.

(STUDIES IN CONFLICT AND TERRORISM, vol. 33, no. 4, 2010, p. 283-306.)

Author(s):

1. Shah, Niaz A.

Subject(s):

1. WAR CRIMES--PAKISTAN

Notes:

This article argues that an internal armed conflict exists in Pakistan and the law of armed conflict together with human rights law applies to it. It is further argued that both the security forces of Pakistan and the Pakistani Taliban have and will continue to violate these laws and to expose the Taliban's violations alone is only a half-truth. To conclude, the reasonable prospects, or lack thereof, of the war crimes committed in this conflict to be prosecuted are discussed.

ID Number: JA026712

Year: 2010

Language: English

Type: ART

## 2009

The Limits of International Justice.

(WORLD POLICY JOURNAL, vol. 26, no. 3, Fall 2009, p. 91-101.)

Author(s):

1. Cooper, Belinda

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

2. WAR CRIME TRIALS

ID Number: JA026183

Year: 2009

Language: English

Type: ART

The Discursive Process of Legalization : Charting Islands of Persuasion in the ICC Case.

(INTERNATIONAL ORGANIZATION, vol. 63, no. 1, Winter 2009, p. 33-65.)

Author(s):

1. Deitelhoff, Nicole

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

Notes:

For many political observers the successful creation of the International Criminal Court (ICC) came as a surprise, as major powers, in particular the United States, had opposed the plans for the ICC. Moreover, the institutional design of the ICC entails enormous sovereignty costs for states but only uncertain benefits. An analysis of the negotiations suggests that the court's successful creation can be attributed to persuasion and discourse within negotiations, that is, a shift in states' interests. The article develops a theoretical model of institutional change that defines the conditions under which persuasion and discourse can affect collective decision making. In particular, this study attempts to show that if (traditionally) weaker actors alter normative and institutional settings of negotiations they can further the chance of persuasion and discourse.

ID Number: JA025710

Year: 2009

Language: English

Type: ART

Judging the ICTY : Has It Achieved Its Objectives ?.

(SOUTHEAST EUROPEAN AND BLACK SEA STUDIES, vol. 9, nos. 1-2, March - June 2009, p. 123-142.)

Author(s):

1. Clark, Janine Natalya

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Notes:

This article offers an empirically grounded assessment of whether the ICTY has achieved its goals of delivering justice and of contributing to the restoration and maintenance of peace in the former Yugoslavia. This analysis is conducted both from the perspective of Tribunal staff and of 65 victims from Bosnia and Herzegovina (BiH). It is argued that while the ICTY has not realized these two objectives, it is necessary to ask whether any court could do so. It is further contended that the ICTY's work highlights the limitations of criminal trials. While retributive justice has an important role to play in post-conflict societies, it is limited and is most effective when combined with restorative justice.

ID Number: JA025969

Year: 2009

Language: English

Type: ART

## 2008

Rethinking the US Policy on the International Criminal Court.

(JOINT FORCE QUARTERLY, no. 48, 2008, p. 30-35.)

Author(s):

1. Hoyt, Brian A.

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

Notes:

Initial US concerns about the ICC, while well founded, have not materialized in the 5 years the court has been in existence. Over this period, many cases that have been investigated by the ICC have demonstrated both its effectiveness and impartiality. Given this track record, it is now appropriate to reappraise American policy. Research has shown that the organization is not well understood in the United States, particularly by the military. This article examines Government policies related to the ICC and how they have affected US interests. In an attempt to correct common misperceptions, the article also analyzes the major arguments for and against current policy on the ICC and related legislation.

ID Number: JA024414

Year: 2008

Language: English

Type: ART

The International Criminal Court : A Concept Whose Time Has Not Come.

(JOINT FORCE QUARTERLY, no. 48, 2008, p. 36-40.)

Author(s):

1. Terry, James P.

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

ID Number: JA024415

Year: 2008

Language: English

Type: ART

War Crimes and the Ruin of Law.

(MILLENNIUM, vol. 37, no. 1, August 2008, p. 49-67.)

Author(s):

1. Dauphinee, Elizabeth

Subject(s):

1. WAR CRIMES
2. WAR (INTERNATIONAL LAW)
3. WAR CRIME TRIALS

Notes:

This article explores the manner in which the logic of the war crimes trial authorizes and legitimates the practice of war more generally. It proceeds from the recognition that all war involves injuring or the threat of injuring, and that articulating particular types of injuring as especially problematic takes as one of its effects the normalization of law through an analysis of the state of exception that is produced in the identification of 'war crimes'. It argues that the logic of excision, which produces the political conditions in which war crimes become possible is structurally replicated through the excision of the perpetrator in the context of the trial. It also explores the manner in which the narrative strategies of what Elaine Scarry calls 'active redescription' associated with war render most war-related deaths and injuries politically invisible. The article concludes with a number of strategies for rethinking what it means to account for violence.

ID Number: JA025067

Year: 2008

Language: English

Type: ART

## 2007

Crímenes y tribunales internacionales.

(POLITICA EXTERIOR, vol. 21, no. 115, enero - febrero 2007, p. 141-150.)

Author(s):

1. Brotons, Antonio Remiro

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

Notes:

El siglo XXI ha visto nacer el primer tribunal internacional con carácter permanente. Sobrevivirá más de una década ? Limitaciones estatutarias, la automarginación de países muy significativos y la oposición activa de EE UU son el origen de la prematura debilidad de la CPI.

ID Number: JA023350

Year: 2007

Language: Spanish

Type: ART

Waiting for a Day in Court.

(WORLD TODAY, vol. 63, no. 7, July 2007, p. 24-25.)

Author(s):

1. Wilmshurst, Elizabeth

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

Notes:

It is five years since the treaty setting up the International Criminal Court came into force. The Court has jurisdiction over people committing genocide, crimes against humanity and war crimes and takes cases only if there is no local judicial system willing or able to deal with them adequately. How has it done so far ?

ID Number: JA023846

Year: 2007

Language: English

Type: ART

Justice penale internationale : entre raison d'Etat et Etat de droit.

(REVUE INTERNATIONALE ET STRATEGIQUE, no. 67, automne 2007, p. 71-80.)

Author(s):

1. Aptel, Cecile

Subject(s):

1. INTERNATIONAL CRIMINAL COURTS

2. INTERNATIONAL OFFENSES

Notes:

Partant du postulat que certains crimes touchent a l'essence meme de l'humanite, les juridictions penales et internationales contribuent a la moralisation des relations internationales. Leur intervention en dernier recours incite les tribunaux nationaux a exercer leur competence. Critiquees pour leur cout et leur lenteur, les juridictions internationales sont en outre freinees par le principe de respect de la souverainete nationale. De plus, alors que les Etats sont tenus de cooperer avec les tribunaux onusiens, ils restent partages entre la volonte de prouver a leur opinion publique qu'ils agissent, et la necessite de ne pas s'engager trop loin politiquement. Juger les auteurs de ces crimes majeurs est, par ailleurs, d'autant plus difficile qu'ils restent souvent des interlocuteurs dans la resolution des conflits.

ID Number: JA024041

Year: 2007

Language: French

Type: ART

Creating a More 'Just' Order : The Ad Hoc International War Crimes

Tribunal for the Former Yugoslavia.

(COOPERATION AND CONFLICT, vol. 42, no. 4, December 2007, p. 397-408.)

Author(s):

1. Birdsall, Andrea

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Notes:

This article analyses the creation of the International Criminal Tribunal for the Former Yugoslavia (ICTY) in light of its potential for creating and institutionalizing justice norms in international society. The theoretical and analytical framework is based on the English School of International Relations and its central conflict between order and justice. The framework integrates a constructivist approach and the 'norm life-cycle' to explain the dynamic process of norm emergence and institutionalization in international society. The author argues that establishing the ICTY, despite a number of problems

resulting from the way it was set up, constituted an important precedent for multilateral action towards institutionalizing respect for the rule of law and principles of individual justice. This suggests that these norms are being taken increasingly seriously and are being given priority over other fundamental principles of order, such as sovereignty and non-intervention. The ICTY's establishment constitutes a significant development in international politics and law and is evidence of the international society's move towards increased norm internationalization. The ICTY also contributed to the establishment of the International Criminal Court and the further institutionalization of human rights norms in creating a more just order.

ID Number: JA024399

Year: 2007

Language: English

Type: ART

Peace through Justice ? The International Criminal Tribunal for the Former Yugoslavia.

(SOUTHEAST EUROPEAN AND BLACK SEA STUDIES, vol. 7, no. 3, September 2007, p. 373-385.)

