

M. CHERIF BASSIOUNI

CRIMES
AGAINST
HUMANITY

HISTORICAL EVOLUTION AND
CONTEMPORARY APPLICATION

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Crimes Against Humanity

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APPLICATION

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Preface

In 1989, the Canadian Department of Justice asked me to serve as its legal expert in *R. v. Finta*,¹ Canada's first prosecution of crimes against humanity under a 1987 statute incorporating this international crime into Canadian criminal law. In this capacity I worked with the prosecution team for several months, prepared extensive memoranda of law, and testified before the trial court for four full, grueling days. It was one of my life's most gratifying and worthwhile experiences, one that I will never forget.

The Canadian statute, which is retrospective but not retroactive, (*sic*) requires *inter alia* that crimes against humanity be established under international law at the time that the alleged crime was committed, and that the specific crime charged under it also constitute a violation of Canadian criminal law at the time that the alleged criminal conduct occurred. These two requirements make it very difficult for the prosecution to succeed. This case was the only one brought under that law, and it revealed the difficulties in its application.

This first and last case involved a former Hungarian Gendarmerie Captain, Imre Finta, then a naturalized Canadian citizen, who was charged, *inter alia*, with the deportation of 8,617 Jews from Szeged, Hungary, to Auschwitz, Poland, and Strasshof, Austria, in June 1944 as part of the Nazi plan to exterminate the Jews of Europe. No one knows how many of these deportees died in transit, in the death camps, or under slave-labor conditions. Reviewing such horrors even forty-five years later was deeply moving and profoundly saddening. It reinforced my belief that such crimes should not go unpunished, nor should they ever be forgotten.

I was gratified that the Trial Court, and subsequently the Appellate and Supreme Court, accepted my explanation of the nature and history of crimes against humanity and that it ruled this international crime as existing under international law as an emerging custom and as a general principle of law prior to the London Charter.²

To establish before a common law court that crimes against humanity existed as an international crime in 1944 was not an easy task. I first studied the criminal laws of the seventy-four states that, at the time, constituted all the members of the international community and found that their criminal laws contained all the crimes listed in Article 6(c) of the London Charter. I prepared bound volumes of the texts of these laws, and, for each country, an affidavit of an expert to explain these crimes under the respective

¹ *Regina v. Finta*, 50 C.C.C. (3d) 247, 61 D.L.R. 85 (1989).

² *Regina v. Finta* [1994] 1 S.C.R. 701, at 96–7; *Regina v. Finta*, 92 D.L.R. 4th 1, 84, Ontario Court of Appeal, 1992.

national criminal laws. These volumes were submitted in evidence to the Court. Then came the reams of pages I read about Nuremberg, Tokyo, their sequels, and other national trials and the preparation of a lengthy memorandum on the history and nature of crimes against humanity. That too was submitted in evidence to the Court. Then came four days of expert testimony, six to eight hours a day, mostly of grueling cross-examination.³ My work in preparation for the *Finta* case led to the first edition of a book published in December 1992 entitled *Crimes Against Humanity in International Law*.

Two years after my experience in the *Finta* case, the United Nations Security Council established the Commission of Experts, pursuant to Resolution 780,⁴ to investigate grave breaches of the Geneva Convention and other serious violations of international humanitarian law in the former Yugoslavia.⁵ The Secretary-General of the United Nations first appointed me to be a member of the Commission, and then Chairman. Within the Commission, I was also the Rapporteur on the Gathering and Analysis of the Facts. In these capacities, I documented, *inter alia*, crimes against humanity committed by both state and nonstate actors. The experience was shocking, to say the least, as evidenced by the Commission's Final Report⁶ and the 3,300 pages of Annexes,⁷ for which I was responsible.

Between March and May 1993, I drafted for the United Nations Office of Legal Affairs, in my capacity as a member of the Commission, a proposed definition of crimes against humanity that was included in the Secretary-General's Report and in the Statute for the establishment of the International Criminal Tribunal for the former Yugoslavia (ICTY) adopted by the Security Council.⁸

The definition of crimes against humanity in Article 5 of the ICTY Statute is patterned on the Nuremberg one and includes a connection to an armed conflict, whether international or noninternational. There was a strong belief among many publicists that the war-connecting link was no longer required because of the 1950 ILC Report, which had removed this connection. At the time, my concern was to make sure that crimes against

³ As I recall it twenty years later, a brief moment of levity came when Mr. Christie, the defense counsel, who specialized in representing cases involving those taking issue with the Holocaust and expressing anti-Semitic views, asked me if I were Jewish, where I stood on Holocaust politics, and whether I had Jewish relatives. My response was no to the first question, that I failed to understand the second question, and yes to the third question. Mr. Christie's eyes seemed to light up and with some glee, he asked me to explain my Jewish family relations. With seriousness, and earnestness, I responded: "My ancestor had two children, one of them was Jewish." I then added that their names were Ishmael and Isaac as they understood the connection to Abraham. There was laughter in the courtroom, and the cross-examination continued.

