

From Nuremberg To The Hague The Future Of International Criminal Justice

Frank Bovenkerk, Michael Levi

From Nuremberg To The Hague The Future Of International Criminal Justice:

From Nuremberg to the Hague Philippe Sands, 2003 This collection of essays is based on five lectures organized jointly by Matrix Chambers of human rights lawyers and the Wiener Library between April and June 2002 Presented by leading experts in the field this fascinating collection of papers examines the evolution of international criminal justice from its post World War II origins at Nuremberg through to the concrete proliferation of courts and tribunals with international criminal law jurisdictions based at The Hague today Original and provocative the lectures provide various stimulating perspectives on the subject of international criminal law Topics include its corporate and historical dimension as well as a discussion of the International Criminal Court Statute and the role of the national courts The volume offers a challenging insight into the future of international criminal legal system This is an intelligent and thought provoking book accessible to anyone interested in international criminal law from specialists to non specialists alike From Nuremberg to the Hague ,2006* Triggering Procedure of the International Criminal Court Héctor Olásolo, 2005 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

Impediments to the Prevention and Intervention of Genocide Samuel Totten, 2017-09-08 Academics NGOs the United Nations and individual nations are focused on the prevention and intervention of genocide Traditionally missions to prevent or intervene in genocide have been sporadic and under resourced The contributors to this volume consider some of the major stumbling blocks to the avoidance of genocide Bartrop and Totten argue that realpolitik is the major impediment to the elimination of genocide Campbell examines the lack of political will to confront genocide and Theriault describes how denial becomes an obstacle to intervention against genocide Loyle and Davenport discuss how intervention is impeded by a lack of reliable data on genocide violence and Macgregor presents an overview of the influence of the media Totten examines how the UN Convention on Genocide actually impedes anti genocide efforts and how the institutional configuration of the UN is itself often a stumbling block Addressing an issue that is often overlooked Travis examines the impact of global arms trade on genocide Finally Hiebert examines how international criminal prosecution of atrocities can impede preventive efforts and Hirsch provides an analysis of the strengths weaknesses and effectiveness of major international and national prescriptions

developed over the last decade The result is a distinguished addition to Transaction's prestigious Genocide Studies series The International Criminal Court Andrew Novak, 2015-03-11 This book is about the International Criminal Court ICC a new and highly distinctive criminal justice institution with the ability to prosecute the highest level government officials including heads of state even in countries that have not accepted its jurisdiction The book explores the historical development of international criminal law and the formal legal structure created by the Rome Statute against the background of the Court's search for objectivity in a political global environment. The book reviews the operations of the Court in practice and the Court's position in the power politics of the international system It discusses and clarifies all stages of an international criminal proceeding from the opening of the investigation to sentencing reparations and final appeals in the context of its restorative justice mission Making appropriate comparisons and contrasts between the international criminal justice system and domestic and national systems the book fills a gap in international criminal justice study Research Companion to Military Ethics James Turner Johnson, Eric D. Patterson, 2016-03-23 This Companion provides scholars and graduates serving and retired military professionals members of the diplomatic and policy communities concerned with security affairs and legal professionals who deal with military law and with international law on armed conflicts with a comprehensive and authoritative state of the art review of current research in the area of military ethics Topics in this volume reflect both perennial and pressing contemporary issues in the ethics of the use of military force and are written by established professionals and respected commentators Subjects are organized by three major perspectives on the use of military force the decision whether to use military force in a given context the matter of right conduct in the use of such force and ethical responsibilities beyond the end of an armed conflict Treatment of issues in each of these sections takes account of both present day moral challenges and new approaches to these and the historical tradition of just war Military ethics as it has developed has been a particularly Western concern and this volume reflects that reality However in a globalized world awareness of similarities and differences between Western approaches and those of other major cultures is essential For this reason the volume concludes with chapters on ethics and war in the Islamic Chinese and Indian traditions with the aim of integrating reflection on these approaches into the broad consideration of military ethics provided by this Histories Written by International Criminal Courts and Tribunals Aldo Zammit Borda, 2020-12-18 This book volume argues for a more moderate approach to history writing in international criminal adjudication by articulating the elements of a responsible history normative framework The question of whether international criminal courts and tribunals ICTs ought to write historical narratives has gained renewed relevance in the context of the recent turn to history in international criminal law the growing attention to the historical legacies of the ad hoc Tribunals and the minimal attention paid to historical context in the first judgment of the International Criminal Court The starting point for this discussion is that in cases of mass atrocities prosecutors and judges are inevitably understood to be engaged in writing history and influencing collective