Author(s):

1. Kerr, Rachel

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

2. YUGOSLAV WAR, 1991-1995

Notes:

The ICTY was established in 1993 with an explicit mandate to contribute to the restoration and maintenance of international peace and security through the administration of justice. In spite of early difficulties and widespread scepticism, the Tribunal evolved into a fully functioning international criminal court, operating in real-time over Kosovo in 1998-1999. From the point when the first arrests were carried out by international forces, in summer 1997, the ICTY was seen to be a key element of transition from war to peace in the former Yugoslavia. Critical to its success or failure, however, was the attitude of states in the region. This operated on two levels : first, without its own enforcement capability, the ICTY is wholly reliant on state cooperation in order to fulfil its judicial mandate; and second, the effective communication of its work is dependent on the attitude of the government and media in the states concerned. There is a symbiotic relationship between peace and justice, exemplified most clearly in the attitude of the European Union, which has made cooperation with the ICTY a sine qua non in accession negotiations. Dealing with the war crimes legacy is therefore recognised as important pragmatically in the short-term in order to reap the benefits of membership in Euro-Atlantic institutions. Behind this pragmatic approach lies the longer-term and deeper impact that dealing with the war crimes legacy will have on future peace and security in the region.

ID Number: JA024420

Year: 2007

Language: English

Type: ART

Srebrenica : The War Crimes Legacy : International Arguments,  
Intervention and Memory.  
(SOUTHEAST EUROPEAN AND BLACK SEA STUDIES, vol. 7, no. 3, September  
2007, p. 387-398.)

Author(s):

1. Bellou, Fotini

Subject(s):

1. YUGOSLAV WAR, 1991-1995--BOSNIA AND HERCEGOVINA--SREBRENICA
2. YUGOSLAV WAR, 1991-1995--BOSNIA AND HERCEGOVINA--USA
3. WAR CRIMES

Notes:

The Srebrenica massacre has been seen as the turning point in American policy over Bosnia. However, the response to a major war crime was not the single most important element. The Clinton Administration was set on restoring the American leadership image through a pro-active leadership policy. The Administration extricated itself from policy deadlock by taking risks and sharing responsibilities with its allies in Bosnia, which made effective leadership possible, accommodating the allies' expectations. American policy was about this important business of image and power, not the fate of Srebrenica and Bosnia and the need to address the war crimes there. The real legacy of the war crimes at Srebrenica was that the response to it restored international leadership from Washington.

ID Number: JA024421

Year: 2007

Language: English

Type: ART

Strategy and Genocide : Srebrenica as an Analytical Challenge.  
(SOUTHEAST EUROPEAN AND BLACK SEA STUDIES, vol. 7, no. 3, September  
2007, p. 399-416.)

Author(s):

1. Honig, Jan Willem

Subject(s):

1. YUGOSLAV WAR, 1991-1995--BOSNIA AND HERCEGOVINA--SREBRENICA
2. WAR CRIMES
3. GENOCIDE

Notes:

Genocide is often seen as an extreme exhibition of senseless and purposeless violence and, as such, as particularly characteristic of modern war. The single most comprehensive examination of the 1995 Srebrenica massacre in Bosnia, which was completed by the Netherlands Institute for War Documentation (NIOD) in 2002, is drawn to such an explanation. It judges the massacre to be an improvisation associated with the irrationality of war. By evaluating the evidence also used by the NIOD report, this article contends that, on the contrary, the genocide should be understood strategically. Force was used with specific intent and deliberation. The massacre of some 7,000 people was a means to achieve a political end.

ID Number: JA024422

Year: 2007

Language: English

Type: ART

Terrorising Civilians as a 'Counter-terrorist Operation' : Crime and Impunity in Chechnya.  
(SOUTHEAST EUROPEAN AND BLACK SEA STUDIES, vol. 7, no. 3, September 2007, p. 431-447.)

Author(s):

1. Popovski, Vesselin

Subject(s):

1. CHECHNYA (RUSSIA)--HISTORY--CIVIL WAR, 1994-
2. CIVILIAN WAR CASUALTIES
3. WAR CRIMES

Notes:

This article addresses the problems arising from the impunity for war crimes and crimes against humanity in Chechnya. International criminal jurisdiction over such crimes is impossible with Russia's veto in the United Nations Security Council and non-membership in the International Criminal Court. The victims may approach Russian prosecutors and courts, and if they cannot get remedies, they may apply to the European Court of Human Rights, which recently has found repeated and serious violations and ordered Russia to pay compensation. However, these are of little relief; they come in a limited number of cases, usually many years after the crimes and do not ensue in individual accountability. The continuing impunity creates a cycle of revenge and maintains high conflict potential in Chechnya. It also spreads criminality all over Russia; the military and police, after serving in Chechnya, bring the 'impunity syndrome' home with them.

ID Number: JA024423

Year: 2007

Language: English

Type: ART

## 2006

Reaching for Justice.

(WORLD TODAY, vol. 62, no. 7, July 2006, p. 19-21.)

Author(s):

1. Fenwick, Toby

Subject(s):

1. INTERNATIONAL CRIMINAL COURT
2. INTERNATIONAL COURTS

Notes:

Testing in court the reputations for criminality of men like Saddam Hussein and Charles Taylor would have been inconceivable a decade ago. Is international law now delivering justice against those previously beyond reach ? Or are they just victor's sham trials to legitimate interventions ?

ID Number: JA022619

Year: 2006

Language: English

Type: ART

Justice after Civil Wars : Truth Commissions' and War Crimes Tribunals'  
Contribution to the Post-Conflict Reconciliation.

(STUDIA DIPLOMATICA, vol. 59, no. 2, 2006, p. 141-158.)

Author(s):

1. Arnould, Valerie

Subject(s):

1. RECONCILIATION
2. CIVIL WAR
3. WAR CRIME TRIALS

Notes:

The author analyses here the ways in which Truth Commissions and War Crimes Tribunals have in practice effectively contributed to the process of reconciliation through the establishment of an historical record, the promotion of healing and by ending impunity. The strength and weaknesses of each mechanism are compared and tentative conclusions are drawn about how both post-conflict justice approaches can be reconciled.

ID Number: JA023443

Year: 2006

Language: English

Type: ART

A War-Crimes Commission for the Hizbollah-Israel War ?.

(MIDDLE EAST POLICY, vol. 13, no. 4, Winter 2006, p. 61-90.)

Author(s):

1. Moore, Wesley

Subject(s):

1. LEBANON WAR, 2006
2. HIZBALLAH (LEBANON)
3. WAR CRIMES
4. HUMANITARIAN LAW

Notes:

On August 11, 2006, the UN Security Council unanimously adopted Res. 1701 calling for an immediate cessation of hostilities between Hizbollah and Israel and setting out the principles and elements for a permanent ceasefire and long-term solution to the dispute between Israel and Lebanon. Noticeable by its absence from the resolution was any mention of a war-crimes commission to address violations of international humanitarian law (IHL) alleged to have been committed by both Hizbollah and Israel during their 34-day war. This article examines this element missing from the package of measures intended to bring about a long-term resolution of the conflict between Israel and Hizbollah (and Lebanon, more broadly). It provides a preliminary assessment of the charges of war crimes leveled at both parties to the armed conflict, and concludes with an examination of the need, and the prospects, for the establishment of an impartial international commission to investigate and adjudicate these allegations.

ID Number: JA023179

Year: 2006

Language: English

Type: ART



Darfur naar het Internationaal Strafhof : overwinning voor internationaal strafrecht ?.

(INTERNATIONALE SPECTATOR, jg. 59, nr. 7 - 8, juli - augustus 2005, p. 399-402.)

Author(s):

1. Boot-Matthijssen, Machteld

Subject(s):

1. SUDAN--HISTORY--DARFUR CONFLICT, 2003-

2. INTERNATIONAL CRIMINAL COURT

Notes:

The author first discusses the Report of the International Commission on Darfur to the UN Secretary-General. The Cassese Commission reported in January 2005 on violations of human rights and possible genocidal acts in the Sudanese province of Darfur. It then took two months for the Security Council to refer the matter to the International Criminal Court in The Hague, the first referral since the ICC's establishment in 2002. The author explains the exceptions made in S.C. Res. 1593 in favour of American positions and concludes that they do not serve the cause of international criminal law.

ID Number: JA021707

Year: 2005

Language: Dutch

Type: ART

Crimen de agresion, crimen sin castigo.

(POLITICA EXTERIOR, vol. 19, no. 108, noviembre - diciembre 2005, p. 135-155.)

Author(s):

1. Brotons, Antonio Remiro

Subject(s):

1. AGGRESSION (INTERNATIONAL LAW)

2. INTERNATIONAL CRIMINAL COURT

Notes:

EE UU encabeza la lista de paises que no han firmado el estatuto de creacion de la Corte Penal Internacional. La inclusion del crimen de agresion entre sus competencias es el gran escollo.

ID Number: JA022111

Year: 2005

Language: Spanish

Type: ART

Sudan and the International Criminal Court : Abusers Face Justice.

(WORLD TODAY, vol. 61, no. 7, July 2005, p. 18-20.)

