

## INDEX

- Abacha, Sani, 514
- abetting a crime. *See* aiding and abetting, international  
criteria for
- Abu Ghraib prison, accountability of  
contractors at, 398, 399–400  
civil litigation over, 411–12
- actus reus* requirements, for aiding and abetting, 283–92, 302–3  
in ad hoc international criminal tribunals, 310–13  
ICTR, 310  
ICTY, 310  
'substantial effect' threshold in, 310–12
- commodity purchasing, 290–2  
for crime of terrorist financing, 336  
under Dutch criminal law, 308–9, 316. *See also* Kouwenhoven, Guus; van Anraat, Frans
- financial contributions element in, 286–92
- in International Criminal Court, 314–16  
causation in, 306–7  
in *Kouwenhoven* case, 321  
methodological approach to, 304–5  
provision of funds, 287–90  
provision of means under, 286  
substantial contributions element in, 283–5, 286–92
- ad hoc prosecution models  
asset recovery through, 459–61  
ICTR, 459–61  
ICTY, 459–61  
UN Security Council, 65–6, 67–9  
ICTR, 64, 65, 68–9  
ICTY, 65, 67–8  
ad hoc reparations mechanisms, 493–4
- AFRC. *See* Armed Forces Revolutionary Council
- African Union, 387–8
- aiding and abetting, international  
criteria for, 118–19, 282–96. *See also* *actus reus* requirements  
under civil law tradition, 297–8  
under common law tradition, 297  
corporate criminal liability, 296–302  
under doctrine of corporal criminal liability, 298–9  
domestic, 299–302  
through economic sanctions, 300  
under International Criminal Court guidelines, 302  
objectives of, 297–9  
origins of, 297–9  
scope of *ratione materiae*, 297–9  
in Democratic Republic of Congo, 290–1
- Hussein, Saddam, and, 316  
in ICTR, 286  
in ICTY, 283, 284–5  
in International Convention for the Suppression of the Financing of Terrorism, 341–3  
ICTY in, 341–3  
for international crimes. *See* Kouwenhoven, Guus; van Anraat, Frans  
in International Criminal Court, 118–19, 284–5  
corporate criminal liability in, 302  
*mens rea* requirements, 292–6  
acceptance of risk threshold, 295  
'for the purpose of facilitating the commission of such a crime', 293–5

- knowledge of consequences of assistance, 295–6
  - knowledge of crime as, 292–3
  - under Rome Statute, 282–3
  - mens rea* requirements, 293–5
  - in Special Court for Sierra Leone, 284–5
  - Taylor, Charles Ghankay, and, 316
- ALFNOR. *See* Allied Land Forces Norway
- Alien Tort Claims Act (ATCA), US, 79
  - liability of corporate actors under, 363–4, 370–5
  - private military contractors under,
    - accountability of, 398–9
    - through civil litigation, 400–8
  - scope of, 400
  - Sosa v. Alvarez-Machain*, 401
- Allied Land Forces Norway (ALFNOR), 54–5
- Allied War Crimes Investigation Branch Norway (AWCIN), 54–5
- Ambos, Kai, 352–3
- Annan, Kofi, 83–4, 290
- Anraat, Frans van, 6–7
- anti-corruption strategies, in England and Wales, 437–8
- anti-money laundering legislation, in England and Wales, 440–4
- ‘anti-Soviet bloc of Rights and Trotskyites’ trial, 24
- ‘Anti-Soviet Trotsky Centre’ trial, 23
- anti-terrorism conventions, 333.
  - See also specific conventions*
- appeals, legal, denial of, under Stalin, 22–3
- Armed Forces Revolutionary Council (AFRC), 259, 261–2, 263–5
  - diamonds as source of income for, 272–4
  - Revolutionary United Front and, in joint criminal enterprise with, 266–9
- Armenia, atrocities in, economic influence on international criminal tribunals for, 62
- arms embargoes, arms transfer conduct and, 152, 154
- Arms Trade Treaty, 151–2
- arms transfer conduct
  - under Arms Trade Treaty, 151–2
  - under domestic laws
    - global regulation of, 151
    - by individuals, 148–9
  - under Financing Terrorism Convention, 153
  - global regulation of, 150–5
    - through arms embargoes, 152, 154
    - of business rights, 154–5
    - through counter-terrorism laws, 152–3
    - under domestic export laws, 151
    - human rights as element in, 154–5
    - international law obligations, 151–2
  - by individuals, 148–50
    - under domestic law, 148–9
    - under international criminal law, 149–50
    - under international law, 148–50
  - under International Criminal Court Statute, 149–50, 184–6
  - under international criminal law, 149–50
    - complicity under, 155–62
    - in ICTR, 155
    - in ICTY, 155, 176–7
    - under Rome Statute, 156–66, 170–2, 174, 181, 182–5
    - in Special Court for Sierra Leone, 155
  - under international law
    - global regulation of, 151–2
    - by individuals, 148–50
  - knowledge of intentions for, 174–81
    - degree of, 178–81
    - specificity of accomplice’s knowledge, 174–8
  - nature of required contributions for, 166–73
    - through attempted commission of crimes, 170–2
    - causal remoteness and, 166–70

- arms transfer conduct (cont.)  
 direct contribution to crimes,  
 172–3  
 features of arms transfers, 172–3  
*Katanga* Decision, 168–9  
 legal characterization of  
 contributions, 173  
*Mbarushimana* Confirmation  
 Decision, 166–8  
 al-Assad, Bashar, 112, 133  
 al-Assad, Khaled, 133  
 asset freezing  
 in England and Wales, 440–4  
 Taylor, Charles Ghankay, and, 469  
 asset recovery, at international criminal  
 tribunals. *See also* asset freezing;  
 sanctions  
 in ad hoc international criminal  
 tribunals, 459–61  
 ICTR, 459–61  
 ICTY, 459–61  
 alternative reparation paradigms,  
 478–9  
 under Rome Statute system, 465–7  
 through enforcement of sanctions,  
 519–22  
 failures in, 476–9  
 lack of assets as factor in, 477–8  
 theoretical reasons, 477  
 from Krupp, A., 478  
 through linkage of crimes to  
 perpetrators, 517–19  
 in post-World War II military  
 tribunals, 456–9  
 International Military Tribunal,  
 456–8  
 International Military Tribunal  
 for the Far East, 456–8  
 under Rome Statute system, 461–7  
 fine and forfeiture measures,  
 461–5  
 orders for reparations, 465–7  
 from Taylor, Charles Ghankay,  
 467–9, 513–17  
 for tribunals established after Rome  
 Statute, 467–76  
 Extraordinary African Chambers,  
 473–4  
 Extraordinary Chambers in the  
 Courts of Cambodia, 471–2  
 Iraqi High Tribunal, 470–1  
 Kosovo Specialist Chambers,  
 475–6  
 Special Court for Sierra Leone,  
 467–9, 513–17  
 Special Panels for Serious Crimes,  
 469–70  
 Special Tribunal for Lebanon,  
 472–3  
 ATCA. *See* Alien Tort Claims Act  
 atrocity crimes  
 in Armenia, international criminal  
 tribunals for, 62  
 corporate ‘duty to prevent’ atrocity  
 crimes, 434–7  
 economic crime and, 507–9  
 victim justice through focus on,  
 508–9  
 in Liberia, 506–7  
 prevention strategies for, 522–3  
 in Rwanda, 506  
 by Sankoh, 506–7  
 in Sierra Leone, 506–7  
 by Taylor, Charles Ghankay,  
 506–7, 512  
 AWCIN. *See* Allied War Crimes  
 Investigation Branch Norway  
 al-Baghdadi, Abu Bakr, 123  
 Bangladesh  
 International Crimes (Tribunal)  
 Act, 214  
 landgrabbing in, 202  
 al-Bashir, Omar, 507  
 Basic Principles, of reparations  
 mechanisms, 485, 486, 492,  
 494–5  
 Bassiouni, M. Cherif, 485  
 ‘battlefield pre-emption’ defence, 418  
 Beckett, Paul, 449–50  
 Bellingier, John, 403  
 Berg, Paal, 56–7  
 Biddle, Francis, 34–5  
 Biological Weapons Act, UK  
 (1974), 429  
 Blackwater, 409–11

