

# International Criminal Law

Gail Partin\*



his electronic resource guide, often called the ERG, has been published online by the American Society of International Law (ASIL) since 1997. Since then it has been systematically updated and continuously expanded. The chapter format of the ERG is designed to be used by students, teachers, practitioners and researchers as a self-guided tour of relevant, quality, up-to-date online resources covering important areas of international law. The ERG also serves as a ready-made teaching tool at graduate and undergraduate levels.

The narrative format of the ERG is complemented and augmented by EISIL (Electronic Information System for International Law), a free online database that organizes and provides links to, and useful information on, web resources from the full spectrum of international law. EISIL's subject-organized format and expert-provided content also enhances its potential as teaching tool.

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### I. Introduction

Most legal scholars agree that a recognizable body of international criminal law does exist. However, the precise parameters of this body of law are often unclear, perhaps due to the rapid and complex developments of our global society. In its widest context, the source of international criminal law might be derived from the general principles of international law; and therefore, found in the customary law accepted by states, the general criminal law recognized by nations, and the treaties that govern particular conduct.

International criminal law can also be categorized according to whether the conduct in question is international, constituting an offense against the world community, or whether the act is transnational, affecting the interests of more than one state. For example, international crime would encompass acts that threaten world order and security, crimes against humanity and fundamental human rights, war crimes, and genocide; whereas the transnational crime category would include drug trafficking, transborder organized criminal activity, counterfeiting, money laundering, financial crimes, terrorism, and willful damage to the environment.

This chapter provides information on the major electronic sources for researching international and transnational crime, as well as current issues common to both categories, such as efforts to codify international crimes, activities aimed at crime prevention, cooperation in law enforcement, jurisdictional questions, international judicial cooperation, and the effects of bilateral and multilateral treaties.

#### II. Research Guides, Books, and Information Networks

This section features a selective list of books and websites that focus primarily on international criminal law and criminal justice topics. Most of the websites continuously add pertinent information and update their links to other related sources. Some act as clearinghouses for a wide variety of information. These features make them excellent places to familiarize yourself with the range of resources available on the Web, to jump-start your research, or to keep current within the international criminal law discipline.

<u>The International Crimes Database</u> (ICD) (http://www.internationalcrimesdatabase.org)

This website, hosted and maintained by the T.M.C. Asser Instituut in The Hague, offers a comprehensive database on international crimes adjudicated by national, as well as international and internationalized courts. Cases can be searched by keyword, category, date and case name. In addition to case law on international crimes, the website incorporates general background information about international crimes, scholarly as well as news articles, working papers (*ICD Briefs*) and relevant links to other useful databases/websites on this topic.

# Justice Information Center, National Criminal Justice Reference Service (http://www.ncjrs.gov)

This information clearinghouse, an information service of the <u>NCJRS</u> (http://www.ncjrs.gov/), "is one of the most extensive sources of information on criminal and juvenile justice in the world." It is divided into sections covering corrections, courts, crime prevention, criminal justice statistics, drugs, international information, juvenile justice, law enforcement, research and evaluation, victims, and current highlights.

# Electronic Information System for International Law (EISIL) (http://www.eisil.org/)

In June 2003, the American Society of International Law (ASIL) opened for preview a selection of prototype sections of EISIL: on human rights, economic, environmental and criminal law, as well as some general international law resources. EISIL links to primary documents, such as treaties and other international instruments. Additional information is provided on each instrument, including print citations and relevant dates. EISIL also guides users to the "best sites" for certain topical areas or kinds of research and provides links to recommended research guides that assist researchers in exploring their topics of interest more widely. The database is browseable through a broad framework of subject areas as well as searchable using a targeted search engine.

#### Books:

- Bassiouni, M C. International Criminal Law: Sources, Subjects, and Contents, Vol. I. 3rd ed. Leiden, The Netherlands: M. Nijhoff Publishers, 2008.
   (http://www.worldcat.org/title/international-criminal-law-volume-1-sources-subjects-and-contents/oclc/647872683&referer=brief\_results).
- Bassiouni, M C. International Criminal Law: Multilateral and Bilateral Enforcement Mechanisms, Vol. II. 3rd ed. Leiden, The Netherlands: M. Nijhoff Publishers, 2008. (http://www.worldcat.org/title/international-criminal-law-2-multilateral-and-bilateral-enforcement-mechanisms/oclc/645286950&referer=brief\_results)
- Bassiouni, M C. International Criminal Law: International Enforcement, Vol. III. 3rd ed. Leiden, The Netherlands: M. Nijhoff Publishers, 2008.
   (http://www.worldcat.org/title/international-criminal-law-3-international-enforcement/oclc/645286960&referer=brief\_results)
- Bassiouni, M C. Introduction to International Criminal Law. International and comparative criminal law series. Ardsley, NY: Transnational Publishers, 2003.
   (http://www.worldcat.org/title/introduction-to-international-criminal-law/oclc/52455204&referer=brief\_results)

#### III. Treaties, Conventions, and Agreements

There are a wide range of issues encompassed within the discipline of international criminal law. Most of these areas are governed by some type of agreement or convention, often drafted and then overseen by an intergovernmental organization. The home pages for locating the treaties of several international organizations are listed below.

#### A. United Nations

<u>United Nations Treaty Collection</u> (http://treaties.un.org/Home.aspx)

The United Nations has been the forerunner in undertaking actions to combat international crime in all of its forms. Major UN treaties and conventions include the UN Charter and conventions on apartheid, genocide, war crimes and crimes against humanity, torture, narcotic drugs, slavery, the taking of hostages, aircraft hijacking, and terrorism. Researchers can search for the text of a treaty in the <u>United Nations Treaty Series (UNTS)</u> (https://treaties.un.org/pages/UNTSOnline.aspx?id=1) or for unpublished treaties in <u>Recently Deposited Multilateral Treaties</u> (https://treaties.un.org/pages/DB.aspx?path=DB/titles/page1\_en.xml&menu=MTDSG) or for the status of a treaty in <u>Status of Multilateral Treaties deposited with the Secretary-General</u> (https://treaties.un.org/pages/ParticipationStatus.aspx).

# B. Council of Europe

Council of Europe: European Treaties (http://conventions.coe.int)

Provides the text of the Statute of the Council of Europe, as well as signatures and ratifications. A Complete list of the Council of Europe's Treaties

(http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG) is arranged chronologically by ETS number. Selected treaties covering Human Rights and Penal Law are highlighted below:

#### Human Rights

- Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5).
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126).

# Penal Law

- European Convention on Extradition (ETS No. 24) signed on 13 December 1957, entered into force on 18 April 1960.
  - Additional Protocol to the European Convention on Extradition (ETS No. 86)
     opened for signature on 15 October 1975, entered into force on 20 August 1979.
  - o Second Additional Protocol to the European Convention on Extradition (ETS No.

- 98) opened for signature on 17 March 1978, entered into force on 5 June 1983.
- <u>European Convention on Mutual Assistance in Criminal Matters</u> (ETS No. 30) signed on 20 April 1959, entered into force on 12 June 1962.
  - Additional Protocol to the European Convention on Mutual Assistance in Criminal <u>Matters</u> (ETS No. 99) opened for signature on 17 March 1978, entered into force on 12 April 1982.
  - Second Additional Protocol to the European Convention on Mutual Assistance in <u>Criminal Matters</u> (ETS No. 182) opened for signature on 8 November 2001, not yet entered into force.
- <u>European Convention on the International Validity of Criminal Judgments</u> (ETS No. 70) signed on 28 May 1970, entered into force on 26 July 1974.
- <u>European Convention on the Transfer of Proceedings in Criminal Matters</u> (ETS No. 73) signed on 15 May 1972, entered into force on 30 March 1978.
- <u>European Convention on the Non-Applicability of Statutory Limitation to Crimes against Humanity and War Crimes</u> (ETS No. 82) signed on 25 January 1974, entered into force on 27 June 2003.
- European Convention on the Suppression of Terrorism (ETS No. 90) signed on 27 January 1977, entered into force on 4 August 1978.
- <u>Convention on the Transfer of Sentenced Persons</u> (ETS No. 112) signed on 21 March 1983, entered into force on 1 July 1985.
- Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS No. 141) signed on 8 November 1990, entered into force on 1 September 1993.
- <u>Criminal Law Convention on Corruption</u> (ETS No. 173) signed on 27 January 1999, entered into force on 1 July 2002.
  - Additional Protocol to the Criminal Law Convention on Corruption (ETS No. 191) signed on 15 May 2003, entered into force on 1 February 2005.
- <u>Convention on Cybercrime</u> (ETS No. 185) signed on 23 November 2001, entered into force on 1 July 2004.
  - o Additional Protocol to the Convention on cybercrime, concerning the

<u>criminalisation of acts of a racist and xenophobic nature committed through</u> <u>computer systems</u> (ETS No. 189) signed on 28 January 2003, entered into force on 1 March 2006.

- <u>Council of Europe Convention on the Prevention of Terrorism</u> (ETS No. 196) signed on 16 May 2005, entered into force on 1 June 2007.
- Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the
   Proceeds from Crime and on the Financing of Terrorism (ETS No. 198) signed on 16 May
   2005, entered into force on 1 May 2008.

