

## Revisiting State Socialist Approaches to International Criminal and Humanitarian Law: An Introduction

*Raluca Grosescu*  
University of Exeter, UK  
*R.C.Grosescu@exeter.ac.uk*

*Ned Richardson-Little*  
University of Erfurt  
*ned.richardson-little@uni-erfurt.de*

### Abstract

This introductory essay provides an overview of the scholarship on state socialist engagements with international criminal and humanitarian law, arguing for a closer scrutiny of the socialist world's role in shaping these fields of law. After the fall of the Berlin Wall, the historiography on post-1945 international law-making has been generally dominated by a post-1989 sense of Western triumphalism over socialism, where the Soviet Union and its allies have been presented as obstructionists of liberal progress. A wave of neo-Marxist scholarship has more recently sought to recover socialist legal contributions to international law, without however fully addressing them in the context of Cold War political conflict and of gross human rights violations committed within the Socialist Bloc. In contrast, this collection provides a balanced understanding of the socialist engagements with international criminal and humanitarian law, looking at the realpolitik agendas of state socialist countries while acknowledging their progressive contributions to the post-war international legal order.

### Keywords

international criminal law – international humanitarian law – socialism – Cold War – Central Eastern Europe

Scholarship on the history of international law has acknowledged in recent years the importance of moving away from Eurocentric, Western, and liberal-focused approaches that have obscured the role of actors from other world regions in order to encompass a truly global perspective.<sup>1</sup> Within the history of international law in Europe itself, scholars have also begun to address the previously excluded contributions of Eastern European legal thinkers, governments, and NGOs.<sup>2</sup> Yet, these efforts to de-centre Western approaches have not fully extended to the state socialist nations of Central and Eastern Europe (CEE) after 1945. Unlike the non-European world, which has often been left out as a passive subject in historical accounts, the Socialist Bloc has been presented as the antagonistic ‘other’, disrupting Western European and American efforts to create an international order of liberal ideals in the wake of the Second World War.<sup>3</sup>

This special issue challenges this narrative and offers a multi-disciplinary re-evaluation of European state socialist influence on the creation and evolution of international criminal law (ICL)<sup>4</sup> and international humanitarian law (IHL). It questions the dominant legal and historical scholarship that portrays the Socialist Bloc as merely a roadblock to the progress of international justice

- 
- 1 On Eurocentrism in the history of international law, see Koskeniemi, Martti. ‘Histories of International law: Dealing with Eurocentrism’. *Rechtsgeschichte* 19 (2011), 152–176. On overcoming Eurocentric bias to write a global history of international law, see Fassbender, Bardo and Peters. ‘Introduction: Towards A Global History Of International Law’, in *The Oxford Handbook of the History of International Law*, eds. Bardo Fassbender and Anne Peters (Oxford: Oxford University Press, 2012), 1–24. On the non-universalism of conceptions of international law in a global perspective, see Roberts, Anthea. *Is International Law International?* (Oxford and New York: Oxford University Press, 2017). For excellent works on the contribution of the Global South to international human rights after 1945: Burke, Roland. *Decolonization and the Evolution of International Human Rights* (Philadelphia: University of Pennsylvania Press, 2010); Jensen, Steven. *The Making of International Human Rights: The 1960s, Decolonization and the Reconstruction of Global Values* (New York: Cambridge University Press, 2016).
  - 2 The main driver of this correction is the project ‘Processes of Juridification in International Relations: How Conflicts in Eastern Europe Shaped Modern International Law’ led by Stefan Troebst and Dietmar Müller at the Leibniz Institute for the History and Culture of Eastern Europe (GWZO). A book series on ‘Law and History in Eastern Europe’ is to be published in 2020.
  - 3 See for example Robertson, Geoffrey. *Crimes Against Humanity: The Struggle For Global Justice* (London: Penguin Books, 2006); Weiss-Wendt, Anton. *The Soviet Union and the Gutting of the UN Genocide Convention* (Madison: University of Wisconsin Press, 2017).
  - 4 We refer to ICL in its broad understanding that includes regulation of both core international crimes (war crimes, crimes against humanity, genocide and torture) and acts of transnational criminality (traffic in persons and exploitation in prostitution, illicit trafficking in narcotic drugs, unlawful arms trade, etc.). See Cassese, Antonio et al., *Cassese’s International Criminal Law*, 3rd ed. (Oxford: Oxford University Press, 2013), 18–21.

and humanitarianism and posits an alternative narrative: the socialist world in fact played a vital role for the emergence and consolidation of new ICL and IHL norms after 1945 and its participation was an essential element in the transformation of these fields of law on a global scale. The collection emphasizes the socialist engagements with these fields as a combination of both progressive ideas (anti-fascism, anti-colonialism, and anti-apartheid), and *realpolitik* (the geopolitical competition with the West and the primacy of defending state sovereignty and maintaining state-level political power). Rather than acting as an antagonist to ICL and IHL development, socialist Eastern Europe simultaneously contributed to the generation of new forms of international law and hindered the advance and enforcement of a purely liberal and Western legal order during the Cold War.

### 1 State Socialist Engagements with ICL and IHL: an Evolving Field of Research

Until recently, the historiography on international law-making after 1945 has been profoundly shaped by Cold War politics and a post-1989 sense of Western victory over socialism. Before the fall of the Berlin Wall, the field split sharply between Western accounts in which the Soviet Union and its allies obstructed the march of liberal progress<sup>5</sup> and socialist accounts in which the Socialist Bloc was valiantly opposing the forces of imperialism on the global stage.<sup>6</sup> After the collapse of state socialism in CEE, liberal triumphalism reinforced depictions of the Eastern Bloc as an impediment to a global system of law that now culminated in the adoption of the Rome Statute of the International Criminal Court (ICC) in 1998. Scholars have made the Western world the main protagonist of ICL and IHL development<sup>7</sup> and reduced the role of CEE socialists to cynical

5 Gidyński, Joseph C. 'Socialist International Law'. *The Polish Review*, 19 (3–4) (1974), 123–142; Glos, George E. 'The Theory and Practice of Soviet International Law'. *The International Lawyer*, 16(2) (1982), 279–300; Grzybowski, Kazimierz. *Soviet International Law and the World Economic Order* (Durham and London: Duke Press Policy Studies, 1987). For more balanced accounts: Hazard, John N. 'The Soviet Union and International Law'. *Soviet Studies*, 1(3) (1950), 189–199; Butler, William E. "Socialist International Law" or "Socialist Principles of International Relations"? *The American Journal of International Law*, 65(5) (1971), 796–800.

