

Table of Contents

	Page
PREFACE	v
ACKNOWLEDGEMENTS	vii
TABLE OF STATUTES AND TREATIES	xvii
TABLE OF CASES	xv
Chapter I. Introduction	1
Sec.	
A. Introduction to the Concept and Study of Global Issues	1
B. Federal and State Jurisdiction	4
C. International and Extraterritorial Jurisdiction	7
D. Players in International Criminal Law: States, Individuals, Tribunals, and Other Entities as “Subjects” of International Law	10
1. States as the Focal Point of International Law	10
2. International Humanitarian Law and Individual Culpability	11
3. The Development of International Criminal Tribunals	13
E. The Sources of International Criminal Law	17
Chapter II. Transnational Crimes	22
Sec.	
A. Introduction	22
B. Transnational Problem	24
C. Constitutional Power to Reach Foreign Conduct	25
D. Jurisdiction	28
<i>United States v. Larsen</i>	29
<i>United States v. Martinelli</i>	32
<i>Notes and Questions</i>	44
E. Investigating and Prosecuting Violations of Foreign Law ..	48
1. Investigative Requests From Foreign Governments	48
2. Domestic Conduct Affecting Other Nations	50
<i>Pasquantino v. United States</i>	50
3. The Application of Foreign Convictions in the United States	60
4. Should the United States Help Enforce Foreign Laws?	62
F. Extradition	63
1. Principles of Extradition	63
2. Political Offense Exception	64
3. Extradition to the United States	66

Sec.	Page
F. Extradition—Continued	
4. Principle of Specialty	67
5. Dual Criminality Principle	69
6. Extraditing Citizens to Another Country	70
Chapter III. Terrorism	72
Sec.	
A. Introduction and Conceptual Background	72
B. Terrorism Problem	75
C. Defining and Prosecuting Terrorism in the United States	77
1. Federal Statutes	77
2. Judicial Interpretation of the Terrorism Statutes ...	81
<i>United States v. Yousef</i>	82
<i>Notes and Questions</i>	88
D. International and Foreign Definitions of Terrorism	90
1. The Role of the League of Nations and the United Nations	90
2. Foreign Domestic Legislation	93
E. Public Authority Defense	94
F. International and Extraterritorial Jurisdiction Over Terrorism	96
<i>United States v. Yousef</i>	97
<i>Notes and Questions</i>	100
Chapter IV. Genocide	110
Sec.	
A. Introduction to Genocide and International Criminal Tribunals	110
B. Introduction to the Khmer Rouge Tribunal and Genocide Problem	112
C. Sources of Law	116
1. ECDK Law Provisions	117
a. ECDK Law Article 4: Genocide	117
b. ECDK Law Article 29: Responsibility	118
2. Case Materials on Genocide	118
a. The Elements of Genocide and Conspiracy to Commit Genocide	118
<i>Prosecutor v. Krstic</i>	118
<i>Prosecutor v. Nahimana</i>	134
b. Theories of Responsibility	143
(i) Joint Criminal Enterprise and Aiding and Abetting	143
<i>Prosecutor v. Krstic</i>	145
(ii) Command Responsibility	159
c. Duress	161
<i>Prosecutor v. Erdemovic</i>	162
D. Federal Genocide Statute	179
<i>Notes and Questions</i>	180
INDEX	189