

Towards a new UN Convention for the Prevention and Punishment of Crimes against Humanity - The Way Forward

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On The Proposed Crimes Against Humanity Convention

Indira Rosenthal, Valerie Oosterveld, Susana SáCouto

On The Proposed Crimes Against Humanity Convention:

On the Proposed Crimes Against Humanity Convention Morten Bergsmo, SONG Tianying, 2014-12-12 This anthology is about the need for and nature of a convention on crimes against humanity It uses the Proposed Convention on the Prevention and Punishment of Crimes Against Humanity as an important reference point 16 authors discuss how such a convention may consolidate the definition of crimes against humanity and develop measures for their prevention and punishment decades after the conclusion of the Genocide Convention and Geneva Conventions The authors include Leila N Sadat Eleni Chaitidou Darryl Robinson Mar a Luisa Pigu Travis Weber Julie Pasch Rhea Brathwaite Christen Price Rita Maxwell Mary Kate Whalen Ian Kennedy SHANG Weiwei ZHANG Yueyao and Tessa Bolton It contains a preface by late Judge Hans Peter Kaul and a foreword by Hans Corell The book is inspired by the rationale of crimes against humanity to protect against the most serious violations of fundamental individual rights and its realization especially through domestic mechanisms Such consciousness calls upon appropriate definition and use of contexual elements of the crime effective jurisdiction for prevention and prosecution and robust inter State co operation The book considers individual State experiences in combating crimes against humanity It underlines the importance of avoiding that the process to develop a new convention waters down the law of crimes against humanity or causes further polarisation between States in the area of international criminal law It suggests that the scope of the obligation to prevent crimes against humanity will become a decisive question **Humanity** Nergis Canefe, 2021-04-15 This book brings together jurisprudential debates on international criminal law international law scholarship on the limits of state sovereignty and applied political philosophy concerning responsibility and accountability in the context of mass political crimes and state criminality. It offers a compelling view of legal reasoning concerning accountability regimes in the Global South No other study addresses questions of ethical dimensions of mass crimes and accountability for state criminality International Crimes: Law and Practice Guénaël Mettraux, 2020-04-09 This authoritative manual on the law of international crimes discusses in detail crimes against humanity and its relationship to other international crimes It is an invaluable tool for academics and researchers as well as legal practitioners who will be able readily to identify relevant legal standards and precedents Humanness as a Protected Legal Interest of Crimes Against Humanity Rustam Atadjanov, 2019-06-13 Central to this book is the concept of humanity in international law It traces the evolution of that concept within international law studies the existing theories of crimes against humanity and lays out its own theory based on an inclusive view of humanity Crimes against humanity are core crimes under international law their modern definition is found in the Rome Statute However their protective scope remains unclear with the exact meaning of humanity left undefined in law The proposed theory argues that humanity should be understood as humanness and crimes against humanity should be criminalised because humanness constitutes these crimes valid protected interest This volume in the International Criminal Justice Series offers an analysis of the German doctrine of Rechtsgut to justify the penalization of

