

INTERNATIONAL AND TRANSNATIONAL CRIME AND JUSTICE

International crime and justice is an emerging field that covers crime and justice from a global perspective. This book introduces the nature of international and transnational crimes; theoretical foundations to understanding the relationship between social change and the waxing and waning of the crime opportunity structure; globalization; migration; culture conflicts and the emerging legal frameworks for their prevention and control. It presents the challenges involved in delivering justice and international cooperative efforts to deter, detect, and respond to international and transnational crimes, and the need for international research and data resources to go beyond anecdote and impressionistic accounts to testing and developing theories to build the discipline that bring tangible improvements to the peace, security, and well-being of the globalizing world. This book is a timely analysis of the complex subject of international crime and justice for students, scholars, policy makers, and advocates who strive for the pursuit of justice for millions of victims.

Mangai Natarajan is a professor in the Department of Criminal Justice at John Jay College of Criminal Justice, The City University of New York. She is an award-winning policy-oriented researcher who has published widely in international criminal justice. To date she has edited ten books, including a special issue on Crime in Developing Countries for *Crime Science Journal*, and authored a monograph, *Women Policing in a Changing Society: Back Door to Equality* (2008). She is the founding director of the International Criminal Justice major at John Jay College.

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INTERNATIONAL AND TRANSNATIONAL CRIME AND JUSTICE

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Mangai Natarajan

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Contents

<i>List of Figures and Tables</i>	page xi
<i>Preface</i>	xiii
<i>About the Editor</i>	xvii
<i>Notes on Contributors</i>	xix
<i>Introduction</i> <i>Mangai Natarajan</i>	xxxiii
PART I: OVERVIEW: TRANSNATIONAL CRIME	1
PART IA: Varieties of Transnational Crimes	3
1. Drug Trafficking <i>Mangai Natarajan</i>	5
2. Understanding the Complexity of Trafficking in Human Beings <i>Alexis A. Aronowitz</i>	12
3. The Trafficking of Children in the USA <i>Meredith Dank and Andrea Hughes</i>	18
4. Migrant Smuggling <i>Paolo Campana</i>	24
5. International Trafficking of Stolen Vehicles <i>Rick Brown and Ronald V. Clarke</i>	31
6. Transnational Firearms Trafficking: Guns for Crime and Conflict <i>Theodore Leggett</i>	37
7. Trafficking Antiquities <i>Simon Mackenzie</i>	43
8. The Illegal Cigarette Trade <i>Klaus von Lampe</i>	49
9. Wildlife Trafficking: The Problem, Patterns, and a Promising Path Toward Prevention <i>Justin Kurland</i>	55
10. Cybercrime <i>Alex Alexandrou</i>	61

vi	Contents
11. Crime and Online Anonymous Markets <i>Pieter Hartel and Rolf van Wegberg</i>	67
12. Cryptocurrencies and Money Laundering Opportunities <i>Sarah Durrant and Mangai Natarajan</i>	73
13. Money Laundering <i>David C. Hicks and Adam Graycar</i>	80
14. International Fraud <i>Michael Levi</i>	86
15. Ransom Kidnapping: A Global Concern <i>Stephen Pires and Rob Guerette</i>	92
16. Child Pornography <i>Richard Wortley</i>	98
17. Transnational Environmental Crime <i>Rob White</i>	103
18. Multinational Corporate Criminal Negligence: A Case Study of the Bhopal Disaster, India <i>G. S. Bajpai and Bir Pal Singh</i>	109
19. Maritime Crimes: An Overview <i>Gisela Bichler</i>	114
20. Worldwide Maritime Piracy and the Implications for Situational Crime Prevention <i>Jon M. Shane and Shannon Magnuson</i>	120
21. Poaching of Terrestrial Wild Animals and Plants <i>Lauren Wilson and Ronald V. Clarke</i>	126
22. Illegal Commercial Fishing <i>Gohar Petrossian and Ronald V. Clarke</i>	132
23. Corruption <i>Adam Graycar</i>	138
24. Tourist and Visitor Crime <i>A. M. Lemieux and Marcus Felson</i>	144
25. Terrorism <i>Graeme Newman and Ronald V. Clarke</i>	148
26. Political Assassinations: A Global Perspective <i>Marissa Mandala</i>	154
PART IB: Transnational Organized Crime	161
27. Transnational Organized Crime <i>Jay S. Albanese</i>	163
28. Transnational Crime: Patterns and Trends <i>Klaus von Lampe</i>	169
29. Transnational Organized Crime Networks <i>Francesco Calderoni</i>	175

Contents	vii
30. Italian Organized Crime	181
<i>Vincenzo Ruggiero</i>	
31. Extortion and Organized Crime	186
<i>Ernesto U. Savona and Marco Zanella</i>	
32. Russian Organized Crime	192
<i>Alexander Sukharenko and Eric G. Lesneskie</i>	
33. The Rise of Balkan Organized Crime	198
<i>Jana Arsovska</i>	
34. Organized Crime Groups in Asia: Hong Kong and Japan	204
<i>Leona Lee</i>	
35. Drug Cartels: Neither Holy, Nor Roman, Nor an Empire	210
<i>Enrique Desmond Arias</i>	
36. Probing the “Nexus” between Organized Crime and Terrorism	216
<i>Theodore Leggett</i>	
PART IC: Factors that Facilitate Transnational Crimes	221
37. The Globalization of Crime	223
<i>Louise Shelley</i>	
38. Routine Activities and Transnational Crime	229
<i>Marcus Felson</i>	
39. Political Aspects of Violence: A Criminological Analysis	235
<i>Vincenzo Ruggiero</i>	
40. Migration, Crime, and Victimization	240
<i>Roberta Belli, Joshua D. Freilich, and Graeme Newman</i>	
41. Culture and Crime	245
<i>Edward Snajdr</i>	
PART ID: Transnational Justice Matters	251
42. Major Legal Systems of the World	254
<i>Matti Joutsen</i>	
43. Punishment Philosophies and Practices around the World	259
<i>Graeme Newman</i>	
44. Prisons around the World	264
<i>Harry R. Dammer</i>	
45. World Policing Models	270
<i>Rob Mawby</i>	
46. Cross-Border Policing	275
<i>Rob Guerette</i>	
47. Cybercrime Laws and Investigations	281
<i>Marie-Helen Maras</i>	

