International criminal trials: A normative theory

Vasiliev, S.

Citation for published version (APA):
BIBLIOGRAPHY

Contents:

Books and monographs cxvii
Book Chapters cxxii
Journal Articles cxxxvii
Conference Presentations and Lectures cliv
Research Papers and Unpublished Manuscripts clvi
Personal Interviews clvi
   ECCC clvi
   ICTR clvi
   SCSL clvi
NGO Reports and Publications clviii
   International Criminal Law Services clviii
   Judicial System Monitoring Programme (JSMP) clviii
   Helsinki Watch clviii
   Human Rights Watch cllix
   Open Society Justice Initiative cllix
   War Crimes Research Office cllix
Press Releases and News Items clx
   Cambodian Human Rights Action Committee clx
   ECCC clx
   International Criminal Tribunal for the former Yugoslavia clx
Online Resources and Blogposts clx
   Africa News Analysis clx
   International Criminal Law Bureau clxi
   International Criminal Tribunal for Rwanda clxi
   International Criminal Tribunal for Yugoslavia clxi
   Institute for War & Peace Reporting clxi

Books and monographs

Bentham, J., *An Introduction to the Principles of Morals and Legislation* (1789)
Bibliography

Bloxham, D., Genocide on Trial: War Crimes Trials and the Formation of Holocaust History and Memory (Oxford: Oxford University Press, 2001)


Coke, E., First Part of the Institute of the Laws of England (New York: Gryphon, 1823)


———, Het Nederlands Strafprocesrecht, 6 edn (Deventer: Kluwer, 2008)


———, Evidence Law Adrift (New Haven, Yale University Press, 1997)


Del Ponte, C., with Sudetić, C., Madame Prosecutor: Confrontations with Humanity’s Worst Criminals and Culture of Impunity (New York: Other Press, 2009)


Drucker, P.F., Managing the Non-Profit Organization (HarperCollins: 1990)


Bibliography

——, *Punishment, Communication, and Community* (Oxford: Oxford University Press, 2001)


Bibliography


Bibliography


——, *An Introduction to the International Criminal Court, 4th edn* (Cambridge: Cambridge University Press, 2011)


Steinberg, R.H. (ed.), *Assessing the Legacy of the ICTY* (Leiden/Boston: Martinus Nijhoff, 2011)


Bibliography


*Trial of the Major War Criminals Before the International Military Tribunal, Vol. XIX* (Nuremberg: International Military Tribunal, 1948)

*Trial of the Major War Criminals Before the International Military Tribunal, Vol. XX* (Nuremberg: International Military Tribunal, 1948)

*Trial of the Major War Criminals before the International Military Tribunal, Vol. XXI* (Nuremberg: International Military Tribunal, 1948)

*Trial of the Major War Criminals before the International Military Tribunal, Vol. XXII* (Nuremberg: International Military Tribunal, 1948)


———, and Hüber, B. (eds), *Criminal Procedure in Europe* (Berlin: Duncker & Humblot, 2008)


Book Chapters


Bibliography


Bibliography


Doran, S., ‘The Necessarily Expanding Role of the Criminal Trial Judge’, in Doran, S. and


Bibliography


Bibliography


——, ‘Transnational Faces of Justice: Two Attempts to Build Common Standards Beyond


Bibliography


Bibliography


Bibliography


——, ‘The Two Faces of Justice in the Post-Soviet Legal Sphere: Adversarial Procedure,
Bibliography


Bibliography

Journal Articles


——, ‘Preventing Genocide: Measuring Success by What Does Not Happen’ (2011) 22 Criminal Law Forum 1


Bibliography


Barkan, S.E., ‘Political Trials and the Pro Se Defendant in the Adversary System’ (1976-7) 24 Social Problems 324


—–, ‘Justice and Peace: The Importance of Choosing Accountability over Realpolitik’ (2003) 23 Case Western Reserve Journal of International Law 191

Baxter, R., ‘Multilateral Treaties as Evidence of Customary International Law’ (1965-66) 41 British Yearbook of International Law 275