⁴ S. C. Res. 780, *On the Establishment of a Commission of Experts for the Former Yugoslavia*, S/RES/780 (1992), 6 October 1992.

⁵ See generally M. Cherif Bassiouni, *The United Nations Commission of Experts Established Pursuant to Security Council Resolution 780* (1992). 88 AM. J. INT'L L. 784-805 (1994) and M. Cherif Bassiouni, *The Commission of Experts Established Pursuant to Security Council Resolution 780: Investigating Violations of International Humanitarian Law in the Former Yugoslavia*, 5 CRIM. L. F. 279-340 (1994).

⁶ *Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780* (1992), UN Doc. S/1994/674, 27 May 1994.

⁷ *Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780* (1992), Annexes to the Final Report, UN SCOR, 47th Sess., UN Doc. S/1994/674/Add.2 (1994).

⁸ S. C. Res. 808, 48 U.N. SCOR, (3175th mtg.), U.N. Doc. S/RES/808 (1993), reprinted in 32 I.L.M. 1159. See also generally M. CHERIF BASSIOUNI (WITH THE COLLABORATION OF PETER MANIKAS), *THE LAW OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA* 221-6 (1996) [hereinafter BASSIOUNI, *THE LAW OF THE ICTY*]; VIRGINIA MORRIS AND MICHAEL P. SCHARF, 1-2 *AN INSIDER'S GUIDE TO THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA* (1995) [hereinafter MORRIS & SCHARF, *INSIDER'S GUIDE TO THE ICTY*].

humanity applied to the complex situation of the conflict in the former Yugoslavia, which, at times and in some areas, was of an international character and/or of a non-international character.⁹ I accomplished this by linking crimes against humanity to “a conflict of an international or non-international character.” This formula avoided having any questions asked about the removal of the war-connecting link that was required under the London Charter’s Article 6(c). I could have relied on the ILC’s 1950 Report,¹⁰ which stated that customary international law no longer required that connection, but I was concerned that the report had little evidence to support this conclusion. As to the contents of crimes against humanity, I was confident that the specific inclusion of rape in Article 5 of the ICTY was amply supported by customary international law. Thus, forty-eight years after the Nuremberg Charter was adopted, a new formulation of crimes against humanity emerged in international criminal law, which I had the privilege of drafting.

Shortly thereafter, the Security Council established in 1994 the International Criminal Tribunal for Rwanda (ICTR).¹¹ Article 3 of the ICTR Statute contains a definition of crimes against humanity that differs from the one in Article 5 of the ICTY. The new definition removed any required connection between crimes against humanity and a conflict of any type. This removal of the war connection was as radical a change in the nature of the crime as was the 1945 Charter’s definition in comparison with the post World War I efforts of 1919, but it was needed because of the nature of the Rwandan conflict.

After the establishment of the ICTY and the ICTR, work on the International Criminal Court (ICC) began in 1995 when the General Assembly established an *Ad Hoc* Committee for the Establishment of an International Criminal Court. It was my privilege to have been elected as its vice chairman. The *Ad Hoc* Committee worked on the basis of the ILC’s 1994 Draft Statute, which did not contain a definition of crimes against humanity. Thus, the *Ad Hoc* Committee had to start working on a new definition. At that time, I proposed a text combining the features of Article 5 of the ICTY Statute and Article 3 of the ICTR Statute. That text was subsequently expanded by the General Assembly’s Preparatory Committee for the Establishment of an International Criminal Court, which served from January 1996 to April 1998. It also was my privilege to have been the vice chairman of this committee. In that capacity I continued to work on the definition of crimes against humanity.¹² Subsequently, I had the honor of being elected as Chairman of the Drafting Committee of the United Nations Diplomatic Conference on the International Criminal Court, which was held in Rome, June 15 to July 17, 1998.¹³ The Diplomatic Conference succeeded in the adoption of the ICC Statute, which defined crimes against humanity in Article 7, as the Preparatory Committee had proposed. Article 7 included a state policy requirement, and the war-connecting link was removed.

