

Board of Reviewers; Preface; Foreword I; Foreword II; From the Editors; Short Biography of Professor Igor P. Blishchenko; General Introduction;

Part I The Long Way to the ICC

Section 1 Historical Background to the ICC

Chapter 1 Early Efforts to Establish an International Criminal Court
Jackson Maogoto

Chapter 2 The Tokyo Trial Revisited
Hisakazu Fujita

Chapter 3 The Work of National Military Tribunals under Control Council Law 10
Jackson Maogoto

Chapter 4 The Experience of the *Ad Hoc* Tribunals for the Former Yugoslavia and Rwanda
Jackson Maogoto

Section 2 The Progressive Development of International Humanitarian Law and International Criminal Law by the *Ad Hoc* Tribunals

Chapter 5 Customary Law or “Judge-Made” Law: Judicial Creativity at the UN Criminal Tribunals
William Schabas

Chapter 6 Bombardment: From “Brussels 1874” to “Sarajevo 2003”
Frits Kalshoven

Chapter 7 The Relationship between Complicity Modes of Liability and Specific Intent Crimes in the Law and Practice of the ICTY
José Doria

Section 3 The Progressive Development of International Procedural Criminal Law by the *Ad Hoc* Tribunals

Chapter 8 Plea Bargaining: The Uninvited Guest at the International Criminal Tribunal for the Former Yugoslavia
Mark Harmon

Chapter 9 Provisional Release in the Law of the International Criminal Tribunal for the Former Yugoslavia
Fergal Gaynor

Chapter 10 Undue Delay and the ICTY’s Experience of Status Conferences: A Judge’s Personal Annotations
Almiro Rodrigues

Section 4 The Work of Mixed National/International Jurisdictions

Chapter 11 The Work of the Special Court for Sierra Leone through Its Jurisprudence
José Doria

Chapter 12 From East Timor to Timor-Leste: A Demonstration of the Limits of International Law in the Pursuit of Justice
Richard Burchill

Chapter 13 Bosnia’s War Crimes Chamber and the Challenges of an Opening and Closure
Avril McDonald

Part II Legal and Institutional Basis of the ICC

Section 5 Organs of the International Criminal Court

Chapter 14 The Judges of the International Criminal Court and the Organization of Their Work
Hirad Abtahi

Chapter 15 The International Criminal Court’s Office of the Prosecutor: Navigating between Independence and Accountability?
Jan Wouters, Sten Verhoeven, and Bruno Demeyere

Chapter 16 The Support Work of the Court’s Registry
Anna Lachowska

Section 6 The Court and General Principles of International Law

Chapter 17 *Jus Cogens*, Obligations *Erga Omnes* and International Criminal Responsibility
Władysław Czapliński

Section 7 Jurisdiction *Ratione Personae*, *Loci* and *Temporis*

Chapter 18 Jurisdiction *Ratione Personae* or the Personal Reach of the Court's Jurisdiction
Christopher L. Blakesley

Chapter 19 The ICC and the Security Council:
An Uncomfortable Relationship
Nigel White and Robert Cryer

Section 8 War Crimes in International Armed Conflicts

Chapter 20 Conduct of Hostilities – War Crimes
Lindsay Moir

Chapter 21 Crimes involving Disproportionate Means and Methods of Warfare under the Statute of the International Criminal Court
Judith Gardam

Chapter 22 International Legal Protections for Persons *Hors de Combat*
Sergei A. Egorov

Chapter 23 Child Recruitment as a Crime under the Rome Statute of the International Criminal Court
Matthew Happold

Section 9 War Crimes in Non-International Armed Conflicts

Chapter 24 Particular Issues Regarding War Crimes in Internal Armed Conflicts
Lindsay Moir

Chapter 25 Violations of Common Article 3 of the Geneva Conventions
Lindsay Moir

Chapter 26 Displacement of Civilians as a War Crime Other than a Violation of Common Article 3 in Internal Armed Conflicts
Lindsay Moir

Section 10 Crimes against Humanity and the Crime of Aggression

Chapter 27 Whether Crimes against Humanity Are Backdoor War Crimes
José Doria

Chapter 28 The Crime of Aggression and the International Criminal Court
Roger S. Clark

Section 11 Modes of Liability before the ICC

Chapter 29 The Doctrine of Command Responsibility
Charles Garraway

Chapter 30 The Transposition of Military Commander's Discretion onto International Criminal Responsibility for Military Commanders: An Increasing Legal-Political Dilemma within International Criminal Justice
Geert-Jan Alexander Knoops

Section 12 Defences before the ICC

Chapter 31 Official Capacity and Immunity of an Accused before the International Criminal Court
Eric David

Chapter 32 Self-Defence and State of Necessity in the Statute of the ICC
Eric David

Chapter 33 The Diverging Position of Criminal Law Defences before the ICTY and the ICC: Contemporary Developments
Geert-Jan Alexander Knoops

Part III The Court at Work

Section 13 The Procedural Rules of the ICC

Chapter 34 The Rules of Procedure and Evidence and the Regulations of the Court
Silvia Fernández de Gurmendi and Håkan Friman

Section 14 Criminal Proceedings at the ICC

Chapter 35 Charging in the ICC and Relevant Jurisprudence of the *Ad Hoc* Tribunals
Vladimir Tochilovsky

Chapter 36 Prosecution Disclosure Obligations in the ICC and Relevant

Jurisprudence of the *Ad Hoc* Tribunals

Vladimir Tochilovsky

Chapter 37 The Conduct of Trials

Josée D'Aoust

Section 15 Victims in the Process before the ICC

Chapter 38 Victims' Rights and Interests in the

International Criminal Court

Theo van Boven

Chapter 39 Ensuring Effective Participation and Adequate Redress for
Victims: Challenges Ahead for the ICC

Ilaria Bottiglieri

Section 16 Penalties

Chapter 40 Uniform Justice and the Death Penalty

Eric Myjer

Section 17 Appeal and Revision Procedures

Chapter 41 Standards of Appeals and Standards of Revision

José Doria

Part IV ICC Relationship with States, International Organizations
and other Issues in General (Miscellaneous)

Section 18 Cooperation of States with the Court

Chapter 42 Cooperation with the Court on Matters of Arrest and

Surrender of Indicted Fugitives: Lessons from the *Ad Hoc*

Tribunals and National Jurisdictions

Daniel Nsereko

Section 19 Relationship of the Court with International Organizations

Chapter 43 The International Criminal Court and the International Court

of Justice: Some Points of Contact

Shabtai Rosenne

Section 20 Miscellaneous

Chapter 44 International Humanitarian Law and Its Implementation by
the Court

Robert Kolb

Chapter 45 The International Criminal Court: Reviewing the Case

(An American Point of View)

Ruth Wedgwood

Chapter 46 The Dynamic but Complex Relationship between

International Penal Law and International Humanitarian Law

Yves Sandoz

Chapter 47 Ten Principles for Reconciling Truth Commissions and
Criminal Prosecutions

Lyal S. Sunga

Chapter 48 The ICC Statute and the Ratification Saga in the States of the
Commonwealth of Independent States

Aslan Abashidze and Elena Trikoz

Chapter 49 The Changing Relationship between International Criminal

Law, Human Rights Law and Humanitarian Law

Hans-Peter Gasser

List of Contributors.