

Rebalancing Our Scales of International Justice: Expanding the ICL's Mandate beyond Crisis Crimes

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Introduction

International criminal law has come to a crossroads. In the upheaval following WWII, specifically in the Nuremberg Trials that prosecuted the architects of the Holocaust, ICL was praised for its ability to mete out justice and protect human rights. Lauded as a shining success of the Grotian tradition and cosmopolitan ideals, the Nuremberg Trials were seen to have trailblazed the unfurling branch of criminal law. Central to the practice of International criminal law is the notion of individual criminal responsibility; whereby “crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced.”¹

In this tradition, ICL has further developed with International Criminal Tribunals convening for the former Yugoslavia in 1993 and Rwanda in 1994. This optimism culminated in the creation of the International Criminal Court in 2002, designated to deliver justice and accountability where domestic circuits failed. Today, the International Criminal Court sits as a court of last resort for serious international crimes: genocide; crimes against humanity; war crimes; and the crime of aggression². In this heyday of ICL, and amidst ICC promises “to end a criminal impunity”³ optimism reigned. It seemed, finally, that there was a mechanism of accountability and punishment to bolster the human rights mission.

That sense of promise has since faded. As of now, the academic discourse on international criminal law is essentially that of critical legal studies. Accusations of racism, illiberalism, and complacency challenge the legitimacy of ICL and overarching faith in international institutions. These critiques center upon a core issue: modern ICL fails to accurately address crime. Given this, we must ask how we can adjust the mandate of international criminal law so that it addresses the largest contributors of criminality.

The racist tendencies, illiberal procedures, and inefficiencies of international criminal law can be traced back to its myopic remit that restricts jurisprudence to “crisis crimes.” Defined as crimes of incredible violence committed in the context of war or conflict, the realm of crisis crimes builds upon the notion of crimes against humanity and the war crimes delineated in Geneva Convention.⁴ I contest that critiques of ICL circle around but fail to specifically name the

¹ NMT Prosecution (Nuremberg Military Tribunals). "Closing brief for the United States of America against Fritz Fischer and Herta Oberheuser," 16 June 1947, page 1 of 11. Harvard Law School Library. *Nuremberg Trials Project*, <https://nuremberg.law.harvard.edu/documents/16-brief-prosecution-closing-brief?q=Closing+brief+for+the+United+States+of+America+against+Fritz+Fischer+and+Herta+Oberheuser#p.1>

² UN General Assembly, *Rome Statute of the International Criminal Court (last amended 2010)*, 17 July 1998, ISBN No. 92-9227-227-6, available at: <https://www.refworld.org/docid/3ae6b3a84.html>

³Duffy, H. (1999). Toward Eradicating Impunity: The Establishment of an International Criminal Court. *Social Justice*, 26(4 (78)), 115-124. Retrieved May 3, 2021, from <http://www.jstor.org/stable/29767178>

⁴ Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts, opened for signature Dec. 12, 1977, art. 87, 1125 U.N.T.S. 1 [hereinafter Protocol 1].

underlying issue of ICL's incomplete and unbalanced "crisis crime" mandate. This paper explores evidence of such a skew through a case study on the ICTY jurisprudence following the Yugoslav Wars.

ICTY indictments and HRW financial reports of the Yugoslavian kleptocracy demonstrate a marked divide between criminal actors and legal consequences. Records demonstrate a close relationship between economic and crisis criminality. Tribunal archives record theft and property expropriations amidst the background of violent genocide, aggression, and war crimes. According to ICTY prosecutors, these economic crimes "financed the continuation of military operations." Human Rights Watch records note that "land, houses, and valuables served as resources in the war economy... where control over the allocation of such resources provided extensive wealth and power to those in political and military leadership positions."⁵

Specifically, Yugoslavian political and business elites incited, enabled, and encouraged instances of crisis crime. This symbiosis between economic and crisis criminality occurred nearly entirely through illegal venues: corruption, smuggling, and theft played essential roles in the business of financing war. Yet, these criminals were not persecuted for the economic dimension of their criminality. Only a handful of kleptocrats were actually tried, and even fewer were indicted. This dissonance between criminality and the legal consequences meted out points to a larger pattern where the largest contributors of criminality can act with impunity. Ultimately, I argue that in order to rebalance ICL's skewed jurisprudence, its mandate must be expanded to the realm of financial crimes.

