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PRINCIPLES OF
INTERNATIONAL
CRIMINAL LAW

THIRD EDITION

OXFORD

Principles Of International Criminal Law

Fabián Raimondo



Principles Of International Criminal Law:

Principles of International Criminal Law Gerhard Werle, Florian Jessberger, 2014 Principles of International Criminal Law is one of the leading textbooks in the field This third edition builds on the highly successful work of the previous editions setting out the general principles governing international crimes as well as the fundamentals of both substantive and procedural international criminal law

Principles of International Criminal Law Gerhard Werle, Florian Jeßberger, 2020-10-09 Principles of International Criminal Law is one of the most influential textbooks in the field of international criminal justice This fourth edition builds on the highly successful work of the previous editions setting out the general principles governing international crimes as well as the fundamentals of both substantive and procedural international criminal law It provides a detailed understanding of the sources and evolution of international criminal law demonstrating how it has developed and how its application has changed The book assesses in detail the four key international crimes as defined by the statute of the International Criminal Court genocide crimes against humanity war crimes and the crime of aggression The new edition revises and updates the work with developments in international criminal justice since 2014 It includes substantial new material on critical perspectives on international criminal justice the fragmentation of international criminal law new war crimes of prohibited means of warfare and the prosecution of crimes committed in Syria and Northern Iraq The book retains its highly acclaimed systematic approach and consistent methodology making it essential reading for both students and scholars of international criminal law as well as practitioners and judges working in the field

The Permanent International Criminal Court Dominic McGoldrick, Peter Rowe, Eric Donnelly, 2004-03 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 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

Principles of Islamic International Criminal Law Farhad Malekian, 2011-06-22 While the system of international law is improving enormously and certain legal provisions are becoming an integral part of jus cogens norms this body of law must be studied

together with other systems which have basically been effective in its development The principles of the rule of law must be evaluated collectively rather than selectively In fact most Islamic nations have ratified the ICC Statute They have thereby contributed to the establishment of the pillars of morality equality peace and justice At the same time those pillars may be strengthened by means of an accurate interpretation of the principles of international criminal laws by all parties The objective of these comparative philosophies is to examine their core principles similarities and differences The intention is to indicate that the variation in theories may not obstruct the legal implementation of international criminal law if their dimensions are judged objectively and with the noblest of motives towards mankind

Principles of Evidence in International Criminal Justice Karim A. A. Khan, Caroline Buisman, Christopher Gosnell, 2010 Principles of Evidence in International Criminal Justice provides an overview of the procedure and practice concerning the admission and evaluation of evidence before the international criminal tribunals The book is both descriptive and critical and its emphasis is on day to day practice drawing on the experience of the Yugoslavia Rwanda and Sierra Leone Tribunals This book is an attempt to define and explain the core principles and rules that have developed at those ad hoc Tribunals the rationale and origin of those rules and to assess the suitability of those rules in the particular context of the International Criminal Court which is still at its early stages The ICC differs in structure from the ad hoc Tribunals and approaches the legal issues it has to resolve differently from its predecessors The ICC is however confronted with many of the same questions The book examines the differences between the ad hoc Tribunals and the ICC and seeks to offer insights as to how and in which circumstances the principles established over years of practice at the ICTY ICTR and SCSL may serve as guidance to the ICC practitioners of today and the future The contributors represent a cross section of the practising international criminal bar drawn from the ranks of the Bench the Prosecution and the Defence and bringing with them different legal domestic cultures Their mixed background underlines the recurring theme in this book which is the manner in which a legal culture has gradually taken shape in the international Tribunals drawing on the various traditions and experiences of its participants

