

Table of Contents

INTRODUCTION	1
PART I INTERNATIONAL CRIMINAL LAW	7
I. SCOPE	9
1. Inter-State or transnational criminal law	10
2. Suppression conventions	12
3. 'International crimes of State'	14
4. The Nuremberg Principles	19
5. Note: Piracy and slavery	23
II. FROM NATIONAL TO INTERNATIONAL RESPONSIBILITY	25
1. Clarity and prospectivity	26
2. <i>Jus cogens</i> , sovereignty and the international interests underlying international criminal law	41
III. THE RULE OF LAW AND INTERNATIONAL ACCOUNTABILITY	52
PART II PRACTICE	63
IV. THE INTERNATIONAL CRIMINAL COURT	67
1. Basic scheme of the Rome Statute	67
2. Conclusion	83
V. NATIONAL PROCEEDINGS (INCLUDING AMNESTIES)	84
1. Introduction	84
2. The Rome Statute incentive	86
3. Amnesties	93
4. Conclusion	102
VI. UNIVERSAL JURISDICTION	105
1. Introduction	105
2. Definition and rationale	106
3. Scope of Universal Jurisdiction with respect to the 'core crimes' of ICL	109
4. Current development of universal jurisdiction	112

5. Practical and political problems to be addressed	118
6. Conclusion	126
VII. IMMUNITY	128
1. Introduction	128
2. Official immunities: A Sketch	128
3. Pinochet	131
4. Immunity under the Rome Statute	136
5. Immunity outside of the Rome Statute	146
6. Conclusion	149
VIII. ICC ENFORCEMENT: COOPERATION OF STATES, INCLUDING THE SECURITY COUNCIL	151
1. Introduction	151
2. The Ad hoc tribunals: Foreshadowing the ICC	151
3. Cooperation with States under the Rome Statute	155
4. The Security Council	160
5. Conclusions	161
IX. CORNERSTONE OR STUMBLING BLOCK? THE UNITED STATES AND THE ICC	163
1. Introduction	163
2. US Negotiating aims and 'flaws' in the Rome Statute	164
3. The Clinton Administration's search for a negotiated 'fix'	168
4. The U.S. under the Bush Administration	178
5. The Argument for US support	181
6. Conclusion	182
PART III CONCLUSION: SYSTEMIC CHANGE AND INTERNATIONAL JUSTICE	185
SOURCES	193
A. International Instruments, Including Resolutions and Declarations of Inter-Governmental Organizations	193
B. National Laws and Legislative Bills	195
C. Decisions of National and International Courts and Tribunals	196
D. Books, Journal Articles, Non-Governmental Reports	197
E. Reports of Governments and Inter-Governmental Organizations, Draft Instruments, Proposals, etc.	205
F. Press Releases, Articles, etc.	208
INDEX	211