

CHRONIQUE BIBLIOGRAPHIQUE

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La présente chronique bibliographique rassemble les ouvrages parvenus à ce jour à la rédaction de la *Revue*. Qu'il nous soit permis d'inviter les auteurs qui désirent informer les lecteurs de la *Revue* de la publication de leurs œuvres à les adresser au Service Echange/Bibliographie de la *Revue internationale de droit pénal* (BP/POB 60118, F-33008 BORDEAUX CEDEX - France).

La *Revue* entretient par ailleurs des relations officielles d'échange avec de nombreuses autres publications scientifiques régionales ou internationales telles que :

- *Caiete de Drept Penal*, Cluj-Napoca (Roumanie)
- *Cuestiones Políticas*, Maracaibo (Vénézuéla)
- *Debate Penal*, Lima (Pérou)
- *Derecho penal y criminología*, Bogota (Colombie)
- *Documentacion Juridica*, Lisbonne (Portugal)
- *Eguzkilore*, San Sebastian (Espagne)
- *Forum*, Ottawa (Canada)
- *Jus Documentação*, Brasilia (Brésil)
- *Justice* (France)
- *Justicia penal y sociedad* (Guatemala)
- *Paper d'estudisi formació*, Barcelone (Espagne)
- *Revue internationale de criminologie et de police technique*, Genève (Suisse)
- *Revue trimestrielle des droits de l'homme*, Bruxelles (Belgique)
- *Revue de droit militaire et de droit de la guerre*, Bruxelles (Belgique)
- *Revista CENIPEC*, Merida (Venezuela)
- *Revista Chilena de Derecho*, Santiago (Chili)
- *Rivista Italiana di Diritto e Procedura penale*, Ed. Giuffrè, Milan (Italie)
- *Without Prejudice*, Washington (USA)
- *Yearbook of International Organizations*, Bruxelles (Belgique).

Des échanges de publications ont également lieu avec divers Instituts de droit pénal, de criminologie ou de sociologie du droit :

- *Amnesty International*, Londres (Grande-Bretagne)
- *Centre d'Estudis Jurídics i Formacio especialitzada*, Barcelone (Espagne)
- *Centro de investigaciones penales y criminologicas*, Universidad de Los Andes, Merida (Venezuela)
- *Centro Nazionale de Prevenzione i Difesa Sociale*, Milan (Italie)
- Commission Internationale des Juristes, Genève (Suisse)
- H.E.U.N.I., Helsinki (Finlande)
- Institut de la Justice, Varsovie (Pologne)
- *Instituto Interamericano de Derechos Humanos*, San José (Costa-Rica)
- Institut International de sociologie juridique, Oñati (Espagne)
- *Instituto Vasco de Criminologia*, San Sebastian (Espagne)

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- Institut Supérieur International de Sciences Criminelles, Syracuse (Italie)
- Organisation Internationale de police criminelle, Lyon (France)
- P.A.I.S., *Public Affairs Informations Service*, New York (USA)
- *Pontifica Universidad Catolica de Chile*, Santiago (Chili)
- *Procuradoria general do Republica*, Lisbonne (Portugal)
- U.N.I.C.R.I., *United Nations Interregional Crime and Justice Research Institute*, Rome (Italie)

I- Droit pénal général

- **Albrecht, Hans-Jörg/Klip, André. Crime, Criminal Law and Criminal Justice in Europe**, edit. Brill/Nijhoff, Leiden, 2013, 700 pp.

This unique collection of essays celebrates the twentieth anniversary of the seminal journal the *European Journal of Crime, Criminal Law and Criminal Justice*, as well as the outstanding and uninterrupted work over that period of its founding Editor-in-Chief, Professor Cyrille Fijnaut. The volume consists of a selection of some of the most groundbreaking articles published over the past twenty years, covering the three areas of focus of the journal: problems of crime, developments in criminal law and changes in criminal justice.

- **Brodowski, Dominik/Espinoza de los Monteros de la Parra, Manuel/Tiedemann, Klaus/Vogel, Joachim. Regulating Corporate Criminal Liability**, edit. Springer, Switzerland, 2014, 360 pp.

