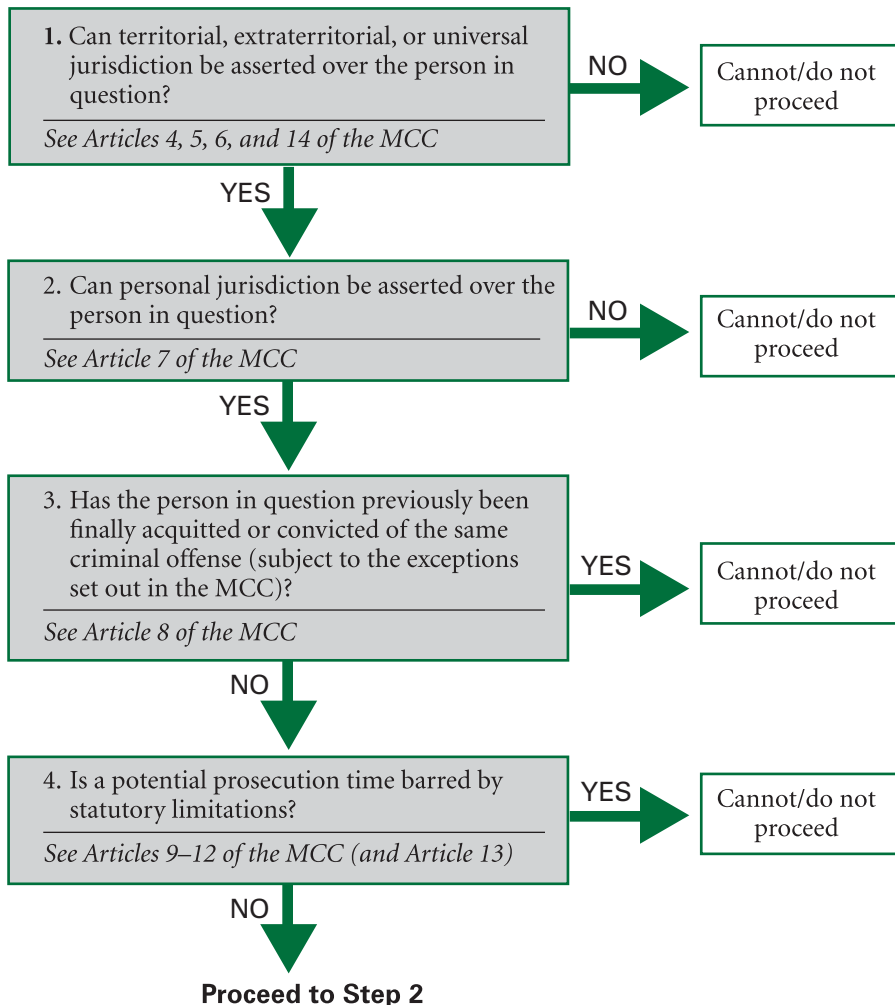


Annexes

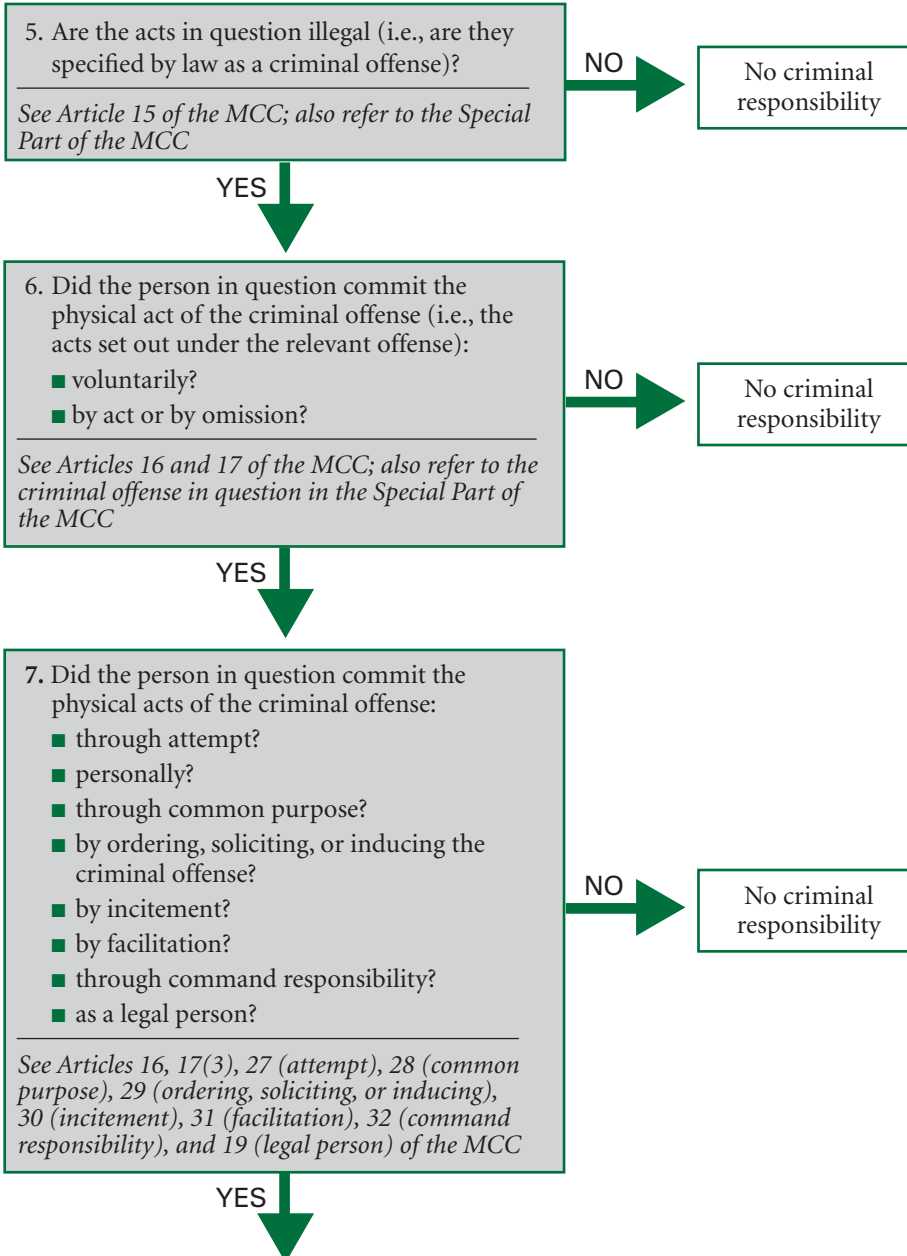
Annex 1: Assessing Criminal Responsibility under the MCC

This flow chart shows the steps to be taken and the questions to be asked in determining if a person is criminally responsible under the Model Criminal Code.

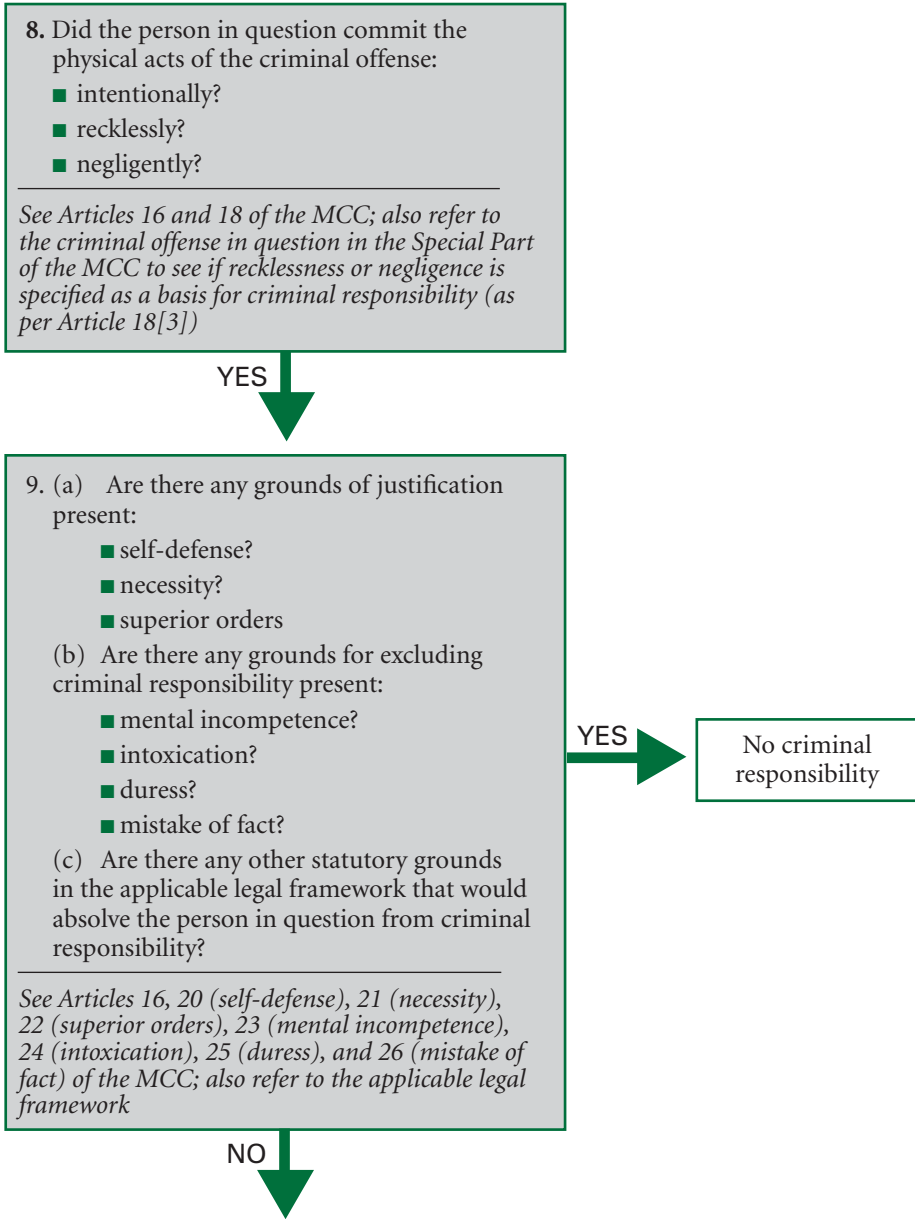
STEP 1: Preliminary Determinations



STEP 2: Criminal Responsibility



STEP 2: Criminal Responsibility (cont.)



RESULT: The Person in Question is Criminally Responsible.
 Proceed to “Determination of Penalties” (see Annex 3)

Annex 2: The Range of Penalties Provided for in the MCC

Principal Penalties	Alternative Penalties	Additional Penalties
<ul style="list-style-type: none"> ■ Imprisonment <ul style="list-style-type: none"> • 1–5 years • 2–10 years • 3–15 years • 5–20 years • 10–30 years ■ Life imprisonment ■ Fine <hr style="width: 25%; margin-left: 0;"/> <p><i>See Articles 37, 38, 49 (life imprisonment), and 50 (fine) of the MCC; see also the Special Part of the MCC to determine the minimum and maximum period of imprisonment for a particular criminal offense and whether life imprisonment is provided as a maximum penalty or whether a fine is provided as an alternative principal penalty</i></p>	<ul style="list-style-type: none"> ■ Suspended sentence ■ Community service ■ Semiliberty <hr style="width: 25%; margin-left: 0;"/> <p><i>See Articles 37, 39, 54, 55 (suspended sentence), 56 (community service), and 57 (semiliberty) of the MCC</i></p>	<ul style="list-style-type: none"> ■ Fine ■ Confiscation ■ Victim compensation ■ Deprivation of the right to be elected ■ Deprivation of the right to possess or carry firearms ■ Prohibition on holding a post as a public official ■ Prohibition on exercise of managerial or supervisory positions ■ Expulsion of a non-national <hr style="width: 25%; margin-left: 0;"/> <p><i>See Articles 37, 40, 58, 59, 60 (fine), 61 (confiscation), 62 (compensation), 63 (right to be elected), 64 (right to possess or carry firearms), 65 (public officials), 66 (managerial and supervisory positions), and 67 (expulsion of a non-national) of the MCC</i></p>

Annex 3: Determination of Penalties under the MCC

This flow chart shows the steps to be taken and the questions to be asked in determining applicable penalties under the Model Criminal Code. It is important to note that at *all* stages of the process of determining penalties, the guiding principles (see Articles 34 and 36) and the fundamental principle (see Article 35) of the MCC apply.

STEP 1: Determination of the Principal Penalty and the Applicable Penalty Range (in the Case of Imprisonment)

1. What is the minimum and maximum penalty range provided for the criminal offense in question?

See Articles 41 and 42 of the MCC; refer to relevant criminal offense in the Special Part of the MCC; see also Articles 34–36

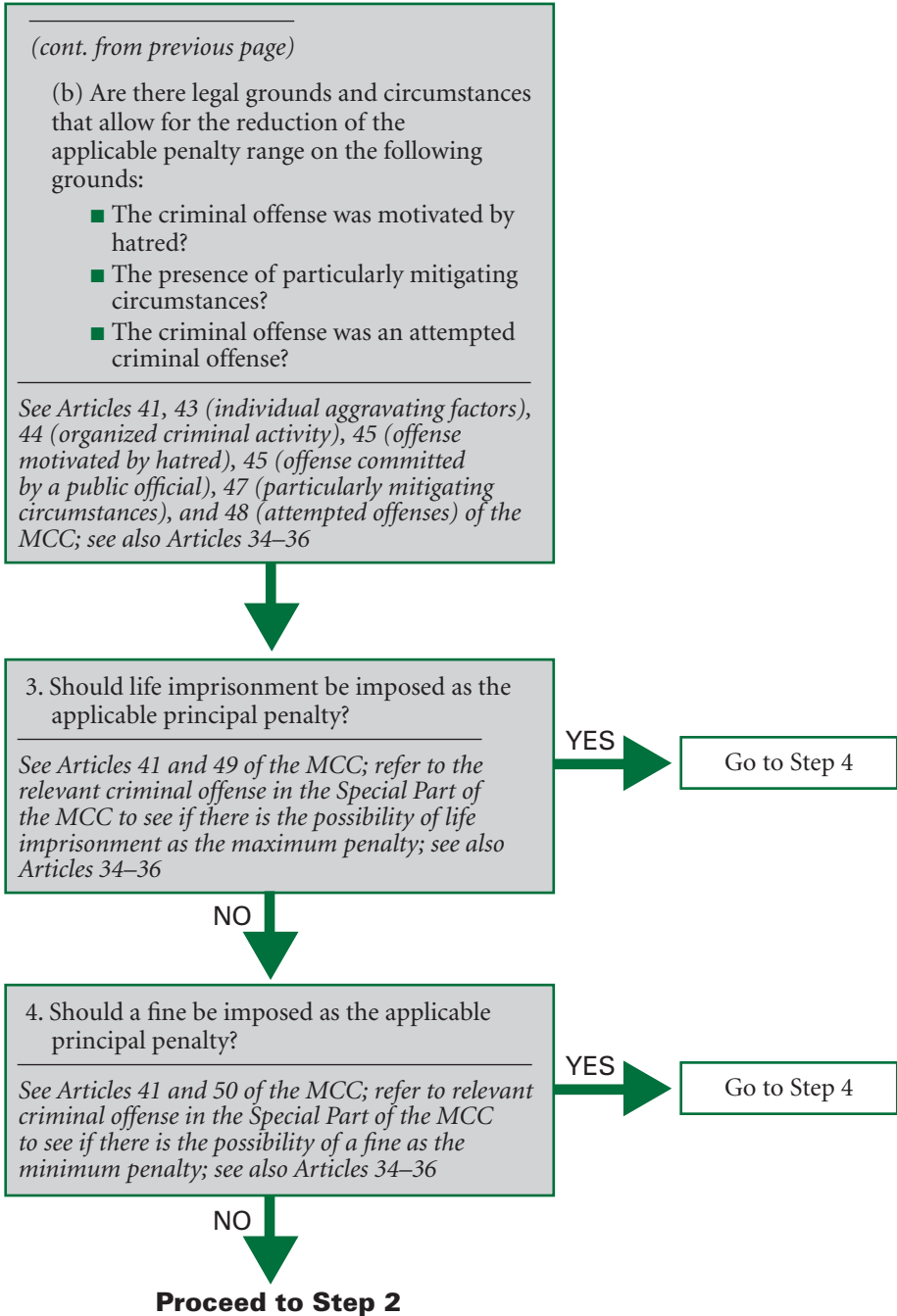


2. (a) Are there legal grounds and circumstances that allow for the augmentation of the applicable penalty range on the following grounds:

- Individual aggravating factors attached to the particular criminal offense and set out in the Special Part of the MCC?
- The criminal offense was committed as part of organized criminal activities?
- The criminal offense was motivated by hatred?
- The criminal offense was committed by a public official?

(cont. next page)

STEP 1: Determination of the Principal Penalty and the Applicable Penalty Range (in the Case of Imprisonment) (cont.)



