The choice of procedures for international criminal courts is an unusual process, often untethered to any particular national procedure. For the first international criminal court since Nuremberg, the International Criminal Tribunal for the former Yugoslavia, the judges were able to select the applicable procedures. For the International Criminal Court, the Assembly of States Parties decided upon them. Some of the mixed tribunals, such as the Extraordinary Chambers in the Courts of Cambodia, primarily followed a national procedure. With all of the courts, however, choices were necessary. The idea for this book grew from a realization that many of the procedures in international criminal tribunals reflect an interaction of civil law and common law. This interface of procedures is at times a smooth merger and at times an uneasy union. One key ingredient for making well-reasoned decisions is a comprehension of the context from which a procedure is derived. This analysis calls for an understanding of comparative legal systems, their premises and component parts. Civil law and common law are the focus of this book because those are the systems to which the international courts turned. Other legal systems in the world are important as well and could become the basis for international procedures in the future.

This book is intended for anyone interested in the complex and fascinating interaction of civil law and common law procedures in the international criminal courts. Students of international criminal law will gain a basic understanding of the differences between civil and common law systems and an appreciation for the impact of these differences in international criminal proceedings. Lawyers and judges involved in cases in international criminal tribunals may find the analysis of the issues in this book of interest in their work. The issues that we have chosen for discussion are the ones that, in our view, are the most interesting and difficult to meld together from the two legal systems. They include plea bargaining, witness proofing, written and oral evidence, self-representation and the use of assigned, standby and amicus counsel, the role of victims, and the right to appeal. We first created classes in these topics for the LL.M. program in International Crime and Justice, jointly administered by the University of Turin and the U.N. Interregional Crime and Justice
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Research Institute (UNICRI), and for an International Criminal Law course at the University of the Pacific, McGeorge School of Law. From our experience in teaching this topic, we believe that the readings will enrich any course in international criminal law or comparative law.

It has been a pleasure to work with our contributing authors and our research assistants. Our contributing authors come from both civil and common law systems, and from different parts of the world. Each one has experience in international criminal tribunals and the issues in this field of law. Their diversity of backgrounds and experiences contributes to the multiple perspectives presented. A special note of appreciation goes to Rebecca Tatum White and Andrew Ducart, law students at Pacific McGeorge School of Law, who devoted many hours to assisting in the completion of the manuscript. We also thank everyone at Edward Elgar Publishing Ltd for their encouragement and support on this project.

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