Conventions not yet entered into force:

- <u>Convention on the Protection of the Environment through Criminal Law</u> (ETS No. 172) signed on 4 November 1998.
- Protocol amending the European Convention on the Suppression of Terrorism (ETS No. 190) signed on 15 May 2003.

# C. European Union

European Union Website (http://europa.eu)

This is an umbrella site for all of the Union's institutions and organizations. It includes the text of EU founding treaties, policies, institutional documents, press releases and gateways to CELEX and SCAD, which index EU documents, reports and articles.

# D. Organization of American States

Organization of American States (OAS) (http://www.oas.org)

The Inter-American Treaties database is an extensive collection of OAS treaties and agreements, including ratification and status information. Treaties can be searched by subject or year. The database can be reached via the OAS home page by clicking on Documents, then Treaties and Agreements.

# E. Other Treaty Resources

The <u>Multilaterals Project</u> at the Fletcher School of Law & Diplomacy (http://fletcher.archive.tusmoit.org/multilaterals/)

This was an ongoing project to make the full text of international conventions and other instruments available electronically. It is now archived and no longer being updated. However, the historical

content, dating back to 1648, included a selective list of treaties that can be searched by subject or chronologically. It also provides an array of links to <u>other collections</u> of international law (http://fletcher.archive.tusm-oit.org/multilaterals/secretariatslinks.html) that might yield relevant treaties.

#### IV. Courts, Tribunals, and Other Adjudicatory Bodies

# A. International Court of Justice

International Court of Justice (ICJ) (http://www.icj-cij.org)

All ICJ judgments delivered since its inception in 1946 are listed, along with information on the background of the Court, its current docket, procedures, jurisdiction, and rules. Recent cases pertaining to international criminal law include the Aerial Incident at Lockerbie and the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Yugoslavia). A complete set of ICJ decisions is available electronically in the INT-ICJ database on WESTLAW, which is a fee-based service.

#### **B.** International Criminal Court

After 50 years of discussion and documentation on the need for an international criminal court, the Rome Statute of the International Criminal Court (http://www.icc-

cpi.int/en\_menus/icc/legal%20texts%20and%20tools/official%20journal/Pages/rome%20statute.as px) was adopted on 17 July 1998 and entered into force on 1 July 2002, establishing "an independent permanent International Criminal Court in relationship with the United Nations system, with jurisdiction over the most serious crimes of concern to the international community as a whole."

# International Criminal Court (ICC) (http://www.icc-cpi.int/)

This is the Court's official web site, available in English or French. It includes pages for the four organs of the Court: the Presidency, the Chambers, the Office of the Prosecutor, and the Registry, as well as information on victims' issues, witness protection, the Defense, and the State Parties. The Legal Texts and Tools section (http://www.icc-

cpi.int/en\_menus/icc/legal%20texts%20and%20tools/Pages/legal%20tools.aspx) provides the text of the Rome Statute, Rules of Procedure and Evidence, Elements of Crimes, and other legal instruments of the Court. The records of the Assembly of States Parties are available on the official Assembly of States Parties (http://www.icc-cpi.int/en\_menus/asp/Pages/asp\_home.aspx) web page.

<u>Review Conference of the Rome Statute</u> (http://www.icc-cpi.int/en\_menus/asp/reviewconference/Pages/review%20conference.aspx)

On 11 June 2010, the Review Conference of the Rome Statute concluded in Kampala, Uganda. The Conference adopted a resolution which amended the Rome Statute to include a <u>definition of the crime of aggression</u> and the conditions under which the Court could exercise jurisdiction with respect to the crime. "The Conference based the definition of the crime of aggression on United Nations General Assembly\_Resolution 3314 (XXIX) of 14 December 1974, and in this context agreed to qualify as aggression, a crime committed by a political or military leader which, by its character, gravity and scale constituted a manifest violation of the Charter." Official and working documents can be found on the Conference's <u>Crimes of Aggression</u> web page, which also includes a link to relevant working documents from previous Assembly of States Parties sessions.

The Conference also adopted a resolution that amended Article 8 of the Rome Statute "to bring under the jurisdiction of the Court the war crime of employing certain poisonous weapons and expanding bullets, asphyxiating or poisonous gases, and all analogous liquids, materials and devices, when committed in armed conflicts not of an international character." It also adopted a resolution to retain and review Article 124 again during the fourteenth session of the Assembly of States Parties in 2015. Article 124 allows new States Parties "to opt for excluding from the Court's jurisdiction war crimes allegedly committed by its nationals or on its territory for a period of seven years." Reports and documents detailing these amendments can be found on the Conference's Resolutions and Declarations and Summaries and Reports pages.

Assembly of States Parties to the Rome Statute of the International Criminal Court (ASP) (http://www.icc-cpi.int/en\_menus/asp/assembly/Pages/assembly.aspx)

The Assembly of States Parties (ASP), created by the Rome Statute, continues the work of the Rome Conference in establishing the Court. This web site tracks activities and proceedings of the ASP and provides links to documentation and reports. The site is available in English or French and includes webcasts of some activities.

The following sites will provide a full picture of the issues and debates surrounding the creation of the International Criminal Court.

Website of the Rome Statute of the International Criminal Court (http://www.un.org/law/icc/index.html)

At this UN web site, historical documentation (covering the period ending on 31 December 2003) is available covering the adoption of the Rome Statue of the International Criminal Court, and the establishment of the Court . Proceedings are available for the Ad Hoc Committee for the Establishment of an International Criminal Court; the Preparatory Commission for the International Criminal Court; and the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court. Maintained by the Codification Division of the UN Office of Legal Affairs, this site provides links to most of the official documents relating

to the formation of the ICC, including the:

- Rome Statute (http://www.un.org/law/icc/index.html)
- Final Act (http://legal.un.org/icc/statute/finalfra.htm)
- Preparatory Commission for the International Criminal Court

(http://www.un.org/law/icc/index.html)

The Preparatory Commission for the Establishment of an International Criminal Court was established by Resolution F of the Final Act of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, which adopted the Rome Statute of the International Criminal Court on 17 July 1998. This site, maintained by the UN Office of Legal Affairs, contains selected documents issued since the first session of the Preparatory Commission. In particular, the Proceedings of the Preparatory Commission at its First Session and the Report of the Second Session of the Preparatory Commission for the International Criminal Court discuss proposed Rules of Procedure and Evidence, rules governing appeals, procedures governing Investigation and Prosecution, rules relating to Organization and Composition of the Court, and Elements of Crimes. Documents and work plans are available for every session leading up to adoption of the final act.

<u>United Nations Conference of Plenipotentiaries on the Establishment of an ICC</u> http://legal.un.org/icc/rome/proceedings/contents.htm)

This official UN website for the establishment of the International Criminal Court provides an historical narrative tracing the work of the International Law Commission towards the establishment of the International Criminal Court. It links to official records of the International Law Commission, the UN Diplomatic Conference and to related bodies involved in preparations for the final conference establishing the Rome Statute. The link to the official records of the Diplomatic (Rome) Conferences provide all official documentation of the various conference activities, reports, and working papers. Among other things, the <a href="Final Act">Final Act</a> of the Conference (A/CONF.183/10) established the Preparatory Commission for the International Criminal Court to "prepare proposals for practical arrangements for the establishment and coming into operation of the Court."

International Law Commission (http://www.un.org/law/ilc/index.htm)

As early as 1947, the General Assembly requested the International Law Commission to formulate a Draft Code of Crimes Against the Peace and Security of Mankind.

(http://legal.un.org/ilc/summaries/7\_3.htm) Included here is the text of the 1996 Draft Code with commentary, an abstract, an analytical guide, and the 1954 Draft Code. The full text of the original 1996 Report of the Law Commission is also available (http://legal.un.org/ilc/summaries/7\_4.htm) The final text was adopted by the Commission on 5 July 1996, and forwarded to the General

Assembly for consideration.

Coalition for an International Criminal Court (CICC) (http://www.iccnow.org/)

This is the primary NGO provider of online information about the permanent International Criminal Court. It includes several levels of information, some of which are:

- <u>Country Information</u> (http://www.iccnow.org/?mod=world): an overview of progress toward ratification and implementation in countries around the world, including the <u>Rome Statute Signature and Ratification Chart</u> (http://www.iccnow.org/?mod=romesignatures)
- Reports & Declarations (http://www.iccnow.org/?mod=reportsdeclarations) from national and regional conferences, seminars, and workshops on the International Criminal Court.
- Resources & Tools (http://www.iccnow.org/?mod=tools): books and statements from organizations and governments involved in the ratification process, and a Bibliography section (http://www.iccnow.org/?mod=bibliography) of academic articles and other basic information about the International Criminal Court and the Rome Statute.
- <u>Publications</u> (http://www.iccnow.org/?mod=publications) Some titles include:
  - o <u>ICC Monitor</u> (http://www.iccnow.org/index.php?mod=monitor), the Coalition's quarterly newspaper since 1996, reproduced in PDF format.
  - ICC Update (http://www.iccnow.org/index.php?mod=iccupdate), a monthly bulletin of ICC news worldwide, distributed electronically, by fax and in printed editions.
     Coverage: January 2000 through July 2004.
  - Insight on the ICC, (http://www.iccnow.org/index.php?mod=insight) a quarterly newsletter focused on developments in The Hague. Coverage: April 2004 through July 2006.
  - Europe Update (http://www.iccnow.org/index.php?mod=euronewsletter), a regional edition of the Update, providing in depth coverage of the latest developments in Europe.
  - Agenda CPI (http://www.iccnow.org/index.php?mod=agendacpi), a regional edition of the Update, providing up-to-date coverage of issues concerning the ICC in Ibero-America. Coverage: May 2001 through November 2007.
  - Africa Update, (http://www.iccnow.org/index.php?mod=iccafrica) a quarterly (previously bi-monthly) newsletter focused on ICC developments in relation to Africa.
- <u>Press Room</u> (http://www.iccnow.org/index.php?mod=pressroom): CICC media statements, member statements, and fact sheets.
- <u>Documents</u> (http://www.iccnow.org/?mod=documents): provides all of the documents, articles, reports, statements, and press releases that concern the ICC. Specific sections include: CICC Publications, Core Texts, Official Documents, an Archive of All Documents, and ICC, NGO, and UN papers, reports, and statements.

