

Access Free The International Criminal Court The Making Of The Rome Statute Issues Negotiations And Results

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The book deals with the controversial relationship between African states, represented by the African Union, and the International Criminal Court. This relationship started promisingly but has been in crisis in recent years. The overarching aim of the book is to analyze and discuss the achievements and shortcomings of interventions in Africa by the International Criminal Court as well as to develop proposals for cooperation between international courts, domestic courts outside Africa and courts within Africa. For this purpose, the book compiles contributions by practitioners of the International Criminal Court and by role players of the judiciary of African countries as well as by academic experts. 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.

This book analyses how the complementarity regime of the ICC's Rome Statute can be implemented in member states, specifically focusing on African states and Nigeria. Complementarity is the principle that outlines the primacy of national courts to

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prosecute a defendant unless a state is 'unwilling' or 'genuinely unable to act', assuming the crime is of a 'sufficient gravity' for the International Criminal Court (ICC). It is stipulated in the Rome Statute without a clear and comprehensive framework for how states can implement it. The book proposes such a framework and argues that a mutually inclusive interpretation and application of complementarity would increase domestic prosecutions and reduce self-referrals to the ICC. African states need to have an appropriate legal framework in place, implementing legislation and institutional capacity as well as credible judiciaries to investigate and prosecute international crimes. The mutually inclusive interpretation of the principle of complementarity would entail the ICC providing assistance to states in instituting this framework while being available to fill the gaps until such time as these states meet a defined threshold of institutional preparedness sufficient to acquire domestic prosecution. The minimum complementarity threshold includes proscribing the Rome Statute crimes in domestic criminal law and ensuring the institutional preparedness to conduct complementarity-based prosecution of international crimes. Furthermore, it assists the ICC in ensuring consistency in its interpretation of complementarity. This text focuses on the Statute of the International Criminal Court, gathering contributions by scholars

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and diplomats attending the 1999 Trento Conference in Rome. 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. There is also an evaluation of the prospect for the functioning of the ICC in the future.

This systematic, contextual and practice-oriented account of complementarity explores the background and historical expectations associated with complementarity, its interpretation in prosecutorial policy and judicial practice, its context (ad hoc tribunals, universal jurisdiction, R2P) and its impact in specific situations (Colombia, Congo, Uganda, Central African Republic, Sudan and Kenya). Written by leading experts from inside and outside the Court and scholars from multiple disciplines, the essays combine theoretical inquiry with policy recommendations and the first-hand experience of practitioners. It is geared towards academics, lawyers and policy-makers who deal with the impact and application of international criminal justice and its interplay with peace and security, transitional justice and international relations.

Contains the trial proceedings of the International Criminal Court, the ICTY and the ICTR in one single volume. This book covers the procedural and evidentiary aspects of the trials before the ICC from

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the beginning of an investigation until the time the convict has served the sentence and it includes ICTY and ICTR precedents.

Michael Vagias analyses the law and procedure surrounding the territorial jurisdiction 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,

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including discussions of recent judicial activity and the amendments to the Rome Statute adopted at the Kampala conference.

The International Criminal Court is at a crossroads. In 1998, the Court was still a fiction. A decade later, it has become operational and faces its first challenges as a judicial institution. This volume examines this transition. It analyses the first jurisprudence and policies of the Court. It provides a systematic survey of the emerging law and practice in four main areas: the relationship of the Court to domestic jurisdictions, prosecutorial policy and practice, the treatment of the Court's (TM)s applicable law and the shaping of its procedure. It revisits major themes, such as jurisdiction, complementarity, cooperation, prosecutorial discretion, modes of liability, pre-trial, trial and appeals procedure and the treatment of victims and witnesses, as well as their criticisms. It also explores some of challenges and potential avenues for future reform.

This book considers the relationship between the International Criminal Court (ICC) and the United Nations Security Council (UNSC) under three major aspects: triggering the jurisdiction of the Court when the Security Council adopts a resolution requesting that under Article 13 (b) of the Rome Statute; delaying the Court's action by UNSC according to Article 16 of the Rome Statute; and the cooperation between the two institutions in cases where the Council refers to the Court situations, and also with regard to state-party referrals, and situations initiated proprio motu by the Prosecutor. The book analyzes this relationship according to Resolution 1593 (2005) by which the Security Council assigned the situation in Darfur to the Court. It highlights the main flaws of this Resolution, and discusses the African Union's position towards the Court.

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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.

The book examines the implications of cosmopolitan thought for the functioning of the ICC, and the implications of this for the position of witnesses before the ICC/other tribunals. The cosmopolitan theory becomes a way of critiquing their practice and jurisprudence.

