DAFTAR PUSTAKA

BUKU-BUKU

Bassiouni, M. Cherif and Edward M. Wise. *Aut Dedere Aut Judicare: The Duty to Extradite Or Prosecute in International Law*, Martinus Nijhoff Publishers, 1995.

Bassiouni, M. Cherif. *International Extradition: United States Law and Practice* 749-63 (5th ed. 2007).

Black's Law Dictionary, (2nd ed. West Thompson, 1995) (1910).

Brongniart, Henry. *Les Corsaires et la Guerre Maritime* [Privateers and Naval Warfare] 29, 86 (Augustin Challamel, ed., Paris: Librairie Maritime et Coloniale, 1904).

Brownlie, Ian. *Principles of Public International Law* 303 (Oxford: Oxford University Press, 5th ed, 1998).

Cassese, Antonio. *International Law in a Divided World* 131 (Oxford University Press, 1989).

Catherwood, Christopher and Leslie Alan Horvitz. *Encyclopedia of War Crimes and Genocide* 193 (Viva Books, 2006).

Centre, Southern Africa Litigation. *Positive Reinforcement: Advocating for International Criminal Justice in Africa*, May 2013.

Crawford, James. *The International Law Commission's Article on State Responsibility: Introduction, Text and Commentaries* (Cambridge University Press, 2003).

Damrosch, Lori F. *Connecting the Threads in the Fabric of International Law in Universal Jurisdiction National Courts and the Prosecution of Serious Crimes Under International Law* 91 (Stephen Macedo eds.,Philadelphia: University of Pennsylvania Press, 2004).

Ferdinandusse, Ward. *The Dutch Experience in International Criminal Law, Vol. III: International Enforcement* 389 (M. Cherif Bassouni ed., Martinus Nijhoff Publishers / Brill Academic, 2008).

Ferstman, Carla. *The Approach of the United Kingdom to Crimes Under International Law: The Application of Extraterritorial Jurisdiction, in International Prosecution of Human Rights Crimes* 149 (Wolfgang Kaleck et

al. eds., 2007).

Gallagher, Anne T. *The International Law of Human Trafficking* 54-143 (Cambridge University Press, 2010).

Gilbert, Geoff. *Current Issues in the Application of the Exclusion Clauses in Refugee Protection in International Law: UNHCR's Global Consultations on International Protection* 427-428. (Frances Nicholson, et.al. eds.,Cambridge: Cambridge University Press, 2003).

Ginsburgs, George. *The Nuremberg Trial: Backround in The Nuremberg Trial and International Law* 35 (George Ginsburgs and Vladimir Kudriavstev, eds., Dordrecht: MartinusNijhoff, 1990).

Gleß, Sabine. *Auslieferungsrecht der Schengen-Vertragsstaaten, Neuere Entwicklungen* [Recent Development of Extradition Law in Parties to the Schengen Treaty], Ser. I, 6 Interdisziplinäre Untersuchungenaus Strafrecht und Kriminologie [Int. Unt. Straf. Krim.] (2002).

Goodwin-Gill, Guy S. and Jane McAdam. *The Refugee in International Law* 218 (3rd ed., 2007).

Grotius, Hugo. *De jure belli ac pacis* [On the Law of War and Peace].(Washington, D.C./London: M. Walter Dume 1901) (A.C. Campbell, A.M., trans.).

Hannum, Hurst. *Autonomy, Sovereignty, and Self-determination: the Accommodation of Conflicting Rights* (Philadelphia: University of Pennsylvania Press, 1996).

Harris, David J. *Cases and Materials on International Law* (4th ed. 1991).

Henkin, Louis, R.C. Pugh, Oscar Schachter and H.Smit. *International Law, Cases and Materials* (2nd ed.,1989).

Henzelin, Marc. *Le Principe de l'Universalité en Droit Pénal International: Droitet Obligation pour les Etats de Poursuivre et Juger Selon le Principle de l'Universalité* (Bâle/Genève/Munich: Helbing&Lichtenhahn et Bruxelles: Bruylant 2000).

Higgins, Rosalyn. *Problems and Process. International Law and How We Use It* (Oxford: Clarendon Press, 1994).

Hoogh, Andre De. *Obligations Erga Omnes and International Crimes: A Theoretical Inquiry Into the Implementation and Enforcement of the International Responsibility of States* (Martinus Nijhoff Publishers, 1996).