Bohlander, M., ‘Evidence before the International Criminal Court – Basic Principles’ (2005) 6(4) ERA-Forum 543
—–, ‘Radbruch Redux: The Need for Revisiting the Conversation between Common and Civil Law at Root Level at the Example of International Criminal Justice’ (2011) 24 Leiden Journal of International Law 393

Bibliography

Cameron, N., Potter, S., and Young, W., ‘The New Zealand Jury’ (1999) 62(2) Law and Contemporary Problems 103

Cxxxix
Chinkin, C.M., ‘Due Process and Witness Anonymity’ (1997) 91(1) American Journal of International Law 75
Court, D., ‘Jury Selection and Opening Statements’ (1951) 28 Dicta 384
Damaška, M., ‘Evidentiary Barriers to Conviction and Two Models of Criminal Procedure: A Comparative Study’ (1973) 121 University of Pennsylvania Law Review 506
——, ‘Structures of Authority and Comparative Criminal Procedure’ (1975) 84 Yale Law Journal 480
——, ‘Presentation of Evidence and Fact-finding Precision’ (1975) 123 University of Pennsylvania Law Review 1083
——, ‘On Circumstances Favoring Codification’ (1983) 52 Revista Juridica de la Universidad de Puerto Rico 355
Bibliography

343


——, ‘Models of Criminal Procedure’ (2001) 51 (3-4) Zbornik PFZ 477

——, ‘Epistemology and Legal Regulation of Proof’ (2003) 2 Law, Probability and Risk 117


——, ‘The International Criminal Court Between Aspiration and Achievement’ (2011) 14 UCLA Journal of International Law and Foreign Affairs 19

——, ‘Reflections on Fairness in International Criminal Justice’ (2012) 10 Journal of International Criminal Justice 611


Deprez, C., ‘Extent of Applicability of Human Rights Standards to Proceedings before the
Bibliography

International Criminal Court: On Possible Reductive Factors’ (2012) 12
*International Criminal Law Review* 721

Dixon, R. and Demirdjian, A., ‘Advising Defendants about Guilty Pleas before
International Courts’ (2005) 3(3) *Journal of International Criminal Justice* 680

Doran, S., Jackson, J.D. and Seigel, M., ‘Rethinking Adversariness in Nonjury Criminal

Dubinsky, P.R., ‘Human Rights Law Meets private Law Harmonization: The Coming
Conflict’ (2005) 30 *Yale Journal of International Law* 211

Dupuy, P.M., ‘A Doctrinal Debate in the Globalisation Era: On the “Fragmentation” of

Drumbl, M.A., ‘Punishment, Postgenocide: From Guilt to Shame to *Civis* in Rwanda’,
— , ‘Collective Violence and Individual Punishment: The Criminality of Mass Atrocity’

Tailor-Made Is the Special Tribunal for Lebanon?’ (2008) 21 *Leiden Journal of
International Law* 529

Elliott, E.D., ‘Managerial Judging and the Evolution of Procedure’ (1986) 53 *University of
Chicago Law Review* 306

Ellis, M.S., ‘Combating Impunity and Enforcing Accountability as a Way to Promote
Peace and Stability – The Role of War Crimes Tribunals’ (2006) 2 *Journal of
National Security & Policy* 111

34 *California Western International Law Journal* 47
— , ‘The Marriage of Common and Continental Law at the ICTY and its Progeny, Due

Fassbender, B., ‘Reflections on the International Legality of the Special Tribunal for
Lebanon’, (2007) 5 *Journal of International Criminal Justice* 1091

Fedorova, M. and Sluiter, G., ‘Human Rights as *Minimum* Standards in International
Criminal Proceedings’(2009) 3 *Human Rights & International Legal Discourse* 9

the International Criminal Court’ (2001) 3 *Yearbook of International Humanitarian
Law* 289

in the Pre-Trial Criminal Process’ (2003) 14 *Criminal Law Forum* 261

Findlay, M., ‘Synthesis in Trial Procedures? The Experience of International Criminal
Tribunals’ (2001) 50 *International and Comparative Law Quarterly* 26