Author(s):

1. Khadhour, Sandra

Subject(s):

1. SUDAN--HISTORY--DARFUR CONFLICT, 2003-

2. INTERNATIONAL CRIMINAL COURT

Notes:

The International Criminal Court has just been handed its biggest task, acting on the violation of human rights in the Darfur area of Sudan. The UN Security Council referred the case, despite American misgivings, giving the Court an opportunity to prove its value in an ongoing conflict where the evidence of abuse seems all too graphic.

ID Number: JA021653

Year: 2005

Language: English

Type: ART

Canada's Human Security Agenda : Walking the Talk ?.

(INTERNATIONAL JOURNAL, vol. 60, no. 4, Autumn 2005, p. 1067-1092.)

Author(s):

1. Riddell-Dixon, Elizabeth

Subject(s):

1. HUMAN SECURITY--CANADA
2. RESPONSIBILITY TO PROTECT
3. HUMANITARIAN INTERVENTION
4. INTERNATIONAL CRIMINAL COURT

Notes:

Human security is a central pillar of Canadian foreign policy; hence it is important to determine the government's efficacy in this area. This paper assesses the extent to which Canada is exercising effective leadership in support of two key human security objectives : promoting the report of the International Commission on Intervention and State Sovereignty (ICISS), 'The responsibility to protect', and supporting the International Criminal Court (ICC). The Canadian government's record of leadership is assessed in terms of its own objectives.

ID Number: JA022225

Year: 2005

Language: English

Type: ART

Veiligheidsraad verwijst Darfur naar Internationaal Strafhof : slecht voorbeeld doet goed volgen ?.

(INTERNATIONALE SPECTATOR, jg. 59, nr. 6, juni 2005, p. 299-301.)

Author(s):

1. Troost, Lars van

Subject(s):

1. SUDAN--HISTORY--DARFUR CONFLICT, 2003-
2. INTERNATIONAL CRIMINAL COURT

Notes:

The author elaborates on UN Security Council resolution 1593 (31 March 2005) which was hailed as a historic Council decision. For the first time since the Rome Statute of the International Criminal Court (ICC) came into force on 1 July 2002, the Council referred a situation to the Court based in The Hague, despite unwavering US resistance to this new permanent international body. It appears that this time in the Security Council decision-making process the United Kingdom honoured the EU consensus that atrocities committed in Darfur (Sudan) should be tried by the ICC, and not by a separate international ad hoc tribunal. In the Council, the view of EU states (Denmark, France, Greece and the United Kingdom) prevailed. However, in terms of state cooperation obligations, exclusion of certain personnel from ICC and other (inter)national jurisdictions, funding of the referral and compensation for victims, SC res. 1593 is far less of a success for international justice than it may have seemed at first sight.

ID Number: JA021623

Year: 2005

Language: Dutch

Type: ART

Security in Southeast Europe : The War Crimes Legacy.

(SOUTHEAST EUROPEAN AND BLACK SEA STUDIES, vol. 5, no. 1, January 2005, p. 9-20.)

Author(s):

1. Gow, James

Subject(s):

1. WAR CRIME TRIALS
2. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA
3. SECURITY SECTOR REFORM--BALKAN PENINSULA

Notes:

The war crimes legacy remains the chief obstacle to progress in international and regional security cooperation and integration in South East Europe. Tackling it is the sine qua non for partnership and association with NATO and the EU. Dealing with the issue is vital to the development of healthy and prosperous democratic polities in the region. The Prosecution at UN International Criminal Tribunal for the former Yugoslavia in The Hague has been weak in the symbolic Milosevic case, which does nothing to increase confidence about cooperation. Despite this, the war crimes issue is vital to security sector reform - without addressing it, there cannot be reform and without reform there can be no significant progress regarding NATO and the EU. While the legacy was strongest in Belgrade and problems were greatest there, both Zagreb and Pristina have kept Belgrade company in protecting war crimes suspects and not cooperating fully with The Hague. At the same time, attempts to tackle the legacy were hesitant and weak. The prospects for each of them would be better when they realised that its real interest was in being different from and better than the others, rather another problem case, where the authorities could not, or would not, confront the war crimes legacy.

ID Number: JA021293

Year: 2005

Language: English

Type: ART

The Road from Dayton to Brussels ? The International Criminal Tribunal for the Former Yugoslavia and the Politics of War Crimes in Bosnia. (EUROPEAN SECURITY, vol. 14, no. 3, 2005, p. 319-337.)

Author(s):

1. Kerr, Rachel

Subject(s):

1. WAR CRIME TRIALS--BOSNIA AND HERCEGOVINA
2. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Notes:

The tenth anniversary of the massacre of 7-8,000 Bosnian Muslim men and boys at Srebrenica in July 1995 set in stark relief the continuing salience of war crimes in the political life of Bosnia and Herzegovina. With the country now firmly on a path 'from Dayton to Brussels', dealing with the war crimes legacy is critical to its future development. Cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) is a non-negotiable condition for further progress toward membership of the European Union and NATO's Partnership for Peace, while in the long-term, dealing with the legacy of war crimes is crucial to establishing lasting peace in Bosnia and in the region. This article examines the potential contribution of the ICTY to the restoration of peace in Bosnia in the context of debates about the role of post-conflict justice in societies in transition from war to peace and in the context of the international community's use of the war crimes issues as a political bargaining tool. It is argued that the two are inextricably linked as short-term pragmatic advantages brought by cooperation work in tandem with longer-term goals of

peace and reconciliation.  
ID Number: JA022073  
Year: 2005  
Language: English  
Type: ART

Justice and Peace ? How the International Criminal Tribunal Affects  
Societal Peace in Bosnia.  
(JOURNAL OF PEACE RESEARCH, vol. 42, no. 3, May 2005, p. 271-289.)

Author(s):

1. Meernik, James

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Notes:

The reconstruction and maintenance of peaceful communities in the aftermath of conflicts is one of the most critical areas of concern for both policymakers and scholars. This article examines explanations of the level of societal peace - the degree of conflict and/or cooperation in a society - and the extent to which internationally provided justice contributes to the maintenance of peaceful societies. In particular, it investigates the efforts of the International Criminal Tribunal for the Former Yugoslavia to provide justice for the people of Bosnia and Herzegovina by analyzing the impact of the arrests and judgments of war criminals on societal peace in Bosnia. Some research suggests that internationally provided justice is critical to peace and reconciliation; some scholars argue that such attempts can do more harm than good by inflaming ethnic violence; while still other research contends that its effects are limited at best. Using event data from the Kansas Event Data System, it is found that the arrests and judgments of war criminals had only a limited effect on improving relations among Bosnia's ethnic groups. Mostly, the apprehension and judgments of suspected war criminals had no statistically significant effect.

ID Number: JA023004  
Year: 2005  
Language: English  
Type: ART

Ten Years after Dayton : War Crimes Prosecutions in Bosnia and  
Herzegovina.  
(HELSINKI MONITOR, vol. 16, no. 4, 2005, p. 253-266.)

Author(s):

1. Lauth, Mechtild

Subject(s):

1. WAR CRIME TRIALS--BOSNIA AND HERCEGOVINA

Notes:

This paper gives an overview of the development of the domestic prosecution of war crimes in BIH and the efforts made in that area which ultimately focused on the establishment of the War Crimes Chamber within the Court of BIH. It addresses the past and current involvement of the OSCE and makes some suggestions regarding the OSCE's future involvement in the process, especially regarding the effective tool of trial monitoring. The OSCE can play an important role in 'passing on the lessons learnt' from the Court of BIH to the entities and can assist in the efficient prosecution of war crimes not only before the Court of BIH, but also before other courts in the country.

ID Number: JA022075  
Year: 2005  
Language: English  
Type: ART

A Tale of Two Courts : The 'Creation' of a Jurisdiction ?.

(JOURNAL OF CONFLICT & SECURITY LAW, vol. 9, no. 1, Spring 2004, p. 71-101.)

Author(s):

1. Chadwick, Elizabeth

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

Notes:

Two projects to create the international criminal courts were devised during the 20th century. On 1 July 2002, the Rome Statute of the International Criminal Court entered into force. On 16 November 1937, the Convention for the creation of an International Criminal Court was open for signature at Geneva. The latter never entered into force, an event made contingent on the coming into force of its companion Convention for the Prevention and Punishment of Terrorism, which also never occurred. The use to be made of law in each court forms the core of this discussion; the Rome Statute Court will rely on both vertical and horizontal approaches to the exercise of jurisdiction, and will utilise a harmonised approach to substantive criminal law; the 1937 court would have utilised domestic criminal law, in that the intent behind the 1937 convention was to make available an alternate forum, should the need arise. It is argued in particular that a horizontal approach to international criminal law may hold more seeds of future discord than a vertical approach, as harmonised law-making and enforcement lack a much-needed critical foundation. Crucially, the new International Criminal Court could greatly disturb the existing distribution of power and authority originally designed into the United Nations Charter, and effect a major shift in power politics, thus upsetting the balance between the principle of non-interference in state domestic affairs and the maintenance of international peace.

ID Number: JA020461

Year: 2004

Language: English

Type: ART

Comment juger les crimes d'Etat ?.