International Criminal Law M. Cherif Bassiouni, 2008 Volume 1 deals with international crimes It contains several significant contributions on the theoretical and doctrinal aspects of ICL which precede the five chapters addressing some of the major categories of international crimes The first two chapters address the sources and subjects of ICL and its substantive contents The other five chapters address Chapter 3 The Crime Against Peace and Aggression The Crime Against Peace and Aggression From its Origins to the ICC The Crime of Aggression and the International Criminal Court Chapter 4 War Crimes Crimes Against Humanity Penal Aspects of International Humanitarian Law Non International Armed Conflict and Guerilla Warfare Mercenarism and Contracted Military Services Customary International Law and Weapons Control Genocide Crimes Against Humanity Overlaps Gaps and Ambiguities in Contemporary International Humanitarian Law Genocide and Crimes Against Humanity Chapter 5 Crimes Against Fundamental Human Rights Slavery Slave Related Practices and Trafficking in Persons

Apartheid International Prohibition of Torture The Practice of Torture in the United States September 11 2001 to Present Chapter 6 Crimes of Terror Violence International Terrorism Kidnapping and Hostage Taking Terrorism Financing Piracy International Maritime Navigation and Installations on the High Seas International Civil Aviation Chapter 7 Crimes Against Social Interest International Control of Drugs Challenges in the Development of International Criminal Law The Negotiations of the United Nations Convention Against Transnational Organized Crime and the United Nations Convention Against Corruption Transnational Organized Crime Corruption of Foreign Public Officials International Criminal Protection of Cultural Property Criminalization of Environmental Protection **Principles of International Criminal Law** Gerhard Werle, 2009 Principles of International Criminal Law was first published four years ago and has been well received It has since appeared not only in a second German edition but also in Spanish Italian and Chinese Rapid developments in the field have now made a new English edition necessary The worldwide interest in international criminal law is strong and ever growing This is shown by among other things the proliferation of publications on the subject in recent years While the ad hoc Tribunals for the former Yugoslavia and Rwanda will soon cease operations the International Criminal Court is just getting in gear The Court's first decisions on important issues of procedural and substantive law are now available Other forms of enforcing international criminal law such as hybrid courts have also assumed greater importance at the same time international criminal law has come increasingly to be implemented and enforced in domestic criminal law Today there are many indications that international criminal law will continue to develop rather than stagnate or even suffer reversals

General Principles of Law in the Decisions of International Criminal Courts and Tribunals Fabián Raimondo, 2008 International lawyers usually disregard the vital functions that general principles of law may play in the decisions of international courts and tribunals As far as international criminal law is concerned general principles of law may be crucial to the outcome of an international trial inter alia because the conviction of an accused in respect of a particular charge may depend on the existence of a given defence under this source This volume examines the role that general principles of law have played in the decisions of international criminal courts and tribunals In particular it analyses their alleged subsidiary nature their process of determination and their transposition from national legal systems into international law It concludes that general principles of law have played a significant role in the decisions of international criminal courts and tribunals not only by filling legal gaps but also by being a fundamental means for the interpretation of legal rules and the enhancement of legal reasoning **Dynamic Interpretation in International Criminal Law** Alexander

Grabert, 2015-06-17 The interpretive process in International Criminal Law ICL is characterised by a conflict between the requirements for stability and change On the one hand ICL provides for the criminal responsibility of individuals Thus there is an enhanced requirement for legal certainty According to the principle of legality the addressee of the law must be able to identify the prohibited conduct in advance in order to be able to avoid criminal sanctions On the other hand however ICL

forms part of international law Hence it derives to some extent from international treaties Whereas the forms of criminal conduct are continuously evolving treaties are rather static instruments they cannot be adapted to a changing environment within a short period of time Thus reality is developing at a pace that the law cannot always match In consequence there is a certain need to account for evolving circumstances within the framework of interpretation The aim of this book is to review the consequences of this conflict for the interpretation of ICL How can the conflicting requirements be brought into balance Can substantive rules of ICL be interpreted in a dynamic fashion to the detriment of the accused without violating the principle of legality How do international criminal courts and tribunals deal with this issue