viii	Contents
48. The European Union and Cooperation in Criminal Matters <i>Matti Joutsen</i>	287
49. Extradition and Mutual Legal Assistance <i>Matti Joutsen</i>	293
50. International Cooperation to Combat Money Laundering <i>Adam Graycar</i>	299
51. The Role of Major Intergovernmental Organizations and International Agencies in Combating Transnational Crime <i>Yuliya Zabyelina</i>	305
52. Crime Prevention in International Context <i>Ronald V. Clarke</i>	311
PART II: OVERVIEW: INTERNATIONAL CRIME	317
PART IIA: Core International Crimes (As Defined by the Rome Statute, 1998)	319
53. Genocide, War Crimes, and Crimes against Humanity <i>George Andreopoulos</i>	321
54. History of Genocide <i>Itai Sneh</i>	327
55. Understanding Culture and Conflict in Preventing Genocide <i>Douglas Irvin-Erickson</i>	333
56. War Crimes <i>Noah Weisbord and Carla L. Reyes</i>	339
57. Apartheid: A Crime against Humanity <i>Helen Kapstein</i>	345
58. The Crime of Aggression <i>Stefan Barriga</i>	350
59. Crimes of the Powerful: A Global Perspective <i>Anamika Twyman-Ghoshal</i>	355
PART IIB: International Crime and Justice for Women and Children	361
60. Women and International Criminal Justice <i>Mangai Natarajan and Elenice Oliveira</i>	363
61. Domestic Violence: A Global Concern <i>Mangai Natarajan and Diana Rodriguez-Spahia</i>	370
62. Honor-Based Violence: A Review <i>Popy Begum and Mangai Natarajan</i>	376
63. International Perspectives on Child Maltreatment <i>Emily Hurren and Anna Stewart</i>	383
64. Children and International Criminal Justice <i>Cécile Van de Voorde and Rosemary Barberet</i>	389

Contents	ix
PART IIC: International Justice	395
65. The Role of the United Nations	397
<i>Roger S. Clark</i>	
66. Treaties and International Law	402
<i>Gloria J. Browne-Marshall</i>	
67. The International Criminal Court	408
<i>Mangai Natarajan and Antigona Kukaj</i>	
68. The ICC and the Darfur Investigation: Progress and Challenges	415
<i>Xabier Agirre Aranburu and Roberta Belli</i>	
69. Victims' Rights in the International Criminal Court	421
<i>David Donat Cattin</i>	
70. International Criminal Tribunals and Hybrid Courts	427
<i>Gloria J. Browne-Marshall</i>	
71. Global and Regional Human Rights Commissions	433
<i>José Luis Morín</i>	
72. The Truth and Reconciliation Commission in South Africa in Perspective: Origins and Achievements	439
<i>Stephan Parmentier and Elmar Weitekamp</i>	
73. The Guatemalan Truth Commission: Genocide Through the Lens of Transitional Justice	445
<i>Marcia Esparza</i>	
74. Nongovernmental Organizations and International Criminal Justice	450
<i>Rosemary Barberet</i>	
75. Transforming Restorative Justice for Transitional Settings	456
<i>Kerry Clamp</i>	
PART III: OVERVIEW: INTERNATIONAL AND TRANSNATIONAL CRIME RESEARCH	461
76. The US Uniform Crime Reports and the National Crime Victimization Survey	464
<i>Steven Block and Michael G. Maxfield</i>	
77. Highlights of the International Crime Victim Survey	469
<i>Jan J. M. Van Dijk</i>	
78. The International Self-Report Delinquency Study (ISRD)	476
<i>Ineke Haen Marshall and Katharina Neissl</i>	
79. Advancing International and Transnational Research about Crime and Justice with Qualitative Comparative Analysis	483
<i>Gregory J. Howard, Martin Gottschalk, and Graeme Newman</i>	
80. Cross-National Comparisons Based on Official Statistics of Crime	488
<i>Marcelo F. Aebi</i>	
81. Cross-National Measures of Punitiveness	494
<i>Alfred Blumstein</i>	

x	Contents
82. World Criminal Justice Library Network <i>Phyllis A. Schultze</i>	501
83. Printed and Electronic Media, Journals, and Professional Associations <i>Maria Kiriakova</i>	505
84. Beyond the Usual Suspects: Gray Literature in Criminal Justice Research <i>Phyllis A. Schultze and Estee Marchi</i>	511
<i>World Map</i>	516
<i>Index</i>	519

Figures and Tables

FIGURES

I.1	International crime and justice: subject matter and contributory disciplines	<i>page</i> xli
1.1	Sequential steps in international drug trafficking	6
4.1	Human smuggling into Europe in 2017	26
6.1	Firearms per active-duty soldier, top ten national firearms arsenals	41
6.2	Total civilian firearms holdings, top ten countries (millions of firearms)	41
10.1	The evolution of cybercrime	62
20.1	Actual and attempted piracy against ships worldwide, 1991–2017	122
21.1	Poaching-related threats to the northern pig-tailed macaque	127
26.1	Total political assassinations worldwide, 1970–2014	158
29.1	An example of a criminal network	177
62.1	Contextualizing the criminology of honor-based violence	379
77.1	Overall victimization for ten crimes; one-year prevalence rates (percentages) of capital cities and national populations in 28 countries in 2005	471
77.2	One-year prevalence rates among national populations for assault/threat	472
77.3	Percentage of assaults, robberies, and burglaries, respectively, reported to the police, by region	473
78.1	“Last year” victimization by theft, assault, and robbery	480
81.1.a	Expected time served per 1,000 murder crimes and convictions (years)	495
81.1.b	Expected time served per 1,000 robbery crimes and convictions	495
81.1.c	Expected time served per 1,000 burglary crimes	495

TABLES

I.1	Distinctive features of transnational and international crimes	xxxv
I.2	Twenty-four “international crimes”	xxxviii
10.1	Cybercrime weapons summarized	64
12.1	Comparison of traditional money laundering and crypto laundering	75
12.2	Crypto money laundering cases (N = 49)	76
25.1	Four principles of situational prevention and the four pillars of opportunity for terrorism	152

26.1	Political assassination trends, 1970–2014	157
26.2	Important political assassinations	159
27.1	Typology of organized crime activities	164
27.2	Shifts in the nature of organized crime activity	166
27.3	Typology of organized crime groups	167
34.1	Major organized crime groups in Asia	205
42.1	Overview of the main legal traditions	258
44.1	Top ten prison population in total numbers and prisoners per 100,000 in 2016	266
46.1	Challenges and criticisms of cross-border policing	279
48.1	Comparison of ordinary international cooperation and EU cooperation in criminal matters	291
51.1	Regional police organizations	308
60.1	Percentage of women professionals in the criminal justice system and the gender inequality measure (GII) scores for 30 nations	367
61.1	Countries that have defined DV as a crime	374
78.1	Comparison of UCR and NCVS	466
81.1	Trends in incarceration rates in various countries	499

Preface

“The structure of world peace cannot be the work of one man, or one party, or one nation... It cannot be a peace of large nations – or of small nations. It must be a peace which rests on the cooperative effort of the whole world.” Franklin Roosevelt, quoted by Barack Obama, 44th President of the United States, in his Address to the UN General Assembly, September 23, 2009

In furtherance of world peace, many educational institutions are now broadening their curricula to improve understanding of the global realities of the present-day world. Crime undeniably poses a serious threat to social order and tranquillity and it is certain that the rule of law, coupled with an efficient criminal justice system, is fundamental to social and economic progress. This is true of every sovereign state. The disciplines of criminology and criminal justice have a vital role to play in improving the understanding of crimes that threaten the peace and security of nations and in finding the best way to deal with them.

