

ISSN 1478-1387

VOLUME 3, NO. 1
MARCH 2005

JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE



www.jicj.oupjournals.org



OXFORD JOURNALS

JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE

VOLUME 3, NO. 1
MARCH 2005

CONTENTS

Editorial	1
Editorial Comments	
<i>Milošević's Right to Defence</i>	
Assignment of Counsel and Perceptions of Fairness	
M. DAMAŠKA	3
'Fairness and the Interests of Justice: Illusive Concepts in the Milošević Case	
G. SLUITER	9
Articles	
Parochial versus Universal Criminal Law	
G. P. FLETCHER	20
'Unless Otherwise Provided': Article 30 of the ICC Statute and the Mental Element of Crimes under International Criminal Law	
G. WERLE and F. JESSBERGER	35
'Complicity in Genocide' versus 'Aiding and Abetting Genocide': Construing the Difference in the ICTR and ICTY Statutes	
C. EBOE-OSUJI	56
Evaluating the ICTY and its Completion Strategy: Efforts to Achieve Accountability for War Crimes and their Tribunals	
D. RAAB	82
'The <i>Milošević</i> Trial – Live!': An Iconical Analysis of International Law's Claim of Legitimate Authority	
M. STEINITZ	103

Symposium

Prosecutorial Discretion

Prosecutorial Discretion before National Courts and International
Tribunals

D. D. NTANDA NSEREKO 124

Prosecutorial Discretion and International Criminal Justice

H. B. JALLOW 145

Reflections on the Exercise of Prosecutorial Discretion in
International Criminal Law

L. CÔTÉ 162

Notes and Comments

The Right of War Crimes Victims to Compensation before National Courts

Compensation for Victims of Wartime Atrocities: Recent
Developments in Japan's Case Law

H. SHIN 187

Altmann v. Austria and the Retroactivity of the Foreign Sovereign
Immunities Act

C. M. VÁZQUEZ 207

War Crimes and State Immunity in the *Ferrini* Decision

A. GATTINI 224

Compensation for Forced Labour in World War II: The German
Compensation Law of 2 August 2000

B. FASSBENDER 243

The Internal Conflict in Colombia and the Fight against
Terrorism: UN Security Council Resolution 1465 (2003) and
Further Developments

M. SOSSAI 253

Highlights

Current Developments at the Ad Hoc International
Criminal Tribunals

D. A. MUNDIS and F. GAYNOR 268

Judgments and Decisions Issued by International Courts and other
International Bodies on Human Rights in 2003

S. BOURGON and M. CAUVIN 296

JICJ-Giorgio La Pira 2004 Prize Announcement 309

Corrigendum 310