This book provides an analysis of whether the International Criminal Court can be regarded as an International Criminal World Court, capable of exercising its jurisdiction upon every individual despite the fact that not every State is a Party to the Rome Statute. The analysis is based on a twin-pillar system, which consists of a judicial and an enforcement pillar. The judicial pillar is based on the most disputed articles of the Rome Statute; its goal is to determine the potential scope of the Court's strength through the application of its jurisdiction regime. The enforcement pillar provides an analysis of the cooperation and judicial assistance mechanism pursuant to the Rome Statute's provisions and its practical implementation through States' practices. The results of the

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analysis, and the lack of an effective enforcement mechanism, demonstrate that the ICC cannot in fact be considered a criminal world court. In conclusion, possible solutions are presented in order to improve the enforcement pillar of the Court so that the tremendous strength of the ICC's judicial pillar, and with it, the exercise of worldwide jurisdiction, can be effectively implemented.

The International Criminal Court
the making of the Rome Statute : issues, negotiations and results
Martinus Nijhoff Publishers
The International Criminal Court
A Global Civil Society Achievement
Routledge

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A new examination of the International Criminal Court (ICC) from a political science and international relations perspective. It describes the main features of the court and discusses the political negotiations and the on-going clashes between those states who oppose the court, particularly the United States, and those who defend it. It also makes these issues accessible to non-lawyers and presents effective advocacy strategies for non-governmental organizations. It also delivers essential background to the place of the US in international relations and makes a major contribution to thinking about the ICC's future. While global civil society does not deliver global democracy, it does contribute to more transparent, more deliberative and more ethical international decision-making which is ultimately preferable to a world of isolated sovereign states with no accountability outside their borders, or exclusive and secretive state-to-state diplomacy. This book will be of great interest to students and scholars of international relations, international law, globalization and global governance.

Some parts of this publication are open access,

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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

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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.

In *An African Criminal Court* Dominique Mystris offers insight into the potential contribution of a regional criminal court and its place within the international criminal justice discourse, the African Union and the African Peace and Security Architecture.

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

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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. The establishment of the International Criminal Court (ICC) in July 1998 has attracted growing interest in the evolving role of politics in international law. Steven C. Roach's innovative and systematic work on the political and ethical dimensions of the ICC is the first comprehensive attempt to situate the politics of the ICC both theoretically and practically. Linking the ICC's internal politicization with its formative

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development, Roach provides a unique understanding of this institution's capacity to play a constructive role in global politics. He argues that an internal form of politicization will allow the ICC to counter outside efforts to politicize it, whether this involves the political agenda of a state hegemon or the geopolitical interests of U. N. Security Council permanent members. Steering a new path between conventional approaches that stress the formal link between legitimacy and legal neutrality, and unconventional approaches that treat legitimacy and politics as inextricable elements of a repressive international legal order, Roach formulates the concept of political legalism, which calls for a self-directed and engaged application of the legal rules and principles of the ICC Statute. *Politicizing the International Criminal Court* is a must-read for scholars, students, and policymakers interested in the dynamics of this important international institution.

Contemporary Issues Facing the International Criminal Court is a collection of essays by prominent international criminal law commentators, responsive to questions of interest to the Office of the Prosecutor of the International Criminal Court.

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,

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crimes against humanity, war crimes, and crime 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 difficulties, which prevent it from reaching 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 drawing together these 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.

The most prolific international criminal court to date, the International Criminal Tribunal for the Former Yugoslavia had a broad impact on international law,

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human rights, the creation of the International Criminal Court, and the rule of law in the former Yugoslavia. In this book a group of leading experts take stock of its performance and legacy.

"This incisive and important collection of contributions from well-established experts takes the [discussion on the International Criminal Court] to newer and higher levels. The contemporary challenges are set out and underscored and explained. This is a collection of views and opinions that needs to be read by practitioners, academics and judges alike. It will be an essential tool in the debates that these challenges will generate and provides vital material for consensus and understanding." -- From the Foreword by Judge Howard Morrison ***

The International Criminal Court (ICC) celebrated its 10th anniversary in 2012. The initial decade was marked, not only by the ICC issuing its first judgment, in the Lubanga case, but also by numerous challenges which it has had to resolve. This book brings together a number of perceptive insights into the functioning of the ICC at the intersection between international criminal law theory and the practice developed by the ICC.

Subjects covered in the book include the definition of crimes under the Rome Statute, the issue of complementarity between the ICC and domestic courts, the trigger mechanisms of the ICC, the role and rights of victims, and prospects for the future

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work of the ICC. The book's contributors are leading specialists in the field of international criminal justice, and include scholars, legal practitioners, NGO experts, and ICC officials. It will be an important asset for all readers interested in contemporary developments under the legal regime of the Rome Statute. [Subject: International Law, Criminal Law]

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.

