Index

Abbreviations used in index:
ECCC Extraordinary Chambers in the Courts of Cambodia
ECtHR European Court of Human Rights
ICC International Criminal Court
ICTR International Tribunal for the Rwanda
ICTY International Tribunal for the Former Yugoslavia
NGO non-governmental organization(s)
RMC Rules for Military Commissions (US)
SCSL Special Court for Sierra Leone

Abi-Saab, Georges 9, 14
abortion, forced see women, crimes against
access to justice, for victims 368–9, 378–81, 412–13
and costs, of international criminal law 380–81, 410–11, 415–16
accountability 178–9, 409
immunities, in position of authority 56–7, 432
under SCSL 56, 245–7, 249–50
Act Concerning Grave Breaches of International Humanitarian Law 1993 (Belgium) 359
actio libera in causa principle 305–6
actus reus
in crimes against humanity 76
and defences 300–301
of genocide 46–8
and mistake, of law or fact 318
of rape 94
of torture 97
admissibility, of ICC jurisdiction see under complementarity
Adovacaten vor de Wereld VZW v. Leden van de Ministerraad (2007)(ICJ) 339
Afghanistan, armed intervention in see War on Terror
Agabekova v. Uzbekistan (2007)(UN) 266
aggression see crime of aggression
aiding and abetting, in genocide 50–51, 54–5, 58
al-Bashir, Omar Hassan Ahmad 40, 46, 112
Alien Tort Claims Act (US) 38, 366
American Association for the Advancement of Science (AAAS) 157
American Bar Association (ABA) 149–50, 156–7, 160, 164
American NGO Coalition for the ICC (AMICC) 155
amicus curiae briefs, from NGOs 161–3, 173–4
amnesties
definition 373
history and development of 373–5
and international treaties, treatment under 374–8
in Northern Uganda conflict 183, 185, 202
purpose of 373–4
in Sierra Leone conflict 239–40, 374–7, 381
under South African Truth and Reconciliation Commission 374, 384–5
and victims, right to justice for 378–81
Amnesty Act 2000 (Uganda) 183
Amnesty International
and ICC, role in promoting 148
role in ICTY 145–6, 159
on universal jurisdiction, crimes subject to 359–60
and women, crimes against
grave breaches 28, 93–4
Anti-Bribery Convention 1999 (OECD) 351
Arab League 118
Argentina, and universal jurisdiction 360, 369
Armed Forces Revolutionary Council (AFRC),
actions of 256–7, 389–90
armed intervention
in Iraq 32, 60–61, 125–6, 269
justification for 60–61
in Kosovo 60–61, 125–6
and military necessity 324–5
and mistake, of fact or law 318–19
and universal jurisdiction 363
Armenia, massacres in 65, 373–4
attack
armed attack 128–30
definition 67–73
knowledge of 75–6
attribution, rules of 18–20
and private security contractors 19–20
Austria, on universal jurisdiction 360
Bassiouni, M. Cherif 37, 77, 287, 314
Belgium
self-representation in 287–8
and universal jurisdiction, law imposing 359
Bartram S. Brown - 9780857933225
Downloaded from Elgar Online at 01/12/2019 04:51:34AM via free access
Bemba, Jean-Pierre 211
Ben Khemais v. Italy (2009)(ECtHR) 348
Bigome, Betty 182, 184
Bosnia and Herzegovina v. Serbia and Montenegro (ICJ)(2007)
duality of responsibility 12–13, 42–3
proof, burden and standard under 131–2
protected group, definition of 44
Brima, Alex Tamba 247
bullets, prohibited 495
Bush, George W. 363