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Human Rights and International Criminal Law Borhan Uddin Khan, Md. Jahid Hossain Bhuiyan, 2022-03-16 This book examines the importance of international criminal law in promoting and defending human rights as well as its relationship with law and international politics It highlights criminal cases at the International Criminal Tribunals for the former Yugoslavia and the International Criminal Tribunals for Rwanda the International Criminal Court and the International Crimes Tribunal of Bangladesh The book considers human rights approaches to crimes from a theoretical and practical perspective analyses various crimes under international law and examines the application implementation and enforcement of international criminal law This book will serve as an important reference for students teachers scholars and lawyers specialising in international human rights international criminal law and international humanitarian law

International Criminal Law: Cases and Commentary Antonio Cassese, 2011-02-24 The decisions presented in the book are helpfully accompanied by short introductions setting out the circumstances of each case and brief commentaries on the importance of the decision and principles illustrated Book Jacket

The Protective Principle of International Criminal Jurisdiction Iain Cameron, 1994 This work examines the role and function that the protective principle plays in international criminal law as a whole It also analyzes the systems of criminal jurisdiction in Sweden and the United States Shorter analyses are also made of the Danish Norwegian and British systems

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International Criminal Law, Volume 1: Sources, Subjects and Contents M. Cherif Bassiouni, 2008-12-31
Volume 1 deals with international crimes. It contains several significant contributions on the theoretical and doctrinal aspects of ICL which precede the five chapters addressing some of the major categories of international crimes. The first two chapters address the sources and subjects of ICL and its substantive contents. The other five chapters address:
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Chapter 8 Crimes Against Social Interest: International Control of Drugs, Challenges in the Development of International Criminal Law, The Negotiations of the United Nations Convention Against Transnational Organized Crime and the United Nations Convention Against Corruption, Transnational Organized Crime, Corruption of Foreign Public Officials, International Criminal Protection of Cultural Property, Criminalization of Environmental Protection.

The Finnish Yearbook of International Law 1998 Kari Takamaa, Martti Koskeniemi, 2000-08-01
Despite its Finnish initiative and pedigree, the Finnish Yearbook of International Law does not restrict itself to purely Finnish topics. On the contrary, it reflects the many connections in law between the national and the international. The Finnish Yearbook of International Law annually publishes articles of high quality dealing with all aspects of international law, including international law aspects of European law, with close attention to developments that affect

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General Principles and the Coherence of International Law Mads Andenas, Malgosia Fitzmaurice, Attila Tanzi, Jan Wouters, 2019-05-20 General Principles and the Coherence of International Law provides a collection of intellectually stimulating contributions from leading international lawyers to the discourse on the role of general principles in international law Offering a comprehensive analysis of the doctrines practices and debates on general principles of law the volume assesses their role in safeguarding the coherence of the international legal system This important book addresses the relationship between principles of law and the other sources of international law explores the interplay between principles of law and domestic and regional legal systems and the role of principles of law with regard to three specific regimes of international law investment law human rights law and environmental law

The Concept of Mens Rea in International Criminal Law Mohamed Elewa Badar, 2013-01-30 The purpose of this book is to find a unified approach to the doctrine of mens rea in the sphere of international criminal law based on an in depth comparative analysis of different legal systems and the jurisprudence of international criminal tribunals since Nuremberg Part I examines the concept of mens rea in common and continental legal systems as well as its counterpart in Islamic Shari'a law Part II looks at the jurisprudence of the post Second World War trials the work of the International Law Commission and the concept of genocidal intent in light of the travaux préparatoires of the 1948 Genocide Convention Further chapters are devoted to a discussion of the boundaries of mens rea in the jurisprudence of the International Criminal Tribunals for the former Yugoslavia and Rwanda The final chapter examines the definition of the mental element as provided for in Article 30 of the Statute of the International Criminal Court in light of the recent decisions delivered by the International Criminal Court The study also examines the general principles that underlie the various approaches to the mental elements of crimes as well as the subjective element required in perpetration and participation in crimes and the interrelation between mistake of law and mistake of fact with the subjective element With a Foreword by Professor William Schabas and an Epilogue by Professor Roger Clark From the Foreword by William Schabas Mohamed Elewa Badar has taken this complex landscape of mens rea at the international level and prepared a thorough well structured monograph This book is destined to become an indispensable tool for lawyers and judges at the international tribunals From the Epilogue by Professor Roger Clark This is the most comprehensive effort I have encountered pulling together across legal systems the general part themes especially about the mental element found in confusing array in the common law the civil law and Islamic law In this endeavour Dr Badar's researches have much to offer us