Inazumi, Mitzue. *Universal Jurisdiction in Modern International Law: Expansion of National Jurisdiction for Prosecuting Serious Crimes under International Law* 16 (Intersentia, 2005)

Kittichaisaree, Kriangsak. *International Criminal Law* (Oxford: Oxford University Press, 2001).

Marks, Stephen P. *The HisseneHabre Case: The Law and Politics of Universal Jurisdiction in Universal Jurisdiction National Courts and the Prosecution of Serious Crimes Under International Law* (Stephen Macedo eds.,Philadelphia: University of Pennsylvania Press, 2004).

Marzuki, Peter Mahmud. *Penelitian Hukum* (Jakarta: Kencana, 2007).

Musalo, Karen, et.al. *Refugee Law and Policy: a Comparative and International Approach*, 2d ed. 700 (Durham, NC: Carolina Academic Press, 2002).

Proukaki, Elena K. *The Problem of Enforcement in International Law: Countermeasures, the Non-Injured State and the Idea of International Community* (Routledge, 2009)

Ratner, S.R. and J.S. Abrams. *Accountability for Human Rights Atrocities in International Law* (2nd ed. Oxford: Oxford University Press, 2001).

Shaw, Malcolm S. *International Law* (Cambridge: Cambridge University Press 1997).

Soekanto, Soerjono. *Pengantar Penelitian Hukum* (Depok: Universitas Indonesia Press, 2007)

Wouters, K..*International Legal Standards for the Protection from Refoulement* (Antwerp; Oxford; Portland: Intersentia, 2009).

UNDANG-UNDANG

Legislasi AS

18 U.S.C. § 3181 (a)

18 U.S.C. § 3190

18 U.S.C. § 1596.

Restatement (Third) of the Foreign Relations Law of the U.S. (1988) §402-403

Legislasi Domestik Lainnya

Act of Henry VIII, 1536, Ch.15 (U.K.)

Adaptation d' loi no 96-432 du 22 Mai 1996 [Application of law no 96-432 of May 22, 1996].

Argentina, Law on International Cooperation in Criminal Matters, 1997, Art.12.

Auslieferungs und Rechtshilfegesetz [Law Applicable in Matters of Extradition and Judicial Assistance], § 19(3), ARGH, BGBl. I, 1979, No. 529

Brazilian Law on Mechanisms for the Implementation of the 1951 Convention, Law No. 9.474, § 34, 1979.

Code ProcédurePénale[C. Pr. Pen.] art. 986 (Fr.)

Danish Criminal Code, § 8a

Extradition Act, 2003, c. 41, § 69-128 A (U.K.)

International Criminal Court Act, 2001, c. 17, §50 (U.K.)

Ireland, Extradition Act as amended, 1965, § 11

Lithuania, Criminal Code as amended, 1961, Art.7.

Loi relative al'extradition [Law Concerning Extradition], Loi No 71-77, Art. 5 (3), Dec. 28, 1971 (Senegal).

Netherlands, International Crimes Act, 2003, Art.12.

Piracy Act, 1698, 1 & 2 Will. 3, Ch. 7 (U.K.).

Russia, Criminal Code, 1996, Art.13.

Yemen, Constitution as amended, 1994, Art. 44.

PUTUSAN-PUTUSAN PENGADILAN DAN ARBITRASI

Tribunal Internasional

Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), 2008 I.C.J. 412 (November 2008)

Case Concerning Arrest Warrant of 11 April 2000 (Congo v. Belgium), 2002 I.C.J. 3 (February 2002)

Case Concerning Avena and Other Mexican Nationals (U.S. v. Mexico), 2004 I.C.J. 12 (October 2004)

Case Concerning the Barcelona Traction, Light and RwerC'ompany, Limited. (Belgium v. Spain), 1970 I.C.J. 32 (February 1970)

Case Concerning Gabčíkovo-Nagymaros Project (Hungary v. Slovakia), 1997 I.C.J. 7, 79 (September 1997)

Case Concerning Military and Paramilitary Activities in Nicaragua (Nicaragua v. U.S.), 1986 I.C.J. 14 (May 1986)

Certain Criminal Proceedings in France (Congo v. France), 2003 I.C.J. 102 (June 2003)

Decision on Annulment of 3 July 2002, Compañía de Aguas del Aconquija SA and Vivendi Universal v. Argentine Republic (ICSID Case No. ARB/97/3).

Decision on Jurisdiction of 8 December 1998, Lanco*v.* Argentina (ICSID Case No. ARB/97/6).