⁹ This was evidenced in the ICTY’s first case. Prosecutor v. Tadić, Case No. IT-94-I-A, Judgment (Jul. 15, 1999) [hereinafter *Tadić Appeals Judgment*]; Prosecutor v. Tadić, Case No. IT-94-I-T, Opinion and Judgment (May 7, 1997) [hereinafter *Tadić Trial Judgment*].

¹⁰ *Report of the International Law Commission Covering Its Second Session*, (1950) 5 U.N. G.A.O.R. Supp. No. 12, U.N. Doc. A/1316 [hereinafter 1950 ILC Report].

¹¹ S.C. Res. 955, U.N. SCOR, 49th Sess., U.N. Doc. S/RES/955 (1994).

¹² M. CHERIF BASSIOUNI, I-III THE LEGISLATIVE HISTORY OF THE INTERNATIONAL CRIMINAL COURT: INTRODUCTION, ANALYSIS, AND INTEGRATED TEXT (2005) [hereinafter BASSIOUNI, LEGISLATIVE HISTORY OF THE ICC].

¹³ The Rome Statute of the International Criminal Court (ICC), 17 July 1998, U.N. Doc. A/CONF.183/9, reprinted in 37 I.L.M. 999 (1998).

This book is, therefore, the result of my many years of work as an academic and as a participant in international legislative efforts. These experiences were rich and rewarding and provided me with useful insights, which, hopefully, will benefit the reader. This is a new book, not merely an update of previous editions of *CRIMES AGAINST HUMANITY IN INTERNATIONAL LAW*. This book includes all of the jurisprudential developments of CAH, from the post-World War II proceedings to the ICTY, ICTR, and ICC, as well as the mixed-model tribunals and relevant national prosecutions.

This Preface would not be complete if I did not also express my belief that the world community must develop a commitment to the prosecution of those who commit crimes against humanity, irrespective of time, place, and the identity or status of the perpetrators or victims. The motivation for that urging is not vindictiveness, but a belief in the need to provide accountability and victim redress. Prosecutions for such crimes must evidence, if nothing else, our human solidarity with the victims of such crimes – that is the least that we can do for them – as well as uphold our values. Along with this urging, I must also add a word of caution to all those engaged in such efforts – the greater the magnitude of the human depredations, the less it can countenance any type of compromise.

As one who has had direct personal experience with the human suffering of so many victims of these and other international crimes, I must bear witness. That is what I have tried to achieve in this book.

M. Cherif Bassiouni
Chicago, March 2011

Acknowledgments

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Table of Abbreviations

The abbreviations that follow are referred to in footnotes throughout the book.

- 1899 *Hague Convention* Convention With Respect to the Laws and Customs of War on Land, July 29, 1899, 32 Stat. 1803, T.S. No. 403, 26 MARTENS NOUVEAU RECUEIL (ser. 2) 949, *reprinted in* 1 AM. J. INT'L L. 129 (1907) (Supp.), 1 FRIEDMAN 221, SCHINDLER/TOMAN 57
- 1907 *Hague Convention* Convention Respecting the Laws and Customs of War on Land, Oct. 18, 1907, 36 Stat. 2277, T.S. No. 539, 3 MARTENS NOUVEAU RECUEIL (ser. 3) 461, *reprinted in* 2 AM. J. INT'L L. 90 (1908) (Supp.), 1 FRIEDMAN 308, 1 BEVANS 631
- 1919 *Commission Report* Report Presented to the Preliminary Peace Conference by the Commission on the Responsibilities of the Authors of the War and on Enforcement of Penalties (Conference of Paris 1919 Carnegie Endowment for International Peace, Division of International Law), Pamphlet No. 32 (1919), *reprinted in* 14 AM. J. INT'L L. 95 (1920) (Supp.), 1 FRIEDMAN 842
- 1948 *Genocide Convention* Convention on the Prevention and Punishment of the Crime of Genocide (also Genocide Convention), Dec. 9, 1948, 78 U.N.T.S. 277, *reprinted in* 45 AM. J. INT'L L. 7 (1951) (Supp.)
- 1949 *Geneva Conventions* Conventions signed at Geneva, Aug. 12, 1949: (a) Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (Geneva Convention I), 75 U.N.T.S. 31, 6 U.S.T. 3114, T.I.A.S. No. 3362. (b) Convention for the Amelioration of the Condition of Wounded, Sick, and Shipwrecked Members of the Armed Forces at Sea (Geneva Convention II), 75 U.N.T.S. 85, 6 U.S.T. 3217, T.I.A.S. No. 3363. (c) Convention Relative to the