- Blaskić* trial, 311  
 landgrabbing and, 206–7, 223
- Bogdanos, Matthew, 127–8
- Bonaparte, Napoleon, 125–6
- Brđanin* trial, landgrabbing and, 222–3
- Bribery Act, UK (2010), 434–5
- Brodie, Neil, 137–8, 139
- Brussels Declaration, prohibition of pillaging under, 189–90
- Buecher, Hermann, 29
- Bukharin, Nikolai, 24
- Bush, George W., 403
- business rights, arms transfer conduct and, 154–5
- Butler, Smedley, 437
- Cabranes, José, 404
- Cambodia, UN Security Council and, 73–4
- Campbell, Naomi, 273
- capitalism  
 crony-capitalism, 116–17  
 free-market, 19–20  
 imperialism as form of, 19–20  
 monopoly, 20
- Casana, Jesse, 133
- causation, in aiding and abetting  
 in *actus reus* requirements, 305–16  
 complicity as element of, 305–6  
 under International Criminal Court Statute, 306–7  
 theory on, 305–8
- in *Kouwenhoven* case, 320–4, 327–8  
*actus reus* requirements, 321  
 appeals proceedings for, 320–1  
 ‘causeless complicity’ in, 323–4  
*dolus eventualis* construction in, 324  
*mens rea* requirements, 322–3, 324  
*sui generis* standard of, 324–7  
 in international criminal tribunals, 325–6  
 purpose of, 326–7
- in *van Anraat* case, 317–20, 327–8  
 appeals proceedings for, 318–19  
 of genocide, 317  
 requirements for, 319
- ‘causeless complicity’, 306, 327, 328  
 in *Kouwenhoven* case, 323–4
- Chemical Weapons Act, UK (1996), 429
- Chester oil concession, 62
- China, ratification of International Convention for the Suppression of the Financing of Terrorism, 333
- Chomsky, Noam, 376
- CIJA. *See* Commission for International Justice and Accountability
- civil law tradition, aiding and abetting under, 297–8
- civil litigation, against private military contractors, 408–21  
 for Abu Ghraib prison violations, 411–12  
 under Alien Tort Claims Act, 400–8  
 against Blackwater, 409–11  
 threshold legal issues in, 412–16  
 under Westfall Act, 410–11
- civil recovery orders (CRO), 445–7
- Cluster Munitions (Prohibitions) Act (2010), 452
- coltan reserves, in Democratic Republic of Congo, 84–5
- Commission for International Justice and Accountability (CIJA)  
 model, for economic actors, 120–1, 517–18  
 establishment of, 94  
 international criminal law and humanitarian law, 94  
 international prosecution cases and, preparation of, 95–6  
 limitations of, 96–8  
 purpose of, 94  
 Syrian conflict and, 94–8, 114–15, 117–19
- common law tradition, aiding and abetting under, 297
- complicity, doctrine of  
 arms transfer conduct and, 155–62  
 ‘causeless complicity’, 306, 327, 328  
 in *Kouwenhoven* case, 323–4

- complicity, doctrine of (cont.)  
   corporate, in international criminal tribunals, 80–1  
   definition and scope of, 341  
   economic actors and, investigations of, 110–12  
   in International Convention for the Suppression of the Financing of Terrorism, 340–6  
   through aiding and abetting, 341–3  
   through instigation, 343–4  
   through organization or direction of others, 344–6  
   in *Kouwenhoven* case, 323–4  
   in ‘purge’ trials, 25–6  
   Trainin on, 28–30  
 Congress of Vienna, looting of cultural property and, 125  
 Constantinople trials, 62  
 Convention Against Transnational Organised Crime (Trafficking Protocol), 233–4, 238–40, 248  
   action element in, 238–9  
   means specified in, 239–40  
   Slavery Convention as distinct from, 241  
 Convention Against Transnational Organised Crime, UN, 233–4  
 Convention for the Protection of Cultural Property in the Event of Armed Conflicts, Hague Convention, 134, 452–3  
 Convention on the Elimination of all Forms of Discrimination Against Women, UN, 57–8  
 Convention on the Rights of the Child, UN, 57–8  
 Convention Respecting the Laws and Customs of War on Land and Annexed Regulations, Hague Convention, 47, 52–3, 125, 139–40  
 corporal criminal liability, doctrine of, 298–9  
 corporate actors, accountability of  
   African Union and, 387–8  
   under domestic law, 511–13  
   in *In re: Chiquita Brands Int’l*, 366–70, 391–2  
   under Rome Statute, 369  
   under Inter-American Commission on Human Rights, 386–7  
 International Criminal Court  
   approaches to, 390–3, 394–5  
   Office of the Prosecutor and, 392–3  
 International Federation for Human Rights, 364  
   under international law, 375–90, 511–13  
   criminal liability, after World War II, 376–80  
   through international legal consensus, 383–90  
 International Military Tribunal, 376–80  
   under Rome Statute, 380–3, 389–90  
   as soft law, 383–7  
 Krupp, G., and, 379–80  
   liability of, in United States, 370–5  
   under Alien Tort Claims Act, 363–4, 370–5  
   in *Doe et al. v. Unocal*, 372, 402–3  
   in *Jesner v. Arab Bank*, 374  
   in *Kiobel et al. v. Royal Dutch Petroleum*, 372, 403–5  
   in *Sosa v. Alvarez-Machin*, 372  
 Organization of American States, 386–7  
   private military contractors, liability of, 412–13, 415–16  
   Special Tribunal for Lebanon, 388  
   theoretical approach to, 362–6  
   under United Nations Guiding Principles on Business and Human Rights, 384–5  
   under United Nations Human Rights Council, 385–6  
   in *Wiwa v. Royal Dutch Petroleum/Shell*, 402–3  
 corporations  
   criminal liability of  
   in aiding and abetting cases. *See* aiding and abetting

- doctrine of corporal criminal liability, 298–9
- of domestic corporations, 299–302
- in International Criminal Court cases, 87–8
- in Democratic Republic of Congo, 84–5
- in Myanmar, role in international criminal tribunals, 80–1
- in Nigeria, role in international criminal tribunals, 80–1
- Truth and Reconciliation Commission in Liberia, assessment of criminal culpability of, 275
- Council of Europe, on illicit sale and trade of cultural property, 144–5
- counter-terrorism laws, 152–3
- Covenant on Civil and Political Rights, UN, 57–8
- Covenant on Economic, Social and Cultural Rights, UN, 57–8
- crimes against humanity
  - in Democratic Republic of Congo, 83
  - deportation as, 202–3
  - forcible transfer as, 202–3
  - human trafficking as, under Rome Statute, 240
  - elements of, 245–8
  - as enslavement, 241–4
  - as organizational policy, 247–8
  - as state policy, 246
  - as systematic attack, 245–6
  - landgrabbing as, 204–5, 206–7
  - in Nigeria, 80
- Crimes Against Humanity Treaty, 511
- criminal enforcement. *See* enforcement
- Criminal Justice Act, UK (1988), 431–2
- Criminal Law Act, UK (1977), 431–2
- Criminal Law of 1902, Norway, 47, 52–3
- CRO. *See* civil recovery orders
- crony-capitalism model, 116–17
- Cross, Matthew, 476
- Crusades, looting of cultural property during, 124
- cultural heritage
  - under European Convention on the Protection of the Archaeological Heritage, 144–5
  - in Islamic State
    - destruction of, 122–3
    - Great Mosque of al-Nuri, 122–3
    - National Museum of Baghdad, 127–8
    - profiteering on looting of, 131–2
  - cultural property
    - under Convention Respecting the Laws and Customs of War on Land, 47, 52–3
  - International Council of Museums and, 135
  - in Islamic State. *See* Islamic State
  - looting of, 124–6. *See also* looting of cultural property, in Islamic State
  - Congress of Vienna and, 125
  - during Crusades, 124
  - under Hague Convention, 125–6
  - under Napoleon, 125–6
  - by Nazi Germany, 126
  - during Roman Empire, 124
- cylinder seals, in Islamic State, 128–30
- Darfur conflict, in Sudan
  - China and, 77
  - International Criminal Court and, 76–7
  - UN Security Council and, 76–7
- Dayton Peace Agreement, 503
- Dean, Patrick, 32–3
- del Ponte, Carla, 89, 486–7
- Democratic Republic of Congo (DRC)
  - civil war history in, 82
  - colonial history of, 84
  - coltan reserves in, 84–5
  - International Criminal Court prosecutions in, 87
  - international criminal tribunals and, 82–5
    - conditions for tribunals, 83–5
    - crimes against humanity, 83
    - genocide, 83
    - war crimes, 83
  - multinational corporations in, 84–5

- deportation, after landgrabbing, 202–3, 206–7  
 definitions of, 215–18  
 under International Criminal Court Statute, 214, 218  
 under international law, 209  
 prohibitions against, 204
- de Quincy, Quatremere, 125
- Desaedeleer, Michel, 6–7
- diamonds, as source of income, 272–4
- DiCaprio, Leonardo, 512–13
- direct appropriation of property, under international humanitarian law, 197
- ‘directing mind and will’ of company, in England and Wales, 432–4
- displacement crimes, 202–3. *See also* deportation; forcible transfer
- Doe, Samuel, 257
- Doe et al. v. Unocal*, 372, 402–3
- dolus eventualis* construction, in *Kouwenhoven* case, 324
- dolus specialis* requirements, for terrorism, 334, 335
- domestic corporate criminal liability, 299–302
- domestic laws  
 arms transfer conduct under  
 export laws and, 151  
 global regulation of, 151  
 by individuals, 148–9  
 corporate actors under,  
 accountability for economic crimes, 511–13
- Dorđević* trial, landgrabbing and, 227–9
- DRC. *See* Democratic Republic of Congo
- EAC. *See* Extraordinary African Chambers
- East Timor  
 Special Panels for Serious Crimes, 469–70  
 UN Security Council prosecutions and, 71–3  
 economic trade factors for, 72
- ECCC. *See* Extraordinary Chambers in the Courts of Cambodia
- economic actors  
 Commission for International Justice and Accountability (CIJA) and, 120–1, 517–18  
 establishment of, 94  
 under international criminal law and humanitarian law, 94  
 international prosecution cases and, preparation of, 95–6  
 limitations of, 96–8  
 purpose of, 94  
 Syrian conflict and, 94–8, 114–15, 117–19
- investigations of  
 complicity charges and, 110–12  
 conceptual framework for, 98–112  
 in ICTR, 108  
 in ICTY, 107–9  
 legal framework for, 98–112  
 in modern jurisprudence, 107–12  
 in post-World War II trials, 98–107  
 in Special Court for Sierra Leone, 109–10  
 in Syrian conflict, 112–20  
 Commission for International Justice and Accountability (CIJA) model and, 94–8, 114–15, 117–19  
 crony-capitalism model, 116–17  
 identification of economic targets, 116–20  
 under international criminal law and humanitarian law, breaches of, 121  
 Syrian economy as factor in, 112–16
- economic aggression, 17–18. *See also* economic protectionism; imperialism  
 by Germany, vicious form of, 17–18  
 by Great Britain, 17–18  
 selfish form of, 17–18  
 by United States, selfish form of, 17–18  
 vicious form of, 17–18