6 For the state socialist perspective on international law see Tunkin, Grigoriĭ Ivanovich. *Theory of International Law* (Cambridge, Massachusetts: Harvard University Press, 1974); Blishchenko, Igor Pavlovich. *International Humanitarian Law* (Moscow: Progress Publishers, 1989).

7 Lewis, Mark. *The Birth of New Justice. The Internationalization of Crime and Punishment, 1919–1950* (Oxford: Oxford University Press, 2014); Crowe, David M. *War Crimes, Genocide, and*

obstructionism rooted in anti-legal and anti-individualist revolutionary goals.<sup>8</sup> In these narratives, the socialist camp abstained from endorsing the Universal Declaration of Human Rights in 1948, gutted the elements of political persecution in the Genocide Convention, and proved to be an unhelpful addition to negotiations over the Geneva Conventions in 1949. As the Cold War progressed, the Eastern Bloc signed international treaties that were toothless, opposed the creation of an international criminal court, and allied with third world dictatorships to divert international organizations towards a single-mindedly anti-Western stance.<sup>9</sup> The Eastern Bloc has been similarly placed either as a non-entity or as an antagonist to American initiatives in the field of transnational criminal law: historical accounts of the global prohibition regimes for drugs, terrorism, and human trafficking have included the Soviet Union and its allies almost exclusively in terms of their opposition.<sup>10</sup> In short, the dominant conception of the Socialist Bloc in these works is that it was marginal in generating new norms of international law, disruptive in negotiations over international conventions, and reluctant to implement them in national legislation.

The humanitarian and economic crises of the early twenty-first century have generated strong critiques of the idea of ‘the end of history’ and the inevitable triumph of liberal capitalist democracy. Within this context, a wave

---

*Justice* (New York: Palgrave Macmillan, 2014); Best, Geoffrey. *War and Law since 1945* (Oxford: Clarendon Press, 1994); Heller, Kevin Jon. *The Nuremberg Military Tribunals and the Origins of International Criminal Law* (Oxford: Oxford University Press, 2011); Alexander, Amanda. ‘A Short History of International Humanitarian Law’. *The European Journal of International Law*, 26(1) (2015), 109–138; Van Schaack, Beth and Ron Slye. ‘A Concise History of International Criminal Law’. *Santa Clara Law Digital Common* 1(1) (2007), 7–47.

8 Junod, Dominique-D. *The Imperiled Red Cross and the Palestine-Eretz-Yisrael Conflict, 1945–1952: The Influence of Institutional Concerns on a Humanitarian Operation* (New York: Kegan Paul International, Limited, 1996). David P. Forsythe, *The Humanitarians: The International Committee of the Red Cross* (Cambridge: Cambridge University Press, 2005); Mälksoo, Lauri. ‘The Definition of Genocide and the Role of Soviet International Lawyers: Reflections on the Socialist Legacy to International Law’. *Baltic Yearbook of International Law* 6 (2006), 111–124. Weiss-Wendt, *The Soviet Union 2017* (n. 3).

9 See Robertson, *Crimes Against Humanity* 2006 (n. 3).

10 The socialist world is wholly unmentioned in recent work on the legal history of trafficking such as Gallagher, Anne T. *The International Law of Human Trafficking* (New York: Cambridge University Press, 2010). The Soviet Union is portrayed almost entirely in terms of its opposition to Anglo-American drug prohibition and inspection initiatives: McAllister, William B. *Drug Diplomacy in the Twentieth Century: An International History* (New York: Routledge, 2000). In the history of counter-terrorism, Beatrice de Graaf offers one of the few accounts that includes Soviet cooperation in international legal measures against terrorism: de Graaf, Beatrice. ‘Counter-Terrorism and Conspiracy: Historicizing the Struggle against Terrorism’, in *The Routledge History of Terrorism*, ed. Randall D. Law (New York: Routledge, 2015), 411–427.

of neo-Marxist scholarship began to re-evaluate the role of the Socialist Bloc, recover legal doctrines from the socialist era, and show their impact on international law.<sup>11</sup> In the field of ICL and IHL, this literature has recognized how the USSR put the right to self-determination and the rejection of forcible annexations on the global agenda, pushed for the prohibition of hostage-taking in the 1949 Geneva Conventions, took the initiative to define and codify the crime of aggression, and to criminalize racism and apartheid under international law. These works pointed out how socialist initiatives forced the West 'to humanize international law' and 'provided a remarkable blueprint for legal reforms that entered Western law later in the 20th century'.<sup>12</sup> Yet, this scholarship has at times overcorrected in its rehabilitation of the Eastern Bloc to depict a socialist law in an idealized form, which does not address the mismatches between doctrine and practice, the opposition to enforcement mechanisms to avoid international accountability, and the infringement of international law, particularly through gross violations of human rights at home and through international interventions.

More recently, some authors have begun to probe these very contradictions and to examine the simultaneous support for, and extensive violations of, international law by the Socialist Bloc.<sup>13</sup> This literature has been influenced by

<sup>11</sup> For a general overview on the Soviet legal innovation in international law see Quigley, John. *Soviet Legal Innovation and the Law of the Western World* (Cambridge: Cambridge University Press, 2007); Miéville, China. *Between Equal Rights. A Marxist Theory of International Law* (Leiden: Brill, 2005); and Bowring, Bill. *The Degradation of the International Legal Order? The Rehabilitation of Law and the Possibility of Politics* (New York: Routledge, 2008). For the USSR's role in developing the right to self-determination and the rejection of forcible annexations in international law: Bowring, Bill. 'Positivism versus Self-Determination: The Contradictions of Soviet International Law', in *International Law on the Left. Re-examining Marxist Legacies*, ed. Susan Marks (Cambridge: Cambridge University Press, 2008), 133–168.

<sup>12</sup> Quigley, *Soviet Legal Innovation* 2007 (n. 11), 181.

