

Spring 2008

Foreword: Symposium on Redefining International Criminal Law

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SYMPOSIUM

FOREWORD: SYMPOSIUM ON REDEFINING INTERNATIONAL CRIMINAL LAW

This special issue of the *Journal of Criminal Law and Criminology* brings together contributions from international law practitioners and scholars. The Articles in this Symposium explore a broad range of international criminal law questions, and offer new interpretations of, and new solutions to, pressing problems in the field.

The Symposium begins with a comprehensive Article by Professor M. Cherif Bassiouni in which he discusses the role of non-state actors in international and domestic conflicts. Professor Bassiouni offers a proposal to reduce collateral damage to civilians during armed conflict by demanding increased individual and collective compliance with international humanitarian law.

The remainder of the Symposium addresses three key questions in international criminal law: What acts constitute crimes punishable under international criminal law? How may those responsible for such crimes be apprehended and detained for prosecution? And how, and by whom, may such prosecutions be conducted?

Three Authors offer proposals for reinterpreting the existing jurisprudence that defines the reach of international criminal law. Professor Gregory Gordon argues that, notwithstanding significant obstacles, Iranian president Mahmoud Ahmadinejad could be prosecuted for direct and public incitement to commit genocide and crimes against humanity. Daniel Greenfield, Symposium Editor, presents an argument that the failure by international jurists to appreciate that complicity in genocide is a stand-alone crime leaves a gaping void in international criminal law thereby providing unwarranted sanctuary to those who facilitate genocide. Professor William Schabas makes a case for the revival of state policy as a predicate element to the prosecution of genocide and crimes against humanity.

Professor Douglass Cassel addresses the detention of suspected terrorists for security purposes, and argues that if preventive detention is to be permitted at all, its inherent threat to liberty must be appreciated, its use kept to an absolute minimum, and the European model limiting such detentions followed.

Two Articles in the Symposium focus on the International Criminal Court. Professor David Scheffer and Ashley Cox examine the constitutional issues that would pertain to any effort by the U.S. Government to ratify the Rome Statute of the International Criminal Court. The authors conclude that concerns about the treaty's constitutionality are largely without merit and that a ratification strategy with declarations, understandings, and provisos would clarify American adherence to its Constitution as a State Party to the Rome Statute. Professor Christopher Totten and Nicholas Tyler address the ICC's jurisdiction over the ongoing conflict in the Darfur region of Sudan. They consider whether the ICC complementarity principle is violated by local judicial activity involving suspects who have already been targeted by the ICC, and propose an integrated approach to resolving the crisis.

Finally, we are pleased to present, in the Criminology section of the Symposium issue, an original study by Professor Badi Hasisi concerning minority populations' perceptions of the police force in Israel. Professor Hasisi's findings suggest a need for a deeper analysis of the relationships between minority groups and the police. Although conducted in Israel, his research is directly relevant to the study of police-minority relations within the United States.

The 2007-2008 Journal Editors would like to thank the members of the 2008-2009 Editorial Board, who have spent countless hours editing this Symposium issue. In particular, we acknowledge the dedication of Krista Stone-Manista, 2008-2009 Editor-in-Chief; Sharon Kadas, 2008-2009 Executive Editor; and Krystle Lamprecht, 2008-2009 Production Editor. We would also like to thank Ronit Arié, 2008-2009 Executive Articles Editor for the Northwestern University Journal of International Human Rights, for her invaluable research and citation assistance.

Finally, we would like to thank our Authors, without whose scholarly excellence this issue would not have been possible. We are privileged to have the opportunity to publish their excellent Articles in this special issue.