STEP 2: Determination of the Relevant Term of Imprisonment within the Specified Penalty Range

5. Within the penalty range determined, what should the applicable term of imprisonment be, taking into account:
- aggravating factors?
 - mitigating factors?

See Articles 41, 51(1) (aggravating factors), and 51(2) (mitigating factors) of the MCC; see also Articles 34–36

Proceed to Step 3

STEP 3: Replacement of the Principal Penalty of Imprisonment with an Alternative Penalty Where the Term of Imprisonment Decided upon is Less Than Three Years

6. Where the principal penalty assigned is less than three years, should it be converted into:
- a suspended sentence?
 - community service?
 - semiliberty?

See Articles 39, 41, 54, 55 (suspended sentence), 56 (community service), and 57 (semiliberty); see also Articles 34–36

Proceed to Step 4

STEP 4: Supplementation of a Principal or Alternative Penalty with an Additional Penalty

7. Should the principal or alternative penalty be supplemented by:

- a fine?
- confiscation?
- victim compensation?
- deprivation of the right to be elected?
- deprivation of the right to possess or carry firearms?
- prohibition on the exercise of public administration or service functions?
- prohibition on the exercise of managerial or supervisory positions?
- expulsion of a non-national?

See Articles 37, 40, 41, 58, 59, 60 (fine), 61 (confiscation), 62 (compensation); 63 (right to be elected), 64 (right to possess or carry firearms), 65 (public administration or service functions), 66 (managerial or supervisory positions), and 67 (expulsion); see also Articles 34–36



RESULT: Final Determination of the Principal Penalty or Replacement Alternative Penalty (Where Appropriate) and any Additional Penalty

Further Reading and Resources

Legal Instruments

International and Regional Human Rights Instruments Relevant to Criminal Law and Procedure

International treaties that deal generally with fair trial and due process rights

- United Nations International Covenant on Civil and Political Rights and its two additional protocols

Regional treaties that deal generally with fair trial and due process rights

- African Charter on Human and Peoples' Rights
- American Convention on Human Rights
- American Declaration on the Rights and Duties of Man
- Arab Charter on Human Rights
- European Charter of Fundamental Rights
- European Convention for the Protection of Human Rights and Fundamental Freedoms and its fourteen additional protocols

International treaties that deal with specific rights and groups of persons

- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
- United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- United Nations Convention on the Elimination of All Forms of Discrimination against Women
- United Nations Convention on the Rights of the Child
- United Nations International Convention on the Elimination of All Forms of Racial Discrimination

- United Nations International Convention on the Protection of All Persons from Enforced Disappearance

Regional treaties that deal with specific rights and groups of persons

- African Charter on the Rights and Welfare of the Child
- InterAmerican Convention on Forced Disappearance of Persons
- InterAmerican Convention to Prevent and Punish Torture
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

International and Regional Instruments Relevant to Crime and Criminal Investigation

Corruption

- United Nations Convention against Corruption
- Council of Europe Criminal Law Convention on Corruption
- Council of Europe Civil Law Convention on Corruption
- European Union Convention on the Fight against Corruption Involving Officials of the European Communities or Officials of Member States of the European Union
- InterAmerican Convention against Corruption
- OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions
- South African Development Community Protocol against Corruption

Cybercrime

- Council of Europe Convention on Cybercrime

Drug trafficking and production

- United Nations Single Convention on Narcotic Drugs
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances
- United Nations Convention on Psychotropic Substances

Extradition

- Economic Community of West African States Convention on Extradition
- European Convention on Extradition and its additional protocols

- InterAmerican Convention on Extradition

Money laundering

- Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime and on the Financing of Terrorism

Mutual legal assistance

- Convention on Mutual Legal Assistance in Criminal Matters between Member States of the European Union
- European Convention on Mutual Legal Assistance in Criminal Matters and its additional protocols
- InterAmerican Convention on Mutual Legal Assistance in Criminal Matters and Optional Protocol Thereto

Organized crime

- United Nations Convention against Transnational Organized Crime

Smuggling of migrants

- Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime

Terrorist acts and terrorism

- Arab Convention for the Suppression of Terrorism
- Council of Europe Convention on the Prevention of Terrorism
- Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime and on the Financing of Terrorism
- InterAmerican Convention against Terrorism
- OAU Convention on the Prevention and Combating of Terrorism
- United Nations Convention on the Marking of Plastic Explosives for the Purpose of Detection
- United Nations Convention on Offenses and Certain Other Acts Committed on Board Aircraft
- United Nations Convention on the Physical Protection of Nuclear Material
- United Nations Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons
- United Nations Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation

- United Nations Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
- United Nations Convention for the Suppression of Unlawful Seizure of Aircraft
- United Nations International Convention against the Taking of Hostages
- United Nations International Convention for the Suppression of the Financing of Terrorism
- United Nations International Convention for the Suppression of Terrorist Bombings
- United Nations Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf
- United Nations Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation

Trafficking in firearms

- InterAmerican Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials
- United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention against Transnational Organized Crime

Trafficking in persons

- Council of Europe Convention on Action against Trafficking in Human Beings
- SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution
- United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime

International Criminal Law Instruments

- Elements of Crimes to the Statute of the International Criminal Court
- Rome Statute of the International Criminal Court
- Rules of Procedure and Evidence of the International Criminal Court
- Rules of Procedure for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed on the Territory of the Former Yugoslavia since 1991

- Rules of Procedure and Evidence for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed on the Territory of Rwanda since 1991
- Statute of the International Criminal Tribunal for the former Yugoslavia
- Statute of the International Criminal Tribunal for Rwanda

Nonbinding Human Rights Principles and Instruments

- United Nations Basic Principles on the Independence of the Judiciary
- United Nations Basic Principles on the Role of Lawyers
- United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
- United Nations Body of Principles for the Protection of Persons under Any Form of Detention or Imprisonment
- United Nations Code of Conduct for Law Enforcement Officials
- United Nations Declaration on the Elimination of Violence against Women
- United Nations Declaration on the Protection of All Persons from Enforced Disappearance
- United Nations Declaration on the Rights of the Child
- United Nations Guidelines on the Role of Prosecutors
- United Nations Rules for the Protection of Juveniles Deprived of Their Liberty
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice
- United Nations Standard Minimum Rules for Noncustodial Measures
- United Nations Standard Minimum Rules for the Treatment of Prisoners

Further Reading Relevant to the General Part of the Model Criminal Code

Jurisdiction

Amnesty International. *14 Principles on the Effective Exercise of Universal Jurisdiction*. AI Index: IOR 53/002/2001. 1 September 2001. <http://web.amnesty.org/library/index/engIOR530011999>.

Amnesty International's "14 principles" aim to guide states in asserting universal jurisdiction over grave breaches of international law, namely, genocide, crimes against humanity, extrajudicial executions, enforced disappearances, and torture.

Amnesty International. *Legal Memorandum on Universal Jurisdiction*. AI Index: IOR53/001/1999. 1 May 1999. <http://web.amnesty.org/pages/uj-memorandum-eng>.

Amnesty International's legal memorandum discusses the customary and conventional legal basis of universal jurisdiction over war crimes, crimes against humanity, genocide, torture, extrajudicial executions, and disappearances. This memorandum aims to assist ministries and legislatures in drafting or amending legislation providing for universal jurisdiction, as well as to assist prosecutors, judges, and ministries of justice and foreign affairs in effectively exercising universal jurisdiction.

Council of Europe, Select Committee of Experts on Extraterritorial Jurisdiction. *Report on Extraterritorial Criminal Jurisdiction*. 1988.

This report provides a useful background on the topic of criminal jurisdiction. It makes a comparative study of the rules and principles of territorial and extraterritorial jurisdiction from both a domestic and an international law perspective, examines possible difficulties in establishing territorial and extraterritorial jurisdiction, and puts forward solutions to potential conflicts of jurisdiction between different states.

Princeton Project on Universal Jurisdiction, in cooperation with the Program in Law and Public Affairs, Woodrow Wilson School of Public and International Affairs, Princeton University, International Commission of Jurists, American Association for the International Commission of Jurists, Netherlands Institute of Human Rights, and Urban Morgan Institute for Human Rights. *Princeton Principles on Universal Jurisdiction*. http://www.princeton.edu/~lapa/unive_jur.pdf.

The *Princeton Principles* provide a guide for state actors in the exercise of universal jurisdiction. They were drafted to advance the continued evolution of international law and the application of international law in national legal systems.

Zeid Ra'ad Zeid Al-Hussein, Prince. *A Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations*. 2005. UN Doc. A/59/710. 2006.

Prince Zeid was appointed by the secretary-general of the United Nations to look into allegations of sexual exploitation of civilians by United Nations peacekeeping personnel working in peace operations. This report, the result of consultations with United Nations officials, police, and military personnel working in peace operations, contains recommendations on sexual exploitation and abuse by peacekeeping personnel. Except in extremely limited situations where immunity may be lifted, peacekeeping personnel generally possess immunity from criminal prosecution and therefore cannot be prosecuted in the post-conflict state. The report discusses in detail how such alleged criminal acts should be dealt with in light of the immunity issue.

Juvenile Justice

Penal Reform International. *Ten Point Plan on Juvenile Justice: A Contribution to the Committee on the Rights of the Child Day of General Discussion on "State Violence against Children."* Geneva, 22 September 2000. <http://www.crin.org/docs/resources/treaties/crc.25/penalref.pdf>.

Building on international instruments on juvenile justice, the *Ten Point Plan on Juvenile Justice* aims to reduce violence within justice systems through general education and social welfare. The *Plan* argues that parents, teachers, social workers, and psychologists are more likely to help young people in conflict become law-abiding adults than are police, courts, and prisons.

UNICEF International Child Development Centre. *Innocenti Digest: Juvenile Justice*. 1998. <http://www.unicef-icdc.org/publications/pdf/digest3e.pdf>.

This resource focuses on young people under the age of eighteen who come into contact with the justice system. It addresses issues such as arrest and detention of juveniles and juvenile dispositions from the perspective of international human rights norms and standards.

Liability of Legal Persons

Council of Europe, Committee of Ministers. Recommendation R (88)18 Concerning Liability of Enterprises Having Legal Personality for Offenses Committed in the Exercise of their Activities. 1990.

In light of the increasing number of criminal offenses committed in the exercise of the activities of enterprises, the Council of Europe issued Recommendation R 88(18) to guide the law and practice of its member states. This recommendation contains ten core principles regarding liability and criminal sanctions relevant to legal persons.

Penalties and Criminal Dispositions

Amnesty International. *Fair Trials Manual*. London: Amnesty International United Kingdom, 1998. <http://www.amnesty.org/ailib/intcam/fairtrial/fairtria.htm>.

This manual provides information regarding international and regional standards that protect the right to a fair trial. Its intended users are observers and others assessing the fairness of an individual case, as well as those evaluating whether a country's criminal justice system guarantees respect for international standards of fair trial. The manual covers pretrial rights, rights at trial, and during appeals, and special cases, which include death penalty trials, cases involving children, and fair trial rights during armed conflict.

Commission of the European Communities. *Green Paper on the Approximation, Mutual Recognition and Enforcement of Criminal Sanctions in the European Union*. COM (2004)334 final. April 2004. http://ec.europa.eu/justice_home/news/consulting_public/gp_sanctions/green_paper_en.pdf.

The *Green Paper* analyzes national differences regarding criminal penalties and the problems thus posed for judicial cooperation between member states in the European Union. The *Green Paper* provides a useful comparative discussion of a broad range of penalties and criminal dispositions.

Council of Europe, Committee of Ministers. Recommendation No. R(92) 17 of the Committee of Ministers to Member States on Consistency in Sentencing. 1992.

This recommendation sets out a body of principles applicable to the sentencing of convicted persons. The recommendations fall under a number of headings, including the rationale for sentencing; penalty structure; aggravating and mitigating factors; previous convictions; giving reasons for sentences; prohibition of *reformatio in pejus*; time spent in custody; the role of the prosecutor; sentencing studies and information; and statistics and research.

Council of Europe, Committee of Ministers. Resolution (76) 10 on Certain Alternative Penal Measures to Imprisonment. 1976.

This resolution urges governments to look to their criminal legislation and any obstacles to providing alternatives to imprisonment for persons convicted of criminal offenses. In doing so, this resolution discusses the merits and modalities of introducing alternatives to imprisonment into law.

Penal Reform International. *Draft Ten Point Plan to Reduce Imprisonment*. <http://www.penalreform.org>.

This ten-point plan provides practical recommendations that could serve as the basis of efforts to reduce the rate of imprisonment in a state.

Penal Reform International. *Good Practices in Reducing Pre-trial Detention*. December 2003. <http://www.penalreform.org/download/Good%20practice%20paper.pdf>.

Created with policymakers and stakeholders in criminal justice reform in mind, this draft index provides practical examples of good practices in reducing pretrial detention.

United Nations. *UN Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters*. UN Doc. E/2000/INF/2/Add.2. 2000.

These principles were conceived in response to the international growth in the use of restorative justice programs, which often derive from indigenous or traditional forms of justice. This document defines the terms *restorative justice programme* and *restorative justice outcome*, and provides concrete and practicable principles on the use, operation, and further development of restorative justice programs.

United Nations Economic and Social Council, Commission on Crime Prevention. *Report of the Secretary-General on Restorative Justice*. April 2002. <http://www.unodc.org/pdf/crime/commissions/11comm/5e.pdf>.

This report focuses broadly on the issue of restorative justice. It summarizes comments from states, intergovernmental organizations, nongovernmental organizations, and the United Nations Crime Prevention and Criminal Justice Programme regarding the desirability and means of establishing common principles on the use of restorative justice programs in criminal matters. The report also describes a variety of restorative justice models from around the world.

United Nations Office on Drugs and Crime. *Handbook on Justice for Victims: On the Use and Application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*. 1999. <http://www.uncjin.org/Standards/9857854.pdf>.

This handbook was drafted to accompany the United Nations Basic Principles of Justice for Victims of Crime and Abuse of Power to assist states in giving effect to these principles in a domestic context. The handbook contains practical examples and illustrations on how to implement victim service programs; ensure victim-sensitive responses; and develop policies, procedures, and protocols for criminal justice agencies and others who come into contact with victims.

Further Reading Relevant to the Special Part of the Model Criminal Code

Corruption

Bolongaita, Emil. *Controlling Corruption in Post-Conflict Countries*. Kroc Institute Occasional Paper No. 26. Notre Dame, IN: Joan B. Kroc Institute for International Peace Studies, Notre Dame University, January 2005. http://kroc.nd.edu/ocpapers/op_26_2.pdf.

This paper provides an analysis of corruption's corrosive effects on post-conflict agendas. Bolongaita argues that anticorruption efforts should be a component in any peace agreement and stresses the need for rigorous monitoring and evaluation mechanisms.

Center for Democracy and Governance. *A Handbook on Fighting Corruption*. 1999. http://www.usaid.gov/our_work/democracy_and_governance/publications/pdfs/pnace070.pdf.

This handbook sets out a framework to assist in the development of strategic responses to public corruption. As part of the framework, it sets out the root causes of corruption, identifies a range of institutional and social reforms to address them, and introduces a methodology for selecting among these measures.

Council of Europe. *Criminal Law Convention on Corruption. Explanatory Report*. ETS No. 173. 1998. <http://conventions.coe.int/Treaty/en/Reports/Html/173.htm>.

This report, an interpretative supplement to the Council of Europe Criminal Law Convention on Corruption, aims to facilitate a better understanding of the convention by explaining its various articles. It also presents a general discussion of corruption and the various legal and policy measures developed to combat it.

Council of Europe, Committee of Ministers. Resolution (97) 24 on the Twenty Guiding Principles for the Fight against Corruption. 1997.

Aware that corruption represents a threat to democracy and the rule of law and constitutes a denial of human rights, Resolution 97 (24) of the Committee of Ministers elaborates twenty comprehensive and far-reaching guiding principles on the fight against corruption from both a legal and a policy perspective.

Council of Europe. *Model Code of Conduct for Public Officials*. Appendix to Council of Ministers Recommendation No. R (2000) 10. 2000.

This resource, intended to help those drafting a code of conduct for public officials, addresses such topics as reporting, conflict of interests, political

and public activity of public officials, gifts, reactions to improper offers, information held by public authorities, and integrity checking.

Large, Daniel, ed. *Corruption in Postwar Reconstruction: Confronting the Vicious Circle*. Lebanese Transparency Association and UNDP. 2005. <http://www.transparency-lebanon.org/Publications/Corruption%20in%20PWR.htm>.

This is a collection of case study-oriented perspectives (including views from Lebanon, Bosnia and Herzegovina, and Sierra Leone) on the impact of corruption on postwar reconstruction and corruption's relationship to serious crimes.

Transparency International. *The Corruption Fighters' Toolkit*. 2001. http://www.transparency.org/tools/e_toolkit.

