



# **THE INTERNATIONAL CRIMINAL COURT AND THE RESPONSIBILITY TO PROTECT**

*Stefano Marrella*



# Online Responsibility Protect International Criminal Court

**Michael Brown**



### **Online Responsibility Protect International Criminal Court:**

The Responsibility to Protect and the International Criminal Court Serena Sharma, 2015-12-22 This book provides an account of how the responsibility to protect R2P and the International Criminal Court ICC were applied in Kenya In the aftermath of the disputed presidential election on 27 December 2007 Kenya descended into its worst crisis since independence The 2007/08 post election crisis in Kenya was among the first situations in which there was an appeal to both the responsibility to protect and a responsibility to prosecute Despite efforts to ensure compatibility between R2P and the ICC the two were far from coherent in this case as the measures designed to protect the population in Kenya undermined the efforts to prosecute perpetrators This book will highlight how the African Union sponsored mediation process effectively brought an end to eight weeks of bloodshed while simultaneously entrenching those involved in orchestrating the violence Having secured positions of power politicians bearing responsibility for the violence set out to block prosecutions at both the domestic and international levels eventually leading the cases against them to unravel As this book will reveal by utilising the machinery of the state as a shield against prosecution the Government of Kenya reverted to an approach to sovereignty that both R2P and the ICC were specifically designed to counteract This book will be of interest to students of the Responsibility to Protect humanitarian intervention African politics war and conflict studies and IR Security Studies in general **The**

**International Criminal Court and the Responsibility to Protect** Stefano Marinelli, 2022-07-28 This book examines the parallel development and interaction between the International Criminal Court ICC and the doctrine of the Responsibility to Protect RtoP assessing this relationship over time and through case studies of Darfur Libya and Syria The similarities and connections between the doctrine and the Court have been highlighted by UN bodies the organs of the Court and scholars yet their relationship and common impact on international law have been less explored This book fills this gap in presenting an overview of how the development of RtoP and the ICC affect various branches of international law The research shows that while the doctrine and the Court experienced significant implementation problems in their first decades of life they nonetheless have the potential to contribute to the historical evolution of international law in combining their values of promoting international peace and protecting human rights This interdisciplinary study will be useful for scholars of international law and international relations It will also be beneficial to persons working for international organisations and for civil society organisations focused on the activity of the ICC and on the development of RtoP *Peace and Justice at the*

*International Criminal Court* Errol P. Mendes, 2019 This book focuses on how the International Criminal Court seeks accountability for the most serious crimes Errol P Mendes dives deep into the facts and rulings of the Court that involved some of the most serious conflicts in recent times to demonstrate that justice is critical for sustainable peace What results is a detailed but honest critique of where the Court succeeds and where it needs to improve The author goes on to provide a prediction of the greatest challenges facing the Court in the foreseeable future This book is a valuable resource for

academics and students in international criminal law and practice public international relations political science military and war studies etc

**The UN Security Council Members' Responsibility to Protect** Andreas S. Kolb, 2017-12-04 This book examines the hard legal core of any of the Responsibility to Protect R2P concept with regard to the commitment to take collective action through the UN Security Council It addresses the question of whether public international law establishes a duty on the part of the individual Security Council members to collectively take the necessary action to prevent atrocities genocide crimes against humanity war crimes and ethnic cleansing To this end it offers an interpretation of provisions in multilateral conventions such as the undertaking to prevent genocide in Article 1 of the Genocide Convention and the undertaking to ensure respect for the Geneva Conventions in common Article 1 of the 1949 Geneva Conventions analyses the UN Charter framework for Security Council action and explores whether the recognition of the international responsibility to protect has prompted the emergence of a new norm for general international law

The Oxford Handbook of the Responsibility to Protect Alex Bellamy, Tim Dunne, 2016-06-30 The Responsibility to Protect R2P is intended to provide an effective framework for responding to crimes of genocide ethnic cleansing war crimes and crimes against humanity It is a response to the many conscious shocking cases where atrocities on the worst scale have occurred even during the post 1945 period when the United Nations was built to save us all from the scourge of genocide The R2P concept accords to sovereign states and international institutions a responsibility to assist peoples who are at risk or experiencing the worst atrocities R2P maintains that collective action should be taken by members of the United Nations to prevent or halt such gross violations of basic human rights This Handbook containing contributions from leading theorists and practitioners including former foreign ministers and special advisors examines the progress that has been made in the last 10 years it also looks forward to likely developments in the next decade