- economic 'crimes against peace,' as  
 international crime, 30–6  
 atrocity crimes and, 507–9  
 victim justice through focus on,  
 508–9  
 British response to, 32–3  
 development of argument for, 31–2  
 France on, 31  
 by Krupp, G., 33–4  
 prevention strategies for, 522–3  
 by Schacht, 33, 34–5  
 acquittal of, 34–5, 36  
 United States on, 31
- economic protectionism  
 in East Timor, UN Security Council  
 prosecutions influenced by, 72  
 international criminal tribunals  
 influenced by  
 Armenian atrocities and, 62  
 ICTR, 68–9  
 ICTY, 67–8  
 prosecution targets of, 65  
 in Rwanda, 68–9  
 UN Security Council prosecutions  
 influenced by, 65  
 in East Timor, 72  
 target selection and, 89
- economic sanctions. *See* sanctions
- Egeland, Jan, 83
- enforcement, criminal, against human  
 trafficking, 248–51  
 admissibility issues in, 250–1  
 jurisdictional issues in, 249–50
- England and Wales, war funders and  
 profiteers in, criminal  
 liability for  
 alternative approaches to, 437–40  
 anti-corruption strategies,  
 437–8  
 anti-money laundering, 440–4  
 asset-freezing, 440–4  
 sanctions as, 440–4  
 under Biological Weapons Act, 429  
 under Bribery Act, 434–5  
 under Chemical Weapons Act, 429  
 through civil recovery orders, 445–7  
 corporate 'duty to prevent' atrocity  
 crimes and, 434–7  
 under Criminal Justice Act, 431–2  
 under Criminal Law Act, 431–2  
 'directing mind and will' of  
 company, 432–4  
 under Financial Services and  
 Markets Act, 436–7  
*Halsbury's Laws* and, 431  
 for international crimes, 427–32  
 under International Criminal Court  
 Act 2001, 428–32  
 under Landmines Act, 429  
 under Malabo Protocol, 426–7  
 Office of Financial Sanctions  
 Implementation, 442  
 under Proceeds of Crime Act,  
 442–7, 449  
 under Rome Statute, 427  
 under Sanctions and Anti-Money  
 Laundering Act, 440–1, 447  
 under Serious Crimes Act, 444  
 Special Tribunal for Lebanon and,  
 426–7  
 for terrorist financing, legislation  
 against, 450–2  
 under Terrorism Act, 450–2  
*Tesco Supermarkets Ltd*  
*v. Natrass*, 433  
 theoretical approach to, 425–7  
 transparency measures, 447–50
- enslavement, human trafficking as,  
 241–4
- Erturk, Yalcin, 83
- Eser, Albin, 354–5
- European Convention on Human  
 Rights, Norway under, 57–8
- European Convention on the  
 Protection of the  
 Archaeological Heritage,  
 144–5
- export laws, arms transfer conduct  
 under, 151
- Extraordinary African Chambers  
 (EAC), 473–4
- Extraordinary Chambers in the Courts  
 of Cambodia (ECCC), 155,  
 471–2
- extraterritoriality issues, for private  
 military contractors, 413–15



- Fahy, Charles, 34  
 Farrow, Mia, 273  
 FATF. *See* Financial Action Task Force  
 Federal Tort Claim Act (FTCA),  
 US, 417  
 Fernández de Gurmendi, Silvia, 163–4  
 FIDH. *See* International Federation for  
 Human Rights  
*Filártiga v. Peña-Irala*, 400–3  
 Financial Action Task Force  
 (FATF), 331  
 Financial Services and Markets Act, UK  
 (2000), 436–7  
 financing of terrorism  
 Financial Action Task Force reports  
 on, 331  
 under International Convention for  
 the Suppression of the  
 Financing of Terrorism, 332–40  
 theoretical approach to, 331–2  
 United Nations General Assembly  
 response to, 332  
 United Nations Security Council  
 response to, 332  
 Fite, Katherine, 34  
 Flick, Friedrich, 102–4, 105–6  
 forced labour, exploitation of  
 by Lexow, 37–8  
 by Nazi Germany, 40–5  
 civilian infrastructure as result  
 of, 43  
 from POWs, 41–4  
 in Norway, during Nazi German  
 occupation, 40–5  
 criminal investigation of, 45–52  
 Norwegians as, 44–5  
 in Nuremberg trials, 38–9  
 ‘forcible displacement’, after  
 landgrabbing, 218–20, 230  
 forcible transfer, after landgrabbing,  
 202–3, 206–7  
 definitions of, 215–18  
 under Geneva Conventions,  
 212–14  
 as inhumane act, 210–12  
 under International Criminal Court  
 Statute, 214  
 legal definition of, 213, 214  
 prohibitions of, 204  
 as war crime, 212–15  
*Foreign Affairs in the English  
 Courts*, 425  
 France, on economic ‘crimes against  
 peace’, 31  
 free-market capitalism, 19–20  
 FTCA. *See* Federal Tort Claim Act  
 Funk, Walter, 98–9  
*Furundžija* trial, 310–12  
 Fyfe, David Maxwell, 33  
 Gardner, John, 305–6  
 Garland, Merrick, 418  
 Geneva Conventions  
 landgrabbing under, 202–3, 204  
 unlawful forcible transfer, 212–14  
 pillage under, prohibition of,  
 190, 194  
 genocide  
 in Democratic Republic of Congo, 83  
 van Anraat and, 317  
 George, Donny, 127  
 Germany. *See also* Nazi Germany  
 economic aggression by, vicious  
 form of, 17–18  
 Soviet Union invaded by, 28–9  
 Global Magnitsky Act, 520, 521, 522  
 Gombo, Jean-Pierre Bemba, 5, 279  
 government contractor defence, 417  
 Graver, Hans Petter, 58–9  
 Great Britain, economic aggression by,  
 17–18  
 Great Mosque of al-Nuri, 122–3  
 Greve, Hanne Sofie, 58–9  
 Guldberg, Eilif, 51  
 Habré, Hissène, 473–4, 508  
 Hague Convention  
 appropriation of property under,  
 195, 196, 199  
 Convention for the Protection of  
 Cultural Property in the Event  
 of Armed Conflicts, 134  
 Convention Respecting the Laws and  
 Customs of War on Land and  
 Annexed Regulations, 47, 52–3,  
 125, 139–40

- illicit sale and trade of cultural property under, 139–40
- looting of cultural property under, 125–6
- Halsbury's Laws*, 431
- Hatlehol, Gunnar, 44–5
- Heller, Kevin, 458
- Henderson, Loy, 26
- Hochschild, Adam, 82
- Holder, Eric, 510–11
- Holder v. Humanitarian Law Project*, 153
- Holocaust victims, reparations mechanisms for, 493–4, 502–3
- Hoshino, Naoki, 98
- human rights, arms transfer conduct and, 154–5
- human rights law, 57–8
- human trafficking, war profiteers and under Convention Against Transnational Organised Crime (Trafficking Protocol), 233–4, 238–40, 248
  - action element in, 238–9
  - means specified in, 239–40
- criminal enforcement against, 248–51
  - admissibility issues in, 250–1
  - jurisdictional issues in, 249–50
- exceptions to economic motives, 232–3
- as international crime, 244–5
- under International Criminal Court Statute, 239–40, 249–50, 251–2
- under international criminal law, 233–5, 236–8
- under international humanitarian law, 235, 236–8
- in *Kunarac* trial, 243–4
- legal framework for, 235–40
- Office of the Prosecutor and, response to, 233, 248–9
- under Rome Statute, 235, 236–8, 251–2
  - as crime against humanity, 240
  - elements of trafficking, 245–8
    - as enslavement, 241–4
    - as organizational policy, 247–8
    - as state policy, 246
    - as systematic attack, 245–6
  - size of enterprise of, 232
  - under Slavery Convention, 241–4
    - Trafficking Protocol as distinct from, 241
  - by state-like entities, 232
  - theoretical approach to, 233–5
  - in wartime, 232
- Hunt, David, 460
- Hussein, Saddam, 6–7, 127–8
  - aiding and abetting war crimes by, 316
  - van Anraat and, 317
- hybrid prosecution models, UNSC, 65–6, 69–76
  - in Cambodia, 73–4
  - for East Timor, 71–3
  - Kosovo tribunal, 70–1
  - in Sierra Leone, 74–6
  - in Sri Lanka, 90
- IACHR. *See* Inter-American Commission on Human Rights
- ICC. *See* International Criminal Court
- ICHL. *See* international criminal and humanitarian law
- ICJ. *See* International Court of Justice
- ICL. *See* international criminal law
- ICOM. *See* International Council of Museums
- ICTR. *See* International Criminal Tribunal for Rwanda
- ICTY. *See* International Criminal Tribunal for the former Yugoslavia
- IHT. *See* Iraqi High Tribunal
- illicit excavations, in Islamic State, 130–5
  - civilians and, 134–5
  - estimation of, 137
  - Kurdish soldiers and, 134–5
  - UN Security Council Resolutions on, 131–2, 137–8
- illicit sale and trade, of cultural property. *See* Islamic State