<sup>13</sup> Mälksoo, Lauri. 'Russia – Europe', in Fassbender and Peters, *The Oxford Handbook* 2012 (n. 1), 764–786; Troebst, Stefan. 'Sozialistisches Völkerrecht und die sowjetische Menschenrechtsdoktrin', in *Toward a New Moral World Order. Menschenrechtspolitik und Völkerrecht seit 1945*, eds. Frei, Norbert and Annette Weinke (Jena: Wallstein, 2013), 94–104. The centenary of the Russian Revolution has also prompted many to rethink the role of the Soviet Union and state socialism in the field of international law. See the special issue 'A Century after Russian Revolution: Its Legacy in International Law'. *Journal of the History of International Law*, 19(2) (2017), and the special issue 'On the Centenary of the Russian Revolution'. *Jus Gentium: Journal of International Legal History*, 2(2) (2017). On the dual-edged engagement of the GDR with international human rights, see Richardson-Little, Ned. *The Human Rights Dictatorship: East Germany, the Rise of Global Human Rights, and the Collapse of State Socialism* (Cambridge: Cambridge University Press, forthcoming 2019).

the rise of critical legal and human rights history, the development of global approaches to various fields of research, and new interpretations in the history of the Cold War. Still rare in the field of ICL, these more balanced accounts have focused on the prosecutions of war criminals after 1945,<sup>14</sup> the Soviet contributions to the legal underpinnings of the Nuremberg and the Tokyo tribunals,<sup>15</sup> and the USSR's efforts to codify the crimes of aggression.<sup>16</sup> This scholarship has highlighted figures such as the Soviet jurist Aron N. Trainin, who was a pioneer in developing the linked charges of crimes against peace and common plan or conspiracy used at the post-war international tribunals.<sup>17</sup> It also emphasized how in the 1950s and the 1970s, the Socialist Bloc was at the head of demands for defining aggression, even if these discourses were carefully calibrated to oppose any threats against Soviet domination in CEE.<sup>18</sup> Recent literature on IHL has also shown that the Eastern Bloc's role in gaining legal protections for partisans and freedom fighters was not simply as a tool against the West, but also the result of the deep traumas of Nazi occupation during the Second World War, a position it shared with France.<sup>19</sup> In both fields, these initiatives

- 
- 14 See the chapters on war crimes prosecutions in CEE in Bergsmo, Morten, Cheah Wui Ling, and Ii Ping, eds., *Historical Origins of International Criminal Law*, vol. 2 (Brussels: Torkel Opsahl Academic EPublisher, 2014).
- 15 Ginsburgs, George. *Moscow's Road to Nuremberg: The Soviet Background to the Trial* (The Hague: Kluwer Law International, 1996); Hirsch, Francine. 'The Soviets at Nuremberg: International Law, Propaganda, and the Making of the Postwar Order'. *American Historical Review* 113(3) (2008), 701–730; Sellars, Kirsten. 'Treasonable Conspiracies at Paris, Moscow and Delhi: the Legal Hinterland of the Tokyo Tribunal', in *Trials for International Crimes in Asia*, ed. Kirsten Sellars (Cambridge: Cambridge University Press, 2016), 25–54; Polunina, Valentyna. 'From Tokyo to Khabarovsk: Soviet War Crimes Trials in Asia as Cold War Battlefields', in *War Crimes Trials in the Wake of Decolonization and Cold War in Asia, 1945–1956: Justice in Time of Turmoil*, ed. Kerstin von Lingen (Palgrave Macmillan, 2016), 239–260.
- 16 Sellars, Kirsten. *'Crimes against Peace' and International Law* (Cambridge: Cambridge University Press, 2013); Socher, Johannes. 'Lenin, (Just) Wars of National Liberation, and the Soviet Doctrine on the Use of Force'. *Journal of the History of International Law* 19(2) (2017), 219–245; Bruha, Tomas. *Die Definition der Aggression. Faktizität und Normativität des UN-Konsensbildungsprozesses der Jahre 1968 bis 1974* (Berlin: Duncker & Humblot, 1980).
- 17 Hirsch, 'The Soviets' 2008 (n. 15), 706–709; Sellars, 'Treasonable Conspiracies' 2016 (n. 15), 39–45. In spite of this scholarship, the role of Trainin and the Soviets in general in the establishment of the concept of crimes against peace is still ignored or written off as mere Stalinist propaganda in recent work. See Hathaway, Oona A. and Scott J. Shapiro, *The Internationalists: How a Radical Plan to Outlaw War Remade the World* (New York: Simon and Schuster, 2017), 257.
- 18 Sellars, 'Crimes against Peace' (n. 16).
- 19 Lewis, *The Birth of the New Justice* 2014 (n. 7); Ben-Nun, Gilad. *The Fourth Geneva Convention: The History of International Humanitarian Law* (London: I. B. Tauris, 2018).

were intimately tied to geopolitical interests, but were not just a means of criticizing Western imperialism and capitalism.

This special issue contributes to this emergent literature by historicizing the role of the CEE countries in the development of several ICL and IHL areas: the negotiations of the Geneva Conventions in 1949 and its additional protocols in the 1970s; the criminalization of prostitution and human trafficking in international law in the late 1940s and the elimination of the colonial clause in international law; the encoding of the non-applicability of statutory limitations to international crimes; the approaches to transnational narcotics prohibition; and the use of ICL and IHL in domestic socialist courts. We seek to unpack what drove socialist states to engage with ICL and IHL initiatives, how they understood the meaning and function of international law in a divided world, and to what extent their views coincided or clashed with Western and third world approaches.

The collection proposes an original perspective in five main areas. First, it posits the critical role of CEE countries in co-producing ICL and IHL during the Cold War. Second, it emphasizes relationships of both conflict and cooperation between the socialist and the Western worlds in developing international law. Third, it grasps the complex relations between discourses at international level and local implementation of ICL and IHL in socialist legislations and legal practice. Fourth, in contrast to previous works that have focused only on the governmental initiatives of the Soviet Union, we bring into the spotlight other socialist states (e.g. Poland, the German Democratic Republic and Hungary) with their own prerogatives and approaches, and a wide configuration of actors including diplomats, epistemic communities, judicial officials, and bureaucrats. Fifth, the collection addresses the legacy of the Socialist Bloc's contributions to ICL and IHL after the end of the Cold War.

## 2 The Socialist World as Producer of ICL and IHL

Socialist engagement with ICL and IHL must be analysed in the broader context of socialist visions of international law and world politics. According to early Soviet Marxists scholars, law was an instrument of the state, employed

---

On Soviet contributions to the concept of humanity in connection with humanitarianism see Betts, Paul. 'Universalism and its Discontents: Humanity as a Twentieth-Century Concept', in *Humanity: A History of European Concepts in Practice From the Sixteenth Century to the Present*, eds. Fabian Klose and Mirjam Thulin (Göttingen: Vandenhoeck & Ruprecht, 2016), 51–72.

domestically by the ruling class in aid of its own interests, and internationally by governments in pursuit of their goals in the global arena.<sup>20</sup> Although the Soviet Union initially viewed international law as a tool of imperialism, it had to engage with it once it joined the League of Nations (and later the UN) as a means of improving its international standing. Soviet legal scholars eventually came to develop a ‘socialist international law’ based on ‘peaceful [but still competing] coexistence’ with the Western world and ‘proletarian solidarity’ within the socialist world.<sup>21</sup> While espousing international law, the Socialist Bloc took every precaution to prevent the creation of a global system of law that could override their own state prerogatives. This led to a staunch defence of state sovereignty and opposition to the authority of supranational courts (including the International Court of Justice’s (ICJ) oversight capacity over conventions)<sup>22</sup> and included the rejection of external supervision and the creation a strong Protecting Power system in the field of IHL.<sup>23</sup> Moreover, socialist governments understood international law as regulating relations between states, while individuals were considered only subjects of national law.<sup>24</sup>

