

## An Introduction To International Criminal Law And Procedure

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 preliminary examinations and 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. 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, amnesties and international criminal law and human rights. Providing easy access to up-to-date and authoritative articles covering all key aspects of international criminal law, this book is an essential reference work for students, scholars and practitioners working in the field.

'International Criminal Procedure, edited by two insiders to international criminal proceedings, Professor Linda Carter and Professor Fausto Pocar, a judge at the ICTY and a former President of this Tribunal, is a coherently organized, well-researched, very informative and not the least elegantly-written contribution to a young and rapidly developing legal sub-discipline. The book provides its reader with a highly accessible and up-to date introduction into key elements of international criminal procedure as well as with critical commentary and rich inspiration for improvements of current practices.' – Claus Kreß LL.M. (Cantab.), University of Cologne, Germany and Institute for International Peace and Security Law 'This book addresses compelling issues that have come before international criminal tribunals. They include the self-representation of accused persons, plea bargaining and victim participation. It usefully approaches all of the issues and problems from a comparative law perspective. This excellent and accessible work is essential reading for practitioners, faculty and students of international criminal law.' – Richard Goldstone, Retired Justice of the Constitutional Court of South Africa and former Chief Prosecutor of the United Nations International Criminal Tribunals for the former Yugoslavia and Rwanda The emergence of international criminal courts, beginning with the International Criminal Tribunal for the former Yugoslavia and including the International Criminal Court, has also brought an evolving international criminal procedure. In this book, the authors examine selected issues that reflect a blending of, or choice between, civil law and common law models of procedure. The issues include background on civil law and common law legal systems; plea bargaining; witness proofing; written and oral evidence; self-representation and the use of assigned, standby, and amicus counsel; the role of victims; and the right to appeal. International Criminal Procedure will appeal to academics, students, researchers, lawyers and judges working in the field of international criminal law.

An Edited Collection on International Crime and Justice (ICJ). ICJ is a new field that covers crime and justice from a global perspective. It encompasses comparative studies of crime and justice, but covers a much broader set of topics, including:

- International crimes including genocide, war crimes, terrorism, and crimes against humanity such as enslavement, torture, forced pregnancy, and sterilization.
- Transnational crimes including money laundering, computer hacking, and trafficking in humans and commodities (such as drugs, arts, firearms).
- Organized crime's involvement in local and transnational crime.
- Human rights issues.
- International criminal law and international relations.
- International law enforcement and criminal justice..
- Rules of procedure and evidence of the International Criminal Court.
- The role of the United Nations and other international agencies in preventing crime and establishing criminal justice standards.

An Introduction to International Criminal Law and Procedure Cambridge University Press

A leading work in the field of international criminal law, which is accessible, comprehensive and up to date.

International crime and justice is an emerging field that covers international and transnational crimes that have not been the focus of mainstream criminology or criminal justice. This book examines the field from a global perspective. It provides an introduction to the nature of international and transnational crimes and the theoretical perspectives that assist in understanding the relationship between social change and the waxing and waning of the crime opportunities resulting from globalization, migration, and culture conflicts. Written by a team of world experts, it examines the central role of victim rights in the development of legal frameworks for the prevention and control of transnational and international crimes. It also discusses the challenges to delivering justice and obtaining international cooperation in efforts to deter, detect, and respond to these crimes.

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.

The International Criminal Court ushered in a new era in the protection of human rights. The Court prosecutes genocide, crimes against humanity, war crimes, and the crime of aggression when national justice systems are either unwilling or unable to do so themselves. This fifth edition of the seminal text describes a Court which is no longer in its infancy; the Court is currently examining situations that involve more than twenty countries in every continent of the planet. This book considers the difficulties in the Court's troubled relationship with Africa, the vagaries of the position of the United States, and the challenges the Court may face as it confronts conflicts around the world. It also reviews the history of international criminal prosecution and the Rome Statute. Written by a leading commentator, it is an authoritative and up-to-date introduction to the legal issues involved in the creation and operation of the Court.

