This book fills a major gap in the scholarly literature concerning international criminal law, comparative criminal law, and human rights law. The principle of legality (non-retroactivity of crimes and punishments and related doctrines) is fundamental to criminal law and human rights law. Yet this is the first book-length study of the status of legality in international law – in international criminal law, international human rights law, and international humanitarian law. This is also the first book to survey legality and non-retroactivity in all national constitutions, developing the patterns of implementation of legality in the various legal systems (e.g., common law, civil law, Islamic law, Asian law) around the world. This is a necessary book for any scholar, practitioner, and library in the area of international, criminal, comparative, human rights, or international humanitarian law.

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The Principle of Legality in International and Comparative Criminal Law

KENNETH S. GALLANT
University of Arkansas at Little Rock
To the rule of law as a just and certain guide to human conduct
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Explanatory Note on Spelling

In this book a number of inconsistencies of spelling, capitalization, and typeface appear. Where quoting from or citing to written sources, it uses the spelling of the original source. This being the case, one may well find judgment and judgement, offense and offence, defense and defence, recognize and recognise, Quran and Koran, crimes against humanity, Crimes against Humanity and Crimes Against Humanity, and other inconsistencies scattered throughout this book.

Many of these inconsistencies arise from differences between American English and spelling elsewhere in the English-speaking world. I am an American, but most UN sources, the Statute of the International Criminal Court, and many other documents related to international human rights law, international humanitarian law, and international criminal law use British spellings in their English-language texts. Other inconsistencies, such as the fact that a single place in Germany is called Nuremberg, Nuernberg, Nürnberg, and Nurnberg, arise from the use of these different spellings and transliterations in the sources. As suggested by the Cambridge University Press editors, I use the popular English spelling Nuremberg, except in quotes and names of documents. Indeed, I generally use the style suggested by the Cambridge University Press editors, except for quotes and names of documents, for capitalization, typeface, diacritical marks, and similar matters.

The citations in this book involve documents from almost two hundred countries and several international organizations and treaty systems. Secondary sources are from many countries and include internal references to books in several languages and books that are long out of print. I have not eliminated all inconsistency in the form of citations.
Explanatory Note on Spelling

To paraphrase Mark Twain, I make this explanation for the reason that without it the reader might suppose that my sources and I were attempting to spell words consistently and not succeeding.

– THE AUTHOR
I appreciate the help and encouragement that I have received in working on this book. Chief among those are people who encouraged me first to start doing it, and then to declare it finished and stop doing it. These include Mary Beth Lagenaur, Mark Drumbl, Tom Sullivan, and Gene Mullins. My friends and colleagues at the International Criminal Bar, especially its founding President, Elise Groulx, have helped me develop an understanding of the challenges of international criminal law in practice.

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