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978-0-521-13581-8 - An Introduction to International Criminal Law and Procedure, Second Edition

Robert Cryer, Hakan Friman, Darryl Robinson and Elizabeth Wilmshurst

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## **An Introduction to International Criminal Law and Procedure**

This market-leading textbook gives an authoritative account of international criminal law, and focuses on what the student needs to know – the crimes that are dealt with by international courts and tribunals as well as the procedures that police the investigation and prosecution of those crimes. The reader is guided through controversies with an accessible, yet sophisticated, approach by the author team of four international lawyers with experience of teaching the subject, and as negotiators at the foundation of the International Criminal Court (ICC) and the Rome Conference. It is an invaluable introduction for all students of international criminal law and international relations, and now covers developments in the ICC and victims' rights alternatives to international criminal justice. The book is supplemented by an extensive package of online resources ([www.cambridge.org/law/cryer](http://www.cambridge.org/law/cryer)), which offers convenient access to primary sources, well-chosen excerpts for supplementary reading, problems and questions for reflection and discussion, and materials for exercises and simulations.

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SECOND EDITION

ROBERT CRYER

HÅKAN FRIMAN

DARRYL ROBINSON

ELIZABETH WILMSHURST



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## Preface to the Second Edition

Our intention for this second edition is the same as it was for the first: to provide an accessible yet challenging explanation and appraisal of international criminal law and procedure for students, academics and practitioners. We focus on the crimes which are within the jurisdiction of international courts or tribunals – genocide, crimes against humanity, war crimes and aggression – and the means of prosecuting them. We also briefly discuss terrorist offences, torture, and other crimes which are not (yet) within the jurisdiction of an international court or tribunal.

International criminal law is now a vast subject, even in our circumscribed view of what it contains. This book is intended as a manageable and useful introduction to the field, and therefore does not attempt to delve into the entirety of the subject in the full detail it deserves. We welcome comments on possible improvements that could be made, and are grateful for those that we received on the first edition. We have sought to be succinct rather than simplistic in our presentation. We have included references to academic commentary, both in the footnotes and in ‘further reading’ sections at the end of each chapter. However, there is a great deal of writing on international criminal law, and we could not refer to it all. We hope that this book piques the interest of those new to the subject to further investigations including into the considerable and insightful literature which the developments in international criminal law have engendered.

While we hope that this book will appeal to practitioners as well as to students, the chapters are intended to cover the subjects which can be dealt with during a university Masters course in international criminal law. Part A is introductory. Following a discussion in Chapter 1 of what we mean by international criminal law and of some of its most fundamental principles, we consider in Chapter 2 the objectives of this body of law. Part B is concerned with prosecutions in national, rather than international, courts. Chapter 3 discusses the principles of jurisdiction as they relate to international crimes, Chapter 4 describes some instances of national prosecutions and Chapter 5 concerns extradition, transfer of information and other means by which States cooperate to assist in bringing suspects to justice before national courts. Part C, which concerns international prosecutions, begins in Chapter 6 with a history of the trials following the Second

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World War and Chapters 7 and 8 respectively discuss the ad hoc Tribunals and the International Criminal Court. Chapter 9 describes in brief other courts with an international element which have been established to investigate and prosecute international crimes. Part D discusses the substantive law of international crimes. Chapters 10 to 13 cover genocide, crimes against humanity, war crimes and aggression; Chapter 14 introduces the subject of 'transnational' crimes, and takes as examples terrorist offences and torture. Chapters 15 and 16 introduce the principles of liability and defences respectively. Part E is concerned with the processes of international prosecutions: Chapter 17 focuses on the procedures, Chapter 18 on the role of victims, and Chapter 19 on sentencing. Part F considers various aspects of the relationship between the national and international systems: State cooperation with the international courts and tribunals (in Chapter 20) and immunities, in relation to both national and international jurisdictions (in Chapter 21). Amnesties and other alternatives and complements to prosecutions are considered in Chapter 22. We end with our conclusions in Chapter 23, which contains our assessment of the development of international criminal law and its institutions and our forecast for the future.

The authors have all taught, to a greater or lesser extent, in international criminal law courses. Three of us took part in the negotiations on the International Criminal Court and participated at the Rome Conference. Some of the comments in this book rely directly on our experience in this capacity.

We have all had an input into each chapter. Each of us drafted a number of chapters, which were circulated and commented upon by the other three. Each chapter has been the object of intensive discussion amongst all of us to achieve as much coherence among our views as possible. We have attempted to produce a book which reads as a coherent whole, rather than as a collection of separate papers from different writers. Of course, with four authors, complete consensus on every matter of substance was neither possible nor expected and the views expressed in individual chapters are therefore those of the author of that chapter, and not necessarily of the group as a whole.

In the first edition the responsibility for Chapters 2, 3, 6, 7, 15 and 16 rested with Robert Cryer, for Chapters 4, 5, 9, 17, 18 and 19 (the latter two now Chapters 19 and 20) with Håkan Friman, for Chapters 11, 12 and 20 (now 21) with Darryl Robinson and for Chapters 8, 10, 13, and 14 with Elizabeth Wilmshurst. Chapters 1 and 21 (now 23), which express the views of us all, were written by Rob and Elizabeth (Chapter 1) and by Rob (Chapter 21(23)).

The responsibility for updating has largely remained the same with each person updating their own chapters. The only changes are that Robert has taken over Chapter 4, written Chapter 22 and updated Chapter 1. Håkan has written the chapter on victims (new Chapter 18), and Elizabeth has taken over Chapter 9. Elizabeth has also had the responsibility of keeping us all together and seeking a consistent text.

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We express particular thanks to Finola O’Sullivan and Sinead Moloney of Cambridge University Press. It would be remiss of us to fail to note the contributions of Professor Claus Kreß and Charles Garraway to the conceptualization of the first edition. We remain grateful to them.

*Robert Cryer  
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