International criminal justice is in transition. This book explores the growing internationalisation of criminal justice as a phenomenon of global governance. It provides students with a critical understanding of the international institutions for regulating transnational crime, the development of alternative justice processes across the globe, and international and supra-national co-operation criminal justice policies and practices. Key topics covered include: The historical development of International Criminal Justice institutions and traditions International Restorative Justice Victim communities and collaborative justice The relationship between crime and war International Human Rights The 'War on Terror' The globalisation of crime and control Developments in global governance, communitarian justice and accountability This text will familiarize students with the literature and debates surrounding international criminal justice and enable them to critically appreciate their theoretical and policy context. In doing so, it encourages students to assess the strengths and weaknesses of different approaches to the study of global justice and the analysis of comparative policy convergence and research. It will also help students to reflect on, and communicate in an informed and critical way theoretical accounts and empirical studies within the field of international criminal justice. This book will be essential reading for upper level undergraduates taking courses in criminal law, international relations and governance and postgraduates engaged in international criminal justice, international law, regulation and governance and human rights.

Three experts address reparation for victims of armed conflict, drawing on international law practice, human rights courts, and domestic law.

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 internationalisation 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 contextualised 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.

Drawing on the critical legal tradition, the collection of international scholars gathered in this volume analyse the complicities and limitations of International Criminal Law. This area of law has recently experienced a significant surge in scholarship and public debate; individual criminal accountability is now firmly entrenched in both international law and the international consciousness as a necessary mechanism of responsibility. Critical Approaches to International Criminal Law: An Introduction shifts the debate towards that which has so far been missing from the mainstream discussion: the possible injustices, exclusions, and biases of International Criminal Law. This collection of essays is the first dedicated to the topic of critical approaches to international criminal law. It will be a valuable resource for scholars and students of international criminal law, international law, international legal theory, criminal law, and criminology.

This market-leading textbook gives an authoritative account of international criminal law, and focuses on what the student needs to know - the crimes that are dealt with by international courts and tribunals as well as the procedures that police the investigation and prosecution of those crimes. The reader is guided through controversies with an accessible, yet sophisticated approach by the author team of four international lawyers, with experience both of teaching the subject, and as negotiators at the foundation of the International Criminal Court and the Rome conference. It is an invaluable introduction for all students of international criminal law and international relations, and now covers developments in the ICC, victims' rights, and alternatives to international criminal justice, as well as including extended coverage of terrorism. Short, well chosen excerpts allow students to familiarise themselves with primary material from a wide range of sources. An extensive package of online resources is also available.

New edition of market-leading textbook contains both updated and new material to give the most current coverage of the subject.

This book explores the dynamics and trajectories of change in international politics through an English School analysis of primary institutions including international law, sovereignty and diplomacy, with particular reference to the creation of the International Criminal Court (ICC). The study argues that it serves as an important indicator and model for redefining international politics, particularly through its impact upon three major institutions as prescribed by the English School: international law, sovereignty and diplomacy. The author explores three major areas: the ICC's contribution to the consolidation of the individual as a subject of the international law; the significance of the Court and its jurisdiction in terms of the state sovereignty; and the strong and determinative role of non-state actors active on global level during the diplomatic process upheld for the making of the norms and rules during the creation of the ICC. These three fields of change, point out to the redefinition and reconstruction of international politics, heralding a solidarist vision of international society. The book will be of particular interest to researchers in the field of the IR, as well as graduate students interested in IR theory, international law, and international organizations.

"The ambitious aim of the work is to create a guiding framework for international criminal procedural law and practices in the future. As explained by the working groups, the overarching objective of the project is to assist the challenge of delivering fair but also effective trials". -- FOREWORD.

'International Criminal Law' presents a full and systematic overview of the field, placing it in the context of wider international law. It offers a high-level, analytical examination with particular reference to the concept of an international crime and the role of domestic courts in prosecuting international crimes.--

Authoritative, succinct and up-to-date introduction to the law and practice of the International Criminal Court.

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 and inconsistency, providing 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.

The third edition of *International Criminal Law* expounds the general principles governing international crimes as well as the fundamentals of both substantive and procedural international criminal law, bringing the political and human contexts to the fore.

Third revised edition.

In the course of the 20th and 21st centuries, major offences committed by individuals have been subject to progressive systematisation in the framework of international criminal law. Proposals developed within the context of the League of Nations coordinated individual liability and State responsibility. By contrast, international law as codified after World War II in the framework of the United Nations embodies a neat divide between individual criminal liability and State aggravated responsibility. However, conduct of State organs and agents generates dual liability. Through a critical analysis of key international rules, the book assesses whether the divisive approach to individual and State responsibility is normatively consistent. Contemporary situations, such as the humanitarian crises in Syria and Libya, 9/11 and the Iraq wars demonstrate that the matter still gives rise to controversy: a set of systemic problems emerge. The research focuses on the substantive elements of major offences, notably aggression, genocide, core war crimes, core crimes against humanity and terrorism, as well as relevant procedural implications. The book is a useful resource for practitioners, policymakers, academics, students, researchers and anyone interested in international law and politics.