Decision on Jurisdiction of 16 May 2006, Suez, Sociedad General de Aguas de Barcelona S.A., and Inter Aguas Servicios Integrales del Agua S.A. *v.* Argentina (ICSID Case No. ARB/03/17).

Island of Palmas Case (U.S. v. Netherlands), Hague Ct. Rep. (Scott) 2d. 83 (1932), (Perm. Ct. Arb. 1928), 2 U.N. Rep. Intl. Arb. Awards 840

Legal Consequences for States of the Continued Presence of South Africa in Namibia (Ethiopia v. South Africa), 1962 I.C.J. 3 (December 1962)

Mavrommatis Case (Greece v. United Kingdom) (1924), P.C.I.J. Series A, No. 2

North Sea, Continental Shelf Cases (Federal Republic of Germany v. Denmark; Federal Republic of Germany v. Netherlands) 1969 I.C.J 3 (February 1969)

Phosphates in Morocco (Italy v. France) (1938), P.C.I.J. Ser.A/B, No. 74.

Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal) 2012 I.C.J. 422 (July 2012)

Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, Advisory Opinion, 1951 I.C.J. 15 (May 1951).

South West Africa, Preliminary Objections (Ethiopia v. South Africa; Liberia v. South Africa), 1962 I.C.J 319, 328 (December 1962).

United States Diplomatic and Consular Staff in Tehran (U.S. v. Iran), 1980 I.C.J. 3 (May 1980)

Domestik

Attorney General of Israel v. Eichmann, 36 Int'l L. Rep. 18, 50-57 (Dist. Ct. Jerusalem 12 December 1961

Barapind v. Reno, 225 F.3d 1100 (9th Cir. 2000)

Heath v. Alabama, 474 U.S. 82, 88 (1985)

Immigration and Naturalization Service v. Cardoza-Fonseca, 9 March 1987, 480 U.S. 421, 444.

In re List (Hostages Case), Judgment, Case No. 47, U.S. Mil. Trib. Nuremberg (Feb. 19, 1948).

In re Pinochet, [1999] UKHL 1; 2 W.L.R. 272.

In re Piracy Jure Gentium, [1934] AC 586, 589.

Judgement of Feb. 25, 2003(el caso Guatemala porGenocidio), Sentencia del Tribunal Supremo, Case No. 327/2003 (Spain)

Judgment of Oct. 14, 2005 (Habibullah J.), Hague District court, Case No. 09/751005-04 (Nl.)

Judgment of Oct. 23, 2002 (*In re* Ely Ould Dah), Cass.crim., Case No. 02-85379 (Fr.)

Kiobel v. Royal Dutch Petroleum, 621 F.3d 111 (2d Cir. 2010)

R v. Munyazena, 2009 Q.C.C.S 2201 (2009) (Canada)

R v. Bow Street Metropolitan Stipendiary Magistrate, *Ex Parte* Pinochet Ugarte, [1998] UKHL 41; 3 W.L.R. 1456.

Soering v. United Kingdom,161 Eur. Ct. H.R. (ser. A) (1989)

Sosa v. Alvarez-Machain, 542 U.S. 692 (2004), at. 732;

Terlinden v. Ames, 184 U. S. 270, 22 Sup.Ct 484, 46 L. Ed. 534

U.S. v. Saccoccia, 58 F.3d 754, 766 (1st Cir. 1995)

TRAKTAT-TRAKTAT DAN PERJANJIAN INTERNASIONAL

Brazil-Peru Extradition Treaty, 1919

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, entered into force Dec. 10, 1984, 23 I.L.M. 1027, 1465 U.N.T.S. 85.

Convention relating to the Status of Refugees,entered into force Apr. 22, 1954, 19.U.S.T. 6259, 189 U.N.T.S.

Eur. Con. Extradition, 1957

International Convention against the Taking of Hostages , Dec. 17, 1979, 1316 U.N.T.S. 205, T.I.A.S. No. 11081, 18 I.L.M. 1456 (1979)

International Covenant on Civil and Political Rights, entered into force Dec. 16, 1966, 999 U.N.T.S. 171, 6 I.L.M. 371

Statute of the International Court of Justice, June 26, 1945, 59.Stat. 1055, 33 U.N.T.S. 993, 3 Bevans 1179.

