

# Redress for Victims of Crimes Under International Law

Ilaria Bottiglieri



# Redress For Victims Of Crimes Under International Law

**Conor McCarthy**



## **Redress For Victims Of Crimes Under International Law:**

**Redress for Victims of Crimes Under International Law** Ilaria Bottigliero, 2013-11-11 Paradoxically victims of ordinary crimes such as fraud theft or assault can obtain redress through regular domestic channels whereas victims of such major atrocities as genocide war crimes or crimes against humanity have been left mostly uncompensated Until recently a pervasive climate of impunity for international crimes relegated victims to the political and legal periphery Over the last few years however the international community has begun to recognize that just as crimes under international law cannot be considered ordinary crimes victims of these crimes cannot be considered ordinary victims In this book Dr Bottigliero explores the origins evolution and practice relating to victims redress in domestic law regional and universal human rights regimes humanitarian law the law of State responsibility United Nations practice and international criminal law including the International Criminal Court She argues that the international community must now move beyond incomplete and fragmented approaches towards a much more comprehensive redress regime for victims of crimes under international law and she recommends means by which to enhance the coherence effectiveness and fairness of victims redress

**Reparations and Victim Support in the International Criminal Court** Conor McCarthy, 2012-04-12 Explores the ICC's regime of victim redress including both its reparations regime and the work of the ICC Trust Fund

**International Law of Victims** Carlos Fernández de Casadevante Romani, 2012-07-11 After having ignored victims only recently both domestic and international law have begun to pay attention to them As a consequence different international norms related to victims have progressively been introduced These are norms generally characterized by a certain concept from the perspective of victims as well as by the enumeration of a list of rights to which they are entitled to rights upon which the international statute of victims is built In reverse these catalogues of rights are the states obligations Most of these rights are already existent in the international law of human rights Consequently they are not new but consolidated rights Others are strictly linked to victims concerning the following categories victims of crime victims of abuse of power victims of gross violations of international human rights law victims of serious violations of international humanitarian law victims of enforced disappearance victims of violations of international criminal law and victims of terrorism

**International Prosecution of Human Rights Crimes** Wolfgang Kaleck, Michael Ratner, Tobias Singelnstein, Peter Weiss, 2006-11-22 1 In his separate opinion in the Nuclear Weapons case Judge Mohammed Bedoui then the President of the International Court of Justice called nuclear weapons the absolute evil There are a few other things which merit being called absolutely evil They are the predicates of the International Criminal Court and of various domestic laws patterned on the Rome Statute war crimes crimes against humanity genocide and aggression A conference organized by the Berlin based Republikanischer Anwaltinnen und Anwälteverein Republican Lawyers Association and the New York based Center for Constitutional Rights was held in Berlin in June 2005 under the title Globalverfassung versus Realpolitik Global Constitution versus Realpolitik It dealt with the tension

between these universally accepted norms and the actual practice of governments in an age characterized by the ill defined concept of the war on terror This book is the outcome of that conference It is intended for a wide variety of readers academics all kinds of jurists as well as human rights activists who sometimes know more about the applicable law than the legal experts It owes its existence to a paradox On the one hand new structures for dealing with the most serious international crimes are being put into place Research Handbook on the International Penal System Róisín

Mulgrew, Denis Abels, 2016-05-27 Drawing on the expertise and experience of contributors from a wide range of academic professional and judicial backgrounds the Research Handbook on the International Penal System critically analyses the laws policies and practices that govern detention punishment and the enforcement of sentences in the international criminal justice context Comprehensive and innovative it examines the operation of the international penal system covering pertinent issues such as non custodial sanctions monitoring of conditions of detention the protection of prisoners under international law and the transfer of prisoners These aspects are presented in a logical order linking up with the chronological sequence of the international criminal justice process Far reaching this Handbook also explores broader normative questions related to contemporary human rights law transitional and restorative justice and victim redress before exploring contemporary and alternative mechanisms for punishing and overseeing punishment and possible avenues for development This up to date assessment will provide valuable insights for researchers and students of international criminal law and justice comparative penal law penology prisoners rights and transitional and restorative justice Its recommendations for development will also interest international and national officials working in criminal law and justice Contributors D Abels K Ambos O Bekou S D Ascoli T A Doherty M A Drumbl S A Fisher B Hol A Jones N Kiefer C McCarthy L McGregor R Mulgrew J C Nemitz M M Penrose G Sluiter S Snacken A Trotter H van der Wilt J van Wijk D van Zyl Smit R Young Research Handbook on