The rapid increase in globalization at the end of the twentieth century led criminologists to study “transnational crimes,” i.e., criminal acts that span national borders and that violate the laws of more than one country. This resulted in the creation of a new field of study, “comparative criminology and criminal justice,” though it is also known by many other names, including international criminology and criminal justice, global criminology and criminal justice, supranational criminology, and cross-cultural criminology. Meanwhile, growing international awareness of the millions of victims of genocide, crimes against humanity, and war crimes in the late twentieth century, compelled the international community to pay attention to these “gravest crimes” that threaten the peace, security, and well-being of the world. These crimes were given formal recognition in the Rome Statute of 1998 (now signed by more than half the member states of the United Nations), which established the International Criminal Court to deal with them.

The disaster of September 11, 2001, accelerated the need to study international crime and criminal justice, not just in the USA but all around the world. A new undergraduate major – International Criminal Justice (ICJ) – was established at John Jay College of Criminal Justice in 2001 and subsequently, in 2010, a companion master’s ICJ program was also started. Other universities and colleges are now beginning to offer similar programs at the undergraduate and graduate levels. The programs will help to expand the boundaries of criminology and criminal justice and will open many new career opportunities for students of these fields.

As the founding director of John Jay's undergraduate ICJ program, I soon realized that there was urgent need for a student text that would provide concise, up-to-date information on the broad array of topics covered by international crime and justice. I was fortunate in being able to persuade McGraw-Hill to custom publish in 2005 and subsequently, in 2011, I was proud that Cambridge University Press agreed to publish a new edition, with an updated and expanded content, as a textbook for the national and international market. That version of the book was produced with hard cover, paperback, and as an ebook. Apart from John Jay College of Criminal Justice, the book has been adopted by many other universities in the USA as a source book and textbook for courses on international crime and justice.

The unique feature of the Cambridge University Press 2011 edited volume is that it was designed to be flexible in terms of future editions, which will add more topics, research ideas, references, etc. It has become the primary source for anyone interested in learning about international criminal justice. The book serves as a source of knowledge on this evolving field in criminology and criminal justice and is popular among students and others for its short, clear, and concise chapters, written by 77 authors, many of whom are world-renowned experts.

International crime and justice is an evolving field and there is a constant need to update the materials and the focus. Many universities around the world are introducing transnational crime and justice, and international criminal justice in their BA and MA programs. This book is an enhanced edition, with the existing chapters of the Cambridge University Press 2011 edition and new chapters that are relevant to studying international and transnational crime and justice issues. It contains 84 chapters by 89 authors.

My role in developing international criminal justice programs, teaching the courses, and undertaking research – presenting at international conferences and supervising dissertations and theses on ICJ topics at John Jay since 2000 – has provided me with the extensive contacts needed in putting together this book. I hope it is more than a textbook. The short chapters, specially written by many of the world experts in this new field, are intended to give students an understanding of the main concepts covered by each topic and to sensitize students to the complex nature of the problems. Given the enormous interest in this field, I confidently expect new editions of the book in the future years.

My sincere thanks go to each and every one of the 89 authors for accepting my invitations to write the chapters. Because of their broad expertise, I had to twist the arms of some of them to write more than one chapter. Many of them not only wrote chapters but helped by reviewing the chapters of other authors. I also thank some other reviewers who are not authors, including Patricia Brantingham, John Braithwaite, Carlos Carcach, Richard Culp, James Finckenaue, Dinni Gorden, Dennis Kenney, Edward Kleemans, Dana Miller, Mahesh Nalla, Carlos Ponce, Sheetal Ranjan, Phil Reichel, Aiden Sidebottom, Janet Smith, Nick Tilley, and Cathy Widom, who reviewed the 2011 and the present edition. Without the help of all these friends and colleagues, this project would not have been possible. I am fortunate to have such a wonderful group of international experts as friends. It was a pleasure to work with them as well as a great learning experience. I also thank the anonymous reviewers of the book proposal, selected by Cambridge University Press, whose comments helped me to improve the book and gave me confidence that I was on the right track.

I have been blessed by having many hard-working, talented, eager-to-learn students in the ICJ program. Some of them read the chapters, gave feedback, and helped to check and proofread the references.

There is nothing like having the help of mentors in facing the challenges of an academic career. I thank Professor Ronald V. Clarke, my mentor, or rather my guru(!), for teaching me to be rigorous and self-critical ever since my time at Rutgers. I am also grateful for many brainstorming sessions with him that helped shape this book.

I must acknowledge my special thanks to Professor Roger S. Clark, an optimistic human being and inspirational teacher, who has directed me over the years or so on the right path toward understanding international criminal law.

Encouragement can work wonders for one's confidence and I thank Professor Graeme Newman, a founding scholar of global crime and justice, for his encouraging comments when I started thinking about a book on international crime and justice. I am grandly indebted to him for his unequivocal support in my international crime and justice career.

Two other people of great importance in my career in international criminal justice are Professors Gerhard Mueller and Freda Adler. In 2005, before his death, Professor Mueller paid me the honor of writing the foreword for the earlier, custom edition of this book, published by McGraw-Hill.

There are many other people who contributed to the development of the book. First, I would like to thank ex-Provost Basil Wilson, who conceived the idea of an ICJ major at John Jay and who asked me to run the program. Thanks also to John Jay administrators for their constant and continued support and thanks to the colleagues in my department for their patience with this preoccupied colleague. My sincere thanks to the young scholars who teach and use the textbook at John Jay for constantly providing feedback in improving this edition.

My special thanks to Lauren Wilson, Rutgers University PhD candidate, for her assistance in compiling the manuscript; Lidia Vasquez, a JJ PhD candidate in assisting with reference checks; and the JJ's Office of Advanced Research (OAR) for providing me a research assistant support to this book project.

One of my ICJ students, Ray Hilker, wrote to me (Tuesday, July 25, 2017), "I decided to purchase your book, *International Crime and Justice*. When I last rented it, I had not read the preface, only the chapters for assignments. But today, I decided to read it from cover to cover. I'm not sure if you did, but for the future you should assign the preface as a part of the class reading requirement. Your words give purpose to what we study, and once again have reminded me of why I am here, and why I will continue to work to reach the same goals that you write of in your text." I am indeed touched by students and their remarks about the book.

