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978-1-107-06003-6 - Criminological Approaches to International Criminal Law

Edited by Ilias Bantekas and Emmanouela Mylonaki

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CRIMINOLOGICAL APPROACHES TO INTERNATIONAL CRIMINAL LAW

This volume is one of the few books to explain in-depth the international crimes behind the scenes of substantive or procedural law. The contributors place a particular focus on what motivates participation in international crime, how perpetrators, witnesses and victims see their predicament and how international crimes should be investigated at local and international level, with an emphasis on context. The book engages these questions with a broad interdisciplinary approach that is accessible to both lawyers and non-lawyers alike. It discusses international crime through the lens of anthropology, neuroscience, psychology, state crime theory and information systems theory and draws upon relevant investigative experience from experts in international and domestic law prosecutions.

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PREFACE

You know that an edited book has the potential for contributing something to knowledge when all the contributors tell you that they are challenged by the questions posed, even if the subject matter of their chapter is close to their scholarly or professional expertise. None of the contributors alone, including the editors, possesses expertise on all the areas covered in this book. We have asked contributors to offer perspectives on psychiatry, psychology, forensic science, anthropology, law, organisational behaviour and several other areas, and it is natural that none of us could predict from the outset what each chapter would look like or what conclusions would be reached. We did not ask that contributors confirm or deny existing theories, practices, policies, etc., with the aim of reaching a particular line of thinking. What we were certain of was that international criminal justice should not be confined to what lawyers alone say but should become as interdisciplinary as possible, because law is clearly only one element in this process. We were not convinced, for example, that the extensive debates on *mens rea* currently occupying international criminal law scholarship (especially following the *Lubanga* case) could only be answered by criminal law theorists, but thought that at the very least psychiatry and neuroscience should inform the current debate. Equally, it was felt that international criminal justice scholarship had narrowed its scope so much (with its centre of gravity being on the so-called core crimes) that it had lost sight of conduct producing more victims as compared to average war crimes. State crime theory is just one example where lawyers have lost the bigger picture.

When we set out to organise the contents of this book we did not necessarily aim at constructing a general theory of international criminology. Our purpose was to ask selected experts how they thought established knowledge in their disciplines could be adapted to international (or transnational) crimes, if at all. This book is therefore a first attempt towards expanding the boundaries of international criminal law in order to realise its full potential. It is hoped that this will inspire others,

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including judges, academics, counsel and policy makers, to develop these ideas further through new research and practice. We hope that this is merely the first step towards something much bigger.

We would like to thank all contributors for their hard work, as well as the staff at Cambridge University Press for their professionalism and high standards throughout the production of this book.