An Introduction to International Criminal Law and Procedure Robert Cryer, Håkan Friman, Darryl

Robinson, Elizabeth Wilmshurst, 2007-06-14 International criminal law has developed considerably in the last decade and a half resulting in a complex and re invigorated discipline This has impacted directly on the popularity of the study of the subject particularly on postgraduate law degrees This textbook serves these courses by providing an introduction to the principles of international criminal law and processes Written by four international lawyers with experience of teaching international criminal law it is accessible yet sophisticated in its approach It covers substantive international criminal law the institutions designed to enforce it and their procedures and the international law applicable to domestic prosecutions of international crimes It will be essential reading for students and teachers of international criminal law In addition practitioners and researchers in the field and in related fields such as criminal law students of international law and international relations will find this introduction invaluable International Criminal Procedure Göran Sluiter, Håkan Friman, Suzannah Linton, Sergey Vasiliev, Salvatore Zappalà, 2013-03-21 International Criminal Procedure Principles and Rules is a comprehensive study of international criminal proceedings written by over forty leading experts in the field The book offers a systematic overview and detailed comparison of the standards governing the conduct of proceedings in all major international and internationalized criminal courts from the Nuremberg and Tokyo Tribunals to the recently established Cambodian Extraordinary Chambers and the Special Tribunal for Lebanon Based on a major research project the study covers all procedural phases from the initiation of investigation to the appeals process It pays special attention to the crosscutting themes which shape the contemporary discourse on international criminal justice including the law of evidence the defence issues the procedural role of victims and negotiated dismissal of international crime cases The book not only takes stock of the procedural legacy of the UN ad hoc Tribunals for the former Yugoslavia and Rwanda and the International Criminal Court but also reflects on the future directions of international criminal procedure Investigating the tribunals procedural law and practice through the prism of human rights law domestic legal traditions and tribunals special objectives the expert group puts forth proposals on how the challenges facing international criminal jurisdictions can best be met International Criminal Procedure will be an indispensable work for practitioners involved in the adjudication of serious crimes on both national and international level as well as international law students and academics

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Table of Contents Principles Of International Criminal Law

1. Understanding the eBook Principles Of International Criminal Law
 - The Rise of Digital Reading Principles Of International Criminal Law
 - Advantages of eBooks Over Traditional Books
2. Identifying Principles Of International Criminal Law
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Principles Of International Criminal Law
 - User-Friendly Interface
4. Exploring eBook Recommendations from Principles Of International Criminal Law
 - Personalized Recommendations
 - Principles Of International Criminal Law User Reviews and Ratings
 - Principles Of International Criminal Law and Bestseller Lists
5. Accessing Principles Of International Criminal Law Free and Paid eBooks
 - Principles Of International Criminal Law Public Domain eBooks

- Principles Of International Criminal Law eBook Subscription Services
- Principles Of International Criminal Law Budget-Friendly Options
- 6. Navigating Principles Of International Criminal Law eBook Formats
 - ePub, PDF, MOBI, and More
 - Principles Of International Criminal Law Compatibility with Devices
 - Principles Of International Criminal Law Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Principles Of International Criminal Law
 - Highlighting and Note-Taking Principles Of International Criminal Law
 - Interactive Elements Principles Of International Criminal Law
- 8. Staying Engaged with Principles Of International Criminal Law
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Principles Of International Criminal Law
- 9. Balancing eBooks and Physical Books Principles Of International Criminal Law
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Principles Of International Criminal Law
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Principles Of International Criminal Law
 - Setting Reading Goals Principles Of International Criminal Law
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Principles Of International Criminal Law
 - Fact-Checking eBook Content of Principles Of International Criminal Law
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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