crimes against humanity at both domestic and international levels. This is the first monograph on crimes against humanity written by an author from the Commonwealth of Independent States CIS aimed at an international audience and should constitute a useful tool for academics students and practitioners of international law Rustam Atadjanov LLB LLM Dr jur attained his Ph D at the University of Hamburg in Germany and is a former Legal Adviser to the Regional Delegation of the International Committee of the Red Cross in Central Asia Tashkent Uzbekistan The International Criminal Court and Africa Charles Jalloh, Ilias Bantekas, 2017 This book considers the legal and political dimensions of the relationship between the International Criminal Court and Africa looking at the role of the European Union African Union and African diplomacy on the issue of sovereignty and impunity for international crimes The International Committee of the Red Cross and its Mandate to Protect and Assist Christy Shucksmith, 2017-08-24 The purpose of this book is to consider the legality of the changing practice of the International Committee of the Red Cross ICRC It provides extensive legal analysis of the ICRC as an organisation legal person and humanitarian actor It draws on the law of organisations International Humanitarian Law International Human Rights Law and other relevant branches of international law in order to critically assess the mandate and practice of the ICRC on the ground The book also draws on more abstract human centric concepts including sovereignty as responsibility and human security in order to assess the development of the concept of humanity for the mandate and practice of the ICRC Critically this book uses semi structured interviews with ICRC delegates to test the theoretical and doctrinal conclusions The book provides a unique insight into the work of the ICRC It also includes a case study of the work of the ICRC in the Democratic Republic of Congo Ultimately the book concludes that the ICRC is no longer restricted to the provision of humanitarian assistance on the battlefield It is increasingly drawn into long term and extremely complicated conflicts in which civilians soldiers and non State actors intermingle In order to remain useful for the people on the ground therefore the ICRC is progressively developing its mandate This book questions whether on occasion this could threaten its promise to remain neutral impartial and independent Finally however it should be said that this author finds that the work of the ICRC is unparalleled on the international stage and its humanitarian mandate is a vital component for those embroiled in the undertaking of and recovery from conflict National Trials of International Crimes in Bangladesh M. Rafigul Islam, 2019-03-19 In National Trials of International Crimes in Bangladesh Professor Islam examines the judgments of the trials held under a domestic legislation which is uniquely distinct from international or hybrid trials of international crimes The book falling under international criminal law area is a ground breaking original work on the first ever such trials in the ICC era The author shows how the national law and judgments can act as a conduit to import international law to enrich and harmonise the domestic law of Bangladesh and whether the Bangladesh experience a creates any precedential effect for such trials in the future b offers any lessons for the ICC complementarity and c contributes to the progressive development of Asian and international criminal jurisprudence **The Grey Zone** Mark Lattimer, Philippe Sands, 2018-07-26 The high

civilian death toll in modern protracted conflicts such as those in Syria or Iraq indicate the limits of international law in offering protections to civilians at risk A recent conference of states convened by the International Committee of the Red Cross referred to an institutional vacuum in the area of international humanitarian law implementation Yet both international humanitarian law and the law of human rights establish a series of rights intended to protect civilians But which law or laws apply in a particular situation and what are the obstacles to their implementation. How can the law offer greater protections to civilians caught up in new methods of warfare such as drone strikes or targeted by new forms of military organisation such as transnational armed groups Can the implementation gap be filled by the growing use of human rights courts to remedy violations of the laws of armed conflict or are new instruments or mechanisms of civilian legal protection needed This volume brings together contributions from leading academic authorities and legal practitioners on the situation of civilians in the grey zone between human rights and the laws of war The chapters in Part 1 address key contested or boundary issues in defining the rights of civilians or non combatants in today's conflicts Those in Part 2 examine remedies and current mechanisms for redress both at the international and national level and those in Part 3 assess prospects for the development of new mechanisms for addressing violations As military intervention to protect civilians remains contested this volume looks at the potential for developing alternative approaches to the protection of civilians and their rights Markus P. Beham, 2022-11-03 Atrocity Genocide War crime Crime Against Humanity Such atrocity labels have been popularized among international lawmakers but with little insight offered into how and when these terms are applied and to what effect What constitutes an event to be termed a genocide or war crime and what role does this play in the application of legal proceedings Markus P Beham through an interdisciplinary and comparative approach unpicks these terms to uncover their historical genesis and their implications for international criminal law initiatives concerned with atrocity The book uniquely compares four specific case studies Belgian colonial exploitation of the Congo atrocities committed against the Herero and Nama in German South West Africa the Armenian genocide and the man made Ukrainian famine of the 1930s Encompassing international law legal history and discourse analysis the concept of atrocity labelling is used to capture the meaning underlying the work of international lawyers and prosecutors historians and sociologists agenda setters and policy makers United States Participation in the United Nations United States. President, 1967 Implementing International Humanitarian Law Yusuf Aksar, 2004 Implementing International Humanitarian Law examines the international humanitarian law rules and their application by the ad hoc tribunals with regard to the substantive laws of the International Criminal Tribunal for the Former Yugoslavia ICTY and the International Criminal Tribunal Rwanda ICTR The practice of the ICTY and the ICTR and their contribution to international humanitarian law together with their possible impact on the International Criminal Court is examined in light of the decisions rendered by the ad hoc tribunals and of the latest international humanitarian law instruments such as the 1996 ILC Draft Code of Crimes Against the Peace and Security of Mankind and the

