

CONTENTS

<i>List of Contributors</i>	<i>page x</i>
<i>Acknowledgements</i>	<i>xviii</i>
<i>List of Abbreviations</i>	<i>xix</i>

Introduction 1

NOBUO HAYASHI, CECILIA M. BAILLIET, AND JOANNA
NICHOLSON

PART I Theories and Perspectives 23

- 1 The Legitimacy of International Criminal Tribunals 25
LARRY MAY AND SHANNON FYFE
- 2 Conceptualising and Measuring the Legitimacy of
International Criminal Tribunals 41
SILJE AAMBØ LANGVATN AND THERESA SQUATRITO
- 3 Between International Criminal Justice and Injustice:
Theorising Legitimacy 66
SERGEY VASILIEV
- 4 Legitimacy, Legality, and the Possibility of a Pluralist
International Criminal Law 92
ASAD KIYANI
- 5 The Legitimacy and Effectiveness of International
Criminal Tribunals: A Criminal Policy Perspective 116
ATHANASIOS CHOULIARAS

PART II Norms and Objectives 139

- 6 Legitimacy and ICC Jurisdiction Following Security Council Referrals: Conduct on the Territory of Non-Party States and the Legality Principle 141

ROGIER BARTELS

- 7 Is the Yugoslav Tribunal Guilty of Hyper-Humanising International Humanitarian Law? 179

NOBUO HAYASHI

- 8 'One of the Challenges that can Plausibly be Raised Against Them'? On the Role of Truth in Debates about the Legitimacy of International Criminal Tribunals 206

JAKOB V.H. HOLTERMANN

- 9 Hidden Legitimacy: Crafting Judicial Narratives in the Shadow of Secrecy at a War Crimes Tribunal – A Speculation 228

TIMOTHY WILLIAM WATERS

PART III Complementarity and Regionalism 245

- 10 Positive Complementarity and Legitimacy – Is the International Criminal Court Shifting from Judicial Restraint Towards Interventionism? 247

IGNAZ STEGMILLER

- 11 African Supranational Criminal Jurisdiction: One Step Towards Ending Impunity or Two Steps Backwards for International Criminal Justice? 272

DOROTHY MAKAZA

- 12 Legitimacy Defects and Legal Flaws of the Special Tribunal for Lebanon: Dilemmas of the 'Peace Through Justice' Theorem 297

MARTIN WÄHLISCH

PART IV Parties to the Proceedings 323

- 13 Prosecutors' Opening Statements: The Rhetoric of Law, Politics, and Silent War 325

DAMIEN ROGERS

- 14 Effectiveness of International Criminal Tribunals:
Empirical Assessment of Rehabilitation as Sentencing
Goal 351
BARBORA HOLA, JESSICA KELDER, AND JORIS
VAN WIJK
- 15 Procedural Justice, Legitimacy, and Victim Participation
in Uganda 376
STEPHEN SMITH CODY
- PART V States and NGOs 399**
- 16 Things Fall Apart: Battles of Legitimation and the Politics
of Noncompliance and African Sovereignty from the
Rwanda Tribunal to the ICC 401
VICTOR PESKIN
- 17 Financing Lady Justice: How the Funding Systems
of Ad Hoc Tribunals Could Lend Themselves to the
Possibility of Judicial Bias 426
MISTALE TAYLOR
- 18 Global Civil Society, the ICC, and Legitimacy in
International Criminal Justice 449
KJERSTI LOHNE

Index 473