International Law and Terrorism Ben Saul, 2020-04-24 This newly revised and updated second edition provides a comprehensive overview of international counter terrorism law and practice Brand new and revised chapters provide critical commentary on the law from leading scholars and practitioners in the field including new topics for this edition such as foreign terrorist fighters the nexus between organized crime and terrorism and the prevention of violent extremism **The**

**Reparation System of the International Criminal Court** Eva Dwertmann, 2010-03-02 When the Rome Statute for the International Criminal Court was adopted in 1998 one of its great innovations was that victims were granted an active role in the proceedings In its early jurisprudence on victims rights the International Criminal Court stated that the success of the Court is to some extent linked to the success of its reparation system This book is among the first to focus on the International Criminal Court's power to order reparations to victims It provides a comprehensive analysis of the legal framework of the reparation system taking into account relevant Court decisions Possibilities for its implementation are drawn up providing potential solutions for its multiple challenges including the distinct asymmetry between the

individualized responsibility to provide reparations and the collective nature of the crimes and its consequences With its practical approach this book is particularly valuable for practitioners but also for students and researchers **The Elgar Companion to the International Criminal Tribunal for Rwanda** Anne-Marie de Brouwer,Alette Smeulers,2016-12-30 The Elgar Companion to the International Criminal Tribunal for Rwanda is a one stop reference resource on this complex tribunal established in the aftermath of the 1994 genocide in Rwanda which closed its doors on 31 December 2015 This Companion provides an insightful account of the workings and legacy of the ICTR in the field of international criminal justice

Practices of Reparations in International Criminal Justice Christoph Sperfeldt,2022-07-07 Combining interdisciplinary techniques with original ethnographic fieldwork Christoph Sperfeldt examines the first attempts of international criminal courts to provide reparations to victims of mass atrocities The observations focus on two case studies the Extraordinary Chambers in the Courts of Cambodia where Sperfeldt spent over ten years working at and around and the International Criminal Court s interventions in the Democratic Republic of Congo Enriched with first hand observations and an awareness of contextual dynamics this book directs attention to the social life of reparations that too often get lost in formal accounts of law and its institutions Sperfeldt shows that reparations are constituted and contested through a range of practices that produce change and give meaning to reparations Appreciating the nature and effects of these practices provides us with a deeper understanding of the discrepancies that exist between the reparations ideal and how it functions imperfectly in different contexts *Jurisprudence of International Criminal Justice* Farhad Malekian,2014-06-30 Introduction written by Professor Benjamin B Ferencz This challenging volume examines the jurisprudence of international criminal justice from various points of view The philosophy of justice may vary from time to time and from nation to nation depending on prevailing attitudes towards the substantive rules which deal in one way or another with cultural norms In the national and international area the principles of criminal justice have a key role in examining the scope of the most serious violations of international criminal law It is on the basis of appropriate judgment that these principles may be accumulated and achieved for the future conduct of man This volume therefore examines the principles and dimensions of the constitutions of various international criminal tribunals courts with particular focus on the Statute of the International Criminal Court ICC As such the volume offers a comprehensive evaluation of the rule of law and criminal justice and their legal tasks within the complementarity system of international criminal jurisprudence The volume emphasises the prosecution and punishment of all those who may successfully escape from the proceedings of national and international criminal courts because of their juridical political religious economic or military power It demands the implementation of international law of jus cogens The provisions of the Statute should not be deduced in contradiction to the norms from which no derogation is possible such as prohibitions governing crimes against humanity torture apartheid rape war crimes genocide and aggression If the value of the task of the Court is to be realised by the majority of states in the international community the cycle of impunity has to be

abolished in the case of all states including the five permanent members of the Security Council of the United Nations

The Legal Regime of the International Criminal Court Jose Doria, Hans-Peter Gasser, M. Cherif Bassiouni, 2009-06-24 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

Realizing Reparative Justice for International Crimes Miriam Cohen, 2020-07-02 Provides an original approach to the emerging practice of reparations for international crimes and a fresh analysis of the recent jurisprudence at the International Criminal Court