- immunity derivate of sovereign officials, 418–19
- imperialism  
 World War I and, 20  
 as form of capitalism, 19–20  
 geographic limitations of, 20  
 Lenin critique of, 19–21  
*Imperialism, the highest stage of capitalism* (Lenin), 19
- IMT. *See* International Military Tribunal
- IMTFE. *See* International Military Tribunal for the Far East
- In re: Chiquita Brands Int'l*, 366–70, 391–2  
 under Rome Statute, 369
- indirect appropriation of property, in international humanitarian law, 197
- instigation, 343–4
- Inter-American Commission on Human Rights (IACHR), 386–7
- International Convention for the Suppression of Acts of Nuclear Terrorism, 164–5
- International Convention for the Suppression of Terrorist Bombings, 332
- International Convention for the Suppression of the Financing of Terrorism, 153, 332–40  
 China ratification of, 333  
 complicity in, 340–6  
 through aiding and abetting, 341–3  
 through instigation, 343–4  
 through organization or direction of others, 344–6  
 contribution to criminal groups in, 349–56  
 common purpose elements in, 350–2  
 joint warfare enterprise, 351  
*mens rea* of contributors, 352–4  
 through new modes of participation, 354–6  
 under Rome Statute, 349–50
- crime of terrorist financing in, 335–40  
*actus reus* requirements for, 336  
 definition of, 336  
*mens rea* requirements for, 336–9  
 in ICTR, 339  
 in ICTY, 334–5, 337–9  
 aiding and abetting, 341–3  
 collective criminality in, 346–8  
 instigation in, 343–4  
 organization or direction of others, 344–6  
 in International Court of Justice cases, 356–9  
 under International Criminal Court Statute, 339, 353–4  
 international criminal law and, 347–8  
 modes of participation, of offenders, 340–56, 360  
 collective criminality, 346–8  
 complicity, 340–6  
 through contribution to criminal groups, 349–56  
 as joint criminal enterprise, 347–8  
 Rome Statute and, 340, 349–52  
 state responsibility in, 356–61  
 Taylor, Charles Ghankay, and, 355–6  
 terrorist acts under, definition of, 333–5, 360  
*dolus specialis* requirements, 334, 335  
 international agreement on, 334  
*mens rea* requirements, 335  
 in Ukraine, 356–8
- International Council of Museums (ICOM), 135
- International Court of Justice (ICJ), 356–9
- international crimes. *See also* war crimes  
 crimes against humanity  
 in Democratic Republic of Congo, 83  
 in Nigeria, 80  
 economic ‘crimes against peace’ as, 30–6  
 British response to, 32–3

- development of argument
  - for, 31–2
- France on, 31
- by Krupp, G., 33–4
- by Schacht, 33, 34–5, 36
- United States on, 31
- in England and Wales, criminal
  - liability for, 427–32
- genocide, in Democratic Republic of Congo, 83
- human trafficking, 244–5
  - in Sierra Leone, 4
- International Crimes (Tribunal) Act, Bangladesh, 214
- International Criminal Court (ICC)
  - actus reus* requirements, for aiding and abetting in, 306–7, 314–16
  - aiding and abetting criteria in, 118–19, 284–5
    - corporate criminal liability for, 302
  - arms transfer conduct and, 149–50, 184–6
  - corporate actor accountability and, legal approaches to, 390–3, 394–5
    - Office of the Prosecutor and, 392–3
  - corporate criminal liability in, 87–8
    - for aiding and abetting, 302
  - human trafficking and, 239–40, 249–50, 251–2
  - illicit sale and trade of cultural property in, 139, 145–6, 147
- International Convention for the Suppression of the Financing of Terrorism, 339, 353–4
- International Criminal Court (ICC) Act 2001, 428–32
- investigations and prosecutions by, 85–90
  - in Democratic Republic of Congo, 87
- landgrabbing cases in, 201–2, 229–31
  - definitions of, 214
  - deportation, definitions of, 214, 218
  - limitations of, 88–9
- Office of the Prosecutor (ICC-OTP)
  - corporate actor accountability and, 392–3
  - human trafficking and, response to, 233, 248–9
  - investigations of war profiteers, 4–6
  - ‘Strategic Plan’, 6
- pillage and, prohibition of, 195–6, 199
  - definition of, 192–3
  - nature or property appropriated, 196
- reparations mechanisms. *See* reparations mechanisms
- Rome Statute of. *See* Rome Statute
- Syrian conflict investigation by, 89–90
- target subjects of, political influences as factor for, 62–3
- UN Security Council international criminal prosecutions and, referrals to, 76–8
  - for Darfur conflict, 76–7
  - for Libyan Civil War, 77–8
- International Criminal Court (ICC) Act (2001), 428–32
- international criminal law (ICL)
  - arms transfer conduct under, 149–50
  - complicity under, 155–62
  - in ICTR, 155
  - in ICTY, 155, 176–7
  - under Rome Statute, 156–66, 170–2, 174, 181, 182–5
  - in Special Court for Sierra Leone, 155
  - human trafficking under, 233–5, 236–8
- International Convention for the Suppression of the Financing of Terrorism and, 347–8
- prohibition of pillage under, 198–9
- international criminal and humanitarian law (ICHL), 94, 121. *See also* international humanitarian law

- International Criminal Tribunal for  
 Rwanda (ICTR), 64, 65, 68–9  
 aiding and abetting criteria in, 286  
 arms transfer conduct and, 155  
 asset recovery through, 459–61  
 economic trade factors and, 68–9  
 International Convention for the  
 Suppression of the Financing of  
 Terrorism in, 339
- International Criminal Tribunal for the  
 former Yugoslavia (ICTY),  
 65, 67–8  
 aiding and abetting criteria in,  
 118–19, 283, 284–5  
 arms transfer conduct and, 155,  
 176–7  
 asset recovery through, 459–61  
 creation of, 68  
 economic trade factors in, 67–8  
 International Convention for the  
 Suppression of the Financing of  
 Terrorism in, 334–5, 337–9  
 aiding and abetting, 341–3  
 collective criminality in, 346–8  
 instigation in, 343–4  
 organization or direction of  
 others, 344–6  
 landgrabbing and, 203, 204–5,  
 229–31  
 legal approaches to, 206–7  
 USSR role in, 67–8
- international criminal tribunals, 78–85.  
*See also* asset recovery;  
 Nuremberg trials; UN Security  
 Council; *specific tribunals*  
 under Alien Tort Claims Act, 79–80  
 Constantinople trials, 62  
 Democratic Republic of Congo  
 (DRC), 82–5  
 civil war history in, 82  
 conditions for tribunals, 83–5  
 for crimes against humanity, 83  
 for genocide, 83  
 for war crimes, 83  
 economic influence on, 62  
 Myanmar and, 79–82, 89–90  
 corporate complicity in, 80–1  
 for human rights violations, 79–80  
 Nigeria and, 79–82  
 corporate complicity in, 80–1  
 for crimes against humanity, 80  
 prohibition of pillage in, 198  
 prosecution targets of  
 economic trade threats as factor  
 in, 65  
 international assessment of, 61–2  
 under international human rights  
 law, 62–3  
 political factors for, 63–6
- International Federation for Human  
 Rights (FIDH), 364
- international human rights law,  
 international criminal tribunals  
 under, 62–3
- international humanitarian law (IHL).  
*See also* pillage  
 direct appropriation of property  
 under, 197  
 human trafficking under, 235  
 lawful appropriation of property  
 under, 193–4
- international humanitarian law, human  
 trafficking under, 235,  
 236–8
- international law  
 accountability of corporate actors  
 under, 375–90, 511–13  
 criminal liability, after World War  
 II, 376–80  
 through international legal  
 consensus, 383–90  
 International Military Tribunal,  
 376–80  
 under Rome Statute, 380–3,  
 389–90  
 as soft law, 383–7  
 arms transfer conduct under  
 global regulation of, 151–2  
 by individuals, 148–50  
 landgrabbing under, 208–10
- International Military Tribunal (IMT),  
 376–80  
 asset recovery through, 456–8
- International Military Tribunal for the  
 Far East (IMTFE), 98, 376–80  
 asset recovery through, 456–8