As several articles in this collection demonstrate, the Eastern Bloc did act against Western liberal initiatives, but state socialist nations were also active players in reviving, expanding and enforcing the post-war international legal system. Examining the negotiations of the Geneva Conventions in 1949 and the Additional Protocols in the 1970s, Giovanni Mantilla shows how the Soviet Bloc acted to extend prisoner of war (POW) protection to armed resisters, ‘partisans’, and ‘freedom fighters’ and to recognize wars for self-determination as international conflicts. Raluca Groseanu’s contribution examines how CEE legal experts put the non-applicability of statutory limitations to international crimes on the agenda of the European legal community in the 1960s, while socialist governments worked with African and Asian countries to adopt the 1968 UN Convention on the Non-Applicability of Statutory Limitations to War

20 Hazard, ‘The Soviet Union and International Law’ 1950 (n. 5), 190, 198.

21 For a critical analysis of the concept of ‘socialist international law’ see Butler, ‘Socialist International Law’ 1971 (n. 5). For the evolution of Soviet approaches to international law between 1917 and 1991 see Cherviatsova, Alina and Oleksandr Yarmysh, ‘Soviet International Law: Between Slogans and Practice’. *Journal of the History of International Law* 19(2) (2017), 296–327.

22 Quigley, *Soviet Legal Innovation 2007* (n. 11), 159; Schweisfurth, Theodor. ‘The Acceptance by the Soviet Union of the Compulsory Jurisdiction of the ICJ for Six Human Rights Conventions’. *European Journal of International Law* 2(1) (1991), 110–117.

23 Best, *War and Law* 1994 (n. 7), 142–158. Ben-Nun argues however that this was not an opposition to humanitarianism, but one rooted in the specific political conflicts of the time. See Ben-Nun, *The Fourth Geneva Convention* 2018 (n. 20).

24 Moca, Gheorghe. *Dreptul International* (Bucharest: Editura Politica, 1983), 308.

Crimes and Crimes against Humanity (1968 UN Convention). Sonja Dolinsek and Philippa Hetherington look at the socialist world's contradictory role in crafting the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949 UN Convention). On the one hand, the Socialist Bloc succeeded in imposing the universal application of international law by eliminating, for the first time, the 'colonial clause'<sup>25</sup> that exempted imperial holdings from the scope of the Convention. On the other hand, socialist representatives joined Western ones in pushing for repressive measures not only against agents of human trafficking, but also against prostitutes themselves.

### 3 Conflict and Cooperation across the Iron Curtain

The role of the Socialist Bloc in ICL and IHL must be seen in the context of both the Cold War and the global processes of decolonization. The Soviet Union and the socialist states of CEE formed alliances with the emerging third world, in order to advance their own goals and initiatives, particularly after 1960 when the Western states became a minority at the UN. The Socialist Bloc indeed took every opportunity to denounce colonialism, imperialism, apartheid, and Western military atrocities in Algeria, Korea, Vietnam and elsewhere.<sup>26</sup> Nevertheless, the socialist states were also capable of finding common ground with Western partners. In the 1940s, the Eastern Bloc primarily found itself partnering with France, and by the 1970s, the Soviet Union also began to work with the United States to protect their shared interests as superpowers against third world contestations of their authority in international institutions.<sup>27</sup> The Cold War conflict between East and West defined much of

25 For debates about the 'colonial clause' in international law after 1945 see Burke, *Decolonization* 2010 (n. 1), 39–41; Frostad, Magne. 'The "Colonial Clause" and Extraterritorial Application of Human Rights: The European Convention on Human Rights Article 56 and its Relationship to Article 1'. *Arctic Review on Law and Politics* 4(1) (2013), 21–41.

26 See for example Donert, Celia. 'From Communist Internationalism to Human Rights: Gender, Violence and International Law in the Women's International Democratic Federation Mission to North Korea, 1951'. *Contemporary European History* 25(2) (2016), 313–333; Filatova, Irina and Appollon Davidson. *Russia and South Africa in the Soviet Era* (Johannesburg: Jonathan Ball, 2013); Connelly, Matthew. 'Taking Off the Cold War Lens: Visions of North-South Conflict during the Algerian War for Independence'. *The American Historical Review* 105, 3(1) (2000), 739–769.

27 Nijman, Jan. 'The Limits of Superpower: The United States and the Soviet Union since World War II'. *Annals of the Association of American Geographers* 82(4) (1992), 681–695.

the Socialist Bloc's role in the evolution of ICL and IHL, but it was not the sole factor in this history.

As Mantilla points out, during the negotiations on the 1949 Geneva Conventions, the USSR closely cooperated with former Nazi-occupied Western nations, particularly France, in order to extend POW protection to 'partisans'. The shared experience of suffering under Nazi occupation and the post-war valorization of the resistance encouraged many Eastern and Western European states to jointly support the inclusion of protections for partisans in contrast to the UK and US, which opposed this initiative. Dolinsek and Hetherington show how the Eastern Bloc attacked capitalism as the main cause of prostitution and pushed for the elimination of the 'colonial clause', but it shared the West's moralistic stance over prostitution, and worked across Cold War boundaries to agree on punitive measures against sex workers. Grosescu emphasizes how in the 1960s socialist legal scholars and experts mobilized transnationally and cooperated with their Western European counterparts in a joint effort to enforce the idea that the crimes codified by the Nuremberg Charter should not be subject to prescription. Many of the lawyers involved, from either East or West, had been members of the anti-fascist resistance, victims of Nazi persecutions, or representatives of different countries at the Nuremberg trials. Within these transnational networks, the idea of holding Nazi criminals and their collaborators accountable trumped Cold War ideological divides and boosted the cooperation of legal scholars across the Iron Curtain.

The détente between the superpowers that emerged in the 1970s opened new spaces for cooperation in international law between East and West. Although the USSR and its allies stood against colonialism, the rise of the Afro-Asian Bloc at the UN was also a threat to Soviet geo-political and military priorities and not just those of the United States and Western Europe. Mantilla emphasizes how, during the negotiation on the 1977 Additional Protocols of the Geneva Conventions, the US-Soviet cooperation was apparent in several aspects. First, the US and the USSR succeeded in dislodging nuclear weapons issues from IHL negotiations and postponing debates on the regulation of conventional weapons. Second, the Soviet Union allied with Western states against third world proposals – backed by Albania, Yugoslavia, and Romania – that would have totally prohibited attacks on civilian populations. This cooperation resulted in an ambiguous and flexible language that referred only to 'best efforts' and 'feasible precautions' instead of a clear prohibitive approach. Third, in the 1970s, both the Americans and the CEE states were reluctant towards the creation of a new formal oversight body for IHL. The US and the East Germans collaborated for example to make the jurisdiction of the International Humanitarian

Fact-Finding Commission conditional upon states' explicit voluntary acceptance, thereby severely hampering its powers.

