

Understanding International Criminal Law

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Understanding International Criminal Law

FOURTH EDITION

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To—
Cheryl L. Segal
and
Amelia H. Boss
and
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Preface

International criminal law is a developing area of the law. Events throughout the world change the landscape on a daily basis. It is a new area because tribunals and the international criminal court are of recent vintage. But it is also an old area of law in that history provides many lessons.

This book is intended as an overview of this area of the law. It is divided into four parts. The first part provides a general overview, with definitions to key terms that will appear throughout the book. It covers the area of jurisdiction, as this is the starting point in determining the applicability of using international law. The second part covers selected areas of international criminal law. It is not exhaustive of all areas of international or transnational law. Choices of specific crimes to cover were made on the basis of showing a diversity of topics, new and developing areas such as computer crimes, and the older, more traditional areas, such as piracy. It provides materials on both violent and nonviolent crimes. Areas of immediate importance, like terrorism, narcotics, and human trafficking, are discussed. The third part covers procedural issues. It includes constitutional issues, immunities, obtaining evidence from abroad, obtaining people from abroad, and post-conviction issues, such as prisoner transfers. The final part of this book covers the international aspects of international criminal law. In addition to examining what constitutes an international crime, it looks at human rights issues, international tribunals, and the International Criminal Court.

Although the book includes an enormous amount of material, it also excludes a large amount of important material. As such, it is not intended as a definitive source to resolve a legal matter, but rather as a general overview to begin the study of international criminal law. Because of the continual changes in this area, it is important to realize that updating is necessary.

This book would not be without several very important people. Professor Roger S. Clark thanks David Batista, Hays Butler, Milosz Pierwola, Janelle Baptiste, Brian Johns, Michael Herdman, David Telson and Jingwei Zhang for their research assistance over the years. Professor Ellen S. Podgor thanks Stetson University College of Law. Professor Lucian Dervan thanks research assistant Lacy Hansen. We all owe large debts of intellectual gratitude to the late Professors Edward Wise and Gerhard Mueller, whose pioneering 1965 book on International Criminal Law introduced the field to readers of English. Cherif Bassiouni's writings on the subject are always a source of considerable inspiration.

Ellen S. Podgor
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January 2022