Corporate Criminal Liability is on the rise worldwide: More and more legal systems now include genuinely criminal sanctioning for legal entities. The various regulatory options available to national criminal justice systems, their implications and their constitutional, economic and psychological parameters are key questions addressed in this volume. Specific emphasis is put on procedural questions relating to corporate criminal liability, on alternative sanctions such as blacklisting of corporations, on common corporate crimes and on questions of transnational criminal justice.

II- Procédure pénale

- **Simonato, Michele. Deposizione della vittima e giustizia penale. Una lettura del sistema italiano alla luce del quadro europeo**, edit. Wolters Kluwer/CEDAM, Milano, 2014, 164 pp.

Tutela della vittima e giustizia penale sono termini di un binomio che si è fatto sempre più stretto negli ultimi anni. Molti, infatti, sono gli interventi normativi che hanno rinnovato l'attenzione verso una figura che sino a poco tempo fa sembrava pressoché dimenticata dal dibattito accademico.

L'impulso per un ripensamento della posizione della vittima proviene soprattutto dalle fonti internazionali, dall'Unione europea in particolare. Dapprima con la Decisione quadro 2001/220/GAI, e ora con la Direttiva 2012/29/UE, il legislatore dell'Unione ha ridefinito diritti e facoltà di tale figura, incidendo su molti aspetti dei sistemi nazionali e sulla loro procedura penale.

Dall'osservazione dell'impianto normativo sovranazionale emerge come tra tutte le vittime ve ne siano alcune che meritano un'attenzione speciale e richiedono una sensibilità ulteriore al giurista moderno. Il concetto di vittima "vulnerabile", elaborato soprattutto in seno all'Unione, indica la strada verso un sistema flessibile, in cui i vari livelli di protezione dovrebbero essere calibrati sulla diversa predisposizione di un soggetto ad essere ferito.

La procedura penale italiana viene pertanto messa sotto esame. Tra i vari profili coinvolti, il presente lavoro si concentra sulle forme di protezione contro le lesioni psicologiche provocate dalle modalità tipiche del rito penale, in particolare nel momento in cui una

vittima “vulnerable” diventa fonte di prova. In altre parole, vengono presi in considerazione i tentativi di proteggere la vittima dalla cosiddetta vittimizzazione “secondaria”. L’obiettivo è duplice. Da un lato, si analizza il complesso panorama sovranazionale per capire davvero cosa l’Europa ci chiede. Dall’altro lato, si tenta di leggere il sistema interno in controluce, per valutare fino che punto i recenti interventi normativi siano adeguati e sufficienti a garantire una piena armonia tra disciplina nazionale e logica europea.

- **Bergström, Maria/Cornell, Anna Jonsson. European Police and Criminal Law Co-operation**, edit. Hart Publishing, Oxford, 2014, 236 pp.

This volume in the series Swedish Studies in European Law, produced by the Swedish Network for European Legal Studies, focuses on EU criminal law and transnational police co-operation.

Against the background of the most important changes introduced by the Lisbon Treaty in the area of criminal law and police co-operation, this volume is divided into four main sections. Each section analyses some specific challenges. The first section includes a critical analysis of the boundaries of the new criminal law competencies, as well as some more general challenges for EU criminal law. Specific focus is set on the lawmaking process. The second section deals with EU criminal law and fundamental rights, in particular the protection of personal data and individual privacy. In this section, focus is on the implementation of EU law into national legal orders and the challenges that this process brings with it. The third section maps out specific challenges in transnational police co-operation, in particular, the important issue of sharing of information between law enforcement agencies and its potential impact on the protection of fundamental rights. In the fourth section, focus is shifted toward networks, horizontal agency and multi-level co-operation in a wider sense within the area of freedom, security and justice.

III- Droit pénal spécial, Droit pénal économique et Droit pénal des affaires

- **Delrue, Geert. Le blanchiment de capitaux et le financement du terrorisme, 2e édition révisée**, edit. Maklu, Anvers, 2014, 548 pp.

Le blanchiment de capitaux et le financement du terrorisme, tout comme la criminalité en matière financière et économique ne font pas partie des affaires de tous les jours et les connaissances à ce sujet sont assez limitées. C’est pourquoi les personnes qui sont confrontées à de tels délits ont un grand besoin d’informations concrètes et accessibles et qui peuvent facilement être mises en pratique.