<u>US Senate Committee on Foreign Relations. Committee Hearings, 105th Congress</u> (http://www.access.gpo.gov/congress/senate/senate11sh105.html)

On July 23, 1998, the United States Senate Foreign Relations Committee conducted hearings on the establishment of the International Criminal Court and the U.S. role in the process. Senate Hearing 105-724, entitled <u>Is a U.N. International Criminal Court in the U.S. National Interest?</u>, included testimony from David J. Scheffer, Ambassador-At-Large for War Crimes Issues, John R. Bolton, Former Assistant Secretary of State for International Organization Affairs, attorney Lee A. Casey, Professor Michael P. Scharf, along with statements submitted by The Lawyers Committee for Human Rights and Human Rights Watch.

# American Society of International Law (ASIL) (http://www.asil.org)

ASIL actively pursues and publishes information pertaining to the International Criminal Court. The <u>ASIL Newsletter</u> (http://www.asil.org/resources/asil-newsletter) routinely includes pieces relating to the Court. Selected articles from the <u>American Journal of International Law</u> can be retrieved via a site search. <u>ASIL Insights</u> (http://www.asil.org/insights) are brief essays on current topics by international law experts. Insights are not designed to argue a position, but rather to inform decision-makers and the public of the relevance of international law to current events. Some notable pieces are:

- The Crime of Aggression: Adding a Definition to the Rome Statute of the ICC, by Anja Seibert-Fohr, November 18, 2008.
- U.S. Policy Toward the International Criminal Court: Furthering Positive Engagement.

  Report of an independent Task Force convened by the American Society of International Law. (http://www.amicc.org/docs/ASIL%20ICC%20Report.pdf) In March 2009, ASIL's ICC Task Force released a Statement of Policy Recommendations advocating that the President of the United States announce a policy of positive engagement with the Court.

  The First Review Conference of the Rome Statute of the International Criminal Court, by David Kaye, May 14, 2010.
- Special Elections to Fill Vacancies on the International Court of Justice, by Natalya Scimeca, June 11, 2010.
- <u>States Parties Approve New Crimes for International Criminal Court</u>, by David Scheffer, June 22, 2010.
- The ICC and Palestinian Consent, by John Cerone, March 20,2015.

#### Books:

Bassiouni, M C. The Legislative History of the International Criminal Court. International
and comparative criminal law series. Ardsley, N.Y: Transnational Publishers, 2005.
(http://www.worldcat.org/title/legislative-history-of-the-international-criminal-

# court/oclc/57041994&referer=brief\_results)

- Lee, Roy S. and Hakan Friman, et.al. The International Criminal Court: Elements of Crimes and Rules of Procedure and Evidence. Ardsley, NY: Transnational Publishers, 2001. (http://www.worldcat.org/title/international-criminal-court-elements-of-crimes-and-rules-of-procedure-and-evidence/oclc/47444007&referer=brief\_results)
- Lee, Roy S., et.al. The International Criminal Court: the Making of the Rome Statute-Issues, Negotiations, Results. The Hague: Kluwer Law International, 1999.
   (http://www.worldcat.org/title/international-criminal-court-the-making-of-the-rome-statute-issues-negotiations-results/oclc/41991408&referer=brief\_results)
- Bassiouni, M C. The Statute of the International Criminal Court: A Documentary History.
   Ardsley, N.Y: Transnational Publishers, 1998. (<a href="http://www.worldcat.org/title/statute-of-the-international-criminal-court-a-documentary-history/oclc/474526616?referer-di&ht-edition">http://www.worldcat.org/title/statute-of-the-international-criminal-court-a-documentary-history/oclc/474526616?referer-di&ht-edition</a>)

# Human Rights Watch (http://www.hrw.org/)

This site features Human Rights Watch Action Alerts, press releases, documents, and news concerning the Rome Conference and the workings of the international criminal court.

<u>The American Non-Governmental Organizations Coalition for the International Criminal Court (AMICC)</u> (http://www.amicc.org)

AMICC is a coalition of U.S. non-governmental organizations that are committed to achieving full U.S. ratification and support for the ICC. This site is a comprehensive repository of documents and information about the U.S. and the ICC, including news, background and policy analysis.

Amnesty International Campaign for a Permanent International Criminal Court (http://www.amnestyusa.org/our-work/issues/international-justice/international-criminal-court)

This particular page maintains links to Amnesty International updates, reports and fact sheets concerning the ICC.

#### C. Criminal Tribunals

# 1. Special Tribunal for Lebanon

"On 13 December 2005, the Government of the Republic of Lebanon requested the United Nations to establish a tribunal of an international character to try all those who are alleged responsible for the attack of 14 February 2005 in Beirut that killed the former Lebanese Prime Minister Rafiq Hariri and 22 others. Pursuant to Security Council resolution 1664 (2006), the United Nations and the Lebanese Republic negotiated an agreement on the establishment of the Special Tribunal for Lebanon. Further to Security Council resolution 1757(2007) of 30 May 2007, the provisions of the document annexed to it and the Statute of the Special Tribunal there to attached, entered into force

on 10 June 2007. "

Special Tribunal for Lebanon (http://www.stl-tsl.org/en)

This is the official website for the Tribunal and includes information about the various chambers and judges that comprise the court, the prosecutor's office and the offices of the defence. Founding documents, such as the Tribunal Statute, applicable Lebanese law, Security Council documents and court rules are provided on the <u>Documents</u> page. The <u>Cases</u> page contains all public documents (such as indictments, judgments and transcripts) from all the cases of the tribunal in either English and/or French.

# ASIL Insights (http://www.asil.org/insights)

ASIL Insights are brief essays on current topics by international law experts. Insights are not designed to argue a position, but rather to inform decision-makers and the public of the relevance of international law to current events.

- Special Tribunal for Lebanon Issues Landmark Ruling on Definition of Terrorism and Modes of Participation by Michael P. Scharf, March 4, 2011.
- Special Tribunal for Lebanon: the First Orders by the Pre-Trial Judge by Antonios Tzanakopoulos. August 2009.

# 2. The Extraordinary Chambers of the Courts of Cambodia (ECCC)

The Khmer Rouge regime took power on 17 April 1975 and was overthrown on 7 January 1979. Perhaps up to three million people perished during this period of 3 years, 8 months and 20 days. The end of Khmer Rouge period was followed by a civil war. That war finally ended in 1998, when the Khmer Rouge political and military structures were dismantled. In 1997 the government requested the United Nations (UN) to assist in establishing a trial to prosecute the senior leaders of the Khmer Rouge. In 2001 the Cambodian National Assembly passed a law to create the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea (Extraordinary Chambers or ECCC) to try serious crimes committed during the Khmer Rouge regime 1975-1979. Cambodia invited international participation due to the weakness of the Cambodian legal system and the international nature of the crimes, and to help in meeting international standards of justice. An agreement with the UN was ultimately reached in June 2003 detailing how the international community will assist and participate in the Extraordinary Chambers.

Official Web Site for the Extraordinary Chambers of the Courts of Cambodia (http://www.eccc.gov.kh/en/)

This website for the ECCC contains a wealth of information about the Court and its operations.

Agreements between the U.N. and Cambodia are provided, along with <u>Cambodian implementing</u> <u>legislation</u>. The organs of the Court (judicial chambers, prosecution, defense and victim support) and rules and regulations are thoroughly explained and documented. Transcripts of case proceedings can be downloaded in PDF format. A helpful <u>Chronology</u> details the major events that took place from 21 June 1997 when Cambodia requested United Nations assistance in organizing the process for the Khmer Rouge trials until early 2006 when the Extraordinary Chambers in the Courts of Cambodia were formally established.

# UNARKT - United Nations Assistance to the Khmer Rouge Trials (http://www.unakrt-online.org)

UNAKRT provides technical assistance to the Extraordinary Chambers in the Courts of Cambodia (ECCC), a domestic court supported with international staff, established in accordance with Cambodian law. The subject-matter jurisdiction of the Extraordinary Chambers shall be the crime of genocide as defined in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, crimes against humanity as defined in the 1998 Rome Statute of the International Criminal Court and grave breaches of the 1949 Geneva Conventions and such other crimes as defined in Chapter II of the Law on the Establishment of the Extraordinary Chambers as promulgated on 10 August 2001. The site includes a <a href="Documents">Documents</a> page that provides relevant General Assembly Resolutions, Reports of the Secretary General, and other U.N. documents.