The Corruption Fighters' Toolkit is a compendium of practical civil society anticorruption experiences. It presents anticorruption tools developed and implemented by Transparency International's national chapters and other civil society organizations around the world. The publication highlights the potential of civil society to create mechanisms for monitoring public institutions and to demand and promote accountable and responsive public administration.

United Nations. *International Code of Conduct for Public Officials*. UN Doc. A/51/59. 1996.

In response to the growing problem of corruption, and in light of the link between corruption and the public sector, the United Nations developed a code of conduct for public officials. This code contains general principles regarding the role of public officials, as well as principles concerning conflict of interest and disqualification, disclosure of assets, acceptance of gifts and favors, confidential information, and political activity.

United Nations Office on Drugs and Crime. *Corruption: Compendium of International Legal Instruments on Corruption*, 2nd ed. New York: United Nations, 2005. http://www.unodc.org/pdf/crime/corruption/compendium_e.pdf.

The compendium includes both the summaries and the full texts of corruption-related international legal instruments from the United Nations, the African Union, the Council of Europe, the Organization of American States, the Organization of Economic Cooperation and Development, and the Council of the European Union.

United Nations Office on Drugs and Crime, Division for Treaty Affairs. *Legislative Guides for the Implementation of the United Nations Convention against Corruption*. New York: United Nations, 2006. http://www.unodc.org/pdf/corruption/CoC_LegislativeGuide.pdf.

This publication contains legislative guides for the Convention against Corruption. It provides states with practical guidance on how to implement the provisions of the convention into domestic law by identifying legislative requirements, issues arising from those requirements, and various options available to states as they develop and draft the necessary legislation.

United Nations Office on Drugs and Crime. *United Nations Anti-Corruption Toolkit*, 3rd ed. Vienna: United Nations, 2004. http://www.unodc.org/pdf/crime/corruption/toolkit/corruption_un_anti_corruption_toolkit_sep04.pdf.

Continually updated, the toolkit covers the following areas: assessments of corruption levels, institution building, social prevention, anticorruption legislation, monitoring and evaluation, international legal cooperation, and asset recovery and protection.

United Nations Office on Drugs and Crime. *United Nations Guide for Anti-Corruption Policies*. 2003. http://www.unodc.org/pdf/crime/corruption/UN_Guide.pdf.

This document, intended to be used by political officials, senior policy-makers, and other actors, contains a general outline of the nature and scope of the problem of corruption and a description of major elements of anti-corruption policies.

Cybercrime

Council of Europe. *Convention on Cybercrime. Explanatory Report*. ETS No. 185. 2001.

This report, an interpretative supplement to the Council of Europe Convention on Cybercrime, aims to facilitate a better understanding of the convention by explaining its various articles. It also presents a general discussion of cybercrime and the various legal and policy measures developed to combat it.

Domestic Violence and Sexual Violence

United Nations. *Women, Peace and Security: Report of the Secretary-General*. UN Doc. S/2002/1154. 2002.

This report is the result of a study carried out on the impact of armed conflict on women and girls, the role of women in peacebuilding, and the gender dimension of peace processes and conflict resolution. The report contains a series of recommendations and best-practice suggestions to enhance future efforts in post-conflict states, including efforts to tackle domestic violence.

United Nations Commission on Human Rights. *Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences: A Framework for Model Legislation on Domestic Violence*. UN Doc. E/CN.4/1996/53/Add.2.

This resource, intended as a drafting guide for legislatures and advocates, outlines those elements that are integral to comprehensive legislation on domestic violence.

Genocide, Crimes against Humanity, and War Crimes

Bassiouni, M. Cherif. *Crimes against Humanity in International Criminal Law*. Dordrecht, Boston, London: Martinus Nijhoff, 1992.

This book charts the evolution of crimes against humanity from the aftermath of World War II to their inclusion in the Statute of the International Criminal Court and includes both a historical and a legal analysis of crimes against humanity.

Dörman, Knut, with contributions from Robert Kolb and Louise Doswald-Beck. *Elements of War Crimes under the Rome Statute of the International Criminal Court: Sources and Commentary*. Cambridge: Cambridge University Press, 2003.

Elements of War Crimes is an interpretive aid to the crimes set forth in the Rome Statute of the International Criminal Court. The commentary provides insight into the negotiations of the Preparatory Committee and existing case law related to each war crime contained in the Statute of the International Criminal Court.

Human Rights Watch. *Genocide, War Crimes and Crimes against Humanity: Topical Digests of the Case Law of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia*. 2004. <http://www.hrw.org/reports/2004/ij>.

This resource focuses on the case law of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia regarding genocide, crimes against humanity, war crimes, individual responsibility, command responsibility, and sentencing. The digest provides summaries of and quotations from the tribunals' judgments, which are organized topically.

Schabas, William A. *Genocide in International Law*. Cambridge: Cambridge University Press, 2000.

In this work, Schabas analyzes the criminal offense of genocide, discussing the debates leading up to the 1948 Genocide Convention, the substance of the convention, and its subsequent judicial interpretation. Schabas also examines the growing body of case law from international and national courts on genocide.

Money Laundering

Asian Development Bank. *Manual on Countering Money Laundering and the Financing of Terrorism*. 2003. http://www.adb.org/Documents/Manuals/Countering_Money_Laundering/default.asp.

This manual brings together many of the various international conventions, principles, recommendations, guidelines, and model laws related to money laundering and financing of terrorism.

Commonwealth Organization. *Commonwealth Model Law for the Prohibition of Money Laundering and Supporting Documentation*. <http://www.imolin.org/pdf/imolin/Comsecml.pdf>.

This resource provides a model anti-money laundering law that includes provisions on criminalization, freezing and forfeiture of assets, mutual legal assistance, and extradition.

United Nations Office on Drugs and Crime. *An Overview of the UN Conventions and the International Standards Concerning Anti-Money Laundering Legislation*. 2004. <http://www.imolin.org/imolin/index.html>.

A collation of the various international conventions and standards on anti-money laundering legislation, this publication is subdivided into topics such as customer identification, record keeping, reporting, criminalization, international cooperation, and financial intelligence units.

United Nations Office on Drugs and Crime. *Model Anti-Money Laundering Legislation*. http://www.unodc.org/unodc/money_laundering_technical_assistance.html.

This model law was developed for use in states whose fundamental legal systems are substantially based on the common law tradition. The law contains provisions on the criminalization of money laundering and the financing of terrorism, in addition to forfeiture and confiscation of property.

Organized Crime

Austin, Alexander, Tobias von Gienanth, and Wibke Hansen. *Organized Crime as an Obstacle to Successful Peacebuilding: Lessons Learned from the Balkans, Afghanistan, and West Africa*. Berlin: Center for International Peace Operations, 2003. http://www.zif-berlin.org/Downloads/Berlin-Workshop_2004.pdf.

This report summarizes the discussions at the Seventh International Berlin Workshop, which considered such topics as the effects of organized crime on successful peacebuilding, key organized crime actors and their methods, and the extent to which the fight against serious crime in peace operations is part of the overall international struggle against organized criminal activity.

CARDS Regional Police Project (CARPO). *Regional Strategy on Tools against Organised and Economic Crime with Project Area Specific Actions*, September 2005. http://www.stabilitypact.org/rt/Brijuni_Regional_strategy.pdf.

CARPO's high-level meeting of ministers and officials held in 2005 offered assessments of the progress in the fight against organized crime in south-eastern Europe and examined common benchmarks and sectoral strategies on crime analysis and criminal intelligence, financial investigations and confiscation of criminal proceeds, special investigative means, witness protection, and cooperation in criminal matters that may be useful beyond the region.

Council of Europe. *Convention on Laundering, Search, Seizure, and Confiscation of the Proceeds from Crime and on Financing of Terrorism: Explanatory Report*. ETS No. 141. <http://conventions.coe.int/Treaty/EN/Reports/Html/141.htm>.

This report, an interpretative supplement to the Council of Europe Convention on Laundering, Search, Seizure, and Confiscation of the Proceeds from Crime and on Financing of Terrorism, explains the convention's various articles. It also presents a general discussion of money laundering and the financing of terrorism and the various legal and policy measures developed to combat these offenses.

Council of Europe, Octopus Program. *Combating Organized Crime: Best-Practice Surveys of the Council of Europe*. Strasbourg: Council of Europe Publishing, 2004.

A compilation of best-practice surveys of efforts to tackle organized crime, this publication offers information on a wide variety of measures, including witness protection, reversing the burden of proof in confiscating the proceeds of crime, intercepting communications, intrusive surveillance, crime analysis, cross-border cooperation, cooperation to combat human trafficking, and preventive legal measures against organized crime.

Financial Action Task Force on Money Laundering. *The Forty Recommendations of the Financial Action Task Force on Money Laundering*. 28 June 1996. <http://www.fincen.gov/40rec.pdf>.

The Financial Action Task Force on Money Laundering (FATF) is an inter-governmental body that promotes the development of policies to combat money laundering. The FATF aims to prevent criminal proceeds from financing other criminal activities and affecting legitimate economic activities. The *Forty Recommendations* sets out the basic framework for anti-money laundering efforts, focusing on the criminal justice system, law enforcement, the financial system and its regulation, and international cooperation.

United Nations, Eleventh United Nations Congress on Crime Prevention and Criminal Justice. *Effective Measures to Combat Transnational Organized Crime: Working Paper Prepared by the Secretariat*. UN Doc. A/CONF.2005/4.

This working paper, produced in preparation for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice held in Bangkok in April 2005, discusses both the phenomenon of organized crime and the kinds of international and national responses required to combat its various manifestations.

United Nations. *Interpretative Notes for the Official Records of the Negotiation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto*. http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents/index.htm.

These interpretive notes to the United Nations Convention against Transnational Organized Crime and the Protocols Thereto are taken from the negotiations of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime. They are helpful in deciphering the meaning of the final provisions included in the convention and its protocols.

United Nations Office on Drugs and Crime, Division for Treaty Affairs. *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto*. New York: United Nations, 2004. http://www.unodc.org/unodc/organized_crime_convention_legislative_guides.html.

This publication contains legislative guides for the Convention against Transnational Organized Crime; the Protocol to Prevent, Suppress and Punish Trafficking in Persons; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against Illicit Manufacturing of and Trafficking in Firearms.

Piracy

International Maritime Organization. *Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships*. 2001.

This resource provides guidance on the investigation of piracy and armed robbery against ships.

International Maritime Organization. *Guidance to Ship-Owners and Ship Operators, Shipmasters and Crew on Preventing and Suppressing Acts of Piracy and Armed Robbery against Ships*. 2002.

This document offers advice on measures that can be taken aboard ship to prevent attacks or, when attacks occur, to minimize the danger to the crew and the ship.

International Maritime Organization. *Measures to Prevent the Registration of Phantom Ships*. http://www.imo.org/newsroom/mainframe.asp?topic_id=144&doc_id=1973.

This document outlines various measures that states can take to prevent the registration of “phantom ships” (ships that are inaccurately registered and that are then sold by pirates with false documents).

International Maritime Organization. *IMO Recommendations to Governments for Preventing and Suppressing Piracy and Armed Robbery against Ships*. 1999. http://www.imo.org/includes/blast_bindoc.asp?doc_id=940&format=pdf.

This document presents possible countermeasures against piracy and armed robbery against ships. It includes a draft regional agreement on cooperation in the fight against piracy and armed robbery against ships.

Terrorist Acts

Council of Europe. *Guidelines on Human Rights and the Fight against Terrorism*. 2002. http://www.coe.int/t/F/Droits_de_l'Homme/Guidelines.asp.

The Council of Europe's guidelines on human rights and the fight against terrorism, adopted by the Committee of Ministers on July 11, 2002, affirm states' obligation to protect everyone against terrorism, and reiterate the need to avoid arbitrariness. They also stress that all measures taken by states to combat terrorism must be lawful, and that torture must be prohibited. The legal framework set out in the guidelines addresses, in particular, the collecting and processing of personal data, measures that interfere with privacy, arrest, police custody and pretrial detention, legal proceedings, extradition, and compensation of victims.

International Monetary Fund. *Suppressing the Financing of Terrorism: A Handbook for Legislative Drafting*. 2003. <http://www.imf.org/external/pubs/nft/2003/SFTH/index.htm>.

This handbook is intended to assist states in preparing legislation to implement international obligations contained in a range of international norms and standards on the financing of terrorism.

United Nations Office of the High Commissioner for Human Rights. *Digest of the Jurisprudence of the United Nations and Regional Organizations on Protecting Human Rights while Countering Terrorism*. 2003. <http://www.ohchr.org/english/about/publications/docs/digest.doc>.

This resource is a compilation of findings of judicial and quasi-judicial bodies of the United Nations and regional organizations regarding the protection of human rights in the struggle against terrorism. Its aim is to assist policymakers and other concerned parties in developing a vision of counterterrorism strategies that fully respect human rights.

United Nations Office on Drugs and Crime. *Guide for the Legislative Incorporation and Implementation of the Universal Instruments against Terrorism*. 2005. http://www.unodc.org/unodc/terrorism_tools.html.

This guide is designed to assist lawmakers in the preparation of laws implementing the twelve international antiterrorism conventions. It contains a number of practical tips as well as model laws and provisions.

Torture

African Commission on Human and Peoples' Rights. *Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa* (the "Robben Island Guidelines"). 2002. www1.umn.edu/humanrts/achpr/tortguidelines.html.

These guidelines contain fifty separate sections on the prohibition and prevention of torture and cruel, inhuman, or degrading treatment or punishment.

Council of Europe. *The Prohibition of Torture: Human Rights Handbook No. 6*. http://www.coe.int/T/E/Human_rights/hrhb6.pdf.

This handbook, which offers guidance on the implementation of Article 3 of the European Convention on Human Rights and Fundamental Freedoms, explains the nature, scope, and meaning of “torture,” “cruel, inhuman or degrading treatment,” and “cruel, inhuman or degrading punishment” and outlines the measures that states should take to ensure that all persons are free from such practices. It also discusses the prohibition of torture with regard to arrest, detention, and conditions of detention and elaborates standards on forensics, the behavior of law enforcement forces, investigations, and prosecutions.

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). *The CPT Standards: “Substantive” Sections of the CPT’s General Reports*. CPT/Inf/E (2002) 1-Rev. 2006. <http://www.cpt.coe.int/EN/docsstandards.htm>.

This resource contains a set of standards developed by the CPT to guide national authorities on how persons deprived of their liberty ought to be treated and what treatment constitutes torture or cruel or inhuman treatment or punishment. The substantive sections address a range of issues, including police custody, imprisonment, training of law enforcement personnel, health care services in prisons, foreign nationals detained under aliens’ legislation, involuntary placement in psychiatric establishments, and juveniles and women deprived of their liberty.

Foley, Conor. *Combating Torture: A Manual for Judges and Prosecutors*. Essex, UK: University of Essex, 2003. <http://www.essex.ac.uk/combatingtorturehandbook/manual>.

This manual provides guidance for judges and prosecutors on investigating acts of torture based on international human rights norms and standards. It contains checklists of good practice. The manual outlines the prohibition of torture in international law and safeguards that exist to guard against torture and other ill treatment of people deprived of their liberty. It describes the role of judges and prosecutors in ensuring that these standards are upheld and safeguards are in place. It also discusses the prosecution of those involved in torture or other forms of ill treatment, including the legal definition of torture and how to identify and prosecute those responsible for torture.

United Nations. *Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (the “Istanbul Protocol”). General Assembly Resolution 55/89. 4 December 2000. <http://www.ohchr.org/english/law/investigation.htm>.

The Istanbul Protocol developed by the United Nations is intended to serve as a set of international guidelines for the assessment of persons who allege torture and ill treatment, for investigating cases of alleged torture, and for reporting such findings to the judiciary and any other investigative body.

Trafficking in Persons

American Bar Association and Central European and Eurasian Law Initiative (CEELI). *The Human Trafficking Assessment Tool*. Washington, D.C.: American Bar Association, 2005. <http://www.abanet.org/ceeli/publications/htat/home.html>.

CEELI's *Human Trafficking Assessment Tool* allows a state to measure its legal and practical compliance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (United Nations Trafficking Protocol) that supplements the United Nations Convention against Transnational Organized Crime. This document also elaborates upon the obligations set forth in the protocol and its host convention and provides a sample analysis of national antitrafficking laws and government efforts to combat trafficking against the benchmark of these standards.

Global Rights. *Annotated Guide to the Complete UN Trafficking Protocol*. 2002. http://www.globalrights.org/site/DocServer/Annotated_Protocol.pdf?docID=2723.

This guide is designed to assist advocates in the development of an adequate legal and policy framework for combating trafficking in persons. It goes through the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children provision by provision and deconstructs the obligations contained in each one, while providing examples of how states can comply with these obligations.

Oswald, Bruce, and Sarah Finnin. "Combating the Trafficking of Persons on Peace Operations." In *International Peacekeeping: The Yearbook of International Peace Operations*, vol. 10, ed. Harvey Langholtz, Boris Kondoch, and Alan Wells. Leiden and Boston: Martinus Nijhoff, 2006.