memory whether or not they so intend Therefore while writing history is an inescapable feature of ICTs there is still today a significant lack of consensus over the proper place of this function Since Hannah Arendt articulated her doctrine of strict legality in response to the prosecutor's expansive didactic approach in Eichmann the legal debate on the subject has been largely polarised between restrictive and expansive approaches to history writing in mass atrocity trials What has been noticeably missing from this debate is the middle ground The contribution this book seeks to make is precisely to articulate a framework that occupies that ground The book asks what are the lenses through which judges of ICTs interpret historical events what kind of histories do ICTs write and what kinds of histories should ICTs produce Its arguments for a more moderate approach to history writing are based on three distinct but interrelated grounds 1 Truth and Justice 2 Right to Truth and 3 Legal Epistemology Different target audiences may benefit from this book Court officials and legal practitioners may find the normative framework developed herein useful in addressing the tensions between the competing objectives of ICTs and in particular in assessing the value of the history writing function Lawyers historians and other academics may also find the analysis of the strengths constraints and blind spots of the historical narratives written by ICTs interesting This issue is particularly timely in view of current debates on the legacies of ICTs Aldo Zammit Borda is Director of the Centre for Access to Justice and Inclusion at Anglia Ruskin University Cambridge UK The Right to Life and the Value of Life Jon Yorke, 2016-03-03 This groundbreaking book is the first collection to investigate the law political science and ethical perspectives collectively in relation to the right and value of life Its contributions from international roster of scholars are organized around five themes a theoretical positioning of life and death War armed conflict and detention Death as punishment Medical parameters for ending life and medical policies for the preservation of life In studying this issue in its contemporary contexts of right and value the volume fills the current scholarly lacuna in the general subject of the orientations of life It presents a much needed examination of key issues in a broad practical and theoretical context and holds broad appeal for scholars researchers and students occupied with issues of war armed conflict the death penalty and various contemporary medico legal scenarios The Tokyo Tribunal: Perspectives on Law, History and Memory Marina Aksenova, Diane Marie Amann, David Cohen, Robert Cribb, David M. Crowe, Donald M. Ferencz, Narrelle Morris, Diane Orentlicher, Kuniko Ozaki, Christoph Safferling, Franziska Seraphim, Gerry Simpson, Kayoko Takeda, Yuma Totani, Beatrice Trefalt, Sandra Wilson, 2020-10-27 The International Military Tribunal for the Far East IMTFE held in Tokyo from May 1946 to November 1948 was a landmark event in the development of modern international criminal law The trial in Tokyo was a complex undertaking and international effort to hold individuals accountable for core international crimes and delivering justice The Tribunal consisted of 11 judges and respective national prosecution teams from 11 countries and a mixed Japanese American team of defence lawyers The IMTFE indicted 28 Japanese defendants amongst them former prime ministers cabinet ministers military leaders and diplomats based on a 55 count indictment pertaining to crimes against peace

