

Mangai Natarajan Ed International Crime And Justice Book

International Crimes: Law and PracticeThe Relationship Between State and Individual Responsibility for International CrimesInternational Conflict and Security LawJurisprudence of International Criminal JusticeInternational Criminal ProcedureInternational Law and the Investigation of Transnational CrimesDomesticating International Criminal LawMeaning Making in International Criminal LawA Draft International Criminal Code and Draft Statute for an International Criminal TribunalAdapting International Criminal Justice in Southeast AsiaThe International Criminal Tribunal for the Former Yugoslavia 2001-2002The Concept of Race in International Criminal LawThe Execution of Illegal Orders and International Criminal ResponsibilityEvidence in International Criminal TrialsPrinciples of International Criminal LawDisputed Territories and International Criminal LawThe Triggering Procedure of the International Criminal CourtInternational Criminal Law, Transnational Criminal Organizations and Transitional JusticePrinciples of Islamic International Criminal LawThe Politics of International Criminal Justice Guénaël Mettraux Béatrice I. Bonafè Sergey Sayapin Farhad Malekian Göran Sluiter Yurika Ishii Florian Jeßberger Ciara Laverty M. Cherif Bassiouni Emma Palmer André Klip Carola Lingaas Hiromi Sato Mark Klamberg Gerhard Werle Simon McKenzie Héctor Olásolo Héctor Olásolo Farhad Malekian Ronen Steinke

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judge mettraux's four volume compendium international crimes law and practice will provide the most detailed and authoritative account to date of the law of international crimes it is a scholarly tour de force providing a unique blend of academic rigour and an insight into the practice of international criminal law the compendium is unrivalled in its breadth and depth covering almost a century of legal practice dozens of jurisdictions national and international thousands of decisions and judgments and hundreds of cases this second volume discusses in detail crimes against humanity

this book offers a unique comparison between state and individual responsibility for international crimes and examines the theories that can explain the relationship between these two regimes the study provides a comprehensive and systematic analysis of the relevant international practice from the standpoint of both international criminal law and in particular the case law of international criminal tribunals and state responsibility the author shows the various connections and issues arising from the parallel establishment of state and individual responsibility for the commission of the same international crimes these connections indicate a growing need to better co ordinate these regimes of international responsibility the author maintains that a general conception according to which state and individual responsibility are two separate sets of secondary rules attached to the breach of the same primary norms can help to solve the various issues relating to this dual responsibility this conception of the complementarity between state and individual responsibility justifies co ordination and consistent application of these two different regimes each of which aims to foster compliance with the most important obligations owed to the international community as a whole

this unique two volume book covers virtually the whole spectrum of international conflict and security law it proceeds from values protected by international law part i through substantive rules in which these values are embodied part ii to international and domestic institutions that enforce the law part iii it subsequently deals with current challenges in the application of rules of international conflict and security law part iv and crimes as the most serious violations of those rules part v finally in the section on case studies part vi lessons learnt from a number of conflict situations are discussed written by an international team of experts representing all the major legal systems of the world the book is intended as a reference work for students and researchers domestic and international judges as well as for legal advisers to governments and international and non governmental organisations sergey sayapin is associate professor and associate dean at kimep university school of law in almaty kazakhstan rustam atadjanov is assistant professor at kimep university school of law in almaty kazakhstan umesh kadam is formerly additional professor at the national law school of india university bangalore india and legal adviser with the international committee of the red cross gerhard kemp is professor of law at the university of derby in the united kingdom nicolás zambrana tévar is associate professor at kimep university school of law in almaty kazakhstan noëlle quénivet is professor in international law at the university of the west of england bristol law school in the united kingdom