Inspired by the "Training Package on Human Rights for Military Personnel of Peace Operations," this article looks at the growing problem of trafficking of persons for the purposes of economic or sexual exploitation during peace operations.

United Nations Department of Peacekeeping Operations (DPKO), Best Practices Section. *Human Trafficking and United Nations Peacekeeping: DPKO Policy Paper*. March 2004. <http://www.un.org/womenwatch/news/documents/DPKOHumanTraffickingPolicy03-2004.pdf>.

This DPKO policy paper examines the problem of human trafficking in the context of United Nations peacekeeping. Based on lessons from previous

peacekeeping missions and consultations with partner organizations in the fight against trafficking, it proposes a comprehensive strategy for the DPKO to address human trafficking in post-conflict states.

United Nations Interim Administration in Kosovo (UNMIK). *Combating Human Trafficking in Kosovo: Strategy and Commitment*. May 2004. http://www.unmikonline.org/misc/UNMIK_Whit_paper_on_trafficking.pdf.

This UNMIK report defines the human trafficking problem in Kosovo, proposes strategies to combat it, and analyzes continuing problems in efforts to counter trafficking. It specifically addresses human trafficking in the overall fight against organized crime, zero tolerance enforcement against traffickers, protection and assistance for victims, and sustainability through local involvement in a multidimensional approach.

United Nations Office on Drugs and Crime, Division for Treaty Affairs. *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto*. New York: United Nations, 2004. http://www.unodc.org/unodc/organized_crime_convention_legislative_guides.html.

This publication contains a legislative guide to the Protocol to Prevent, Suppress and Punish Trafficking in Persons.

Criminal Law Reform Resources

Assessment Tools

American Bar Association. *ICCPR Index*. 2003. http://www.abanet.org/ceeli/special_projects/iccpr/home.html.

The *ICCPR Index* is an assessment tool for measuring a state's legislative and programmatic compliance with the International Covenant on Civil and Political Rights.

Rausch, Colette, ed. *Combating Serious Crimes in Postconflict Environments. A Manual for Policymakers and Practitioners*. Washington, D.C.: United States Institute of Peace Press, 2006. http://www.usip.org/ruleoflaw/projects/serious_crimes.html#download.

Chapter 2 of this manual discusses the importance of undertaking a comprehensive and thorough criminal justice assessment. It also provides suggestions on how to conduct such an assessment, including recommendations on personnel, timing, and methodology. Chapter 3 discusses how to identify and assess the legal framework in a post-conflict state.

United Nations Office of the High Commissioner for Human Rights. *Rule-of-Law Tools for Post-Conflict States: Mapping the Justice Sector*. New York and Geneva: United Nations, 2006. http://www.ohchr.org/english/about/publications/docs/ruleoflaw-Mapping_en.pdf.

The result of two years of consultations with departments and agencies of the United Nations, civil society leaders, and national experts, OHCHR's report is based primarily on lessons learned in Kosovo, Sierra Leone, and East Timor. Topics addressed include assessing whether and how a country's justice system contributed to conflict; the prosecution of perpetrators of crimes such as genocide, crimes against humanity, and war crimes; the establishment of truth commissions; and the vetting and monitoring of legal systems established after the end of hostilities.

United Nations Office on Drugs and Crime (UNODC). *Criminal Justice Assessment Toolkit*. December 2006. http://www.unodc.org/unodc/criminal_justice_assessment_toolkit.html.

The UNODC *Criminal Justice Assessment Toolkit* is a standardized and cross-referenced set of tools designed to enable United Nations agencies, government officials engaged in criminal justice reform, and other organizations and individuals to conduct comprehensive assessments of criminal justice systems; to identify areas of technical assistance; to assist agencies in the design of interventions that integrate relevant United Nations standards and norms; and to assist in training on these issues. The toolkit contains sixteen separate assessment tools under the broad headings of policing (public safety and police service delivery; the integrity and accountability of the police; crime investigation; police information and intelligence systems), access to justice (the courts; the independence, impartiality, and integrity of the judiciary; the prosecution service; legal defense and legal aid), custodial and noncustodial measures (the prison system; detention prior to adjudication; alternatives to incarceration; social reintegration), and cross-cutting issues (criminal justice information; juvenile justice; victims and witnesses; and international cooperation).

Comparative Criminal Law

Apple, Jamer, and Robert Deyling. *A Primer on the Civil Law*. 1995. [http://www.fjc.gov/public/pdf.nsf/lookup/CivilLaw.pdf/\\$file/CivilLaw.pdf](http://www.fjc.gov/public/pdf.nsf/lookup/CivilLaw.pdf/$file/CivilLaw.pdf).

This publication charts the history and development of the civil law legal tradition and then compares it to the common law tradition. While the legal systems of the world today are often a mixture of different traditions and systems of law, this publication provides a useful background to the historical origins of many legal systems that lie in the civil law and common law traditions.

Fairchild, Erika, and Harry Dammer. *Comparative Criminal Justice Systems*. Belmont, Calif.: Wadsworth Thomson Learning, 2001.

The authors of this work compare crime and justice across national borders and use a historical-political approach to explain crime and criminal justice. This book outlines the different families of law and the legal systems of six model states. It also compares and contrasts the different legal actors, courts, sentencing procedures, law enforcement agencies, rules of criminal procedure, and modes of constitutional review in different legal systems around the world.

Glenn, Patrick. *Legal Traditions of the World*. Oxford: Oxford University Press, 2004.

This text provides a starting point on comparative criminal law. The author places national laws in the broader context of the major legal traditions of the world, including chthonic (or indigenous law), Talmudic law, civil law, Islamic law, common law, Hindu law, and Asian law, outlining the core characteristics of each tradition.

Merryman, John Henry. *The Civil Law Tradition. An Introduction to the Legal Systems of Western Europe and Latin America*. Stanford, Calif.: Stanford University Press, 1985.

This volume provides a history and analysis of the civil law tradition. Among other topics, it discusses the General Part of criminal law and criminal procedure.

Customary/Traditional Systems of Justice

Chirayath, Leila, Caroline Sage, and Michael Woolcock. *Customary Law and Policy Reform: Engaging with the Plurality of Justice Systems*. 2005. http://siteresources.worldbank.org/INTWDR2006/Resources/477383-1118673432908/Customary_Law_and_Policy_Reform.pdf.

This work analyzes contemporary critiques of customary legal systems and argues that, despite the challenges such systems present, the success of a legal reform process depends on engaging with them. The authors draw lessons from experiences in Tanzania, Rwanda, and South Africa and present the implications for ongoing policy reform initiatives.

Penal Reform International. *Access to Justice in Sub-Saharan Africa: The Role of Traditional and Informal Justice Systems*. 2000. <http://www.penalreform.org/interim/publications/manuals>.

This work discusses the nature, scope, and relevance of traditional and informal justice systems in sub-Saharan Africa. It provides numerous examples drawn from not only Africa but also South Asia. It also offers guidance on the relationship that should exist between a state-run criminal justice system and traditional or informal justice systems and elaborates good practice guidelines for those working with traditional or informal justice systems.

United Kingdom Department for International Development (DFID). *Non-State Justice and Security Systems: A Guidance Note*. 2004. <http://www.gsdr.org/docs/open/SSAJ101.pdf>.

Recognizing the importance of nonstate, or customary, systems of justice as complements to formal systems of justice, DFID drafted this note, which provides practical guidance on how to work with nonstate systems.

Law Reform Agencies

Association of Law Reform Agencies in East and Southern Africa. *Best Practices in Law Reform*. 2005. http://www.doj.gov.za/alraesa/conferences/papers/s3B_sayers.pdf.

This paper looks at a number of topics and issues relating to law reform commissions, including consultants, legal research, consultation, policy papers, reports, and the need for publicity in the law reform process. The paper concludes with a chart showing the different stages in a law reform project.

Commonwealth Secretariat. *Law Reform Agencies: Their Role and Effectiveness*. 2005. http://www.calras.org/Other/future_commonwealth.htm.

This document presents an introductory overview of the variety of law reform agencies and provides basic information about such agencies.

Murphy, Gavin. *Law Reform Agencies*. 2005. http://www.justice.gc.ca/en/ps/inter/law_reform/index.html.

This guide examines the role, organization, and operation of reform agencies in the United Kingdom, Canada, and other Commonwealth countries for the purpose of outlining how a new law reform agency might be set up. The guide also presents a checklist of questions to be considered when establishing a law reform agency.

New South Wales Law Reform Commission. *The Law Reform Process: A Step by Step Guide*. 2006. http://www.lawlink.nsw.gov.au/lawlink/lrc/ll_lrc.nsf/pages/LRC_about1.

This guide includes discussion on the special features of law reform commissions and a step-by-step guide to the law reform process.

Opeskin, Brian, and David Weisbrot, eds. *The Promise of Law Reform*. Sydney, Australia: Federation Press, 2005.

This book, a collection of writings on law reform from around the world, is divided into seven parts and addresses numerous aspects of law reform and law reform commissions, including the history, purpose, and function of law reform commissions; their institutional design, methods, operations, outputs, and outcomes; and mutual assistance among different commis-

sions. The book also provides practical examples of law reform in action around the world.

Robertson, Honorary Justice J. Bruce. *Law Reform: What Is Our Knitting? How Do We Stick To It?* 2005. <http://www.lawcom.govt.nz/SpeechPaper.aspx>.

The author, president of the New Zealand Law Commission, draws on the example of that body as he traces the history of law reform commissions. He also offers recommendations regarding the composition, mission, structural and operational framework, and workload of commissions.

Law Reform Process

Berkowitz, Daniel, Katharina Pistor, and Jean-Francois Richard. *The Transplant Effect*. July 2006. <http://www.sipa.columbia.edu/REGIONAL/HI/lawreview.pdf>.

Drawing on extensive research and empirical data, the authors discuss the phenomenon of legal transplants and set out a methodology for employing external sources of law through a process of adaptation.

Bernstein, David S. "Process Drives Success: Key Lessons from a Decade of Legal Reform." In European Bank for Reconstruction and Development (EBRD), *Law in Transition*. Autumn 2002. <http://www.ebrd.com/country/sector/law/articles/archive/index.htm>.

This guide identifies lessons for institutions and agencies that provide legal reform assistance. It argues that a successful reform project is one that adapts internationally accepted principles and standards to the local legal environment, focuses time and resources on implementation and enforcement, and, most importantly, works through an open, transparent, and inclusive process.

Carlson, Scott. *Legal and Judicial Rule of Law in Multidimensional Peacekeeping Operations*. 2006. <http://pbpu.unlb.org/pbpu/library/ROL%20Lessons%20Learned%20Report%20%20March%202006%20FINAL.pdf>.

This report reflects on recent experience with judicial and legal reforms in United Nations peacekeeping operations, identifies a variety of lessons learned, and sets out recommendations for achieving future reforms.

Hammergren, Linn. *Code Reform and Law Revision*. Centre for Democracy and Governance, Bureau for Global Programs, Field Support, and Research, U.S. Agency for International Development. 1998. http://pdf.dec.org/pdf_docs/pnacd022.pdf#search=%22hammergren%2C%20code%20reform%20and%20revision%22.

This publication discusses the experience of the U.S. Agency for International Development in code reform and revision in Latin America. The author, reflecting on the mixed results of these reform efforts, outlines suggestions to improve future efforts and to avoid some of the mistakes that have been made in the past.

International Development Bank. *Resource Book on Participation*. 1996. http://www.iadb.org/aboutus/VI/resource_book/table_of_contents.cfm?language=english.

Based on decades of experience in the field of development, this report argues that participation can significantly enhance the effectiveness of law reform efforts. It elaborates upon the meaning and scope of participation and identifies who the stakeholders are, when participation should occur, how participation can be facilitated, and what challenges must be overcome to ensure a participatory approach.

Nelken, David, and Johannes Feest, eds. *Adapting Legal Cultures*. Portland, Ore.: Hart Publishing, 2001.

This book looks at the theory and practice of legal borrowing and adaptation around the world in the context of different legal cultures. The first part of the book examines what is meant by “legal transplantation,” weighs arguments for and against it, and recounts successes and failures in legal transplantation. The second part sets out a number of case studies of legal adaptation.

Legislative Drafting in Plain English

Australia Office of Parliamentary Counsel. *Plain English Manual*. 2003. <http://www.opc.gov.au/about/docs/PEM.pdf>.

The Plain English Movement promotes the drafting of legislation in language that is more accessible both to the legal community and to persons to whom the law applies. This manual provides guidance on how to draft in a plain English style, including how to plan a draft, aids to understanding legal provisions, good writing habits, and drafting phrases to avoid.

Turnbull, Ian. *Plain English and Drafting in General Principles*. 1993. http://www.opc.gov.au/plain/docs/plain_draftin_principles.rtf.

This paper discusses the various styles of drafting, including traditional drafting, drafting in plain English, and drafting in general principles. Examining the relative strengths and weaknesses of each style, the author argues in favor of the use of plain English drafting as a means of making law easier to understand without sacrificing high standards of precision.

Legislative Drafting Manuals

Chabot, Elliot C. *List of Online Legislative Drafting Resources*. 2002. <http://ili.org/ld/manuals.htm>.

This document offers numerous samples of legislative drafting manuals that might be helpful when crafting new legislation.

Useful Web Sites

Council of Europe, Group of States against Corruption (GRECO)

http://www.coe.int/t/dg1/Greco/Default_en.asp

GRECO is a mechanism to monitor, through a process of mutual evaluation and peer pressure, the observance of the Guiding Principles in the Fight against Corruption and the implementation of international legal instruments adopted in pursuance of the Council of Europe's Programme of Action against Corruption. This Web site contains links to numerous web resources on anticorruption, as well as providing anticorruption-related documents and legal instruments.

Council of Europe, Human Rights Handbooks Homepage

http://www.coe.int/t/e/human_rights/handbookse.asp

This Web site contains links to eight handbooks on various human rights, including the right to respect for family and private life (relevant to search, seizure, and covert surveillance in criminal investigations), the right to a fair trial, the right to liberty and security of the person, the prohibition of torture, and the right to life.

Egmont Group

<http://www.egmontgroup.org>

The Egmont Group is an informal network of international financial intelligence units that cooperate and share information, training, and expertise. This Web site contains resources relevant to combating money laundering and financing of terrorism through the establishment of financial intelligence units.

European Court of Human Rights (ECHR)

<http://cmiskp.echr.coe.int/gentkpsc/gen-recent-hejud.asp>

This Web site provides access to the case law of the European Court of Human Rights.

Financial Action Task Force on Money Laundering (FATF)

<http://www.fatf-gafi.org>

Created in 1989, FATF is an intergovernmental body whose purpose is the development and promotion of national and international policies to combat money laundering and terrorist financing.

International Criminal Court (ICC)

<http://www.icc-cpi.int/home.html&l=en>

The ICC is an independent, permanent court that tries persons accused of serious international crimes, particularly genocide, crimes against humanity, and war crimes. This Web site includes the basic legal documents and jurisprudence of the ICC.

International Criminal Tribunal for the former Yugoslavia (ICTY)

<http://www.un.org/icty>

The United Nations Security Council established the ICTY in 1993 to address the serious violations of international humanitarian law committed in the former Yugoslavia since 1991. This Web site includes the basic legal documents and jurisprudence of the ICTY on the crimes of genocide, crimes against humanity, and war crimes.

International Criminal Tribunal for Rwanda (ICTR)

<http://www.un.org/icttr>

The United Nations Security Council established the ICTR in 1994 to prosecute persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda in 1994. This Web site includes the basic legal documents and jurisprudence of the ICTR on the crimes of genocide, crimes against humanity, and war crimes.

International Maritime Organization (IMO)

<http://www.imo.org>

The IMO is a specialized agency of the United Nations whose purpose is to assist states in taking measures to improve the safety and security of international shipping. The IMO also operates an extensive technical cooperation program that focuses on improving the ability of developing states to combat piracy.

International Maritime Piracy Reporting Centre

<http://www.thedigitalship.com/webguide/imbpiracy.html>

The International Maritime Bureau (IMB) is a specialized division of the International Chamber of Commerce that has been approved of by the International Maritime Organization. The IMB Piracy Reporting Centre maintains round-the-clock watch on the world's shipping lanes, reports

pirate attacks to local policing agencies, and issues warnings about piracy hot spots to shipping, both throughout the year and in its annual reports.

International Money Laundering Network

<http://www.imolin.org/imolin/index.html>

The International Money Laundering Network (IMoLIN) is an Internet-based network assisting governments, organizations, and individuals in the fight against money laundering. IMoLIN was developed with the cooperation of the world's leading anti-money laundering organizations. This Web site includes a database on money laundering legislation and regulations throughout the world, an electronic library, and a calendar of events in the anti-money laundering field.

Organisation for Economic Co-operation and Development (OECD) Corruption Homepage

http://www.oecd.org/topic/0,2686,en_2649_37447_1_1_1_1_37447,00.html

The OECD Web site on corruption provides a range of anticorruption resources, including conventions and other resources on ethics in the public sector.