US-Italian Extradition Treaty, entered into force Sept. 24, 1984, 35 U.S.T. 3023;

US-Jordanian Extradition Treaty, entered into force Jul. 29, 1995; S. Treaty. Doc. 104-3

US-Uruguay Extradition Treaty with, entered into force Apr. 11, 1984, 35 U.S.T. 3197;

Venezuela-Chile Extradition Treaty, Art. 4(5), 1962

Vienna Convention on the Law of Treaties, entered into force Jan. 27, 1980, 8 I.L.M. 679,1155 U.N.T.S. 331.

DOKUMEN-DOKUMEN PBB DAN ORGANISASI INTERNASIONAL

Belgium, *Statement before the Third Committee of the U.N. General Assembly*, U.N. Doc. A/C.3/SR.2022, 9 November 1973, § 40; Austria, Statement before the Third Committee of the UN General Assembly, UN Doc. A/C.3/SR.1570, 14 October 1968, § 22.

Danish Ministry of Foreign Affairs, *Comments to UN General Assembly Resolution*, U.N. Doc. A/RES/64/117.

Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, General Assembly Resolution, U.N. Doc. A/RES/25/2625 (Oct. 24, 1970)

Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty, General Assembly Resolution, U.N. Doc. A/RES/20/2131 (Dec. 21, 1965).

Draft Code of Crimes Against the Peace and Security of Mankind, *Report of the International Law Commission on the Work of Its Forty-Eighth Session*, U.N. Doc. A/51/10 (Jul. 26, 1996).

Draft Code of Offences Against the Peace and Security of Mankind, *Report of the International Law Commission on the Work of Its Sixth Session*, [1954] 2 Y.B. Int'l L. Comm'n, U.N. Doc. A/2693.

General Assembly Resolution, Official Records on the 105th Plenary Meeting of the 63rd Session, U.N. Doc. A/63/PV.105 (Sept. 14, 2009).

Non-Intervention in the Internal Affairs of States, General Assembly Resolution, U.N. Doc.A/34/101 (Dec. 14, 1979).

Non-Intervention in the Internal Affairs of States, General Assembly Resolution, U.N. Doc.A/RES/32/153 (Dec. 19, 1977).

Organization of American States, Cartagena Declaration on Refugees, O.A.S. Ser.L/V/II.66, doc. 10, rev.1, § III(5) (Nov. 22, 1984).

Preliminary Report on the Obligation to Extradite or Prosecute ("aut *dedere aut judicare")*, para.8, U.N. Doc.A/CN.4/571 (7 June 2006).

Report of the Secretary-General Prepared on the Basis of Comments and Observations of Governments on The Scope and Application of the Principle of Universal Jurisdiction, UN Doc.A/65/181 (29 July 2010).

Secretary-General of the United Nations, *The Charter and Judgment of the Nuremberg Tribunal: History and Analysis*, U.N. Doc. A/CN.4/5, U.N. Sales No. 1949 V.7(1949).

Statute of the Office of United Nations High Commissioner for Refugees, para.6, U.N. Doc. A/428, (14 December 1950).

U.N. Office of Legal Affairs, Treaty Section, *Multilateral Treaties Deposited with the Secretary-General, status as of 1 April 2009*, U.N. Doc. ST/LEG/SER.E/26 (2009)

JURNAL-JURNAL HUKUM DAN ARTIKEL PARA AHLI

Aceves, Willam J. *"Liberalism and International Legal Scholarship: The Pinochet Case and the Move Towards a Universal System of Transnational law Litigation"*, 41 Harv. Int. L. J. 129, 160-61 (2000).

Aid, Africa Legal.Cairo-Arusha Principles on Universal Jurisdiction in Respect of Gross Human Rights Offences: An African Perspective. princ. 18 (2002).

Allain, Jean. *The jus cogens Nature of non-refoulement*. 13(4) Int'l. J. Refugee L. 533, 538 (2002).

Amnesty International. *Universal Jurisdiction: Strengthening this Essential Tool of International Justice*. Oct. 2012.

Bassiouni, M. Cherif.*Human Rights in the Context of Criminal Justice: Identifying International Procedural Protections and Equivalent Protections in National Constitutions*. 3 Duke J. Comp.& Int'l L. 280 (1993).

Blakesley, Christopher L.*A Conceptual Framework for Extradition and Jurisdiction over Extraterritorial Crimes*, 1984 Utah L. Rev. 685.

