

Redress for Victims of Crimes Under International Law

Ilaria Bottigliero



Redress For Victims Of Crimes Under International Law

**Jose Doria, Hans-Peter Gasser, M.
Cherif Bassiouni**



Redress For Victims Of Crimes Under International Law:

Redress for Victims of Crimes Under International Law Ilaria Bottiglieri, 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 Bottiglieri 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 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 *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 International Prosecution of Human Rights Crimes Wolfgang Kaleck, Michael Ratner, Tobias Singelstein, 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 Anwalteverein 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 **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 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

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

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

Counter-Terrorism Ana Salinas de Frías, Katja Samuel, Nigel White, Nigel D. White, 2012-01-19 The response of governments to terrorism is one of the most controversial issues of the twenty first century Balancing the desire to achieve security with the safeguarding of human rights has proved to be highly contentious This book analyzes the international rule of law framework in which counter terrorism responses occur namely those of international human rights humanitarian criminal and refugee law It focuses on some of the most pressing emerging and or under researched issues and tensions including the policy choices associated with meeting security imperatives the tensions between the criminal justice approach to counter terrorism and the military approach the identification of lacunae within existing legal frameworks and tensions between executive judicial and legislative responses It addresses a wide range of issues such as an analysis of key legal principles emergency and executive measures radicalization governmental impunity classification administration and treatment of battlefield detainees extrajudicial and targeted killings forms of and treatment in detention non refoulement diplomatic assurances interrogation versus torture extraordinary rendition discrimination reparations for victims of terrorist attacks and security responses mis use of military and immigration tribunals judicial and institutional developed and emerging rule of law norms on terrorism non judicial oversight by means of democratic accountability significance of rule of law principles to non legal counter terrorist policy and the identification and analysis of best practices Drawing together an impressive spectrum of legal and non legal national and institutional practitioner policy and academic expertise this book is an unmissable reference work on all aspects of counter terrorism policy

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

The Standing of Victims in the Procedural Design of the International Criminal Court Tatiana Bachvarova, 2017-05-08 This book canvasses the autonomous position of victims before the International Criminal Court It seeks to provide an objective and balanced perspective and neither rejects the idea of victims participation nor seeks to extend it beyond the contours determined by the founders of the ICC The author contributes to the existing debate in academia and in practice by delineating the core most complex and contentious matters ensuing from the role assigned to victims The scrupulously selected issues unveil and blueprint the essential characteristics that delimit the standing of victims as independent actors in the ICC s arena distinct from the parties and other non party participants As an integral part of the ICC s synergy victims converge and interact with its other components Therefore the position and role of victims are contemplated in the context of the Court s procedural mechanism and the mission pursued by the parties and the Chamber The philosophy underpinning the ICC s design and the standing of victims therein also requires analysis from a wider perspective Accordingly the volume draws an in depth parallel with relevant developments and trends at the international and domestic level Close attention is paid to the legal instruments and jurisprudence of international ized criminal justice bodies human rights institutions and non criminal jurisdictions to the extent useful for shedding further light on the issues at hand Recourse is also made to various national systems whenever relevant

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

Towards a Comprehensive Redress Regime for Victims of Crimes Under International Law Ilaria Bottigliero,2003 Most of the world s legal systems recognize the basic principle of victims redress for the harm suffered Paradoxically however only in exceptional cases have victims of extreme violations such as genocide war crimes or crimes against humanity received fair adequate and prompt reparation The thesis argues that to develop more effective redress for victims of major crimes the international community must move beyond the fragmented approach we now have towards a more comprehensive redress regime capable of applying coherent redress principles to all victims of major crimes on a fair adequate and prompt basis The thesis examines the historical origins of victims redress and then explores its evolution and practical application in the frameworks of domestic law regional and universal human rights regimes humanitarian law State responsibility United Nations practice and international criminal law Finally the thesis recommends practical ways to move towards such a comprehensive redress regime