Plain English Campaign

<http://www.plainenglish.co.uk/drafting.htm>

This site discusses and provides resources on the Plain English Movement, a movement that promotes the drafting of legal documents in easily comprehensible language.

Privacy International (PI)

<http://www.privacyinternational.org>

PI is a human rights group formed in 1990 as a watchdog on surveillance and privacy invasions by governments and corporations. This Web site provides a wide range of materials on privacy-related matters, such as communication surveillance, data protection and privacy laws, financial surveillance, freedom of expression, and antiterrorism activities.

Terrorism, Transnational Crime, and Corruption Center (TraCCC), American University

<http://www.american.edu/traccc>

TraCCC is devoted to teaching, research, training, and formulating policy advice in transnational crime, corruption, and terrorism. TraCCC's fundamental goal is to better understand the causes and scope of transnational crime and corruption and to propose well-grounded policy to reduce and eliminate these problems. This Web site contains numerous publications and online resources on terrorism, transnational crime, and corruption.

Transparency International

<http://www.transparency.org>

Transparency International is a global civil society with the mission to create change toward a world free of corruption. This Web site provides numerous research briefs, tools, and other publications on combating corruption. It also contains region- and country-specific information on corruption.

United Nations Counter-Terrorism Committee

<http://www.un.org/sc/ctc/mandate.shtml>

The Counter-Terrorism Committee derives its mandate from Security Council Resolution 1373, which imposes certain obligations on states in the area of counterterrorism, including the criminalization of terrorism-related activities and the provision of assistance to carry out those acts, the denial of funding and safe haven to terrorists, and the exchange of information on terrorist groups. This Web site includes relevant documents and statements on counterterrorism measures, as well as best practices and resources on human rights and counterterrorism.

United Nations Office on Drugs and Crime (UNODC)

<http://www.unodc.org>

UNODC is a global leader in the fight against illicit drugs and international crime. Established in 1997, it is mandated to assist member states in their struggle against illicit drugs, crime, and terrorism.

United Nations Office on Drugs and Crime, Anti-Corruption Resource Guide

http://www.unodc.org/unodc/event_2004-12-09_1_resource_guide.html

This Web site is an anticorruption Web resource with information on corruption and conflict, asset looting and the laundering of proceeds of corruption, corruption in international organizations, political corruption, corruption within the justice system, corruption in the private sector, corruption and organized crime, the United Nations Convention against Corruption, criminalization and enforcement, international cooperation and asset recovery, and technical assistance by UNODC in the field of corruption.

United Nations Office on Drugs and Crime, Handbooks and Manuals on the United Nations Standards and Norms in Crime Prevention and Criminal Justice

http://www.unodc.org/unodc/crime_cicp_standards_manuals.html

This Web site collates the various handbooks and manuals on crime prevention and criminal justice produced by the United Nations. It includes resources on pretrial detention, prisons, criminal justice standards for peacekeeping police, juvenile justice, justice for victims and abuse of power, domestic violence, computer-related crime, extradition, and mutual legal assistance. It also contains links to the United Nations Special Rapporteur on Torture, the United Nations Committee against Torture, the Human Rights Committee, the Committee on the Rights of the Child, the Committee on the Elimination of All Forms of Discrimination, the United Nations Working Group on Contemporary forms of Slavery, the United Nations Special Rapporteur of the Commission on Human Rights on the Sale of Children, Child Prostitution and Child Pornography, and the United Nations Special Rapporteur on Violence against Women, Its Causes and Consequences.

United Nations Office of the High Commissioner for Human Rights (OHCHR)

<http://www.unhchr.ch>

A department of the Secretariat of the United Nations, OHCHR is mandated to promote and protect the enjoyment and full realization of all rights established in the Charter of the United Nations and in international human rights laws and treaties. The home Web site includes links to such treaty bodies as the Committee on the Rights of the Child, the Human Rights Committee, and the Committee against Torture, and other special

mechanisms such as the Special Rapporteur on Violence against Women and the Special Rapporteur on Torture. This Web site also contains the full text of the universal human rights instruments.

University of Minnesota Human Rights Library

<http://www1.umn.edu/humanrts/links/alphalinks.html>

This site compiles various human rights documents, links, reports, and projects. Its list is alphabetized by topic.

World Bank Anti-Money Laundering and Combating the Financing of Terrorism

<http://www1.worldbank.org/finance/html/amlcft/>

This Web site contains a variety of documents, resources, publications, and other resources on money laundering and the financing of terrorism.

World Bank Anti-Corruption

<http://www.worldbank.org/anticorruption>

This Web site discusses various anticorruption strategies and provides information on tools, resources, and country and regional approaches to corruption.

Index

- Abandonment of attempt, 88
- Abuse
 - authority, violation of sexual autonomy
 - by abuse of, 231–232
 - functions, 317–318
 - personal data, 258–259
 - personal secrets, 259–260
 - right to vote, 388
- Accessories, 89, 134, 136
- Accomplices, 89–90, 134, 136
- Accused defined, 31
- Active personality principle, 45
- Acts of sexual nature with child below age of
 - consent, 229–230
- Actus novus interveniens*, 71
- Actus reus*, 92
- Additional juvenile dispositions, 181–182
 - See also* Juvenile justice
- Additional penalties, 146–157
 - alternative penalties, supplementation of,
 - 145–146
 - confiscation of proceeds, 147–149
 - elected, deprivation of right to be,
 - 151–152
 - expulsion of nonnationals, 156–157
 - fines, 146–147
 - firearms, deprivation of right to carry,
 - 152–153
 - overview, 114–115
 - principal penalties, supplementation of,
 - 146
 - private sector, prohibition on exercise of
 - managerial or supervisory
 - positions in, 155–156
 - public officials, prohibition on holding
 - positions as, 154
 - victims, compensation of, 149–150
- Administration of justice, offenses against,
 - 399–410. *See also specific offense*
- Afghanistan, 4, 226, 369
- African Charters
 - Human and People’s Rights, on, 38–39,
 - 236, 240, 248, 349
 - Rights and Welfare of the Child, on, 33,
 - 174, 176, 254, 261, 349
- Aggravated assault. *See* Assault
- Aggravated bodily harm. *See* Assault
- Aggravated burglary, 274
- Aggravated criminal damage, 281
- Aggravated robbery, 270–271
- Aggravating factors
 - augmentation of penalties for, 119, 122
 - consideration required, 135–136
 - term of imprisonment, determining in
 - light of, 131–137
- Aiding and abetting, 89–90, 134, 136
- Aircraft, unlawful seizure of, 330–331
- Airports serving international civil aviation,
 - violence at, 333–334
- Albania, 346
- Alibi, 77
- Alteration
 - evidence, of, 399–400
 - markings on firearms, of, 361–362
- Alternative penalties, 139–146
 - additional penalties, supplementation
 - with, 146
 - appropriateness of, 121
 - community service, 142–144
 - overview, 113–114
 - principal penalties, replacement of,
 - 138–140
 - semiliberty, 144–145
 - suspended sentence, 140–141
- American Convention on Human Rights,
 - 38–39, 51, 236, 254, 350
- Ammunition, offenses involving, 357–369
 - ammunition defined, 359
 - manufacturing, illicit, 359–361
 - definition of offense, 359–360
 - discussion, 360
 - penalty, 361
 - possession, control, or ownership,
 - unlawful, 366–368
 - definition of offense, 366
 - discussion, 366–367
 - penalty, 367–368
 - purchase, unlawful, 364–366
 - definition of offense, 364–365
 - discussion, 365
 - penalty, 365–366
 - trafficking in, 359–361
 - definition of offense, 359–360
 - discussion, 360

- penalty, 361
- training regarding, 357–368
- Amnesty International, 46, 109–110
- Angola, 4
- Anonymity, revealing sealed order for, 409–410
- Apartheid, crime of defined, 202
- Arson, 282–283
- Asian Development Bank, 288
- Assault, 222
 - causing harm, 223
 - causing serious harm, 223–224
- Associated personnel defined, 354
- Attack directed against any civilian population defined, 201
- Attempt, 87–88
 - abandonment of, 88
 - intention and, 87–88
 - reduction of penalties for, 119, 127
- Augmentation of penalties, 122–126
 - aggravating factors, for, 119, 122
 - hatred, offenses motivated by, 124–125
 - organized criminal activity, for, 123–124
 - public officials, offenses committed by, 125–126
- Australian Model Penal Code, 251–252
- Automatism, 77
- Autonomy, sexual
 - abuse of authority, violation by, 231–232
 - defenseless person, violation of, 231
- Battery. *See* Assault
- Beijing Rules, 33, 174–179, 191
- “Belief principle,” 67
- Belongings, unauthorized search of, 253–254
- “Best interests of the child” principle, 176
- Bombing, 345–346
 - terrorist bombing (*See* Terrorism)
- Border crossing, unauthorized, 352
- Bosnia and Herzegovina, 239–240
- Brahimi Report, 5–6
- Bribery. *See* Corruption offenses
- Bringing into state property obtained through crime, 274–275
- Burglary, 273
- Burning, reckless, 283–284
- Buying votes, 389–391
- Cambodia, 4–5, 226, 251
- Cannabis plant, cultivation of, 378–380
 - cannabis plant defined, 379
 - definition of offense, 378–379
 - penalty, 380
 - trafficking and personal use
 - distinguished, 379–380
- Causation principle, 71
- Central European and Eurasian Law Initiative, 241–242
- Character evidence, 134
- Charter of Fundamental Rights of the European Union, 54
- Children
 - acts of sexual nature with child below age
 - of consent, 229–230
 - defined, 31, 32–33
 - juvenile justice (*See* Juvenile justice)
 - life imprisonment for, 129
 - offenses against, 261–266 (*See also specific offense*)
 - offenses committed by (*See* Juvenile justice)
 - personal jurisdiction over, 47–49
 - pornography, 264–265
 - defined, 264, 266
 - possession, 266–267
 - prostitution, 263
 - defined, 263
 - sale of, 262–263
 - sexual intercourse with child below age
 - of consent, 229–230
- Civil aviation, unlawful acts against safety of, 331–333
 - definition of offense, 331–332
 - discussion, 332
 - penalty, 333
- Coca bush, cultivation of, 378–380
 - coca bush defined, 378
 - definition of offense, 378–379
 - penalty, 380
 - trafficking and personal use
 - distinguished, 379–380
- Coercion, criminal, 253
- Commanders and superiors, criminal responsibility of, 95–97
- Commission on Narcotic Drugs, 370, 372
- Common purpose, participation in, 90–92
- Communications
 - defined, 257–258
 - privacy and confidentiality of, violating, 257–258
- Community, role of in juvenile justice, 179, 181–182

- Community service, 103–104, 142–144
- Computer data
 defined, 394
 illegal interception of, 394–395
 interference with, 395–396
- Computer systems
 defined, 264, 266, 393
 illegal access to, 393–394
 interference with, 396–397
 misuse of devices, 397–398
- Concealment, 319–320
 stolen goods, 274–275
- Conditional release, 109
- Confidentiality
 communications, violating, 257–258
 voting, violating, 389
- Confiscation of proceeds, 162–169
 additional penalties, as, 147–149
 burden of proof, 166
 civil proceedings, 166
 convicted persons, from, 166–168
 defined, 165
 definition of offenses, 165
 legal persons, from, 160
 overview, 162–164
 proceeds of crime defined, 165, 288
 retention of proceeds prohibited, 166
 third parties, from, 168–169
- Congo, Democratic Republic of, 346
- Conscious negligence, 69
- Consular immunity, 49
- Control of ammunition, explosives, firearms,
 or weapons, unlawful, 366–368
 definition of offense, 366
 discussion, 366–367
 penalty, 367–368
- Controlled substances. *See* Drug offenses
- Conventions
 Abolition of Slavery, the Slave Trade, and
 Institutions and Practices
 Similar to Slavery,
 Supplementary Convention to,
 233
 American Convention on Human Rights,
 38–39, 51, 236, 254, 350
 Corruption, against, 33, 57, 73, 148, 154–
 155, 162–165, 277, 304–313, 314–
 320, 403–404
 Council of Europe (*See* Council of
 Europe)
- Elimination of All Forms of Racial
 Discrimination, on, 350
- Elimination of Discrimination against
 Women, for, 248
- Enforced Disappearances, on, 81
- European Conventions (*See* European
 Conventions)
- Geneva Conventions, 206, 217
- Genocide Convention, 40, 196–199
- Illicit Traffic in Narcotic Drugs and
 Psychotropic Substances, against,
 57, 109, 148–149, 162, 287, 371–
 377, 379, 381–384
- Inter-American Conventions (*See* Inter-
 American Conventions)
- International Trade in Endangered
 Species of Wild Flora and Fauna,
 on, 348–349
- Law of the Sea, on, 344
- Marking of Plastic Explosives for the
 Purpose of Detection, on,
 321–322
- Means of Prohibiting and Preventing the
 Illicit Import, Export and
 Transfer of Ownership of
 Cultural Property, on, 348–349
- Non-Applicability of Statutory
 Limitations to War Crimes and
 Crimes against Humanity, on,
 58–59
- Offenses and Certain Other Acts
 Committed on Board Aircraft,
 on, 321–322
- Physical Protection of Nuclear Material,
 on, 321, 339
- Prevention and Punishment of Offenses
 against Internationally Protected
 Persons, Including Diplomatic
 Agents, on, 321, 335
- Prohibitions or Restrictions on the Use of
 Certain Conventional Weapons
 Which May Be Deemed to Be
 Excessively Injurious or to Have
 Indiscriminate Effects, on, 218
- Protection of All Persons from Forced
 Disappearance, on, 135, 245
- Protection of Internationally Protected
 Persons, for, 46
- Psychotropic Substances, on, 109, 372
- Rights of the Child, on, 32–33, 48, 171,
 174, 176, 191, 254, 261–263,
 265–266, 350

- Safety of United Nations and Associated Personnel, on, 354–355
- Slavery Convention of 1926, 206, 243
- Stolen or Illegally Exported Cultural Objects, on, 348–349
- Suppression of Terrorist Bombing, for, 321, 328–330
- Suppression of the Financing of Terrorism, for, 90, 162, 321, 324–325
- Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, for, 244
- Suppression of Unlawful Acts against the Safety of Civil Aviation, for, 45, 321, 332–335
- Suppression of Unlawful Acts against the Safety of Maritime Navigation, for, 321, 340–341
- Suppression of Unlawful Seizure of Aircraft, for, 45, 321, 330–331
- Taking of Hostages, on, 321, 337
- Torture Convention, 81, 209, 236–238
- Transnational Organized Crime, against, 33, 57, 73, 93, 148, 162, 164–165, 167, 240–242, 271, 288–293, 295–297, 299–305, 358–359, 371, 403–404
- Convicted persons
 - confiscation of proceeds from, 166–168
 - defined, 31
- Cooperative witnesses, 135
 - false statements of, 408
- Corporal punishment, 109–110
- Corporations. *See* Legal persons
- Corruption offenses, 304–320. *See also specific offense*
 - election offenses (*See* Election offenses)
 - foreign public officials, involving, 309–311
 - active corruption, 310–311
 - definition of offense, 309–310
 - passive corruption, 311
 - penalty, 311
 - further reading and resources, 422, 430–432
 - private sector, 311–313
 - active corruption, 312–313
 - definition of offense, 311–312
 - passive corruption, 313
 - penalty, 313
 - public international organizations, involving officials of, 309–311
 - active corruption, 310–311
 - definition of offense, 309–310
 - passive corruption, 311
 - penalty, 311
 - public officials, involving, 307–309
 - active corruption, 307–308
 - definition of offense, 307
 - passive corruption, 308–309
 - penalty, 309
 - training regarding, 305
- Council of Europe
 - Civil Law Convention on Corruption, 304, 315
 - Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime and the Financing of Terrorism, 33, 73–74, 165, 288–292
 - Convention on the Prevention of Terrorism, 322–323
 - Criminal Law Convention on Corruption, 73, 304, 307–308, 310–313
 - Model Code of Conduct for Public Officials, 318
 - Octopus Programme, 295, 306
 - Select Committee of Experts on Extraterritorial Jurisdiction, 42
- Counterfeiting of money, 286–287
 - defined, 286–287
- Court orders
 - failure to respect, 406
 - revealing sealed order for protective measures or anonymity, 409–410
- Crime Prevention and Criminal Justice Measures to Eliminate Violence against Women, 249
- Crimes against humanity. *See* Humanity, crimes against
- Criminal coercion, 253
- Criminal damage, 284–285
 - aggravated criminal damage, 282
- Criminal law reform resources, 441–446
- Criminal offenses. *See also specific offense*
 - commission of, 65–66
 - defined, 63
 - omission, of, 65–66
 - participation in (*See* Participation in criminal offenses)

