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permanent international criminal court was created and goes on to show how solutions developed to address international crimes have remained inadequate and failed to restore justice. Calling for a truly global approach as the only real solution to dealing with the most severe international crimes, this text will be of great interest to scholars of criminal justice, political science, and international relations.

Crime Without Borders—Aaron Fichtelberg 2008 Crime Without Borders examines the globalization of crime and justice in today's contemporary society. It not only discusses the nuts and bolts of international crime and international law enforcement, but also raises abstract, theoretical issues for debate and asks critical questions about the best ways to think about international criminal problems. Throughout the book, it places global crime within the context of contemporary politics and current events. Hot topics such as terrorism, drug trafficking, and cybercrime are addressed throughout and connections between globalization, politics and criminal justice reflect the modern realities of international and transnational crime.

The International Criminal Court—William A. Schabas 2017-01-19 Established as one of the main sources for the study of the Rome Statute of the International Criminal Court, this volume provides an article-by-article analysis of the Statute; the detailed analysis draws upon relevant case law from the Court itself, as well as from other international and national criminal tribunals, academic commentary, and related instruments such as the Elements of Crimes, the Rules of Procedure and Evidence, and the Relationship Agreement with the United Nations. Each of the 128 articles is accompanied by an overview of the drafting history as well as a bibliography of academic literature relevant to the provision. Written by a single author, the Commentary avoids duplication, provides a comprehensive presentation to assist those who must understand, interpret, and apply the complex provisions of the Rome Statute. This volume has been well-received in the academic community and has become a trusted reference for those who work at the Court, even judges. The fully updated second edition of The International Criminal Court incorporates new developments in the law, including discussions of recent judicial activity and the amendments to the Rome Statute adopted at the Kampala conference.

International Criminal Law in Context—Philippe Kantor 2017-10-20 International Criminal Law in Context provides a critical and contextual introduction to the fundamentals of international criminal law. It goes beyond a doctrinal analysis focused on the practice of international tribunals to draw on a variety of perspectives, capturing the complex processes of internationalization that criminal law has experienced over the past few decades. The book considers international criminal law in context and seeks to account for the political and cultural factors that have influenced – and that continue to influence – this still-emerging body of law. Considering the substance, procedures, objectives, justifications and impacts of international criminal law, it addresses such topics as: • the history of international criminal law; • the subjects of international criminal law; • transitional justice and international criminal justice; • genocide, crimes against humanity, war crimes and the crime of aggression; • sexual and gender-based crimes; • international and hybrid criminal tribunals; • sentencing under international criminal law; and • the role of victims in international criminal procedure. The book will appeal to those who want to study international criminal law in a critical and contextualized way. Presenting original research, it will also be of interest to scholars and practitioners already familiar with the main legal and policy issues relating to this body of law.

Routledge Handbook of International Criminal Law—William A. Schabas 2010-11-08 International criminal law has developed extraordinarily quickly over the last decade, with the creation of ad hoc tribunals in the former Yugoslavia and Rwanda, and the establishment of a permanent International Criminal Court. This book provides a timely and comprehensive survey of emerging and existing areas of international criminal law. The Handbook features new, specially commissioned papers by a range of international and leading experts in the field. It contains reflections on the theoretical aspects and contemporary debates in international criminal law. The book is split into four parts for ease of reference: The Historical and Institutional Framework – Sets international criminal law firmly in context with individual chapters on the important developments and key institutions which have been established. The Crimes – Identifies and analyses international crimes, including a chapter on aggression. The Practice of International Tribunals – Focuses on topics relating to the practice and procedure of international criminal law. Key Issues in International Criminal Law – Goes on to explore issues of importance such as universal jurisdiction,
The International Criminal Court in an Effective Global Justice System

Linda E. Carter 2016-11-25 International tribunals need to interface effectively with national jurisdictions, which includes coordination with domestic judicial prosecutions as well as an appreciation for other non-judicial types of transitional justice. In this book, the authors analyze the earlier international tribunals established since the 1990s and the parallel national proceedings for each. In examining the ways in which the ICC can best coordinate with national processes, this book considers the ICC’s present interactions with national jurisdictions and the statutory framework of the Rome Statute for interface with national jurisdictions.