I would also like to thank Robert Dreesen, Senior Editor of Cambridge University Press, for his confidence in me and enthusiasm about the book; Claire Sissen, Gail Welsh, and Dan Shutt for production assistance; and Jackie Grant for facilitating the production.

Finally, thanks to all my friends – they knew who they are – for constantly cheering me up whenever I have begun to droop under the burden of producing the book. Above all, thanks to Jithendranath Vaidyanathan, my best friend, for his unwavering commitment to my professional success.

Ever since I entered the world of criminology, my passion and ambition has been to understand victimization and to help prevent it. I therefore dedicate this book to the victims of international and transnational crimes, in the hope it might help in the future to reduce the terrible harms that they suffer.

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About the Editor

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Notes on Contributors

xxi

crime of aggression up to the successful conclusion of this process at the Review Conference 2010. Since 2002, he has represented Liechtenstein in numerous negotiations on legal issues, in particular in the context of the Sixth Committee (legal) of the UN General Assembly and the ICC Assembly of States Parties. Mr Barriga holds a doctoral degree in Law from the University of Vienna (Austria) and an LLM from Columbia University.

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Roger S. Clark is Board of Governors Professor of International Law at Rutgers University School of Law in Camden, New Jersey. He holds advanced doctorates in Law from Victoria University of Wellington in New Zealand and from Columbia Law School in New York. Between 1986 and 1990, he was a member of the United Nations Committee on Crime Prevention and Control, a group of independent experts elected by the Economic and Social Council ("ECOSOC"). The Committee supervised the criminal justice work of the United Nations. (It has since been replaced by the Commission on Crime Prevention and Criminal Justice, which is composed of representatives of states.) Since 1995, he has represented the government of Samoa in negotiations to create the International Criminal Court and to get it up and running. He was actively involved in the process to extend the Court's jurisdictional reach to the crime of aggression, which was completed in December 2017.

Ronald V. Clarke is University Professor at the Rutgers School of Criminal Justice. He was employed for 15 years in the British Government's criminology research department, where he had a significant role in the development of situational crime prevention. Dr Clarke is author or joint author of more than 300 publications. He was awarded the Stockholm Prize in Criminology in 2015.

Notes on Contributors

xxiii

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Marcus Felson is the originator of the routine activity approach and author of *Crime and Everyday Life* (2010) and *Crime and Nature* (2006), and Professor at Texas State University in San Marcos, Texas. He has a BA from the University of Chicago, an MA and PhD from the University of Michigan, and received the 2014 Honoris Causa from the Universidad Miguel Hernandez in Spain. Professor Felson has been given the Ronald Clarke Award by the Environmental Criminology and Crime Analysis group, and the Paul Tappan Award of the Western Society of Criminology. He has been a guest lecturer in Abu Dhabi, Argentina, Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Ecuador, El Salvador, England, Finland, France, Germany, Hong Kong, Hungary, Italy, Japan, Mexico, the Netherlands, New Zealand, Norway, Poland, Scotland, Spain, South Africa, Sweden, and Switzerland. He has applied routine activity thinking to many topics, including theft, violence, child molesting, white-collar crime, and corruption.

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Notes on Contributors

XXV

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Notes on Contributors

xxvii

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Notes on Contributors

xxix

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Itai Sneh is tenured at the Department of History in John Jay College of Criminal Justice and completed his doctorate at Columbia University. He holds a degree in Law and a Master's in Eastern European Jewish History from McGill University in Montreal, Canada, and a BA in Jewish History (with minors in International Relations, Biblical Studies, and Yiddish Language and Culture) from Hebrew University in Jerusalem, Israel. His research interests, presentations, and publications include books, articles, and lectures on the history of human rights; American presidential, diplomatic, legal, and political history; international law; terrorism; genocide; and the Middle East. He serves as a peer reviewer in the *Interdisciplinary Journal of Human Rights Law*, the *Journal of American History*, and *Peace & Change*.

Anna Stewart is Professor in the School of Criminology and Criminal Justice at Griffith University. Her research interests are built around opportunities provided by government administrative data. She has examined the lifetime contacts individuals have with child protection, criminal justice and mental health systems, system responses to youth offending and domestic violence, management of risk, diversionary responses, and system modeling. Her recent interests focus on translational research, moving research findings into policy and practice.

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Notes on Contributors

xxxi

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Introduction

Mangai Natarajan

Criminology seeks to explain the nature, extent, causes, and consequences of crime, while the discipline of criminal justice deals with society's response to crime – how this is conceived, organized, administered, delivered, and evaluated. For most of their histories, these disciplines have focused on lower-class offenders committing “street” crimes that impact local neighborhoods and cities. They have paid relatively little attention to corporate or white-collar crimes and they have paid even less attention to studying the cross-cultural context of crime and the different national responses to crime.

In the past two decades, scholars have broken out of this mold and have begun to extend the boundaries of criminology and criminal justice. Specifically, they began to study crime patterns and evolving criminal justice practices in other parts of the world, using their own countries as a benchmark comparison. Their pioneering work resulted in “comparative criminology” and “comparative criminal justice” becoming established sub-fields of the broader disciplines (Mannheim, 1965; Mueller & Wise, 1965, 1975; Clinard & Abbott, 1973; Chang, 1976; Newman, 1976; Shelley, 1981a, 1981b; Terrill, 1982; Adler, 1983; Johnson, 1983; Bayley, 1990). One of the facts exposed by this body of work, increasingly recognized by the United Nations and the World Bank, is that the rule of law is not simply the result of economic and social progress; rather, it is a necessary condition for this progress to be achieved.

The acceleration in globalization that began in the 1990s has made clear that criminologists must take one step further than that made in comparative criminology (Fairchild, 1993; Adler, 1996; Yacoubain, 1998, Reichel, 1999). They must study not just the crimes and criminal justice systems of other countries, but also “transnational” crimes that span two or more countries. These crimes include cybercrimes, international money laundering, and various forms of trafficking (in drugs, humans, stolen antiquities, and endangered wildlife), which result from the huge expansion of world trade, the vast increase in migration, the internationalization of currency markets, and the explosions of international travel and electronic communications. While these consequences of globalization have been lauded by economists and others, criminologists, lawyers, and crime policy officials must now grapple with one of globalization's downsides – the opportunities it has created, together with the explosion of new technologies, for “transnational” crimes to emerge or be transformed into more serious forms (Newman, 1999).

No sooner had criminologists and criminal justice scholars wakened to this reality than developments in international relations and international law drew their attention to yet another large and important class of crimes that they had neglected, so-called international crimes (Yacoubain, 2000). These are crimes such as genocide and mass killings that occur within the boundaries of a sovereign state, but which are so horrific in their scale and consequences that they demand an international response. Some criminologists and criminal justice scholars (notably Hagan & Rymond-Richmond, 2009) have recently begun to conduct research on these crimes and it is becoming evident that a whole new field of study – international crime and justice – is being created. This field includes comparative criminology and criminal justice, and its subject matter is transnational crimes, international crimes, and the international responses to these crimes.