war crimes and crimes against humanity The judgment was not unanimous with one majority judgment two concurring opinions and three dissenting opinions The trial and the outcome were the subject of significant controversy and the Tribunal s files were subsequently shelved in the archives While its counterpart in Europe the International Military Tribunal IMT at Nuremberg has been at the centre of public and scholarly interest the Tokyo Tribunal has more recently gained international scholarly attention This volume combines perspectives from law history and the social sciences to discuss the legal historical political and cultural significance of the Tokyo Tribunal The collection is based on an international conference marking the 70th anniversary of the judgment of the IMTFE which was held in Nuremberg in 2018 The volume features reflections by eminent scholars and experts on the establishment and functioning of the Tribunal procedural and substantive issues as well as receptions and repercussions of the trial Global Power Europe - Vol. 2 Astrid Boening, Jan-Frederik Kremer, Aukje van Loon, 2013-03-27 This two volume project provides a multi sectoral perspective over the EU s external projections from traditional as well as critical theoretical and institutional perspectives and is supported by numerous case studies covering the whole extent of the EU s external relations The aim is to strive to present new approaches as well as detailed background studies in analyzing the EU as a global actor Volume 1 The first volume Theoretical and Institutional Approaches to the EU s External Relations addresses the EU s overall external post Lisbon Treaty presence both globally and regionally e.g. in its neighborhood with a special emphasis on the EU s institutional framework It also offers fresh and innovative theoretical approaches to understanding the EU s international position With a preface by Alvaro de Vasoncelos former Director European Union Institute for Security Studies Volume 2 The second volume Policies Actions and Influence of the EU s External Relations examines in both quantitative and qualitative contributions the EU s international efficacy from a political economic and social perspective based on a plethora of its engagements **The Organized Crime Community Frank** Bovenkerk, Michael Levi, 2007-11-15 In his social investigative writings on the serious crime community which describes the loose merger of corporate interests organized crime and political crime professor Alan A Block of Penn State University has proven to be one of the most inspiring criminologists in the field An international group of pupils and friends dedicate this book to him which contains original contributions on the troubled concept of organized crime the social history of crime groups in the United States corruption in the United Nations Oil for Food Program in Iraq the struggle against identity fraud the world of drugs and the adverse consequences of criminalization the money laundering control movement International Tribunals against war crimes and a Jewish studies chapter on the role of bystanders during the Holocaust The book opens with Alan Block s now classic study on the origins of the Iran Contra scandal Alan A Block has served for 17 years as the editor in chief of Crime Law and Social Change one of Springer's major criminology journals Complicity and its Limits in the Law of International Responsibility Vladyslav Lanovoy, 2016-09-22 This book examines the responsibility of States and international organizations for complicity aid or assistance in an internationally wrongful act Despite the recognition of

