



National Security And International Criminal Justice

Mark Findlay



National Security And International Criminal Justice:

National Security and International Criminal Justice Herwig Roggemann, Petar Šarcevic, 2021-10-25 One of the main problems of the International Ad hoc tribunals in The Hague and Arusha as well as of the permanent International Court concerns the conflict between national security and secrecy interests of sovereign States arising in legal proceedings as a result of evidence interests and the court hearing the case While an International Criminal Court cannot succeed without the necessary competence for gathering evidence it can also not succeed if it fails to take account of legitimate national security interests Written by well known authors and commentators the articles in the book deal with this controversy from the point of view of comparative law and legal politics The topics covered focus on experiences and decisions from the practice of both ad hoc tribunals as well as political and legal discussions relating to the Statute and Rules of Procedure and Evidence of the permanent International Criminal Court

The Oxford Companion to International Criminal Justice, 2009-01-22 The move to end impunity for human rights atrocities has seen the creation of international and hybrid tribunals and increased prosecutions in domestic courts The Oxford Companion to International Criminal Justice is the first major reference work to provide a complete overview of this emerging field Its nearly 1100 pages are divided into three sections In the first part 21 essays by leading thinkers offer a comprehensive survey of issues and debates surrounding international humanitarian law international criminal law and their enforcement The second part is arranged alphabetically containing 320 entries on doctrines procedures institutions and personalities The final part contains over 400 case summaries on different trials from international and domestic courts dealing with war crimes crimes against humanity genocide torture and terrorism With analysis and commentary on every aspect of international criminal justice this Companion is designed to be the first port of call for scholars and practitioners interested in current developments in international justice

The Dynamics of International Criminal Justice Hiram Abtahi, Gideon Boas, Richard May (LL. B.), 2006 This book is dedicated to the memory of Sir Richard May who passed away on 1 July 2004 and to the rich legacy he has left behind in the area of international criminal law It contains in depth analyses of a range of issues critical to the development and understanding of international criminal law written by contributors who worked in some way with Sir Richard during his tenure at the ICTY particularly during his last years as Presiding Judge of the Milosevi Trial It contains a Foreword by the President of the ICTY Theodor Meron and substantive work in three main parts one chapter concerning the development and understanding of human rights five chapters addressing international criminal law issues in the context of ICTY proceedings and two chapters focusing on substantive aspects of international criminal law All the chapters analyse international criminal law as applied by the ICTY as well as the ICC ICTR and other international or hybrid criminal tribunals and are all authored by persons in a position to give great insight into the subject matter discussed

The United Nations, Peace and Security Ramesh Thakur, 2006-06-08 Preventing humanitarian atrocities is becoming as important for the United Nations as dealing with inter

state war In this book Ramesh Thakur examines the transformation in UN operations analysing its changing role and structure He asks why when and how force may be used and argues that the growing gulf between legality and legitimacy is evidence of an eroded sense of international community He considers the tension between the US with its capacity to use force and project power and the UN as the centre of the international law enforcement system He asserts the central importance of the rule of law and of a rules based order focused on the UN as the foundation of a civilised system of international relations This book will be of interest to students of the UN and international organisations in politics law and international relations departments as well as policymakers in the UN and other NGOs **World Criminal Justice**

Systems Richard J. Terrill, 2010-04-07 This comparative text provides an understanding of major foreign criminal justice systems by discussing and comparing the systems of six of the world's more industrialized countries England France Sweden Russia China and Japan each representative of a different type of legal system as well as a chapter on Islamic law that uses Saudi Arabia Iran and Turkey as main examples Political historical organizational procedural and critical issues confronting the justice systems are explained and analyzed Each chapter contains material on government police judiciary law corrections juvenile justice and other critical issues Each chapter introduces a country and then covers concepts to know government police judiciary law corrections and juvenile justice *Exploring the Boundaries of International Criminal*

Justice Mark Findlay, 2016-04-15 This collection discusses appropriate methodologies for comparative research and applies this to the issue of trial transformation in the context of achieving justice in post conflict societies In developing arguments in relation to these problems the authors use international sentencing and the question of victims interests and expectations as a focus The conclusions reached are wide ranging and highly significant in challenging existing conceptions for appreciating and giving effect to the justice demands of victims of war and social conflict The themes developed demonstrate clearly how comparative contextual analysis facilitates our understanding of the legal and social contexts of international punishment and how this understanding can provide the basis for expanding the role of restorative international criminal justice within the context of international criminal trials **National Criminal Justice Thesaurus**, 1994 *US Foreign Policy on*

Transitional Justice Annie R. Bird, 2015-03-04 Despite the diverse interests of Presidents Congress and the State Department this book argues that US foreign policy on transitional justice is surprisingly consistent characterized by an approach that is value driven strategic and retributive and that has influenced the field as a whole International Criminal Justice Roberto Bellelli, 2016-04-22 This volume presents an overview of the principal features of the legacy of International Tribunals and an assessment of their impact on the International Criminal Court and on the review process of the Rome Statute It illustrates the foundation of a system of international criminal law and justice through the case law and practices of the UN ad hoc tribunals and other internationally assisted tribunals and courts These examples provide advice for possible future developments in international criminal procedure and law with particular reference to their impact on the ICC and on

national jurisdictions The review process of the Rome Statute is approached as a step of a review process to provide a perspective of the developments in the field since the Statute s adoption in 1998

The National Security Constitution in the Twenty-First Century Harold Hongju Koh, 2024-06-25 A deeply researched fully updated edition of The National Security Constitution that explores the growing imbalance of institutional powers in American foreign affairs and national security policy Since the beginning of the American Republic a package of norms has evolved in the U S Constitution to protect the operation of checks and balances in national security policy This National Security Constitution promotes shared powers and balanced institutional participation in foreign policymaking Today it is under attack from a competing claim of executive unilateralism generated by recurrent patterns of presidential activism congressional passivity and judicial tolerance This dynamic has pushed presidents of both parties to press the limits of law in foreign affairs In his award winning National Security Constitution 1990 Harold Hongju Koh traced the evolution of this constitutional struggle across America s history This new book based on the earlier volume but with roughly 70 percent new material brings the story to the present placing recent events into constitutional perspective Reviewing the presidencies of the twenty first century he explains why modern national security threats have given presidents of both parties incentives to monopolize foreign policy decision making Congress incentives to defer and the courts reasons to rubber stamp Koh suggests both a workable strategy and crucial prescriptions to restore the balance of our constitutional order in addressing modern global crises

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