As will become apparent from this book, this new field departs in many important respects from traditional criminology and criminal justice. As discussed below, the international dimension of the field requires input from an even wider range of disciplines than those involved in criminology and criminal justice. Another important change is that moving the focus, first, from local crimes to transnational crimes, and then to international crimes, results in victims becoming increasingly more important. At the local level, the focus is mostly on offenders – explaining their crimes, apprehending them, and treating them. Relatively little attention is paid to the needs of victims for restitution, compensation, and protection. At the international level this relationship is reversed. There is considerably more concern with the harm to victims, and with restitution and compensation. This is because transnational and international crimes often involve multiple victims who suffer egregious harms and who have little recourse to justice. The victims are very visible, whereas the offenders are often difficult to identify, and even more difficult to apprehend. Thus, the implication for scholars is that victimology, the Cinderella of traditional criminology (Fattah, 1991), becomes much more important in international crime and justice.

Recognition of the increasing importance of transnational and international crimes led to the establishment of a undergraduate and graduate programs major in International Criminal Justice (Natarajan, 2002, 2008). This book is intended to serve the needs of the students in these programs for concise, up-to-date information on the broad array of topics covered by international crime and justice. Later sections of this introductory chapter detail the reasons for studying international criminal justice, lay out the elements of the interdisciplinary approach to the subject, and provide a brief description of the three parts of the book. The next two sections, however, provide more information about transnational and international crime.

DISTINGUISHING BETWEEN TRANSNATIONAL AND INTERNATIONAL CRIMES

Bassiouni (1986) provides a distinction between international criminal law enforceable by international criminal tribunals and crimes of international concern that are enforceable by national systems though they are also codified in international conventions. In line with Boister's (2003) four-fold distinction between international criminal law and transnational criminal law, Table I.1 highlights the main differences between transnational and international crimes.

Table I.1. Distinctive features of transnational and international crimes

Transnational Crimes	International Crimes
1. Have direct impact on the countries that are affected.	1. Have direct and indirect impact on the world peace and security.
2. Have jurisdictional and legal impact.	2. Have universal applicability.
3. Have no limitations to certain jurisdictions; can spread across countries.	3. Have domestic feature limiting the jurisdiction.
4. Have local crime groups organizing the activities through local and international networks or vice versa.	4. Have local governments and their agencies, social institutions including race, ethnicity, religion, caste, executing mass atrocities in their sovereign nations.
5. Not all international crimes are transnational in nature.	5. All transnational crimes are of international concern.

Distinguishing between transnational and international crime serves two important purposes: 1) it encourages the international community to focus its resources on the gravest crimes that threaten the peace and well-being of the world; 2) it encourages criminal justice resources and priorities including law enforcement to narrow their focus on the cross-national border crimes that affect specific countries' or regions' safety and security. For example, if cocaine trafficking happens between and within countries in the American region, these countries can collaborate and cooperate in developing extradition treaties and providing mutual legal assistance in controlling and preventing the trafficking in the region. This approach does not require Asian countries to become involved in the problems of the Americas; they can reserve their resources for the international or global causes. On the other hand, for example, in the case of genocide, a core international crime, the international communities or global response would help render and restore justice to the victims and assist in reconstructing the affected countries.

While transnational crimes can be dealt with by the cooperation of international agencies that focus on cross-national issues and border activities, including the United Nations Office of Drug Control (UNODC), the International Police Organization (INTERPOL), the European Union's Police Organization (EUROPOL), the Association of South-East Asian Nations Chiefs of Police (ASEANOPOL), and the World Customs Organization (WCO), to deal with international crimes *ad hoc*, or permanent institutions such as the International Criminal Court, international criminal tribunals that are beyond the sovereignty agreed upon by majority of countries of the world are essential.

Twenty-first-century crimes that span national borders, violating the laws of more than one country, are on the increase in volume and in numbers. The number of countries that are affected is also on the increase. Globalization has not only accelerated the commission of the crimes but also is involving countries that had not previously participated in the transnational crime business or activities.

Crimes such as honor-based violence and its variants are also increasing and spreading across countries affecting specific immigrant communities. Such crimes, which were once very much local and cultural, were not previously of interest worldwide. Crimes such as gender-based violence and child abuse are universal and ubiquitous, which is of concern to

the international community, requiring domestic laws to take care of the crimes under their sovereignty context.

TRANSNATIONAL CRIMES

The Fourth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (1994) defined transnational crime as offenses whose inception, prevention, and/or direct or indirect effects involves more than one country (Williams & Vlassis 2001). This was a follow-up of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which coined the term “transnational crime.” Gerhard Mueller (Mueller & Wise, 2001) argues that “the term ‘transnational crime’ did not have a juridical meaning then, and it does not have one now. It is a criminological term, under which may be lumped what is variously and differently defined in the penal codes of states, but with the common attribute of transcending the jurisdiction of any given state. We also observed then that, almost invariably, transnational criminality is organized criminality, although it is entirely imaginable that a single person can engage in transnational crime” (p. 13).

According to McDonald (1997), an offense is of transnational nature if:

1. it is committed in more than one state
2. it is committed in one state but a substantial part of its preparation, planning, direction, or control takes place in another state
3. it is committed in one state but involves an organized criminal group that engages in criminal activities in more than one state
4. it is committed in one state but has substantial effects in another state

This indeed reflects General Assembly Resolution 55/25 of November 15, 2000, United Nations Convention against Transnational Organized Crime, Article 3, section 2. Examples of transnational crimes include illegal immigration, sea piracy, airliner bombings, and various forms of international trafficking, which include trafficking in drugs, in stolen cars, in firearms, in antiquities and cultural objects, in endangered species, in human body parts, and in women for the sex trade.

Because transnational crimes span the borders of two or more countries, they require action by the specific countries where the laws have been violated. It is the need for cooperation between states, equally interested in protecting their legal values, which makes them willing to assist each other to prevent or prosecute such crimes. Reciprocity is therefore a guiding principle (Triffterer, 2006), but some cases where such reciprocity is absent require the attention of an international body, in particular the United Nations. An important example is the bombing of Pan Am Flight 103 over Lockerbie, Scotland in 1988, which killed all 259 people on board and eleven people in the village of Lockerbie. Though the aircraft was American-owned and many of the victims were US citizens, the airliner was brought down over Scotland. This meant that the case fell squarely under the jurisdiction of Scottish law. Because of the lack of extradition treaties, the Libyan leader Moammar El-Gadhafi refused to hand over the Libyan citizens suspected of the crime. This conflict was resolved by the United Nations’ request to the government of Libya to comply by ensuring the appearance in the Netherlands of the two accused for the trial, as well as making available in the Netherlands any witnesses or evidence that might be requested by the court (for details, see Security

Council Resolution 1192 (1998) on the Lockerbie case). The Libyan leader eventually agreed to the trial being held in a neutral country, i.e., the Netherlands, though under Scottish law.