- Treatment of Prisoners of War (Geneva Convention III), 75 U.N.T.S. 135, 6 U.S.T. 3316, T.I.A.S. No. 3364. (d) Convention Relative to the Protection of Civilian Persons in Time of War (Geneva Convention IV), 75 U.N.T.S. 287, 6 U.S.T. 3516, T.I.A.S. No. 3365
- 1950 ILC Report *Report of the International Law Commission*, U.N. GAOR, 5th Sess., U.N. Doc. A/CN.4/25 (1950)
- 1974 *Definition of Aggression* Definition of Aggression (United Nations General Assembly Resolutions), Dec. 14, 1974, G.A. Res. 3314 (XXIX), U.N. GAOR, 29th Sess., Supp. (No. 31) at 142, U.N. Doc. A/9631 (1974)
- 1977 Protocol I Protocol Additional to Geneva Conventions of Aug. 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts, *opened for signature* Dec. 12, 1977, U.N. Doc. A/32/144 Annex I, *reprinted in* 16 ILM 1391, SCHINDLER/TOMAN 551
- 1977 Protocol II Protocol Additional to Geneva Convention of Aug. 12, 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, *opened for signature*, Dec. 12, 1977, U.N. Doc. A/32/144 Annex II, *reprinted in* 16 ILM 1391, SCHINDLER/TOMAN 619
- 1994 ILC Report *Report of the International Law Commission*, 46th Sess., May 2–July 22, 1994, U.N. GAOR, 49th Sess., U.N. Doc. A/49/10 (1994)
- 1996 ILC Draft Code of Crimes Draft Code of Crimes Against the Peace and Security of Crimes of Mankind, May 6–July 26, 1996, *Report of the ILC*, GAOR Supp. No. 10, U.N. Doc. A/51/10
- 1996 ICC Preparatory Committee Report *Report of the Preparatory Committee on the Establishment of an International Criminal Court*, Vol. I, U.N. GAOR, 51st Sess., Supp. No. 22, U.N. Doc. A/51/22 (1996)
- 9/11 The terrorist attacks of September 11, 2001, on the World Trade Center in New York, and the Pentagon, outside of Washington, D.C.
- Annexes to Final Report, Commission of Experts* Annexes to the Final Report, U.N. SCOR, 49th Sess., U.N. Doc. S/1994/674/Add.2 (1994) (See also Final Report, Committee of Experts)
- Annex II to 1919 Commission Report* Memorandum of Reservations Presented by the Representatives of the United States to the Report of the Commission on Responsibilities, Annex II Apr. 4, 1919, *reprinted in* 14 AM. J. INT'L L. 127 (1920)

<i>Apartheid</i> Convention	International Convention on the Suppression and Punishment of the Crime of <i>Apartheid</i> , Nov. 30, 1973, U.N. G.A. Res. 3068 (XXVIII), 28th Sess., U.N. GAOR Supp. No. 30 at 75, U.N. Doc. A/9030 (1973), <i>reprinted in</i> 13 ILM 50 (1974)
ASP	Assembly of States Parties to the International Criminal Court
BASSIOUNI & WISE, AUT DEDERE AUT JUDICARE	M. CHERIF BASSIOUNI & EDWARD M. WISE, AUT DEDERE AUT JUDICARE: THE DUTY TO PROSECUTE OR EXTRADITE IN INTERNATIONAL LAW (1995)
BASSIOUNI, CRIMES AGAINST HUMANITY	M. CHERIF BASSIOUNI, CRIMES AGAINST HUMANITY IN INTERNATIONAL CRIMINAL LAW (2d rev. ed., 1999)
BASSIOUNI, DRAFT CODE	M. CHERIF BASSIOUNI, A DRAFT INTERNATIONAL CRIMINAL CODE & DRAFT STATUTE FOR AN INTERNATIONAL CRIMINAL TRIBUNAL (1987)
Bassiouni, <i>From Versailles to Rwanda</i>	M. Cherif Bassiouni, <i>From Versailles to Rwanda in 75 Years: The Need to Establish a Permanent International Criminal Court</i> , 10 HARV. HUM. RTS. J. 1 (1996)
Bassiouni, <i>General Principles</i>	M. Cherif Bassiouni, <i>A Functional Approach to "General Principles of International Law,"</i> 11 MICH. J. INT'L L. 768–818 (1990).
BASSIOUNI, INTERNATIONAL EXTRADITION	M. CHERIF BASSIOUNI, INTERNATIONAL EXTRADITION: UNITED STATES LAW AND PRACTICE (4th ed. 2002)
BASSIOUNI, HUMAN RIGHTS COMPENDIUM	M. CHERIF BASSIOUNI, THE PROTECTION OF HUMAN RIGHTS IN THE ADMINISTRATION OF CRIMINAL JUSTICE (1994)
BASSIOUNI, INTERNATIONAL HUMANITARIAN LAW	A MANUAL ON INTERNATIONAL HUMANITARIAN LAW AND ARMS CONTROL AGREEMENTS (M. Cherif Bassiouni ed., 2000).
1 BASSIOUNI, ICL	INTERNATIONAL CRIMINAL LAW: CRIMES (M. Cherif Bassiouni ed., 3d. rev. ed. 2008)
2 BASSIOUNI, ICL	INTERNATIONAL CRIMINAL LAW: PROCEDURAL AND ENFORCEMENT MECHANISMS (M. Cherif Bassiouni ed., 3d. rev. ed. 2008)
3 BASSIOUNI, ICL	INTERNATIONAL CRIMINAL LAW: ENFORCEMENT (M. Cherif Bassiouni ed., 3d. rev. ed. 2008)
BASSIOUNI, ICL CONVENTIONS	M. CHERIF BASSIOUNI, INTERNATIONAL CRIMINAL CONVENTIONS AND THEIR PENAL PROVISIONS (1997)
Bassiouni, <i>Negotiating the Treaty of Rome</i>	M. Cherif Bassiouni, <i>Negotiating the Treaty of Rome on the Establishment of an International Criminal Court</i> , 32 CORNELL INT'L L. J. 443 (1999).