Critical Legal Studies: ICL's Crisis Crime Obsession

The academic consensus is clear that international criminal law needs reform. A declining legitimacy of the International Criminal Court, an overwhelming ratio of black defendants⁶, and lackluster criminal deterrence have left even the most cosmopolitan of IR scholars disappointed with ICL's reality. Where academics differ is on the cause of these shortcomings, and thus the ways to address ICL's fall from grace. While no means an exhaustive list of the scholarship on the field, the discourse on ICL (and implicitly on ICL reform) falls in three categories: racism, illiberalism, and complacency.

These critiques are interrelated, compounding upon each other's effects. To truly understand their charges, it is essential to know the structure of modern ICL. Today, international criminal law is meted out through the ICC. State signatories of the Rome Statute are subject to ICC jurisdiction within four areas: crimes against humanity, genocide, war crimes, and the crime of aggression. All four of these areas belong to the realm of "crisis crimes", atrocities committed with particular violence during times of conflict and war. As a legal field borne from crisis and expanded by further crises, such a myopic mandate makes sense. However, an obsession with "crisis crimes" forms the dysfunction of ICL in its very structure.

⁵ Krever, T. (2013). International criminal law: An ideology critique. *Leiden Journal of International Law*, 26(3), 701-724.

⁶ IBID

Firstly, ICL is critiqued as being racist. This school of thought, pioneered by scholars DeFalco & Mégret⁷, reaches to the most structural aspect of ICL. The critique posits that in the context of a singular focus on crisis crimes, the jurisdiction of ICL falls along racialized lines. Crisis crimes like that of genocide or aggression take place in areas most susceptible to conflict namely poor, global South nations. At the same time, crimes typical of wealthier, whiter nations like white collar crime, use of mercenaries, ecoterrorism, and financial crime are not prosecutable under ICL. It is not surprising then, that since 2018 all 42⁸ of the ICC's indictments have been against black or Arabic-Muslim individuals. This critique asks how then can ICL claim to be an arbitrator of justice if it intensifies areas of injustice?

Secondly, international criminal law is critiqued as an illiberal institution. This school of thought contends that in a haste to respond to the human rights abuses of crises like the Rwandan and Bosnian genocides, the ad-hoc construction of criminal tribunals overstretched human rights law to criminal law. In a rush to deliver protections for human rights, ICL fails to abide by regular criminal proceedings. In many cases, the obligatory criminal procedures of fair labelling, fair warning, and culpability⁹ aren't met but are overruled by the political pressures and the weight of supranational responsibility.

Lastly, international criminal law is critiqued as superficial. This school draws on Marxist theory, arguing that a false sense of resolution from indictments allows ICL to claim justice without examining or persecuting the structures that enable crime. The individual war criminals are indicted but those that enable and profit from these crimes act with impunity. The inefficiencies of the system are actively harmful because the perception of accountability and justice delivered upholds the status-quo without challenging any of the structures behind international criminality.

These critics circle around a common element, each referencing the side-effects of an underlying problem: this uneven mandate of ICL. This paper explores the skew of ICL jurisprudence in an examination of pact ICL cases, specifically the indictments and court proceedings of the 1993 International Criminal Tribunal for the former Yugoslavia.

Elite Deviance

In recognizing that ICL's jurisprudence has been wanting, it is imperative to identify what ICL's mandate has been missing. To this end, I turn to the sociological theory of elite deviance. Grounded in the study of white-collar crime, elite deviance posits that the most harm done in a society is done by those with the most elite social locations and positions of power. I apply the notion of elite deviance to my analysis of ICL's mandate to reach to the structural aspect of jurisprudence that ICL scholarship glosses over. Applying the framework of elite

⁷ DeFalco, R. C., & Mégret, F. (2019). The invisibility of race at the ICC: lessons from the US criminal justice system. *London Review of International Law*, 7(1), 55–87. <https://doi.org/10.1093/lril/lrz002>

⁸ IBID

⁹ Starr, S. (2007). Extraordinary crimes at ordinary times: International justice beyond crisis situations. *Northwestern University Law Review*, 101(3), 1257-1314.

deviance to crisis crime, we can see that wartime abuses are enabled by financial networks, networks that consist of economic crimes in their own right.