Cambodia see Extraordinary Chambers in the Court of Cambodia (ECCC)
Cambodian League for the Promotion and Defence of Human Rights (LICADHO) 176
Case concerning the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (2004)(ICJ) 130
Case concerning the Legality of the Threat or use of Nuclear Weapons (1996)(ICJ) 130
Cassese, Antonio
on exclusion of military personnel as victims 73–4
on general principles of criminal law 11
on genocide 40
on ICTY, legitimacy of 145
Celibici trial 96–7, 100, 303–4
Center for Peace Through Justice (CPTJ) 157, 164
Center for Social Development (CSD) 167
Central European and Eurasian Law Initiative (CEELI) 149–50, 156–7, 160, 164
Chad, universal jurisdiction issues concerning 364, 369
Cheney, Dick 363
Chikunova v. Uzbekistan (2007)(UN) 266
children, crimes against
child soldiers 235, 250–52
NGO role in campaigning against 150–51
in Sierra Leone 235–7, 250–52
Chile, Pinochet case 361–6, 368–9
Chissano, Joaquim 186, 190
Civil Defence Forces (CDF), actions of 256–7, 389–90
Coalition for an International Criminal Court (CICC)
and ICC, role in promoting 151–2, 154
purpose of 146–8, 161
Victims’ Rights Working Group 152–75
Coalition for Women’s Human Rights in Conflict Situations (CWHRCs)
role in ICTY and ICTR 158, 168–9, 172–3
role in SCSL 160
collective conscience, and crimes of humanity 78–81
Collective for the Victims of the Khmer Rouge (CVIC-KR) 176
Collins v. Loisel (1922)(US) 336
Combatant Status Review Tribunals (CSRT) 269
command responsibility see also joint criminal enterprise; soldiers
and crime of aggression 122–5
for genocide 50–51, 54–5
and private security contractors 31–2
under Rome Statute of ICC 122–5, 433
under SCSL 240, 244–8
comparative law, origins and development 4–5
complementarity, and jurisdiction of ICC 15–16, 231
admissibility/inadmissibility
alternative legal system, unavailability of 219–20
assessment and review, opportunities for 207, 225–31
‘case,’ definition of 212–14
challenges to 225–31, 429–30
genuineness, of domestic proceedings 212, 216–20
gravity threshold 80
grounds for 207–9
inability or unwillingness of domestic courts 206–7, 209–12, 216–20
ne bis in idem/double jeopardy 208, 212–14, 220, 230, 341
and non-party states 216
and ongoing domestic proceedings 208–9
and proprio motu investigations 220–22, 225–7, 230
Review Resolutions on 487–8
and revocation of investigation 196, 200–202
and Security Council referrals 220–21
and state investigations, following ICC commencement 207, 224–5
and verdicts in absentia 230
whether same conduct and same crime 212–14
whether same person and same conduct 209–12
assessments and rulings on
case-specific nature of 222
and deferral or closure of investigations 196–8, 203, 222–5, 230–31, 384, 427
and domestic law, obligations to incorporate crimes into 214–16
duties to prosecute 214–16
and primacy, compared with 206
and self-referral 220
trigger mechanism, relevance of 220–21
conflict of laws, and universal jurisdiction 367–9
consent of victim, as defence 328
conspiracy, to commit genocide 48–9
Convention Against Illicit Firearms Trafficking 1997 (OAS) 351–3
Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT) 1984 (UN)
definitions and elements of crime 25–6, 96–7
obligations to prosecute or extradite under 10, 334–5, 344, 349–51, 360
and women, crimes against 88
Convention Against Transnational Organized Crime 2001 (UNCTOC) 351–3
Convention on the Elimination of all forms of Discrimination against Women 1979 (UN) 92
Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity 1968 (UN) 25
Convention on the Prevention and Punishment of the Crime of Genocide 1948 (UN) see Genocide Convention
Convention on the Rights of the Child 1989 (UN) 92, 251
Convention Respecting the Laws and Customs of War on Land 1907 (Hague Convention) Martens Clause 65, 79
punishments under 23–4
on women, crimes against 90
crime of aggression
command responsibility 122–5
court jurisdiction over 114–18, 128–9
case triggers and responsibility 129–40
criticism of 118–19
of ICC 118–20, 129, 133–40, 496–500
of ICJ 131, 135, 138–9
of UN General Assembly or Security Council 133–40
definition 30, 118–21, 125–9, 496–500
ICC Review Resolutions on 119–20, 496–500
under ICTY and ICTR 116–17, 125, 132–3
individual, acts of 121–5
political question doctrine 114–18
proof, burden and standard of 131–2
as self-defence 128, 130
severity threshold 125–6
state, acts of 125–9
UN General Assembly Resolution 3314 on 126–9
UN Security role in ascertaining 114
crimes against humanity
actus reus 76
against civilian population 73–4
definition 263
contextual/chapeau elements 68–76
difficulties with 64–5, 81–3
and ‘group-based harm’ 80–81
multiple acts 71–2, 81
under Nuremberg Charter 22–3, 62, 66, 81
under Rome Statute of ICC 30–31, 63–4, 67–78, 81, 102, 420–21
development of concept 62–3, 65–8, 77–9, 81
discrimination requirement 70–71, 76–7
Draft Code on Crimes against Peace and Security of Mankind (ILC) 25, 66–7, 78–9
under ECCC 62, 68–9
following orders, as defence 57, 435
genocide, contrasted with 47–8, 52, 81–2
under ICTR 29–30, 62, 67, 74, 81
under ICTY 27–9, 62, 67, 69–72, 81
individual acts 74–6
individual criminal responsibility 25, 27
joint criminal enterprise 108–11
knowledge of attack 75–6
legal uncertainties concerning 77–81
mens rea 29–30, 76, 106
against military personnel, exclusion of 73–4, 81
motive, relevance of 29–30, 76
nullum crimen sine lege (no crime without law) 68–9
persecution as 76–7, 108–11
policy requirement 72–3, 80–81
rape as 103–4
under SCSL 70, 81, 104, 107
sexual slavery as 106–7
sexual violence 101–2, 105–6
and statute of limitations 25, 64
statutes of limitations on 25, 64
as threat to peace and security 78–81
torture 101–2, 105–6
UN Resolution on 361
war nexus requirement 22–3, 62
under ICTR 29–30, 67, 74
widespread and systematic attack 67–76
and women, crimes against 101–4, 106–9

crimes against peace
Draft Code on (ILC) 25, 66–7, 78–9
under Nuremberg Charter 22
Eichman, Adolf 39, 47, 359, 410

error juris nocet (error of law is injurious) 318, 321, 323

ethnic cleansing, whether genocide 47

Eurojust 333, 356

European Arrest Warrant (EAW) 333, 338–9

European Convention on Human Rights 1950 (ECHR)

  Article 3 (prohibition against torture) 345–51, 379
  Article 5 (right to liberty) 267
  Article 6 (right to fair trial) 265

European Court of Human Rights (ECtHR)

  on extradition, denial of 345–9
  on right to fair trial 265, 267
  on self-representation 288

European Police Office (Europol) 355–6

European Union

  Convention on Extradition 1975 355
  European Arrest Warrant (EAW) 333, 338–9
  extradition agreements with US 335, 337
  on ICC jurisdiction over crime of aggression 118
  mutual legal assistance agreements 355–6

Everett v. Spain (2004)(UN) 345

extradition 357–8

denial of complaints to UN Human Rights Committee 345
eligible offences 339–42
European Court of Human Rights rulings on 345–9
and human rights 342–51
non-refoulement obligations 347, 349
and prohibition against torture 344, 349–51
and doctrine of specialty 341–2, 350
double jeopardy 341
dual criminality requirement 336–7, 339
European Arrest Warrant (EAW) 333, 338–9
European Convention on Extradition 1975 355

and habeas corpus rules 336, 342–3
multilateral treaty obligations on 10, 334–5, 338–9, 344, 349–51, 360
political/military offense doctrine 339–42
purpose of 334
surrender, as alternative term 338–9
United States principles regarding 335–7, 350–51

Extraordinary Chambers in the Court of Cambodia (ECCC)
costs of 415–16
on crimes against humanity 62
definition 68–9
genocide, prosecution of 41, 44
non-governmental organizations (NGOs), role of 151, 161, 167–8, 176
victim support mechanisms 175–6
on women, crimes against 113

Faith Based Caucus 168
firearms, illicit, mutual assistance treaties 351–3
Fofana, Moinina 247, 250–51, 254
following orders see command responsibility; joint criminal enterprise; soldiers
forum, choice of, and universal jurisdiction 367–9

France

  extradition treaty with US 336–7
  self-representation in 287–8

Franks, Tommy 363
gas, prohibited 495
Gavouneli, Maria 346–7
Gbao, Augustine 247
gender-related crimes see also women, crimes against
  as crime against humanity 100–102
  difficulties with cases regarding 113
  discriminatory grounds, for persecution 102
  sexual violence 100–102