# ASIL Insights (http://www.asil.org/insights)

ASIL Insights are brief essays on current topics by international law experts. Insights are not designed to argue a position, but rather to inform decision-makers and the public of the relevance of international law to current events.

• Closing in on the Khmer Rouge: the Closing Order in Case 002 Before the Extraordinary Chambers in the Courts of Cambodia by Beth Van Schaack. October 2010.

# 3. Special Court for Sierra Leone (SCSL)

The Special Court for Sierra Leone was established jointly by the Government of Sierra Leone and the United Nations to handle serious violations of international humanitarian law and Sierra Leonean law committed in Sierra Leone since 30 November 1996. On August 14, 2000, the UN Security Council adopted Resolution 1315 requesting the UN Secretary General to start negotiations to create a Special Court. The Residual Special Court for Sierra Leone was established to oversee the continuing legal obligations of the Special Court after its closure in 2013.

# Residual Special Court for Sierra Leone (RSCSL) (http://www.rscsl.org/)

This official web site includes and significantly expands the information contained in the original Special Court website. It includes information on the SCSL such as indictments, decisions, and

transcripts of cases and a <u>Documents</u> which page includes links to the basic founding documents, practice directions, and directives of the Court. The RSCSL pages include <u>basic documents</u>, <u>decisions</u>, and information of the official <u>mandate</u>.

Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court for Sierra Leone (http://www.rscsl.org/Documents/scsl-agreement.pdf)

On 16 January 2002, an agreement establishing the Special Court was signed between the Government of Sierra Leone and the United Nations. The <u>Statute of the Special Court for Sierra Leone</u> (http://www.rscsl.org/Documents/scsl-statute.pdf) was annexed to this Agreement.

ASIL Insights (http://www.asil.org/insights)

ASIL Insights are brief essays on current topics by international law experts. Insights are not designed to argue a position, but rather to inform decision-makers and the public of the relevance of international law to current events. Some notable pieces are:

- Charles Taylor and the Special Court for Sierra Leone by Mark A. Drumbl. April 2006.
- Prosecutor v. Brima, Kamara, and Kanu: First Judgment from the Appeals Chamber of the Special Court for Sierra Leone by Charles C. Jalloh and Janewa Osei-Tutu. May 2008.

Berkeley War Crimes Studies Center: Sierra Leone Field Reports (http://wcsc.berkeley.edu/sierra-leone/)

In June 2004, the Berkeley War Crimes Studies Center established a permanent monitoring program in Freetown to report on and evaluate the work of the Special Court. This site includes several reports regarding the establishment and operation of the Court.

# 4. International Criminal Tribunal for the former Yugoslavia (ICTY)

In 1993, Security Council Resolution 827

(http://www1.umn.edu/humanrts/icty/resolution28.html) established an international tribunal for "prosecuting persons responsible for serious violations of international humanitarian law in ...Yugoslavia." The updated <a href="Statute of the International Criminal Tribunal for the former Yugoslavia">Statute of the International Criminal Tribunal for the former Yugoslavia</a> (http://www.icty.org/x/file/Legal%20Library/Statute/statute\_sept08\_en.pdf) can be found at the <a href="Tribunal's official website">Tribunal's official website</a> (http://www.icty.org). The General Framework Agreement for Peace in Bosnia and Herzegovina, known as the Dayton Peace Accords, and related documents are available from the <a href="Office of the High Representative">Office of the High Representative</a> (http://www1.umn.edu/humanrts/icty/dayton/daytonaccord.html).

International Criminal Tribunal for the former Yugoslavia (ICTY) (http://www.icty.org/)

This is the official UN website for the ICTY and includes a database of Cases & Judgments

(http://www.icty.org/action/cases/4) including the full text of indictments, decisions, orders, and proceedings searchable by name and case number. The <u>Legal Library</u> section (http://www.icty.org/sections/LegalLibrary) includes the updated statute, related resolutions, rules of procedure and evidence, documents establishing the Tribunal, background information, regulations, and other miscellaneous documents. Also included are sections for <u>Reports and Publications</u> (http://www.icty.org/sections/AbouttheICTY/ReportsandPublications) which provide annual reports, newsletters, and progress assessments. Video & audio feeds to each of the three court rooms are also available.

The WESTLAW database, INT-ICTY (International Criminal Tribunal for the Former Yugoslavia), includes documents (judgments, decisions, orders, and indictments) issued by the International Criminal Tribunal for the Former Yugoslavia. This is a fee-based database, not available to all subscribers.

# ASIL Insights (http://www.asil.org/insights)

ASIL Insights are brief essays on current topics by international law experts. Insights are not designed to argue a position, but rather to inform decision-makers and the public of the relevance of international law to current events.

- Prosecutor v. Ramush Haradinaj et al.: The International Criminal Tribunal for the Former Yugoslavia and the Threshold of Non-International Armed Conflict in International Humanitarian Law by Anthony Cullen and Marko Divac Öberg. April 2008.
- Ten Years After the War in Kosovo: International Law, Kosovo and the International Criminal Tribunal for the Former Yugoslavia, by Linda Strite Murnane. June 10, 2009.
- ICTY Special Chamber Decision In the Case Against Florence Hartman, by Benjamin E. Brockman-Hawe, October 9, 2009.

# Books:

Bassiouni, M C, and Peter Manikas. The Law of the International Criminal Tribunal for the Former Yugoslavia. Irvington-on-Hudson, N.Y: Transnational Publishers, 1996.
 (http://www.worldcat.org/title/law-of-the-international-criminal-tribunal-for-the-former-yugoslavia/oclc/33818744&referer=brief\_results)

# International Criminal Tribunals (University of Minnesota)

(http://www1.umn.edu/humanrts/links/intrib.html)

An extensive collection of links to basic documents, media outlets, and other sources relating to all aspects of the Yugoslavian and Rwandan crises.

#### 5. International Criminal Tribunal for Rwanda (ICTR)

# International Criminal Tribunal for Rwanda (United Nations) (http://www.ictr.org/)

Recognizing that serious violations of humanitarian law were committed in Rwanda, <u>UN Security Council Resolution 955</u> established the ICTR to prosecute serious violations of international humanitarian law committed between 1 January 1994 and 31 December 1994. This is the official UN website for the ICTR. The link to <u>ICTR Basic Documents and Case Law</u> is a fully-searchable collection of all documents pertaining to the ICTR. The <u>Status of Cases</u> page includes the text of all closed and pending actions before the ICTR, the <u>Legal</u> page includes links to the ICTR statute, Rules of Procedure and Evidence, Security Council resolutions, while other pages provide press releases, listings of indictments, and hearing transcripts.

The WESTLAW database, INT-ICTR (International Criminal Tribunal for Rwanda), includes all documents (judgments, decisions, orders, and indictments) issued by the International Criminal

# ASIL Insights (http://www.asil.org/insights)

ASIL Insights are brief essays on current topics by international law experts. Insights are not designed to argue a position, but rather to inform decision-makers and the public of the relevance of international law to current events. Some notable pieces are:

- <u>The ICTR Appeals Chamber Judgment in Prosecutor v. Seromba</u> by Gregory Townsend. August 2008.
- The Arrest of ICTR Defense Counsel Peter Erlinder in Rwanda by Kate Gibson, August 11, 2010.
- Epilogue to Hotel Rwanda by Gregory Townsend, December 7, 2011.

# International Criminal Tribunals (University of Minnesota)

(http://www1.umn.edu/humanrts/links/intrib.html)

An extensive collection of links to basic documents, media outlets, and other sources relating to all aspects of the Yugoslavian and Rwandan crises.

#### 6. Nuremberg & Tokyo War Crimes Trials

Nuremberg War Crimes Trials (http://avalon.law.yale.edu/subject\_menus/imt.asp)

The Avalon Project at the Yale Law School electronically published the Trial of the Major War Criminals before the International Military Tribunal: Proceedings Volumes and Nazi Conspiracy and Aggression as well as key documents relating to the trials.

Nuremberg Trials Project (http://nuremberg.law.harvard.edu/)

The Harvard Law School Library has approximately one million pages of documents relating to the

trial of military and political leaders of Nazi Germany before the International Military Tribunal (IMT) and to the twelve trials of other accused war criminals before the United States Nuremberg Military Tribunals (NMT). The documents include trial transcripts, briefs, document books, evidence files, and other papers which have been digitized and made available, along with analytical information and search capabilities.

### Web Genocide Documentation Centre

(http://www.phdn.org/archives/www.ess.uwe.ac.uk/index.html)

Reproduces the original texts of United Nations War Crimes Commission documents, predominantly taken from the Law-Reports of Trials of War Criminals and History of the United Nations War Crimes Commission and the Development of the Laws of War.

# D. Regional Courts

European Court of Human Rights (http://www.echr.coe.int)

Due to an increasing caseload, a full-time European Court of Human Rights was restructured and began operations in November 1998. This restructuring eliminated the Commission of Human Rights. Reports and decisions prior to the cessation of Commission activities in October 1999 can be located on the HUDOC database.