Given the symbiosis between economic and crisis crimes, I argue that ICL's mandate should be expanded to include economic crimes to truly address the largest contributors of criminality.

Case Study: Milosevic's Kleptocracy

To examine the relationship between crisis and economic crimes and the legal response to their association, I look to the Yugoslav Wars and the subsequent International Criminal Tribunal for the former Yugoslavia (ICTY).

A once promising example of market-based socialism, Yugoslavia began to dissolve from the pressures of ethnic conflict, economic instability, and incendiary political figures. At the center of this economic strife was Serbian president Slobodan Milosevic. The kleptocracy Milosevic consolidated during the Yugoslav Wars was the most cited case of economic criminality aligning with crisis crimes. His network of kleptocrats systematically extracted the Yugoslavian state institutions, wealth, and natural resources. In its height, the Yugoslavian economy was so bereaved, "the annual inflation rate was one hundred sixteen trillion percent by 1993. Money earned in the morning was virtually worthless by afternoon." The expenditures spared by the government were strictly for the machine of war: "95% of government spending financed the war while a fraudulent currency system, the 'super dinar,' kept the money machine afloat."

The former Yugoslavia stands out as a promising case study for two reasons. First, the context of kleptocracy and war contain multitudes of crimes within their larger umbrellas. Kleptocracies are defined as "systems of state capture in which ruling networks and commercial partners hijack governing institutions for the purpose of resource extraction and for the security of the regime."¹⁰ Within the mechanisms of state capture, kleptocracies encompass a range of economic criminality. Corruption, trafficking, illicit economies, and embezzlement all service the larger machine of a kleptocratic regime. In the same way, war encompasses an equally broad range of crisis crimes. The Yugoslav Wars saw genocide, aggression, war crimes, and crimes against humanity in its decade-long span. Secondly, ICTY court records and HWR reports provide a wealth of research material. The court research, evidence, testimony, and indictments of the ICTY span the decades long span of the Yugoslav War in a comprehensive legal library. Milosevic's kleptocracy stands out as a uniquely well documented and widely encompassing case.

In the buildup and eventual culmination of the Yugoslav Wars, Slobodan Milosevic consolidated political and economic power, ultimately constructing a regime that systematically stripped the Yugoslavian state of its financial resources for his personal gain. He did not act alone. A network of business associates, military personnel, and political figures aided and

¹⁰ Prenderghast, J. (2016, Oct). Violent Kleptocracies How they're destroying parts of Africa and how they can be dismantled. The Enough Project. Retrieved from https://enoughproject.org/wp-content/uploads/2017/04/2PolicyBrief_Violent-Kleptocracies_EnoughProject_Oct2016.pdf

abetted in the kleptocracy. Court records, Human Rights Watch reports, and investigative journalism have traced patterns of wealth exchange in the kleptocracy. I detail three instances of individual economic criminal responsibility below.

Within the “culture of impunity” cultivated under Slobodan Milosevic’s Yugoslavian kleptocracy, the newly appointed Slovenian Defense Minister Janez Jansa embezzled and trafficked weapons. Declassified minutes¹¹ of a June 1992 meeting held by Slovenia’s Council of Defense record the unanimous approval of a decision to sell weapons to Bosnian soldiers and train them on Slovenian territory. Breaking the weapons embargo in Yugoslavia, this trafficking provided armaments in the Bosnian War, enabling the violence and deaths of thousands. Directly linked to Milosevic is the Bosnian General Željko Ražnatović, also known as “Arkan.” A notable figure in the ethnic cleansing in Bijeljina and Zvornik in 1992, his paramilitary group “Arkan’s Tigers” was charged for numerous crimes against humanity¹². The indictments span charges of genocide, aggression, and war crimes. A prolific smuggler, Arkan engaged in Milosevic’s business of war. For payments of \$30,000 per tanker of gas, Arkan would smuggle fuel across Yugoslavian borders to be used by the Serb Volunteer Guard.¹³ His

Lastly, Milosevic admitted to the laundering of state funds to finance Ethnic Serbian Armies¹⁴. Under his direction, Milosevic’s regime systematically stripped assets from the state and secretly funneled these monies to the war effort.