BASSIOUNI, POST CONFLICT JUSTICE	POST CONFLICT JUSTICE (M. Cherif Bassiouni ed., 2002)
BASSIOUNI, STATUTE OF THE ICC	THE STATUTE OF THE INTERNATIONAL CRIMINAL COURT: A DOCUMENTARY HISTORY
BASSIOUNI, TERRORISM	INTERNATIONAL TERRORISM: MULTILATERAL CONVENTIONS 1937–2001
BASSIOUNI, TERRORISM DOCUMENTS	INTERNATIONAL TERRORISM: A COMPILATION OF U.N. DOCUMENTS (1972–2001) (M. Cherif Bassiouni ed., 2002, 2 vols.)
BASSIOUNI & NANDA TREATISE	A TREATISE ON INTERNATIONAL CRIMINAL LAW (M. Cherif Bassiouni & V.P. Nanda eds., 1973, 2 vols.)
Bassiouni, <i>Universal Jurisdiction</i>	M. Cherif Bassiouni, <i>Universal Jurisdiction for International Crimes: Historical Perspectives and Contemporary Practice</i> , 42 VA. J. INT'L L. 81 (2001)
BASSIOUNI, YUGOSLAVIA BEVANS	M. CHERIF BASSIOUNI (WITH THE COLLABORATION OF PETER MANIKAS)
BEVANS	TREATIES AND OTHER INTERNATIONAL AGREEMENTS OF THE UNITED STATES OF AMERICA, 1776–1949 (C.F. Bevans ed. 1970, 13 vols.)
BSP	British and Foreign State Papers
CCL 10	Allied Control Council Law No. 10, Dec. 20, 1945, Official Gazette of the Control Council for Germany, No. 3, Jan. 31, 1946, <i>reprinted in</i> 1 FERENCZ 488, 1 FRIEDMAN 908
CE	Council of Europe
<i>Commission of Experts on Former Yugoslavia</i>	Commission of Experts Established Pursuant to Security Council Resolution 780 (1992) to Investigate Violations of International Humanitarian Law in the Former Yugoslavia, S.C. Res. 780, U.N. SCOR, 47th Sess., U.N. Doc. S/RES/780 (1992)
EU	European Union
<i>The Eichmann Case</i>	Attorney Gen. of Israel v. Eichmann, 36 I.L.R. 18, 39, (Isr. Dist. Ct. – Jerusalem 1961), <i>aff'd</i> , 36 I.L.R. 277 (Isr. Sup. Ct. 1962)
Eur. Ct. H.R.	European Court of Human Rights
Eur. T.S. – (Also ETS	European Treaty Series
ECHR)	European Convention for the Protection of Human Rights and Fundamental Freedoms, Nov. 4, 1950, 218 U.N.T.S. 221, E.T.S. No. 5
<i>Far Eastern Commission Secretary Report</i>	<i>Activities of the Far Eastern Commission, Report by the General</i> , February 26–July 10, 1947, 16 DEP'T ST. BULL. 804–06 (1947)
Far East Military Proceedings	Trials held in connection with the post-World War II Far East Military Activities conducted by

