ISSN 1478-1387

VORUME 2, NO. 1 MARCH 2004

## JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE



www.jicj.oupjournals.org

## JOURNAL OF **INTERNATIONAL CRIMINAL JUSTICE**

VOLUME 2, NO. 1 **MARCH 2004** 

## CONTENTS

Editorial	1
Editorial Comments on the USA and the ICC	
The United States of America and International Justice: Has Lady Liberty Lost Her Way?  D. MUNDIS	2
US Constitutionalism and International Law: What the Multilateralist Move Leaves Out P. STEPHAN	11
Learning to Deal with Rejection: The International Criminal Court and the United States  W. M., REISMAN	17
Is the United States' Opposition to the ICC Intractable? P. M. WALD	19
<b>How to Turn the Tide Using the Rome Statute's Temporal Jurisdiction</b> D. J. SCHEFFER	26
The International Criminal Court and the In and Out Club F. ORREGO VICUÑA	35
Articles	
The General Principles of International Criminal Law Set Out in Nuremberg, as Mirrored in the ICC Statute H. H. JESCHECK	38
The International Criminal Court – High Hopes, 'Creative Ambiguity' and an Unfortunate Mistrust in International Judges D. HUNT	56

Prosecutorial Discretion within the International Criminal Court M. R. Brubacher	71
Symposium	
The Guantánamo Entanglement	
The Status of Persons Held in Guantánamo under International Humanitarian Law M. SASSÒLI	96
The Relevance of the Obligations Flowing from the UN Covenant on Civil and Political Rights to US Courts Dealing with Guantánamo Detainees	107
L. CONDORELLI and P. DE SENA	107
Black Hole in Guantánamo Bay G. P. Fletcher	121
Symposium	
National Implementation of the ICC Statute (Part I)	
The ICC Statute and Belgian Law D. VANDERMEERSCH	133
Implementation of the ICC Statute in the Dutch Legal Order G. SLUTTER	158
An Overview of Implementation by Australia of the Statute of the International Criminal Court	
G. Boas	179
Implementing the ICC Statute in New Zealand J. HAY	191
Notes and Comments	
The Special Court for Sierra Leone: A Defence Perspective	
J. R. W. D. Jones, C. Caruton-Hanciles, H. Kah-Jallow, S. Scratch and I. Yillah	211
Prosecuting the Crimes against Humanity Committed during the Algerian War: an impossible Endeavour? The 2003 Decision of the French Court of Cassation in Aussaresses	231
J. Lelieur-Fischer	231
The German Chief Federal Prosecutor's Decision Not to Investigate the Alleged Crime of Preparing Aggression against Iraq C. KRESS	245
G. IMBO	

265
775
275
286
291
292
295