Geneva Convention on the Treatment of Prisoners of War 1929 269
Geneva Convention to Suppress the Slave Trade and Slavery 1926 86–7
Supplemental Convention 1956 86–7
Geneva Conventions 1949
  Additional Protocols 1977 251
  Common Article 3 (conflicts not of an international character) 24, 93
  and right to fair trial 261–2, 264–5
  duties to prosecute under 215
Geneva Convention on the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field 1949 (First Convention) 24
Geneva Convention on the Protection of Victims of Non-International Armed Conflicts 1949 375–6
Geneva Convention Relative to the Protection of Civilian Persons in Time of War 1949 24
grey breaches under 93–4, 100
definition 24, 263, 360
and women, crimes against 91–3
genocide

actus reus of 46–8
aiding and abetting 50–51, 54–5, 58
armed intervention, justification for 60–61
atrocities identified as 39–41, 44, 47
command responsibility 50–51, 54–5
conspiracy to commit 48–9
crimes against humanity, contrasted with 47–8, 52, 81–2
cultural genocide 40
and customary practice, adopted as crime under 10, 37
defences to 56–7, 434
definition 37, 39, 44–5, 263
difficulties with 41, 82
dolus specialis 40, 51–5
development of concept as international crime 39–40
duties to prosecute 60–61, 215
elements of crime 31, 37–9, 46–8
and ethnic cleansing 47
following orders 57, 435
Holocaust, whether considered as 39–40, 52
immunities from 56–7, 432
incitement, direct and public 49
individual criminal responsibility 30–31, 37, 42–3

criminal participation, modes of 50–51
under Genocide Convention 25, 48–51
under Rome Statute of ICC 31, 37
and joint criminal enterprise 49–51, 54,
111–12
mens rea of 40, 48, 51–5
proof of intent 51–5
protected groups 43–6
restitutionary awards 59
sentencing 57–9
seriousness, comparative 82
and sexual violence 87–8, 111–12
and torture 46, 88
tu quoque 57
war crimes, contrasted with 47–8
and war crimes, contrasted with 47–8
war nexus requirement, lack of 47–8
and women, crimes against 87–8, 111–12
genocide case see Bosnia and Herzegovina v. Serbia and Montenegro (ICJ) (2007)
Genocide Convention 1948 (UN)
adoption in national laws 41
definition, of genocide 37, 48
individual criminal responsibility under 25, 48–51
obligation to prosecute or extradite under 360
protected groups under 43–6

purpose of 59
and sexual violence 87–8, 111–12
and universal jurisdiction 360, 367
and women, crimes against 87–8, 111–12

Germany
self-representation in 287–8
on universal jurisdiction 365, 367
guage breaches 100
definition 24, 263, 359–60
and women, crimes against 28, 93–4
Grotius, H., 17, 334–5
Guantánamo, treatment of detainees at see right to fair trial under War on Terror
Guatemala, atrocities in 47
and universal jurisdiction 362, 364, 369
GuluWalks 182, 184, 191
habeas corpus rules
and extradition 336, 342–3
and Guantánamo detainees, treatment of 273, 281–2, 453
Habré, Hissene 364, 369
Hagenbach, Peter 90
Hamdam, Salim 275
Haque, Adil 81
Harrington, Joanna 345
heads of state
immunities, from genocide charges 56–7, 432
self-representation by
and case complexity 290–94
disruptive behavior 289–90, 292–8
and exploitation of court 284–6, 288, 294–5
and orderly trial, need for 290–92
Hemispheric Information Exchange Network for Mutual Assistance in Criminal Matters and Extradition 353–5
Holocaust
and development of international law 8, 410
genocide, whether considered 39–40, 52
Human Rights First (HRF)(formerly Lawyers Committee for Human Rights) 149–50, 162
Human Rights Watch (HRW)
role in ICTR 171
role in ICTY 144–6, 158–9
role in Northern Uganda 197–8
role in SCSL 151, 161, 175–6
Humanitarian Armed Intervention (HAI)
justification for 60–61
Humanitarian Law Center (HLC) 164
humiliation see torture; women, crimes against Hussein, Saddam
armed intervention against, justification for 60
genocide, whether crimes included 40
self-representation by 285

ignorantia iuris neminem excusat (ignorance of the law is no excuse) 318, 321
immunities, in position of authority and genocide charges 56–7, 432
under SCSL 56, 245–7, 249–50

In re Extradition of Exoo (2007)(US) 337
inadmissibility, of ICC jurisdiction see under complementarity
individual, legal status of 18–19 see also criminal responsibility
innocence, presumption of 265, 271, 276–7, 455
insanity, as defence 302

Institute for War and Peace Reporting (IWPR) 170

Instructions for the Government of Armies of the United States in the Field (Lieber Code)(1863) 7–8, 90

Inter-American Convention on Extradition 1981 (OAS) 335
Inter-American Convention on Forced Disappearance 1996 (OAS) 360
Inter-American Convention on Mutual Assistance in Criminal Matters 1996 (OAS) 335
International Bar Association (IBA) 154–5, 166–7, 170
International Center for Transitional Justice (ICTJ) 151, 159–60, 170
International Committee of the Red Cross 149, 348, 379–80
International Court of Justice (ICJ) on crime of aggression 115–16, 129–33
role in instigating cases 135, 138–40
jurisdiction and political questions doctrine 115–16
on state responsibility, in genocide 42–3
on universal jurisdiction 363–4
International Covenant on Civil and Political Rights 1966 (ICCPR)(UN) 92
on amnesties 375–6
and extradition 344–5
on self-representation 264, 266–7, 286–7
state obligations imposed by 380
International Criminal Bar 153–4
International Criminal Court (ICC) see also Rome Statute of the International Criminal Court
alternatives to 195–203, 385–90

