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T · M · C · A S S E R P R E S S

THE HAGUE — THE NETHERLANDS

Treaty Enforcement and International Cooperation in Criminal Matters

with special reference to the Chemical Weapons Convention

Edited by Rodrigo Yepes-Enríquez and Lisa Tabassi
and with a Foreword by M. Cherif Bassiouni

"Any international enforcement system depends on the cooperation of States. The stronger the cooperation, the more effective international enforcement."

M. Cherif Bassiouni

"Each State Party shall cooperate with other States Parties and afford the appropriate form of legal assistance...."

These words mark the beginning of the obligation for States to work together to enforce a multilateral normative treaty. At first glance this provision looks innocuous; but implementing it invokes Pandora and her box. The rapid, progressive development of international criminal law over the past decade added important new dimensions to the traditional practice of inter-State cooperation in criminal matters: States' interaction with international or internationalised courts. The complexity is further coloured by terrorism and transnational criminal activity which heighten the need for harmonisation and improved coordination between all enforcement agencies internationally.

The primary objective of this book is to place some markers on how to develop integrated methodologies for strengthening all fronts in this urgent struggle.

This publication addresses current national,

regional and international practice from the perspective of "lessons learned" by government officials, private practitioners, prosecutors, police and customs officials, staff members of international courts or treaty-implementing bodies, and academics who gathered in an OPCW international symposium in February 2001. Their work was updated and supplemented since then to include considerations emerging in the aftermath of 11 September 2001.

Topics include problems with divergent national implementing legislation, concurrent jurisdiction, extradition, the role of victims and witnesses, export controls, protection of national security or confidential business information in judicial proceedings, and terrorism. Aspects of the mandates of the OPCW, IAEA, ICRC, INCB, Interpol, Europol, the European Union, the Council of Europe, the OAS, OECS, WCO, COMESA, the ICTY, ICTR, Sierra Leone-UN tribunal, and the newly-established International Criminal Court are examined.

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