

**INTERNATIONAL CRIMINAL LAW- THEORY AND PRACTICE. By Dr. Anupam Jha,** Satyam Law International, New Delhi, 2020, Pp. xxiv-346, Paperback: Rs. 795/-, ISBN: 978-93-8783-942-7.

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International Crimes are the most heinous crimes that can be committed against individuals and society. In the past, such behaviour by state power was not questioned in the name of the Westphalian system and there was a sense of impunity to such crimes and criminals. However, after the First and particularly from the Second World War onwards, momentum was gained to lay the foundational pillars of International Criminal Law and end the epoch of impunity, and bring accountability and justice to the victims of violence. With the passage of time, due to the ongoing Cold War, no concrete consensus was formed and after the end of the Cold War, first it came in the form of tribunals and later a permanent International Criminal Court was established in the Hague. This book gives us different layers of this process of crystallization of International Criminal Law.

There is a famous saying, "*Justice is a snake that bites the barefoot*", which reflects the dialectical praxis of International Criminal Law. At the foundational level, international criminal law is based on universalism, natural law, principle of morality, and other high ideals of human society. However, when it comes to its implementation, it appears that it produces a vicious cycle of pragmatism of self-interest and a fragmented sense of justice like a cracked mirror. This book engages with idealism and reminds us of the narrow zones of realism. It tells us about the pessimism of the subject matter of the discipline but takes its stand with optimism. This work espouses monism that the purpose of domestic law and international law are not different but the same. It envisages a regime of complementarity between these two sets of rules to focus on the end and the common good.

As a matter of fact, International Law has remained a Eurocentric discipline and when it comes to International Criminal Law, the presence of any academician outside of Western academia can be easily counted on fingers. As knowledge is power and in other words it is power that shapes knowledge; in this respect, this book unwinds the position of the Global South about the dominant views or narratives of the Global North particularly on the International Criminal Law, which in a way proposes scholarly engagement with the academia and practitioners of the Global North and beyond about the democratic deficit in

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the International Criminal Law. This book expresses the ontological and epistemological aspects of International Criminal Law and enunciates how far the epicenter of International Criminal Law is just, fair, and reasonable. Although this book has 342 pages with remarkable lucidity of writing and clarity of thoughts, the author has discussed a range of things under the umbrella of International Criminal Law. It decodes the algebra of International Criminal Law from the basics but takes deep dives into the conceptual water as well.

This book has eighteen chapters. The first chapter discusses the idea and conception of international crimes and transnational crimes. It highlights the doctrinal basis of the subject, and subject matter of international criminal law and finally reflects the inner link between human rights laws with the International Criminal Law. The second chapter talks about the classical notion of state jurisdiction and immunity from it and how the jurisprudence of ICL is changing and challenging it. The third chapter lists the detailed provisions about extradition and mutual legal assistance and it suggests that the current regime is outside of the Rome Statute but it has provisions for the same and an integrated regime will ensure the rule of law at global level in better terms. The fourth and fifth chapters discuss the Nuremberg and Tokyo Tribunals. They examine the merits and demerits of these tribunals and explore the notion that how a lost war is a crime. It critiques selectivity and procedural lapses in the process of the justice delivery system. The sixth and seventh chapters discuss about the International Criminal Tribunal of Yugoslavia and Rwanda. It introduces the progressive development of International Criminal Law through the case laws of these tribunals and the codification of legal instruments. However, it outlines the lapses of objectivity and neutrality of judges, the role of the Security Council, and more importantly in the case of Rwanda, selectivity where crime and criminal conduct of one player was impunitised. The eighth chapter lists the time-period between the Nuremberg Charter to the Rome Statute. It reveals the nuances of this fermentation period throwing light on how and why things emerged and were shaped in a concrete and tangible legal object with force and power. It zooms out the substantive and procedural details about the paraphernalia of the International Criminal Court. The ninth chapter talks about the elements of crimes under the Rome Statute and its inner separation and delves into the question of jurisdiction as well.

The tenth chapter throws light on the process of the procedure from accusation to its disposal and all the nitty-gritty of these processes such as investigation, arrest and surrender, proceedings, admissibility of evidence, judgment, enforcement, and role of state parties and security council. It suggests how the procedure is handmade of justice. The eleventh chapter

reveals the inner contradictions and take of states on the International Criminal Court. It examines the reservation of dissenters on ICC. It provides facts and figures about the states in terms of their regional location and acceptance of the idea of ICC. In a way, it reflects the political economy of ICC without mentioning it. The twelfth chapter looks at the take of India on the ICC. It critically examines its reservation on the permanent court but critiques its double standard as well. The thirteenth chapter examines the jurisprudential outcome of the judgments of the International Criminal Court. The fourteenth chapter looks at the ground and how the use and misuse of power given to the Security Council and Prosecutor make it a political organization. Legal power is different than political power. In one there is no discretion whereas the other one has discretion. So, this chapter offers solutions to minimize discretion as well in light of recent guidelines. The fifteenth chapter encapsulates the elimination of diplomatic immunity as a radical shift from its predecessor and how it is going to change the legal landscape. It further digs out the grey zones about diplomatic immunity and its relationship with Article 98 of the Rome Statute. It seems at least this subject has become a matter of interpretation. It proposes an alternative way to appoint judges. International justice is a challenging terrain and its main rivalry is with the sovereign space of state. It further figures out the non-recognition of certain offences as well. Chapter sixteenth narrates how regressive modernism was used by the Iraqi tribunal, it questions this based on multiple factors such as appointments of judges, legal norms, death penalty, immunity to the head of the state, etc. Chapter number seventeen deals with the International Criminal Tribunal of Bangladesh. It seeks to point out multiple flaws in the procedure and working of the tribunal. It appears that this tribunal was based on selectivity and served the interest of the political class because opponents were targeted. The eighteenth chapter deals with the hybrid tribunal of Cambodia. It signifies the prerequisite of retributive justice. It gives details about new schemes such as victim participation, the synergy between domestic and international law, and other such things as the positive outcome of this tribunal although the tribunal has not yet concluded its judicial assignment

The book is about hope for engaging in flourishing, newer, and meaningful vocabulary and articulation about the concepts and apparatus of the International Criminal Justice system. This book can be useful for a large section of readers from both legal and non-legal background. Its lucidity will prove to be a boon for its readers and a wider audience. Moreover, it will help in establishing a new generation of international criminal law experts as researchers, practitioners, and academicians.