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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

Guénaél Mettraux



Historical Origins Of International Criminal Law Volume 3:

Historical Origins of International Criminal Law Morten Bergsmo, CHEAH Wui Ling, SONG Tianying, YI Ping, 2015-11-19

Philosophical Foundations of International Criminal Law Morten Bergsmo, Emiliano J. Buis, 2019-02-21 **Commentary**

on the Law of the International Criminal Court Mark Klamberg, 2017-04-29 **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*

History and Bosnia-Herzegovina Stian Nordengen Christensen, 2018-07-11 Quality Control in Preliminary Examination

Morten Bergsmo, Carsten Stahn, 2018-09-06 *Possibilities and Impossibilities in a Contradictory Global Order* Stian Nordengen Christensen, 2018-04-21 A Theory of Punishable Participation in Universal Crimes Terje Einarsen, Joseph Rikhof, 2018-12-07

This study is the second in the four part series entitled Rethinking the Essentials of International Criminal Law and Transitional Justice While the first volume The Concept of Universal Crimes in International Law explored the parameters and theories related to crimes under international law this book examines the notion of punishable participation in such crimes It presents a general theory of personal criminal liability and provides a comprehensive overview of all forms of criminal participation in international law The authors examine numerous primary materials in international and transnational criminal law both historical and current relating to both international and domestic jurisprudence They also review academic literature that attempts to explain and bring consistency to the jurisprudence as well as other sources such as reports of the International Law Commission This rich empirical tapestry is then used to test and further develop an overarching conceptual theory and matrix that provides a better understanding of the boundaries of personal criminal liability *lex lata* and *lex ferenda* and of the relationship between the various forms of punishable participation in universal crimes Like the first volume this book makes a valuable contribution to a more coherent and practical understanding of international criminal law Historical War Crimes Trials in Asia LIU Daqun, ZHANG Binxin, 2016-06-27 **Thematic Prosecution of International Sex Crimes** Morten Bergsmo, 2018-06-01 *International Crimes: Volume I: Genocide* Guénaél Mettraux, 2019-06-18

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 first volume discusses in detail the law of genocide its definition elements normative status and relationship to the other core international crimes While the book is an invaluable tool for academics and researchers it is particularly suited to legal practitioners guiding the reader through the practical and evidential challenges associated with the prosecution of international crimes *Military Self-Interest in Accountability for Core International Crimes* Morten Bergsmo, SONG Tianying, 2018-04-21 **International Criminal Law, Volume 1: Sources, Subjects and Contents** M. Cherif Bassiouni, 2008-12-31

Volume 1 deals with international crimes It contains several significant contributions on the theoretical and doctrinal aspects of ICL which precede the five chapters addressing some of the major categories of international crimes The first two chapters address the sources and subjects of ICL and its substantive contents The other five chapters address Chapter 3 The Crime Against Peace and Aggression The Crime Against Peace and Aggression From its Origins to the ICC The Crime of Aggression and the International Criminal Court Chapter 4

War Crimes Crimes Against Humanity Penal Aspects of International Humanitarian Law Non International Armed Conflict and Guerilla Warfare Mercenarism and Contracted Military Services Customary International Law and Weapons Control Genocide Crimes Against Humanity Overlaps Gaps and Ambiguities in Contemporary International Humanitarian Law Genocide and Crimes Against Humanity Chapter 5 Crimes Against Fundamental Human Rights Slavery Slave Related Practices and Trafficking in Persons Apartheid International Prohibition of Torture The Practice of Torture in the United States September 11 2001 to Present Chapter 6 Crimes of Terror Violence International Terrorism Kidnapping and Hostage Taking Terrorism Financing Piracy International Maritime Navigation and Installations on the High Seas International Civil Aviation Chapter 7 Crimes Against Social Interest International Control of Drugs Challenges in the Development of International Criminal Law The Negotiations of the United Nations Convention Against Transnational Organized Crime and the United Nations Convention Against Corruption Transnational Organized Crime Corruption of Foreign Public Officials International Criminal Protection of Cultural Property Criminalization of Environmental Protection *International Criminal Law* M. Cherif Bassiouni, 2008 Volume 1 deals with international crimes It contains several significant contributions on the theoretical and doctrinal aspects of ICL which precede the five chapters addressing some of the major categories of international crimes The first two chapters address the sources and subjects of ICL and its substantive contents The other five chapters address Chapter 3 The Crime Against Peace and Aggression The Crime Against Peace and Aggression From its Origins to the ICC The Crime of Aggression and the International Criminal Court Chapter 4 War Crimes Crimes Against Humanity Penal Aspects of International Humanitarian Law Non International Armed Conflict and Guerilla Warfare Mercenarism and Contracted Military Services Customary International Law and Weapons Control Genocide Crimes Against Humanity Overlaps Gaps and Ambiguities in Contemporary International Humanitarian Law Genocide and Crimes Against Humanity Chapter 5 Crimes Against Fundamental Human Rights Slavery Slave Related Practices and Trafficking in Persons Apartheid International Prohibition of Torture The Practice of Torture in the United States September 11 2001 to Present Chapter 6 Crimes of Terror Violence International Terrorism Kidnapping and Hostage Taking Terrorism Financing Piracy International Maritime Navigation and Installations on the High Seas International Civil Aviation Chapter 7 Crimes Against Social Interest International Control of Drugs Challenges in the Development of International Criminal Law The Negotiations of the United Nations Convention Against Transnational Organized Crime and the United Nations Convention Against Corruption Transnational Organized Crime Corruption of Foreign Public Officials International Criminal Protection of Cultural Property Criminalization of Environmental Protection *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 *International Crimes: Law and Practice* Guénaél Mettraux, 2020-05-27 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

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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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