European Court of Justice (http://curia.europa.eu/jcms/jcms/j\_6/)

Inter-American Court of Human Rights (http://www1.umn.edu/humanrts/iachr/iachr.html)

# Inter-American Commission on Human Rights

(http://www1.umn.edu/humanrts/cases/commissn.htm)

Both Inter-American sites are maintained by the University of Minnesota Human Rights Library.

#### E. National Courts

Many international criminal law issues fall within the jurisdiction of national courts, so researchers will find relevant information by searching for cases within the individual judicial systems of specific countries. Several websites offer thorough coverage of the countries of the world. Note, however, that not all countries provide electronic access to their judicial documents.

<u>Lexadin World Law Guide</u> (http://www.lexadin.nl/wlg/courts/nofr/courts.htm) Provides direct links to courts and judicial decisions in over 40 countries.

The following sites provide an eclectic array of links to all countries in the world:

• Findlaw (http://corporate.findlaw.com/law-library/international-law/)

- Hieros Gamos (http://www.hg.org/index.html)
- World Legal Information Institute (http://worldlii.org/)

# V. Crime Prevention, Prosecution and Criminal Justice

The very nature of international and transnational crime makes the prevention and prosecution of these crimes multi-dimensional and quite complex. Once a suspected criminal is apprehended questions immediately arise regarding jurisdiction, prisoner transfer, extradition, and various procedural issues requiring mutual assistance among nations. Precise mechanisms governing these issues are not always in place. When there are mechanisms, they can take the form of multilateral conventions, bilateral treaties, or letters of agreement negotiated on a case by case basis.

#### Books:

- Bassiouni, M C. International Criminal Law: Multilateral and Bilateral Enforcement Mechanisms, Vol. II. 3rd ed. Leiden, The Netherlands: M. Nijhoff Publishers, 2008. (http://www.worldcat.org/title/international-criminal-law-3-international-enforcement/oclc/645286960&referer=brief\_results)
- Bassiouni, M C. International Criminal Law: International Enforcement, Vol. III. 3rd ed. Leiden, The Netherlands: M. Nijhoff Publishers, 2008.
   (http://www.worldcat.org/title/international-criminal-law-3-international-enforcement/oclc/645286960&referer=brief\_results)
- Bassiouni, M C. International Criminal Law Conventions and Their Penal Provisions.
   Irvington-on-Hudson, N.Y: Transnational Publishers, 1997.

   (http://www.worldcat.org/title/international-criminal-law-conventions-and-their-penal-provisions/oclc/37154838&referer=brief\_results)

# UN Office on Drugs and Crime (http://www.unodc.org)

The UNODC is the office responsible for activities related to crime prevention, criminal justice and criminal law reform. It focuses on combating transnational organized crime, corruption, and illicit trafficking in human beings. The Office's primary efforts are on formulating and monitoring internationally accepted standards and norms. The <a href="Criminal Justice Standards and Norms">Criminal Justice Standards and Norms</a> (http://www.unodc.org/unodc/en/justice-and-prison-reform/compendium.html) brings together all existing United Nations standards and norms on this subject. The website also contains <a href="United Nations Commission on Crime Prevention and Criminal Justice">United Nations Commission on Crime Prevention and Criminal Justice</a> documents (http://www.unodc.org/unodc/en/commissions/CCPCJ/index.html) and the materials related to the <a href="UN Congresses on the Prevention of Crime and the Treatment of Offenders">UN Congresses on the Prevention of Crime and the Treatment of Offenders</a> (http://www.unodc.org/congress/), including extensive documentation for the 13th Congress in

Doha, April 12-19, 2015 and <u>previous congresses</u>. Data sets for the <u>UN Surveys of Crime Trends and Operations of Criminal Justice Systems</u> (http://www.unodc.org/unodc/en/data-and-analysis/United-Nations-Surveys-on-Crime-Trends-and-the-Operations-of-Criminal-Justice-Systems.html) as well as other studies on new and emerging forms of crime are also available.

International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLRCJP) (http://www.icclr.law.ubc.ca/)

The Centre, located at the University of British Columbia, is a joint venture with the <u>International Society for the Reform of Criminal Law</u> (http://www.isrcl.org/). This site includes the Centre's papers and reports on aboriginal justice, the common curriculum, domestic violence, economic and organized crime, environment, the ICC, juvenile justice, peacekeeping, and sentencing.

#### A. Extradition and Mutual Assistance

Model Treaty on Extradition (http://www.uncjin.org/Standards/Rules/r17/r17.html)

This model treaty was adopted by the Eighth UN Crime Congress, August 27-September 7, 1990. Extradition treaties are usually bilateral agreements between specific countries. Searching the official government websites of the parties to the extradition treaty may provide links to these documents.

#### Books:

• Bassiouni, M C. International Extradition: United States Law and Practice. 5th ed. Dobbs Ferry, NY: Oceana, 2007. (http://www.worldcat.org/title/international-extradition-united-states-law-and-practice/oclc/254157300?referer=br&ht=edition)

Cooperation in criminal matters throughout Europe is facilitated by treaties and agreements negotiated under the auspices of the Council of Europe and the European Union.

Council of Europe Treaties (http://conventions.coe.int)

<u>European Convention on Extradition</u> (ETS No. 24) signed on 13 December 1957, entered into force on 18 April 1960.

- <u>Additional Protocol to the European Convention on Extradition</u> (ETS No. 86) opened for signature on 15 October 1975, entered into force on 20 August 1979.
- <u>Second Additional Protocol to the European Convention on Extradition</u> (ETS No. 98) opened for signature on 17 March 1978, entered into force on 5 June 1983.

<u>European Convention on Mutual Assistance in Criminal Matters</u> (ETS No. 30) signed on 20 April 1959, entered into force on 12 June 1962.

• Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters

(ETS No. 99) opened for signature on 17 March 1978, entered into force on 12 April 1982.

 Second Additional Protocol to the European Convention on Mutual Assistance in Criminal <u>Matters</u> (ETS No. 182) opened for signature on 8 November 2001, entered into force 1 February 2004.

<u>European Convention on the International Validity of Criminal Judgments</u> (ETS No. 70) signed on 28 May 1970, entered into force on 26 July 1974.

<u>European Convention on the Transfer of Proceedings in Criminal Matters</u> (ETS No. 73) signed on 15 May 1972, entered into force on 30 March 1978.

<u>Convention on the Transfer of Sentenced Persons</u> (ETS No. 112) signed on 21 March 1983, entered into force on 1 July 1985.

Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS No. 141) signed on 8 November 1990, entered into force on 1 September 1993.

Organization of American States (OAS) (http://www.oas.org)

The Inter-American Treaties database is an extensive collection of OAS treaties and agreements, including ratification and status information. The database can be reached via the OAS home page by clicking on Documents, then Treaties and Agreements. The text of treaties dealing with extradition and mutual assistance can be found under the subject Judicial Cooperation. Some relevant agreements include:

- Inter-American Convention on Extradition (B-47)
- Inter-American Convention on Mutual Assistance in Criminal Matters (A-55), and Optional Protocol (A-59)
- Inter-American Convention on Extraterritorial Validity of Foreign Judgments and Arbitral Awards (B-41)
- Inter-American Convention on the Taking of Evidence Abroad (B-37), and Additional Protocol (B-51)

# **B.** Law Enforcement

<u>International Criminal Police Organisation (INTERPOL)</u> (http://www.interpol.int)

The idea of forming an international police organization had its roots in discussions held as early as 1914. In 1923, the International Criminal Police Organization was created, and later, in 1956, evolved into the modern organization known as INTERPOL. This website offers detailed explanations of Interpol's administrative structure and basic principles, including the activities of Interpol's General Assembly. The Legal Materials section includes Interpol's constitution,

regulations, reports, resolutions, and cooperative agreements. Other sections contain information and legislation concerning crimes against children, stolen works of art, drugs, payment (debit) cards, forensic identification, vehicle crime, and terrorism. The site also features descriptive lists and pictures of wanted criminals, missing children, and stolen and recovered works of art.

# INTERPOL United States National Central Bureau (USNCB) (http://www.justice.gov/interpol-washington/)

INTERPOL Washington, the United States National Central Bureau, serves as the designated representative to the International Criminal Police Organization (INTERPOL) on behalf of the Attorney General. INTERPOL Washington is the official U.S. point of contact in INTERPOL's worldwide, police-to-police communications and criminal intelligence network. Its mission is to coordinate U.S. law enforcement actions and responses, ensuring that they are consistent with U.S. interests and law, as well as INTERPOL policies, procedures, and regulations.

# <u>Europol (European Police Office)</u> (https://www.europol.europa.eu/)

The original Europol Convention was replaced by the EU Council Decision of 6 April 2009 establishing the European Police Office (EUROPOL) as of 1 January 2010. The Europol Council Decision was published in the Official Journal of the European Union on 15 May 2009 (L121/37-66) and can be viewed here: https://www.europol.europa.eu/sites/default/files/council\_decision.pdf. Europol's mission is to "improve the effectiveness and cooperation between the competent authorities of the Member States in preventing and combating serious international organized crime." The Publications page (https://www.europol.europa.eu/content/page/publications) includes Europol publications such as organized crime reports, serious crime overviews, threat assessment reports and annual reports.

