Preface

Books about international criminal law abound, whether technical manuals, textbooks, tomes on the yet-to-blossom International Criminal Court, or a growing plethora of monographs. There are also many works on associated areas such as transitional or restorative justice. International criminal justice as a discipline throws up numerous conceptual issues. While a predominantly legal response to mass atrocity satisfies traditional conceptions of justice, particularly in the milieu of international law, international criminal justice is so much more than this, engaging disciplinary areas such as politics, history, sociology and psychology to name but a few. The contribution that this book of edited essays seeks to make to this crowded field is to address some of these themes, from a mixture of traditional and more radical perspectives.

This book is one of the significant outcomes of a major project into the nature and content of international criminal justice. The purpose of the International Criminal Justice Project, funded by the Australian Research Council, is to explore the many facets of a sometimes strange and always complex discipline.

The contributions in this book critique some of the fundamental questions about international criminal justice. The first chapter, written by Gideon Boas, considers an essential yet often neglected topic: what is international criminal justice? Michael Scharf writes about the unique challenge of maintaining order in the courtroom where the most serious of international crimes are being tried. Lord Iain Bonomy of the Scottish Supreme Courts and a former Judge of the International Criminal Tribunal for the former Yugoslavia (ICTY) has written about the twin pillars of international criminal trials – fairness and expedition. Peter Morrissey SC and Mark Ierace SC, both former counsel before the ICTY, write about aspects of defending and prosecuting international crimes. Gerry Simpson tackles some critical questions relating to international criminal justice and the past, while Robert Cryer considers the historical context of the post-Second World War trials and their relevance to modern international criminal justice. Ben Saul discusses terrorism, counter-terrorism and the relationship of this borderline trans-international criminality in the context of international criminal justice. James Potter considers the role of the
International Criminal Court in the complex relationship of factors around international criminal justice. Helen Durham writes about the unique and often misunderstood relationship of women to international criminal justice. Sam Garkawe tackles the framework of international criminal justice as it concerns victims. Finally, Geoffrey Skillen examines international criminal justice in the context of Defence Force perspectives.

We hope that the contributions in this book stimulate some thought and debate around profound and underlying questions in the discipline of international criminal justice.

Gideon Boas
Melbourne 2012

William A. Schabas
Middlesex 2012

Michael P. Scharf
Cleveland 2012