ICC Statute The Oxford Handbook on Atrocity Crimes Barbora Holá, Hollie Nyseth Nzitatira, Hollie Nyseth Brehm, Maartje Weerdesteijn, 2022 The Oxford Handbook on Atrocity Crimes surveys and further develops the evolving field of atrocity crime studies through interdisciplinary research on war crimes crimes against humanity and genocide in one comprehensive volume encompassing contributions of leading scholars The International Legal Order's Colour Line William A. Schabas, William Schabas, 2023 The International Legal Order's Colour Line charts the development of regulation on racism and racial discrimination in international law Outlining landmark resolutions and their development the book challenges the narrative that human rights are a creation of the Global North while demonstrating the decisive contribution of the Global South Reinvigorating the United Nations Markus Kornprobst, Sławomir Redo, 2024-05-23 This book examines pathways for how to reinvigorate the United Nations in light of recent crises The United Nations requires reinvigoration The organisation's supply of global governance falls short of global demand in areas ranging from health to environment while intra state armed conflicts are on the rise again and fullblown inter state war has returned to the agenda At the same time decision making mechanisms are deadlocked and their legitimacy is increasingly questioned But what pathways are there for reinvigorating the United Nations This book argues for consolidating key principles pertaining to inter state relations and human rights for elaborating on the UN system in order to avoid fragmentation and make it possible for it to keep pace with a changing world and for revisiting UN decision making structures so that it can become more inclusive and rebuild trust among stakeholders. The volume embraces a comprehensive approach to studying the organisation and the authors analyse the institutions comprising the UN system as well as the social context within which actors put these institutions to use The book contributes to scholarly debates about the United Nations and about how it is embedded in a broader international order currently beset by crises and ultimately aims to show what concrete steps for strengthening the organisation might look like This book will be of much interest to students of international organisations diplomacy studies global governance and International Relations in general The Introduction Chapter 5 Chapter 10 and the Conclusion of this book is available for free in PDF format as Open Access from the individual product page at www routledge com It has been made available under a Creative Commons Attribution Non Commercial 4 0 International License Chapter 7 of this book is available for free in PDF format as Open Access from the individual product page at www routledge com It has been made available under a Creative Commons Attribution Non Commercial NoDerivs 4 0 International License Crimes against Humanity M. Cherif Bassiouni, 2011-04-25 This book traces the evolution of crimes against humanity CAH and their application from the end of World War I to the present day in terms of both historic legal analysis and subject matter content The first part of the book addresses general issues pertaining to the categorization of CAH in normative jurisprudential and doctrinal terms This is followed by an analysis of the specific contents of CAH describing its historic phases going through international criminal tribunals mixed model tribunals and the International Criminal Court The book examines the general