Throughout the Cold War, there were overlapping conceptions of morality and shared fears of social degradation due to illicit drugs and prostitution that allowed for the socialist and Western worlds to develop a global consensus on legal prohibition regimes. Through the example of East Germany, Ned Richardson-Little's article illustrates how transnational criminal law became a field of East-West cooperation. Although the Socialist Bloc had earlier worked with third world states to oppose US prohibition strategies, by the 1980s, the field of international anti-narcotics law formed the basis for extensive collaboration among socialist allies and the US Drug Enforcement Administration to coordinate anti-trafficking enforcement. This resulted in the adoption of the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances – the most far reaching international agreement for the global harmonization of domestic criminal codes and the source of modern legal norms regarding international money-laundering.

The USSR and its socialist allies were thus able to form strategic alliances, with the third world *and* Western states, on key issues in order to advance their agenda. State socialism's support for decolonization, national liberation movements, and the anti-racism struggle determined alliances with the Global South. But at the same time, the shared military interests and moral imagination of the superpowers generated cooperation between the Soviet Union and the US which at times worked to assure the *status quo* questioned by smaller countries from Europe and the third world.

#### 4 Implementing ICL and IHL in the Eastern Bloc

As stated before, the Socialist Bloc opposed strong international enforcement mechanisms (such as the creation of an international court or accepting the ICJ's oversight capacity), which were seen as a dangerous infringement of state sovereignty. Implementing ICL and IHL conventions in national legislations and applying them at home was thus the principal means through which socialist states understood their international obligations. Transposing and using different international agreements at the domestic level involved however important discrepancies between official discourses in international forums and national legal practice.

Richardson-Little's paper shows how East German officials saw the modernizing of narcotics control legislation through the adoption of UN standards as

an important step in improving local health and social welfare and in normalizing the German Democratic Republic in the eyes of the world. Groseanu's contribution, in contrast, emphasizes how socialist countries implemented their international obligations only as long as such engagements did not interfere with local political agendas. After the adoption of the 1968 UN Convention, CEE states were the first to modify their criminal codes and affirm the non-applicability of statutory limitations to genocide and war crimes. Crimes against humanity did however remain un-codified in CEE legislations, as this category referred also to the persecution of political groups, a frequent occurrence in state socialist regimes. Including it in the national legislation would have potentially created a legal framework of self-incrimination. Tamas Hoffman examines the absorption of ICL into Hungary's national legislation after the Second World War, with a special focus on the similarities and differences between the international concept of 'crimes against humanity' and the idiosyncratic Hungarian notion of 'crimes against mankind'. It underlines how the creation of a *sui generis* national category effectively prevented the introduction of crimes against humanity into the Hungarian legal system, and the problematic, long-lasting effects of this prevention had on the prosecution of international crimes in Hungary.

## 5 The Legacy of State Socialism in ICL and IHL after 1989

During the Cold War, the superpower rivalry indeed stymied any significant applicability of ICL instruments. International criminal justice was halted after the Nuremberg and Tokyo trials; and up until 1989, with very few exceptions,<sup>28</sup> domestic courts did not employ ICL to address mass atrocities. Yet, after the fall of the Berlin Wall, the ICL conventions negotiated during the Cold War acquired practical relevance in international and national prosecutions of severe violations of human rights. Shortly before its dissolution in 1991, the USSR endorsed the creation of the International Criminal Tribunal for the former Yugoslavia (ICTY) and former Soviet legal experts participated in negotiations concerning the establishment of the International Criminal Tribunal for Rwanda (ICTR).<sup>29</sup> The legal basis of these two tribunals and later of the

<sup>28</sup> Adolf Eichmann's trial in Israel (1962), Pol Pot's trial in absentia in Cambodia under the Vietnamese authorities (1979) and Klaus Barbie's trial in France (1987).

<sup>29</sup> Christensen, Mikkel Jarle. 'The Perestroika of International Criminal Law. Soviet Reform and the Promise of Legal Primacy I International Governance', paper presented at the Conference *State Socialism, Legal Experts, and the Genesis of International Criminal and Humanitarian Law after 1945*, Humboldt University of Berlin, 24–26 November 2016.

ICC drew upon, and ameliorated frameworks deliberated before 1989. The 1948 Genocide Convention was employed in prosecutions held not only in international tribunals, but also in national courts in Rwanda or Guatemala (although such trials remained relatively symbolic).<sup>30</sup> The arrest of former Chilean dictator Augusto Pinochet in London in October 1998 was based on the universal jurisdiction provisions of the 1984 UN Convention against Torture.<sup>31</sup> Also, the Kampala Amendment – a proposal from 2010 to include the ‘crime of aggression’ under the purview of the ICC – was derived from the original ‘definition of aggressor’ proposed by Maxim Litvinov in 1933.<sup>32</sup>

Moreover, in an ironic turn, various state socialist initiatives adopted during the Cold War would be used against its original authors in trials concerning political crimes committed in CEE under socialist rule. Grosescu shows how in the first decade of the twenty-first century the 1968 UN Convention on the Non-Applicability of Statutory Limitations became a key instrument for advancing prosecutions of political crimes committed during dictatorships and violent conflicts, particularly in Central Eastern Europe and Latin America. Developing the Romanian case, she emphasizes how the 1968 UN Convention was initially implemented by the socialist elites with a special concern to eliminate any reference to crimes committed on political grounds. Nevertheless, more than forty years after its ratification, Romanian courts enabled new interpretations of the Convention and made it applicable to political crimes committed during the communist era. Hoffman looks at the post-1989 Hungarian trials regarding crimes committed during the 1956 Revolution. He emphasizes how the Hungarian courts (including the Supreme Court and the Constitutional Court) stretched the interpretation of the 1949 Geneva Conventions, particularly Common Article 3, to fit the 1956 events and allow convictions for war crimes. As in the case of the 1968 UN Convention, the efforts made by the socialist states in 1949 (together with the ICRC) to apply IHL to non-international armed conflicts were used fifty years later to convict political crimes committed under state socialism and implicitly delegitimize this regime as a violator of international law.