Cette œuvre volumineuse présente un aperçu de la législation récente (nationale et internationale) sur le thème du blanchiment de capitaux et du financement du terrorisme et donne une vue claire sur ce phénomène. Dans ce livre, on jette une lumière sur les différents acteurs concernés (publics et privés) et on fournit une idée de la manière de fonctionnement du blanchiment de capitaux et le financement du terrorisme. Non seulement la construction du système est élaborée mais aussi les possibilités de détection en analysant les différents indicateurs.

Une grande partie de cette œuvre, - ce qui apporte une grande plus-value -, est consacrée à l’étude d’un certain nombre de typologies. Cela est fait à base d’une recherche étendue dans la législation, les rapports annuels de différentes unités de traitements financiers étrangères (entre autres la CTIF belge, la FIU japonaise, la FIU allemande, la FIU suisse, etc.) et la littérature scientifique (internationale). Ces typologies comprennent aussi bien les plus connues (smurfing, cash smuggling, hommes de paille, passeurs d’argent, et l’usage d’institutions financières, ...) que les moins évidentes et qui sont par conséquent moins détectées (l’usage de comptes ‘escrow’, l’usage d’usines de purification d’or ou

même le cyber laundering). Par conséquent l'auteur vise à combler une importante lacune dans la documentation actuelle sur le blanchiment de capitaux et le financement du terrorisme au niveau théorique et pratique.

Ce livre présente un ouvrage de référence qui pourrait être utilisé régulièrement par les acteurs policiers et judiciaires, mais aussi par les acteurs qui sont responsables de la prévention.

- **De Luca, Javier Augusto/da Rocha, Joaquín Pedro. Informática y delito: Reunión preparatoria del XIX Congreso Internacional de la Asociación Internacional de Derecho Penal - AIDP**, edit. Ministerio de Justicia y Derechos Humanos de la Nación, Ciudad Autónoma de Buenos Aires, 2014, 286 pp.

IV- Droit de l'exécution des peines

V - Droit pénal international et européen

- **Bassiouni, M. Cherif. Introduction to International Criminal Law, 2nd Revised Edition**, edit. Martinus Nijhoff, Dordrecht, 2013, 1260 pp.

Written by one of the world's pioneers and leading authorities on international criminal law, this text book covers the history, nature, and sources of international criminal law; the *ratione personae*; *ratione materiae*--sources of substantive international criminal law; the indirect enforcement system; the direct enforcement system; the function of the international criminal court; rules of procedure and evidence applicable to international criminal proceedings; and the future of international criminal law. This textbook is fully updated, comprehensive, easy to read, and ideally suited for classroom use.

- **Werle, Gerhard/Fernandez, Lovell/Vormbaum, Moritz. Africa and the International Criminal Court. International Criminal Justice Series, Vol.1**, edit. Springer, Berlin – Heidelberg, 2014, 303 pp.

This book sheds light on the present frictions between the African Union, the International Criminal Court and the UN Security Council. Eminent experts in the field of international criminal justice, including judges and prosecutors of the ICC and other African judicial bodies, as well as international criminal law scholars, analyze and debate the achievements and shortcomings of interventions by the ICC in Africa. They propose ways in which international courts and domestic courts within and outside of Africa can cooperate and address fundamental issues of international criminal law, such as the implementation of the Rome Statute, deferrals of cases before the International Criminal Court and the prosecution of crimes by third states on the basis of universal jurisdiction.

- **Materu, Sosteness Francis. The Post-Election Violence in Kenya. Domestic and International Legal Responses. International Criminal Justice Series, Vol. 2**, edit. Springer, Berlin – Heidelberg, 2015, 275 pp.

History shows, that when in Africa violations occurred, especially as a result of election disputes, national and regional actors, including the African Union, resorted to political rather than legal responses. However, when crimes against humanity were alleged to have been committed in Kenya during the 2007-2008 post-election violence, a promising road map for criminal accountability was agreed upon alongside a political solution. In the spirit of this road map, the author analyzes the post-election violence in Kenya from a legal point of view. He extensively examines legal options for domestic criminal accountability and discusses both retributive (prosecutions) and restorative justice (mainly truth commission) mechanisms, being the main legal responses to the gross violations of

human rights. Furthermore, he thoroughly investigates the Kenya situation before the ICC and the legal-cum-political responses to the ICC intervention in Kenya.