INTERNATIONAL CRIMES

The Rome Statute defines international crimes as the gravest crimes that threaten the peace, security, and well-being of the world and are of concern to the international community. This covers the “core crimes” of genocide, war crimes, crimes against humanity, and the crime of aggression (for details, see UN document PCNICC/2000/INF/3/Add.2, on Elements of Crime). The Preamble to the Rome Statute states in paragraph 6 that “it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes.” While there may be general agreement that the “core crimes” specified in the Statute are indeed “international crimes,” there are many other crimes that in some circumstances might also qualify for this designation. Murphy (1999) has argued that international crimes are defined in a two-stage process. They are initially defined as crimes in a particular convention or agreement between two or more states. The primary focus of such agreements is the prosecution and punishment of individuals who perpetrate the crimes in question. Subsequently, after the agreement has been ratified by a large number of states and generally accepted even by states who do not become parties to the agreements, the crimes they cover may be regarded as crimes under customary international law. These crimes can be tried by countries that recognize them, or they can be tried by international criminal courts.

There is no authoritative listing of the acts that qualify, or might qualify, as international crimes, but a survey of conventions that criminalize certain acts produced the list of 24 such acts in Table I.2. These acts are categorized under the interests the conventions are designed to protect. The particular circumstances and conditions that might qualify them as international crimes, thus putting them under international jurisdiction, remain unclear. At first sight, many of the crimes would not be punishable under international law because they seem not to pose a threat to values inherent to the international community as a whole, in particular “the peace, security and wellbeing of the world,” which includes the sovereignty and independence of each individual state. However, clearer specification and description of the crimes might reveal that in certain circumstances they do indeed constitute a threat to the integrity of the international community. The fact that such vital issues remain unclear reflects the immaturity of the field and the delayed recognition of its importance.

WHY STUDY INTERNATIONAL CRIME AND JUSTICE?

Students sometimes ask me why, as Americans, they should concern themselves with issues such as female genital mutilation and female infanticide that occur in distant lands. They ask, do we not have enough problems of our own to deal with and why should we interfere in the cultural practices of other countries? I try to explain that criminal justice scholars should be concerned with victimization and violations of human rights, not just in their own countries, but wherever they occur in the world. In many countries women are sorely oppressed and are subjected to inhumane treatment. Though the authorities in these countries might recognize the problems and develop measures to combat them, the problems tend to be accepted by local people and the measures have little or no impact. Again, one might question how the

Table I.2. Twenty-four “international crimes”

<p>A. Protection of Peace 1. Aggression</p> <p>B. Humanitarian Protection During Armed Conflicts 2. War crimes 3. Unlawful use of weapons 4. Mercenarism</p> <p>C. Fundamental Human Rights 5. Genocide 6. Crimes against humanity 7. Apartheid 8. Slavery and related crimes 9. Torture 10. Unlawful human experimentation</p> <p>D. Protection against Terror-Violence 11. Piracy 12. Aircraft hijacking and sabotage of aircrafts 13. Force against internationally protected persons</p>	<p>D. Protection against Terror-Violence (cont.) 14. Taking of civilian hostages 15. Attacks upon commercial vessels</p> <p>E. Protection of Social Interests 16. Drug offenses 17. International traffic in obscene publications</p> <p>F. Protection of cultural interests 18. Destruction and/or theft of national treasures</p> <p>G. Protection of the environment 19. Environmental protection 20. Theft of nuclear materials</p> <p>H. Protection of Communications 22. Interference with submarine cables</p> <p>I. Protection of Economic Interests 23. Falsification and counterfeiting 24. Bribery of foreign public officials</p>
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Source: Paust et al. (2000); Murphy (1999)

involvement of foreigners could help with these local problems, but there are some success stories of such intervention. For example, local reformers were only successful in putting an end to “sati,” a cultural practice in India that required wives to immolate themselves on their husbands’ funeral pyres, when they obtained the backing of the British colonial administration. More might be achieved, however, by raising international awareness about such problems through the United Nations and other international bodies, in the hope that coordinated international pressure can work to minimize the harms inflicted.

In the wake of the World Trade Center disaster, the general point is now easier to make that individual countries cannot on their own, without international help, successfully tackle some crimes. Perhaps the clearest example of this relates to the various bi-lateral and international agreements now in place to deal with terrorism. In fact, there are many good reasons to study international crime and justice. Twenty such reasons are identified below.

1. International crimes cause harm to hundreds and thousands of innocent people in all parts of the world. It is important to understand the magnitude and extent of this suffering.
2. International crimes are major human rights violations. We must study these violations in order to develop international law and appropriate institutions of justice to prevent and respond to these violations.
3. Victims of state crimes (government crimes against citizens) are not fully protected by international law. It is important to find ways of extending this protection through international treaties and agreements.
4. Differing views are held around the world as to what are appropriate or desirable ways to process offenders in the criminal justice system. We must examine these differences

from a comparative perspective to form some consensus in developing regulatory mechanisms.

5. It is important to understand the role of international relations in providing lawful resolution to atrocities committed around the world.
6. The perpetrators of international crimes are political figures who frequently escape the justice systems of their own countries and obtain sanctuary in other countries. We must try to uncover the political motivations of countries providing asylum to these criminals as a basis for developing more effective extradition treaties.
7. It is important to understand the historical and cultural backgrounds of crimes against humanity, such as slavery and apartheid, so as to find ways to eliminate the roots of these forms of discrimination.
8. Some international crimes are difficult to prosecute due to both political constraints involving state sovereignty issues and to the lack of resources of international institutions such as the United Nations. We must find ways around these problems so that an effective international justice system can be developed. It is also important to find ways to improve the effectiveness of regional forces such as “Eurojust.”
9. The establishment of the International Criminal Court (ICC) is a major step in international criminal justice. We must find ways to improve the functioning of the court and to make it a force for world peace and justice.
10. Truth Commissions are a most encouraging development in the field of international criminal justice. It is important to understand how these commissions came to be established in order to improve their effectiveness in investigating the victimization of indigenous peoples and in rebuilding states.
11. In many parts of the world, women and children are subjected to many forms of violence. They are doubly victimized during times of armed conflict. It is important to find ways to improve the social status of women and children, as well as ways to develop international guarantees to preserve and protect their rights.
12. Globalization has resulted in the massive migration of people from one part of the world to another in search of better prospects. Local criminal groups often victimize innocent individuals in the process of migration. It is important to find ways of reducing the risks of victimization of migrants.
13. Many local crimes such as car theft span national borders. It is important to understand the factors that contribute to local crimes (including cultural, social, political, economic, and environmental conditions), so that effective situational controls can be implemented.
14. The proliferation of organized crime networks, with their extensive resources and sophisticated operations, is a serious threat to world security. We must study the operations of these organized crime networks and learn how they exploit a broad range of criminal opportunities.
15. Law enforcement strategies vary between and among nations. In order to reach some common ground for effective interdiction of international traffickers, it is important to develop international cooperative policing efforts. It is also important to learn how existing resources such as INTERPOL and EUROPOL can be made more effective.
16. International financial centers have opened doors for many organized criminal and terrorist groups to conceal their illegal proceeds. We must learn how to tighten

international banking safeguards so as to reduce opportunities for money laundering by these groups.