	(a) the United States, as special military trials; and (b) other countries including Great Britain, the Soviet Union, China, the Netherlands, Australia, and other Commonwealth nations
<i>Final Report, Commission of Experts</i>	<i>Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992)</i> , U.N. SCOR, Annex, U.N. Doc. S/1994/674 (27 May 1994) (<i>See also Annexes to Final Report of Yugoslavia Commission of Experts</i>)
FSIA	Foreign Sovereign Immunities Act, 28 U.S.C. §§ 1602–11 (1994)
G.A.	(U.N.) General Assembly
GAOR (<i>See also</i> U.N. GAOR)	(U.N.) General Assembly Official Records
G.A. Res. (<i>See also</i> U.N. G.A. Res.)	(U.N.) General Assembly Resolution
General principles	“the general principles of law recognized by civilized nations” as contained in Article 38 of the ICJ Statute
HUDSON	INTERNATIONAL LEGISLATION (Michael Hudson ed., 1972)
ICC	International Criminal Court
ICC Draft Statute	<i>Report of the Preparatory Committee on the Establishment of an International Criminal Court</i> , A/Conf.183/2/Add.1 (1998)
ICC Statute	<i>Rome Statute of the International Criminal Court</i> , A/Conf.183/9, 17 July 1998
ICJ	International Court of Justice
ICJ Reports	International Court of Justice Reports
ICJ Statute	Statute of the International Court of Justice, June 26, 1945, 59 Stat. 1055, 3 BEVANS 1179
ICCPR	International Covenant on Civil and Political Rights, Dec. 19, 1966, 993 U.N.T.S. 3 (<i>entered into force</i> Jan. 3, 1976)
ICL	International Criminal Law
ICRC	International Committee for the Red Cross
ICTR	International Criminal Tribunal for Rwanda
<i>ICTR Statute</i>	International Criminal Tribunal for Rwanda, S.C. Res. 955, U.N. SCOR, 49th Sess., 3453d mtg., U.N. Doc. S/RES/955 (1994)
ICTY	International Criminal Tribunal for Yugoslavia
<i>ICTY Statute</i>	International Criminal Tribunal for Yugoslavia, S.C. Res. 808, U.N. SCOR, 48th Sess., 3217th mtg., U.N. Doc. S/RES/808 (1993)
IHL	International Humanitarian Law
IHRL	International Human Rights Law

ILC	International Law Commission
ILC's Nuremberg Principles	Affirmation of the Principles of International Law Recognized by Nuremberg Principles the Charter of the Nuremberg Tribunal, Dec. 11, 1946, U.N. G.A. Res. 95(I), U.N. GAOR (Part II) at 188, U.N. Doc. A/64/Add. 1(1946), <i>reprinted in</i> 2 FRIEDMAN 1027; SCHINDLER/TOMAN 833
ILM	INTERNATIONAL LEGAL MATERIALS
IMO	International Maritime Organization
IMT (<i>Also</i> Nuremberg Charter, Nuremberg Trials, and London Charter)	The International Military Tribunal at Nuremberg, established by the Agreement for the Prosecution and Punishment of Major War Criminals of the European Axis, Aug. 8, 1945; Charter of the International Military Tribunal, 59 Stat. 1544, 1546, 82 U.N.T.S. 279, 284 E.A.S. No. 472, <i>reprinted in</i> 39 AM. J. INT'L L. 257 (1945) (Supp.), 1 FERENCZ 454, 1 FRIEDMAN 883, SCHINDLER/TOMAN 823
IMTFE (<i>See also</i> Tokyo Trials and Tokyo Charter)	International Military Tribunals for the Far East Special Proclamation: Establishment of an International Military Tribunal for the Far East, Jan. 19, 1946, T.I.A.S. No. 1589, at 3, 4 BEVANS 20 Charter for the International Military Tribunal for the Far East, Apr. 26, 1946, T.I.A.S. No. 1589, at 11, 4 BEVANS 27. <i>See also</i> Documents on the Tokyo International Military Tribunal (Neil Boisher and Robert Cryer eds. 2008).
IMTFE Proclamation (<i>See also</i> Tokyo Trials, Tokyo Charter, and IHTFE proclamation)	Special Proclamation: Establishment of a Military Tribunal for the Far East, Jan. 19, 1946, T.I.A.S. No. 1589, at 3, 4 BEVANS 20
Law of the Charter	Refers to: (a) London Agreement and the Charter; (b) Indictments, Proceedings and Judgment of the International Military Tribunal at Nuremberg
LATTANZI, ICC COMMENTARY	THE INTERNATIONAL CRIMINAL COURT: COMMENTS ON THE DRAFT STATUTE (Flavia Lattanzi ed., 1998)
Leipzig Trials	The trials of German war criminals after World War I held before the German Supreme Court (<i>Reichsgericht</i>) Sitting at Leipzig. <i>See generally</i> CLAUD MULLINS, THE LEIPZIG TRIALS (1921); <i>see also</i> 16 AM. J. INT'L L. 696 <i>et seq.</i> (1922)
LIA	London International Assembly, The Punishment of War Criminals: Recommendations of the London International Assembly (1944)
Lieber Code	U.S. Dept. of War, Instructions for the Government of the Armies of the United States in the