- **Klip, André. European Criminal Law: An Integrative Approach (Second Edition) (Ius Communitatis Series)**, edit. Intersentia, Antwerp – Oxford - Portland, 2012, 574 pp.

European criminal law is explained as a multi-level field of law, in which the European Union has a normative influence on substantive criminal law, criminal procedure and on the co-operation between Member States. This book aims to describe the contours of the emerging criminal justice system of the European Union and to present a coherent picture of the legislation enacted and the case law on European Union level and its influence on national criminal law and criminal procedure.

Among the topics and questions covered in this book are the following: What does mutual recognition mean in the context of the European Arrest Warrant? How can European Union law be invoked by an accused? When is the Charter of Fundamental Freedoms applicable in national criminal proceedings? These and other pertinent questions are dealt with on the basis of an in-depth analysis of the case law of the Court of Justice and legislation. In addition the book challenges the reader to assess the mutual (and sometimes conflicting) influence of European Union law and national criminal law respectively and explains how European Union law will usually prevail although national criminal law still remains relevant.

The book covers a wealth of court decisions and legal instruments, making European Criminal Law, written for practitioners, academics and students, an invaluable source for every criminal and European lawyer. This 2nd updated and extended edition covers all recent developments since the entry into force of the Treaty of Lisbon in 2009.

- **Klip, André. Materials on European Criminal Law, 2nd Edition**, edit. Intersentia, Mortsel – Cambridge, 2014, 1366 pp.

Over the years the European Union has expanded its legislation in the area of criminal law, criminal procedure and co-operation in criminal matters. This process led to an endless number of conventions, framework decisions, joint actions, directives and other legal instruments. This second edition incorporates the most recent directives in criminal law, such as Directive 2013/48 on the Right of Access to a Lawyer and Directive 2014/41 on the European Investigation Order.

Materials on European Criminal Law is a collection of legal instruments including all legal materials that are relevant for the practice of the Member States of the European Union in one concise volume. It is useful for practitioners, academics and students alike.

Materials on European Criminal Law in its second edition is available both as a hard copy and in electronic format via Bookshelf.

- **Hirsch Ballin, Ernst. Citizens' Rights and the Right to Be a Citizen**, edit. Brill/Nijhoff, Leiden/Boston, 2014, 166 pp.

Ernst Hirsch Ballin discusses the significance of citizens' rights against the backdrop of ongoing migration and urbanization in the beginning of the 21st century. The traditional view that each state has the sovereign power to give or withhold citizenship, puts the full enjoyment of human rights at risk whenever exclusion is based on differences in nationality. Citizens' rights are the essential connecting link between human rights and life in a democratic society. Citizens have an individual right, as a citizen, to take part in the democratic process and in the structures of solidarity of the state where they are effectively at home. By recognizing everyone's right to the citizenship of the state in which they can make these rights a reality, citizens' rights can bridge the gap between the universality of

human rights and the changing political and social settings of people's lives. Limits on dual citizenship are counterproductive, European citizenship paves the way for transnational citizenship.

VI – Essais, variétés

- **Cremona, Marise/Hilpold, Peter/Lavranos, Nikos/Schneider, Stefan Staiger/Ziegler, Andreas R. Reflections on the Constitutionalisation of International Economic Law, Liber Amicorum for Ernst-Ulrich Petersmann**, edit. Brill/Nijhoff, Leiden/Boston, 2014, 700 pp.

This book collects a large number of essays written in honour of Professor Ernst-Ulrich Petersmann by his friends, colleagues and former students. The respective contributions cover the fields of international economic law, international constitutional law/transnational constitutionalism, EU law and human rights. The broad thematic scope of this book mirrors the extremely large field of interests of the jubilarian. Paying tribute to a particular trait of Professor Petersmann's character who was always both a dogmatic thinker and a curious researcher, the authors try to cover both structural issues of law as well as most recent developments, in particular in the field of international economic law. "Construing" the constitution of international economic law, in both senses of this activity, was an aim throughout Professor Petersmann's academic career and this goal stands also at the heart of this book.

- **Maluwa, Tiyanjana. Law, Politics and Rights. Essays in Memory of Kader Asmal**, edit. Brill/Nijhoff, Leiden/Boston, 2013, 402 pp.

