

AN INTRODUCTION TO INTERNATIONAL CRIMINAL LAW AND PROCEDURE

Fourth edition

Written by a team of international lawyers with extensive academic and practical experience of international criminal law, the fourth edition of this leading textbook offers readers comprehensive coverage and a high level of academic rigour while maintaining its signature accessible and engaging style.

Introducing the readers to the fundamental concepts of international criminal law, as well as the domestic and international institutions that enforce that law, this book engages with critical questions, political and moral challenges, and alternatives to international justice.

Suitable for undergraduate and postgraduate students, academics and practitioners in the field, and cited by the International Criminal Tribunal for the former Yugoslavia, the International Criminal Court, the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, and the highest courts in domestic systems, this book is a must-read for anyone interested in learning more about international criminal law.

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AN INTRODUCTION TO
INTERNATIONAL CRIMINAL LAW
AND PROCEDURE

FOURTH EDITION

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In Memoriam

Håkan Friman (1963–2016)

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Preface to the Fourth Edition

We write this with great sadness. Håkan Friman, our dear friend, colleague, and co-author, passed away in October 2016. He was a judge, diplomat, scholar, teacher and, above all, a generous and inspiring human being. His multiple and lasting contributions to international criminal justice and his unwavering support for his colleagues will remain with everyone who was fortunate enough to know and work with him. We dedicate this edition to him, in fondest memory. A thoughtful symposium dedicated to him can also be found in volume 16 of the *Journal of International Criminal Justice*.

In another change for this edition, Elizabeth Wilmshurst has now retired. Elizabeth coordinated our efforts on the first three editions with brilliance, kindness and vision. Her extraordinary legal and practical abilities and her insightful advice are sorely missed. We have drawn upon her work on earlier editions for this one, and are very grateful for all Elizabeth has done for this book, and more generally.

The authors' team is now joined by Sergey Vasiliev, who brings in expertise in institutional and procedural aspects of international criminal justice. He readily accepted the invitation to step in and to contribute to the new edition.

Our intention for this book is to provide an accessible yet challenging explanation and critical 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 crimes of aggression – and the means of prosecuting them. We also touch on terrorist offences, torture and transnational crimes, as they relate to international criminal justice in the broader sense.

This book provides an overview of principles, defences and the aims of and alternatives to international criminal justice. We introduce the international and hybrid institutions that enforce and develop international criminal law. We address the organization and conduct of international criminal proceedings and matters relating to cooperation with courts. We also look at the system of international criminal justice more generally, including national proceedings, which are meant to be the primary locus of international criminal justice.

International criminal law is a vast and rapidly evolving subject. This book is intended as a manageable and stimulating introduction to the field, and therefore does not attempt to be comprehensive or highly detailed on every topic. We hope that we explain the issues clearly,

and at a level that inspires further thought and research. We encourage readers to follow up the footnotes and suggestions for further reading. We continue to welcome suggestions for improvement in future editions. The text takes into account key developments in law and jurisprudence up to 1 August 2018.

The book is a collegial endeavour. We have attempted to produce a book which reads as a coherent whole, rather than as a collection of separate papers from different writers. We have all had an input into each chapter, but remain individually responsible for the views expressed in each of our own chapters. The responsibility for Chapters 1, 2, 3, 6, 7, 10, 13, 14, 15, 16 and 22 lies with Robert; for Chapters 8, 11, 12, 21 with Darryl; and for Chapters 4, 5, 9, 17, 18, 19 and 20 with Sergey. Chapter 23 is a collective work. Darryl took on a coordinating role for the purpose of this edition, for which Robert and Sergey are tremendously grateful to him.

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