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Historical Origins of International Criminal Law: Volume 3

Morten Bergsmo, CHEAH Wui Ling, SONG Tianying and Yi Ping (editors)

Historical Origins Of International Criminal Law Volume 3

Barry de Vries



Historical Origins Of International Criminal Law Volume 3:

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Individual Criminal Responsibility for Autonomous Weapons Systems in International Criminal Law Barry de Vries, 2023-02-27 In this book Barry de Vries addresses the issue of autonomous weapons in international criminal law. The development of autonomous weapon systems is progressing. While the technology advances, attempts to regulate these weapons are not keeping pace. It is therefore likely that these weapons will be developed before a new legal framework is established. Many legal questions still remain, and one of the most important ones among them is how individual responsibility will be approached. Barry de Vries therefore considers this issue from a doctrinal international criminal law perspective to determine how the current international criminal law framework will address this topic.

The Concept of Race in International Criminal Law Carola Lingaas, 2019-09-19 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.

Grievous Religious Persecution Werner Nicolaas Nel, 2020-12-29 Nel focuses on grievous religious persecution as one manifestation of crimes against humanity. In spite of shocking reports in recent years about mass scale atrocities, the issue of religious persecution so far has received comparatively limited attention in academic literature. By meticulously putting together the various elements that jointly define religious persecution, Nel's dissertation fills a frequently felt gap. Moreover, he reminds us that humanity cannot remain silent about manifestations of grievous religious persecution, which after all are crimes against humanity as a whole. International criminal law must be applied to overcome the gloating triumph of perpetrators over their victims. From the foreword by Prof Dr Heiner Bielefeldt, former U N Special Rapporteur on freedom of religion or belief.

Counterfactual

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International Criminal Law, Volume 3: International Enforcement M. Cherif Bassiouni, 2008-12-31 Volume 3 addresses the direct enforcement system namely international criminal tribunals how they came about and how they functioned tracing that history from the end of WWI to the ICC including the post WWII experiences They address the IMT

IMTFE ICTY ICTR the mixed model tribunals and the ICC It also contains a chapter which addresses some of the problems of the direct enforcement system namely the general procedural evidentiary and sanctions parts of ICL which is largely made of what is contained in the statutes of the tribunals mentioned above as well as the jurisprudence of the established tribunals In addition this volume addresses national experiences with the enforcement of certain international crimes It is divided into 4 chapters which are titled as Chapter 1 History of International Investigations and Prosecutions International Criminal Accountability International Criminal Justice in Historical Perspective Chapter 2 International Criminal Tribunals and Mixed Model Tribunals The International Criminal Tribunal for the Former Yugoslavia The International Criminal Tribunal for Rwanda The Making of the International Criminal Court Mixed Models of International Criminal Justice Special Court for Sierra Leone Special Tribunal for Cambodia East Timor Chapter 3 National Prosecutions for International Crimes National Prosecutions for International Crimes National Prosecutions of International Crimes A Historical Overview The French Experience The Belgian Experience The Dutch Experience Indonesia The U S War Crimes Act of 1996 Enforcing ICL Violations with Civil Remedies The Case of the U S Alien Tort Claims Act Chapter 4 Contemporary Issues in International Criminal Law Doctrine and Practice Command Responsibility Joint Criminal Enterprise The Responsibility of Peacekeepers The General Part Judicial Developments Ne bis in idem Plea Bargains Issues Pertaining to the Evidentiary Part of International Criminal Law Penalties and Sentencing Penalties From Leipzig to Arusha Victims Rights in International Law

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Relationships between International Criminal Law and Other Branches of International Law William A. Schabas, 2022-05-20 Watch the interview with William Schabas on Relationships Between International Criminal Law and Other Branches of International Law This course investigates the relationships between international criminal law and other branches of international law It begins by examining four issues of general international law the principal sources of international law jurisdiction and immunities State responsibility and use of force It then explores international humanitarian law focusing on definitions of war crimes and difficulties in linking IHL and ICL Next it examines refugee law paying particular attention to the exclusion of war criminals from refugee protection and to international crimes that may be related to the rights and treatment of refugees The final chapter explores the relationship between ICL and human rights law examining the position of human rights within the Rome Statute of the ICC as well as the human rights aspects of genocide crimes against humanity various procedural rights relating to fair

international trials and the contribution of human rights fact finding mechanisms

Dealing with Totalitarian Regimes and Human Rights Max-Emanuel Geis, Adam Bosiacki, Christoph Safferling, 2024-06-29 This book delves into the intertwined narratives of Poland and Germany's post war experiences shedding light on their shared trauma from World War II and subsequent confrontations with communism Authored by scholars from Faculty of Law and Administration University of Warsaw and Law School of Friedrich Alexander University Erlangen Nuremberg it opens a critical dialogue about the nations efforts to recover from war dictatorship and human rights abuses From constitutional law to criminal justice the chapters explore diverse facets of their shared history offering fresh insights and reflections This collaborative effort culminates in a comprehensive analysis of post war politics and legal frameworks providing valuable perspectives on transitional justice and human rights protection Through meticulous research and interdisciplinary discourse the book aims to deepen Polish German friendship foster academic cooperation and honor the memory of past generations while envisioning a future rooted in the rule of law human rights and peace for both nations and Europe as a whole Through insightful contributions and meticulous research it navigates complex legal and political landscapes providing valuable insights into the challenges and opportunities inherent in navigating the legacies of war dictatorship and human rights abuses It reflects on the profound implications of historical events such as the Treaty of Versailles and the Nuremberg Trials on legal and political landscapes Through detailed examinations of institutional transformations and legal frameworks it highlights the challenges of confronting past injustices and shaping future trajectories

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