parts and defenses of the crime along with the history and jurisprudence of both international and national prosecutions For the first time a list of all countries that have enacted national legislation specifically directed at CAH is collected along with all of the national prosecutions that have occurred under national legislation up to 2010 Gender and International Criminal Law Indira Rosenthal, Valerie Oosterveld, Susana SáCouto, 2022-06-16 The last few decades have seen remarkable developments in international criminal justice especially in relation to the pursuit of individuals responsible for sexual violence and other gender based crimes Historically ignored justified or minimised this category of crimes now has a heightened profile in the international political and judicial arena Despite this gender is poorly understood and blind spots biases and stereotypes prevail This book brings together leading feminist international criminal and humanitarian law academics and practitioners to examine the place of gender in international criminal law ICL It identifies and analyses past and current narrow understandings of gender before considering how a limited conceptualization affects accountability efforts The authors consider how best to implement a more nuanced understanding of gender in the practice of international criminal law by identifying possible responses including embedding a sophisticated gender strategy into the practice of ICL the gender sensitive application of international human rights and humanitarian law and encouraging a gender competent approach to judging in ICL The authors aim is to strengthen efforts for accountability for all atrocity crimes war crimes For the Sake of Present and Future Generations Suzannah crimes against humanity genocide and aggression Linton, Gerry Simpson, William A. Schabas, 2015-07-14 Professor Roger Stenson Clark has played a pivotal role in developing International Criminal Law and the movement against nuclear weapons He was one of the intellectual and moral fathers of the International Criminal Court This Festschrift brings together forty one appreciative friends to honour his remarkable contribution The distinguished contributors provide incisive contributions ranging from the reform of the Security Council to rule of law and international justice in Africa to New Zealand cultural heritage to customary international law in US courts and more Threaded through these richly diverse contributions is one common feature a belief in values and morality in human conduct and a passion for transformative use of law for the sake of present and future generations Introduction to the Law of International Criminal Tribunals Geert-Jan Knoops, 2014-09-11 In An Introduction to the Law of International Criminal Tribunals Geert Jan Alexander Knoops offers an overview of the basic topics in international criminal law ICL It discusses main characteristics of International Criminal Tribunals ICTs as well as definitions of international crimes The book will delve into issues of jurisdiction and complementarity liability principles and specialized defences Other topics are due process rights evidence trials in absentia and State cooperation A new chapter is devoted to the geopolitical effects of international criminal prosecutions The second revised edition includes a chapter on the new crime of aggression and is updated with the most recent developments in ICL The book is essential to everyone becoming familiar with the basic topics and challenges within ICL International Extradition M. Cherif Bassiouni, 2014-01-06 This comprehensive guide

covers all aspects of extradition to and from the United States while making critical theoretical and practical evaluations of these aspects and proposing alternatives The rights of individuals balancing of states interests and preservation of world order within the Rule of Law form the conceptual framework of this book The focus within U S practice explores the essentials involved in the executive branches treaty making power as implemented through its foreign relations practice and as scrutinized by the judiciary The Sixth Edition updates the treaties laws and cases cited with new content including comparative material dealing with the European Union cases involving the United States decided by other countries and major decisions of the high courts of the UK Canada France South Africa Australia Israel Italy and Germany As with the prior editions the Sixth Edition continues to expose certain questionable practices of the United States with regards to extradition

The Challenge of Human Rights David Keane, Yvonne McDermott, 2012-01-01 This volume represents a genuine attempt to think beyond the realms of what exists to reflect on ideas postulated in the past that could be of great salience in the future It presents the reader with a key question to what extent are the contemporary concepts of human rights and the systems that support them equipped to address the challenges of a changed world By thinking through some of the ideas of the past with a set of promising young scholars alongside more established names readers will gain a sense of how human rights politics have shaped the current regime while also becoming attuned to the extent to which new directions and mechanisms can be forged in the future Many of the individuals whose contributions are encompassed in this volume have strong links to the Irish Centre for Human Rights at the National University of Ireland Galway an institution that has had a significant impact in its first decade of existence under the stewardship of Professor William A Schabas This volume celebrates the success of the institution by showcasing some of the talent it has generated and is likely to be of avid interest to all who care about the future of human rights From the foreword by Joshua Castellino Middlesex University UK the Challenge of Human Rights takes a detailed and exploratory approach to topics across the field of human rights and seeks to map a path for future research and policy development It examines contemporary approaches to established rights such as the right to peace and the protection against double jeopardy while also revisiting overlooked or forgotten rights and concepts such as slavery apartheid and the right to resist determining the optimal place for those rights in today s world the contributing authors outline lacunae in human rights law where rights could be established from voting rights for under 18s to rights for the dead to cultural and intellectual property rights and also apply completely new approaches to questions that have troubled human rights advocates for decades This innovative book will be essential reading for researchers and practitioners of human rights law political scientists historians and others who have a general interest in the future trajectory of human rights

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