- voluntariness, 65
- Criminal responsibility
 - constructive liability, 70–71
 - exclusion of (*See* Exclusion of criminal responsibility)
 - generally, 63–65
 - intention, 66–71
 - direct intention, 67–70
 - eventual intention, 68–70
 - indirect intention, 67–70
 - oblique intention, 67–68
 - legal persons, of, 72–75
 - “directing mind principle,” 74
 - double jeopardy and, 75
 - negligence and, 75
 - vicarious liability, 74
 - negligence, 66–71
 - conscious negligence, 69
 - legislative specificity, 70
 - unconscious negligence, 69
 - recklessness, 66–71
 - eventual intention and, 68–70
 - legislative specificity, 70
 - strict liability, 69
- Culpability. *See* Criminal responsibility
- Cultivation of opium poppy, coca bush, or cannabis plant, 378–380
 - definition of offense, 378–379
 - manufacture, transport, or distribution of equipment or materials for use in, 382–383
 - penalty, 380
 - trafficking and personal use distinguished, 379–380
- Cultural property, unauthorized removal of, 347–349
 - cultural property defined, 347–348
 - definition of offense, 347–348
 - discussion, 348–349
 - penalty, 349
- Customary humanitarian law, 216
- Cybercrime offenses, 392–398. *See also specific offense*
 - further reading and resources, 422, 432
 - training regarding, 393
- Damage, criminal, 284–285
- Day fine system, 130
- Declarations
 - Basic Principles of Justice for Victims of Crime and Abuse of Power, of, 34–35, 151
 - Protection of All Persons from Enforced Disappearance, on, 135, 245
 - Universal Declaration of Human Rights, 38, 195, 236, 350
- Defenseless persons, violation of sexual autonomy of, 231
- Defenses
 - automatism, 77
 - duress, 84–85
 - exclusion of criminal responsibility (*See* Exclusion of criminal responsibility)
 - infancy, 77
 - insanity, 83
 - intoxication, 83–84
 - justification (*See* Justification)
 - mental incompetence, 82–83
 - mistake of fact, 85–86
 - mistake of law, 86
 - necessity, 79–80
 - partial defenses (*See* Partial defenses)
 - self-defense, 78–79
 - superior orders, 80–81
- Definitions, 31–35. *See also specific word or phrase*
- Deportation
 - crime against humanity, as, 207
 - defined, 202
- Deprivation of liberty, unlawful, 252
- Destruction
 - cultural property, 347–349
 - evidence, 399–400
- Deterrence as purpose of penalties, 102–103
- Diminished responsibility, 76, 83, 134, 221
- Diplomatic immunity, 49
- Direct intention, 67–70
- “Directing mind principle,” 74
- Disappearance, enforced, 244–246
 - crimes against humanity, as, 211
 - definition of offense, 244
 - penalty, 246
- Disciplinary measures for juveniles, 188–189
- Discretion in penalties, 98–100
- Dispositions, juvenile. *See* Juvenile justice
- Disruption of supply of public installations, 346–347
- Distribution
 - drugs, equipment or materials for use in cultivation, production, or manufacture of, 382–383

- precursors, 381–382
- Diversion of property by public officials, 316–317
- Domestic relationship defined, 247
- Domestic violence, 246–250
 - definition of offense, 246–247
 - further reading and resources, 432
 - penalty, 250
 - separate offense, as, 247–250
 - training regarding, 249–250
- Double jeopardy, 51–55
 - exceptions, 53–54
 - external applicability, 54–55
 - internal applicability, 51–54
 - legal persons, and criminal responsibility of, 75
 - offenses applicable to, 52
 - persons applicable to, 53
 - when applicability begins, 53
- Draft Code of Crimes against the Peace and Security of Mankind, 197
- Drug offenses, 370–385. *See also specific offense*
 - cultivation of opium poppy, coca bush, or cannabis plant, 378–380
 - definition of offense, 378–379
 - penalty, 380
 - trafficking and personal use distinguished, 379–380
 - further reading and resources, 422
 - manufacture, transport, or distribution of equipment or materials for use in illicit cultivation, production, or manufacture of, 382–383
 - personal use, possession or purchase for, 383–385
 - definition of offense, 383
 - penalty, 385
 - precursors, manufacture, transport, or distribution of, 381–382
 - trafficking in, 373–376
 - definition of offense, 373–374
 - discussion, 374–375
 - narcotic drug defined, 374–375
 - organizing, managing, or financing of, 377–378
 - penalty, 375–376
 - possession, 376–377
 - psychotropic substance defined, 375
 - training regarding, 372
- Due process, further reading and resources, 421
- Duress, 84–85
- Dwellings, unauthorized search of, 254–255
- East Timor
 - criminal law reform efforts, 4–5
 - domestic violence, 249–250
 - drug offenses, 370
 - evolution of Model Codes project, 7
 - firearms, offenses involving, 357–358, 367
 - genocide, 196–197
 - sexual offenses, 226
- Economic offenses, 286–292. *See also specific offense*
- Egmont Group, 289
- Election offenses, 386–391. *See also specific offense*
 - abuse of right to vote, 388
 - buying votes, 389–390
 - confidentiality in voting, violating, 389
 - deprivation of right to be elected, 151–152
 - fraud, 390–391
 - free decision of voters, violating, 387–388
 - preventing exercise of right to vote, 386–387
 - selling votes, 389–390
 - threat to election candidate, 391
- Elements of Crimes*. *See* Rome Statute
- Embezzlement
 - private persons, by, 277–278
 - public officials, by, 316–317
- Enabling illegal residence, 301
- Endangering United Nations and associated personnel, 353–356
 - definition of offense, 353–354
 - penalty, 356
- Enforced disappearance, 244–246
 - crimes against humanity, as, 211
 - defined, 202
 - definition of offense, 244
 - penalty, 246
- Enforced prostitution, 233–234
- Enrichment, illicit, 318–319
- Enslavement defined, 202
- Establishing slavery, slavery-like conditions, and forced labor, 243–244
- European Conventions
 - Cybercrime, on, 258, 265–266, 392–398

- Fight against Corruption Involving
 - Officials of the European Communities or Officials of Member States of the European Union, on, 304
- Non-Applicability of Statutory
 - Limitations to Crimes against Humanity and War Crimes, on, 58–59
- Prevention of Torture and Inhuman or Degrading Treatment or Punishment, for, 238
- Protection of Human Rights and Fundamental Freedoms, for, 38–39, 51, 254, 350
- Eventual intention, 68–70
- Evidence
 - alteration of, 399–400
 - defined, 31
 - destruction of, 399–400
 - fabrication of, 400
 - false evidence, presentation of, 401
 - forged evidence, presentation of, 401
 - penalties relating to, 400
- Evolution of Model Codes Project, 6–7
- Exclusion of criminal responsibility, 82–86
 - duress, 84–85
 - insanity, 83
 - intoxication, 83–84
 - mental incompetence, 82–83
 - mistake of fact, 85–86
 - mistake of law, 86
 - overview, 76–77, 133–134
- Existing laws, revision of, 12
- Explosives, offenses involving, 357–369
 - bombing, 345–346
 - explosive defined, 325, 361
 - illicit manufacturing, 363–364
 - possession, control, or ownership, unlawful, 366–368
 - definition of offense, 367
 - discussion, 366–367
 - penalty, 367–368
 - purchase, unlawful, 364–366
 - definition of offense, 364–365
 - discussion, 365
 - penalty, 365–366
 - reckless exploding, 283–284
 - terrorist bombing (*See* Terrorism)
 - trafficking in, 363–364
 - training regarding, 357–358
- Expulsion of nonnationals, 156–157
- Extermination
 - crime against humanity, as, 205–206
 - defined, 201
- Extortion, 272–273
- Extradition, further reading and resources, 419
- Extraterritorial jurisdiction, 43–46
 - active personality principle, 45
 - “flag principle,” 45
 - generally, 43–45
 - passive personality principle, 45–46
- Fabrication of evidence, 400
- Facilitation of criminal offenses, 94–95
- Fact, mistake of, 85–86
- Failure to respect order of court, 406
- Fair trial, further reading and resources, 421
- False evidence, presentation of, 401
- False instruments
 - possession of, 281
 - use of, 280–281
- False statements of cooperative witnesses, 408
- False testimony, 401–402
- Financial Action Task Force, 288
- Financing
 - drug trafficking, 377–378
 - terrorism, 323–325
 - definition of offense, 323–324
 - discussion, 324–325
 - penalty, 325
- Fines
 - additional penalties, as, 146–147
 - appropriateness of, 129–130
 - calculation of, 130
 - day fine system, 130
 - default on, 130
 - generally, 110–111
- Firearms, offenses involving, 357–369
 - deprivation of right to carry, 152–153
 - firearm defined, 270, 359
 - further reading and resources, 424
 - imitation firearm defined, 270
 - manufacturing, illicit, 359–361
 - definition of offense, 359–360
 - discussion, 360
 - penalty, 361
 - obliteration, removal, or altering of markings, 361–362
 - parts and components defined, 359

- possession, control, or ownership,
 - unlawful, 366–368
 - definition of offense, 366
 - discussion, 366–367
 - penalty, 367–368
- purchase, unlawful, 364–366
 - definition of offense, 364–365
 - discussion, 365
 - penalty, 365–366
- trafficking in, 359–361
 - definition of offense, 359–360
 - discussion, 360
 - penalty, 361
 - training regarding, 357–358
 - use, unlawful, 368–369
- Fixed platforms, unlawful acts against
 - safety of, 340–342
 - definition of offense, 342
 - discussion, 343
 - fixed platform defined, 342
 - penalty, 343–344
- “Flag principle,” 45
- Forced labor, establishing, 243–244
- Forced pregnancy defined, 202
- Forcible transfer of population defined, 202
- Foreign public officials, corruption
 - involving, 309–311
 - active corruption, 310–311
 - definition of offense, 309–310
 - foreign public official defined, 310
 - passive corruption, 311
 - penalty, 311
- Forfeiture of proceeds. *See* Confiscation of proceeds
- Forgery, 279–280
 - forged evidence, presentation of, 401
- Fraud, 276–277
 - defined, 276
 - election fraud, 390–391
- Fraudulent travel or identity documents
 - defined, 298, 302
 - procuring, providing, or possessing, 301
 - producing, 301
- Free decision of voters, violating, 387–388
- Functions, abuse of, 317–318
- Fundamental principles, 36–41
 - legality, principle of (*See* Legality, principle of)
 - limits of criminal legislation, 36–37
 - purposes of criminal legislation, 36–37
- Funds defined, 324
- Geneva Conventions, 206, 217
- Genocide, 196–200
 - definition of offense, 196
 - further reading and resources, 433–434
 - intention, 199
 - intentional killing as, 197
 - life imprisonment for, 119, 128
 - military commanders and superiors, responsibility of, 95–97
 - other methods of destruction as, 200
 - overview, 195–196
 - penalty, 200
 - principle of legality and, 40–41
 - serious bodily or mental harm as, 200
 - sexual offenses and, 226
 - sexual slavery and, 232
 - statutory limitations, inapplicability of, 58–59
 - torture as, 238
 - training regarding, 196
- Genocide Convention, 40, 196–199
- Grievous bodily harm. *See* Assault
- Guidelines
 - Action on Children in the Criminal Justice System, for, 48–49
 - Prevention of Juvenile Delinquency, for, 33
 - Protection of Juveniles Deprived of Their Liberty, for, 33
- Guiding principles for criminal law reform, 23–27
 - assessment of existing laws and systems, 23–24
 - breadth and inclusivity of process, 26
 - continuing nature of legal reform, 27
 - coordination by single independent body, 25–26
 - financial implications, 27
 - holistic nature of criminal law reform, 24–25
 - realistic time frames, 26
 - transplantation of legal models, 26
- Guns. *See* Firearms, offenses involving
- Habeas corpus, 245
- Hague Convention for the Protection of Cultural Property, 348–349
- Harm, 223
 - defined, 223

- Hatred
 augmentation of penalties for offenses
 motivated by, 124–125
 incitement to crime on account of,
 350–352
 definition of offense, 350
 hate speech distinguished, 350–351
 penalty, 352
- Homicide. *See* Killing
- Hostages, taking of, 336–337
- Human rights
 further reading and resources, 421–422
 use of Model Codes to comply with
 international standards of, 13
- Human Rights Watch, 197, 203
- Humanity, crimes against, 201–211
 attack, 204
 civilian population, 204
 definition of offense, 201–202
 deportation as, 207
 enforced disappearance as, 211
 extermination as, 205–206
 further reading and resources,
 433–434
 imprisonment as, 207
 life imprisonment for, 119–120, 128
 military commanders and superiors,
 responsibility of, 95–97
 murder as, 205
 nexus element, 204
 other inhumane acts as, 211
 overview, 195–196
 penalty, 211
 persecution as, 209–210
 principle of legality and, 40–41
 rape as, 209
 sexual offenses and, 226
 sexual slavery and, 232
 slavery as, 206–207
 statutory limitations, inapplicability of,
 58–59
 torture as, 207–209, 238
 training regarding, 196
 widespread or systematic attack, 203
- Illegal entry defined, 298
- Illicit enrichment, 318–319
- Illicit manufacture. *See* Manufacture
- Illicit manufacturing defined, 359, 363
- Illicit trafficking defined, 359, 363
- Imitation firearm defined, 271
- Immigration. *See* Migrants, offenses
 related to
- Immovable property, 269
- Immunity from prosecution, 49–50
 consular immunity, 49
 cooperative witnesses, 407
 diplomatic immunity, 49
- Imprisonment
 aggravating factors, determining term in
 light of, 130–137
 crimes against humanity, as, 207
 generally, 110–112
 juveniles, of, 190–192
 avoidance of, 176–177
 limited positive impact of, 179
 life imprisonment (*See* Life
 imprisonment)
 maximum terms, 111–112
 minimum terms, 111–112
 mitigating circumstances, determining
 term in light of, 130–137
 procedures in imposing, 120
 ranges, 111–112
 semiliberty, 145–146
- Improper influence and threat, 320
- Incapacitation as purpose of penalties,
 102–103
- Incendiary weapon or device defined, 326
- Inchoate offenses. *See* Attempt
- Incitement of criminal offenses
 hatred, on account of, 350–352
 definition of offense, 350
 hate speech distinguished, 350–351
 penalty, 352
 participation in criminal offenses, as, 94
- Incomplete offenses. *See* Attempt
- Indirect intention, 67–70
- Inducement of criminal offenses, 93
- Infancy as defense, 77
- Influence
 threat and improper influence, 320
 trading in (*See* Trading in influence)
- Infrastructure facility defined, 327
- Insanity, 83
- Institutional measures for juveniles, 189–190
- Instrument defined, 279
- Intangible property, 269
- Intensive supervision of juveniles, 186–188
- Intention, 66–71
 attempt and, 87–88
 direct intention, 67–70

- eventual intention, 68–70
 - genocide, 199
 - indirect intention, 67–70
 - oblique intention, 67–68
 - transferred intention, 71
- Inter-American Conventions
 - Corruption, against, 303
 - Forced Disappearance of Persons, on, 245
 - International Traffic in Minors, on, 240
 - Prevent and Punish Torture, to, 237
 - Prevention, Punishment and Eradication of Violence against Women, on, 248
 - Terrorism, against, 322–323
- Interference
 - computer data, with, 395–396
 - computer systems, with, 396–397
- International Centre for Criminal Law
 - Reform and Criminal Justice Policy, 249
- International Chamber of Commerce, 345
- International Code of Conduct for Public Officials, 318
- International Conventions. *See* Conventions
- International Covenant on Civil and Political Rights, 38–40, 51, 54, 171, 174, 236, 254, 350
- International Criminal Court. *See* Rome Statute
- International Criminal Tribunal for Rwanda
 - administration of justice, offenses against, 399
 - crimes against humanity and, 203–211
 - genocide and, 197–200
 - military commanders and superiors, responsibility of, 97
 - mitigating circumstances, 133
 - rape and, 228–229
 - sexual offenses and, 226
 - superior orders defense, 81
 - war crimes and, 216
- International Criminal Tribunal for the Former Yugoslavia
 - administration of justice, offenses against, 399
 - common purpose, participation in, 90–92
 - crimes against humanity and, 203–211
 - genocide and, 197–200
 - military commanders and superiors, responsibility of, 97
 - mitigating circumstances, 133
 - rape and, 228
 - sexual offenses and, 226
 - superior orders defense, 81
 - war crimes and, 216
- International Human Rights Law Group, 241
- International humanitarian law, 216
- International Labor Organization Forced Labor Convention, 243
- International Law Commission, 197
- International Maritime Bureau, 345
- International Maritime Organization, 344–345
- International Narcotics Control Board, 370, 372
- Internationally protected persons, offenses against, 334–336
 - definition of offense, 334–335
 - discussion, 335–336
 - internationally protected person defined, 334–335
 - penalty, 336
- Intoxication, 83–84
- Iraq, 251, 357–358
- Istanbul Protocol, 217, 238
- Joint criminal enterprise, 90–92
- Joint penalties, 136–137
 - juvenile justice, in, 184
 - subsequent offenses by convicted persons, 138
- Judicial admonition, 109
- juveniles, of, 185
- Judicial restraint in penalties, 106–107
- Jurisdiction, 42–50
 - extraterritorial jurisdiction (*See* Extraterritorial jurisdiction)
 - further reading and resources, 426–427
 - personal jurisdiction (*See* Personal jurisdiction)
 - territorial jurisdiction, 42
 - universal jurisdiction, 46
- “Just desserts” principle, 120–121, 136
- Justice or policing officials
 - obstruction of justice, 404
 - retaliation against, 405
- Justification, 78–81
 - necessity, 79–80
 - overview, 76–77