responsibility for complicity as a rule of customary international law by the International Court of Justice this book argues that the effectiveness and utility of this form of responsibility is fraught with systemic and operational limits These limits include a lack of clarity in its constituent elements its co existence with primary rules prohibiting complicity and the obligations of due diligence its implementation and the underlying causal tests its uncertain relationship to other forms of shared and indirect responsibility and its potential as a form of attribution of conduct This book submits that the content and elements of this form of responsibility need adjustments to respond more effectively to the phenomenon of complicity in Fairness in International Criminal international affairs Awarded The Paul Guggenheim Prize in International Law 2017 Trials Yvonne McDermott, 2016-01-21 With the acceptance of international criminal procedure as a self sustaining discipline and as the tribunals established to try the most serious crimes in the former Yugoslavia Sierra Leone and Rwanda have completed or are beginning to wind up their activities the time is ripe for a critical evaluation of these international criminal tribunals and their legacy By examining the due process standards embraced by the five contemporary international criminal tribunals the author draws conclusions about how the right to a fair trial should be interpreted in international criminal law This volume addresses key conceptual questions on fairness including should international criminal tribunals set the highest standards of fairness or is it sufficient for their practice to be just fair enough To whom does the right to a fair trial attach and can actors such as the prosecution and victims be accurately said to benefit from that right Does fairness require the full realization of a number of guarantees owed to the accused under the statutory frameworks of international criminal tribunals or should we instead be concerned with the fairness of the trial as a whole What is the interplay between domestic and international courts on questions of procedural fairness What are the elements of fairness in international criminal proceedings And what remedies are available for breaches of fair trial rights Through an in depth exploration of the right to a fair trial the author concludes that international criminal tribunals have a role in setting the highest standards of due process protection in their procedures and that in so doing they can have a positive impact on domestic justice systems The Permanent International Criminal Court Dominic McGoldrick, Peter Rowe, Eric Donnelly, 2004-03 The idea of an International Criminal Court has captured the international legal imagination for over a century In 1998 it became a reality with the adoption of the Rome Statute This book critically examines the fundamental legal and policy issues involved in the establishment and functioning of the Permanent International Criminal Court Detailed consideration is given to the history of war crimes trials and their place in the system of international law the legal and political significance of a permanent ICC the legality and legitimacy of war crimes trials the tensions and conflicts involved in negotiating the ICC Statute the general principles of legality the scope of defences evidential dilemmas the perspective of victims the nature and scope of the offences within the ICC s jurisdiction aggression genocide war crimes crimes against humanity questions of admissibility and theories of jurisdiction the principle of complementarity national implementation of the Statute in a range of jurisdictions and national and international responses to the ICC The expert contributors are drawn from a range of national jurisdictions UK Sweden Canada and Australia The book blends detailed legal analysis with practical and policy perspectives and offers an authoritative complement to the extensive commentaries on the ICC Statute **International Law and International** Relations David Armstrong, Theo Farrell, Hélène Lambert, 2012-03-08 This fully updated and revised edition explores the evolution nature and function of international law in world politics International Organizations Ian Hurd, 2024-06-06 International organizations are increasingly important to global politics law and culture Now in its fifth edition this leading textbook provides the definitive introduction to modern international organizations by examining a dozen prominent global institutions With a mix of legal empirical and theoretical approaches the author examines timely cases where IOs are in the headlines today including on migration Brexit trade wars and border disputes This new edition is fully revised and updated featuring new chapters on how global sports are organized by FIFA and the International Olympic Committee The book explains the power and limits of international organizations by seeing how their legal authority interacts with politics in real world controversies It will be of interest to undergraduate and graduate students taking courses in international organizations international institutions global governance and international law The Pedagogy of Economic, Political and Social Crises Bob Jessop, Karim Knio, 2018-11-09 Crises have been studied in many disciplines and from diverse perspectives for at least 150 years Yet recent decades have seen a marked increase in the crisis literature reflecting growing awareness of crisis phenomena from the 1970s onwards Responding to this mainstream literature this edited collection makes six key innovations First it distinguishes between crises as event and crises as process as well as crises as accidental events or as the result of system generated processes Second it distinguishes crises that can be managed through established crisis management routines from crises of crisis management Third it focuses on the symptomatology of crisis i e the challenge of moving crisis symptoms to understanding underlying causes as a basis for decisive action Fourth it goes beyond the clich that crises are both threat and opportunity by distinguishing valid accounts of the origins and present nature of a crisis from more speculative accounts of what potentially exists Fifth it explores how crises can disorient conventional wisdom thus provoking efforts to interpret and learn about crises and draw lessons after a crisis has ended Finally the sixth element is the move away from the conventional focus on executive authorities and disaster management agencies instead turning attention towards how other social forces construe crises and attempt to learn from them Offering important insights into the pedagogy of crisis throughout this collection will offer excellent reading to both researchers and postgraduate A New Deal for the World Elizabeth Borgwardt, 2005-11-21 In a work of sweeping scope and luminous detail students Borgwardt traces the history of the Atlantic Charter describing how a cadre of World War II American planners inaugurated the ideas and institutions that underlie the modern international human rights regime National Accountability for International Crimes in Africa Emma Charlene Lubaale, Ntombizozuko Dyani-Mhango, 2022-02-07 This book critically