# International Association of Chiefs of Police (IACP) (http://www.theiacp.org)

Founded in 1893, the IACP provides assistance and direction to police professionals from over 80 nations. Its <u>eLibrary</u> (http://www.theiacp.org/ELibrary) provides access to resource materials such as model policies, articles, training guides and webinars.

# Police Officer's Internet Directory (http://www.officer.com)

This "Directory" is a user-friendly list of links of interest to the law enforcement community worldwide. It is organized into subjects covering, for example, US and international agencies, police associations, hate groups, law libraries, investigations, listservs, and "most wanted" lists from around the world.

# VI. Specific Crimes

# A. Human Rights and War Crimes

Many international crimes, such as genocide, crimes against humanity, slavery, torture, and war crimes are considered violations of the norms of human rights and, as such, are usually covered extensively in traditional human rights research sources. Refer to the chapter on <a href="https://www.asil.org/sites/default/files/ERG\_HUMRTS.pdf">https://www.asil.org/sites/default/files/ERG\_HUMRTS.pdf</a>) in this Guide for a thorough treatment of research methods in this area.

University of Minnesota Human Rights Library, <u>War Crimes and Crimes Against Humanity</u>, <u>Including Genocide</u> (http://www1.umn.edu/humanrts/instree/auox.htm)

This page features links to specific documents and publications such as the Convention on the Prevention and Punishment of the Crime of Genocide, the Nuremberg Rules, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, and the Principles of International Co-Operation in the Detection, Arrest, Extradition and Punishment of Persons Guilty of War Crimes and Crimes Against Humanity.

War Crimes Studies Center (http://socrates.berkeley.edu/~warcrime/)

The U.C. Berkeley War Crimes Studies Center was founded in 2000 to further the understanding of war crimes. Their activities include training judges, monitoring tribunals, and locating & collecting documentation. The web site includes regular reports from Sierra Leone, East Timor, and Indonesia, as well as other historical preservation projects.

# The Cambodian Genocide Program (http://www.yale.edu/cgp)

The Cambodian Genocide Program is studying the events of the Pol Pot era, to learn as much as possible about the tragedy, and to help determine who was responsible for the crimes of this regime. Major sections of the website include the Documentation Center of Cambodia (http://www.yale.edu/cgp/dccam.html) and the Cambodian Genocide Data Bases (CGDB) (http://www.yale.edu/cgp/databases.html). There are "four different types of information in CGDB: bibliographic, biographic, photographic and geographic. The bibliographic database contains records on some 2,000 primary and secondary documents dealing with atrocities in the Khmer Rouge regime. The biographic database is an index of more than 6,000 Khmer Rouge military and political leaders, and many victims of the Khmer Rouge regime. The photographic database is a display of more than 5,000 prisoner mug shots taken at the Tuol Sleng Prison. The geographic database is a collection of maps showing the precise locations of more than 5,000 mass grave pits, as well as dozens of Khmer Rouge prisons and memorials to their victims."

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (http://www.cpt.coe.int/en/about.htm)

In 1987, the Council of Europe drafted the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (http://www.cpt.coe.int/en/documents/ecpt.htm) to prevent torture or inhuman or degrading treatment of prisoners. Since the Convention provides for non-judicial mechanisms to protect detainees, enforcement is based on a system of visits by members of the CPT. Reports of these visits and CPT statements are available in the CPT Database (http://www.cpt.coe.int/en/database.htm). The text and background information on the Convention, summary reports, text of additional Protocols, status of signatures & ratifications, and Rules of Procedure can be found on the CPT: Reference Documents page (http://www.cpt.coe.int/en/docsref.htm). Documents State by State (http://www.cpt.coe.int/en/states.htm) provides press releases, site visit information, and selected CPT reports for each of the 41 member states.

#### Books:

- Bassiouni, M C. Crimes against Humanity: Historical Evolution and Contemporary Application. New York: Cambridge University Press, 2011.
   (http://www.worldcat.org/title/crimes-against-humanity-historical-evolution-and-contemporary-application/oclc/667610181&referer=brief\_results)
- Bassiouni, M C. Crimes against Humanity in International Criminal Law. The Hague: Kluwer Law International, 1999. (<a href="http://www.worldcat.org/title/crimes-against-humanity-in-international-criminal-law/oclc/41482224&referer=brief\_results">http://www.worldcat.org/title/crimes-against-humanity-in-international-criminal-law/oclc/41482224&referer=brief\_results</a>)

# **B.** Organized Crime and Narcotics

Organized crime encompasses a wide range of illegal activities such as drug trafficking, money laundering, counterfeiting, credit card fraud, traffic in persons, illegal arms and weapons trading, criminal offenses against the environment, and even car theft. Generally speaking, organized crime can be any illegal activity that has evolved to the level of a business enterprise.

# Books:

Bassiouni, M C, Eduardo Vetere, and Dimitri Vlassis. Organized Crime: A Compilation of U.N. Documents 1975-1998. Ardsley, N.Y: Transnational Publishers, 1998.
 (http://www.worldcat.org/title/organized-crime-a-compilation-of-un-documents-1975-1998/oclc/41142721?referer=br&ht=edition)

<u>International Convention against Transnational Organized Crime</u> (http://www.unodc.org/unodc/en/treaties/CTOC/index.html)

The signing of the Convention in Palermo, Italy during the week of 12-15 December 2000 marked "a significant step forward in international cooperation on the rule of law and global crime." Three Protocols to the Convention address the illicit manufacturing of and trafficking in firearms, the

illegal trafficking in and transport of migrants, and the international trafficking in women and children. Texts of the convention and protocols, signatures, ratification status, and sessions of the Conference of the Parties are chronicled at the Convention website. Legislative guides, Travaux Preparatoires, and proceedings of the meetings of the Ad Hoc Committee are also available. Most documents are available in English, French, Spanish, Russian, Arabic and Chinese.

<u>United Nations Office on Drugs and Crime(UNODC)</u> (http://www.unodc.org/unodc/index.html)

Formerly known as the UN Office on Drug Control and Crime Prevention (UNDCCP), this agency is responsible for coordinating activities relating to international control of corruption, human trafficking, illicit drugs, money laundering, organized crime, and terrorism. In keeping with its mission, the UNODC website brings together information on the activities of the UNODC, the Commission on Crime Prevention and Criminal Justice (CCPCJ),

(http://www.unodc.org/unodc/en/commissions/CCPCJ/index.html) the Commission on Narcotic Drugs (CND) (http://www.unodc.org/unodc/en/commissions/CND/index.html), and the International Narcotics Control Board (INCB). It also includes a summary of the World Drug Report (http://www.unodc.org/wdr/index.html) and drug-related resolutions and decisions made by the UN General Assembly, the Economic and Social Council (ECOSOC) and the Commission on Narcotic Drugs (CND).

<u>Transnational Crime and Corruption Center</u> (TraCCC) (http://policy-traccc.gmu.edu/)

TraCCC is a research center within the School of Public Policy at George Mason University, dedicated to the research of trends in organized crime and corruption. With eight overseas organized crime and corruption research centers, they are able to assess crime and corruption both regionally and nationally. The Center provides Web access to the publications of their center directors and research scholars. The Resources page includes a searchable database of in-house publications, bibliographies, and external links to information on arms, corruption, cybercrime, drugs, environmental crime, money laundering, terrorism, and white collar crime, to name a few.

International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLRCJP) (http://www.icclr.law.ubc.ca)

The Centre monitors activities concerning economic and organized crime and provides programs and publications in areas such as fraud and corruption, improving criminal justice, reducing victimization, and transnational crime and international cooperation <a href="Publications">Publications</a> include: <a href="Model Guidelines">Model Guidelines</a> for the Effective Prosecution of Crimes Against Children and a resource manual on <a href="Model Strategies">Model Strategies</a> and Practical Measures on the Elimination of Violence Against Women in the Field of Crime Prevention and Criminal Justice.

International Money Laundering Information Network (IMoLIN) (http://www.imolin.org/)

IMoLIN was developed in 1996, under the auspices of the United Nations and other governmental agencies, with the goal of assisting governments, organizations and individuals in the fight against money laundering. Most pages at this site are available in at least English, French, and Spanish. Key features are:

- <u>AMLID Country Pages</u> (http://www.imolin.org/imolin/amlid/index.jspx?lf\_id=): provide full text of national legislation relating to money laundering.
- <u>International Norms and Standards</u> (https://www.imolin.org/imolin/en/int\_standards.html): includes a comprehensive list of relevant <u>UN instruments</u>, <u>model laws</u>, and a listing of regional money laundering <u>standards</u>.
- Reference section (http://www.imolin.org/imolin/en/reference.html): includes a money laundering bibliography of books and articles and research papers relating to these issues.
- <u>IMOLIN Case Law Database</u> (http://www.imolin.org/imolin/cld/search.jspx): a listing of money-laundering case summaries.