- international war crimes, profiteering  
 from, economic consequences  
 of, 4
- Iran, in Syrian conflict, role in, 114
- Iraq. *See also* Islamic State  
 reparations mechanisms in, 498–9
- Iraqi High Tribunal (IHT), 470–1
- Islamic State  
 cultural heritage in  
 destruction of, 122–3  
 Great Mosque of al-Nuri, 122–3  
 National Museum of Baghdad,  
 127–8  
 profiteering on looting of, 131–2
- cultural property in, 122  
 armed non-state actors and,  
 126–30  
 buyers of, 135–9  
 cylinder seals, 128–30  
 licensing of, 132–3  
 looting of, 126–30, 131–2, 133–5  
 market routes for, 135–9  
 taxation on, 132
- illicit excavations in, 130–5  
 civilians and, 134–5  
 estimation of, 137  
 Kurdish soldiers and, 134–5  
 UN Security Council Resolutions  
 on, 131–2, 137–8
- illicit sale and trade in, of cultural  
 property, 130–5, 139–46  
 Council of Europe protections  
 against, 144–5  
 under Hague Convention rules  
 and regulations, 139–40  
 under International Criminal  
 Court Statute, 139, 145–6, 147  
 under Responsible Art Market  
 Initiative, 141  
 UN Security Council Resolutions  
 on, 142–4, 147  
 under UNESCO Conventions,  
 140–1, 147  
 under UNIDROIT Convention,  
 139, 141–2, 147
- looting in, of cultural property,  
 126–30, 131–2  
 by civilians, 134–5
- International Council of Museums  
 on, 135  
 by Kurdish soldiers, 134–5  
 profiteering on, 131–2  
 scale of, 133–4
- raid on Mosul Museum, 122–3
- UN Security Council Resolutions  
 on illicit excavations, 131–2,  
 137–8  
 on illicit sale and trade of cultural  
 property, 142–4, 147
- Jackson, Robert, 33–4, 376–7
- Jalloh, Charles, 277
- JCEs. *See* joint criminal enterprises
- Jesner v. Arab Bank*, 407, 374, 406,  
 415–16
- Johnson, Boris, 440
- Johnson, Martina, 276
- Johnson-Sirleaf, Ellen, 260
- joint criminal enterprise (JCE)  
 in International Convention for the  
 Suppression of the Financing of  
 Terrorism, 347–8  
 in Sierra Leone, Taylor, Charles  
 Ghankay, participation in,  
 260–5  
 Revolutionary United Front and,  
 266–9  
 for weapons delivery, 290
- joint warfare enterprise (JWE), 351
- Juma, Laurence, 85
- jurisdiction, legal, over human  
 trafficking crimes, 249–50
- Justice in Conflict* (blog), 2
- JWE. *See* joint warfare enterprise
- Kabbah, Ahmad Tejan, 259
- Kadić v. Karadžić*, 401–3
- Kamenev, Lev, 23
- Karadžić, Radovan, 401–3
- Kasper-Ansermet, Laurent, 514–15
- Katanga, Germaine, 155, 465–6  
 arms transfer conduct and, 168–9
- Kavanaugh, Brett (Justice), 418
- Kaya, Okinori, 98
- Keitel, Wilhelm, 126
- Kennedy, David, 375

- Kersten, Mark, 2
- Kiobel et al. v. Royal Dutch Petroleum*, 372, 403–5
- Kirov, Sergei, 22–3, 24
- Kirsch, Philippe, 163–4
- Kiss, Alejandro, 167
- Klinge, Karl-Hans Hermann, 56, 58–9, 60  
sentencing of, 58–9
- Knight, John, 438–9
- Kony, Joseph, 64
- Koroma, Johnny Paul, 259, 278
- Kosiah, Alieu, 276
- Kosovo, UN Security Council  
prosecutions in, 70–1  
United Nations Interim  
Administration Mission in  
Kosovo (UNMIK), 71
- Kosovo Specialist Chambers (KSC), 475–6
- Kouwenhoven, Guus, 6–7, 110–11, 276–7, 290, 516–17  
aiding and abetting of war crimes by,  
causation in, 320–4, 327–8  
*actus reus* requirements, 321  
appeals proceedings for, 320–1  
'causeless complicity' in, 323–4  
*dolus eventualis* construction  
in, 324  
*mens rea* requirements, 322–3, 324  
in Liberia, 320–4  
Taylor, Charles Ghankay, 320, 323
- Kpuinen, John, 80–1
- Krnjelac* trial, landgrabbing and,  
208–10, 219–20
- Krstić* trial, landgrabbing and, 207
- Krupp, Alfried, 33, 34, 61–2, 100–2, 458, 459  
asset recovery from, 478
- Krupp, Gustav, 33–4, 100, 379–80
- Krylenko, Nikolai, 27
- KSC. *See* Kosovo Specialist Chambers
- Kumarac* trial, human trafficking and,  
243–4
- Kupreškić* trial, landgrabbing and, 204
- Kuwait, reparations mechanisms in,  
498–9
- Kvočka* trial, landgrabbing and, 211
- landgrabbing  
in Bangladesh, 202  
in *Blaškić* trial, 206–7, 223  
in *Brđanin* trial, 222–3  
confirmation of judgments, 223–5  
as crime against humanity, 204–5, 206–7  
under customary international law,  
208–10  
definition of, 201  
deportation after, 202–3, 206–7  
definitions of, 215–18  
under International Criminal  
Court Statute, 214, 218  
under international law, 209  
prohibitions against, 204  
as displacement crime, 202–3  
in *Dorđević* trial, 227–9  
'forcible displacement' as new  
category of, 218–20, 230  
forcible transfer as result of. *See*  
forcible transfer  
under Geneva Conventions,  
202–3, 204  
unlawful forcible transfer, 212–14  
under ICTY Statute, 203, 204–5, 229–31  
legal approaches to, 206–7  
International Criminal Court and,  
201–2, 229–31  
definitions of, 214  
deportation in, definitions of,  
214, 218  
in *Krnjelac* trial, 208–10, 219–20  
in *Krstić* trial, 207  
in *Kupreškić* trial, 204  
in *Kvočka* trial, 211  
legal approaches to, 204–5, 206–7  
international consensus on, 220–3  
legal framework for, 225–9  
*nullum crimen sine lege* principle,  
206, 211, 224  
legal criteria for, 205  
in *Martić* trial, 226–7  
in *Milošević* trial, 220–1  
in *Milutinović* trial, 227–9  
in Myanmar, 202  
in *Naletilić* trial, 214–15

- in Nuremberg Tribunals, 216–17
- in *Prlić* trial, 226–7
- under Rome Statute, 208–9
- in *Stakić* trial, 210–12, 215–16, 221–9
- in *Vasiljević* trial, 205
- Landmines Act, UK (1998), 429
- law of booty, 194
- lawful appropriation of property, under international humanitarian law, 193–4
- Lawrence, Geoffrey, 34
- legal jurisdiction. *See* jurisdiction
- Lenin, Vladimir I., on imperialism, critique of, 19–21
  - World War I and, 20
- Lexow, Ditlef, 37–8, 45–6, 59–60
- forced labour exploitation by, 37–8
- Liberia, 75. *See also* Special Court for Sierra Leone; Taylor, Charles Ghankay
  - Armed Forces Revolutionary Council, 259, 261–2, 263–5
  - diamonds as source of income for, 272–4
  - Revolutionary United Front and, in joint criminal enterprise with, 266–9
  - atrocities crimes in, 506–7
  - civil conflicts in, 258–60
  - Kouwenhoven in, 320–4
  - National Patriotic Front of Liberia, 258–9
  - Truth and Reconciliation Commission in, 274–7
  - corporate behaviour in, 275
  - prosecution guidelines, 275–7. *See also* Special Court for Sierra Leone
- licensing, of cultural property, 132–3
- Lieber Code, prohibition of pillage under, 189–90
- Livshitz, Y. A., 23
- looting of cultural property, in Islamic State, 126–30, 131–2
  - by civilians, 134–5
  - International Council of Museums on, 135
  - by Kurdish soldiers, 134–5
  - profiteering on, 131–2
  - scale of, 133–4
- Lubanga, Thomas, 465–6
  - reparations mechanisms and, 483
- Lundin, Ian, 511–12
- MacDonald, Alison, 436–7
- Al Mahdi, Ahmad al Faqi, 146, 465–6
- Makhlouf, Rami, 112, 438–9
- Malabo Protocol, 426–7
- Mandela, Nelson, 273
- Martić* trial, landgrabbing and, 226–7
- Marty, Dick, 409
- Mbarushimana* Confirmation Decision, 166–8
- McCarthy, Conor, 462
- McCloy, John, 458, 459
- mens rea* requirements
  - for aiding and abetting, 292–6
    - acceptance of risk threshold, 295
    - ‘for the purpose of facilitating the commission of such a crime’, 293–5
    - knowledge of consequences of assistance, 295–6
    - knowledge of crime as, 292–3
  - for crime of terrorist financing, 336–9
  - for intentions of arms transfer conduct, 174–81
  - in International Convention for the Suppression of the Financing of Terrorism, for contribution to criminal groups, 352–4
  - in *Kouwenhoven* case, 322–3, 324
  - under Rome Statute, 158–61
  - for terrorism, definition of, 335
- military contractors. *See* private military contractors
- Milošević, Slobodan, 107–8, 460, 507
- Milutinović, Milan, 460
- Milutinović* trial, landgrabbing and, 227–9
- Mohamed Ag, Al Hassan Ag Abdoul Aziz Ag, 146
- monopoly capitalism, 20
- Mosul Museum, raids on, 122–3