(POLITIQUE INTERNATIONALE, no. 105, automne 2004, p. 369-382.)

Author(s):

1. Moreau Defarges, Philippe

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

2. WAR CRIME TRIALS

3. INTERNATIONAL OFFENSES

Notes:

The beginning of the trial of Slobodan Milosevic last August was a historic moment. For the first time, an international tribunal put a former head of state on trial for crimes committed in the exercise of his functions. It is too early, however, to conclude that crimes of state will never again go unpunished. This is simply because people are unwilling to give up sovereignty by allowing supranational bodies to rule on the fate of their leaders, whether past or present. The International Criminal Court was created in July 2002, but the United States has refused to recognize it out of fear that its actions as 'policeman to the world' would drag it into countless trials. Also failing to recognize the court are despots who often control small nations and are loathe to find themselves one day having to answer for their actions before international tribunals. Yet if the ICC is able to convince

states and citizens of its independence and objectivity, it could one day become an indispensable tool in promoting 'justice for everyone'.

ID Number: JA021067

Year: 2004

Language: French

Type: ART

## 2003

Milosevic in The Hague.

(FOREIGN AFFAIRS, vol. 82, no. 3, May - June 2003, p. 82-96.)

Author(s):

1. Bass, Gary J.

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA
2. WAR CRIME TRIALS
3. INTERNATIONAL CRIMINAL COURT

Notes:

Yugoslavia's former tyrant now sits in the dock facing charges of genocide and crimes against humanity. Serving as his own counsel, Slobodan Milosevic rages against NATO conspiracies and victor's justice. But these courtroom antics cannot detract from the trial's great achievements : revealing the truth about Milosevic's role in the Balkan wars and removing him from Serbian politics once and for all.

ID Number: JA019126

Year: 2003

Language: English

Type: ART

Bokkensprongen in de strijd tegen machteloosheid : de Verenigde Staten, de Veiligheidsraad en het Internationaal Strafhof.

(VREDE EN VEILIGHEID, jg. 32, nr. 3, 2003, p. 455-475.)

Author(s):

1. Boot-Matthijssen, Machteld

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

Notes:

In 2002 is het Statuut van het permanent Internationaal Strafhof in werking getreden, in 2003 zijn de rechters en de Aanklager benoemd. Nog steeds zijn de Verenigde Staten een van de grote tegenstanders van dit Hof. Dat blijkt onder meer uit aangenomen nationale wetgeving. Ook op internationaal niveau, door bilaterale afspraken te maken met een groot aantal staten, proberen de Verenigde Staten de rechtsmacht van het Hof in te perken. VN-Veiligheidsraadresolutie 1422 (2002) gaat nog verder : voor een periode van een jaar werd de rechtsmacht van het Strafhof uitgesloten over onderdanen van staen die geen partij zijn bij het Statuut, en die betrokken zijn bij VN-vredesmissies. De Verenigde Staten hebben successvol gepoogd deze resolutie per 1 juli 2003 met een jaar te verlengen. Daarnaast blijkt ook dat de Veiligheidsraad met betrekking tot Liberia en Irak niet voorbij is gegaan aan de standpunten van de Verenigde Staten inzake het Strafhof. Het handhaven van vrede en veiligheid lijkt steeds afhankelijker te worden gemaakt van de Amerikaanse bezwaren tegen het Strafhof. Dat ondermijnt uiteindelijk zowel de autoriteit van het Strafhof als de autoriteit van het internationale recht.

ID Number: JA020123

Year: 2003

Language: Dutch

Type: ART

Un ordre juridique international au-delà des États : ombres et lumières.  
(REVUE INTERNATIONALE ET STRATEGIQUE, no. 49, printemps 2003, p.  
189-196.)

Author(s):

1. Bourdon, William

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

Notes:

La création de la Cour pénale internationale, instaurée par le traité signé à Rome le 17 juillet 1998 pour punir les responsables de crimes d'agression, de guerre, de génocide et contre l'humanité, a traduit l'émergence de la société civile internationale, assez puissante aujourd'hui pour imposer le jugement de responsables politiques. Seuls 60 États avaient, en avril 2002, ratifié ce statut, permettant l'entrée en vigueur de la Cour à partir du 1er juillet 2002. Les résistances restent toutefois fortes. Les États les plus puissants de la planète, démocratiques ou non, ne sont pas les moins réticents à accepter le jugement de leurs ressortissants par une Cour dont la compétence est subsidiaire. Le risque de double standard constitue la principale menace pesant sur la juridiction internationale.

ID Number: JA018978

Year: 2003

Language: French

Type: ART

The World Will Judge.

(WORLD TODAY, vol. 59, no. 4, April 2003, p. 22-23.)

Author(s):

1. Kane, M. C.

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

Notes:

An international group of judges has been elected to the International Criminal Court and a prosecutor is likely to follow this month. Soon there will be a building and investigations should begin within the year. Despite residual opposition, most notably from Washington, the world is about to get a new body to deal with the horrors all too frequently visited on humanity.

ID Number: JA018962

Year: 2003

Language: English

Type: ART

Ofensiva jurídica contra la Corte Penal Internacional.

(POLITICA EXTERIOR, vol. 17, no. 94, julio - agosto 2003, p. 139-151.)

Author(s):

1. Peris, Sonia Guell

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

Notes:

La creación de la CPI intenta garantizar la constante supervisión de los Estados-parte de acuerdo con el objetivo de su creación : evitar la impunidad de los que cometen graves y atroces crímenes. No existen razones que justifiquen el temor de Estados Unidos a la existencia de la Corte.

ID Number: JA019509

Year: 2003

Language: Spanish

Type: ART

Victor's Justice or the Law ? Judging and Punishing at the International Criminal Tribunal for the Former Yugoslavia.

(JOURNAL OF CONFLICT RESOLUTION, vol. 47, no. 2, April 2003, p. 140-162.)

Author(s):

1. Meernik, James

Subject(s):

1. WAR CRIME TRIALS

2. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Notes:

The development of fair and impartial criteria for judging those accused of international crimes is one of the most critical issues facing the international community and the International Criminal Tribunal for the Former Yugoslavia (ICTY). Are the resources, experience, and moral force so weighted in favor of the international community that the accused cannot obtain a fair contest ? Are international criminal trials legalistic exercises that cloak a victor's justice, or do such courts premise their decisions on fair criteria ? Data on ICTY verdicts and punishment of convicted war criminals show that the ICTY judges follow a 'legal' model and that punishment is based primarily on the gravity of the crimes committed and the defendant's level of responsibility in the political and military chain of command. Political factors largely do not explain verdicts or sentences.

ID Number: JA019138

Year: 2003

Language: English

Type: ART

## 2002

De Verenigde Staten en het Internationale Strafhof.

(INTERNATIONALE SPECTATOR, jg. 56, nr. 5, mei 2002, p. 239-245.)

Author(s):

1. Bos, Adriaan

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

Notes:

The author surveys the position of the United States towards the International Criminal Court (ICC). The ICC Statute has finally, four years after the Rome conference, reached the threshold number of sixty ratifications so it will take effect as from the 1st of July. First an overview of the American position before the Rome Conference is presented, followed by an elaboration on the position during the negotiations and preparations for the entry-into-force of the ICC Statute. The author concludes that initially the American contribution has been both active and constructive. However, especially since the election of George Bush Jr. to the Presidential office, American attitudes as to the ICC have become a reflection of the current climate of rigid antimultilateralism.

ID Number: JA017848

Year: 2002

Language: Dutch

Type: ART



Die Supermacht und das Gericht.

(EUROPAISCHE SICHERHEIT, 51. Jg., Nr. 9, September 2002, S. 9-12.)

Author(s):

1. Gareis, Sven Bernhard

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

ID Number: JA018250

Year: 2002

Language: German

Type: ART

La justice internationale et l'après-11 septembre.

(POLITIQUE INTERNATIONALE, no. 97, automne 2002, p. 177-188.)

Author(s):

1. Lasserre, Isabelle

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

Notes:

As the first permanent tribunal responsible for judging those charged with war crimes, crimes against humanity and genocide, the International Criminal Court began its work on July 1, 2002 in a tense climate. After achieving dazzling progress in the post-Cold War period, international justice has suffered from the repercussions of the September 11 attacks and the harder line of US foreign policy. In an unprecedented move, in April 2002, Washington refused to ratify the Rome Statute of the International Criminal Court, diminishing the credibility and effectiveness of the young institution. This crisis perfectly illustrates the chasm that separates Europe from the triumphant America of George W. Bush. It is true, however, that compared with the US 'hyperpower', Europe has not deployed the military means needed to guarantee its autonomy, and it is no doubt this weakness that afflicts the ICC today.

ID Number: JA018559

Year: 2002

Language: French

Type: ART

Amerika en zijn weerzin tegen het Internationale Strafhof.

(INTERNATIONALE SPECTATOR, jg. 56, nr. 11, november 2002, p. 549-554.)