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.

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 student understanding. Structured in four parts, the book first sets out the key international law principles which assume 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.

Two events occurred in 1998 that had far-reaching consequences for international justice: the adoption of the Statute for the International Criminal Court by the Diplomatic Conference of Plenipotentiaries in Rome (the Rome Statute); and the arrest in London of former President Pinochet for crimes against humanity. These events are, for many, the culmination of attempts to seek legal redress against those who commit international crimes. This stimulating, ground-breaking book debates the issues raised by international crimes. It highlights the two competing international law needs that must be addressed in this situation: the pursuit of international justice (which international criminal law purports to uphold), and the maintenance of international peace and security - an important rationale for the immunities of state officials abroad.

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 international procedural cooperation like extradition and mutual legal assistance in regard to these offences. 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 crimes 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.

This title covers the history, nature, and sources of international criminal law; the *ratione personae*; *ratione materiae* - sources of substantive international criminal law; the indirect enforcement system; the direct enforcement system; and much more.

This pioneering book explores the intersections of law and culture at the International Criminal Court (ICC), offering insights into how notions of culture affect the Court's legal foundations, functioning and legitimacy, both in theory and in practice.

*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 justice 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.

Presents theories, practices and critiques alongside each other to engage students, scholars and professionals from multiple fields. This title is also available as Open Access on Cambridge Core.

Written by a team of international lawyers with extensive academic and practical experience of international criminal law, the fourth edition of this leading textbook offers readers comprehensive coverage and a high level of academic rigour while maintaining its signature accessible and engaging style. Introducing the readers to the fundamental concepts of international criminal law, as well as the domestic and international institutions that enforce that law, this book engages with critical questions, political and moral challenges, and alternatives to international justice. Suitable for undergraduate and postgraduate students, academics and practitioners in the field, and cited by the International Criminal Tribunal for Yugoslavia, the International Criminal Court, the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, and the highest courts in domestic systems, this book is a must-read for anyone interested in learning more about international criminal law.

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 theorization 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.

This book offers a historical presentation of how international criminal law has evolved from a national setting to embodying a truly international outlook. As a growing part of international law this is an area that has attracted growing attention as a result of the mass atrocities and heinous crimes committed in different parts of the world. Çakmak pays particular attention to how the first 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.

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 illegally 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.

This volume is one of the few books to explain in-depth the international crimes behind the scenes of substantive or procedural law. The contributors place a particular focus on what motivates participation in international crime, how perpetrators, witnesses and victims see their predicament and how international crimes should be investigated at local and international level, with an emphasis on context. The book engages these questions with a broad interdisciplinary approach that is accessible to both lawyers and non-lawyers alike. It discusses international crime through the lens of anthropology, neuroscience, psychology, state crime theory and information systems theory and draws upon relevant investigative experience from experts in international and domestic law prosecutions.

In the past twenty years, international criminal law has become one of the main areas of international legal scholarship and practice. Most textbooks in the field describe the evolution of international criminal tribunals, the elements of the core international crimes, the applicable modes of liability and defences, and the role of states in prosecuting international crimes. The Oxford Handbook of International Criminal Law, however, takes a theoretically informed and refreshingly critical look at the most controversial issues in international criminal law, challenging prevailing practices, orthodoxies, and received wisdoms. Some of the contributions to the Handbook come from scholars within the field, but many come from outside of international criminal law, or indeed from outside law itself. The chapters are grounded in history, geography, philosophy, and international relations. The result is a Handbook that expands the discipline and should fundamentally alter how international criminal law is understood.

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 (TM) Rights in International Law).

This book focuses on the Statute of the International Criminal Court, gathering contributions by leading scholars and diplomats. It examines the main features of the Statute, highlighting its strengths and weaknesses, the role of the ICC in the international protection of human rights and the impact of the ICC Statute on the international criminal justice system. It also offers an evaluation of the prospect for the functioning of the ICC in the future.

The author offers an overview of the most important topics and developments in international criminal law, which are essential to everyone studying and practicing ICL.

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