---

30 Schabas, William A. ‘National Courts Finally Begin to Prosecute Genocide, the “Crime of Crimes”’. *Journal of International Criminal Justice*, 1(1) (2003), 39–63.

31 See Roht-Arriaza, Naomi. *The Pinochet Effect: Transitional Justice in the Age of Human Rights* (Philadelphia, PA: University of Pennsylvania Press, 2005).

32 Sellars, ‘*Crimes against Peace*’ (n. 16).

## 6 Areas for Future Research

While this collection will hopefully serve to push forward this field of research, it is by no means a complete accounting of socialist engagements with ICL and IHL in the post-war era. There are at least four areas in which future research can and should be undertaken. First, there are many international agreements and fields of ICL in which the role of the Socialist Bloc has yet to be seriously examined. This includes, for example, the post-war refugee system, the codification of apartheid as an international crime, the anti-slavery campaigns of the 1950s, and the creation of international anti-terrorism conventions to deal with the hijacking wave of the 1960s and 1970s.<sup>33</sup>

Second, the socialist legal epistemic community has yet to be properly historicized. Most historical accounts of socialist international law (including the majority of the articles in this special issue) have focused on governmental initiatives and negotiations. Aside from the well documented contributions of Aron A. Trainin to the Nuremberg and the Tokyo Charter, an intellectual history of socialist engagements with ICL and IHL is still to be produced.<sup>34</sup> Also, the role of legal experts in international exchanges and legal diplomacy has generally been overlooked. In the 1960s, CEE experts were given a greater authority than they previously had to consider and reshape economics, law, and culture and redress the legacy of Stalinism. Legal scholars increasingly became part of transnational epistemic communities and professional associations (e.g. International Association of Democratic Lawyers, International Association of Penal Law, etc.) and thus engaged in broader global conversations and bilateral/international projects and initiatives. A focus on experts

33 The role of the Soviet Union in criminalizing apartheid is briefly mentioned by Quigley, *Soviet Legal Innovation* 2007 (n. 11), 123; The role of the USSR in the Supplementary Convention of 1956 is mentioned in passing in Allain, Jean. *Slavery in International Law: Of Human Exploitation and Trafficking* (Martinus Nijhoff, 2012), 146. On the Soviet efforts to suppress international investigation and condemnation of its forced labour practices, see Maul, Daniel R. *Human Rights, Development and Decolonization: The International Labour Organization, 1940–70* (New York: Palgrave Macmillan, 2012). On the USSR and forced labour, see also Kott, Sandrine. 'The Forced Labor Issue between Human and Social Rights, 1947–1957'. *Humanity: An International Journal of Human Rights, Humanitarianism, and Development* (3)3 (2012), 321–335. On the Soviet role in anti-hijacking law see McWhinney, Edward. 'International Legal Problem-Solving and the Practical Dilemma of Hijacking', in *Aerial Piracy and International Law*, ed. Edward McWhinney (Leiden: Sijthoff, 1971), 23–24. On Soviet ideas about international law and anti-terrorism more generally, see Blishchenko, Igor Pavlovich and N.V. Zhdanov. 'Combating Terrorism by International Law'. *Soviet Law and Government* 14(3) (1975), 81–96.

34 Hirsch, 'The Soviets' 2008 (n. 15); Sellars, 'Treasonable Conspiracies' 2016 (n. 15).

and their transnational interactions would produce new perspectives on the global circulation of legal ideas about ICL and IHL during the Cold War, as well on their vernacularization and dissemination in legal education and practice within the Socialist Bloc.<sup>35</sup>

Third, this collection includes contributions that examine the particular strategies and approaches of CEE countries that demonstrate the diversity of thought and practice behind bloc voting at the United Nations. The authors show how Poland took the lead in fighting for accountability for war crimes, Czechoslovakia was crucial to debates about prostitution, and East Germany's embrace of narcotics law was rooted in its unique rivalry with a capitalist Western counterpart. While the Socialist Bloc was usually unified at the United Nations, there remain important differences within the Bloc itself to be explored in future research. The extent to which Romania under Ceausescu challenged Soviet authority in the field of international law or the role of socialist Yugoslavia (and the rest of the non-aligned movement) in influencing and complicating ICL and IHL negotiations are still understudied topics.<sup>36</sup> With the availability of so many new archival sources that have yet to be fully exploited, much more work remains to be done to move beyond a monolithic view of CEE in the Cold War.

Fourth, this special issue has addressed only the contributions of CEE socialist countries. Yet, the socialist world expanded far beyond Europe. It encompassed 'a variety of forms of socialism that embodied, at different moments and to different degrees, resistance to what they considered capitalist or imperialist forms of political, cultural and economic global integration'.<sup>37</sup> The role of Cuba, China, Vietnam, North Korea and those states of 'socialist orientation' in Africa and the Middle East in the development of ICL and IHL remains almost wholly unaddressed.<sup>38</sup> There is also much to explore about how socialist liberation movements such as the Angolan Movimento Popular de Libertação de Angola, Mozambique's Frente de Libertação de Moçambique, Namibia's

35 Iacob, Bogdan C. et al., special issue 'State Socialist Experts in Transnational Perspective', *East Central Europe* 45(2) (2018).

36 For contrasts between Soviet and Yugoslavian approaches to international law: Trültzsch, Arno. 'Völkerrecht und Sozialismus: Sowjetische versus jugoslawische Perspektiven,' in *Leipziger Zugänge zur rechtlichen, politischen und kulturellen Verflechtungsgeschichte Ostmitteleuropas*, eds. Dietmar Müller and Adamantios Skordos (Leipzig: Leipziger Universitätsverlag 2014), 83–104.

37 Mark, James and Tobias Rupprecht. 'The Socialist World in Global History: From Absentee to Victim to Co-producer', in *The Practice of Global History*, eds. Emily Drewe and Matthias Middell (London: Bloomsbury, 2018).

38 One notable exception that includes the socialist Chinese approaches to ICL is Bergsmo, Ling, and Ping, *Historical Origins* 2014 (n. 14).

South-West Africa People's Organization, the African National Congress in South Africa or the Popular Front for the Liberation of Palestine have influenced the IHL making and have adhered in turn to its norms.<sup>39</sup>

Ultimately, the state socialist countries of Eastern Europe played an important, yet ambiguous, role in the evolution of post-war international criminal and humanitarian law. The Socialist Bloc advanced new concepts of law, drove forward the adoption of certain international conventions, and its alliances with the third world helped to promote non-Western voices on the international stage. At the same time, state socialist countries also acted to undermine accountability for their own violations of international law and used the cause of international justice as a political wedge to divide and damage their ideological opponents. Just as the history of Western engagement with international law has been re-evaluated and scholarship has moved away from earlier teleological or hagiographic narratives, so too is it necessary to see the Eastern Bloc as more than a dark reflection of liberal idealism and to delve into the complexities of its role in the post-war era.

