TABLE OF CONTENTS

Pre	reface					
Ac	Acknowledgments					
Lis	ist of Abbreviations					
Ch	apter	·I				
Int	trodu	ction		1		
1.	Intro	oduction	to the Problem	1		
2.		hodolog	У	5		
3.	Lim	itations		6		
4.		-	Framework: International Law in National Courts	6		
5.	App	licable I	Law: Substantive Criminality for the Core Crimes	10		
6.	Stru	cture		15		
Ch	apter	· II				
Pr	actice	: Core	Crimes Prosecutions in National Courts	17		
1.	Intro	oduction		17		
2.	Prosecution on the Basis of National Law			18		
	2.1	Prosec	ution as an Ordinary Crime	18		
	2.2	Prosec	ution as an International Crime	21		
		2.2.a	International Crimes in National Law	21		
		2.2.b	Case Study: Genocide	23		
3.	Prosecution on the Basis of International Law: Direct Application			29 29		
	3.1 Introduction					
	3.2	Specif	ic Rule of Reference	30		
		3.2.a		30		
		3.2.b		33		
	3.3		al Rule of Reference	36		
			Introduction	36		
		3.3.b	Germany	39		
		3.3.c		40		
			Australia	41		
		3.3.e	8	43		
		3.3.f	e	46		
		3.3.g		49		
		3.3.h	e	57		
		3.3.i	Canada	60		
		3.3.j	France	61		

3.3.1Ethiopia703.3.mArgentina713.3.nHungary763.3.oOther States814.Conclusion84Chapter IIIUnderlying Considerations: What Crime, What Law?891.Introduction892.Minimalism and Selectivity in Core Crimes Prosecution913. Sovereignty994.Democratic Legitimacy1005.Separation of Powers1016.Manageability of the Law1047.Development and Coherence of Core Crimes Law1108.Underinclusion and Overinclusion1179.Rank and Effects of the Crime and the Law12410.Penalties12511.Conclusion126Chapter IV
3.3.nHungary763.3.oOther States814.Conclusion84Chapter IIIUnderlying Considerations: What Crime, What Law?891.Introduction892.Minimalism and Selectivity in Core Crimes Prosecution913.Sovereignty994.Democratic Legitimacy1005.Separation of Powers1016.Manageability of the Law1047.Development and Coherence of Core Crimes Law1108.Underinclusion and Overinclusion1179.Rank and Effects of the Crime and the Law12410.Penalties12511.Conclusion126Chapter IV
3.3.0Other States814.Conclusion84Chapter IIIUnderlying Considerations: What Crime, What Law?891.Introduction892.Minimalism and Selectivity in Core Crimes Prosecution913.Sovereignty994.Democratic Legitimacy1005.Separation of Powers1016.Manageability of the Law1047.Development and Coherence of Core Crimes Law1108.Underinclusion and Overinclusion1179.Rank and Effects of the Crime and the Law12410.Penalties12511.Conclusion126Chapter IV
4. Conclusion84Chapter III Underlying Considerations: What Crime, What Law?891. Introduction892. Minimalism and Selectivity in Core Crimes Prosecution913. Sovereignty994. Democratic Legitimacy1005. Separation of Powers1016. Manageability of the Law1047. Development and Coherence of Core Crimes Law1108. Underinclusion and Overinclusion1179. Rank and Effects of the Crime and the Law12410. Penalties12511. Conclusion126Chapter IV101
Chapter IIIUnderlying Considerations: What Crime, What Law?891. Introduction892. Minimalism and Selectivity in Core Crimes Prosecution913. Sovereignty994. Democratic Legitimacy1005. Separation of Powers1016. Manageability of the Law1047. Development and Coherence of Core Crimes Law1108. Underinclusion and Overinclusion1179. Rank and Effects of the Crime and the Law12410. Penalties12511. Conclusion126Chapter IV
Underlying Considerations: What Crime, What Law?891. Introduction892. Minimalism and Selectivity in Core Crimes Prosecution913. Sovereignty994. Democratic Legitimacy1005. Separation of Powers1016. Manageability of the Law1047. Development and Coherence of Core Crimes Law1108. Underinclusion and Overinclusion1179. Rank and Effects of the Crime and the Law12410. Penalties12511. Conclusion126Chapter IV
1. Introduction892. Minimalism and Selectivity in Core Crimes Prosecution913. Sovereignty994. Democratic Legitimacy1005. Separation of Powers1016. Manageability of the Law1047. Development and Coherence of Core Crimes Law1108. Underinclusion and Overinclusion1179. Rank and Effects of the Crime and the Law12410. Penalties12511. Conclusion126Chapter IV
2. Minimalism and Selectivity in Core Crimes Prosecution913. Sovereignty994. Democratic Legitimacy1005. Separation of Powers1016. Manageability of the Law1047. Development and Coherence of Core Crimes Law1108. Underinclusion and Overinclusion1179. Rank and Effects of the Crime and the Law12410. Penalties12511. Conclusion126Chapter IV
3. Sovereignty994. Democratic Legitimacy1005. Separation of Powers1016. Manageability of the Law1047. Development and Coherence of Core Crimes Law1108. Underinclusion and Overinclusion1179. Rank and Effects of the Crime and the Law12410. Penalties12511. Conclusion126Chapter IV
4. Democratic Legitimacy1005. Separation of Powers1016. Manageability of the Law1047. Development and Coherence of Core Crimes Law1108. Underinclusion and Overinclusion1179. Rank and Effects of the Crime and the Law12410. Penalties12511. Conclusion126Chapter IV
5. Separation of Powers1016. Manageability of the Law1047. Development and Coherence of Core Crimes Law1108. Underinclusion and Overinclusion1179. Rank and Effects of the Crime and the Law12410. Penalties12511. Conclusion126Chapter IV
6. Manageability of the Law1047. Development and Coherence of Core Crimes Law1108. Underinclusion and Overinclusion1179. Rank and Effects of the Crime and the Law12410. Penalties12511. Conclusion126Chapter IV
7. Development and Coherence of Core Crimes Law1108. Underinclusion and Overinclusion1179. Rank and Effects of the Crime and the Law12410. Penalties12511. Conclusion126Chapter IV
8. Underinclusion and Overinclusion1179. Rank and Effects of the Crime and the Law12410. Penalties12511. Conclusion126Chapter IV
9. Rank and Effects of the Crime and the Law12410. Penalties12511. Conclusion126Chapter IV
10. Penalties12511. Conclusion126Chapter IV
11. Conclusion126Chapter IV126
Chapter IV
The Public International Law Framework of Implementation129
1. Introduction 129
2. Theory: Monism-Dualism 129
3. The General Rule: Freedom of Implementation 132
4. The Doctrine of Self-Executing Treaties 136
5. Limits and Qualifications of the General Rule 140
5.1 Limits of the Freedom of Implementation 140
5.2 The Principle of Consistent Interpretation 146
5.3 Separate Regimes for Specific Categories? 153
5.3.aInternational Law of a Humanitarian Character1535.3.bJus Cogens163
6 Conclusion 170
Chapter V
The Framework of Implementation for the Core Crimes1731Introduction172
1. Introduction1732. Characteristics of International Criminal Law174
3. Characteristics of the Core Crimes1773.1 The Grave Character of the Core Crimes177
3.1 The Grave Character of the Core Crimes 1// 3.2 The <i>Jus Cogens</i> Status of the Core Crimes 181
3.2The Duty to Prosecute Core Crimes181185
3.3.a Basis of the Duty to Prosecute in International Law 186