Building the International Criminal Court

Benjamin N. Schiff 2008-05-05 The ICC is the first and only standing international court capable of prosecuting humanity’s worst crimes: genocide, war crimes, and crimes against humanity. It faces huge obstacles. It has no police force; it pursues investigations in areas of tremendous turmoil, conflict, and death; it is charged both with trying suspects and with aiding their victims; and it seeks to combine divergent legal traditions in an entirely new international legal mechanism. International law advocates sought to establish a standing international criminal court for more than 150 years. Other, temporary, single-purpose criminal tribunals, truth commissions, and special courts have come and gone, but the ICC is the only permanent inheritor of the Nuremberg legacy. In Building the International Criminal Court, Oberlin College Professor of Politics Ben Schiff analyzes the ICC, melding historical, comparative law perspective, international relations theories, and observers’ insights to explain the Court’s origins, creation, innovations, dynamics, and operational challenges.

The Fundamental Concept of Crime in International Criminal Law

Iryna Marchuk 2013-07-29 This book examines the rapid development of the fundamental concept of a crime in international criminal law from a comparative law perspective. In this context, particular thought has been given to the catalyzing impact of the criminal law theory that has developed in major world legal systems upon the crystallization of the substantive part of international criminal law. This study offers a critical overview of international and domestic jurisprudence with regard to the construal of the concept of a crime (actus reus, mens rea, defences, modes of liability) and exposes roots of confusion in international criminal law through a comprehensive comparative analysis of substantive criminal laws in selected legal jurisdictions.

International Criminal Law

Douglas Guilfoyle 2016-03-31 This unique textbook provides an accessible introduction to a fascinating subject area. Written with student needs at its heart, innovative features such as ‘Counterpoint’ and ‘Pause for reflection’ boxes highlight current debates and areas worthy of more detailed analysis, providing students with the tools they need to develop their knowledge and start thinking critically about the law. Learning outcomes open each chapter, and are complemented by closing summaries to further support students’ understanding. Structured in four parts, the book first sets out the key international law provisions which assume a special significance in relation to international criminal law before going on to consider international criminal tribunals, the prosecution of international crimes, and the ‘core’ international crimes which have been prosecuted to date. Finally, consideration is given to issues such as legal defences and immunities under international law. Written by an outstanding scholar and teacher, this user-friendly text offers a unique approach to the subject area, making it the ideal choice for those new to the subject area. Online Resource Centre This book is accompanied by a free Online Resource Centre hosting links to key international law documents, additional material on the victims of crime, and updates on important developments within the subject area.

International Criminal Law Documents

Robert Cryer 2019-07-31 This book contains the most important documents on international criminal law, designed to support both students and practitioners.

The Law and Practice of the International Criminal Court

Carsten Stahn 2014-12-24 Some parts of this publication are open access, available under the terms of a CC BY-NC-ND 4.0 International licence. Chapters 2, 4, 10, 47 and 49 are offered as a free PDF download from OUP and selected open access locations. The International Criminal Court is a controversial and important body within international law; one that is significantly growing in importance, particularly as other international criminal tribunals close down. After a decade of Court practice, this book takes stock of the activities of the International Criminal Court, identifying the key issues in need of re-thinking or potential reform. It provides a systematic and in-depth thematic account of the law and practice of the Court, including its changes context, the challenges it faces, and its overall contribution to international criminal law. The book is written by over forty leading practitioners and scholars from both inside and outside the Court. They provide an unparalleled insight into the Court as an institution, its jurisprudence, the impact of its activities, and its future development. The work addresses the ways in which the practice of the International Criminal Court has emerged, and identifies ways in which this practice could be refined or improved in future cases. The book is organized along six key themes: (i) the context of International Criminal Court investigations and prosecutions; (ii) the relationship of the Court to domestic jurisdictions; (iii) prosecutorial policy and practice; (iv) the applicable law; (v) fairness and expeditiousness of proceedings; and (vi) its impact and lessons learned. It shows the ways in which the Court has offered fresh perspectives on the theory and conception of crimes, charges and individual criminal responsibility. It examines the procedural framework of the Court, including the functioning of different stages of proceedings. The Court’s decisions have significant repercussions: on domestic law, criminal theory, and the law of other international courts and tribunals. In this context, the book assesses the extent to which specific approaches and assumptions, both positive and negative, regarding the potential impact of the Court are in need of re-thinking. This book will be essential reading for practitioners, scholars, and students of international criminal law.

UN Security Council Referrals to the International Criminal Court: Legal Nature, Effects and Limits

Alexandre Skander Galand 2018-11-22 This book offers a unique critical analysis of the legal nature, effects and limits of UN Security Council referrals to the International Criminal Court (ICC). Alexandre Skander Galand provides, for the first time, a full picture of two competing understandings of the nature of the Security Council referrals to the ICC, and how these分别 non-interference with legal barriers to the exercise of universal prescriptive and adjudicative jurisdiction. The book shows that the application of the Rome Statute through a Security Council referral is inherently limited by the UN Charter as well as the Rome Statute, and can conflict with other branches of international law, including international human rights law, the law on immunities and the law of treaties. Hence, it spells out a conception of the nature and effects of Security Council referrals that responds to these limits and, in turn, informs the reader on the nature of the ICC itself.