Bradley, Curtis. Universal Jurisdiction and U.S. Law 2001 U. Chi. Legal F. 324 (2001)

Cassesse, Antonio. *Is the Bell Tolling for Universality? A Plea for a Sensible Notion of Universal Jurisdiction*, 1 JICJ (2003).

Cassesse, Antonio. *"When May Senior State Officials be Tried for International Crimes? Some Comments on the Congo v. Belgium Case"*, 13 Eur. J. Int. L. 853, 862 (2002).

Cowles, Willard. *Universality of Jurisdiction over War Crimes*.33 Cal. L. Rev. 177, 193 (1945).

Dinstein, Yoram. *The Extra-Territorial Jurisdiction of States: The Protective Principle*. 65 (2) Annuaire d'Institut de Droit International, 305, 305-315 (1993).

Gabriel Hallevy, *A Modern Treatise on the Principle of Legality in Criminal Law* 90 (Springer, 2010).

Geoff Gilbert, *Crimes Sans Frontiéres: Jurisdictional Problems in English Law*, 63 Brit. Y.B. Int'l L. 415, 417-418 (1992).

Harvard Law School Research in International Law.*Jurisdiction with Respect to Crime*.29 Am. J. Int. L. Supp. 435 (1935).

Higgins, Rosalyn. *"A Babel of Judicial Voices? Ruminations from the Bench"*. 55 I.C.L.Q. 791, 793

International, Amnesty. *Universal Jurisdiction: The Duty of States to Enact and Implement Legislation*. Sept. 2001.

Johnson, D.H.*Piracy in Modern International Law*.43 Transactions of the Grotius Society 63(1957).

Kaleck, Wolfgang. *From Pinochet to Rumsfeld: Universal Jurisdiction in Europe*

1998-2008, 30 Mich. J. Int. L 953-954 (2009).

Kapferer, Sibylle. *The Interface between Extradition and Asylum*, UNHCR Legal and Protection Policy Research Series. November 2003.

Larsaeus, N.*The Relationship between Safeguarding Internal Security and Complying with International Obligations of Protection.The Unresolved Issue of Excluded Asylum Seekers*.73 Nordic J. Int. L 69-97(2004).

M. CherifBassiouni, *Theories of Jurisdiction and their Application in Extradition Law and Practice*, 5 Cal. W. Int'l L.J. 1, 3-34 (1974).

Matthijssen, M. Boot & R. van Elst, *Key Provisions of the International Crimes Act 2003*, 2004 Neth. Y.B. Int'l L. 251.

Messineo, Francesco.*Non-refoulement Obligations in Public International Law: Towards a New Protection Status?*, Research Companion to Migration Theory and Policy (Ashgate, 2011).

Mezak, Hendrik Meray. *Jenis, Metode dan Pendekatan dalam Penelitian Hukum*. Law Review 94 (Universitas Pelita Harpan, 2006).

Morris,Madeline H. *Universal Jurisdiction in a Divided World: Conference Remarks of Frontiers of Jurisdiction in Chicago Law School, Nov. 10-11, 2000*, 35 (2) New Engl. L. Rev. 344 (2001).

O' Brien, James. *The International Tribunal for Violations of International Humanitarian Law in the Former Yugoslavia*, 87 Am. J. Int'l L. 656 (1993).

Pauwelyn, Joost. *"The Concept of a 'Continuing Violation' of an International Obligation: Selected Problems"*. 66 B.Y.B.I.L. 415, 443-445 (1995).

Rabinovitch, Ryan. *Universal Jurisdiction in absentia*, 28 (2) Fordham J. Int. L. 527 (2004).

Randall, Kenneth. *Universal Jurisdiction under International Law*.66 Tex. L. Rev. 805-06 (1988).

Redress/FIDH.*Extraterritorial Jurisdiction in the European Union, A Study of the Laws and Practice in the 27 Member States of the European Union*. December 2010.

Reynolds, John. *Universal Jurisdiction to Prosecute Human Trafficking: Analyzing the Practical Impact of a Jurisdictional Change in Federal Law*.34 Hastings Int'l & Comp. L. Rev. 389 (2011).

Thieroff, Mark& Edward A. Amley, Jr.*Proceeding to Justice and Accountability in The Balkans: The International Criminal Tribunal for the Former Yugoslavia and Rule 61*.23 Yale J. Int. L. 260 (1998).

Zgonec-Rožej, Miša and Joanne Foakes.*International Criminals: Extradite or Prosecute?*, Chatham House Briefing Paper, July 2013.