This book theorizes the ways in which states that are presumed to be weaker in the international system use the International Criminal Court (ICC) to advance their security and political interests. Ultimately, it contends that African states have managed to instrumentally and strategically use the international justice system to their advantage, a theoretical framework that challenges the "justice cascade"

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argument. The empirical work of this study focuses on four major themes around the intersection of power, states' interests, and the global governance of atrocity crimes: firstly, the strategic use of self-referrals to the ICC; secondly, complementarity between national and the international justice system; thirdly, the limits of state cooperation with international courts; and finally the use of international courts in domestic political conflicts. This book is valuable to students, scholars, and researchers who are interested in international relations, international criminal justice, peace and conflict studies, human rights, and African politics. This book analyzes the position of the ICC in relation to national court systems. The research illustrates that what seemed to be a straight forward relationship between the ICC and national courts under the complementarity mechanism, proves to be much more complex in practice. Using the referrals of Uganda and Darfur, the book demonstrates ways in which it might be possible to prosecute for crimes currently not prosecuted by the ICC and brings to light possible solutions to overcome the gaps in law and practice in the jurisdictional relation between the ICC and national systems. It will be of value to academics, students and policy-makers working in the area of international law, international organizations, and human rights.

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

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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.

This comprehensive Companion examines the achievements and challenges of the International Criminal Court (ICC), the world's first permanent international criminal tribunal. It provides an overview of the first two decades of the ICC's existence, investigating the dominant narratives and counter-narratives that have emerged about the institution and its work.

This work deals with the exclusion of illicitly obtained evidence at the International Criminal Court. At the level of domestic law, the so-called exclusionary rule has always been a very prominent topic. The reason for this is that the way a court of law deals with tainted evidence pertains to a key aspect of procedural fairness. It concerns the balancing of the right to a fair trial with the interest of society in effective law enforcement. At the international level, however, the subject has not yet been discussed in detail. The present research intends to fill this gap. It provides an overview of the approaches of a number of domestic legal systems as well as of the approaches of the UN ad hoc tribunals and the European Court of Human Rights and uses the different perspectives to develop a version of the exclusionary rule which fits the International Criminal Court. The book is highly recommended for practitioners and researchers in the field of international criminal law and especially the law of international criminal evidence. Petra Viebig is a Public Prosecutor at the Staatsanwaltschaft Hamburg, Germany.

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

Many prosecutors and commentators have praised the victim provisions at the International Criminal Court (ICC) as 'justice for victims', which for the first time include participation, protection and reparations. This book critically examines the role of victims in international criminal justice, drawing from human rights, victimology, and best practices in transitional justice. Drawing on field research in Northern Uganda, Luke Moffet explores the nature of international crimes and assesses the role of victims in the proceedings of the ICC, paying particular attention to their recognition, participation, reparations and protection. The book argues that because of the criminal nature and structural limitations of the ICC, justice for victims is symbolic, requiring State Parties to complement the work of the Court to address victims' needs. In advancing an innovative theory of justice for victims, and in offering solutions to current challenges, the book will be of great interest and use to academics, practitioners and students engaged in victimology, the ICC, transitional justice, or reparations.

This volume continues the standard work *The Practice of the International Criminal Tribunals for the former Yugoslavia and Rwanda*. It expands its former coverage of international criminal practice.

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

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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 impressive and unique collection of essays covers important aspects of the legal regime of the International Criminal Court (ICC). The volume begins with an analysis of the historical development of the ICC, the progressive development of international humanitarian and international criminal law by the ad hoc Tribunals and the work of mixed national/international jurisdictions. The legal and institutional basis of the ICC is then dealt with in detail, including the organs of the ICC, war crimes, crimes against humanity and crimes of aggression, modes of liability before the ICC and defences before the ICC. Part III focuses on the court at work, including its procedural rules, criminal proceedings at the ICC, penalties and appeal and revision procedures. Part IV deals with the relationship of the ICC with states and international organizations. The contributors are established scholars in the field of international criminal and humanitarian law, many of whom are practitioners in the various tribunals. Africa has been at the forefront of contemporary global efforts towards ensuring greater accountability for international crimes. But the continent's early embrace of international criminal justice seems to be taking a new turn with the recent resistance from some African states claiming that the emerging system of international criminal law represents a new form of imperialism masquerading as international rule of law. This book analyses the relationship and tensions between the International Criminal Court (ICC) and Africa. It traces the origins of the confrontation between African governments, both acting individually and within the framework of the African Union, and the permanent Hague-

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based ICC. Leading commentators offer valuable insights on the core legal and political issues that have confused the relationship between the two sides and expose the uneasy interaction between international law and international politics. They offer suggestions on how best to continue the fight against impunity, using national, ICC, and regional justice mechanisms, while taking into principled account the views and interests of African States.

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