amnesties, provisions for 381–5
costs of 415–16
dependence on national agencies 193, 204, 413, 417
extradition obligations 338–9
foundation to 262–3
gravity threshold, for admissibility 80
and ‘interests of justice,’ interpretation of 198–200, 382–3
investigations
commencement date for 208
deferral of 196–8, 203, 222–5, 230–31, 384, 427
proprio motu, admissibility/inadmissibility of 220–22, 225–7, 230
prosecutorial discretion 198–200
Prosecutor’s role 133–40, 241, 244–5, 258, 393–4, 426–7, 440–41
jurisdiction, fair gender representation in 153
admissibility/inadmissibility (see complementarity)
limitations on 13–16
over crime of aggression 118–20, 129, 133–40, 496–500
over crimes against humanity 64, 78–81
over non-party states 216
over war crimes 30–31
ratione temporis 425, 500
teleological interpretation 14–15
and UN Security Council 196–8, 203
legitimacy of 13
media attention, impact of 184, 191, 204
non-governmental organizations (NGOs), role in 146–8, 151–5, 158–9, 166–7, 170, 174–5
parties to 13
public knowledge and opinion on 193–4
sentencing powers 57–9
victim support mechanisms 59, 161, 171, 174–5, 193
International Criminal Defence Attorneys Association (ICDAA) 153–4, 162
international criminal law see also extradition; justice; mutual assistance and comparative law 4–5
consensus in, importance of 13–15
costs of 380–81, 410–11, 415–16
crimes with jus cogens status 37, 64, 92, 310
criticism of 410–11
and culpability, principle of 5–7
as deterrent 178–9, 414–15
development of 409–12
general principles 10–11
under ICTR 20–30
under ICTY 27–9
under Nuremberg Tribunals 20–23
difficulties with 409–11, 416–17
duties to prosecute 214–16
idealization of 411
and inter-state cooperation 410–12
and international human rights 10, 411
and international humanitarian law 7–8, 23–6
and legality, principle of 5–6, 14
locations for trials, impact of 412–13
models for 5
and national legal system, impact on 243–4, 412–13
as part of public international law 3–4
peace versus justice debate 178–9, 202–5
and prevention of future conflicts 412
purpose of 178–9, 409–10, 414–15
and realpolitik, influence of 409, 416–17
international human rights law see also right to fair trial; torture
and extradition, denial of 342–51
and international criminal law, relevance to 10, 411
origins and development 8–10
state obligations under 379–81
UN role in development 8–9
international humanitarian law
armed intervention
justification for 60–61
and military necessity 324–5
and mistake, of fact or law 318–19
and customary practice 23–4
origins and development 7–8, 23–6
purpose of 8
and reprisals, law of 325–8
and torture 97
and women, crimes against 89–92, 97
International Law Commission (ILC)
Draft Code on Crimes against the Peace and Security of Mankind 1996 (ILC) 66–7, 78–9
on individual criminal responsibility versus state responsibility 4, 11–12
on international criminal court, need for 263
and UN General Assembly Resolution 3314 (crime of aggression), criticism of 126–7
International Military Tribunal at Nuremberg see Nuremberg Tribunals
International Military Tribunal for the Far East (IMTFE) 91, 129, 375
International Tribunal for Rwanda (ICTR)
and access to justice, for victims 412–13
costs of 415
on crimes against humanity 29–30, 62, 67, 74, 81
on crimes of aggression 125
criticism of 236
defences excluded under 56–7
on genocide 40–42
definition 38, 49–50
protected groups 44
and sexual violence 111–12
and special intent 52–3, 55
judiciary, fair gender representation in 153
non-governmental organizations (NGOs), role in 163–5, 169, 171–3
self-representation rights under 292–3
sentencing powers under 57–9
victim support mechanisms 171–3
on war crimes
definition 29
mens rea requirement 29–30
war nexus requirement 29–30, 67
and women, crimes against 86–8, 94–6, 99, 103–7, 111–12
International Tribunal for the Former Yugoslavia (ICTY)
and access to justice, for victims 375, 412–13
costs of 415
on crimes against humanity 27–9, 62, 67, 69–72, 81
on crimes of aggression 116–17, 125, 132–3
criticism of 236, 411
defences excluded under 56–7, 302–4
and diminished responsibility and insanity 302, 304
on genocide 40
definition 27, 37, 49–51
and special intent 53–5
on grave breaches 28, 93–4
individual criminal responsibility under 27–9, 57
killing innocent civilians, special considerations for 314–17
non-governmental organizations (NGOs), role in 144–6, 149–50, 158–9, 163–5, 168–9, 173–4, 177
on political questions doctrine 116–17
self-representation, rights to 291–8
sentencing powers under 57–8
victim support mechanisms 173–4
victims’ rights under 153
on war crimes 27–9
war nexus requirement 28–9
and women, crimes against 86–8, 93–8, 101–7, 109–12
International Women’s Human Rights Law Clinic (IWHRLC) 150–172
intervention measures
see armed intervention

intoxication, as defence
actio libera in causa principle 305–6
as aggravating or mitigating factor 304–5
and genocide 56
and negligence or recklessness 305
voluntary intoxication 305–7

Iraq, armed intervention in
cessation of 269
as crime of aggression, exclusion 125–6
and issues of universal jurisdiction 363
justification for 60–61
and private security contractors, criminal responsibility of 32

joint criminal enterprise
forms of 108–9
in genocide 49–51, 54, 111–12
and persecution, as crime against humanity 108–11
under SCSL 247–8, 255
Juba, peace negotiations see under Northern Uganda

Judge v. Canada (2004)(UN) 345
jurisdiction see complementarity; International Criminal Court; universal jurisdiction

justice
access to, for victims 368–9, 378–81, 412–13
amnesties and victims rights 378–81
‘interests of justice,’ interpretation 198–200, 382–3
versus peace
debate over 178–9, 202–5
in Northern Uganda 180, 191–5, 202–5
philosophy of 4–5
‘victor’s justice’ 178

Kabbah, Ahman Tejan 233–5, 249–50
Kallon, Morris 247
Kamara, Ibrahim Bazzy 247
Kanu, Santigie Borbor 247

Khmer Rouge see Extraordinary Chambers in the Court of Cambodia (ECCC)
Kirsch, Phillipe 199
Kondewa, Allieu 247, 252
Kony, Joseph 181
arrest warrants 180, 183
peace negotiations, involvement in 186, 188–90