17. Transnational criminal activities affect all parts of the world, but the literature suggests that they most often originate in developing countries. It is important to understand the impact on crime of global economic development if developing countries are to be helped to combat transnational crimes.
18. Terrorism offers a serious threat to world peace and security. It is important to understand the political, social, economic, and cultural contexts in which terrorists operate if we are to develop effective measures to combat terrorism.
19. Technology has been a powerful force in bringing the world together. By the same token, it has opened new opportunities to commit crimes through the Internet. Traditional criminological explanations do not adequately explain such crimes, which seem little related to deprivation. We need a program of interdisciplinary research to learn how to design out these crimes from the Internet/cyberspace.
20. The mission of criminology and criminal justice has been to train people to assist in dealing with local crime problems. Expanding their mission to train people who are interested in making a career in international criminal justice will enrich both disciplines.

INTERNATIONAL CRIME AND JUSTICE: A COMPREHENSIVE INTERDISCIPLINARY APPROACH

Criminology and criminal justice are both interdisciplinary in nature. They draw upon many other disciplines in developing theories about crime, criminality, and the criminal justice process (including the apprehension, punishment, and treatment of offenders). These disciplines include economics, law, human geography, sociology, psychology, corrections, public administration, police science, and social work (see Figure I.1). An even wider range of disciplines must be invoked, however, in the service of understanding and dealing with transnational and international crimes. Victimology has already been mentioned in this context, but there are also important contributions to be made by international criminal law and human rights, international relations, political science, information technology, conservation and marine science, and global studies (see Figure I.1). Transnational and international crimes are local in origin, but their international reach ratchets up their level of complexity and changes their character in fundamental ways. Thus, once-simple frauds have now been transformed by globalization and advances in technology into massive Ponzi and pyramid schemes affecting many thousands of individuals across the world. And the difficulties of identifying offenders, arresting them, and bringing them to justice are multiplied many times when those offenders are engaged in international and transnational crimes. This increased complexity, requiring the contributions of scholars from many disciplines, poses daunting but exciting challenges to those studying international crime and justice.

ABOUT THE BOOK

As discussed above, there are many important reasons for studying international crime and justice, but until now there has been no single book offering a broad coverage of the many topics in this new field. This book is an attempt to meet this need. It provides an introduction

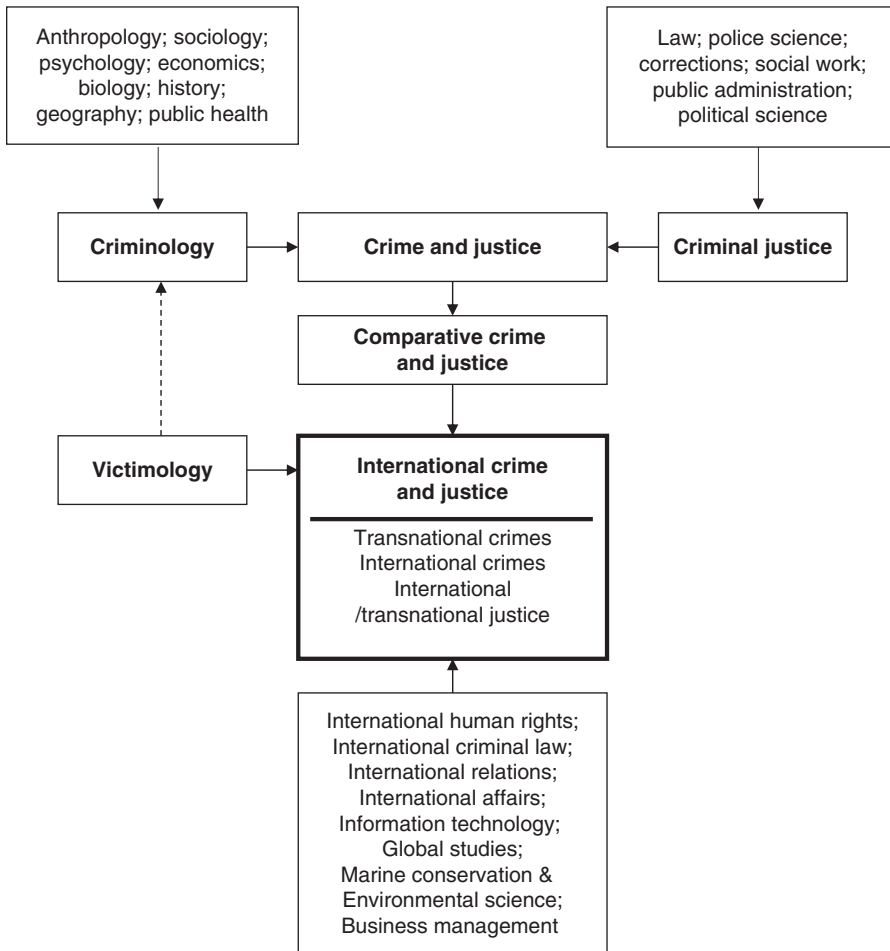


Figure I.1. International crime and justice: subject matter and contributory disciplines.
 Source: Author

to the nature of international and transnational crimes and to the emerging legal frameworks for their prevention and control. Emphasis is placed on global aspects of the work of different criminal justice agencies and on international structures that have been created for crime prevention, punishment, and control.

The compact and informative chapters make the book suitable for both graduate and undergraduate courses. In many cases, because of the depth and breadth of the book's coverage, it could serve as the main text. In other cases, it might be more suitably used as a supplementary text. Courses that would most likely make use of the book as a course text include: Introduction to International Criminal Justice, Comparative Criminology/Criminal Justice, International Criminology/Global Criminology, International Perspectives on Crime and Justice, and Global Crime and Justice.

This book is arranged in three parts covering the subject matter of international crime and justice, including the topics on transnational and international core crimes and research.

Part I: Transnational Crime contains four subsections including an overview of transnational crimes; transnational organized crime groups; factors that facilitate transnational crimes; and the development of transnational justice.