Law, Politics and Rights: Essays in Memory of Kader Asmal presents critical perspectives on various inter-related themes in the areas of human rights, constitutionalism, democracy, international law, political and cultural rights and identity. The discussions reflect the wide-ranging interests and subjects that Kader Asmal engaged with as a legal scholar, human rights campaigner and politician of international renown throughout his life.

Kader Asmal is perhaps best known for his political career as one of the most senior members of the African National Congress and a government minister in post-apartheid South Africa. Less well known to the general public is his equally immense contribution to international human rights law and policy, recognised with the award of the Prix UNESCO in 1983, through more than three decades of an international academic career and legal activism. This book is a reminder of the enduring relevance of the issues and causes he espoused and advocated.

Contributors include: John Dugard, Richard Harvey, Federico Lenzerini, Tiyanjana Maluwa, Obiora Chinedu Okafor, Nsongurua Udombana, Muna Ndulo, Albie Sachs, Max du Plessis, Nico Steytler, Gerard Whyte, and Abdulqawi Yusuf.

- **Alland, Denis/Chetail, Vincent/de Frouville, Olivier/Viñuelas, Jorge E.. Unité et diversité du droit international/Unity and Diversity of International Law. Ecrits en l'honneur du Professeur Pierre-Marie Dupuy/Essays in Honour of Professor Pierre-Marie Dupuy**, edit. Brill/Nijhoff, Leiden/Boston, 2014, 1022 pp.

Unity and Diversity of International Law: Essays in Honour of Professor Pierre-Marie Dupuy gathers contributions from leading international lawyers from different countries, generations and substantive areas of specialization. The scope of the volume reflects the far-reaching and enduring contribution of Professor Dupuy, a luminary of public international law.

Les mélanges offerts au professeur Pierre-Marie Dupuy réunissent des contributions des publicistes les plus distingués des divers pays, générations et domaines de spécialisation.

Ce volume témoigne de l'importance de l'œuvre du professeur Dupuy, l'une des grandes figures du droit international public contemporain.

VII – Publications diverses

- **Systèmes judiciaires européens – Edition 2014 (données 2012) – Efficacité et qualité de la justice (2014-10-15)**, Les études de la CEPJ N° 20, 2014, 570 pp.

La nouvelle Édition du rapport de la Commission européenne pour l'efficacité de la justice (CEPEJ), qui évalue le fonctionnement des systèmes judiciaires de 45 États membres du Conseil de l'Europe ainsi qu'un État observateur auprès de la CEPEJ, Israël, reste fidèle au processus développé depuis 2002. S'appuyant sur une méthodologie qui fait référence désormais pour collecter et traiter un grand nombre de données quantitatives et qualitatives sur la justice, cette étude sans équivalent est avant tout conçue comme un outil de politique publique destiné à améliorer l'efficacité et la qualité de la justice. Connaître pour pouvoir comprendre, analyser et réformer. Tel est l'objectif de la CEPEJ qui a travaillé à la rédaction de ce rapport, destiné aux décideurs publics, aux praticiens du droit, aux chercheurs, de même qu'à celles et ceux qui s'intéressent au fonctionnement de la justice en Europe.

- **European judicial systems – Edition 2014 (2012 data) – Efficiency and quality of justice (2014-10-15)**, CEPJ Studies N° 20, 2014, 546 pp.

The new Edition of the report of the European Commission for the Efficiency of Justice (CEPEJ), which evaluates the functioning of the judicial systems in 45 Council of Europe's member states and an observer state to the CEPEJ, Israel, remains in line with the process carried out since 2002. Relying on a methodology which is already a reference for collecting and processing a wide number of quantitative and qualitative judicial data, this unique study has been conceived above all as a tool for public policy aimed at improving the efficiency and the quality of justice. To have the knowledge in order to be able to understand, analyse and reform, such is the objective of the CEPEJ which has prepared this report, intended for policy makers, legal practitioners, researchers as well as for those who are interested in the functioning of justice in Europe.

- **War Crimes Prosecution Watch**, Vol. 9, Issue 13, 2014.

War Crimes Prosecution Watch is a bi-weekly e-newsletter that compiles official documents and articles from major news sources detailing and analyzing salient issues pertaining to the investigation and prosecution of war crimes throughout the world.

Opinions expressed in the articles herein represent the views of their authors and are not necessarily those of the War Crimes Prosecution Watch staff, the Case Western Reserve University School of Law or Public International Law & Policy Group.