Author(s):

1. Leurdijk, Dick A.

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

Notes:

The author discusses the diplomatic efforts of the US government, in the Summer of 2002, to achieve a 'permanent grant of immunity from ICC (International Criminal Court) prosecution' for American servicemen and elected and appointed officials. The Bush administration followed a dual-track approach, both by committing the Security Council in its search for immunity, as well as through the signing of bilateral agreements. The US position provoked much criticism, because of its presumed undermining of both international law and UN peacekeeping. The author tries to identify the underlying motives for the US position, including the perceived attack on its sovereignty and right to self-defence. The arguments used are reminiscent of the neo-conservative thinking in Washington during the Presidency of Ronald Reagan, in the 1980s.

ID Number: JA018533

Year: 2002

Language: Dutch

Type: ART

Rule of Law or Law of the Jungle ?.

(INTERNATIONALE POLITIK, vol. 3, no. 4, 2002, p. 65-68.)

Author(s):

1. Papenfuss, Anja

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

Notes:

One of the most serious transatlantic arguments over principle these days rages over efforts to establish a permanent International Criminal Court to try war crimes. The US holds that because it is providing security around the globe that benefits all, it would be disproportionately vulnerable to politically motivated indictments. Europe contends that ad hoc courts are slow and weak, that the desirable bolstering of international law requires an impartial standing court - and that there are sufficient safeguards to protect US citizens.

ID Number: JA018737

Year: 2002

Language: English

Type: ART

Undoing the Global Constitution : UN Security Council Action on the International Criminal Court.

(INTERNATIONAL AFFAIRS, vol. 78, no. 4, October 2002, p. 693-712.)

Author(s):

1. Weller, Marc

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

Notes:

The adoption of the Rome Statute of the International Criminal Court adopted in 1998, marked the culmination of the international constitutional law-making of the twentieth century. The Statute reflects a vision of an advanced universal legal order, administered through a process of multilayered international governance. In this article the author examines the key elements of this design, including the doctrine of universality of international criminal jurisdiction, the process of universal law-making and international institution-building. The author places these concepts, and the ICC itself, into the context of the emerging international constitutional order. He also considers the attempts of the United States government to undermine some of the key assumptions that underpin the concept of the ICC. In addition to analysing the objections put by the US government, the author addresses its campaign in the United Nations Security Council to exempt US service personnel and others from the reach of the court. He argues that this episode represents a very important factor in the possible development of two parallel international legal systems : one of universal application, and a special set of rules and exemptions that, it is argued, should only apply to the one remaining superpower.

ID Number: JA018522

Year: 2002

Language: English

Type: ART

Het Rwanda-tribunaal : uitdagingen en verworvenheden.

(INTERNATIONALE SPECTATOR, jg. 56, nr. 5, mei 2002, p. 246-251.)

Author(s):

1. Herik, Larissa van den

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Notes:

The author investigates the Rwanda Tribunal, which has been established as a belated reaction to the genocide in 1994. The UN Commission on Human Rights Special Rapporteur on extrajudicial, summary or arbitrary executions in Rwanda has identified three causes of recurrent genocide in Rwanda. These are the absence of alternate power, the existence of a culture of impunity and the effectiveness of the media in inciting genocide. The Tribunal's objectives are to prosecute those responsible for genocide and other violations of international humanitarian law, to restore and maintain peace, and to initiate a process of national reconciliation. The author considers the Tribunal's performance so far; in particular attention is given to the media case. In so doing, the Tribunal's results are outlined and it is demonstrated that the Tribunal effectively addresses the three causes of the genocide. The remaining challenge concerns the objective of bringing national reconciliation. It is argued that prosecution of Rwandese Patriotic Front (RPF) conduct in 1994 is imperative to fulfil this goal.

ID Number: JA017849

Year: 2002

Language: Dutch

Type: ART

Milosevic Stars at The Hague.

(INTERNATIONALE POLITIK, vol. 3, no. 3, 2002, p. 71-74.)

Author(s):

1. Biermann, Rafael

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Notes:

At The Hague Milosevic is running circles around the prosecution. If the purpose in bringing him to justice was to make the Serbs face the war crimes they acquiesced in for so long, the exercise isn't working. Serb TV watchers think their entire nation is in the dock, and bristle. In Serbia, as in Croatia and Kosovo, soul-searching is conspicuous by its absence.

ID Number: JA018413

Year: 2002

Language: English

Type: ART

New Options for Prosecuting War Criminals in Internal Armed Conflicts.  
(PARAMETERS, vol. 32, no. 1, Spring 2002, p. 30-44.)

Author(s):

1. Corn, Geoffrey S.
2. Aldykiewicz, Jan E.

Subject(s):

1. WAR CRIME TRIALS

Notes:

In this article, the authors suggest that violators of international law be tried in US military courts. The authors draw on the precedent of the Second World War and Nuremberg to explain the evolution of a doctrine of individual criminal responsibility for violations of the laws of war. They explain that in the past, this doctrine was limited to acts committed during state-on-state conflicts; only recently has it been applied to civil wars and internal armed conflicts. The authors review a series of precedent-setting cases under the jurisdiction of the International Criminal Court to determine that recent developments in the law of war make the use of US courts-martial another potential venue for prosecuting individuals who commit war crimes during internal conflicts.

ID Number: JA017604

Year: 2002

Language: English

Type: ART

Nut, noodzaak en nadelen van supranationaal straffen.

(INTERNATIONALE SPECTATOR, jg. 56, nr. 5, mei 2002, p. 252-257.)

Author(s):

1. Haveman, Roelof

Subject(s):

1. INTERNATIONAL OFFENSES
2. WAR CRIME TRIALS

Notes:

The author deals with motives and drawbacks of supranational criminal courts. Within less than a decade, supranational criminal law has gained an important place in the discussion on what to do against atrocities which in a penal context are called war crimes and crimes against humanity. It is, however, easily forgotten that a penal approach to atrocities is only one approach out of a range of possibilities to do justice to victims of those atrocities. Justice, after all, not only means prosecution and sentencing individual perpetrators. The automatism of a criminal approach is not justified by its effectiveness. A rational approach of conflicts shows that there is no blueprint for responding to atrocities. From conflict to conflict is has to be considered what is specific to the conflict; in which context the conflict takes place; what is the dominant way of responding to conflicts in a given country and is this considered satisfactory; and many more questions. Having defined the conflict in very broad terms, one or more goals can be set for this specific conflict. Given the definition and the goals, in the end the best response may be chosen. This 'best' response is not per se a penal approach. Reconciliation, e.g. through a truth and reconciliation commission, may prove more appropriate. After all, cases and countries like Rwanda, Indonesia, China, Chile, Chechnya, the former Yugoslavia and Cambodia are very different.

ID Number: JA017850

Year: 2002

Language: Dutch

Type: ART

Jus Post Bellum : The Importance of War Crimes Trials.  
(PARAMETERS, vol. 32, no. 3, Autumn 2002, p. 87-99.)

Author(s):

1. Kellogg, Davida E.

Subject(s):

1. WAR CRIME TRIALS

Notes:

The author examines what should be done to prevent illegal and immoral outcomes of warfare in her argument for 'jus post bellum', justice in the wake of war. Dr. Kellogg adroitly notes that the international law of war has barely begun to deal with the question of where to try cases in which the aggressor is a diffuse political or religious entity rather than a nation. In an even-handed analysis the author reviews the history and actions of military tribunals, federal courts, and the recently established International Criminal Court in an attempt to determine what is the best legal venue for those not falling within the norms of international law. She concludes that whatever is decided to be the properly convened, constituted, and conducted court for such cases, the high moral purpose of jus post bellum must be a guiding principle.

ID Number: JA018165

Year: 2002

Language: English

Type: ART

Het oppakken van oorlogsmisdadigers : noodzakelijke, maar zwakke schakel in de rechtsgang.

(INTERNATIONALE SPECTATOR, jg. 56, nr. 5, mei 2002, p. 234-238.)

Author(s):

1. Leurdijk, Dirk

Subject(s):

1. WAR CRIMES

2. INTERNATIONAL OFFENSES

3. WAR CRIME TRIALS

Notes:

The author argues that the arrest and handing over of indicted war criminals is a necessary but weak link in the set-up and functioning of international tribunals. This has become evident in the case of the International Criminal Tribunal for the Former Yugoslavia (ICTY), which, under the unique conditions of the implementation of the provisions of the Dayton Peace Agreement, has become dependent on the authorities in the former Yugoslavia (Belgrado) and the Serb entity of the Republika Srpska, as well as the NATO-led Stabilization Force. In an effort to by-pass such dependency problems, ideas have been put forward on the establishment of a special 'tracking team' or an international arrest team. The author concludes that also in the Rome Statute of the International Criminal Court (ICC) the provisions on the arrest and surrender of indictees hardly give any indication of the nature of sanctions in cases of non-compliance.

ID Number: JA017847

Year: 2002

Language: Dutch

Type: ART

2001

The International Criminal Court Controversy.