Kosovo, armed intervention in
justification for 60–61
whether crime of aggression 125–6
Kress, Claus 52
Leahy, Patrick 406
legality, principle of 5–6, 14
Lemkin, Raphael 39
Liberia see Taylor, Charles
Lieber Code 1863 (Instructions for the Government of Armies of the United States in the Field) 7–8, 90
limitations, statute of on war crimes and crimes against humanity 25, 64
Lincoln, Abraham 7–8
Lomé Peace Agreements 234–5, 239–40, 373, 376–7, 386
Luban, David 80
Lukwiya, Raska 183, 185

mala in se/mala prohibita (acts wrong in themselves/ acts prohibited by law) 321–2
Malicious Damage Act 1861 (Sierra Leone) 236–7
Manchú, Rigoberta 362
marriage, forced see women, crimes against
Martens Clause, under Hague Convention 1907 65, 79
May, Larry 80
May, Richard 284, 288, 294–5
mens rea
for crimes against humanity 29–30, 76, 106
and following orders 324
of genocide 40, 48, 51–5
and mistake, of law or fact 318, 320–21
under Rome Statute of ICC 7, 51–5, 433–4
sexual slavery 76
mental disease or defect, as defence 56, 301–4
diminished responsibility or insanity 302
proof, burden and standard of 303–4
Meron, Theodor 137, 322
Mettraux, G. 41, 44–5, 50, 55
Military Commissions Act 2006 (US) 268
military necessity 324–5
military personnel, and crimes against humanity, exclusion of 73–4, 81
Milosović, Slobodan
armed intervention against, justification for 60
NGO role in case against 157, 159
self-representation by 293–5, 297
mistake, of law or fact
actus reus and mens rea 318, 320–21
in armed intervention 318–19
avoidability and reasonableness 322
as defence 299, 307, 317–23, 434–5
and following orders 318–19, 323
indirect mistakes 321
mala in se/mala prohibita (acts wrong in themselves/acts prohibited by law) 321–2
and presumption of knowledge 321–2
money laundering 352
Monteaux Document on legal obligations and good practices for private military and security companies 2008(UN) 32
Moreira de Azevedo v. Portugal (1990)(ECtHR) 267
Museveni, Yoweri 180–82, 186, 188, 191
Mutombo v. Switzerland (1994)(UN) 349–50
mutual legal assistance agreements
Convention Against Transnational Organized Crime 2001 (UNCTOC) 351–3
in European Union 355–6
Hemispheric Information Exchange Network for Mutual Assistance in Criminal Matters and Extradition 353–5
organizations, for supporting 333, 356
and terrorism, combating 351–3
in United States 356–7
and War on Terror, impact on 333, 356–7
National Alliance of Women’s Organizations (NAWO) 149–50
ne bis in idem (double jeopardy) 208, 212–14, 220, 230, 341
necessity, as defence see also duress
as a justification 310–11, 316–17
military necessity 324–5
and reasonable or proportionate reaction 313
and voluntary exposure to danger 313
Neely v. Henkel (1901)(US) 342
Nicaragua v. United States (1986)(ICJ) 115–16, 130
No Peace Without Justice (NPWJ) 148, 154, 156–7, 159–60, 165–6
non-governmental organizations (NGOs), role of
children, campaigns regarding crimes against 150–51
in Darfur 160, 174–5
in ECCC 151, 161, 167–8, 176
evidentiary support 156–7
and fair defence representation 153–4
in ICC 146–8, 151–5, 158–9, 166–7, 170, 174–5
in ICTR 163–5, 169, 171–3
in ICTY 144–6, 149–50, 158–9, 163–5, 168–9, 173–4, 177
and judiciary, fair gender representation in 153
legal assistance 158–9
amicus curiae briefs 161–3, 173–4
experts 159–61
monitoring tribunals 168–71
outreach support 163–8
in SCSL 150–51, 159–62, 165–6, 170, 175–6
and statute ratification and national implementation 154–5
and victim support and reparation 152–3, 161, 171–6
women, campaigns regarding crimes against 149–51, 173–4
non-intervention principle 20–24
non-refoulement obligations see under extradition
non-state actors
definition 18–19
and individual criminal responsibility 18–20
under Geneva Conventions 1949 24
under Nuremberg Charter 20–23, 33
Norman, Samuel Hinga 247, 249, 250–51, 254, 293–4, 297
Northern Uganda, conflict in 179–80
amnesties in 183, 185, 202
arrest warrants, impact of 183–4, 191–3
atrocities, characterization and scope of 181–2, 189–90, 192
background to 180–83
crime of aggression, ICJ case on 131
fair trial, likelihood under domestic law 202
ICC role in
alternatives to 195–203
complementarity, in domestic prosecutions 200–202
initiation of proceedings 189–90
and prosecutorial discretion 198–200
public opinion on 193–4
revocation of 196, 200–202
self-referral to 180, 191
UN Security Council deferral 196–8, 203
Juba peace negotiations 182–90
arrest warrants, influence over 191–2
influences on 190–91
international support for 184–5, 191
justice versus peace debate 180, 191–5, 202–5
mato-oput tradition 201–2
‘Operation Iron Fist’ 182
special High Court division, establishment of 189
Nouwen, Sarah M.H. 15
nuclear weapons, threat or use of 130
nulla poena sine lege (no penalty without law) 6, 431
nullum crimen sine lege (no crime without law) 6, 68–9, 431
Nuremberg Tribunals
on crime of aggression 129
on crimes against humanity 22–3, 62, 66, 81
focus of 22–3
on following orders 57
on genocide 39, 49
and individual criminal responsibility 20–23, 33
sentencing under 57
on *tu quoque* principle 329
war nexus requirement 22–3
on women, crimes against 90

Ocampo-Moreno, Luis 194
Odhiambo, Okot 183, 189
Office of the High Commissioner for Human Rights (OHCHR)(UN) 193–5
Ongwen, Dominic 183
Open Society Justice Initiative 168, 170–71
orders, following see command responsibility; joint criminal enterprise; soldiers
Organization of American States (OAS)
Convention Against Illicit Firearms Trafficking 1997 351–3
Inter-American Convention on Extradition 1981 335
Inter-American Convention on Forced Disappearance 1996 360
Inter-American Convention on Mutual Assistance in Criminal Matters 1996 335
Otti, Vincent 183–8, 191, 195
outreach programmes
non-governmental organizations (NGOs), role of 163–8
problems with 193, 204
parallel courts, as alternative to international criminal proceedings 385–90
Parliamentarians for Global Action (PGA) 154
peace and security, threats to, as crimes against humanity 78–81
peacekeepers, as protected persons 319
persecution, as crime against humanity 76–7
gender as discriminatory grounds for 102
and sexual violence 108–9
Physicians for Human Rights (PHR) 156, 159
Pinochet, Augusto 361–6, 368–9, 377
piracy 4, 17, 359
poison, employing 494
political/military offense doctrine, extradition 339–42
political questions doctrine 115–18
Pomorski, Stanislaw 6
positivism, and international law 17–20
Powell, Colin 363
pregnancy, forced see women, crimes against
Prevention of Cruelty to Children Act 1926 (Sierra Leone) 236–7
prisoners of war
Combatant Status Review Tribunals (CSRT) 269
legal status of 268–9
rights of, development 7–8
as unlawful enemy combatants 269
private security contractors, criminal responsibility for actions of 19–20, 31–2
proof
burden and standard of
in crime of aggression 131–2
in mental disease or defect 303–4
of intent, in genocide 51–5
*Prosecutor v. Blagojević and Jokić* (2007)(ICTY) 51, 54–5, 58
*Prosecutor v. Blaskić* (2000)(ICTY) 71
*Prosecutor v. Erdemović* (1997)(ICTY) 56
*Prosecutor v. Fofana and Koné* (2007)(ICTR) 70
*Prosecutor v. Furundžija* (1998)(ICTY) 95, 98–9, 173–4
*Prosecutor v. Katanga and Chui* (2008)(ICC) 72
*Prosecutor v. Kayishema* (1999)(ICTR) 70