### Acknowledgements

This special issue is the result of the international conference *State Socialism, Legal Experts, and the Genesis of International Criminal and Humanitarian Law after 1945*, organized by the University of Exeter, the Leibniz Institute for the History and Culture of Eastern Europe (GWZO), and the Humboldt University of Berlin, in November 2016. The event was generously supported by the projects *1989 after 1989: Rethinking the Fall of State Socialism in Global Perspective* (funded by Leverhulme Trust) and *Processes of Juridification in International Relations: How Conflicts in Eastern Europe Shaped Modern International Law* (funded by the German Federal Ministry of Education and Research). Raluca Groseanu acknowledges also the support of the Romanian National Authority for Scientific Research and Innovation, CNCS – UEFISCDI, project PN-II-RU-TE-2014-4-0335. We thank Bill Bowring, Isabella Loehr, Dietmar Mueller and James Mark for their valuable suggestions. We also thank Marcus Payk and Stefan Troebst for their work in co-organizing the original conference.

---

39 See for example Kinsella, Helen M. 'Superfluous Injury and Unnecessary Suffering: National Liberation and the Laws of War,' in *International Origins of Social and Political Theory (Political Power and Social Theory)* vol. 32, eds. Tarak Barkawi, George Lawson (Emerald Publishing Limited, 2017), 205–231.

### Bibliography

- \*\*\* 'A Century after Russian Revolution: Its Legacy in International Law'. *Journal of the History of International Law* 19(2) (2017).
- \*\*\* 'On the Centenary of the Russian Revolution'. *Jus Gentium: Journal of International Legal History* 2(2) (2017).
- Allain, Jean. *Slavery in International Law: Of Human Exploitation and Trafficking* (Martinus Nijhoff, 2012).
- Alexander, Amanda. 'A Short History of International Humanitarian Law'. *The European Journal of International Law* 26(1) (2015), 109–138.
- Ben-Nun, Gilad. *The Fourth Geneva Convention: The History of International Humanitarian Law* (London: I. B. Tauris, 2018).
- Bergsmo, Morten, Cheah Wui Ling and Li Ping, eds., *Historical Origins of International Criminal Law*, vol. 2 (Brussels: Torkel Opsahl Academic EPublisher, 2014).
- Best, Geoffrey. *War and Law since 1945* (Oxford: Clarendon Press, 1994).
- Betts, Paul. 'Universalism and its Discontents: Humanity as a Twentieth-Century Concept', in *Humanity: A History of European Concepts in Practice From the Sixteenth Century to the Present*, eds. Fabian Klose and Mirjam Thulin (Göttingen: Vandenhoeck & Ruprecht, 2016), 51–72.
- Blishchenko, Igor Pavlovich and N.V. Zhdanov. 'Combating Terrorism by International Law'. *Soviet Law and Government* 14(3) (1975), 81–96.
- Blishchenko, Igor Pavlovich. *International Humanitarian Law* (Moscow: Progress Publishers, 1989).
- Bowring, Bill. *The Degradation of the International Legal Order? The Rehabilitation of Law and the Possibility of Politics* (New York: Routledge, 2008).
- Bowring, Bill. 'Positivism versus Self-Determination: The Contradictions of Soviet International Law', in *International Law on the Left. Re-examining Marxist Legacies*, ed. Susan Marks (Cambridge: Cambridge University Press, 2008), 133–168.
- Bruha, Tomas. *Die Definition der Aggression. Faktizität und Normativität des UN-Konsensbildungsprozesses der Jahre 1968 bis 1974* (Berlin: Duncker & Humblot, 1980).
- Burke, Roland. 'From Individual Rights to National Development: The First UN International Conference on Human Rights, Tehran, 1968'. *Journal of World History* 19(3) (2008), 275–296.
- Burke, Roland. *Decolonization and the Evolution of International Human Rights* (Philadelphia: University of Pennsylvania Press, 2010).
- Butler, William E. "'Socialist International Law" or "Socialist Principles of International Relations"?. *The American Journal of International Law* 65(5) (1971), 796–800.
- Cassese, Antonio et al. *Cassese's International Criminal Law*, 3rd ed. (Oxford: Oxford University Press, 2013).

- Cherviatsova, Alina and Oleksandr Yarmysh. 'Soviet International Law: Between Slogans and Practice'. *Journal of the History of International Law* 19(2) (2017), 296–327.
- Christensen, Mikkel Jarle. 'The Perestroika of International Criminal Law. Soviet Reform and the Promise of Legal Primacy I International Governance', paper presented at the Conference *State Socialism, Legal Experts, and the Genesis of International Criminal and Humanitarian Law after 1945*, Humboldt University of Berlin, 24–26 November 2016.
- Connelly, Matthew. 'Taking Off the Cold War Lens: Visions of North-South Conflict during the Algerian War for Independence'. *The American Historical Review* 105, 3(1) (2000), 739–769.
- Crowe, David M. *War Crimes, Genocide, and Justice* (New York: Palgrave Macmillan, 2014).
- Donert, Celia. 'From Communist Internationalism to Human Rights: Gender, Violence and International Law in the Women's International Democratic Federation Mission to North Korea, 1951'. *Contemporary European History* 25(2) (2016), 313–333.
- Fassbender, Bardo and Anne Peters. 'Introduction: Towards A Global History Of International Law', in *The Oxford Handbook of the History of International Law*, eds. Bardo Fassbender and Anne Peters (Oxford: Oxford University Press, 2012), 1–24.
- Filatova, Irina and Appollon Davidson. *Russia and South Africa in the Soviet Era* (Johannesburg: Jonathan Ball, 2013).
- Forsythe, David P. *The Humanitarians: The International Committee of the Red Cross* (Cambridge: Cambridge University Press, 2005).
- Frostad, Magne. 'The "Colonial Clause" and Extraterritorial Application of Human Rights: The European Convention on Human Rights Article 56 and its Relationship to Article 1'. *Arctic Review on Law and Politics* 4(1) (2013), 21–41.
- Gallagher, Anne T. *The International Law of Human Trafficking* (New York: Cambridge University Press, 2010).
- Gidyński, Joseph C. 'Socialist International Law'. *The Polish Review*, 19(3–4) (1974), 123–142.
- Ginsburgs, George. *Moscow's Road to Nuremberg: The Soviet Background to the Trial* (The Hague: Kluwer Law International, 1996).
- Glos, George E. 'The Theory and Practice of Soviet International Law'. *The International Lawyer*, 16(2) (1982), 279–300.
- de Graaf, Beatrice. 'Counter-Terrorism and Conspiracy: Historicizing the Struggle against Terrorism', in *The Routledge History of Terrorism*, ed. Randall D. Law (New York: Routledge, 2015), 411–427.
- Grzybowski, Kazimierz. *Soviet International Law and the World Economic Order* (Durham and London: Duke Press Policy Studies, 1987).
- Hazard, John N. 'The Soviet Union and International Law'. *Soviet Studies* 1(3) (1950), 189–199.