Fletcher, L.E. and Weinstein, H.M., ‘Violence and Social Repair: Rethinking the
Contribution of Justice to Reconciliation’ (2002) 24 *Human Rights Quarterly* 573

Frankel, M., ‘The Search for Truth: An Umpireal View’ (1975) 123 *University of
Pennsylvania Law Review* 1031
*University of Colorado Law Review* 51

Franken, S., ‘Finding the Truth in Dutch Courtrooms: How Does One Deal with

Frase, R. and Weigend, T., ‘German Criminal justice as a Guide to American Law Reform:
 cxlii
Bibliography


——, ‘The Impact of the Size, Scope, and Scale of the Milošević Trial and the Development of Rule 73bis before the ICTY’ (2009) 7(2) Northwestern Journal of International Human Rights 239


——, ‘Finding the Best Epistemic Fit for International Criminal Tribunals Beyond the Adversarial-Inquisitorial Dichotomy’ (2009) 7 Journal of International Criminal Justice 17

Jackson, R.H., ‘Nürnberg in Retrospect: Legal Answer to International Lawlessness’ (1949) 27 Canada Bar Review 761


Jaspers, K., ‘The Significance of the Nuremberg Trials for Germany and the World’ (1946) 22 Notre Dame Lawyer 150


Bibliography


Jordash, W., and Martin, S., ‘Due Process and Fair Trial Rights at the Special Court: How the Desire for Accountability Outweighed the Demands of Justice at the Special Court for Sierra Leone’ (2010) 23(3) Leiden Journal of International Law 585


Bibliography


Bibliography

——, and Reiger, C., ‘The Evolving Jurisprudence and Practice of East Timor’s Special Panels for Serious Crimes on Admissions of Guilt, Duress and Superior Orders’ (2001) 4 Yearbook of International Humanitarian Law 1
Lundquist, W.I., ‘Advocacy in Opening Statements’ (1981-2) 8 Litigation 23
——, ‘The Legacy of the ICTY as Seen Through Some of its Actors and Observers’ (2011) 3 Göttingen Journal of International Law 1011

cxlvii
——, ‘Judicial Effects of “Completion Strategies” for the Ad Hoc International Criminal Tribunals’ (2005) 98 American Journal of International Law 142
Murphy, P., ‘No Free Lunch, No Free Proof: The Indiscriminate Admission of Evidence Is a Serious Flaw in International Criminal Trials’ (2010) 8 Journal of International Criminal Justice 539
Oppenheimer, B.S., ‘Trial by Jury’ (1937) 11 University of Cincinnati Law Review 141

——, ‘Judicial Effects of “Completion Strategies” for the Ad Hoc International Criminal Tribunals’ (2005) 98 American Journal of International Law 142
Murphy, P., ‘No Free Lunch, No Free Proof: The Indiscriminate Admission of Evidence Is a Serious Flaw in International Criminal Trials’ (2010) 8 Journal of International Criminal Justice 539
Oppenheimer, B.S., ‘Trial by Jury’ (1937) 11 University of Cincinnati Law Review 141
Bibliography


———, ‘Overcoming Logistical and Structural Barriers to Fair Trials at International Tribunals’ (2006) 4(1) International Commentary on Evidence 1


——, ‘Rough Edges in the Alignment of Legal Systems at the ICTY’ (2005) 3 *Journal of International Criminal Justice* 1037


Saltzberg, S.A., ‘The Unnecessarily Expanding Role of the American Trial Judge’ (1978) 64 *Virginia Law Review* 1


——, ‘Pejorative Closing Arguments’ (2008) 23 *Criminal Justice* 49


——, ‘Prosecutorial Discretion and Judicial Activism’ (2008) 6 *Journal of International Criminal Justice* 731