on individual criminal responsibility 28
on self-representation 291–2
Prosecutor v. Thomas Lubanga Dyilo (2008)(ICC) 266, 275–6

public international law
basis for 3–4
crimes defined under 4
focus of 3–4, 17–18
international criminal law, as part of 3–4
positivism in 17–20
purpose of 3–4

rape see women, crimes against
realpolitik, influence on international criminal law 409, 416–17
Redress (NGO) 152, 155, 160, 162, 174–5
reprisals, as defence for armed conflict 325–8
Research and Documentation Center (Sarajevo) 177

Restatement (third) of the Foreign Relations Law of the United States on extradition 334–5, 337
Revolutionary United Front (RUF), actions of 247, 251–3, 389

right to fair trial see also self-representation; War on Terror
definitions 10, 261–2, 264–5
evidence, admissibility of 265, 273–5, 280–82, 457–8
and freedom from torture 266–7, 273–5
innocence, presumption of 265, 271, 276–7, 455
non-derogable rights 267
right to appeal 265, 271, 282, 463–4
right to counsel 271, 277–8
right to equality of arms 278–9

right to speedy trial 275–6
self-incrimination, privilege against 264–5, 271–2, 279–80
undue delay 266–7
and witnesses, confrontation of 281–2
Rights and Democracy 154, 160, 168–9, 172
Robertson, Geoffrey 387–8
Robinson, Darryl 71
Rome Statute of the International Criminal Court see also International Criminal Court (ICC)
Article 1 to Article 128 418–85
Article 5 (crimes within jurisdiction of Court) 419–20
on crime of aggression 496–500
definition 30, 118
on state responsibility 19
Article 7 (crimes against humanity) 63–4, 72–3, 80–81, 420–21
elements of crimes 102, 107
sexual slavery 107
trafficking in persons 89
Article 8 (war crimes) 421–5
acts of private security contractors 19–20
and crime of aggression
command responsibility 122–5
definition 120–21, 125
and individuals, acts of 121–5
Resolutions on 496–500
severity threshold 125–6
and state acts 125–9
and military necessity 325
rape 95–6
Resolutions on 493–5
Article 13 (exercise of jurisdiction) 137, 426
Article 15 (Prosecutor’s role) 426–7
and crime of aggression
jurisdiction over 133–40
Resolutions on 497–500
Article 16 (deferral of investigation or prosecution) 196–8, 203, 384, 427
Article 17 (issues of admissibility) 200, 207–9, 216–22, 427–8
and amnesties 382
Article 18 (preliminary rulings regarding in admissibility) 222–5, 230–31, 428–9
Article 19 (challenges to jurisdiction or admissibility) 225–6, 429–30
Article 20 (ne bis in idem) 208, 212–14, 220, 230, 430
Article 21 (applicable law) 299–300, 430–31
Article 22 (nullum crimen sine lege: no crime without law) 6, 431
Article 23 (nulla poena sine lege: no penalty without law) 6, 57, 431
Article 24 (non retroactivity) 57, 431
Article 25 (individual criminal responsibility) 431–2
and crime of aggression 122–5
genocide, definition of 49–51
and state responsibility 12, 17, 49–51
Article 26 (jurisdiction over minors) 300, 432
Article 27 (irrelevance of official capacity) 55–7, 300, 432
Article 28 (responsibility of commanders) 51, 433
and crime of aggression 124
Article 30 (mens rea: mental element) 7, 51–5, 433–4
Article 31 (excluding criminal responsibility) 56–7, 299, 301, 324, 434
duress and necessity 310–17
intoxication 304–7
and mental disease or defect 301–4
self-defence and defence of others 307–10
Article 32 (mistake of fact or law) 299, 317–22, 434–5
Article 33 (superior orders) 55–7, 322–4, 435
Article 38 (Presidency) 5, 438
Article 42 (Office of the Prosecutor) 440–41
independence of 199
Article 53 (initiation of an investigation) 198–9, 382–4, 445–6
Article 55 (rights during investigation) 265, 277
Article 63 (presence of accused) 281, 453
Article 66 (presumption of innocence) 265, 276–7, 455
Article 67 (rights of accused) 265, 275–9, 281, 456
Article 69 (evidence) 265, 280, 457–8
Article 77 (penalties) 58, 462
Article 78 (sentencing) 58, 462–3
Article 81 (right to appeal) 265, 282, 463–4
Article 110 (review of sentences) 58, 479
Article 124 (transitional provisions) Resolutions on 492
Preamble 418
Resolutions of Review Conference
Res 1: on complementarity 487–8
Res 2: on impact on victims and affected communities 489–90
Res 3: on enforcement of sentences 491
Res 4: on Transitional provisions (Article 24) 492
Res 5: on war crimes (Article 8) 493–5
Res 6: on crime of aggression 496–500
Rules for Military Commissions (RMC)(US) 270–75
Rumsfeld, Donald 365
Saadi v. Italy (2008)(ECtHR) 347
Sankoh, Foday 232, 235, 389–400
Schabas, William A. 44, 46–7, 50, 60
Schwarzkopf, Norman 363
self-defence and defence of others see also
duress; necessity
collective self-defence 309
and crime of aggression 128, 130
criticism of, as defence to international crime 309–10
and force, threat or use of 307–8
and genocide 56
and mistake of fact or law 307
proportionality element 308
reasonableness 308
subjective element of 308–9
and unlawful force 307–8
self-incrimination, privilege against 264–5, 271–2, 279–80
self-referral, to ICC 220
self-representation
and historic record, impact on 284–6
by political leaders
and case complexity 290–94
disruptive behavior 289–90, 292–8
and exploitation of court 284–6, 288, 294–5
and orderly trial, need for 290–92
rights to
under ICTR 292–3
under ICTY 291–8
under international treaties 284, 286–7, 297–8
under national laws 287–91, 294–5
under SCSL 293–4, 297
sentencing
in genocide cases 57–9
ICC powers 57–9, 479
separation of powers
in jurisdiction over crimes of aggression 115–18
and UN role in international law 117–18
Sesay, Issa 247
sexual slavery see women, crimes against
sexual violence see war crimes; women, crimes against