Part Ia: Varieties of Transnational Crimes includes 26 chapters on transnational trafficking crimes: drug trafficking (Chapter 1); trafficking of human beings (Chapter 2); trafficking of children (Chapter 3); migrant smuggling (Chapter 4); international trafficking of stolen vehicles (Chapter 5); transnational firearms trafficking (Chapter 6); trafficking in art, antiquities, and cultural heritage (Chapter 7); the illegal cigarette trade (Chapter 8); and wildlife trafficking (Chapter 9). Further in this section transnational crimes with more general global implications are discussed. These include: cybercrime (Chapter 10); crime and online anonymous markets (Chapter 11); cryptocurrencies and money laundering (Chapter 12); money laundering (Chapter 13); international fraud (Chapter 14); ransom kidnapping (Chapter 15); child pornography (Chapter 16). Other crimes of international concern are also covered, including: transnational environmental crime (Chapter 17); one of the world's worst industrial disasters due to multinational corporate criminal negligence at Bhopal, India (Chapter 18); maritime crimes (Chapter 19); maritime piracy (Chapter 20); poaching of terrestrial animals and plants (Chapter 21); illegal commercial fishing (Chapter 22); corruption (Chapter 23); tourist and visitor crimes (Chapter 24) – which are very much local in character but have international repercussions. The section also covers crimes that have global impact with features of transnational crimes, including terrorism, with a review of practical ways to prevent terrorism (Chapter 25), and political assassinations (Chapter 26).

Part Ib: Transnational Organized Crime opens with a discussion of the important reasons for studying transnational organized crime (Chapter 27) and its patterns and trends (Chapter 28); transnational organized crime networks (Chapter 29); Italian organized crime (Chapter 30); extortion (Chapter 31); Russian organized crime (Chapter 32); and the rise of Balkan organized crime (Chapter 33). While the previous chapters deal with organized crime groups, specific chapters follow on some of the world's major organized crime groups, including those in Asia (Chapter 34) and drug cartels (Chapter 35). While there are various notions about the relationship between terrorists and organized crime groups, the chapter on the “nexus” between organized crime and terrorism (Chapter 36) provides an interesting perspective for further research.

Part Ic: Factors that Facilitate Transnational Crimes covers basic explanations of international and transnational crime, including the globalization of crime (Chapter 37); routine activities and transnational crime (Chapter 38); political aspects of violence (Chapter 39); migration, crime, and victimization (Chapter 40); and culture and crime (Chapter 41).

Part Id: Transnational Justice provides the legal framework for understanding variations in legal systems of the world (Chapter 42); punishment philosophies and practices around the world (Chapter 43); prisons around the world (Chapter 44); and world policing models (Chapter 45). It also provides an account of law enforcement activities and the development of regional police cooperation and cooperation among the judiciary directed against international and transnational crime, including cross-border policing

(Chapter 46); cybercrime laws and investigations (Chapter 47); the European Union and judicial cooperation in criminal matters (Chapter 48); extradition and mutual legal assistance (Chapter 49); international cooperation to combat money laundering (Chapter 50); and the role of major intergovernmental organizations and international agencies in combating transnational crime (Chapter 51). The section ends by discussing the major approaches to crime prevention that have been adopted around the world (Chapter 52).

Part II: International Crimes consists of three sections and provides detailed research accounts of the core international crimes of genocide, war crimes, crimes against humanity, and the crime of aggression, as well as some other international crimes.

Part IIa: Core International Crimes introduces the three core international crimes as defined by the Rome Statute, 1998 (Chapter 53). It also provides an account of historical dimensions of genocide (Chapter 54) and includes further chapters on understanding culture and conflict in preventing genocide (Chapter 55); war crimes (Chapter 56); and Apartheid (Chapter 57). Finally, in the context of the ICC, the section presents the latest discussion on crimes of aggression (Chapter 58) when committed by a state's leaders, as well as discussing crimes of the powerful (Chapter 59).

Part IIb: International Crime and Justice for Women and Children provides an account of women and international criminal justice (Chapter 60); domestic violence (Chapter 61); honor-based violence (Chapter 62); child maltreatment (Chapter 63); and children and international criminal justice (Chapter 64).

Part IIc: International Justice focuses on major developments in international criminal justice, including the role of the United Nations in preserving security and peace worldwide (Chapter 65) and a discussion of treaties and international criminal law (Chapter 66). Chapter 67 focuses on the newly introduced International Criminal Court (ICC) and describes its functioning; The ICC and the Darfur Investigation: Progress and Challenges (Chapter 68) explains how serious international crimes are investigated and how the ICC processes the cases; Chapter 69 discusses the attention paid by the ICC to victims' rights and the workings of major international criminal tribunals and international hybrid courts established in response to specific international crimes, including Nuremberg, Tokyo, Rwanda, Yugoslavia, and Sierra Leone (Chapter 70). Further, Chapters 71, 72, 73, and 74 describe the development of Human Rights Commissions and the Truth Commissions in South Africa and Guatemala and discuss the role of NGOs in international criminal justice. Finally, Chapter 75 discusses the need for restorative justice for transitional settings that are heading toward transformation.

Part III: International and Transnational Crime Research. Measuring the nature and extent of transnational and international crime is a prerequisite for the scientific discipline of international criminology. Chapters 76–81 review the main sources of crime and delinquency, victimization data that exist at national and international levels, and the role of qualitative methodology in studying the evolving nature of international and transnational crimes.

Further, this section describes information resources for international crime and justice. Chapter 82 describes the world criminal justice library network and Chapters 83 and 84

provide specific instructions for finding ICJ-related information from journals, databases, the Internet, and the mass media, and the role of Grey Literature in criminal justice research.

CONCLUSION

This short introduction has described the scope and coverage of the book. It has explained what is meant by transnational and international crimes and it has drawn attention to the rapid emergence of international crime and justice as an important new sub-field of criminology and criminal justice. In particular, it has explained how some pioneering criminologists and criminal justice scholars have responded to the growing realization of the threats to world order posed by international terrorism and transnational organized crime, scourges that have been enabled and facilitated by the acceleration of globalization. It has explained how this new field of study encompasses and enhances previous comparative research and why it demands the contribution of scholars from a wide range of disciplines.

It would be remiss, however, if this introduction closed without exhorting more scholars to follow the example of the pioneers who have expanded their horizons and broadened their focus beyond crimes occurring at the neighborhood and city levels. While these crimes continue to demand attention, the personal and financial harms they cause to their victims pale into insignificance compared with the gross violations of human rights, the suffering of millions, and the vast numbers of violent deaths resulting from international crimes brought daily to our attention in our comfortable homes by newspapers, television, and the Internet. As scholars, we can no longer ignore these crimes, but must find ways to use our disciplinary knowledge and skills in helping to prevent and control them. The chapters in this book point the way and provide a sure foundation for our future efforts.

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Introduction

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