Financial Crimes Enforcement Network (FINCEN) (http://www.fincen.gov/)

FINCEN, a U.S. Treasury Department agency, was created to establish, oversee and implement policies to prevent and detect money laundering. The site includes a list of countries with transaction advisories, bank secrecy regulatory information, surveys and reports on money laundering and cybercrime, publications, and news releases.

Financial Action Task Force on Money Laundering (FATF) (http://www.fatf-gafi.org)

FATF is one of the key organizations that addresses the global problem of money laundering. Formed by the G-7 Economic Summit in 1989, the FATF is comprised of 26 countries, the European Commission and the Gulf Cooperation Council. It is dedicated to promoting the development of effective anti-money laundering controls and enhanced cooperation in countermoney laundering efforts around the world. The site includes FATF reports and documents such as:

- FATF Standards
- Recommendations
- Money Laundering Trends and Techniques
- Annual Reports

# C. Cyber Crime

CyberCrime (http://www.justice.gov/criminal/cybercrime/)

This site is maintained by the Computer Crime and Intellectual Property Section (CCIPS) of the Criminal Division of the U.S. Department of Justice. It is primarily a clearinghouse for information on legal and policy issues relating to cybercrime, including cases, legislation, and related documents.

Council of Europe (http://conventions.coe.int/)

The Council of Europe has negotiated several agreements concerning cybercrime:

- Convention on Cybercrime (http://conventions.coe.int/treaty/en/Treaties/Html/185.htm) was opened for signature on 23 November 2001 and entered into force on 7 January 2004. This website includes the text of the previous Draft and a Draft Explanatory Memorandum. There is already an Additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (http://conventions.coe.int/Treaty/EN/Treaties/html/189.htm), including an Explanatory Report, opened for signature on 28 January 2003, entered into force on 1 March 2006. The Parliamentary Assembly also issued Opinion 240 (2002) on the Additional Protocol.
- Additional Protocol to the Convention for the Protection of Individuals with Regard to <u>Automatic Processing of Personal Data</u> (ETS No. 108) (http://conventions.coe.int/treaty/en/Treaties/Html/108.htm)

The Council also maintains a <u>cybercrime web page</u> promoting the provisions of the International Convention on Cybercrime.

OAS Cyber Crime Legal Agenda (http://www.oas.org/juridico/english/cyber.htm)

This website is part of the OAS Inter-American Legal Agenda. The Cyber Crime section reports on activities in which the OAS participates in its effort to combat cybercrime. The site includes reports and documents from meetings of the Government Experts on Cyber Crime, along with other relevant conference reports.

Privacy International (http://www.privacyinternational.org)

Privacy International is an independent, non-government organization with the primary role of advocacy and support to raise awareness about the development of national surveillance systems. Their web page provides the texts of agreements on data protection and privacy from a variety of countries and regions and includes summaries of G7/G8 activities concerning cybercrime and discussions of other European efforts at controlling cybercrime.

#### D. Environmental Crime

Cooperation in criminal matters throughout Europe is facilitated by treaties and agreements negotiated under the auspices of the Council of Europe and the European Union.

Council of Europe Treaties (http://conventions.coe.int/)

<u>Convention on the Protection of the Environment through Criminal Law</u> (ETS No. 172), opened for signature on 4 November 1998, not yet entered into force.

International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLRCJP) (http://www.icclr.law.ubc.ca)

In addition to its monitoring activities in organized crime described earlier in this section, the Centre also gathers information on issues concerning Environmental Crime. Access is provided to the report from the International Meeting of Experts, held in Portland, Oregon in 1994, entitled <u>Use of Crminal Sanctions in the Protection of the Environment: Internationally, Domestically and Regionally</u> (http://icclr.law.ubc.ca/publications/use-criminal-sanctions-protection-environment-internationally-domestically-and).

Refer to the chapter on <u>International Environmental Law</u> in this Guide for a thorough treatment of research methods in this area (http://www.asil.org/sites/default/files/ERG\_ENVIROMENT.pdf).

#### E. Terrorism

#### 1. United Nations Conventions & Related Documents

#### Books:

Bassiouni, M C. International Terrorism: Multilateral Conventions, 1937-2001.
 International and comparative criminal law series. Ardsley, N.Y: Transnational Publishers, 2001. (http://www.worldcat.org/title/international-terrorism-multilateral-conventions-1937-2001/oclc/48003241&referer=brief\_results)

# <u>UN Action To Counter Terrorism (http://www.un.org/terrorism/).</u>

This is the U.N.'s official website for collecting and reporting on U.N. actions against terrorism. It provides up-to-the-minute coverage of the latest developments, including press releases and web cast statements. The U.N. "opened a new phase in their counter-terrorism efforts by agreeing on a global strategy to counter terrorism. The strategy, adopted on 8 September 2006 and formally launched on 19 September 2006 marks the first time that countries around the world agree to a common strategic approach to fight terrorism."

<u>Counter-Terrorism Implementation Task Force</u> (http://www.un.org/en/terrorism/ctitf/index.shtml) is the UN system-wide strategy to combat terrorism.

# **U.N** Conventions on Terrorism

(http://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2\_en.xml&menu=MTDSG).

Charter of the United Nations, Chapter 7, Action with Respect to Threats to the Peace, Breaches of

the Peace, and Acts of Aggression (Articles 39-51) (http://www.un.org/en/documents/charter/chapter7.shtml).

# <u>UN Action to Counter Terrorism: International Instruments to Counter Terrorism</u> (http://www.un.org/en/terrorism/instruments.shtml).

Since 1963, the international community has elaborated 18 universal legal instruments to prevent terrorist acts. This web page links to the major terrorism treaties currently in force and monitors the work of the UN in drafting new terrorism treaties. Treaty texts and current status information can be found at the <a href="UN Treaty Collections: Terrorism">UN Treaty Collections: Terrorism</a> page (http://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2\_en.xml&menu=MTDSG)

# General Assembly Resolutions condemning terrorism

(http://www.un.org/en/terrorism/resolutions.shtml).

This page gathers General Assembly resolutions on terrorism back to the 30th Session, Reports of the Sixth Committee since the 40th Session, and documentation from the Ad Hoc Committee formed to elaborate a convention on measures to eliminate international terrorism.

Security Council Resolutions condemning terrorism (http://www.un.org/en/terrorism/sc-res.shtml).

This page includes the text of Resolutions, Presidential Statements and Verbatim Records of Security Council anti-terrorism actions.

<u>Security Council Counter-Terrorism Committee (CTC)</u> (http://www.un.org/en/sc/ctc/), which was established by SC Resolution 1373 of 28 September 2001.

UNODC and Terrorism Prevention (http://www.unodc.org/unodc/en/terrorism/index.html)

In 1999, the U.N. General Assembly established the Terrorism Prevention Branch (TPB) to research terrorism and assist countries in preventing terroristic acts. In 2002 it evolved into the Global Programme against Terrorism, a framework for the operational activities of the UN Office on Drugs and Crime. The site provides background information on terrorism and links to all relevant international, regional and national counter-terrorism legislation

(https://www.unodc.org/tldb/en/index.html). The Programme provides the overall framework for delivering technical assistance to countries. These technical assistance tools include a Digest of Terrorist Cases, model laws, studies, a compendia of legal instruments, conference publications and the UN Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols (http://www.unodc.org/documents/terrorism/LegislativeGuide2008.pdf) and other documents to serve as guides for implementing the terrorism instruments.

Ad Hoc Committee established by General Assembly resolution 51/210 of 17 Dec.1996 (http://www.un.org/law/terrorism/index.html)

# 2. Other International Governmental Organizations

# Regional Conventions on Terrorism

(http://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2\_en.xml&menu=MTDSG)

This page provides the text and status of conventions deposited with the U.N. Secretary General and the anti-terrorism conventions of the League of Arab States, the Organization of the Islamic Conference, the Council of Europe, the OAS, the OAU, the South Asian Association for Regional Cooperation (SAARC), and the Commonwealth of Independent States (CIS).

European Union (http://europa.eu)

<u>European Union Justice, Freedom and Security</u> (http://eurlex.europa.eu/summary/chapter/justice\_freedom\_security.html?root\_default=SUM\_1\_CODED=23)

These web pages provide information and documentation on the EU fight against terrorism. The European Commission Crisis & Terrorism website includes the EU counter-terrorism strategy and a Documentation Centre with links to COM documents, adoptions, proposals, papers, Council actions, and communications regarding the EU's fight against terrorism.

North Atlantic Treaty Organization (NATO) (http://www.nato.int/)

As terrorism against members of the alliance escalates and the focus turns to counter-terrorism, basic NATO agreements and policy documents gain significance. The official NATO website provides timely and complete coverage of institutional activities, including information on NATO structures and policies, official documents, current agenda and the latest developments relating to them.

<u>NATO</u> and the Fight Against Terrorism (http://www.nato.int/cps/en/natolive/76706.htm) provides basic NATO documents relating to terrorism including official statements, speeches, audio tapes of press conferences, and photos of meetings.