(WORLD POLICY JOURNAL, vol. 18, no. 2, Summer 2001, p. 71-81.)

Author(s):

1. Tucker, Robert W.

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

ID Number: JA016865

Year: 2001

Language: English

Type: ART

The United Nations International Criminal Tribunal for Rwanda : Its Establishment, Work and Impact on International Criminal Justice.

(PERSPECTIVES, no. 17, Winter 2001 - 2002, p. 59-67.)

Author(s):

1. Boed, Roman

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

ID Number: JA017765

Year: 2001

Language: English

Type: ART

Bosnia's War Criminals : Getting Away with Murder.

(CURRENT HISTORY, vol. 1000, no. 644, March 2001, p. 120-123.)

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Notes:

Many of those accused of war crimes [in Bosnia] have successfully diverted the international community's attention from their wartime activities while maintaining significant influence in their local communities.

ID Number: JA016320

Year: 2001

Language: English

Type: ART

The Boundaries of Liability in International Criminal Law, or 'Selectivity by Stealth'.

(JOURNAL OF CONFLICT & SECURITY LAW, vol. 6, no. 1, June 2001, p. 3-31.)

Author(s):

1. Cryer, Robert

Subject(s):

1. INTERNATIONAL OFFENSES

2. WAR CRIME TRIALS

ID Number: JA016833

Year: 2001

Language: English

Type: ART

Constructing an Atrocities Regime : The Politics of War Crimes Tribunals.  
(INTERNATIONAL ORGANIZATION, vol. 55, no. 3, Summer 2001, p. 655-691.)

Author(s):

1. Rudolph, Christopher

Subject(s):

1. WAR CRIME TRIALS

Notes:

From the notorious 'killing fields' of Cambodia to programs of 'ethnic cleansing' in the former Yugoslavia and Rwanda, the grizzly nature of ethnic and identity-centered conflict incites horror, outrage, and a human desire for justice. While the drive to humanize warfare can be traced to the writing of Hugo Grotius, current efforts to establish an atrocities regime are unparalleled in modern history. Combining approaches in international relations theory and international law, the author examines the role political factors (norms, power and interests, institutions) and legal factors (precedent and procedure) play in the development of an atrocities regime. International tribunals have convicted generally low-level war criminals in both Rwanda and the former Yugoslavia, but they have had much more limited success in achieving their more expensive goals - deterring atrocities and fostering national reconciliation in regions fraught with ethnic violence. This analysis reveals additional institutional modifications needed to construct a more effective regime and highlights the importance of placing this new regime within a comprehensive international strategy of conflict management.

ID Number: JA016984

Year: 2001

Language: English

Type: ART

War Criminals : Watch Out.

(WORLD TODAY, vol. 57, no. 2, February 2001, p. 18-20.)

Author(s):

1. Sieff, Michelle

Subject(s):

1. WAR CRIME TRIALS

Notes:

Dealing with atrocities is very much on the international agenda. The creation of a court to deal with war crimes in Sierra Leone, developments on the international criminal court and in Cambodia all suggest steady progress.

ID Number: JA016199

Year: 2001

Language: English

Type: ART

No Place To Hide.

(WORLD TODAY, vol. 56, no. 8, August - September 2000, p. 37-39.)

Author(s):

1. Bousian, Mark

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

Notes:

There is still strong opposition in America to the International Criminal Court which will come into being once enough countries have ratified it. Most states see it as a powerful weapon against war crimes and genocide. With or without Washington, it seems certain to go ahead.

ID Number: JA015446

Year: 2000

Language: English

Type: ART

International Criminal Court : A Necessary Step Towards Global Justice.

(SECURITY DIALOGUE, vol. 31, no. 4, December 2000, p. 405-419.)

Author(s):

1. Popovski, Vesselin

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

Notes:

This article argues that the success of the ICC has to be measured not only by which states are parties to it and how many criminals are prosecuted annually, but also by the court's standard-setting. The indirect effect of the court in provoking states to incorporate and apply the statute's principles in their national courts might even be greater than direct application of its jurisdiction against indicted persons in The Hague. Ideally, the ICC will be redundant, as war criminals are genuinely prosecuted in national courts in all countries of the world. Still, this is a long-term expectation. Today, many governments are either too weak (unable) or too involved in crimes (unwilling) to investigate and prosecute. Therefore, there is a need for an international tribunal to punish past and deter future crimes. Furthermore, the idea of universal jurisdiction is constantly gaining momentum, and even reluctant states might find that it is in their interest to cooperate with, rather than object to, the ICC.

ID Number: JA016032

Year: 2000

Language: English

Type: ART

Into Uncharted Waters : The International Criminal Court.

(NAVAL WAR COLLEGE REVIEW, vol. 53, no. 1, Sequence 369, Winter 2000, p. 93-136.)

Author(s):

1. Schmitt, Michael N.
2. Richards, Peter J.

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

ID Number: JA015413

Year: 2000

Language: English

Type: ART



Droit international et dissuasion nucleaire.

(DEFENSE NATIONALE, 56eme annee, no. 4, avril 2000, p. 12-20.)

Author(s):

1. Zbienen, Randal

Subject(s):

1. NUCLEAR DETERRENCE
2. INTERNATIONAL LAW
3. INTERNATIONAL CRIMINAL COURT

ID Number: JA015186

Year: 2000

Language: French

Type: ART

The Potential Role of The Hague in Yugoslavia.

(PERSPECTIVES, no. 15, Winter 2000 - 2001, p. 68-85.)

Author(s):

1. Ross, Stewart R.

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

ID Number: JA016107

Year: 2000

Language: English

Type: ART

To Prosecute or Not.

(WORLD TODAY, vol. 56, no. 8, August - September 2000, p. 35-37.)

Author(s):

1. Hill, Stephen

Subject(s):

1. WAR CRIME TRIALS
2. CIVIL WAR
3. HUMAN RIGHTS

Notes:

The international community is facing a relatively new dilemma in its attempts to resolve civil wars. Should it negotiate peace agreements with leaders it suspects of gross human rights violations or should it attempt to prosecute them? What if calls for justice seem irreconcilable with the search for peace? This is a current dilemma in Sierra Leone, where rebel leader Foday Sankoh was pressed to join a government, despite accusations of human rights abuses. His failure to keep the bargain highlighted the problem.

ID Number: JA015447

Year: 2000

Language: English

Type: ART

Judging War Crimes.

(SURVIVAL, vol. 42, no. 1, Spring 2000, p. 46-58.)

Author(s):

1. Pfaff, William

Subject(s):

1. WAR CRIME TRIALS

Notes:

The Hague and Arusha war-crimes tribunals have had two major accomplishments : they administer 'international' justice, not victor's justice; and they have established in practice their right to indict and try individuals despite the national character of the crimes and those individuals' formal subjection to national sovereignties. These accomplishments are nonetheless limited since they rest on an international consensus which could prove ephemeral. Neither the UN Security Council nor the General Assembly are legitimate democratic institutions : there is no true institutional embodiment of the international popular interest. US and Chinese opposition to plans for a permanent international criminal court does not help. Achievements in the 1990s towards extending the rule of law and establishing justice in international relations thus remain incomplete, contested and ultimately fragile.

ID Number: JA015057

Year: 2000

Language: English

Type: ART

## 1999

'Le centurion et l'echo des pretoires'.

(DEFENSE NATIONALE, 55eme annee, no. 8-9, aout - septembre 1999, p. 122-127.)

Author(s):

1. Kolodziej, Laurent

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

Notes:

Cette etude expose les consequences pour les militaires de la creation de juridictions penales internationales.

ID Number: JA014463

Year: 1999

Language: French

Type: ART

La creation de la Cour penale internationale : de Nuremberg a La Haye.

(REVUE INTERNATIONALE ET STRATEGIQUE, no. 33, printemps 1999, p. 85-98.)

Author(s):

1. Latty, Franck

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

Notes:

Les tribunaux de Nuremberg et de Tokyo presentaient des caracteres inedits : definition dans un accord international des crimes de guerre, contre la paix et contre l'humanite; jugement, pour la premiere fois, de hauts representants de l'Etat en tant qu'agents publics. Ils provoquerent un debat sur la creation d'une cour criminelle internationale, mais la guerre froide empecha tout consensus sur le sujet. Ce processus de negociation au sein de l'ONU fut a la fois perturbe et relance par les conflits au Rwanda et en ex-Yougoslavie. Ces derniers furent a l'origine de tribunaux ad hoc, aux competences limitees dans le temps et dans l'espace, institues par des resolutions du Conseil de securite et non par un traite

contraignant pour les seuls signataires. La Conference diplomatique de Rome (6 juillet 1998) visait a passer du provisoire au permanent, seule garantie d'un effet dissuasif. Mais les marchandages de la conference, le souci de certains Etats de soustraire leurs ressortissants a un eventuel jugement (Etats-Unis) ou de suspendre pour une periode renouvelable l'application de la convention sur les crimes de guerre (France), ne laissent pas d'inquieter sur les faiblesses de la Cour.