——, ‘The International Criminal Court at Ten’ (2011) 22 *Criminal Law Forum* 493


Bibliography

——, ‘“Fairness and the Interests of Justice”: Illusive Concepts in the Milošević Case’, (2005) 3(1) JICJ 9


Snedaker, K.H., ‘Storytelling in Opening Statements: Framing the Argumentation of the Trial’ (1986-7) 10 American Journal of Trial Advocacy 15

Stahn, C., ‘How Is the Water? Light and Shadow in the First Years of the ICC’ (2011) 22 Criminal Law Forum 175


——, ‘Some Critical Comments on the Legacy and the Legitimacy of the ICTY’ (2011) 3 Göttingen Journal of International Law 985


Thornburg, E.G., ‘The Managerial Judge Goes to Trial’ (2010) 44 University of Richmond Law Review 1261


Bibliography


——, ‘From Liberal Extremity to Safe Mainstream: The Comparative Controversies of Witness Preparation in the United States’ (2011) 9(2) International Commentary on Evidence 1


Bibliography


——, ‘Should We Search for the Truth, and Who Should Do It?’ (2010-11) 36 North Carolina International Law and Commercial Regulation 389


Young, R., ‘“Internationally Recognized Human Rights” before the International Criminal Court’ (2011) 60 International & Comparative Law Quarterly 189


Conference Presentations and Lectures
Bibliography


Goldstone, R., ‘Address before the Supreme Court of the United States’, 1996 CEELI Leadership Award Dinner, 2 October 1996

Remarks of Gabrielle Kirk MacDonald to the Georgetown and George Washington International Law Societies, 2nd Annual International Law Conference, 7 February 1998


Van den Wyngaert, C., ‘Human Rights between Sword and Shield’, Lecture at the Award Ceremony Prize, Human Rights League, Antwerp, December 2006

Bibliography

Research Papers and Unpublished Manuscripts


     (last accessed 22 April 2013)


Vasiliev, S., ‘The Role and Legal Status of the Prosecutor in International Criminal Proceedings’, 25 November 2010,

Personal Interviews

(on file with the author)

ECCC

Interview with a Legal Officer, ECCC , ECCC-AO-01, ECCC, Phnom Penh, 31 January 2010 (name and organ not subject to disclosure; response to the questionnaire received in writing)

ICTR

Interview with an ICTR Judge (anonymous), ICTR-AJ/09, Arusha, 16 May 2008
Interview with an ICTR Judge (anonymous), ICTR-AJ/08, Arusha, 16 May 2008
Interview with Legal Officer, ICTR Chambers (anonymous), ICTR-AO/08, Arusha, 16 May 2008
Interview with an ICTR Judge (anonymous), ICTR-AJ/09, Arusha, 16 May 2008
Bibliography