	Field, General Orders No. 100 (1863), <i>reprinted in</i> 1 FRIEDMAN 158
LNTS	League of Nations Treaty Series
LRTWC	LAW REPORTS OF TRIALS OF WAR CRIMINALS
MARTENS	MARTENS NOUVEAU RECUEIL GÉNÉRAL DES TRAITÉS
MLAT	Mutual Legal Assistance Treaty
Moscow Declaration	The Moscow Conference, Oct. 19–30, 1943 (Declaration of German Atrocities, Nov. 1, 1943), 1943 FOR. REL. (I) 749, <i>reprinted in</i> 38 AM. J. INT'L L. 3 (Supp.); 3 BEVANS 816
MOU	Memorandum of Understanding
MÜLLER-RAPPARD & BASSIOUNI, EUROPEAN INTER-STATE COOPERATION	EUROPEAN INTER-STATE COOPERATION IN CRIMINAL MATTERS (Ekkehart Müller-Rappard & M. Cherif Bassiouni eds., 2d rev. ed. 1992)
NGO	Non-governmental organization
<i>Nuremberg Indictment</i>	1 IMT 27
<i>Nuremberg Judgment</i>	1 IMT 171
Nuremberg Principles	<i>Principles of the Nuremberg Tribunal 1950, Report of the ILC (Principles of International Law Recognized in the Tribunal)</i> , July 29, 1950, U.N. GAOR, 5th Sess., Supp. (No. 12) 11, U.N. Doc. A/1316 (1950), <i>reprinted in</i> 4 AM. J. INT'L L. 126 (1950) (Supp.); 2 FERENCZ 235
NUREMBERG PROCEEDINGS	TRIAL OF THE MAJOR WAR CRIMINALS BEFORE THE INTERNATIONAL MILITARY TRIBUNAL (Secretariat of the International Military Tribunal ed., 1947)
OAS	Organization of American States
OAU Convention	OAU Convention for the Elimination of Mercenaries in Africa, OAU Doc. Cm/433/Rev.L. (1972)
OLA	United Nations Office of Legal Affairs
Tadić Case	<i>The Prosecutor v. Tadić</i> , OPINION AND JUDGMENT, Case No. IT-94-I-T, 7 May 1997
Parry's	THE CONSOLIDATED TREATY SERIES (C. Parry ed., 1969 & Supp., 231 vols.)
PCIJ	Permanent Court of International Justice
PCIJ Statute	Statute of the Permanent Court of International Justice, 1926 P.C.I.J. (Ser. D) No. 1
Post-Charter Legal Developments	Refers to: (a) Affirmation of Nuremberg Principles; (b) Genocide Convention; (c) ILC Nuremberg Principles; (d) U.N. Non-Applicability of Statutory Limitations to War Crimes; (e) Resolutions on War Criminals, Dec. 15, 1970, U.N. G.A. Res. 2583 (XXIV), <i>reprinted in</i> 1 FRIEDMAN 754; (f) <i>Apartheid</i> Convention; (g)