The Contributions of Specialized Institutes and Non-Governmental Organizations to the United Nations Criminal Justice Program M. Cherif Bassiouni,2023-08-28 The increase of crime at the national transnational and international levels has heightened concern in the international community and generated greater interest in international criminal justice policy Since the 1950s the United Nations has been developing the Crime Prevention and Criminal Justice Programme which was designed to respond to these concerns But United Nations resources and support for the programme have been limited notwithstanding the services and contributions of the Crime Prevention and Criminal Justice Branch As the United Nations celebrates its Fiftieth Anniversary it is fitting to have a book that describes the United Nations Crime Prevention and Criminal Justice Programme The information it contains highlights the significant contributions of a number of organizations whose work may not be sufficiently known outside the circles of scholars experts and professionals in the field of international criminal justice The book is thus also a deserving tribute to these organizations giving greater publicity to what they have contributed over the years with scant United Nations recognition Without these organizations and the active NGOs the United Nations would hardly have leave to claim part of what is now an important though still insufficient contribution to international criminal justice

Human Rights in Development, Volume 7 George Ulrich,Louise Krabbe Boserup,2021-11-29 The present edition of the Human Rights in Development Yearbook is the thirteenth edition in this series With this volume the yearbook s formal structure has shifted from that of a journal to a thematic anthology The theme of this year s volume is Reparations Redressing Past Wrongs The articles contained in the publication primarily stem from contributions prepared for a

conference entitled The Right to Compensation and Related Remedies for Racial Discrimination that was hosted by the Danish Centre for Human Rights in April 2001 The conference was organised in anticipation of the World Conference Against Racism Racial Discrimination Xenophobia and Related Intolerance which was held in Durban in September 2001 The publication consists of 15 articles divided into four main parts addressing the subjects of Reparations at the National and Regional Levels Precedence and Standing of International Law The Moral and Social Aspects of Reparation and Reflections Human Rights in Development is the result of a joint research project born out of longstanding co operation between the following research institutes and centres for human rights the Christian Michelsen Institute Bergen the Danish Centre for Human Rights Copenhagen the Icelandic Human Rights Centre Reykjavik the Ludwig Boltzmann Institute of Human Rights Vienna the International Centre for Human Rights and Democratic Development Montreal the Netherlands Institute of Human Rights Utrecht the Norwegian Institute of Human Rights Oslo the Raoul Wallenberg Institute of Human Rights and Humanitarian Law Lund and bo Academy University bo

Business, Human Rights and Transitional Justice Irene Pietropaoli, 2020-05-07 This book considers the efficacy of transitional justice mechanisms in response to corporate human rights abuses Corporations and other business enterprises often operate in countries affected by conflict or repressive regimes As such they may become involved in human rights violations and crimes under international law either as the main perpetrators or as accomplices by aiding and abetting government actors Transitional justice mechanisms such as trials truth commissions and reparations have usually focused on abuses by state authorities or by non state actors directly connected to the state such as paramilitary groups Innovative transitional justice mechanisms have however now started to address corporate accountability for human rights abuses and crimes under international law and have attempted to provide redress for victims This book analyzes this development assessing how transitional justice can provide remedies for corporate human rights abuses and crimes under international law Canvassing a broad range of literature relating to international criminal law mechanisms regional human rights systems domestic courts truth and reconciliation commissions and land restitution programmes this book evaluates the limitations and potential of each mechanism Acknowledging the limited extent to which transitional justice has been able to effectively tackle the role of corporations in human rights violations and international crimes this book nevertheless points the way towards greater engagement with corporate accountability as part of transitional justice A valuable contribution to the literature on transitional justice and on business and human rights this book will appeal to scholars researchers and PhD students in these areas as well as lawyers and other practitioners working on corporate accountability and transitional justice

Victims Before the International Criminal Court Christoph Safferling, Gurgen Petrossian, 2021-09-16 The book analyses the difficulties the International Criminal Court faces with the definition of those persons who are eligible for participating in the proceedings Establishing justice for victims is one of the most important aims of the court It therefore created a unique system of victim participation Since its first trial the court

struggles to live up to the expectancies its statute has generated The book offers a new approach of how to define victimhood by looking at the different international crimes It seeks to offer guidance for the right to participate in the different stages of the proceedings by looking at the practice in national jurisdictions Lastly the book offers insights into the functioning of the reparation regime at the ICC by virtue of the Trust Fund for Victim and its different mandates The critical analysis of the ICC practice with regard to definition participation and reparation aims at promoting a realistic approach which will avoid the disappointing of expectations and thus help to enhance the acceptance of the ICC

Human Rights in Development
Yearbook 2001 George Ulrich, Louise Krabbe Boserup, 2003-01-01 Regime The Austrian Case *The Italian Yearbook of International Law*, 2004

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