	3.3.b Acceptance of the Duty to Prosecute in State Practice	194			
	3.3.c Amnesty Laws	200			
	3.3.d Conclusion: Current Status of the Duty to Prosecute	202			
4.	The International Character of Core Crimes Prosecutions	203			
5.	The Characteristics of Core Crimes in the Practice of National Courts	208			
6.	Implications of the ICC Statute and its Implementation	217			
7.	Conclusion	219			
	apter VI				
	e Principle of Legality and Direct Application of Core Crimes	221			
1.	Introduction	221			
2.	Legal Basis and Purpose of the Principle of Legality	222			
3.	A Special Position for the Core Crimes?	224			
4.	The International and the National Principle of Legality	230			
5.	The Principle of Legality under Customary International Law	232			
	5.1 International Criminal Law as <i>Lex</i>	232			
	5.2 Accessibility	236			
	5.3 Foreseeability	238			
	5.4 Penalties	248			
6.	Which Offences are Directly Applicable?	257			
7.	The National Principle of Legality as an Obstacle to Core Crimes				
	Prosecutions	263			
8.	Conclusion	267			
	apter VII				
Sy	ynthesis				
1.	Introduction	269			
2.	The International Rules on Direct Application	269			
3.	Reconciling National and International Law	270			
4.	The Future of Direct Application of Core Crimes Law	273			
5.	Implications of Direct Application of Core Crimes Law	274			
Tal	ble of Cases	277			
Cit	Cited Literature				
Tal	ble of Documents	319			
I.	International Reports	319			
	National Reports	319			
Inc	•	321			
1110		541			