	International Co-operation in Extradition; (h) European Non-Applicability of Statutory Limitations to War Crimes
Potsdam Conference	The Berlin (Potsdam) Conference (Protocol of Proceedings), Aug. 2, 1945, 1945 FOR. REL. Conference of Berlin (Potsdam II) 1499, <i>reprinted in</i> 3 BEVANS 1207; 39 AM. J. INT'L L. 245 (1945) (Supp.)
ICC Preparatory Committee	The Preparatory Committee on the Establishment of an International Criminal Court
Preparatory Committee Report	Report of the Preparatory Committee on the Establishment of an International Criminal Court, Vols I, U.N. GAOR, 51st Sess., Supp. No. 22, ¶¶ 212–93, U.N. Doc. A/51/22 (1996)
RECUEIL DES COURS	RECUEIL DES COURS DE L'ACADÉMIE DE DROIT INTERNATIONAL DE LA HAYE
RED CROSS REPORT	1 INTERNATIONAL COMMITTEE OF THE RED CROSS, REPORT ON THE INTERNATIONAL COMMITTEE OF THE RED CROSS ON ITS ACTIVITIES DURING THE SECOND WORLD WAR (1948)
ICC Ad Hoc Committee	<i>Report of the Ad Hoc Committee on the Establishment of an International Criminal Court</i> , U.N. GAOR, 50th Sess., Supp. No. 22, U.N. Doc A/50/22
Report of Robert H. Jackson	U.S. Dep't of State, Pub. No. 3080, Report of Robert H. Jackson
Res.	(U.N.) Resolution
Resolution on Aggression	Resolution on the Definition of Aggression, G.A. Res. 3314, U.N. GAOR, 29th Sess., Supp. No. 31, U.N. Doc. A/9631 (1975)
RIDP	REVUE INTERNATIONALE DE DROIT PÉNAL
SC	(U.N.) Security Council
SCHABAS, ICC INTRODUCTION	WILLIAM A. SCHABAS, AN INTRODUCTION TO THE INTERNATIONAL CRIMINAL COURT (2001)
SCOR	(U.N.) Security Council Official Records
Stat.	United States Statutes at Large
Subsequent Proceedings	(<i>See also</i> CCL N° 10 Trials) Proceedings by the Allied Powers held pursuant to Control Council Law No. 10, (Punishment of Persons Guilty of War Crimes, Crimes Against Peace and Against Humanity), Dec. 20, 1945, OFFICIAL GAZETTE OF THE CONTROL COUNCIL FOR GERMANY, No. 3, Berlin, Jan. 31, 1946, <i>reprinted in</i> 1 FERENCZ 488, 1 FRIEDMAN 908. The U.S. Proceedings involved 12 Trials: (a) <i>The Einsatzgruppen Case</i> ; (b) <i>The I.G. Farben Case</i> ; (c) <i>The Flick Case</i> ; (d) <i>The High Command Case</i> ; (e) <i>The Hostage Case</i> ; (f) <i>The</i>

	<i>Justice Case</i> ; (g) <i>The Krupp Case</i> ; (h) <i>The Medical Case</i> ; (i) <i>The Milch Case</i> ; (j) <i>The Ministries Case</i> ; (k) <i>The Pohl Case</i> ; (l) <i>The Rusha Case</i>
T.I.A.S.	(U.S.) Treaties and Other International Acts Series
Tokyo Charter (<i>See also</i> IMTFE and Tokyo Trials)	International Military Tribunal for the Far East: (a) Proclamation by the Supreme Commander for the Allied Powers, Jan. 19, 1946, T.I.A.S. 1589, <i>reprinted in</i> 4 BEVANS 20, 1 FERENCZ 522 (1975), FRIEDMAN 894; (b) Charter of the International Military Tribunal for the Far East, Jan. 19, 1946, T.I.A.S. 1589, <i>reprinted in</i> 1 FERENCZ 523, 1 FRIEDMAN 895 (<i>See also</i> IMTFE)
Tokyo Trials (<i>See also</i> IMTFE)	International Military Tribunals for the Far East; Trial of the Major War Criminals, Proceedings of the International Military Tribunal for the Far East at Tokyo; <i>reprinted</i> (excerpts) <i>in</i> 4 BEVANS 20; 2 FERENCZ 522 (1975); <i>compiled in</i> <i>The International Military Tribunals for the Far East</i> (R. John Pritchard & Sonia M. Zaide eds., 21 vols, 1981)
1984 Torture Convention	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, G.A. Res. 39/46, U.N. GAOR, 39th Sess., Supp. No. 51, U.N. Doc. A/39/51 (1984), <i>entered into force</i> June 26, 1987, <i>draft reprinted in</i> 23 ILM 1027 (1985), <i>with final changes in</i> 24 ILM 1027
1919 Treaty of Versailles	Treaty of Peace Between the Allied and Associated Powers and Germany (Treaty of Versailles), June 28, 1919, 11 MARTENS NOUVEAU RECUEIL (ser 3) 323, <i>reprinted in</i> 2 BEVANS 43, 1 FRIEDMAN 417 (U.S.) Treaty Series
TS	(U.S.) Treaty Series
UN	United Nations
UNDCP	United Nations International Drug Control Programme
UNESCO	UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, <i>adopted</i> Nov. 14, 1970, 823 U.N.T.S. 23, <i>reprinted in</i> 10 I.L.M. 289
UNWCC	UNITED NATIONS WAR CRIMES COMMISSION, HISTORY OF THE UNITED NATIONS WAR CRIMES COMMISSION AND THE DEVELOPMENT OF THE LAWS OF WAR (1948)
UN Doc.	United Nations Document