introduction written by professor benjamin b ferencz this challenging volume examines the jurisprudence of international criminal justice from various points of view the philosophy of justice may vary from time to time and from nation to nation depending on prevailing attitudes towards the substantive rules which deal in one way or another with cultural norms in the national and international area the principles of criminal justice have a key role in examining the scope of the most serious violations of international criminal law it is on the basis of appropriate judgment that these principles may be accumulated and achieved for the future conduct of man this volume therefore examines the principles and dimensions of the constitutions of various international criminal tribunals courts with particular focus on the statute of the international criminal court icc as such the volume offers a comprehensive evaluation of the rule of law and criminal justice and their legal tasks within the complementarity system of international criminal jurisprudence the volume emphasises the prosecution and punishment of all those who may successfully escape from the proceedings of national and international criminal courts because of their juridical political religious economic or military power it demands the implementation of international law of jus cogens the provisions of the statute should not be deduced in contradiction to the norms from which no derogation is possible such as prohibitions governing crimes against humanity torture apartheid rape war crimes genocide and aggression if the value of the task of the court is to be realised by the majority of states in the international community the cycle of impunity has to be abolished in the case of all states including the five permanent members of the security council of the united nations

international criminal procedure principles and rules is a comprehensive study of international criminal proceedings written by over forty leading experts in the field the book offers a systematic overview and detailed comparison of the standards governing the conduct of proceedings in all major international and internationalized criminal courts from the nuremberg and tokyo tribunals to the recently established cambodian extraordinary chambers and the special tribunal for lebanon based on a major research project the study covers all procedural phases from the initiation of investigation to the appeals process it pays special attention to the crosscutting themes which shape the contemporary discourse on international criminal justice including the law of evidence the defence issues the procedural role of victims and negotiated dismissal of international crime cases the book not only takes stock of the procedural legacy of the un ad hoc tribunals for the former yugoslavia and rwanda and the international criminal court but also reflects on the future directions of international criminal procedure investigating the tribunals procedural law and practice through the prism of human rights law domestic legal traditions and tribunals special objectives the expert group puts forth proposals on how the challenges facing international criminal jurisdictions can best be met international criminal procedure will be an indispensable work for practitioners involved in the adjudication of serious crimes on both national and international level as well as international law students and academics

obtaining information and evidence abroad remains the main challenge in suppressing transnational crimes law enforcement mechanisms however have evolved with the globalization of markets and the digitization of information situated at the intersection of public international law domestic law and transnational crime international law and

the investigation of transnational crimes examines the methods that states use to investigate transnational crimes this book argues that obtaining evidence abroad today relies primarily on the consent of other states and private entities such as financial institutions and communication service providers the first part explains the importance and the boundaries of conventional cross border criminal investigation the second part explores administrative cross border investigations encompassing various practice areas including antitrust securities tax information law and financial law it also examines non criminal forms of cooperation in addressing foreign bribery and terrorism the third part examines the direct cooperation with the investigating government and a foreign private entity namely financial institutions and communication service providers thought provoking and pioneering international law and the investigation of transnational crimes challenges the conventional understanding of international cooperation in criminal matters and provides new insights by exploring the interplay between international and domestic law

this book provides an essential and critical overview of the most significant issues concerning the domestication of international criminal law in particular with regard to the implementation of the icc statute it discusses the most recent proposals for reform of the german code of crimes under international law the völkerstrafgesetzbuch 20 years after its entering into force and introduces the project for an italian code of international crimes drafted by the committee of experts established in 2022 by the ministry of justice following the adoption of the icc statute many states including germany with the völkerstrafgesetzbuch introduced specific legislation to incorporate international criminal law into their domestic legal systems and a considerable number of them have been investigating and prosecuting war crimes crimes against humanity genocide and even aggression ever since twenty five years later however the process is not completed as other countries like italy are still working on adopting provisions on international crimes this book opens with a broad overview of the different approaches of the domestication of international criminal law with a specific focus on the german and the italian systems after an assessment of the prerequisites for the domestic implementation of international criminal law also from a constitutional law perspective each chapter offers an in depth analysis of a specific issue such as the definition of international crimes genocide and crimes against humanity war crimes and aggression the applicability of and exceptions to the general principles of domestic criminal law the regulation of individual criminal responsibility sanctions and sentencing as well as procedural aspects related to immunities jurisdiction and prosecutorial discretion the strong academic perspective of many authors is complemented by an equally strong practitioner perspective of the others provided by legal scholars in the highest positions in international and national judicial institutions resulting in a well informed and critical appraisal of the most recent developments overall in the international criminal justice system domesticating international criminal law will be of great interest to legal scholars and students as well as practitioners with an interest in comparative and international law international criminal law and international relations