The International Criminal Court and Peace Processes in Africa

Line Gissel 2018-01-19 The book investigates how involvement by the International Criminal Court (ICC) affects efforts to negotiate peace. It offers an interpretive account of how peace negotiators and mediators in two peace processes in Uganda and Kenya sought to navigate and understand the new terrain of international justice, while also tracing how and why international decision-making processes interfered with the negotiations, narrated the conflicts and insisted on a narrow scope of justice. Building on this interpretive analysis, a comparative analysis of peace processes in Uganda, Kenya and Colombia explores a set of general features pertaining to the judicialisation of peace. Line Elingo Gissel argues that the level and timing of ICC involvement is key to understanding legal forms of authority at the level of the peace process. As politico-legal authority constructs the conflict and its resolution, the location of authority is important for the peace process. Furthermore, judicialisation also affects the negotiation and implementation of a justice policy, with a narrowing scope for justice accompanying increasing levels of ICC involvement.

The International Criminal Court in an Effective Global Justice System

Triestino Marinello 2014-11-27 The International Criminal Court (ICC) is the first permanent international criminal tribunal, which has jurisdiction over the most serious crimes of concern to the international community as a whole: genocide, crimes against humanity, war crimes, and crimes of aggression. This book critically analyses the law and practice of the ICC and its contribution to the development of international criminal law and policy. The book focuses on the key procedural and substantive challenges faced by the ICC since its establishment. The critical analysis of the normative framework aims to elaborate ways in which the Court may resolve its difficult, controversial, and challenging tasks in the interest of achieving its declared objectives in particularly complex situations. Contributors to the book include leading experts in international criminal justice, and cover a range of topics including, inter alia, terrorism, modes of liability, ne bis in idem, victims reparations, the evidentiary threshold for the confirmation of charges, and sentencing. The book also considers the relationship between the ICC and...
States, and explores the impact that the new regime of international criminal justice has had on countries where the most serious crimes have been committed. In its discussions, the book provides a significant contribution in assessing how the ICC’s practice could be refined or improved in future cases. The book will be of great use and interest to international criminal law and public international law.

**Mens Rea at the International Criminal Court**—Geert-Jan Alexander Knoops 2016-12-01 This volume offers an overview of all aspects of mens rea before the International Criminal Court, while taking into account mens rea standards that have already been established in customary international law or before the ad hoc tribunals.

**The International Criminal Court at the Mercy of Powerful States**—Res Schuech 2017-07-15 This book aims to investigate whether, and if so, how, an institution designed to bring to justice perpetrators of the most heinous crimes can be regarded a tool of oppression in a (neo-)colonial sense. To do so, it re-invents the concept of neo-colonialism, which is traditionally associated more with economic or political implications, from an international criminal law perspective, combining historical, political and legal analyses. Allegations of neo-colonialism in relation to the International Criminal Court (ICC) became widespread after the Court had issued an arrest warrant against the Sudanese President Omar Al-Bashir in 2009. While the Court, since its establishment in 2002, has been found guilty of criticism from various corners, the neo-colonialism controversy was sparked by African stakeholders. Unlike other contributions in this domain, thus, this book provides a Western perspective on an issue more often addressed from an African standpoint, with the intention of distinguishing itself from the more political and emotive and sometimes superficial arguments that emerge with critical legal analyses towards the ICC.

**Power and Principle**—Christopher Rudolph 2017-04-18 On August 21, 2013, chemical weapons were unleashed on the civilian population in Syria, killing another 1,400 people in a civil war that had already claimed the lives of more than 140,000. As is all too often the case, the innocent found themselves victims of violent struggle for power. Such conflicts are why human rights activists have long pressed for institutions such as the International Criminal Court (ICC) to investigate and prosecute some of the world’s most severe crimes: genocide, war crimes, and crimes against humanity. While proponents extol the creation of the ICC as a transformative victory for principles of international humanitarian law, critics have often characterized it as either irrelevant or dangerous in a world dominated by power politics. Christopher Rudolph argues in Power and Principle that both perspectives are extreme. In contrast to prevailing scholarship, he shows how the interplay between power politics and international humanitarian law have shaped the institutional development of international criminal courts from Nuremberg to the ICC. Rudolph identifies the factors that drove the creation of international criminal courts, explains the politics behind their institutional design, and investigates the behavior of the ICC. Through the development and empirical testing of several theoretical frameworks, Power and Principle helps us better understand the factors that resulted in the emergence of international criminal courts and helps us determine the broader implications of their presence in society.