Shattered Lives, Sexual Violence during the Rwandan Genocide and its Aftermath (HRW) 171–2
Shayamev v. Georgia (2006)(ECtHR) 346
Sidali v. INS (1997)(US) 335
sexual violence see war crimes; women, crimes against
Sierra Leone, conflict in see also Special Court for Sierra Leone atrocities, characterization and scope of 234–5
child soldiers 235, 250–52
women, crimes against 252–5
background to 232–4
Lomé Peace Agreement 234–5, 239–40, 373, 376–7, 386
Sierra Leone Court Monitoring Programme (SLCMP) 170
Sierra Leone War Crimes Documentation Project 157
Truth and Reconciliation Commission 256–7, 374, 381, 395
slavery and slave trading
as crime under public international law 4, 92
sexual slavery 87, 99–101, 106–7
trafficking, in persons 89, 107
and women, crimes against 86–7, 99–101, 106–7
Slavery Convention 1926
and women, crimes against 86–7
Soering v. United Kingdom (1999)(ECtHR) 345–6
soldiers, criminal responsibility see also
command responsibility; joint criminal enterprise
and child soldiers 235, 250–52
following orders
as defence 55–7, 299, 322–4, 435
and duress 313
manifest illegality test 323
and mistake of fact or law 318–19, 323
private security contractors 19–20, 31–2
South Africa
Truth and Reconciliation Commission 374, 384–5
Spain
in Pinochet case 361–3
on universal jurisdiction 361–5, 367
Special Court for Sierra Leone (SCSL)
amnesties under 239–40, 374–7, 381
budget for 380–81, 394
and children, crimes against 235–7, 250–52
and command responsibility 240, 244–8
Court structure 241–4
crimes against humanity 70, 81, 104, 107
criticism of 242, 257
Defence Office, role of 243–4
and domestic law, links with 236–9, 243–4
establishment 235–6
evidence 249–55, 254–5
focus of 393–4
and genocide 40
on greatest responsibility for crimes 393–4
historical narrative under 241–2
hybrid model for 236–9
and domestic law 237–9, 257–8
and local counsel 243–4
and speed of proceedings 255–6
success of 238–9
immunities under 56, 245–6, 249–50
and joint criminal enterprise 247–8, 255
judiciary in 241
jurisdiction of 40, 237–40
and Lomé Peace Agreement 234–5, 239–40, 373, 376–7, 386
non-governmental organizations (NGOs), role in 150–51, 159–62, 165–6, 170, 175–6
Office of Prosecutor, role of 241, 244–5, 258, 393–4
purpose of 235–6, 244–5, 258
rape 104
ratione materiae 237–9
Registry, role of 242
self-representation rights under 293–4, 297
sexual slavery 107
sexual violence 254–5
structure of 236–7
timeframe of 239, 245, 255–6, 393
trials under
of Armed Forces Revolutionary Council (AFRC) members 247, 250–54
of Charles Taylor 244, 246, 398–405
of Civil Defence Forces (CDF) members 247–52, 254–5
of Revolutionary United Front (RUF) members 247, 251–3, 389
and Truth and Reconciliation Commission 256–7, 386–90, 395
UN General Assembly Resolution 3315 on 236–7
and universal jurisdiction 240
victim support mechanisms 175–6
witness testimony, guidance on 249–50
women, crimes against 107, 252–5
specialty, doctrine of 341–2, 350
Srebrenica massacre see Bosnia and Herzegovina v. Serbia and Montenegro (ICJ)(2007); International Tribunal for the Former Yugoslavia (ICTY)
state, criminal responsibility of 3–4, 11–13, 17–23, 49–50
non-state actors 18–19
positivist concept of 18–20
and private security contractors 19–20, 31–2
war nexus requirement 22–3, 28–30
sterilization, forced see women, crimes against
Streicher, Julius 49
Sudan see Darfur, atrocities in
Sudan Organisation Against Torture (SOAT) 160
surrender, as alternative to extradition 338–9
Taylor, Charles Ghankay
criminal responsibility of 246–8, 399–400
indictment of 244, 246, 398–405
background to 391–3, 395–6
Congressional support for 406–8
resolutions against 396–7
and sovereign immunity 246–7
Tcholatch v. Canada (2007)(UN) 266–7
terrorism, combating see extradition; mutual
legal assistance; War on Terror
Timor Leste, Special Panels for Serious Crimes in 40–41, 58
torture
actus reus of 97
as crime against humanity 105–6
and customary practice, adopted as crime under 10
definition 26, 96–8
and extradition 344, 349–51
and genocide 46, 88
under ICTR 88
under ICTY 88, 96–9
and individual criminal responsibility 25–6
prohibition of 7–8, 10, 90
under international conventions 96–7, 345–51, 379
rape as 105–6
and right to fair trial 266–7, 273–5
sexual violence 96–9, 105–6
as war crime 96–9
and women, crimes against 10, 88, 96–8, 105–6
Torture Victims Protection Act 1991 (US) 366
trafficking, in persons 89, 107
mutual assistance treaties regarding 351–3
Transnational Radical Party 147–8
treatment, inhuman and degrading see torture
Trial (NGO) 170
Trocaire (NGO) 173
Trust Fund for Victims 59, 175, 193
Truth and Reconciliation Commissions as alternative to international criminal proceedings 385–90
in Sierra Leone 256–7, 386–90, 395
in South Africa 374, 384–5
tu quoque, defence of 57, 328–9
Tuit v. Fair (1987)(US) 289
Turkey, Armenian massacres in 65, 373–4
ubiquity principle 301
UBS extradition case 336
Uganda, conflict in see Northern Uganda
Uganda Law Society 154, 166–7
Unit for Gender Issues and Assistance to Victims (ICTR) 171–2
United Kingdom
on admissibility of reprisals, as defence 327
extradition
agreement with US 337, 339–41
ECtHR cases involving 348–9
on ICC jurisdiction 118
Pinochet case, role in 362, 366, 368, 377
on universal jurisdiction 366
United Nations
on amnesties 376–7
Convention Against Terrorist Financing 1999 351–2
Convention Against Transnational Organized Crime 2001 (UNCTOC) 351–3
on crime of aggression 126–9, 133–40
General Assembly Resolution 3314 on crime of aggression 126–9