ID Number: JA013977

Year: 1999

Language: French

Type: ART

## 1998

Make Law Not War.

(WORLD TODAY, vol. 54, no. 6, June 1998, p. 152-153.)

Author(s):

1. Ferencz, Benjamin B.

Subject(s):

1. WAR CRIME TRIALS

2. INTERNATIONAL CRIMINAL COURT

Notes:

After years of UN debate, a treaty to establish a permanent international criminal court may be ready for signature in Rome in July. It is still uncertain whether agreement can be reached and which countries will sign, ratify and enforce the treaty.

The international legal community is itself now on trial.

ID Number: JA012919

Year: 1998

Language: English

Type: ART

Historischer Schritt im Volkerstrafrecht : das Statut des Internationalen Strafgerichtshofs.

(INTERNATIONALE POLITIK, 53. Jahr, Nr. 11, November 1998, S. 55-60.)

Author(s):

1. Hermsdorfer, Willibald

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

Notes:

Das im Juli 1998 im Rom verabschiedete Statut des Internationalen Strafgerichtshofs stellt fur den Verfasser einen epochemachenden Schritt und ein neues Kapitel des Volkerstrafrechts dar. Er beschreibt die Kernelemente des Statuts und nimmt es gegen abtragliche Kritik in Schutz.

ID Number: JA013646

Year: 1998

Language: German

Type: ART

Echecs et compromis de la justice penale internationale.

(ETUDES INTERNATIONALES, vol. 29, no. 1, mars 1998, p. 85-106.)

Author(s):

1. Neel, Lison

Subject(s):

1. WAR CRIME TRIALS

2. INTERNATIONAL CRIMINAL COURT

Notes:

Depuis longtemps deja le probleme de la creation d'un tribunal penal international permanent est souleve afin de juger les individus coupables de crimes de guerre, de crimes contre l'humanite ou de crimes de genocide. La multiplication des guerres et des conflits intra-etatiques remettent a l'ordre du jour ce probleme. Les juridictions nationales, soit par une volonte politique insuffisante, soit par manque de moyens, ont laisse echapper la plupart des responsables des violations graves du droit humanitaire depuis la Seconde Guerre mondiale. Les conflits yougoslave et rwandais ont remis en cause l'efficacite de la communaute internationale face au respect du droit international humanitaire et face a la lutte contre l'impunite de ces crimes internationaux.

ID Number: JA012799

Year: 1998

Language: French

Type: ART

Waiting for Justice : The United States and the International Criminal Court.

(WORLD POLICY JOURNAL, vol. 15, no. 3, Fall 1998, p. 33-37.)

Author(s):

1. Neier, Aryeh

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

2. WAR CRIME TRIALS

ID Number: JA013361

Year: 1998

Language: English

Type: ART

Is The Rome Statute of the International Criminal Court a Real Breakthrough in International Law ?.

(INTERNATIONAL SPECTATOR, vol. 33, no. 3, July - September 1998, p. 9-13.)

Author(s):

1. Ronzitti, Natalino

Subject(s):

1. INTERNATIONAL CRIMINAL COURT

Notes:

The author takes a sceptical view of the outcome of the Rome Conference for the establishment of a permanent International Criminal Court, and discusses some of the technicalities that could hinder the Court's operation.

ID Number: JA013476

Year: 1998

Language: English

Type: ART

Internationale Gerichtshofe einst und jetzt : Jan Hus und Milosevic auf der Anklagebank.

(INTERNATIONALE POLITIK, 53. Jahr, Nr. 9, September 1998, S. 47-51.)

Author(s):

1. Binder, David

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

2. WAR CRIME TRIALS

Notes:

Zwischen dem 1993 ins Leben gerufenen Internationalen Strafgerichtshof für das frühere Jugoslawien und dem Verfahren gegen den tschechischen Kirchenreformer Jan Hus im 15. Jahrhundert gibt es, so der für den Autor erstaunliche Parallelen. Er hat jedoch größte Bedenken, dass der Haager Gerichtshof in seiner gegenwertigen Zusammensetzung der geeignete Ort für Verfahrener gegen Verbrechen ist, die in einem Bürgerkrieg begangen worden sind.

ID Number: JA013424

Year: 1998

Language: German

Type: ART

La France et le tribunal penal international.

(POLITIQUE INTERNATIONALE, no. 79, printemps 1998, p. 289-301.)

Author(s):

1. Garde, Paul

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Notes:

When a UN Security Council resolution founded the international war-crimes tribunal for the former Yugoslavia in February 1993, it provided a convenient alibi for the major powers that were determined not to intervene in the chaos in Bosnia. But in the hands of legal experts with no choice but to take their mission very seriously, the Tribunal has made significant headway, gathering a wealth of information and issuing charges against suspected war criminals. The States concerned therefore decided to cooperate with the Tribunal - until December 1997, that is, when France broke with the international consensus. Denouncing the show-trials set up by the Tribunal, Paris refused to allow its soldiers to give evidence at The Hague. Public prosecutor Louise Arbour criticized this stance, pointing out that no suspected war-criminals has been arrested in the French sector. Besides being immoral, illogical and dangerous, the French government's position was untenable. At the end of March 1998, Lionel Jospin and Hubert Vedrine therefore put an end to this ambiguity. It can only be hoped that Paris will finally agree to toe the official line in all issues regarding Bosnia.

ID Number: JA012945

Year: 1998

Language: French

Type: ART

Naar een permanent internationaal strafhof ?.

(INTERNATIONALE SPECTATOR, jg. 51, nr. 11, november 1997, p. 624-629.)

Author(s):

1. Das, Hans

Subject(s):

1. WAR CRIME TRIALS

2. INTERNATIONAL CRIMINAL COURT

Notes:

The author gives an overview of the progress made by the Preparatory Committee in exploring the issues related to the establishment of a permanent international criminal court (ICC). In the Committee a large group of 'like-minded countries' has emerged, that is deeply committed to the need for an effective and fair ICC. The article highlights some of the major difficulties, such as the definition of the core crimes and the various methods of enhancing the effectiveness of the international court. As to the definition of the competences of the court, reasonable compromise can be anticipated, although the crime of aggression will probably not be included at this stage because of the jurisdictional overlap with the Security Council. It is further argued that the effectiveness of the ICC will depend upon a number of factors, ranging from the power of the Prosecutor to initiate investigations to the political backing of the Security Council.

ID Number: JA012378

Year: 1997

Language: Dutch

Type: ART

Answering for War Crimes.

(FOREIGN AFFAIRS, vol. 76, no. 1, January - February 1997, p. 2-8.)

Author(s):

1. Meron, Theodor

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

2. WAR CRIME TRIALS

Notes:

The Hague tribunal has focused attention on crimes against humanity, but its limited success raises questions about the future of international law.

ID Number: JA011568

Year: 1997

Language: English

Type: ART

The International War Crimes Tribunal for the Former Yugoslavia and the Dayton Peace Agreement : Peace versus Justice ?.

(INTERNATIONAL PEACEKEEPING, vol. 4, no. 2, Summer 1997, p. 91-114.)

Author(s):

1. Schuett, Oliver

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

2. WAR CRIME TRIALS

Notes:

In 1993, the United Nations Security Council established a War Crimes Tribunal to prosecute atrocities that were committed in the territory of former Yugoslavia, after the conflict in the region drew wide public attention. It was envisaged that the tribunal would aid in the restoration of peace and security in the Balkans. Moreover, the court was intended to be an

effective instrument for punishing alleged war criminals in order to discourage future violators. In 1995, the Dayton Peace Agreement finally brought a fragile peace to the region, but most indicted war criminals remain at large. This article illustrates the difficulties the tribunal has to face and argues that in the negotiations leading to the Dayton Agreement, peace superseded justice, because the leaders involved in negotiations - Alija Izetbegovic, Franjo Tudjman, and Slobodan Milosevic - can also be said to bear responsibility for failing to prevent war crimes committed by troops under their control, and possibly even ordered 'ethnic cleansing'.

ID Number: JA012231

Year: 1997

Language: English

Type: ART

War Crimes : A Question of Will.

(WORLD TODAY, vol. 53, no. 4, April 1997, p. 106-108.)

Author(s):

1. Goldstone, Richard

Subject(s):

1. WAR CRIME TRIALS

Notes:

In 1993 the Security Council of the United Nations established the International Criminal Tribunal for the former Yugoslavia to prosecute serious violations of international humanitarian law in the war there. The following year a similar body was set up to deal with violations in the Rwandan conflict. The UN Secretary-General, Kofi Annan, recently dismissed two senior officials of the Rwanda tribunal after reports of mismanagement and incompetence. This has fuelled debate about the tribunals' worth, given that in the Yugoslav case the most notorious suspects are still not in the hands of the Court.

ID Number: JA011704

Year: 1997

Language: English

Type: ART

## 1996

Der Internationale Strafgerichtshof : neue Perspektiven für die kollektive Sicherheit ?.