- self-defense, 78–79
- superior orders, 80–81
- Juvenile justice, 170–192
 - additional juvenile dispositions, 181–182
 - “best interests of the child” principle, 176
 - community, role of, 179, 181–182
 - disciplinary measures, 188–189
 - fundamental principle, 174–175
 - further reading and resources, 427
 - imprisonment, 190–192
 - avoidance of, 176–177
 - limited positive impact of, 179
 - individual circumstances, consideration of, 177
 - institutional measures, 189–190
 - intensive supervision, 186–188
 - international standards, incorporation of, 171
 - joint penalties, 184
 - judicial admonition, 185
 - juvenile defined, 31
 - minimal interference principle, 176
 - noncompliance with juvenile dispositions, 182
 - overview, 170–171
 - principal juvenile dispositions, 178–180, 185–192
 - principles applicable to juvenile dispositions, 175–177
 - proportionality requirement, 176
 - purposes of dispositions, 173–174
 - rehabilitation, 173–175, 179
 - reintegration into society, 173–175, 179
 - resources for, 180, 182
 - scope of application, 172
 - separate system for, 170
 - statutory limitations, 57–58
 - structure of juvenile dispositions, 18–182
 - training regarding, 180, 182
 - warnings, 185
- Kadoma Declaration on Community Service, 144
- Kidnapping, 251–252
- Killing
 - crimes against humanity, as, 205
 - genocide, as, 199
 - threat of, 224–225
 - unlawful, 219–221
 - aggravating factors, 220
 - crimes against humanity, as, 205
 - definition of offense, 219
 - life imprisonment for, 120, 128
 - mitigating factors, 221
 - motives, 220
 - penalty, 221
 - premeditation, 220
 - special circumstances, 220
- Knowingly. *See* Intention
- Kosovo
 - alternative penalties, 114
 - criminal law reform efforts, 4–5
 - drug offenses, 371
 - evolution of Model Codes Project, 7
 - extortion, 271
 - firearms, offenses involving, 357–358
 - genocide, 196
 - hatred, incitement to crime on account of, 351–352
 - imprisonment of children, 191
 - juvenile justice, 180
 - sexual offenses, 226
 - state, offenses against, 322
 - trafficking in persons, 239–240
 - United Nations Interim Administration in Kosovo, 239, 294, 357
- Larceny. *See* Theft
- Laundering of money, 288–292
 - concealment or disguising, 290
 - conversion or transfer of money, 289–290
 - definition of offense, 288
 - further reading and resources, 423, 433
 - knowledge of crime, 290–291
 - penalty, 292
 - predicate offense defined, 291–292
 - proceeds of crime defined, 291
 - property defined, 291
 - recklessness or negligence, 291
 - training regarding, 289
- Law, mistake of, 86
- Legal persons
 - criminal responsibility of, 72–75
 - “directing mind principle,” 74
 - double jeopardy and, 75
 - negligence and, 75
 - vicarious liability, 74
 - further reading and resources, 427
 - jurisdiction over, 47
 - penalties for, 158–161
 - confiscation of proceeds, 160
 - default on, 161

- determining penalties, 159–161
 - types of penalties, 158–159
- Legality, principle of, 37–41
 - analogy, use of, 41
 - crimes against humanity and, 40–41
 - generally, 38–39
 - genocide and, 40–41
 - international law and, 40–41
 - judicial interpretation and, 39
 - retroactivity and, 40–41
 - specificity, 39
 - strict construction, 41
 - war crimes and, 40–41
- Liberia, 4, 7, 226, 239
- Liberty, unlawful deprivation of, 252
- Life and limb, offenses against, 219–225. *See also specific offenses*
- Life imprisonment
 - appropriateness of, 119–120, 127–128
 - children, for, 128
 - crimes against humanity, for, 119–120, 128
 - genocide, for, 119, 128
 - procedures in imposing, 119–120
 - unlawful killing, for, 120, 128
 - war crimes, for, 120, 128
- Limitations of actions. *See* Statutory limitations
- Limits of criminal legislation, 36–37
- London Charter, 40
- Managing of drug trafficking, 377–378
- Manslaughter. *See* Killing
- Manufacture
 - ammunition, 359–361
 - definition of offense, 359–360
 - discussion, 360
 - penalty, 361
 - drugs, equipment or materials for use in
 - cultivation, production, or manufacture of, 382–383
 - explosives, 363–364
 - firearms, 359–361
 - definition of offense, 359–360
 - discussion, 360
 - penalty, 361
 - illicit manufacturing defined, 359, 363
 - precursors, 381–382
- Maritime navigation, unlawful acts against
 - safety of, 340–342
 - definition of offense, 340
 - discussion, 340–341
 - penalty, 341–342
- Markings on firearms, obliteration, removal, or altering of, 361–362
- Maximum penalties
 - appraisal of, 121
 - imprisonment, 111–112
- Mens rea*, 66–67
- Mental incompetence, 82–83
- Migrants, offenses related to, 297–303
 - definition of offense, 297–298
 - enabling illegal residence, 301
 - fraudulent travel or identity documents
 - defined, 302
 - procuring, providing or possessing, 301
 - producing, 301
 - further reading and resources, 423
 - illegal entry defined, 302
 - liability of migrants, 302
 - penalty, 302–303
 - smuggling, 300–301
 - trafficking in persons distinguished, 300
- Military commanders and superiors,
 - criminal responsibility of, 95–97
- Minimal interference principle, 176
- Minimum penalties
 - appraisal of, 121
 - imprisonment, 111–112
- Minors. *See* Children
- Misappropriation of property by public
 - officials, 316–317
- Mistake of fact, 85–86
- Mistake of law, 86
- Misuse of computer devices, 397–398
- Mitigating circumstances
 - consideration required, 133
 - reduction of penalties for, 119, 126–127
 - term of imprisonment, determining in light of, 131–137
- Model Code of Criminal Procedure
 - aggravating factors, 135
 - child pornography, 264
 - children, offenses against, 262
 - confiscation of proceeds, 149
 - cooperative witnesses, 135, 408
 - corruption offenses, 305–306
 - crimes against humanity, 195
 - cybercrime offenses, 393
 - defined, 31
 - determining penalties and, 100

- drug offenses, 371, 373
- false testimony, 402
- genocide, 195
- habeas corpus, 245
- juvenile justice and, 170
- mitigating circumstances, 133
- organized crime offenses, 295
- parole, 109
- persons, searches of, 254
- potential uses of, 13, 15
- premises, searches of, 255
- pretrial detention, 137
- privacy rights, 258
- publication, 7
- sexual offenses, consent in, 228
- state, offenses against, 325–341
- torture, 238
- visual recordings, 256
- war crimes, 195
- witness and victim protection, 240, 403, 409
- Model Codes for Post-Conflict Criminal Justice. *See specific code*
- Model Criminal Code. *See also specific topic*
 - defined, 31
 - guiding principles (*See* Guiding principles for criminal law reform)
 - potential uses of (*See* Potential uses of Model Codes)
 - project overview, 3–8
 - publication, 7
 - synopsis, 17–21
 - tailoring to needs of postconflict states, 9–11
- Model Detention Act
 - juvenile justice and, 170, 191–192
 - potential uses of, 16
 - publication, 7
- Model Drug Abuse Bill, 370
- Model Drug Court Bill, 372
- Model Police Powers Act
 - persons, searches of, 254
 - premises, searches of, 255
 - publication, 7–8
- Money
 - counterfeiting, 286–287
 - laundering (*See* Laundering of money)
- Montego Bay Convention, 344
- Moral purposes of penalties, 102–103
- Movable property, 269
- Multiple offenses. *See* Joint penalties
- Murder. *See* Killing
- Mutual legal assistance, further reading and resources, 423
- Narcotic drug defined, 374. *See also* Drug offenses
- Ne bis in idem*. *See* Double jeopardy
- Necessity defense, 79–80
- Need for legal framework, 3–4
- Negligence, 66–71
 - conscious negligence, 69
 - legal persons, criminal responsibility of, 75
 - legislative specificity, 70
 - military commanders and superiors, responsibility of, 97
 - unconscious negligence, 69
- Nepal, 7, 251, 272
- Noncompliance with juvenile dispositions, 182
- Nonnationals, expulsion of, 156–157
- Nuclear material, offenses related to, 338–339
- Nulla poena sine lege*, 38
- Nullum crimen sine lege*, 38
- Nuremberg Tribunal, 202
- Oblique intention, 67–68
- Obliteration of markings on firearms, 361–362
- Obstruction of justice
 - justice or policing officials, of, 404
 - witness, of, 402–403
- Occupied structure defined, 282
- Offensive weapon defined, 271
- Office of the High Commissioner for Human Rights. *See* United Nations
- Office on Drugs and Crime. *See* United Nations
- Omission, criminal offenses of, 65–66
- Opium poppy, cultivation of, 378–380
 - definition of offense, 378–379
 - opium poppy defined, 378
 - penalty, 380
 - trafficking and personal use distinguished, 379–380
- Optional Protocols
 - Involvement of Children in Armed Conflict, on, 261
 - Sale of Children, Child Prostitution and

- Child Pornography, on, 261–263, 265–266
- Ordering criminal offenses, 93
- Orders of court
 - failure to respect, 406
 - revealing sealed order for protective measures or anonymity, 409–410
- Organization for Economic Cooperation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, 34, 73, 304, 310, 315
- Organization for Security and Cooperation in Europe, 5, 180
- Organized crime offenses, 293–303. *See also specific offense*
 - further reading and resources, 423, 434–436
 - organized criminal group defined, 294
 - participation in organized criminal group, 293–296
 - augmentation of penalties for, 123–124
 - definition of offense, 293–294
 - penalty, 297
 - underlying criminal activity, 294–297
- Organizing of drug trafficking, 377–378
- Ownership of ammunition, explosives, firearms, or weapons, unlawful, 367–368
 - definition of offense, 366
 - discussion, 366–367
 - penalty, 367–368
- Parole, 109
- Partial defenses
 - diminished responsibility, 76, 83, 134, 221
 - provocation, 76–77, 131–134, 221
- Participation in criminal offenses, 89–97
 - accessories, 89
 - accomplices, 89–90
 - aiding and abetting, 89–90
 - common purpose, 90–92
 - crimes against humanity, 95–97
 - facilitation, 94–95
 - genocide, 95–97
 - incitement, 94
 - inducement, 93
 - joint criminal enterprise, 90–92
 - military commanders and superiors, responsibility of, 95–97
 - ordering, 93
 - organized criminal group, participation in (*See Organized crime offenses*)
 - overview, 66
 - perpetrators, responsibility of, 97
 - solicitation, 93
 - war crimes, 95–97
- Passive personality principle, 45–46
- Pathfinders, 99
- Penal Reform International, 48, 192
- Penalties, 98–161. *See also specific offense*
 - additional penalties (*See Additional penalties*)
 - adjustments, 118
 - aggravating factors (*See Aggravating factors*)
 - alternative penalties (*See Alternative penalties*)
 - attempt, reduction for, 119, 127
 - augmentation of (*See Augmentation of penalties*)
 - community service, 103–104, 142–144
 - conditional release, 109
 - corporal punishment, 109–110
 - deterrence as purpose, 102–103
 - discretion in, 98–100
 - finer (*See Fines*)
 - fundamental principle, 104–105
 - further reading and resources, 428–429
 - imprisonment (*See Imprisonment*)
 - incapacitation as purpose, 102–103
 - individual circumstances, consideration of, 106
 - joint penalties, 137–138
 - juvenile justice, in, 184
 - subsequent offenses by convicted persons, 138–139
 - judicial admonition, 109
 - judicial restraint, 106–107
 - “just desserts” principle, consideration of, 120–121, 136
 - juvenile justice (*See Juvenile justice*)
 - legal persons, for, 158–161
 - confiscation of proceeds, 160
 - default on, 161
 - determining penalties, 159–161
 - types of penalties, 158–159
 - less restrictive measures, use of, 107

- life imprisonment (*See* Life imprisonment)
 - maximum penalty
 - appraisal of, 121
 - imprisonment, 111–112
 - minimum penalty
 - appraisal of, 121
 - imprisonment, 111–112
 - mitigating circumstances (*See* Mitigating circumstances)
 - circumstances)
 - moral purposes, 102–103
 - other principles relevant to determining, 105–107
 - overview, 98–100
 - parole, 109
 - principal penalties, 128–130 (*See also* Fines; Imprisonment)
 - additional penalties, supplementation with, 146
 - alternative penalties, replacement with, 139–140
 - life imprisonment as, appropriateness of, 128–129
 - overview, 110–112
 - procedure for determining, 116–157
 - generally, 117–121
 - overview, 116
 - proportionality principle, 104–105
 - purposes of, 101–104
 - reduction of (*See* Reduction of penalties)
 - rehabilitation as purpose, 102–103
 - reparations, 103
 - restitution, 103
 - restorative justice, 103–104
 - retribution as purpose, 102–103
 - safety measures, 109
 - security measures, 109
 - semiliberty, 145–146
 - sentencing guidelines, 98
 - seriousness of offense, consideration of, 106
 - structure of, 108–110
 - structured discretion, 99–100
 - subsequent offenses by convicted persons, 107, 121, 138–139
 - suspended sentence, 140–142
 - utilitarian purposes, 102–103
- Periodic detention. *See* Semiliberty
- Perpetrators
 - criminal responsibility of, 97
 - providing assistance to after commission of criminal offense, 407
- Persecution
 - crime against humanity, as, 209–210
 - defined, 202
- Personal data, abuse of, 258–259
- Personal jurisdiction, 47–50
 - children, over, 47–49
 - immunity and, 49–50
 - legal persons, over, 47
- Personal secrets, abuse of, 259–260
- Persons
 - trafficking in, 238–242
 - children, 242
 - consent, 242
 - definition of offense, 238–239
 - discussion, 241
 - further reading and resources, 424, 440–441
 - penalty, 242
 - smuggling of migrants distinguished, 300
 - unauthorized search of, 253–254
- Piracy, 344–345
 - further reading and resources, 436
- Place of commission of offense, 61
- Plea agreements, 135
- Pornography, child, 264–265
 - defined, 264, 267
 - possession, 266–267
- Possession
 - ammunition, explosives, firearms, or weapons, unlawful, 367–368
 - definition of offense, 366
 - discussion, 366–367
 - penalty, 367–368
 - child pornography, 266–267
 - drugs
 - personal use, for, 383–385
 - trafficking, for, 376–377
 - false instruments, 281
 - fraudulent travel or identity documents, 301
- Potential uses of Model Codes, 11–16
 - existing laws, revision of, 12
 - international human rights standards, amending laws to comply with, 13
 - Rome Statute, amending laws to comply with, 15
 - special tribunals to address past abuses, 15–16
 - transitional laws, creating, 13–14

- vulnerable groups, protection of, 14–15
- Precursors, manufacture, transport, or distribution of, 381–382
- Predicate offense defined, 288
- Premises, unauthorized search of, 254–255
- Presentation of false or forged evidence, 401
- Pretrial detention, 136–137
- Preventing exercise of right to vote, 386–387
- Principal juvenile dispositions, 178–180, 185–192. *See also* Juvenile justice
- Principal penalties, 128–130. *See also* Fines; Imprisonment
 - additional penalties, supplementation with, 146
 - alternative penalties, replacement with, 138–140
 - life imprisonment as, appropriateness of, 127
 - overview, 110–112
- Principle of legality. *See* Legality, principle of
- Principles on the Protection of All Persons from Enforced Disappearances, 81
- Prior criminal law reform efforts, 4–5
- Privacy of communications, violating, 257–258
- Private sector
 - corruption in, 311–313
 - active corruption, 312–313
 - definition of offense, 311–312
 - passive corruption, 313
 - penalty, 313
 - prohibition on exercise of managerial or supervisory positions in, 155–156
- Proceeds of crime defined, 165, 288
- Procuring fraudulent travel or identity documents, 301
- Production
 - drugs, manufacture, transport, or distribution of equipment or materials for use in, 382–382
 - fraudulent travel or identity documents, 301
- Property offenses, 268–285. *See also* specific offense
 - cultural property, unauthorized removal of (*See* Cultural property, unauthorized removal of)
 - diversion by public officials, 316–317
 - embezzlement
 - private persons, by, 277–278
 - public officials, by, 316–317
 - misappropriation by public officials, 316–317
 - obtained through crime, bringing into state, 275–276
 - property defined, 31, 33, 268, 284
 - theft (*See* Theft)
- Proportionality principle, 104–105
 - juvenile justice, in, 176
- Prostitution
 - children, 263
 - defined, 263
 - enforced, 233–234
- Protective measures, revealing sealed order for, 409–410
- Protocols
 - Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, against, 93, 148, 271, 293, 358–366
 - Involvement of Children in Armed Conflict, Optional Protocol on, 261
 - Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, to, 240–242, 293
 - Sale of Children, Child Prostitution and Child Pornography, Optional Protocol on, 261–263, 266–267
 - Smuggling of Migrants by Land, Sea, and Air, against, 299–303
 - Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, for, 321, 343
 - Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, for, 321, 333–334
- Providing
 - assistance to perpetrators after commission of criminal offense, 407
 - fraudulent travel or identity documents, 301
- Provocation, 76–77, 131–134, 134, 221
- Psychotropic substance defined, 374. *See also* Drug offenses
- Public installations, disruption of supply of, 346–347
- Public international organizations,