General Assembly Resolution 3315 on Special Court in Sierra Leone 236–7
and international human rights law, role in developing 8–9
Mission in Sierra Leone (UNAMSIL) 234
Office of the High Commissioner for Human Rights (OHCHR) 193–5
Resolution on Principles of International Cooperation in the Detection, Arrest, Extradition, and Punishment of Persons Guilty of War Crimes and Crimes Against Humanity (1973) 361
United Nations Development Programme (UNDP) 151
Uniting for Peace Resolution 1950 138
United States see also War on Terror
Alien Tort Claims Act 38, 366
extradition 350–51
agreements 333–7, 339–41
dual criminality requirement 336–7, 339
and human rights, practice regarding 342–4
political/military offense doctrine 339–42
rules 335–7
Guantánamo, treatment of detainees at (see right to fair trial under War on Terror)
and ICC jurisdiction 11–12, 118
Lieber Code 1863 7–8, 90
Military Commissions Act 2006 (US) 268
mutual legal assistance agreements  355–7
national security policy  356–7
principle of legality in  6
on Rome Statute of ICC, ratification  261
self-representation, rights to  289–90, 294–5
Torture Victims Protection Act 1991  366
and universal jurisdiction  363, 365–6
United States v. Harris (2004)(US)  290
United States v. Rauscher (1886)(US)  341
United States v. von Weizsäcker et al. (1949)(US)  329
United States v. West (1989)(US)  290
Uniting for Peace Resolution 1950 (UN)  138
Universal Declaration of Human Rights 1948 (UN)  9, 92
on right to fair trial  261–2, 264
on right to self-representation  286
universal jurisdiction
and choice of forum  367–9
and conflict of laws  367–9
convention and treaty provisions on  360, 367
crimes subject to  64, 359–60
doctrine, development of  359, 361–7
and humanitarian armed intervention  363
ICJ cases involving  363–4
and Pinochet case  361–6, 368–9
and SCSL  240
United States position on  363, 365–6
and victims, access to justice for  368–9, 378–81, 412–13
van Sliedregt, E.  54
victims
and access to justice  368–9, 378–81, 412–13
and cost of law  380–81, 410–11, 415–16
amnesties for  375, 378–81
consent of, as defence  328
Geneva Convention on Protection of Victims of Non-International Armed Conflicts 1949  375–6
ICC Trust Fund for  59, 175, 193
ICC Victims and Witness Unit  161, 174–6
military personnel, exclusion of  73–4
NGO support mechanisms for  152–3, 161, 171–6
outreach programmes
NGO support for  163–8
problems with  193, 204
Resolution of the Review Conference of Rome Statute on ICC impact on 489–90
Rome Statute resolution on impact on 489–90
Torture Victims Protection Act 1991 (US)  366
and universal jurisdiction  368–9, 412–17, 478–81
Victims’ Rights Working Group (VRWG)  152–5
von Hagenbach, Peter  4, 8
war see also prisoners of war
customs of, violating  94–5
war crimes
definition  263, 493–5
and dignity, outrages against  94, 98–9
genocide, contrasted with  47–8
and individual criminal responsibility  27–9, 57
under Nuremberg Charter  22
rape as  94–6
under Rome Statute of the ICC  30, 493–5
sexual violence as  94–102
statute of limitations on  25
torture as  96–9
UN Resolution on  361
women, crimes against  88, 94–102
war nexus requirement
for crimes against humanity  62
under ICTR  29–30, 67, 74
under Nuremberg Charter  22–3
widespread and systematic attack  67–76
for genocide  47–8
under ICTY  28–9
on war crimes
under ICTR  29–30, 67
under Rome Statute of ICC  30–31
and women, crimes against  92
War on Terror
and extradition, impact on  333
Military Commissions Act 2006 (US)  268
and mutual legal assistance, impact on  333, 356–7
prisoners of war, classification of  269
right to fair trial, and Guantánamo detainees, treatment of
dilemmas over  268–71, 282–3
evidence, coerced  273–5, 280–81
freedom from torture  273–5
habeas corpus rules  273, 281–2, 453
and ICC rules on, compared  275–82
innocence, presumption of  271, 276–7
national security privilege  271–3
right to counsel  271, 277–8
right to equality of arms  278–9
right to speedy trial 275–6
righst of appeal 273, 282
Rules for Military Commissions (RMC)(US) 270–75
self-incrimination, privilege against 264–5, 271–2, 280
witnesses, confrontation of 281–2
scope of 268–9
women, crimes against
  crimes against humanity 101–4, 106–9
  in Darfur 88, 112
dignity, outrages against personal 94, 98–100
under ECCC 113
forced marriage 252–4
under Geneva Conventions 1949 and 1977 91–3
and genocide 87–8, 111–12
under ICC 112–13
under ICTR 86–8, 94–6, 99, 103–7, 111–12
under ICTY 86–8, 93–8, 101–7, 109–12
   role of NGOs in 149–51, 173–4
inhuman and degrading treatment 100
international law on, development of 84–6, 89–92, 97
international law on, development of 84–6, 89–92, 97
rape
   actus reus of 94
   as crime against humanity 103–4
   elements of, definition 94–5, 97, 104
forcedible witness 98–9
and joint criminal enterprise 110–11
military leaders’ considered right to in war 89
prohibition of, history of 89–92
as torture 105–6
as war crime 94–8
under Rome Statute of ICC 95–6
under SCSL 107, 252–5
sexual slavery 87, 99–101, 106–7
sexual violence
   as crimes against humanity 101–2, 108–9
definition 94
   and persecution 108–9
   in Sierra Leone conflict 252–5
as war crime 94–102
slavery 86–7
torture 10, 88, 96–8, 105–6
trafficking 89, 107, 351–3
as war crimes 88, 94–102
war nexus requirement 92
women, as spoils of war 89
Women’s Initiatives for Gender Justice (WIGJ) 154–5, 159–60, 175
World War Two see also Nuremberg Tribunals
   individual responsibility, role in development of concept 20–23

_Yerodia case_ see Democratic Republic of Congo v. Belgium