- Musamba, Aimé Kilolo, 462–3
- Myanmar  
 international criminal tribunals and,  
 79–82, 89–90  
 corporate complicity in, 80–1  
 for human rights violations, 79–80  
 landgrabbing in, 202  
 nationalization of resources in, 80
- Naletilić* trial, landgrabbing and,  
 214–15
- Nassour, Aziz, 6, 277
- National Patriotic Front of Liberia  
 (NPFL), 258–9
- Nazi Germany  
 forced labour and, 40–5  
 civilian infrastructure as result  
 of, 43  
 from POWs, 41–4  
 looting of cultural property by, 126  
 in Norway, economic expansion of,  
 39–45  
 civilian infrastructure and, 39–40  
 through forced labour, 40–52  
 military infrastructure and, 39–40  
 pillage of property and, 193
- NCB v. Gamble*, 179–80
- negationists, Russian legal approaches  
 and, 21–3, 26
- Newton, Basil, 32–3
- Nigeria  
 international criminal tribunals and,  
 79–82  
 corporate complicity in, 80–1  
 crimes against humanity, 80  
 nationalization of resources in, 80
- Nikitchenko, Iona T., 30
- Normann, Leif, 51
- Norway  
 under Convention Respecting the  
 Laws and Customs of War on  
 Land, 47, 52–3  
 under European Convention on  
 Human Rights, 57–8  
 forced labour in, during Nazi  
 German occupation, 40–5  
 criminal investigation of, 45–52  
 Norwegians as, 44–5
- Nazi Germany economic expansion  
 in, 39–45  
 civilian infrastructure and, 39–40  
 forced labour and, 40–52  
 military infrastructure and,  
 39–40
- Resistance Movement in, 48–9  
 under UN Declaration of Human  
 Rights, 57
- war crimes in, legal exclusion  
 of, 52–9  
 Allied Land Forces Norway, 54–5  
 Allied War Crimes Investigation  
 Branch Norway, 54–5  
 under UN War Crimes  
 Commission, 53–4  
 under War Crimes Ordinance,  
 52–3, 55–7
- war profiteers in, legal purges of,  
 45–52  
 of business collaborations with  
 German agencies, 47–50
- war profits in, confiscation of,  
 45–52  
 under Criminal Law of 1902,  
 47, 52–3  
 under Treason Ordinance,  
 47–52, 55–7
- NPFL. *See* National Patriotic Front of  
 Liberia
- nullum crimen sine lege* principle, 206,  
 211, 224
- Nuremberg trials, 30–6. *See also*  
 economic ‘crimes against peace’  
 forced labour charges in, 38–9  
 Krupp, A., and, 33, 34, 61–2  
 Krupp, G., and, 33–4  
 landgrabbing in, 216–17  
 Schacht and, 33, 34–5  
 acquittal of, 34–5  
 Soviet delegation at, 30–2  
 target selection for, politics of,  
 61–2
- OAS. *See* Organization of American  
 States
- Office of Financial Sanctions  
 Implementation (OFSI), 442

- Office of the Prosecutor (OTP), at  
International Criminal Court  
accountability of corporate actors,  
392–3  
human trafficking and, response to,  
233, 248–9  
investigations of war profiteers, 4–6  
'Strategic Plan', 6
- OFSI. *See* Office of Financial Sanctions  
Implementation
- Ojdanić, Dragoljub, 460
- Operation Barbarossa, 29
- Organization of American States  
(OAS), 386–7
- organized pillage, 192
- Orozco-Henríquez, Jesús, 387
- Ossaily, Samih, 6
- OTP. *See* Office of the Prosecutor
- Oxford Manual, prohibition of pillage  
under, 189–90
- Panama Papers, 112, 438–40
- Pashukanis, Evgeny, 21–2, 26
- Passant, James, 33, 34
- Pearson, Drew, 34–5
- Perišić, Momčilo, 108, 155
- pillage, prohibition of, in international  
humanitarian law. *See also*  
cultural property; looting of  
cultural property  
absence of consent and, 192  
appropriation of property, 193–5  
direct, 197  
distinction between lawful and  
unlawful, 193–4  
under Hague Convention, 195,  
196, 199  
indirect, 197  
International Criminal Court  
assessment of, 196  
under law of booty, 194  
nature of, 196–7  
of private property, 195  
under Brussels Declaration, 189–90  
by combatants, 192  
criminalization of, 197–9  
definition of, 190–3  
under Geneva Conventions, 190  
under International Criminal  
Court standards, 192–3  
under Geneva Conventions, 194  
definitions of, 190  
by individuals, 192  
in International Criminal Court,  
195–6, 199  
definition of, 192–3  
nature of property  
appropriated, 196  
under international criminal law,  
198–9  
in international criminal  
tribunals, 198  
under Lieber Code, 189–90  
Nazi Germany and, 193  
organized pillage, 192  
under Oxford Manual, 189–90  
purpose of, 189–90  
seizure of enemy property compared  
to, 192  
in Special Court for Sierra Leone, 193
- Pisarro, Camille, 126
- plunder. *See* pillage
- political question doctrine, 419–21
- POWs. *See* prisoners of war
- Priemel, Kim, 38
- Prince, Erik, 409–11
- prisoners of war (POWs), 41–2
- private military contractors,  
accountability of  
at Abu Ghraib prison, 398, 399–400  
civil litigation over, 411–12  
under Alien Tort Claims Act, 398–9,  
400–8  
through civil litigation, 408–21  
for Abu Ghraib prison violations,  
411–12  
under Alien Tort Claims Act,  
400–8  
against Blackwater, 409–11  
threshold legal issues in, 412–16  
under Westfall Act, 410–11  
corporate liability and, 412–13,  
415–16  
defence arguments against, 416–21  
'battlefield pre-emption'  
defence, 418

- private military contractors (cont.)  
 under Federal Tort Claim Act, 417  
 government contractor  
 defence, 417  
 immunity derivative of sovereign  
 officials, 418–19  
 under political question doctrine,  
 419–21  
 expanded use of, 396–9  
 for outsourcing of governmental  
 functions, 398  
 extraterritoriality issues, 413–15  
 in *Filártiga v. Peña-Irala*, 400–3  
 functions of, 397  
 in *Jesner v. Arab Bank*, 406, 407,  
 415–16  
 in *Kadić v. Karadžić*, 401–3  
 in *Kiobel et al. v. Royal Dutch  
 Petroleum*, 403–5  
*Al Shimari v. CACI Premier  
 Technology, Inc.*, 413–16,  
 417–18, 419, 420  
 under Torture Statute, 411–12  
 under War Crimes Statute, 411–12  
 ‘War on Terror’ and, 397  
 private property, appropriation of, in  
 international humanitarian  
 law, 195  
*Prlić* trial, landgrabbing and, 226–7  
 Proceeds of Crime Act, UK (2002),  
 442–7, 449  
 profiteers, from war, 3–7. *See also*  
 human trafficking; *specific  
 topics*  
 definition of, 3  
 International Criminal Court Office  
 of the Prosecutor (ICC-OTP),  
 investigations of, 4–6  
 of international war crimes,  
 economic consequences for, 4  
 in Norway, 37–8  
 from business collaborations with  
 German agencies, 47–50  
 in Norway, legal purges of, 45–52  
 property. *See also* cultural property  
 under international  
 humanitarian law  
 indirect appropriation of, 197  
 lawful appropriation of, 193–4  
 private property, appropriation  
 of, 195  
 seizure of enemy property, pillage  
 compared to, 192  
 prosecution targets, of international  
 criminal tribunals  
 economic trade threats as factor  
 in, 65  
 international assessment of, 61–2  
 under international human rights  
 law, 62–3  
 political factors for, 63–6  
 ‘purge’ trials, in Soviet Union, 23–8  
 ‘anti-Soviet bloc of Rights and  
 Trotskyites’ trial, 24  
 ‘Anti-Soviet Trotsky Centre’ trial, 23  
 complicity doctrine as element  
 of, 25–6  
 Socialist legacy of, 26–30  
 ‘Trotskyite-Zinovievite Terrorist  
 Centre’ trial, 23  
 Pyatakov, Y. L., 23  
 RAM Initiative. *See* Responsible Art  
 Market Initiative  
 Rashid, Norul, 218  
*ratione materiae*, for aiding and  
 abetting, 297–9  
 Razak, Najib, 512–13  
 reparations mechanisms  
 ad hoc, 493–4  
 asset recovery through, 478–9  
 under Rome Statute system, 465–7  
 claims processing in, 496–504  
 access to, as victim’s right, 491–4  
 collection procedures in, 496–8  
 resolution procedures in, 496–8  
 valuation of claims, 498–501  
 through corporate prosecutions, in  
 United States, 509–11  
 cross-fertilization of, 484–90  
 Basic Principles, 485, 486, 492,  
 494–5  
 Resolution 1988/11, 485  
 Victims Declaration, 485, 492,  
 494–5  
 under Dayton Peace Agreement, 503