- Article 51 of the U.N. Charter
   (http://www.nato.int/cps/en/natolive/official\_texts\_16937.htm)
- North Atlantic Treaty (The Washington Treaty) (http://www.nato.int/cps/en/natolive/official\_texts\_17120.htm)
- <u>Informal Defence Ministers Meeting</u>, September 26, 2001 (http://www.nato.int/docu/comm/2001/0109-hq/0109-hq.htm)
- NATO E-Library (http://www.nato.int/cps/en/SID-61B72647-6BB6ED59/natolive/publications.htm)

#### 3. Other Terrorism Resources

The National Consortium for the Study of Terrorism and Responses to Terrorism (START)

(http://www.start.umd.edu/start/)

START, based at the University of Maryland, is a U.S. Department of Homeland Security Center of Excellence. The Center focuses on three areas of research: (1) Terrorist group formation and recruitment, (2) Terrorist group persistence and dynamics, and (3) Societal responses to terrorist threats and attacks. It hosts the Global Terrorism Database (GTD) (http://www.start.umd.edu/gtd/) which is a comprehensive resource for the analysis and research of domestic and international terrorism. GTD includes systematic data on international as well as domestic terrorist incidents that have occurred between 1970-2004 and now includes almost 80,000 cases. For each GTD incident, information is available on the date and location of the incident, the weapons used and nature of the target, the number of casualties, and -- when identifiable -- the identity of the perpetrator. In the next year, START expects to update the GTD to cover the time period from 2004 through 2007.

# JURIST: The Legal Education Network: Terrorism Law

(http://jurist.org/currentawareness/terrorism.php)

Located at the University of Pittsburgh School of Law, this page is part of a larger network of legal educational websites. In addition to continuously updated news sources, the Terrorism page includes listings of counterterrorism agencies and initiatives, anti-terrorism laws, statutes and treaties, terrorism studies, bibliographies, and academic commentary.

# Carnegie Endowment for International Peace (http://www.carnegieendowment.org/)

Founded in 1910, the Carnegie Endowment is a private nonprofit organization dedicated to advancing cooperation among nations and promoting active international engagement by the United States. Proliferation News and Resources (http://carnegieendowment.org/publications/pronews/) include current news, analysis, reports, Resources on Terrorism, and Proliferation Briefs. It also includes country resource pages, information on various weapons of mass destruction, nuclear numbers and tracking, and threat assessments. The Non-Proliferation Project is an internationally recognized source of information and analysis on weapons of mass destruction. In Washington and Moscow, Carnegie experts conduct an ongoing program of research, analysis, conferences, and comment.

# FATF & Terrorist Financing (http://www.fatf-gafi.org/)

The Financial Action Task Force (FATF) mission includes combating money laundering, terrorist financing, and the financing of the proliferation of weapons of mass destruction, which are serious threats to security and the integrity of the financial system. As recently as 2012, the FATF plenary body revised and updated its <a href="Special Recommendations on Terrorist Financing">Special Recommendations on Terrorist Financing</a> to strengthen areas that are higher risk, to deal with new threats such as the financing of proliferation of weapons of mass destruction, and to be clearer on transparency and tougher on corruption. This website includes the special recommendations, a self-assessment questionnaire, and guidance notes for the

recommendations.

<u>Lockerbie Trial</u> (http://www.scotcourts.gov.uk/search-judgments/lockerbie-trial)

The judgment and appeal of the Lockerbie trial is available for downloading in .pdf format, along with links to video coverage of the proceedings.

BBC News Online (http://news.bbc.co.uk/2/hi/world/1766508.stm)

This site is intended to offer guidance and information to those with an interest in the Lockerbie trial. It contains live video and audio coverage of the verdict, public reactions, and background reports. Also included are news articles, a chronology of events, and documentation pertaining to indictment, procedure, and evidence.

ASIL Insights (http://www.asil.org/insights)

ASIL Insights are brief essays on current topics by international law experts. Insights are not designed to argue a position, but rather to inform decision-makers and the public of the relevance of international law to current events. Some notable pieces are:

• The European Court of Justice Kadi Decision and the Future of UN Counterterrorism Sanctions, by Peter Fromuth, October 30, 2009.

#### VII. Statistical Sources

UN Crime and Justice Information Network (UNCJIN): Statistics and Research Sources (http://www.uncjin.org/Statistics/statistics.html)

Includes the <u>UN Surveys of Crime Trends and Operations of Criminal Justice Systems</u> (http://www.uncjin.org/Statistics/WCTS/wcts.html), the <u>UN International Study on Firearm</u> Regulation (http://www.uncjin.org/Statistics/firearms/index.htm), and an impressive array of links to collections of crime statistics worldwide.

<u>Bureau of Justice Statistics (BJS), International Justice Statistics</u> (http://www.bjs.gov/content/ijs.cfm)

This site serves as a complete resource for international criminal statistics. It provides explanations and references to the full range of United Nations statistical sources, International Websites, and National Archive of Criminal Justice Data. International datasets from the National Archive of Criminal Justice Data (http://bjs.ojp.usdoj.gov/content/ijs.cfm#IRNACJD) include crime surveys and studies from individual countries and regions. U.N. data collections include the Global Report on Crime and Justice (http://www.uncjin.org/Special/GlobalReport.html), the International Crime

<u>Victimization Survey</u> (http://www.icpsr.umich.edu/icpsrweb/ICPSR/series/175), and the <u>United Nations International Study on Firearm Regulation</u>

(http://www.uncjin.org/Statistics/firearms/index.htm). The World Factbook of Criminal Justice Systems (http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1435), developed under a BJS grant, provides narrative descriptions of the criminal justice systems of countries around the world. In addition, the Bureau of Justice Statistics compiles the Sourcebook of Criminal Justice Statistics with an emphasis on U.S crime statistics and other data on criminal justice issues. An electronic version of the Sourcebook (http://www.albany.edu/sourcebook) is also available.

# British Home Office Research and Statistics Directorate

(https://www.gov.uk/government/organisations/home-office/about/research)

British and international criminal justice statistics.

# VIII. Information Clearinghouses and Other Related Sources

National Criminal Justice Reference Service (http://www.ncjrs.gov)

NCJRS "maintains a database of abstracts for more than 200,000 criminal justice books, journal articles, and reports published by the U.S. Department of Justice, other local, state, and federal government agencies, international organizations, and the private sector." The database is available electronically in several ways: on the Web or on CD-ROM, available by ordering directly from NCJRS. The database can also be searched via DIALOG, a fee-based service for which the user must have an established account. The service also responds directly to over 5,000 specific inquiries per month from around the world.

# National Institute of Justice (NIJ) (http://www.nij.gov/)

The National Institute of Justice (NIJ) is the research agency of the U.S. Department of Justice. NIJ's links with the international community include participation in the network of criminological institutes affiliated with the United Nations; financial and administrative support of the World Justice Information Network (http://www.wjin.net/), a global forum for the exchange of information and ideas concerning international criminal justice; participation in the development of the United Nations Criminal Justice Information Network (UNCJIN); and establishment of an International Center within NIJ. Articles discussing international crime, in NIJ publications such as National Institute of Justice Journal, are available in full-text.

State University of NY at Albany, School of Criminal Justice, Links to Criminal Justice Sites (http://library.albany.edu/subject/criminal)

This comprehensive clearinghouse for U.S. and international criminal law and justice resources

features links to national and state laws, court sites, international, federal and state governments, national and international organizations, policing & crime prevention, statistics, prisons and sentencing, drugs, victims of crime, and more.

\* Gail A. Partin currently holds the position of Interim Director and Law Librarian at the H. Laddie Montague, Jr. Law Library of the Dickinson School of Law of the Pennsylvania State University. As Interim Director she manages the administrative and operational aspects of the law library's Carlisle and University Park facilities. She also serves as the library's Foreign, Comparative, and International Law Librarian and is responsible for the development and maintenance of the law library's international law collection. She developed and currently teaches an upper-level strategic legal research course, participates in the legal research instruction program for first year students and lectures on legal research for a variety of specialized and advanced law courses. In conjunction with other colleagues, she designed the law school's upper-level Practice-Oriented Research Tips and Training Certificate Program (PORTT). To augment the legal research and instructional services she provides, Gail has developed and maintains a resource rich web site for her library.

For the past several years, she has actively participated in the development of AALL's *Principles and Standards For Legal Research Competency* and designed the <u>Legal Research Competency</u> online information center. She was a founder of the Teaching Research in Academic Law Libraries (TRIALL) institute and served on the Advisory Council and Faculty of the first two institutes. Over the years she has published a variety of course materials and articles and participated in lectures, panels and programs concerning various aspects of legal research, including emerging electronic resources, legal research competencies, international law, and basic United States legal resources.

Gail is an active participant in the organizations and activities of the American Association of Law Libraries (AALL) and the Research Instruction & Patron Services Special Interest Section (RIPS). She currently chairs on the AALL Special Committee for Legal Research Competency, which is charged with promoting the principles and standards to ensure their widespread acceptance within the legal community. Recently she was appointed to chair the RIPS-SIS newly created Legal Research Competency Committee. For over ten years, she served as chair of the nationally recognized National Legal Research Teach-In. She is also active in the Foreign, Comparative and International Law SIS (FCIL), having served as member of the Strategic Planning Committee and co-chair of the Education Committee. She earned her B.S. from Rider University, her M.S.L.S. from Clarion University, and her J.D. from Dickinson School of Law. She is an active member of the Pennsylvania State Bar.