Given these specific instances of economic criminality, it is shocking to find that no single person was indicted because of a financial crime. And while Milosevic and Arkan were both indicted within the ICTY, it was because of their direct involvement in crisis crimes. Not to mention, Jansa remains a free man. What’s more, the kleptocratic legacy of the former Yugoslavia still endures. Networks of smuggling, bribery, embezzlement, and corruption remain in place to this day. Many of those who profited off the war are free, and their involvement remains anonymous. This speaks to another aspect of elite device; where the elite institutions and positions these individuals hold enable them to hide their connections to criminal activity. The network of economic criminals undoubtedly extends far beyond Milosevic, Arkan and Jansa; yet it remains the work of brave investigative journalists to track down these kleptocratic agents. Looking at ICTY records, contemporary news reports, and HRW reports I draw three conclusions.

Firstly, political and business elites sought to maintain wealth and power by inciting, enabling, and encouraging war crimes. Economic criminality supplied the weapons on the ground and the gas in tanks needed for the mechanisms of war; this much was obvious from my tentative thesis position. But we can also see how kleptocrats like Milosevic and Arkan were

¹¹<http://www.cpns.si/wp-content/uploads/2014/02/Celoten-dokument-s-prilogami-ZA-OBJAVO.pdf>

¹² UN Security Council, *Statute of the International Criminal Tribunal for the Former Yugoslavia (as amended on 17 May 2002)*, 25 May 1993, available at: <https://www.refworld.org/docid/3dda28414.html>

¹³ Pomfret, J. (1996). SERBIA'S DUTY-FREE ROAD TO EUROPE'S MARKETS. *Wall Street Journal (1923 - Current File)* Retrieved from

¹⁴ Holley, D. (2001). Milosevic Says Diverted Funds Financed Ethnic Serb Armies. *LA Times*. Retrieved from <https://www.latimes.com/archives/la-xpm-2001-apr-03-mn-46239-story.html>

encouraged to incite violence and conflict as a distraction from their extractive regime. A populace can't call for the accountability of its leadership under the duress of war. All pretense of government responsibility and restraint drops in a war-time crisis, with nobody to intervene. Moreover, once the business of war begins, it spawns cottage industries in smuggling, trafficking, and land appropriation that benefit the elites in power. In this way, economic criminals are motivated to not only instigate crisis crimes but to sustain these crisis crimes for their personal interest. As chaos reigns, they fill their coffers.

Secondly, many kleptocrats went entirely unpunished, and economic crimes did not play a definitive role in the indictments of the few kleptocrats that were brought before the ICTY. Janez Jansa is the prime minister of Slovenia and is currently facing trial for bribery in an arms deal worth \$364 million.¹⁵ It is notable, too, that domestic courts did bring charges against Jansa for his 1992 weapons scheme, yet the trial never came to fruition.¹⁶ This case is particularly indicative of operational failure in ICL, because a supranational court was the exact need in the place of an ill-equipped, easily evaded domestic justice system.

The jurisprudence of ICTY, for all its praise, is clearly wanting. These individual examples point to a larger pattern, where the symbiosis between economic and war crimes is not reflected in the scope and application of international criminal law.

Conclusions

A crisis crimes mentality spared the elite kleptocrats of Yugoslavia. Without grounds to indict those who financed; supplied resources; and created markets of war, the ICTY merely punished the boots on the ground, and not the wealthy political and business elites behind those boots. In some cases, as with Janez Jansa, these elites went on to commit further economic crimes while abusing high positions. I argue the resources of elite positions and sheer scale of damage that actors like Milosevic, Arkan, and Jansa wrought ultimately enacted far more damage than the crimes of individual soldiers. At the same time, the most egregious kleptocrats were only indicted for their physical ties to war crime, not the more innocuous patterns of wealth exchange that created and fed the machine of war.

The symbiosis between economic and crisis crimes is not new. In fact, the very origins of international criminal law recognized their relationship. The Nuremburg Trials of Nazi officials included the prosecution of business leaders¹⁷, whose connections to violence were clearly laid out in their criminal charges. Today, nonprofit organizations like the Enough Project report on economic criminality in times of crisis, as with the corruption of Sudan fueling the Darfur Genocide.¹⁸ The relationship between financial and crisis crime is well established, and at one point was integrated into our international criminal law. Yet modern ICL fails to address this.