*The Access of Individuals to International Justice* Antônio Augusto Cançado Trindade, 2011-08-25 This book contends that the right of access to justice at national and international levels constitutes a basic cornerstone of the international protection of human rights and conforms a true right to the Law It amounts lato sensu to the right to the realization of justice In such understanding it comprises not only the formal access to a tribunal or judge but also respect for the guarantees of due process of law the right to a fair trial and to reparations whenever they are due and the faithful execution of judgments On its part the right to an effective domestic remedy is a basic pillar of the rule of law in a democratic society In its part the right of international individual petition together with the safeguard of the integrity of international jurisdiction constitute the basic foundations of the emancipation of the individual vis vis his own State This is a domain that has undergone a remarkable development in recent years It is submitted that the right of access to justice belongs today to the domain of jus cogens Without it there is no legal system at all The protection of the human person in the most adverse circumstances has evolved amongst considerations of ordre public Such recent evolution has been contributing to the gradual expansion of the material content of jus cogens Furthermore the very notion of victim encompassing direct indirect and potential victims has been the subject of a considerable international case law Victims have had their cause vindicated in situations of utmost adversity if not defencelessness e g abandoned or street children undocumented migrants members of peace communities in situations of armed conflict internally displaced persons individuals in infra human conditions of detention surviving victims of massacres

**The Law and Practice of the International Criminal Court** Carsten Stahn, 2015-05-28 Some parts of this publication are open access 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 organised 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 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

International Criminal Procedure Göran Sluiter, Sergey Vasiliev, 2013-03-21 The ambitious aim of the work is to create a guiding framework for international criminal procedural law and practices in the future As explained by the working groups the overarching objective of the project is to assist the challenge of delivering fair but also effective trials FOREWORD

International Law Malcolm N. Shaw, 2014-09-18 The definitive textbook on international law updated to reflect all case law and treaty developments The Rohingya, Justice and International Law Kriangsak Kittichaisaree, 2021-10-31 Written by an international judge professor and former ambassador with decades of experience in the field this is an incisive and highly readable book about international law as well as realpolitik in bilateral and multilateral diplomacy in the quest for justice by victims of serious human rights violations amounting to grave crimes of international concern Focusing on the plight of the ethnic and religious group of persons called the Rohingya normally residing in Myanmar as the case study the book elaborates the complex legal technicalities and impediments in international courts and foreign domestic criminal courts exercising universal jurisdiction in relation to acts amounting to genocide crimes against humanity and or war crimes It builds on and adds value to existing literature on the international law applicable to the protection of human rights as interpreted by the International Court of Justice as well as that on the international criminal justice meted out by domestic

criminal courts ad hoc international criminal tribunals and the permanent International Criminal Court The book will be essential reading for students researchers and academics in public international law international criminal law international human rights law as well as government officials and those working for NGOs and international organizations with mandates in these fields      Foreign Fighters under International Law and Beyond Andrea De Guttry, Francesca Capone, Christophe Paulussen, 2016-02-27 This book offers various perspectives with an international legal focus on an important and underexplored topic which has recently gained momentum the issue of foreign fighters It provides an overview of challenges pays considerable attention to the status of foreign fighters and addresses numerous approaches both at the supranational and national level on how to tackle this problem Outstanding experts in the field lawyers historians and political scientists contributed to the present volume providing the reader with a multitude of views concerning this multifaceted phenomenon Particular attention is paid to its implications in light of the armed conflicts currently taking place in Syria and Iraq Andrea de Guttry is a Full Professor of International Law at the Scuola Superiore Sant Anna Pisa Italy Francesca Capone is a Research Fellow in Public International Law at the Scuola Superiore Sant Anna Christophe Paulussen is a Senior Researcher at the T M C Asser Instituut in The Hague the Netherlands and a Research Fellow at the International Centre for Counter Terrorism The Hague      *The Participation of Victims in International Criminal Proceedings* Alessandra Cuppini, 2022-09-30 This book argues that the expressivist justice model provides a meaningful foundation for the participation of victims in international criminal proceedings Traditional criminal justice theories have tended to marginalise the role afforded to victims while informing the criminal procedures utilised by international criminal courts As a result giving content to shaping and enhancing victims participatory rights have been some of the most debated issues in international criminal justice This book contributes to this debate by advancing expressivism which has the capacity to create a historical narrative of gross human rights violations as a core of international criminal justice able to provide a worthwhile basis for the participation of victims in proceedings and clarifying the scope and content of their participatory rights The work provides an in depth discussion on issues related to victims participatory rights from the perspective of international human rights law victimology and the philosophical foundation of international criminal justice The book will be a valuable resource for researchers academics and policymakers working in the areas of international criminal justice international human rights law transitional justice and conflict studies      International and Transnational Crime and Justice Mangai Natarajan, 2019-06-13 Provides a key textbook on the nature of international and transnational crimes and the delivery of justice for crime control and prevention



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