- corruption involving officials of, 309–311
 - active corruption, 310–311
 - definition of offense, 309–310
 - official of a public international organization defined, 310
 - passive corruption, 311
 - penalty, 311
- Public officials
 - augmentation of penalties for offenses committed by, 125–126
 - corruption involving, 307–309
 - active corruption, 307–308
 - definition of offense, 307
 - passive corruption, 308–309
 - penalty, 309
 - defined, 31, 33–34
 - diversion of property by, 316–317
 - misappropriation of property by, 316–317
 - prohibition against holding positions as, 154
- Public transportation system defined, 327
- Publication of Model Codes, 7–8
- Purchase
 - ammunition, explosives, firearms, or weapons, unlawful, 364–366
 - definition of offense, 364–365
 - discussion, 365
 - penalty, 365–366
 - drugs, purchase for personal use, 383–385
 - definition of offense, 383
 - penalty, 385
- Purposefully. *See* Intention
- Purposes of criminal legislation, 36–37
- Rape, 227–229
 - crimes against humanity, as, 209
 - definition of offense, 227
 - overview, 226–227
 - penalty, 229
 - rape kits, 227
 - statutory rape, 230
 - training regarding, 227
- Receiving stolen goods, 274–275
- Recidivism, 136
- Recklessness, 66–71
 - burning, reckless, 282–283
 - eventual intention and, 68–70
 - exploding, reckless, 283–284
 - legislative specificity, 70
- Reduction of penalties, 126–127
 - attempt, for, 119, 127
 - mitigating circumstances, for, 119, 126–127
- Rehabilitation
 - juveniles, of, 173–175, 179
 - purpose of penalties, as, 102–103
- Reintegration of juveniles into society, 173–175, 179
- Removal
 - cultural property, unauthorized removal of (*See* Cultural property, unauthorized removal of)
 - firearms, markings on, 361–362
- Reparations, 103
- Resources for juvenile justice, 180, 182
- Responsibility, criminal. *See* Criminal responsibility
- Restitution, 103
- Restorative justice, 103–104, 134
- Retaliation
 - justice or policing officials, against, 405
 - witness, against, 405
- Retention of proceeds prohibited, 165–166
- Retribution as purpose of penalties, 102–103
- Revealing sealed order for protective measures or anonymity, 409–410
- Rights of persons, offenses against, 236–260. *See also specific offenses*
- Riyadh Guidelines, 33
- Robbery, 270–271
- Rome Statute
 - administration of justice, offenses against, 399
 - attempt, 88
 - common purpose, participation in, 90–91
 - crimes against humanity and, 202–203
 - defenses under, 77
 - double jeopardy, 53–55
 - duress, 85
 - enforced prostitution, 234
 - extraterritorial jurisdiction, 45
 - facilitation of criminal offenses, 95
 - genocide and, 195, 197
 - intoxication, 84
 - legal persons, criminal responsibility of, 74
 - legality, principle of, 40
 - mental incompetence, 82
 - military commanders and superiors,

- responsibility of, 97
- mistake of fact, 85
- necessity defense, 80
- ordering, soliciting, or inducing criminal offenses, 93
- participation in criminal offenses, 66, 90
- rape, 209, 228–229
- self-defense, 79
- sexual slavery, 232
- sexual violence, 235
- statutory limitations, 58
- superior orders defense, 81
- use of Model Codes to comply with, 15
- war crimes and, 216–218
- Rules for the Protection of Juveniles Deprived of Their Liberty, 191–192
- Running of statutory limitations, 59–60
- Rwanda, 113, 226. *See also* International Criminal Tribunal for Rwanda
- Safety, offenses against, 321–352. *See also* specific offense
 - civil aviation, 331–333
 - definition of offense, 331–332
 - discussion, 332
 - penalty, 333
 - fixed platforms, 342–344
 - definition of offense, 342
 - discussion, 343
 - penalty, 343
 - maritime navigation, 340–342
 - definition of offense, 340
 - discussion, 340–341
 - penalty, 341
- Safety measures as penalties, 109
- Sale of children, 262–263
- Sanctions. *See* Penalties
- Sealed order for protective measures or anonymity, revealing, 409–410
- Searches, unauthorized
 - dwellings or premises, 254–255
 - persons and belongings, 253–254
- Security, offenses against, 321–352. *See also* specific offense
- Security measures as penalties, 109
- Seizure of aircraft, unlawful, 330–331
- Self-defense, 78–79
- Selling votes, 389–390
- Semiliberty, 144–145
- Sentences. *See* Penalties
- Separate system for juvenile justice, 170
- Serious bodily or mental harm as genocide, 200
- Serious harm, 224
 - threat to cause, 224–225
 - defined, 224
- Sexual autonomy
 - abuse of authority, violation by, 231–232
 - defenseless person, violation of, 231
- Sexual intercourse with child below age of consent, 229–230
- Sexual offenses, 226–235. *See also* specific offenses
 - rape (See Rape)
- Sexual slavery, 232–233
- Sexual violence, 234–235
- Ship defined, 340
- Sierra Leone, 197, 239
- Single Convention on Narcotic Drugs, 372, 376
- Slavery
 - crimes against humanity, as, 206–207
 - establishing, 243–244
 - sexual slavery, 232–233
 - slavery-like conditions, establishing, 243–244
- Slavery Convention of 1926, 206, 243
- Smuggling of migrants, 300–301. *See also* Migrants, offenses related to
- Solicitation of criminal offenses, 93
- Sources of law. *See* specific source
- South African Development Community Protocol against Corruption, 303
- South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children, 240
- Special Rapporteurs, 238, 248, 250, 262
- Special Trafficking Operations Programme (STOP), 240
- Special tribunals to address past abuses, 15–16
- Standard Minimum Rules
 - Administration of Juvenile Justice, for, 33, 48, 171, 174
 - Non-Custodial Measures, for, 113, 144
- State, offenses against, 321–352. *See also* specific offense
 - state defined, 31, 34
 - training regarding, 322
- State or governmental facility defined,

- 326–327
- Statutory limitations, 56–60
 - crimes against humanity, inapplicability to, 58–59
 - criminal prosecutions, 56–57
 - genocide, inapplicability to, 58–59
 - juveniles, offenses committed by, 57–58
 - running of, 59–60
 - suspension of, 59–60
 - tolling of, 60
 - war crimes, inapplicability to, 58–59
- Statutory rape, 230
- Stolen goods, receiving and concealing, 274–275
- Strict liability, 69
- Structure of juvenile dispositions, 18–182
- Structure of penalties, 108–110
- Structured discretion in penalties, 99–100
- Structured group defined, 294
- Subsequent offenses by convicted persons, 107, 121, 138–139
- Sudan, 7
- Superior orders defense, 80–81
- Supplementary Convention to the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 233
- Suspect defined, 32
- Suspended sentence, 140–142
- Suspension of statutory limitations, 59–60
- Synopsis of Model Criminal Code, 17–21
- Tailoring of Model Codes to needs of postconflict states, 9–11
- Taking of hostages, 336–337
- Tangible property, 269
- Territorial jurisdiction, 42
- Territory defined, 32, 34
- Terrorism
 - bombing, 325–329
 - definition of offense, 325–327
 - explosive or incendiary weapon or device defined, 328–329
 - military force exception, 329
 - penalty, 329
 - financing, 323–325
 - definition of offense, 323–324
 - discussion, 324–325
 - penalty, 325
 - further reading and resources, 423–424, 438
- Testimony, false, 401–402
- Theft, 268–270
 - definition of offense, 268
 - embezzlement (*See* Embezzlement)
 - immovable property, 269
 - intangible property, 269
 - intention and, 268
 - misappropriation of property by public officials, 316–317
 - movable property, 269
 - penalty, 270
 - property defined for purposes of, 269
 - tangible property, 269
- Third parties, confiscation of proceeds from, 168–169
- Threat
 - cause serious harm, to, 224–225
 - election candidate, to, 391
 - and improper influence, 320
 - killing, of, 224–225
- Time of commission of offense, 61
- Tokyo Rules, 113, 144
- Tolling of statutory limitations, 60
- Torture, 236–238
 - crimes against humanity, as, 207–209
 - defined, 202, 236
 - further reading and resources, 438–440
 - penalty, 238
 - purposes of, 237
 - severe pain or suffering, 237
 - training regarding, 237
- Torture Convention, 81, 209, 236–238
- Trading in influence, 314–316
 - definition of offense, 314–315
 - penalty, 316
 - promise or offer, 315
 - solicitation or acceptance, 315–316
- Trafficking
 - ammunition, 359–361
 - definition of offense, 359–360
 - discussion, 360
 - penalty, 361
 - drugs (*See* Drug offenses)
 - explosives, 363–364
 - firearms, 359–361
 - definition of offense, 359–360
 - discussion, 360
 - penalty, 361
 - illicit trafficking defined, 359, 363
 - persons (*See* Persons)

- Training. *See specific topic*
- Transferred intention, 71
- Transitional laws, creating, 13–14
- Transport
- drugs, equipment or materials for use in cultivation, production, or manufacture of, 382–383
 - precursors, 381–382
- Unconscious negligence, 69
- United Nations. *See also* Conventions; Declarations; Guidelines; Protocols
- associated personnel defined, 354
 - Office of the High Commissioner for Human Rights, 48–50, 242, 245, 255
 - Office on Drugs and Crime
 - corruption offenses, 305
 - drug offenses, 366–369
 - money laundering, 289
 - obstruction of justice, 403–404
 - state, offenses against, 321–343
 - personnel, endangering, 353–356
 - definition of offense, 353–354
 - penalty, 356
 - Special Rapporteurs, 238, 248, 250, 262
 - UNICEF, 47, 191
 - United Nations operation defined, 354
 - United Nations personnel defined, 353–354
- Universal Declaration of Human Rights, 38, 195, 236, 350
- Universal jurisdiction, 46
- Unlawful killing. *See* Killing
- Uranium enriched in the isotope 235 or 238 defined, 338
- Using false instruments, 280–281
- Utilitarian purposes of penalties, 102–103
- Vicarious liability, 74, 97
- Victims
- compensation of, 149–150
 - defined, 32, 34–35
- Visual recording, unauthorized, 255–256
- Voters and voting. *See* Election offenses
- Vulnerable groups, protection of, 14–15
- War crimes, 211–218
- customary humanitarian law, 216
 - definition of offense, 211–216
 - further reading and resources, 433–434
 - grave breaches, 217
 - international humanitarian law, 216
 - life imprisonment for, 120, 128
 - military commanders and superiors, responsibility of, 95–97
 - overview, 195–196
 - penalty, 218
 - principle of legality and, 40–41
 - prohibited weapons, 218
 - sexual offenses and, 226
 - sexual slavery and, 232
 - statutory limitations, inapplicability of, 58–59
 - torture as, 238
 - training regarding, 196, 217
- Warnings to juveniles, 185
- Weapons, offenses involving, 357–369
- offensive weapon defined, 271
 - possession, control, or ownership, unlawful, 366–368
 - definition of offense, 366
 - discussion, 366–367
 - penalty, 367–368
 - purchase, unlawful, 364–366
 - definition of offense, 364–365
 - discussion, 365
 - penalty, 365–366
 - training regarding, 357–358
 - war crimes, prohibited weapons, 218
 - weapon defined, 364–365
- Web sites, 446–451
- Witnesses
- cooperative witnesses, 135
 - false statements of, 408
 - defined, 32, 35
 - obstruction of justice, 402–403
 - retaliation against, 405
- World Bank, 289, 305
- World Health Organization, 370
- Yugoslavia, former. *See* International Criminal Tribunal for the Former Yugoslavia
- Zeid Report, 50, 427

United States Institute of Peace

The United States Institute of Peace is an independent, non-partisan institution established and funded by Congress. Its goals are to help prevent and resolve violent conflicts, promote post-conflict peacebuilding, and increase conflict-management tools, capacity, and intellectual capital worldwide. The Institute does this by empowering others with knowledge, skills, and resources, as well as by its direct involvement in conflict zones around the globe.

Chairman of the Board: J. Robinson West

Vice Chairman: María Otero

President: Richard H. Solomon

Executive Vice President: Patricia Powers Thomson

Vice President: Charles E. Nelson

Board of Directors

J. Robinson West (Chairman), Chairman, PFC Energy, Washington, D.C.

María Otero (Vice Chairman), President, ACCION International, Boston, Mass.

Betty F. Bumpers, Founder and former President, Peace Links, Washington, D.C.

Holly J. Burkhalter, Vice President of Government Affairs, International Justice Mission, Washington, D.C.

Chester A. Crocker, James R. Schlesinger Professor of Strategic Studies, School of Foreign Service, Georgetown University, Washington, D.C.

Laurie S. Fulton, Partner, Williams and Connolly, Washington, D.C.

Charles Horner, Senior Fellow, Hudson Institute, Washington, D.C.

Mora L. McLean, President, Africa-America Institute, New York, N.Y.

Barbara W. Snelling, former State Senator and former Lieutenant Governor, Shelburne, Vt.

Members ex officio

Barry F. Lowenkron, Assistant Secretary of State for Democracy, Human Rights, and Labor

Robert M. Gates, Secretary of Defense

Richard H. Solomon, President, United States Institute of Peace (nonvoting)

Frances C. Wilson, Lieutenant General, U.S. Marine Corps; President, National Defense University

Model Codes for Post-Conflict Criminal Justice

This book is set in Minion; the display type is Zurich BT. Jeff Urbancic designed the book's cover and interior. Pages were made up by EEI Communications, which also proofread the text. The index was prepared by James Diggins. The book's editor was Nigel Quinney.

"The publication of this volume marks an advance of great international significance for post-conflict societies—the arrival of a criminal code drafted in admirably clear and uncomplicated language, supported by detailed commentaries, and designed explicitly for such societies. It is an outstanding piece of work."

— **Professor Andrew Ashworth, University of Oxford**

"Model Codes for Post-Conflict Criminal Justice should help shorten the path to consolidated peace, functioning state institutions, stability, and the rule of law."

— **Ambassador Lakhdar Brahimi, former Special Representative of the Secretary-General for Afghanistan, Haiti, and South Africa**

"Model Codes for Post-Conflict Criminal Justice reflects clearly the input of hundreds of experts and practitioners drawn from across the globe. The codes and their commentaries will be invaluable to local governments and peacekeeping missions involved in law reform, providing a clear legal framework that meets with international standards and is cognizant of the challenges that come with post-conflict environments."

— **Prince Zeid Ra'ad al-Hussein, Jordan's Ambassador to the United States**

"The importance of this work for societies in transition from conflict and oppression to freedom and democracy cannot be overemphasized. It is a model of clarity, and the commentaries on each section are a valuable resource not only for practitioners but also for students."

— **Richard Goldstone, former Judge, Constitutional Court of South Africa**

Of unparalleled breadth, depth, and authority, *Model Codes for Post-Conflict Criminal Justice* is a criminal law reform tool tailored to the needs of countries emerging from conflict. This first volume in the three-volume series lays out a comprehensive Model Criminal Code, with expert commentary, that national and international actors can use to create, overhaul, update, or plug gaps in the criminal laws in individual states.

Model Codes for Post-Conflict Criminal Justice reflects the contributions of some three hundred experts and is the culmination of a five-year project spearheaded by the United States Institute of Peace and the Irish Centre for Human Rights, in collaboration with the UN Office of the High Commissioner for Human Rights and the UN Office on Drugs and Crime.

Vivienne O'Connor is the rule of law project officer at the Irish Centre for Human Rights.

Colette Rausch is deputy director of the United States Institute of Peace's Rule of Law Program.

Their coeditors are **Hans-Joerg Albrecht**, director of the Max Planck Institute for Foreign and International Criminal Law in Freiburg, Germany, and **Goran Klemencic**, a senior lecturer in the Faculty of Criminal Justice and Security Studies at the University of Maribor, Slovenia.



United States
Institute of Peace Press
1200 17th Street NW
Washington, DC 20036
www.usip.org