¹⁵ Zgaga, B. (2012). *Creating an investigative-reporting best seller*. International Consortium of Investigative Journalists. Retrieved from <https://www.icij.org/inside-icij/2012/06/creating-investigative-reporting-best-seller/>

¹⁶ IBID

¹⁷ NMT Prosecution (Nuremburg Military Tribunals). 16 June 1947. Harvard Law School Library. *Nuremburg Trials Project*, <https://nuremburg.law.harvard.edu/documents>

¹⁸ IBID

Beyond the former Yugoslavia, we can look to the implications of this skew. In a bid to “end criminal impunity” through a crisis crimes mandate, ICL constantly persecutes cases of extreme violence. The most egregious cases of genocide, instances of violent rapes, and occasions of blatant aggression come to the Hague. Defendants are only ever Black or Arabic-Muslim. At the same time, the wheels that grease these instances of violence continue to spin. These banks, oil; mining; and construction companies, arms dealers, law and accounting firms, and money transfer services¹⁹ hail from wealthy (often white and Western²⁰) backgrounds. They will continue to act with impunity so long as international criminal law is restricted to crisis crimes. The racialized mandate endures so long as ICL’s obsession with the warlord does. To that end, we must ask if the system that seeks to deliver justice generates injustice in its own right.

In this vein, a crisis mandate limits the reach of international criminal law. Such a limited mandate restricts the ability of law to address structural criminality. Instead, ICL is only able to prosecute side effects of a larger system; the root cause remains. The mechanics of crisis crimes remain shielded by a degree of separation between their services and the consequences thereof. These banks, service providers, legal and accounting firms, etc. that engage in economic criminality don’t do so in isolated instances; they make a living off this business. Violence pays well. Not only are they active players in crisis crimes, but they are also often serial offenders. I argue the reach of these institutions and individuals is so large and so unaddressed that they enact more damage than the typical crisis criminal. The crisis mandate of ICL excludes the most pervasive and damaging of crimes. This is to the detriment of the legal system itself in two distinct ways.

Firstly, this sequestered mandate reaffirms the status-quo. International criminal law’s obsession with crisis criminality is wildly unproductive, yet the rhetoric of ICL institutions show little introspection or critical thought to that end. Despite an inability to address structural agents of crime, ICL still crows its successes with overblown promises to “end criminal impunity”²¹ and deliver justice in cases of last resort. The narrative of success allows international criminal law to engage superficially with systems of crime while never examining deeper structures and more innocuous patterns of criminality. ICL’s modern regime actively upholds the status-quo. The illusion of work is enough to satisfy those who would otherwise call for ICL reform.

Bound to only respond to the surface-level manifestations of a larger system, ICL finds itself tasked to preserve human rights through discrete cases, often overreaching in this bid. Given the sheer rate of crisis crimes and the failure of domestic courts to respond, ICL is often charged as the last vanguard of the human rights mission. We can see this in the founding basis

¹⁹ Prenderghast, J. (2016, Oct). Violent Kleptocracies How they’re destroying parts of Africa and how they can be dismantled. The Enough Project. Retrieved from https://enoughproject.org/wp-content/uploads/2017/04/2PolicyBrief_Violent-Kleptocracies_EnoughProject_Oct2016.pdf

²⁰ Talbot, K. (2000). The Real Reasons for War In Yugoslavia: Backing up Globalization with Military Might. *Social Justice*, 27(4 (82)), 94-116. Retrieved May 3, 2021, from <http://www.jstor.org/stable/29768038>

²¹ IBID

of international criminal law. Adopted from human rights law and stretched from the humanitarian field into the criminal one, architects of ICL forgot the restraint and limitations inherent to the criminal legal tradition. ICC cases have not followed rigors of fair labelling, fair warning, and measures of culpability.²² Instead, political pressure to deliver human rights protections “post tragedy” erode these legal rigors. In this way, ICL is self-sabotaging. With undue pressure to protect human rights, ICL’s procedures and cases have sacrificed their own legitimacy, illiberal in their own right. By no means a complete solution, an expanded mandate would do more to address the structures of criminality that generate instances of crisis at such rates. With less surface level manifestations, ICL does not have to perform human rights law as often as it is called upon to do so now. ICL maintains legitimacy the less pressure it caves to. By removing the need for so many ICC cases, an expanded mandate would ease against the most illiberal mechanisms of international criminal law.