Interview with Legal Officer, ICTR Chambers (anonymous), ICTR-AO/10, Arusha, 19 May 2008
Interview with Judge Inés Mónica Weinberg de Roca of the ICTR, ICTR-PJ/07, Arusha, 19 May 2008
Interview with Legal Officer, ICTR Chambers, ICTR-AO/10, Arusha, 19 May 2008
Interview with an ICTR OTP member, ICTR-AP-08, Arusha, 20 May 2008
Interview with an ICTR OTP member, ICTR-AP-07, Arusha, 20 May 2008
Interview with Judge Erik Mose of the ICTR, ICTR-PJ-04, Arusha, 20 May 2008
Interview with Judge Sergei Alekseevich Egorov of the ICTR, ICTR-PJ/06, Arusha, 20 May 2008
Interview with a member of the ICTR OTP (anonymous), ICTR-AP/08, Arusha, 20 May 2008
Interview with the member of the ICTR OTP (anonymous), ICTR-AP-05, Arusha, 21 May 2008
Interview with Alex Obote-Odora, Chief of ALAD, OTP ICTR, ICTR-PP-06, Arusha, 21 May 2008
Interview with Defence Counsel Ben Gumpert, ICTR, ICTR-PD/09, Arusha, 22 May 2008
Interview with Defence Counsel Christopher Black, ICTR, ICTR-PD/08, Arusha, 22 May 2008
Interview with Defence Counsel Peter Robinson, ICTR, ICTR-PD/10, Arusha, 22 May 2008
Interview with Judge Emile Francis Short of the ICTR, ICTR-PJ/05, Arusha, 23 May 2008
Interview with Defence Counsel Chief Charles A. Taku, ICTR, ICTR-OD/07, Arusha, 23 May 2008
Interview with Peter Zaduk, ICTR Defence Counsel, ICTR-PD/06, Arusha, 26 May 2008
Interview with Christine Graham of the ICTR OTP, ICTR-OP/03, Arusha, 28 May 2008
Interview with Defence Counsel Beth Lyons, ICTR, ICTR-PD/02, Arusha, 29 May 2008
Interview with John Philpot, ICTR Defence Counsel, ICTR-PD/04, Arusha, 29 May 2008
Interview with Tom Moran, ICTR Defence Counsel, ICTR-PD/03, 29 May 2008
Interview with Legal Officer, ICTR Chambers, ICTR-AO-09, 30 May 2008
Interview with Judge Asoka Nihal de Silva, ICTR-PJ/03, Arusha, 2 June 2008
Interview with Legal Officer, ICTR Chambers, ICTR-AO/07, Arusha, 2 June 2008
Interview with an ICTR OTP member, ICTR-AP-01, Arusha, 3 June 2008
Interview with Legal Officer, ICTR Chambers, ICTR-AO/05, Arusha, 3 June 2008
Interview with Legal Officer, ICTR Chambers, ICTR-AO/03, Arusha, 4 June 2008
Interview with Legal Officer, ICTR Chambers, ICTR-AO/01, Arusha, 5 June 2008

SCSL

Interview with a SCSL Defence Counsel (anonymous), SCSL-AD-06, Freetown, 19-20 October 2009
Interview with a member of the Defence team, SCSL-AD-05, Freetown, 20 October 2009
Interview with a Legal Officer, SCSL Chambers (anonymous), SCSL-AO-04, Freetown, 21 October 2009
Interview with a SCSL Defence Counsel (anonymous), SCSL-AD-03, Freetown, 22 October 2009

clvii
Bibliography

Interview with a SCSL Defence Counsel (anonymous), SCSL-AD-02, Freetown, 22 October 2009
Interview with an OTP member (anonymous), SCSL-AP-01, Freetown, 22 October 2009
Interview with a Legal Officer, SCSL Chambers (anonymous), SCSL-AO-03, Freetown, 23 October 2009
Interview with Wayne Jordash, Defence Counsel, SCSL-OD-01, The Hague, 8 December 2009
Interview with an SCSL Judge (anonymous), SCSL-AJ-02, SCSL, The Hague, 9 December 2009
Interview with an SCSL Judge (anonymous), SCSL-AJ-01, SCSL, The Hague, 16 December 2009
Interview with a Legal Officer, SCSL Chambers (anonymous), SCSL-AO-02, The Hague, 16 December 2009
Interview with a Legal Officer, SCSL Chambers (anonymous), SCSL-AO-01, The Hague, 4 February 2010

NGO Reports and Publications

International Bar Association

International Criminal Law Services

Judicial System Monitoring Programme (JSMP)
Weekly Summary 17-21 March 2003
Interim Report on the Dili District Court, Dili, District Court, East Timor, April 2003

Helsinki Watch
**Bibliography**

**Human Rights Watch**


**Open Society Justice Initiative**


**Public International Law and Policy Group**


**War Crimes Research Office**


**Press Releases and News Items**

clix
Bibliography

Cambodian Human Rights Action Committee

ECCC

International Criminal Tribunal for the former Yugoslavia

Online Resources and Blogposts

Africa News Analysis
Bibliography

**International Criminal Law Bureau**

**International Criminal Tribunal for Rwanda**

**International Criminal Tribunal for Yugoslavia**

**Institute for War & Peace Reporting**

**Jurist Hotline**