- establishment of, 482–4
  - regulatory structures in, 482–3
- funding for, 501–4
  - through private donors, 504
  - responsibility-based, 501–2
  - solidarity-based, 503–4
- for Holocaust victims, 493–4, 502–3
- in Iraq, 498–9
- in Kuwait, 498–9
- in *Lubanga* case, 483
- in post-conflict situations, 488–90
- under Rome Statute, 487–8
- in Sierra Leone, 509
- structures of, 504–5
- as transitional justice, 485–7
- victims' rights in, 491–5
  - access to reparations as element of, 491–4
  - equal treatment for specific groups, 494–5
  - support for specific groups, 494–5
- Resistance Movement, in Norway, 48–9
- Resolution 1988/11, for reparations mechanisms, 485
- responsibility-based funding, for reparations mechanisms, 501–2
- Responsible Art Market (RAM) Initiative, 141
- Revolutionary United Front (RUF), 256, 258–9, 261–2, 263–5
  - Armed Forces Revolutionary Council and, in joint criminal enterprise with, 266–9
  - diamonds as source of income for, 272–4
- right to appeal. *See* appeals
- Rios-Montt, Efraim, 508
- Roberts, John (Chief Justice), 405–6
- Rome Statute (1998)
  - accountability of corporate actors under, 380–3, 389–90
  - aiding and abetting criteria under, 118, 282–3
  - mens rea* requirements, 293–5
  - arms transfer conduct under, 156–66, 170–2, 174, 181, 182–5
  - Article 2.5(c), 349–52
  - Article 7(2), 235, 236–8, 241–4, 247–8, 251–2. *See also* human trafficking
  - Article 25(3)(c), 156–62, 281–2, 286, 293–5, 314–16
  - Article 25(3)(d), 162–6, 170–2, 174, 181, 182–5, 349–50
  - Article 30, 292, 293–5
  - Article 77(2), 461–5
  - asset recovery under, through international criminal tribunals, 461–7
  - fine and forfeiture measures, 461–5
  - orders for reparations, 465–7
  - human trafficking under, 235, 236–8, 251–2
  - as crime against humanity, 240
  - elements of, 245–8
  - as enslavement, 241–4
  - as organizational policy, 247–8
  - as state policy, 246
  - as systematic attack, 245–6
- International Convention for the Suppression of the Financing of Terrorism and, 340, 349–52
- contribution to criminal groups in, 349–50
- International Criminal Court prosecutions under, 86, 87–8
- landgrabbing under, 208–9
- mens rea* requirements under, 158–61
- reparations mechanisms under, 487–8
- Slavery Convention under, 241–4
- stare decisis* principle, 161–2
- UN Security Council criminal prosecutions under, 64
- war funders and profiteers in England and Wales under, 427
- Rosenberg, Alfred, 126
- RSFSR. *See* Russian Criminal Code
- Rudjord, Willy Andrew, 50
- RUF. *See* Revolutionary United Front

- Russia. *See also* Lenin, Vladimir I.; Stalin, Joseph  
 October 1917 revolution in, 21  
 Red Army in, 21  
 in Syrian conflict, role in, 114  
 Russian Criminal Code (RSFSR), 23, 25  
 Rwanda. *See also* International Criminal Tribunal for Rwanda  
 atrocity crimes in, 506  
 as failed state, 69  
 Rykov, Aleksei, 24
- Šainovic, Nikola, 460  
 Saland, Per, 382, 383  
 sanctions, economic  
 asset recovery through, at  
 international criminal tribunals, 519–22  
 in England and Wales, against war funders and profiteers, 440–4  
 Sanctions and Anti-Money Laundering Act, UK (2018), 440–1, 447  
 Sander, Barrie, 2  
 Sankoh, Foday, 259  
 atrocity crimes by, 506–7  
 Saro-Wiwa, Ken, 80–1, 402–3  
 Sauckel, Fritz, 42, 44–5  
 Sayyaf, Abu, 123–4, 129–31  
 Schacht, Hjalmar, 33, 34–5, 99–100, 117–18  
 acquittal of, 34–5  
 Scheffer, David, 158  
 Schneider, Alex, 511–12  
 Scott-Fox, David, 32–3  
 SCSL. *See* Special Court for Sierra Leone  
 seizure of enemy property, pillage compared to, 192  
 selfish economic aggression, 17  
 Serious Crimes Act, UK (2007), 444  
 Sesay, Issa, 269, 277  
 Shaxon, Nicholas, 438  
*Al Shimari v. CACI Premier Technology, Inc.*, 413–16, 417–18, 419, 420  
 Sierra Leone. *See also* Special Court for Sierra Leone  
 atrocity crimes in, 506–7  
 civil conflicts in, 258–60  
 international crimes in, 4  
 joint criminal enterprise in, Taylor, Charles Ghankay, participation in, 260–5  
 reparations mechanisms in, 509  
 Revolutionary United Front, 256, 258–9, 261–2, 263–5  
 Armed Forces Revolutionary Council and, in joint criminal enterprise with, 266–9  
 diamonds as source of income for, 272–4  
 Taylor, Charles Ghankay, and, 4, 6–7, 75–6, 260–5  
 UN Security Council prosecutions and, 74–6  
 Skodvin, Magne, 48  
 Slavery Convention, 241–4  
 Trafficking Protocol as distinct from, 241  
 Socialism, ‘purge’ trials and, 26–30  
 solidarity-based funding, for reparations mechanisms, 503–4  
*Sosa v. Alvarez-Machain*, 372, 401  
 Sotomayor, Sonia (Justice), 406–7  
 Soviet Union. *See also* Russia; Stalin, Joseph  
 economic aggression and, 19–30  
 imperialism and, 19–21  
 German invasion of, 28–9  
 international law doctrine for, 27–8  
 at Nuremberg trials, 30–2  
 Operation Barbarossa against, 29  
 Special Court for Sierra Leone (SCSL), 4, 75  
 aiding and abetting criteria in, 284–5  
 arms transfer conduct and, 155  
 asset recovery through, 467–9, 513–17  
 from economic crime enablers, 516–17  
 prohibition of pillage in, 193  
 prosecution targets for, 277–8  
 sentencing by, for Taylor, Charles Ghankay, 255–6, 269

- witnesses in, 279
  - Special Panels for Serious Crimes (SPSC), 469–70
  - Special Tribunal for Lebanon (STL), 155
    - accountability of corporate actors in, 388
    - asset recovery through, 472–3
    - England and Wales, war funders and profiteers in, 426–7
  - Spoerer, Mark, 41–2
  - SPSC. *See* Special Panels for Serious Crimes
  - Sri Lanka, UN Security Council and, 90
  - Stakić trial, landgrabbing and, 210–12, 215–16, 221–9
  - Stalin, Joseph, 21–30
    - law under, approaches to, 21–3
      - through decrees, 22–3
      - denial of right of appeal, 22–3
      - negationists' response to, 21–3, 26
      - professionalization of, 22
      - for terrorism, 22–3
      - for treason, 23
    - 'purge' trials under, 23–8
    - 'anti-Soviet bloc of Rights and Trotskyites' trial, 24
    - 'Anti-Soviet Trotsky Centre' trial, 23
    - complicity doctrine as element of, 25–6
    - Socialist legacy of, 26–30
    - 'Trotskyite-Zinovievite Terrorist Centre' trial, 23
  - stare decisis* principle, Rome Statute and, 161–2
  - state responsibility, in International Convention for the Suppression of the Financing of Terrorism, 356–61
  - Stephens, Beth, 365
  - STL. *See* Special Tribunal for Lebanon
  - Stojiljković, Vljajko, 460
  - Stuchka, Pyotr, 21–2
  - Sudan
    - Darfur conflict
      - China and, 77
  - International Criminal Court
    - and, 76–7
    - UN Security Council and, 76–7
  - Suzuki, Teiichi, 98
  - Syria. *See also* Islamic State
    - economy of, 112–16
    - manufacturing sector in, 113–14
    - 'Syria Files', 112
  - Syrian conflict
    - economic actors in, 112–20
      - Commission for International Justice and Accountability (CIJA) model and, 94–8, 114–15, 117–19
    - in crony-capitalism model, 116–17
    - identification of economic targets, 116–20
    - under international criminal law and humanitarian law, breaches of, 94, 121
    - Syrian economy as factor for, 112–16
    - historical documentation of, 93
  - International Criminal Court
    - investigation of, 89–90
  - Iran support in, 114
  - Russian support in, 114
- Tadić* trial, 310–12
  - taxation, from sale of cultural property, 132
  - Taylor, Agnes Reeves, 276
  - Taylor, Charles Ghankay, 4, 6–7, 75–6, 110–11, 155, 177–8. *See also* Special Court for Sierra Leone
  - aiding and abetting war crimes by, 316
  - asset recovery from, 467–9, 513–17
  - atrocities by, 506–7, 512
  - biography of, 257–8
  - criminal liability of
    - for crimes committed in Sierra Leone, 260–5
    - for exploitation of Liberia resources, 274–7
    - immunity from, 270