**The International Criminal Court in Ongoing Intrastate Conflicts** Patrick S. Wegner, 2015-10-09 In recent decades international courts have increasingly started investigating armed conflicts However the impact of this remains under researched Patrick S Wegner closes this gap via a comprehensive analysis of the impact of the International Criminal Court in the Darfur and Lord's Resistance Army conflicts He offers a fresh approach to peace and conflict studies while avoiding the current quantitative focus of the literature and polarisation between critics and supporters of applying justice in conflicts This is the first time that the impact of an international criminal court has been analysed in all its facets in two conflicts The consequences of these investigations are much more complex and difficult to predict than most of the existing literature suggests Recurrent claims such as the deterrent effect of trials and the danger of blocking negotiations by the issuing of arrest warrants are put to the test here with some surprising results

International Criminal Law Edwin Bikundo, 2016-04-22 This book analyses the relationship between law and violence the utility of law over violence and whether legality as an approach has an inherent disability in addressing mass violence as a crime The study is located within international law and assesses whether prosecuting political violence would necessarily entail an abuse of the legal

process The intention is to encourage definition of criminal aggression via legal processes laid down by the International Criminal Court rather than giving favour to political action under the United Nations Charter Issues discussed in the book include the controversies over the location of the crime of aggression in either law or politics taking a legal approach to the problems outlined Using examples from Libya the Ivory Coast and Kenya the work will be of interest to those working in the areas of international criminal justice international law legal theory and international relations

**The Responsibility to Protect in International Law** Natalie Oman, 2019-12-06 This book tracks the development of the emerging international legal principle of a responsibility to protect over the past two decades It contrasts the influential version of the principle introduced by the International Commission on Intervention and State Sovereignty in 2001 with subsequent interpretations of the responsibility to protect advocated by the United Nations through its human protection agenda and reviews the dangers and inconsistencies inherent in both perspectives The author demonstrates that the evolving responsibility to protect principle can be recruited to support a wide range of irreconcilable projects from those of cosmopolitan constitutionalism to those of hegemonic international law However despite the dangers posed by this susceptibility to conceptual hijacking Oman argues that the responsibility to protect like human rights is an essential a modern emancipatory formation To remedy this dangerous malleability the author advocates a third distinctive interpretation of the responsibility to protect designed to limit its cooptation by liberal anti pluralist and hegemonic international law agendas Oman outlines the key features of such a minimalist conception and explores its fit with the RtoP version of the responsibility to protect promoted in recent years by the UN The author argues that two crucial features missing from the UN reading of the principle should be developed in future an acknowledgement of the role of non state actors as bearers of the responsibility to protect and a recognition of the principle's legal character Both of these aspects of the principle offer means to democratize the international law making enterprise

**Institutional Supports for the International Rule of Law** Charles Sampford, Ramesh Thakur, 2014-08-27 The rule of law is widely seen as the cornerstone of any effective polity and increasingly a vital component of the international political system If the international rule of law were to be strengthened it would greatly contribute to trade security human rights and global cooperation in a range of fields Yet in many areas the rule of law seems almost absent in international affairs This book explores the institutions that support the effectiveness of the rule of law domestically It focuses on the extent to which similar institutions already exist at international level and analyses the possibility of their further development The authors speculate on how the international rule of law might be advanced in the future thereby suggesting potential strategies for strengthening the international rule of law Adopting an interdisciplinary approach and combining the fields of international relations politics and law this book covers a range of institutions including UN Security Council International Court of Justice Human rights machinery Regional human rights International Criminal Court World Trade Organization International Tribunal for the Law of the Sea UN Department of Peacekeeping Operations It will be of

strong interest to students and scholars of international relations international organisations global governance international law migration law international peace and security law applied ethics political economy political science and sociology