**An Introduction to Transnational Criminal Law**—Neil Boister 2012-09-06 The suppression of cross-border criminal activity has become a major global concern. An Introduction to Transnational Criminal Law examines how states, acting together, are responding to these forms of criminality through a combination of international treaty obligations and national criminal laws. Multilateral ‘suppression conventions’ oblige states parties to criminalise a broad range of activities including drug trafficking, terrorism, transnational organised crime, corruption, and money laundering, and to provide for different types of jurisdiction. Transnational phenomena like extradition and mutual legal assistance in regard to these offenses. Usually regarded as a sub-set of international criminal justice, this system of law is beginning to receive greater attention as a subject in its own right as the scale of the criminal threat and the complexity of synergizing the criminal laws of different states is more fully understood. The book is divided into three parts. Part A asks and attempts to answer what is transnational crime and what is transnational criminal law? Part B explores a selection of substantive transnational law as it faces from piracy through to cybercrime. Part C examines the main procedural mechanisms involved in establishing jurisdiction and then the exercise of jurisdiction through the effective investigation and prosecution of transnational crimes. Finally, Part D looks at the implementation of transnational criminal law and the prospects for transnational criminal justice. Until recently this system of law has been largely the domain of professionals. An Introduction to Transnational Criminal Law provides a comprehensive introduction designed to fill that gap.

**Prosecuting International Crimes**—Robert Cryer 2005-06-30 This book discusses the legitimacy of the international criminal law regime. It explains the development of the system of international criminal law enforcement in historical context, from antiquity through the Nuremberg and Tokyo Trials, to modern-day prosecutions of atrocities in the former Yugoslavia, Rwanda and Sierra Leone. The modern regime of prosecution of international crimes is evaluated with regard to international relations theory. The book then subjects that regime to critique on the basis of legitimacy and the rule of law, in particular selective enforcement, not only in relation to who is prosecuted, but also the definitions of crimes and principles of liability used when people are prosecuted. It concludes that although selective enforcement is not as powerful as a critique of international relations theory, one that in turn is critical of the War Crimes Law or before the ad hoc tribunals.

**International Criminal Law**—Ilias Bantokas 2009-06-02 Providing an introduction to, and detailed examination of substantive, enforcement and procedural aspects of international criminal law, this book’s examination of international and transnational crimes under treaty and customary law has been fully updated and revised. Exploring the enforcement of international criminal law through an investigation of the practice of the Security Council-based tribunals for Yugoslavia and Rwanda, the International Criminal Court and other hybrid tribunals, such as those for Cambodia, Sierra Leone, Lockerbie and truth commissions, the authors look at terrorism, offences against the person, piracy and jurisdiction, and immunities amongst a variety of other topics. New to this edition are four additional chapters on: various forms of liability and participation in international crime war crimes, crimes against humanity, genocide and illegal rendition. This is an ideal text for undergraduate and postgraduate students of law or international relations, practitioners and those interested in gaining an insight into international criminal law.

**Prosecutorial Discretion at the International Criminal Court**—Anni Pues 2020-07-09 This timely book provides a comprehensive guide to, and rigorous analysis of, prosecutorial discretion at the International Criminal Court. This is the first ever study that takes the reader through all the key stages of the Prosecutor’s decision-making process. Starting from the preliminary examination, to the decision to investigate, the book also explores case selection processes, plea agreements, culminating in the question of how to end engagement in specific country situations. The book serves as a guide to the Rome Statute through the lens of the Prosecutor’s activities. With its unique combination of legal theory and specific policy analysis, it addresses broader questions that will be relevant to other international and hybrid criminal courts and tribunals. The book will be of interest to students, practitioners of law, academics, and the wider public concerned with international law, criminal justice and international relations.

**The International Criminal Responsibility of War’s Funders and Profiteers**—Nina H B Jørgensen 2020-08-31 This book is concerned with the commercial exploitation of armed conflict; it is about money, war, atrocities and economic actors, about the connections between them, and about responsibility. It aims to clarify the legal framework that defines these connections and gives rise to criminal or, in some instances, civil responsibility, referring both to mechanisms for international criminal justice, such as the International Criminal Court, and domestic systems. It considers which economic actors among individuals, businesses, governments and States should be held accountable and before which forum. Additionally, it addresses the question of how to recover illegitimately acquired profits and redirect them to benefit the victims of war. The chapters shine a critical light on the options provided by a network of laws to ensure that the ‘great industrialists’ of our time, who find economic opportunities in the war-ravaged lives of others, are unable to pursue those opportunities with impunity.