examines the issues pertaining to the Rome Statute's complementarity principle The focus lies on the primacy of African states to prosecute alleged perpetrators of international crimes in their respective jurisdictions. The chapters explore states international and domestic obligations to hold perpetrators of international crimes to account before the national courts and demonstrate the complexity of enforcing national accountability of alleged perpetrators of international crimes while also ensuring that post conflict African states achieve national healing reconciliation and sustainable peace The contributions reject impunity for international crimes whilst also considering these complexities Emphasis further lies on the meaning of accountability in the context of the politics of selective international criminal justice for crimes committed before the establishment of the International Criminal Court Restorative Responses to Sexual Violence Estelle Zinsstag, Marie Keenan, 2017-02-17 Sexual violence in all its forms is a crime for which anecdotal accounts and scholarly reports suggest victims in their great majority do not receive adequate justice or redress The theory and practice of restorative justice is rapidly developing and offers some well argued new avenues for dealings with crime in general It has the potential to be extended to cases of sexual violence and a number of small scale programmes are already underway across the world Restorative Responses to Sexual Violence examines this innovative justice paradigm in more depth in the particular context of sexual trauma and violence in order to establish the empirical realities of restorative justice approaches in cases of sexual violence and considers how such approaches could be developed adequately in the future This book is divided into two parts each representing a key area of research and practice theoretical and conceptual frameworks and justice and therapeutic perspectives This international collection brings together leading expert scholars and practitioners to offer both theoretical and practical perspectives on restorative justice and sexual violence This book will be of interest to researchers in the field of law criminology psychology social science social work and psychotherapy as well as practitioners in the fields of criminal justice restorative justice and sex offender and victim trauma therapies

Unveiling the Magic of Words: A Overview of "From Nuremberg To The Hague The Future Of International Criminal Justice"

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Table of Contents From Nuremberg To The Hague The Future Of International Criminal Justice

- 1. Understanding the eBook From Nuremberg To The Hague The Future Of International Criminal Justice
 - The Rise of Digital Reading From Nuremberg To The Hague The Future Of International Criminal Justice
 - Advantages of eBooks Over Traditional Books
- 2. Identifying From Nuremberg To The Hague The Future Of International Criminal Justice
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
- 3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an From Nuremberg To The Hague The Future Of International Criminal Justice
 - User-Friendly Interface
- 4. Exploring eBook Recommendations from From Nuremberg To The Hague The Future Of International Criminal Justice
 - Personalized Recommendations

- From Nuremberg To The Hague The Future Of International Criminal Justice User Reviews and Ratings
- From Nuremberg To The Hague The Future Of International Criminal Justice and Bestseller Lists
- 5. Accessing From Nuremberg To The Hague The Future Of International Criminal Justice Free and Paid eBooks
 - From Nuremberg To The Hague The Future Of International Criminal Justice Public Domain eBooks
 - From Nuremberg To The Hague The Future Of International Criminal Justice eBook Subscription Services
 - From Nuremberg To The Hague The Future Of International Criminal Justice Budget-Friendly Options
- 6. Navigating From Nuremberg To The Hague The Future Of International Criminal Justice eBook Formats
 - ∘ ePub, PDF, MOBI, and More
 - From Nuremberg To The Hague The Future Of International Criminal Justice Compatibility with Devices
 - From Nuremberg To The Hague The Future Of International Criminal Justice Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of From Nuremberg To The Hague The Future Of International Criminal Justice
 - Highlighting and Note-Taking From Nuremberg To The Hague The Future Of International Criminal Justice
 - Interactive Elements From Nuremberg To The Hague The Future Of International Criminal Justice
- 8. Staying Engaged with From Nuremberg To The Hague The Future Of International Criminal Justice
 - Joining Online Reading Communities
 - o Participating in Virtual Book Clubs
 - o Following Authors and Publishers From Nuremberg To The Hague The Future Of International Criminal Justice
- 9. Balancing eBooks and Physical Books From Nuremberg To The Hague The Future Of International Criminal Justice
 - ∘ Benefits of a Digital Library
 - Creating a Diverse Reading Collection From Nuremberg To The Hague The Future Of International Criminal Justice
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine From Nuremberg To The Hague The Future Of International Criminal Justice
 - Setting Reading Goals From Nuremberg To The Hague The Future Of International Criminal Justice
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of From Nuremberg To The Hague The Future Of International Criminal Justice

- Fact-Checking eBook Content of From Nuremberg To The Hague The Future Of International Criminal Justice
- Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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