**International Criminal Law** Ilias Bantekas, Susan Nash, 2003-09-09 This book explores criminal issues from an international law perspective It takes account of international international criminal tribunals and domestic case law and recent international developments such as The International Criminal Co *On the Proposed Crimes Against Humanity Convention* Morten Bergsmo, SONG Tianying, 2014-12-12 This anthology is about the need for and nature of a convention on crimes against humanity It uses the Proposed Convention on the Prevention and Punishment of Crimes Against Humanity as an important reference point 16 authors discuss how such a convention may consolidate the definition of crimes against humanity and develop measures for their prevention and punishment decades after the conclusion of the Genocide Convention and Geneva Conventions The authors include Leila N Sadat Eleni Chaitidou Darryl Robinson Mar a Luisa Piqu Travis Weber Julie Pasch Rhea Brathwaite Christen Price Rita Maxwell Mary Kate Whalen Ian Kennedy SHANG Weiwei ZHANG Yueyao and Tessa Bolton It contains a preface by late Judge Hans Peter Kaul and a foreword by Hans Corell The book is inspired by the rationale of crimes against humanity to protect against the most serious violations of fundamental individual rights and its realization especially through domestic mechanisms Such consciousness calls upon appropriate definition and use of contextual elements of the crime effective jurisdiction for prevention and prosecution and robust inter State co operation The book considers individual State experiences in combating crimes against humanity It underlines the importance of avoiding that the process to develop a new convention waters down the law of crimes against humanity or causes further polarisation between States in the area of international criminal law It suggests that the scope of the obligation to prevent crimes against humanity will become a decisive question *A Human Security Doctrine for Europe* Marlies Glasius, Mary Kaldor, 2006-01-16 A Human Security Doctrine for Europe explores the actual needs of individual people in conflict areas rather than using a conventional institutional or geo political perspectives This new volume proposes that Europe should develop a new kind of human security capability that involves the military the police and civilians all working together to enforce law rather than to fight wars It argues that threats such as weapons of mass destruction or terrorism can only be countered if we address the insecurity of people in all parts of the world Many people in the world lead intolerably insecure lives In large parts of Africa the Balkans Central Asia and the Middle East men and women live in daily fear of violent attacks kidnapping rape extortion robbery or trafficking The existence of large military apparatuses does not create security indeed as in Iraq the use of regular military forces may only make things worse This stimulating study includes two chapters setting out the changed global context and proposing new approaches to security five regional studies on the Balkans the Great Lakes Region the Middle East the South Caucasus and West Africa four studies on different aspects of EU security policy including the legal setting the role of women operational principles and the role of the new member

states four operational studies on capabilities resources and institutional embedding Written by a diverse team of international experts this book will be of strong interest to students and researchers of security studies peace studies human rights and international relations      **Justice in Extreme Cases** Darryl Robinson,2020-12-17 In Justice in Extreme Cases Darryl Robinson argues that the encounter between criminal law theory and international criminal law ICL can be illuminating in two directions criminal law theory can challenge and improve ICL and conversely ICL s novel puzzles can challenge and improve mainstream criminal law theory Robinson recommends a coherentist method for discussions of principles justice and justification Coherentism recognizes that prevailing understandings are fallible contingent human constructs This book will be a valuable resource to scholars and jurists in ICL as well as scholars of criminal law theory and legal philosophy      *Human Security Studies: Theories, Methods And Themes* Sorpong Peou,2014-03-31 Human Security Studies Theories Methods and Themes examines the concept of human security from different theoretical and methodological perspectives and shows how they help shed light on the different themes of global intervention Liberal perspectives represented by global legalism and developmentalism share the optimism that human security can be ensured and enhanced through strengthening global governance Realists remain skeptical about this liberal vision While also critical of the liberal promise critical theorists and feminists offer radical perspectives on human security All these perspectives help explain the challenges of military intervention for human protection micro disarmament international criminal justice smart sanctions human rights and democracy promotion and human development      Applied Political Theory and Canadian Politics David McGrane,Neil Hibbert,2019-03-14 Bringing together political theorists and specialists in Canadian politics Applied Political Theory and Canadian Politics combines conceptual frameworks from political theory and empirical evidence to offer fresh perspectives on political events in contemporary Canada Examining complex and timely subjects such as equality social justice democracy citizenship and ethnic diversity contributors present current and archival research supplemented with insights drawn from political theory to give readers a deep and nuanced understanding of increasingly pressing issues in Canadian society For scholars and students seeking a work of political theory that is tangible focused and connected to the real world of everyday politics Applied Political Theory and Canadian Politics will be an important resource combining philosophical insights and empirical evidence to enhance our understanding of contemporary Canadian politics      The Global Politics of Human Rights Miguelángel Verde Garrido, Philani Mthembu, Adam S. Wilkins,2020-07-13 Now available online The Global Politics of Human Rights Bringing the Universal Declaration of Human Rights UDHR into the 21st Century 2020 a publication from the Berlin Forum on Global Politics BFoGP in collaboration with the Institute for Global Dialogue and the RECLAIM Universal Human Rights Initiative The Universal Declaration of Human Rights UDHR even more than 70 years after its adoption continues to provide the foundation for national and international laws concerned with human dignity and the universal and inalienable freedoms and claims of every person A living document the core principles enshrined in the

UDHR are as relevant as ever to better the human condition and societies worldwide This collected volume is an open knowledge publication freely accessible under a Creative Commons license which includes 24 articles written by numerous well informed stakeholders from across the globe who include human rights scholars and practitioners experts and activists researchers and members of civil society and non governmental organizations It addresses particular aspects of the history of the UDHR the expansion and implementation of its Articles its role in the prevention of violence and its potential to address a changing world As a whole the publication serves two goals on the one hand it clarifies why the UDHR continues to be strongly relevant to the contemporary values dynamics and conditions of human rights in the 21st century and on the other hand it illustrates how the UDHR and its Articles can be further adapted and implemented to uphold and safeguard human rights even in times when global politics often follow the siren songs of populism authoritarianism nativism and extremism