Faith in international institutions wavers, with criticism is well deserved. International criminal law must address its fixation with crisis crimes: the brutal aggression, genocide, wartime rape that garner the attention of international criminal cases are overwhelmingly brought against Black and Arab-Muslim individuals. At the same time, the structural mechanisms that perpetrate the crimes go unanswered, reaffirming an ineffective system and placing an undue onus of human rights guardianship on ICL. Given this, I argue the key to a functional, effective ICL lies in a mandate expanded to include economic crimes. Such a mandate would address the racialized exclusion of white-collar crimes, reach to a structural aspect of criminality, and in discouraging impunity, it would lessen the burden of criminal law to perform human rights law “post-op” tragedy.

As an aside, I would caution against implementing an economic mandate through the International Criminal Court. Notwithstanding the political controversy surrounding the ICC, with threats from signatories to withdraw from the Rome Statute²³ and battles over budget contributions²⁴, the ICC is already overburdened with responsibility and constrained by a limited budget. It would not achieve much to add another area of jurisprudence to an already strained (some would argue bloated) institution. That is not to say an economic mandate is out of the question. The OECD retains the expertise and financial support necessary to bring cases against economic criminality. Already, proposals to reward nations that bring transnational corruption cases to the OECD show progress in expanding the ICL mandate. Alternatively, the Civil Law

²² IBID

²³ Mullins, C. W., & Rothe, D. L. (2010). The ability of the international criminal court to deter violations of international criminal law: theoretical assessment. *International Criminal Law Review*, 10(5), 771-786.

²⁴ Van Eeten, K. (2019). ASP18 SIDE EVENT: THE PROSECUTION OF ECONOMIC AND FINANCIAL CRIMES: TOWARDS AN EXTENSION OF THE ICC’S JURISDICTION? *Public International Law And Policy Group*. Retrieved from http://gopacnetwork.org/Docs/DiscussionPaper_ProsecutingGrandCorruption_EN.pdf<https://www.publicinternationallawandpolicygroup.org/lawyer-justice-blog/2019/12/4/asp18-side-event-the-prosecution-of-economic-and-financial-crimes-towards-an-extension-of-the-iccs-jurisdiction>

Convention could also be amended to prosecute economic crimes. These are viable venues for sustainable legal reform, all the more so because they are not saddled with the political controversy the ICC struggles with.

Most importantly, it is essential that our justice system begins to contextualize crime within the structures that enable crime, thus actually working to end criminal impunity. Within our current mandate, the scales of justice tilt overwhelmingly upon the most violent and tragic crises. This hyper-fixation on war and conflict comes at a cost; the greatest contributors of criminality remain unimpeded. As a result, ICL works at a surface-level, failing to address the mechanisms that support and intensify crisis criminality.

Reform is possible. International criminal law is still a nascent legal tradition, and it has gotten it right before. We only need look to the beginnings of ICL, where the Nuremberg Trials innovated the notion of individual criminal responsibility and worked off jurisprudence that included economic crimes. Where ICL once succeeded, national courts still struggle. The abject failure of domestic courts to prosecute individuals like Jansa are compelling reasons to continue the fight for international courts. Where nations fail, ICL can still step in. International criminal law fails in that mission and arguably creates more injustice than justice so long as its uneven mandate reigns.