- Heller, Kevin Jon. *The Nuremberg Military Tribunals and the Origins of International Criminal Law* (Oxford: Oxford University Press, 2011).
- Hirsch, Francine. 'The Soviets at Nuremberg: International Law, Propaganda, and the Making of the Postwar Order'. *American Historical Review* 113(3) (2008), 701–730.
- Iacob Bogdan C. et al., special issue 'State Socialist Experts in Transnational Perspective'. *East Central Europe*, 45(2) (2018).
- Jensen, Steven L.B. *The Making of International Human Rights: The 1960s, Decolonization and the Reconstruction of Global Values* (New York: Cambridge University Press, 2016).
- Junod, Dominique-D. *The Imperiled Red Cross and the Palestine-Eretz-Yisrael Conflict, 1945–1952: The Influence of Institutional Concerns on a Humanitarian Operation* (New York: Kegan Paul International, Limited, 1996).
- Kinsella, Helen M. 'Superfluous Injury and Unnecessary Suffering: National Liberation and the Laws of War', in *International Origins of Social and Political Theory (Political Power and Social Theory)* vol. 32, eds. Tarak Barkawi, George Lawson (Emerald Publishing Limited, 2017), 205–231.
- Koskenniemi, Martti. 'Histories of International Law: Dealing with Eurocentrism'. *Rechtsgeschichte* 19(2011), 152–176.
- Lewis, Mark. *The Birth of New Justice. The Internationalization of Crime and Punishment, 1919–1950* (Oxford: Oxford University Press, 2014).
- Maul, Daniel R. *Human Rights, Development and Decolonization: The International Labour Organization, 1940–70* (New York: Palgrave Macmillan, 2012).
- Mälksoo, Lauri. 'The Definition of Genocide and the Role of Soviet International Lawyers: Reflections on the Socialist Legacy to International Law'. *Baltic Yearbook of International Law* 6(2006), 111–124.
- Mälksoo, Lauri. 'Russia – Europe', in *The Oxford Handbook of the History of International Law*, eds. Bardo Fassbender and Anne Peters (Oxford: Oxford University Press, 2012), 764–786.
- McAllister, William B. *Drug Diplomacy in the Twentieth Century: An International History* (New York: Routledge, 2000).
- McWhinney, Edward. 'International Legal Problem-Solving and the Practical Dilemma of Hijacking', in *Aerial Piracy and International Law*, ed. Edward McWhinney (Leiden: Sijthoff, 1971), 15–26.
- Miéville, China. *Between Equal Rights. A Marxist Theory of International Law* (Leiden: Brill, 2005).
- Moca, Gheorghe. *Dreptul International* (Bucharest: Editura Politica, 1983).
- Mark, James and Tobias Rupperecht. 'The Socialist World in Global History: From Absentee to Victim to Co-producer', in *The Practice of Global History*, eds. Emily Drewe and Matthias Middell (London: Bloomsbury, forthcoming 2018).
- Quigley, John. *Soviet Legal Innovation and the Law of the Western World* (Cambridge: Cambridge University Press, 2007).

- Polunina, Valentyna. 'From Tokyo to Khabarovsk: Soviet War Crimes Trials in Asia as Cold War Battlefields', in *War Crimes Trials in the Wake of Decolonization and Cold War in Asia, 1945–1956: Justice in Time of Turmoil*, ed. Kerstin von Lingen (Palgrave Macmillan, 2016), 239–260.
- Richardson-Little, Ned. *The Human Rights Dictatorship: East Germany, the Rise of Global Human Rights, and the Collapse of State Socialism* (Cambridge: Cambridge University Press, forthcoming 2018).
- Roberts, Anthea. *Is International Law International?* (Oxford and New York: Oxford University Press, 2017).
- Robertson, Geoffrey. *Crimes Against Humanity: The Struggle For Global Justice* (London: Penguin Books, 2006).
- Roht-Arriaza, Naomi. *The Pinochet Effect: Transitional Justice in the Age of Human Rights* (Philadelphia, PA: University of Pennsylvania Press, 2005).
- Schabas, William A. 'National Courts Finally Begin to Prosecute Genocide, the "Crime of Crimes"'. *Journal of International Criminal Justice* 1(1) (2003), 39–63.
- Schweisfurth, Theodor. 'The Acceptance by the Soviet Union of the Compulsory Jurisdiction of the ICJ for Six Human Rights Conventions'. *European Journal of International Law* 2(1) (1991), 110–117.
- Sellers, Kirsten. *'Crimes against Peace' and International Law* (Cambridge: Cambridge University Press, 2013).
- Sellers, Kirsten. 'Treasonable Conspiracies at Paris, Moscow and Delhi: the Legal Hinterland of the Tokyo Tribunal', in *Trials for International Crimes in Asia*, ed. Kirsten Sellers (Cambridge: Cambridge University Press, 2016), 25–54.
- Socher, Johannes. 'Lenin, (Just) Wars of National Liberation, and the Soviet Doctrine on the Use of Force'. *Journal of the History of International Law* 19(2) (2017), 219–245.
- Troebst, Stefan. 'Sozialistisches Völkerrecht und die sowjetische Menschenrechtsdoktrin', in *Toward a New Moral World Order. Menschenrechtspolitik und Völkerrecht seit 1945*, eds. Norbert Frei and Annette Weinke (Jena: Wallstein, 2013), 94–104.
- Trültzsch, Arno. 'Völkerrecht und Sozialismus: Sowjetische versus jugoslawische Perspektiven', in *Leipziger Zugänge zur rechtlichen, politischen und kulturellen Verflechtungsgeschichte Ostmitteleuropas*, eds. Dietmar Müller and Adamantios Skordos (Leipzig: Leipziger Universitätsverlag 2014), 83–104.
- Tunkin, Grigorii Ivanovich. *Theory of International Law* (Cambridge, Massachusetts: Harvard University Press, 1974).
- Van Schaack, Beth and Ron Slye. 'A Concise History of International Criminal Law'. *Santa Clara Law Digital Common* 1(1) (2007), 7–47.
- Weiss-Wendt, Anton. *The Soviet Union and the Gutting of the UN Genocide Convention* (Madison: University of Wisconsin Press, 2017).