Diplomatic Interference and the Law Paul Behrens, 2016-05-05 Diplomatic interference carries considerable potential for disruption In this context diplomats have been accused of insulting behaviour the funding of political parties incitement to terrorism and even attempts to topple the host government Reactions can be harsh expulsions are common and occasionally diplomatic relations are severed altogether But an evaluation under international law faces challenges Often enough charges of interference are made when legitimate interests are involved for instance when diplomats criticise the human rights record of their hosts In such cases diplomats may be able to invoke grounds which are recognised under international law On the basis of more than 300 cases of alleged diplomatic interference and the practice of about 100 States and territories Diplomatic Interference and the Law provides an examination of the main areas in which charges of meddling have arisen such as lobbying activities contacts with the opposition propaganda the use of threats and insults and the granting of asylum It analyses situations in which the sovereignty of the receiving State meets competing interests and offers solutions which avoid a conflict of norms It concludes with useful advice for foreign offices and diplomatic agents and underlines the most efficient ways of dealing with situations of alleged interference A book that is here to stay It is essential reading for diplomats academics journalists students and everyone who has an interest in international law and justice Based on rigorous research Paul Behrens book offers new and thoughtful perspectives on the Vienna Convention on Diplomatic Relations which we drafted in 1961 It demonstrates just how important it is to have a lawyer of his impartiality and integrity if we want to reach peaceful and lasting solutions in international relations Diplomatic Interference and the Law has the makings of an instant classic and I have no doubt that it will pave the way for the sorely needed reform of diplomatic law Dr Nelson Iri iz Cas s Vice President of the Committee of the Whole of the Vienna Conference on Diplomatic Relations in 1961 former Head of the diplomatic missions of Uruguay to Austria Czechoslovakia Hong Kong Denmark and Sweden author of *Corrupci n en la ONU* Dr Behrens s book rigorously analyses the legal doctrine of non interference by diplomats in their hosts internal affairs and how it may conflict with legal obligations to combat for example denial of self determination and breaches of human rights



Exhaustively researched and in accessible language with copious often entertaining examples it will be an indispensable guide for diplomats Behrens on diplomatic interference will be cited as the definitive authority on the matter for the foreseeable future I recommend this book to diplomats lawyers and the general reader they will all read and refer to it with profit and immense pleasure Sir Brian Barder KCMG BA Cantab is a former British ambassador to Ethiopia Benin and Poland and High Commissioner to Nigeria and Australia Paul Behrens book breaks new ground It is the first study to focus on the vexed question of diplomatic meddling in the domestic affairs of the receiving State It has heightened topicality as many Western governments in their concern to promote human rights and democracy urge their diplomats to be active in their support of civil society particularly in countries with authoritarian governments This book is replete with case studies covering the 50 years since the signature of the Vienna Convention and provides an invaluable pathway through this legal minefield Sir Ivor Roberts KCMG FCIL President of Trinity College Oxford Former British Ambassador to Yugoslavia Ireland and Italy

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

Global Governance and the UN Thomas G. Weiss, Ramesh Thakur, 2010-04-23 In the 21st century the world is faced with threats of global scale that cannot be confronted without collective action Although global government as such does not exist formal and informal institutions practices and initiatives together forming global governance bring a greater measure of predictability stability and order to trans border issues than might be expected Yet there are significant gaps between many current global problems and available solutions Thomas G Weiss and Ramesh Thakur analyze the UN's role in addressing such knowledge normative policy institutional and compliance lapses The UN's relationship to these five global governance gaps is explored through case studies of some of the most burning problems of our age including terrorism nuclear proliferation humanitarian crises development aid climate change human rights and HIV AIDS

**Global Injustice and Crime Control** Wendy Laverick, 2016-02-12 Global Injustice and Crime Control places cross border cross national and international crime and crime control within its wider context It examines theory from a range of disciplines and introduces students to the frequently neglected area of the world order and world politics in an effort to direct attention to the links between events power ideas institutions policies actions and counter actions at the international and domestic level In an

increasingly interconnected and interdependent world the various dimensions of globalisation play a pivotal role in issues of crime and criminal justice in the 21st century This interdisciplinary textbook offers a critical treatment of the development and recent acceleration of national regional and international efforts at cross border crime control and law enforcement The book not only places cross national and international efforts by police courts regional and international agencies within their historical context but also focuses on elucidating leading theoretical perspectives from within globalisation literature criminology and international relations to shed light upon both sides of this phenomenon Areas covered include cross border crime and security state crime and corruption international responses to genocide terrorism and counter terrorism organised crime This book will be perfect reading for modules in transnational crime and justice and will be of interest to students in criminology policing public policy and international relations

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