(EUROPAISCHE SICHERHEIT, 45. Jg., Nr. 1, Januar 1996, S. 44-46.)

Author(s):

1. Gareis, Sven Bernhard

Subject(s):

1. WAR CRIME TRIALS

2. INTERNATIONAL CRIMINAL COURT

ID Number: JA010647

Year: 1996

Language: German

Type: ART

Le tribunal penal international pour le Rwanda : la justice trahie.  
(ETUDES INTERNATIONALES, vol. 27, no. 4, decembre 1996, p. 827-840.)

Author(s):

1. Philpot, John

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
2. WAR CRIME TRIALS

Notes:

On November 8, 1994, the Security Council of the United Nations adopted Resolution 955 creating an ad hoc international criminal tribunal to judge individuals responsible for violations of international humanitarian law committed in Rwanda between January 1, 1994 and December 31, 1994. In its form and structure, the Tribunal does not respect basic legal requirements required of a tribunal set up in international law. Its mandate - limited in time, in scope of potential indictment, and in jurisdiction to violations of international humanitarian law - will prevent any light from being shed on the real issue raised by the Rwandan conflict, namely that of armed military intervention in Rwanda from Uganda. It will likely lead to the reinforcement of a one-sided view of the crisis in Rwanda and legitimate further unilateral interventionist policies in Africa and elsewhere. The Tribunal will institutionalize the de facto impunity for the members and the supporters of the present government of Rwanda who undoubtedly committed many serious crimes between October 1, 1990 and the present.

ID Number: JA011379

Year: 1996

Language: French

Type: ART

Saving the War Crimes Tribunal.

(FOREIGN POLICY, no. 104, Fall 1996, p. 72-85.)

Author(s):

1. Thornberry, Cedric

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA
2. WAR CRIME TRIALS

ID Number: JA011151

Year: 1996

Language: English

Type: ART

Vers une justice penale internationale ?.

(DEFENSE NATIONALE, 52e annee, novembre 1996, p. 35-42.)

Author(s):

1. Defarges, Philippe Moreau

Subject(s):

1. WAR CRIME TRIALS

Notes:

Que signifient les tribunaux pour l'ex-Yougoslavie et le Rwanda ? Ne sont-ils que les produits de la conjoncture politique (la gravite, la perception des crimes commis, l'emotion des opinions publiques occidentales obligeant les gouvernements a faire un geste frappant) ? Ou, au contraire, traduisent-ils un mouvement de fond, les Etats prenant de plus en plus conscience que des atteintes majeures a la dignite des hommes ne peuvent pas rester impunies ?

ID Number: JA011326

Year: 1996

Language: French

Type: ART



Creation et competences du Tribunal penal international pour l'ex-Yougoslavie.  
(ETUDES INTERNATIONALES, vol. 26, no. 3, septembre 1995, p. 503-526.)  
Author(s):  
1. Hajam, Mohammed  
Subject(s):  
1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA  
ID Number: JA010458  
Year: 1995  
Language: French  
Type: ART

The Case Against an International War Crimes Tribunal for the Former Yugoslavia.  
(INTERNATIONAL PEACEKEEPING, vol. 2, no. 4, Winter 1995, p. 536-563.)  
Author(s):  
1. Mak, Timothy D.  
Subject(s):  
1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA  
Notes:

The International War Crimes Tribunal for the former Yugoslavia is unworkable because the UN Security Council has neither the practical nor legal jurisdictional power to prosecute war crimes committed during civil wars or regional bostilities. The Tribunal is likely to cause only confusion on the part of the participants and perhaps, indirectly, an escalation of the conflict. The reasons for failure lie in flawed assumptions regarding the proper role and powers of the UN. The UN is not a form of world government. It has no police force, no legislature. The attempt to construct a judicial system (in the form of a war crimes tribunal) when the other two organs of world government are missing is an exercise in futility. The UN relies primarily on the consent of its members. Therefore, it must necessarily fall back on moral persuasion (as a body representing world opinion) to 'keep the peace' and maintain reasonable standards of conduct during regional hostilities. Ironically, the attempt to erect an overly coercive and interventionalist role for the Security Council undercuts the very strengths on which the UN as a whole relies; its credibility as an impartial forum for conciliation and arbitration of international crises.

ID Number: JA010853  
Year: 1995  
Language: English  
Type: ART

Crímenes contra la humanidad.  
(POLITICA EXTERIOR, vol. 9, no. 46, agosto - septiembre 1995, p. 99-113.)  
Author(s):  
1. Lerner, Natan  
Subject(s):  
1. WAR CRIME TRIALS  
ID Number: JA010424  
Year: 1995  
Language: Spanish  
Type: ART

Tipping the Scale of Justice.

(WORLD POLICY JOURNAL, vol. 12, no. 3, Fall 1995, p. 55-74.)

Author(s):

1. Rosenberg, Tina

Subject(s):

1. WAR CRIME TRIALS

ID Number: JA010428

Year: 1995

Language: English

Type: ART

Une justice internationale a la carte.

(POLITIQUE INTERNATIONALE, no. 67, printemps 1995, p. 313-326.)

Author(s):

1. Russbach, Olivier

Subject(s):

1. WAR CRIME TRIALS

2. INTERNATIONAL LAW

Notes:

The creation two years ago of an adhoc court by the UN Security Council to judge war crimes in former Yugoslavia, followed by a second proclamation, in November 1994, aimed at judging crimes committed in Rwanda, was greeted as a decisive step forward. In creating such courts, the Security Council has largely gone beyond its functions according to the UN Charter, and this action must be seen in this light. It is not the prerogative of the Security Council to pursue or not pursue criminals. It is true that, given the absence of a permanent international criminal court, the blueprint of which has laid in a drawer since 1920, these courts appear to be a stopgap measure. Yet should we be satisfied with this minimalist vision of international law? Recent legal precedents have shown that groups, and even individual citizens, have the means notably in matters dealing with terrorism or human rights, to appeal directly to domestic justice and obtain, through the customary courts, the application of international law. It is this "right to international law" which needs to be defended on a day-to-day basis.

ID Number: JA010121

Year: 1995

Language: French

Type: ART

## 1994

Ein Internationaler Strafgerichtshof als Element einer Weltfriedensordnung.

(EUROPA ARCHIV, 49. Jahr, 3. Folge, 10. Februar 1994, S. 61-70.)

Author(s):

1. Tomuschat, Christian

Subject(s):

1. WAR CRIME TRIALS

2. INTERNATIONAL CRIMINAL COURT

ID Number: JA008959

Year: 1994

Language: German

Type: ART

Former Yugoslavia : Investigating Violations of International  
Humanitarian Law and Establishing an International Criminal Tribunal.  
(SECURITY DIALOGUE, vol. 25, no. 4, December 1994, p. 409-423.)

Author(s):

1. Bassiouni, M. Cherif

Subject(s):

1. WAR CRIME TRIALS
2. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA
3. HUMANITARIAN LAW

Notes:

This article focuses on the contemporary experience of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992) and the ICTFY. More particularly, it reflects upon the problems of investigating and prosecuting violations of international humanitarian law, and the interaction between pursuing an international criminal justice goal and political settlements of international disputes.

ID Number: JA009699

Year: 1994

Language: English

Type: ART

Crimes contre l'humanite : l'imperatif de justice.

(POLITIQUE INTERNATIONALE, no. 66, hiver 1994 - 1995, p. 259-272.)

Author(s):

1. Destexhe, Alain

Subject(s):

1. WAR CRIME TRIALS

ID Number: JA009885

Year: 1994

Language: French

Type: ART

## 1993

The International Tribunal for Former Yugoslavia.

(INTERNATIONAL AFFAIRS, vol. 69, no. 4, October 1993, p. 641-655.)

Author(s):

1. Greenwood, Christopher

Subject(s):

1. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA
2. WAR CRIME TRIALS

ID Number: JA008709

Year: 1993

Language: English

Type: ART

Where Policy, Grand Strategy and Justice Meet : A War Crimes Court for  
the New World Order.

(STRATEGIC REVIEW, vol. 21, no. 2, Spring 1993, p. 30-40.)

Author(s):

1. Chase, Eric L.

Subject(s):

1. WAR CRIME TRIALS

ID Number: JA008420

Year: 1993

Language: English

Type: ART

An International Tribunal for War Crimes : Will the UN Succeed Where  
Nuremberg Failed ?.

(WORLD TODAY, vol. 49, no. 10, October 1993, p. 194-197.)

Author(s):

1. Fox, Hazel

Subject(s):

1. WAR CRIME TRIALS

ID Number: JA008646

Year: 1993

Language: English

Type: ART

The Case for War Crimes Trials in Yugoslavia.

(FOREIGN AFFAIRS, vol. 72, no. 3, Summer 1993, p. 122-135.)

Author(s):

1. Meron, Theodor

Subject(s):

1. WAR CRIME TRIALS

ID Number: JA008487

Year: 1993

Language: English

Type: ART

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