



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

Morten Bergsmo, SONG Tianying



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 Piqu 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 contextual 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

Crimes Against 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 Guénaél 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. Rafiqul

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 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 **Atrocity Labelling** 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

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