this book explores the normative dimensions of the acts that constitute international crimes the book conceptualises the normative dimensions of these acts as processes of construction and meaning making developing a novel methodological approach it identifies the narratives and discourses that emerge in practice as central for understanding

the normative meanings of these acts using the crimes of attacks on cultural property pillage sexual violence and reproductive violence as case studies the book offers a historical conceptual and discursive analysis of these crimes to develop a dynamic pluralist and socially constructed account of wrong in international criminal law

text no 1 the variety of topics covered the quality of the contributors make these two volumes a necessary part of any law library in the world the essays are designed to overlap in the well tested established fields branches of law dealing with contemporary issues which lawyers diplomats political scientists politicians research scholars are familiar with the essays fully demonstrate the depth of knowledge of the eminent professors specialists who have written them the two volumes of essays are divided into seven parts volume one entitled contemporary international law human rights focuses essentially on subjects relating to international law is divided into three sections part one of the first volume encompasses topics in international law such as some new thoughts on the codification of international law by his excellency judge roberto ago evidence in the procedure of the international court of justice the role of the court by his excellency judge manfred lachs the validity of international law an empirical experiment by professor georg schwarzenberger with a particularly engaging incisive introduction to the two volumes of essays by professor ian brownlie q c human rights subjects still hold pride of place in the thinking of many legal experts scholars that is clearly reflected here the title of the second volume is african law comparative public law part five of the essays contains topics of interest in the african legal system which has its roots in the british common law system constitutional law is broadly covered in part six which forms a section of its own in volume two text no 2 this festschrift pays tribute to judge taslim olawale elias the leading african exponent of international law to date the two volumes of essays are divided into seven parts the first volume focuses essentially on subjects relating to international law is divided into three sections part one of the first volume encompasses topics in international law such as some new thoughts on the codification of international law by his excellency judge roberto ago evidence in the procedure of the international court of justice the role of the court by his excellency judge manfred lachs the validity of international law an empirical experiment by professor georg schwarzenberger with a particularly engaging incisive introduction to the two volumes of essays by professor ian brownlie q c human rights subjects still hold the pride of place in the thinking of many legal experts scholars which is clearly reflected here the title of the second volume is african law comparative public law part five of the essays contains topics of interest in african legal system which took its roots from the british common law system constitutional law is broadly covered in part six which forms a section of its own in volume two quite apart from the variety of topics covered in this festschrift the quality of the contributors to it makes the whole exercise a necessary part of an important collection of any law library in the world the framework of the essays suggest that they are designed to overlap in the well tested established field of law those branches of law dealing with contemporary issues which lawyers diplomats political scientists politicians research scholars are familiar with the richness of the festschrift is matched only by the mutually reinforcing manner in which the presentation was made the essays fully demonstrate the depth of knowledge of the eminent professors specialists wh

an analysis of debates and mechanisms of international criminal law in cambodia indonesia the philippines and myanmar

members of racial groups are protected under international law against genocide persecution and apartheid but what is race and why was this contentious term not discussed when drafting the statute of the international criminal court although the law uses this term is it legitimate to talk about race today let alone convict anyone for committing a crime against a racial group this book is the first comprehensive study of the concept of race in international criminal law it explores the theoretical underpinnings for the crimes of genocide apartheid and persecution and analyses all the relevant legal instruments case law and scholarship it exposes how the international criminal tribunals have largely circumvented the topic of race and how incoherent jurisprudence has resulted in inconsistent protection the book provides important new interpretations of a problematic concept by subjecting it to a multifaceted and interdisciplinary analysis the study argues that race in international criminal law should be constructed according to the perpetrator's perception of the victims ostensible racial otherness the perpetrator's imagination as manifested through his behaviour defines the victims racial group membership it will be of interest to students and practitioners of international criminal law as well as those studying genocide apartheid and race in domestic and international law