References

- DeFalco, R. C., & Mégret, F. (2019). The invisibility of race at the ICC: lessons from the US criminal justice system. *London Review of International Law*, 7(1), 55–87.
<https://doi.org/10.1093/lril/lrz002>
- Duffy, H. (1999). Toward Eradicating Impunity: The Establishment of an International Criminal Court. *Social Justice*, 26(4 (78)), 115-124. Retrieved May 3, 2021, from
<http://www.jstor.org/stable/29767178>
- Hanke, S. H. (1999, Apr 28). Yugoslavia destroyed its own economy. *Wall Street Journal (1923 - Current File)* Retrieved from <https://go.openathens.net/redirector/gatech.edu?url=https://search-proquest-com.eu1.proxy.openathens.net/historical-newspapers/yugoslavia-destroyed-own-economy/docview/1798368950/se-2?accountid=11107>
- Hartman, J. M. (1997). Government by thieves: Revealing the monsters behind the kleptocratic masks. *Syracuse Journal of International Law and Commerce*, 24, 157-175. Retrieved from
<https://go.openathens.net/redirector/gatech.edu?url=https://search.proquest.com/scholarly-journals/government-thieves-revealing-monsters-behind/docview/197142434/se-2?accountid=11107>
- Holley, D. (2001). Milosevic Says Diverted Funds Financed Ethnic Serb Armies. *LA Times*. Retrieved from <https://www.latimes.com/archives/la-xpm-2001-apr-03-mn-46239-story.html>
- Krever, T. (2013). International criminal law: An ideology critique. *Leiden Journal of International Law*, 26(3), 701-724.
- Mullins, C. W., & Rothe, D. L. (2010). The ability of the international criminal court to deter violations of international criminal law: theoretical assessment. *International Criminal Law Review*, 10(5), 771-786.
- NMT Prosecution (Nuremberg Military Tribunals). "Closing brief for the United States of America against Fritz Fischer and Herta Oberheuser," 16 June 1947, page 1 of 11. Harvard Law School Library. *Nuremberg Trials Project*, <https://nuremberg.law.harvard.edu/documents/16-brief-prosecution-closing-brief?q=Closing+brief+for+the+United+States+of+America+against+Fritz+Fischer+and+Herta+Oberheuser#p.1>
- Prenderghast, J. (2016, Oct). Violent Kleptocracies How they're destroying parts of Africa and how they can be dismantled. The Enough Project. Retrieved from https://enoughproject.org/wp-content/uploads/2017/04/2PolicyBrief_Violent-Kleptocracies_EnoughProject_Oct2016.pdf
- Pomfret, J. (1996). SERBIA'S DUTY-FREE ROAD TO EUROPE'S MARKETS. *Wall Street Journal (1923 - Current File)* Retrieved from

<https://www.washingtonpost.com/archive/politics/1996/11/21/serbias-duty-free-road-to-europes-markets/4975b6be-af85-4962-8938-4c577ca09929/7>

Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts, opened for signature Dec. 12, 1977, art. 87, 1125 U.N.T.S. 1 [hereinafter Protocol 1].

Starr, S. (2007). Extraordinary crimes at ordinary times: International justice beyond crisis situations. *Northwestern University Law Review*, 101(3), 1257-1314.

Talbot, K. (2000). The Real Reasons for War In Yugoslavia: Backing up Globalization with Military Might. *Social Justice*, 27(4 (82)), 94-116. Retrieved May 3, 2021, from <http://www.jstor.org/stable/29768038>

UN General Assembly, *Rome Statute of the International Criminal Court (last amended 2010)*, 17 July 1998, ISBN No. 92-9227-227-6, available at: <https://www.refworld.org/docid/3ae6b3a84.html>

UN Security Council, *Statute of the International Criminal Tribunal for the Former Yugoslavia (as amended on 17 May 2002)*, 25 May 1993, available at: <https://www.refworld.org/docid/3dda28414.html>

Van Eeten, K. (2019). ASP18 SIDE EVENT: THE PROSECUTION OF ECONOMIC AND FINANCIAL CRIMES: TOWARDS AN EXTENSION OF THE ICC'S JURISDICTION? *Public International Law And Policy Group*. Retrieved from http://gopacnetwork.org/Docs/DiscussionPaper_ProsecutingGrandCorruption_EN.pdf<https://www.publicinternationallawandpolicygroup.org/lawyer-ing-justice-blog/2019/12/4/asp18-side-event-the-prosecution-of-economic-and-financial-crimes-towards-an-extension-of-the-iccs-jurisdiction>

Zgaga, B. (2012). Creating an investigative-reporting best seller. International Consortium of Investigative Journalists. Retrieved from <https://www.icij.org/inside-icij/2012/06/creating-investigative-reporting-best-seller/>