- Taylor, Charles Ghankay (cont.)  
 diamonds as source of income for, 272–4  
 freezing of assets, 469  
 as head of state, responsibilities of, 270–2  
 International Convention for the Suppression of the Financing of Terrorism and, 355–6  
 in joint criminal enterprise, participation in, 260–5  
 Armed Forces Revolutionary Council and, 266–9  
 Revolutionary United Front and, 266–9  
 for weapons delivery, 290  
 Kouwenhoven and, 276–7, 320, 323  
 Nassour and, 277  
 political corruption under, history of, 255–7, 258  
 Taylor, McArthur, 276  
 terrorism. *See also* International Convention for the Suppression of Acts of Nuclear Terrorism  
 anti-terrorism conventions, 333  
 counter-terrorism laws, 152–3  
 definition of, 333–5, 360  
*dolus specialis* requirements, 334, 335  
 international agreement on, 334  
*mens rea* requirements, 336  
 International Convention for the Suppression of Acts of Nuclear Terrorism, 164–5  
 International Convention for the Suppression of Terrorist Bombings, 332  
 Stalinist decrees on, 22–3  
 Terrorism Act, UK (2000), 11, 450–2  
 terrorist financing, crime of, 335–40  
*actus reus* requirements for, 336  
 definition of, 336  
 in England and Wales, legislation against, 450–2  
 under Terrorism Act, 450–2  
*mens rea* requirements for, 336–9  
*Tesco Supermarkets Ltd v. Natrass*, 433  
 Tolbert, William, 257  
 Torgersen, Frank H., 50–1  
 Torture Statute, US, 411–12  
 trafficking in persons. *See* human trafficking  
 Trafficking Protocol. *See* Convention Against Transnational Organised Crime  
 Trainin, Aron N., 28–30  
 transparency, for criminal liability, 447–50  
 TRC. *See* Truth and Reconciliation Commission  
 treason  
 Lexow and, 37–8  
 Stalinist decrees on, 23  
 Treason Ordinance, Norway (1944), 47–52, 55–7  
 enforcement of, 50–2  
 Trotsky, Leon, 21, 22–3  
 ‘Trotskyite-Zinovievite Terrorist Centre’ trial, 23  
 Truth and Reconciliation Commission (TRC), in Liberia, 274–7  
 corporate behaviour in, 275  
 prosecution guidelines, 275–7. *See also* Special Court for Sierra Leone  
 Turkey, Chester oil concession, 62  
 UDHR. *See* Universal Declaration of Human Rights  
 UK. *See* United Kingdom  
 Ukraine, 356–8  
 UN. *See* United Nations  
 UN Security Council (UNSC), international criminal prosecutions by, 62–78  
 ad hoc prosecution models, 65–6, 67–9  
 ICTR, 64, 65, 68–9  
 ICTY, 65, 67–8  
 in Sri Lanka, rejection of, 90  
 economic trade threats as factor in, 65  
 hybrid prosecution models, 65–6, 69–76  
 in Cambodia, 73–4  
 for East Timor, 71–3

- Kosovo tribunal, 70–1
- in Sierra Leone, 74–6
- in Islamic State
  - on illicit excavations, 131–2, 137–8
  - on illicit sale and trade of cultural property, 142–4, 147
- referrals to International Criminal Court, 76–8
  - for Darfur conflict, in Sudan, 76–7
  - for Libyan Civil War, 77–8
- under Rome Statute, 64
- under UN Charter, 66
- UNESCO. *See* United Nations
- Union of Soviet Socialist Republics (USSR), ICTY and, role in, 67–8
- United Kingdom (UK). *See also* England and Wales; Great Britain
  - Biological Weapons Act, 429
  - Bribery Act, 434–5
  - Chemical Weapons Act, 429
  - Criminal Justice Act, 431–2
  - Criminal Law Act, 431–2
  - on economic ‘crimes against peace’, 32–3
  - Financial Services and Markets Act, 436–7
  - Landmines Act, 429
  - Office of Financial Sanctions Implementation in, 442
  - Proceeds of Crime Act, 442–7, 449
  - ratification of Convention for the Protection of Cultural Property in the Event of Armed Conflicts, 452–3
  - Sanctions and Anti-Money Laundering Act, 440–1, 447
  - Serious Crimes Act, 444
  - Terrorism Act, 11, 450–2
- United Nations (UN)
  - Covenant on Civil and Political Rights, 57–8
  - Convention Against Transnational Organised Crime 2000, 233–4
  - Convention on the Elimination of all Forms of Discrimination Against Women, 57–8
  - Convention on the Rights of the Child, 57–8
  - Covenant on Economic, Social and Cultural Rights, 57–8
  - Educational, Scientific and Cultural Organization (UNESCO), 140–1, 147
  - General Assembly, response to financing of terrorism, 332
  - Guiding Principles on Business and Human Rights, 384–5, 425–6
  - Human Rights Council, 385–6
  - Security Council, 62–3
  - UN Charter, UNSC criminal prosecutions under, 66
  - UNESCO, 140–1, 147
  - Universal Declaration of Human Rights, 57
  - War Crimes Commission (UNWCC), 53–4
- United Nations Interim Administration Mission in Kosovo (UNMIK), 71
- United States (US). *See also* Alien Tort Claims Act
  - economic aggression by, selfish form of, 17–18
  - on economic ‘crimes against peace’, as international crime, 31
  - Federal Tort Claim Act, 417
  - liability of corporate actors in, 370–5
    - under Alien Tort Claims Act, 363–4, 370–5
    - in *Doe et al. v. Unocal*, 372, 402–3
    - in *Jesner v. Arab Bank*, 374
    - in *Kiobel et al. v. Royal Dutch Petroleum*, 372
    - in *Sosa v. Alvarez-Machain*, 372
  - reparations mechanisms in, through corporate prosecutions, 509–11
  - Torture Statute, 411–12
  - Victims of Crimes Act, 510
  - War Crimes Statute, 411–12
  - ‘War on Terror’, 397
  - Westfall Act, 410–11
- Universal Declaration of Human Rights (UDHR), 57



- UNMIK. *See* United Nations Interim Administration Mission in Kosovo
- UNSC. *See* UN Security Council
- UNWCC. *See* United Nations
- US. *See* United States
- USSR. *See* Union of Soviet Socialist Republics
- van Anraat, Frans, 110  
aiding and abetting of war crimes by, causation in, 317–20  
appeals proceedings for, 318–19  
of genocide, 317  
requirements for, 319  
Hussein, Saddam, and, 317
- van Boven, Theo, 485
- Vasiljević trial, landgrabbing and, 205
- vicious economic aggression, 17
- Victims Declaration, for reparations mechanisms, 485, 492, 494–5
- Victims of Crimes Act (VOCA), US (1984), 510
- victims' rights, in reparations mechanisms, 491–5  
access to reparations as element of, 491–4  
equal treatment for specific groups, 494–5  
support for specific groups, 494–5
- Vishinsky, Andrei, 22, 27–8  
on international law doctrine, for Soviet Union, 27–8
- VOCA. *See* Victims of Crimes Act
- war. *See also* war funders; World War I; World War II  
commercial exploitation of, 3  
definition of, 3  
human trafficking as result of, 232  
war crimes  
definition of, 2–3  
in Democratic Republic of Congo, 83  
forcible transfer as, 212–15  
in Norway, legal exclusion of, 52–9  
Allied Land Forces Norway, 54–5  
Allied War Crimes Investigation Branch Norway, 54–5  
under UN War Crimes Commission, 53–4  
under War Crimes Ordinance, 52–3, 55–7  
War Crimes Commission, UN, 53–4  
War Crimes Ordinance, Norway (1945), 52–3, 55–7  
War Crimes Statute, US, 411–12  
'War on Terror', 397  
war profits. *See also* profiteers  
from looting of cultural heritage sites, 131–2  
in Norway, confiscation of, 45–52  
under Criminal Law of 1902, 47, 52–3  
war's funders, 3–7. *See also specific topics*  
Welles, Sumner, 17–18  
Westfall Act, US, 410–11  
witnesses, in Special Court for Sierra Leone, 279  
*Wiwa v. Royal Dutch Petroleum/Shell*, 402–3  
World War I, imperialism and, 20  
World War II. *See also* Nuremberg trials  
criminal liability of corporate actors after, 376–80  
investigations of economic actors after, in post-World War II trials, 98–107
- Zinoviev, Grigory, 23