the legal consequence of the superior orders defense has long been debated as one of the major problems in international criminal law several controversial issues such as the immunity of the state the absolute character of military discipline and immunity on the grounds of mistake of law and or coercion have been complexly interwoven in the debates the execution of illegal orders and international criminal responsibility provides a comprehensive portrait of the relevant debates at the international level up to the present analyzes the conflicting views and shows the significance of the development of international rules for the superior orders defense as well as the implication of the fact that issues concerning some detailed or related rules have been left unresolved this study presents to present a new standpoint not only on dealing with the problem of the superior orders defense but also on reconsidering the international stipulation of rulemaking with regard to criminal matters

evidence in international criminal trials compares procedural activities relevant for international criminal tribunals and the international criminal court evaluation collection disclosure admissibility and presentation of evidence the book provides guidance on how to confront legal as well as factual issues

principles of international criminal law is one of the leading textbooks in the field of international criminal justice this fourth edition retains the detailed and systematic approach of previous editions whilst adding substantial new material on new theories laws and prosecutions

it has been over 50 years since the beginning of the israeli occupation of the palestinian territories it is estimated that there are over 600 000 israeli settlers living in the west

bank and east jerusalem and they are supported protected and maintained by the israeli state this book discusses whether international criminal law could apply to those responsible for allowing and promoting this growth and examines what this application would reveal about the operation of international criminal law it provides a comprehensive analysis of how the rome statute of the international criminal court could apply to the settlements in the west bank through a close examination of the potential operation of two relevant statute crimes first the war crime of transfer of population and second the war crime of unlawful appropriation of property it also addresses the threshold question of whether the law of occupation applies to the west bank and how the principles of individual criminal responsibility might operate in this context it explores the relevance and coherence of the legal arguments relied on by israel in defence of the legality of the settlements and considers how these arguments might apply in the context of the rome statute the work also has wider aims raising questions about the rome statute s capacity to meet its aim of establishing a coherent and legally effective system of international criminal justice

the rome statute unlike the statutes of the international criminal tribunals for the former yugoslavia and for rwanda creates a permanent court whose dormant jurisdiction covers the territory and includes the nationals of states parties and is universal in cases where the security council makes a referral besides unlike the ad hoc tribunals which have jurisdiction over specific crisis situations whose personal territorial and temporal parameters have been defined in their respective statutes by the un security council in the case of the icc it is not possible to determine a priori in which situations the icc will be involved as a result the most relevant activity of the court is the determination of those situations regarding which the dormant jurisdiction of the court will be triggered the book the triggering procedure of the international criminal court constitutes the first comprehensive analysis of the proceedings that prior to any criminal investigation aim to make such a fundamental determination

parties negotiating the end of authoritarian regimes or armed conflicts are almost inevitably left in a situation of legal uncertainty despite their overlapping scope of application the differences between the approaches of international criminal law icl and transitional justice tj are so profound that unless dogmatism is left aside and a process of dialogue is entered into it will not be possible to harmonize the current legal regime of international crimes with the need to articulate transitional processes that are capable of effectively overcoming authoritarian regimes and armed conflicts the serious material limitations shown by national international and hybrid icl enforcement mechanisms should be acknowledged and the goals pursued by icl should be redefined accordingly a minimum level of consensus on the scope of application goals and elements of tj should also be reached situations of systematic or large scale violence against the civilian population by transnational criminal organizations increase the challenge

the goal of this book is to minimize the misunderstandings and conflicts between international law and islamic law the objective is to bring peace into justice and justice into peace for the prevention of violations of human rights law humanitarian law international criminal law and impunity

to anyone setting out to explore the entanglement of international criminal justice with the interests of states germany is a particularly curious exemplary case although a liberal democracy since 1949 its political position has altered radically in the last 60 years starting from a position of harsh scepticism in the years following the nuremberg trials and opening up to the rationales of international criminal justice only slowly and then mainly in the context of domestic trials against functionaries of the former east german regime after 1990 germany is today one of the most active supporters of the international criminal court the climax of this is its campaigning to make the icc independent of the un security council a debate in which germany took a position in stark contrast to the united states this book offers new insight into the debates leading up to such policy shifts drawing on government documents and interviews with policymakers it enriches a broader debate on the politics of international criminal justice which has to date often been focused primarily on the united states

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