

Contested Justice

The Politics and Practice of
International Criminal Court
Interventions

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Pdf Contested Justice Politics International Interventions

Arnaud Kurze, Christopher K. Lamont



Pdf Contested Justice Politics International Interventions:

Norm Contestation, Sovereignty and (Ir)responsibility at the International Criminal Court Emanuela Piccolo Koskimies, 2021-10-26 Grappling specifically with the norm of sovereignty as responsibility the book seeks to advance a critical constructivist understanding of norm development in international society as opposed to the conventional or liberal constructivist mis understanding that still dominates the debate Against this backdrop the book delves into the institutionalization of sovereignty as responsibility within the lived practice of the International Criminal Court ICC More to the point the proposed exploration intends to revive questions about the power laden nature of the normative fabric of international society its dis symmetries and its outright hierarchies in order to devise an original framework to operationalize research on how institutional practice impinges on norm development To this end the book resorts to an original creole vocabulary which combines the contributions of post positivist constructivist scholars with the legacy of key post modernist thinkers such as Michel Foucault and Jacques Derrida as well as critical approaches to International Criminal Law and Post Colonial Studies The book will appeal to scholars of international relations and international law in addition to critical scholars more broadly as well as to practitioners in the fields of human rights and international justice interested in normative theory and the implementation and contestation of international social norms

Victims and the Labour of Justice at the International Criminal Court Leila Ullrich, 2024 **Palestine and the International Criminal Court**

Seada Hussein Adem, 2019-04-05 This book deals with the possible investigation and prosecution by the International Criminal Court ICC of crimes allegedly committed in the Israeli Palestinian conflict In light of the Rome Statute and the Practice of the Office of the Prosecutor of the Court among others it examines the route possible outcomes and challenges that may arise were the Palestine situation to be brought before the ICC The subject matter is approached using the route the Prosecutor of the Court would generally employ to deal with situations The publication offers a step by step procedure by which to conduct the preliminary examination and investigation of the situation in Palestine and deals with matters of jurisdiction followed by a discussion of the fundamental concepts of complementarity and gravity to determine the admissibility before the ICC Alleged crimes particularly unique to the Israeli Palestinian conflict such as the construction of settlements forced displacement house demolitions the expropriation of land the crime of apartheid and the blockade of Gaza are dealt with in light of the Rome Statute and international law On the basis of the established theories of transitional justice the possible impacts of an ICC investigation and prosecution on the conflict are analysed and a number of insights are shared with regard to the impacts of the ICC on combatting impunity fostering Palestine s statehood peace negotiations and the stability of the region Due to the politicisation of the conflict and the various interests at stake the impact of the ICC s involvement on the credibility of the ICC itself is also reviewed Recognizing the numerous impacts of the conflict on the existence of the two nations and the multitude of causes for its perpetuity it does not limit itself to the ICC but also provides

other conflict resolution alternatives that could enable reconciliation and sustainable peace in the region. This book provides an array of opinions and a crucial input for researchers and practitioners alike while it is also useful to those investigating and possibly involved in prosecutions regarding Palestine or other similar situations before the ICC. Seada Hussein Adem obtained a PhD from Humboldt University of Berlin, Germany, an LLM from the University of the Western Cape, South Africa, and an LLB from Haramaya University, Ethiopia.

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.

Feminist Engagement with International Criminal Law Eithne Dowds, 2020-01-23. This work introduces and further develops the feminist strategy of norm transfer: the proposal that feminist-informed standards created at the level of international criminal law make their way into domestic contexts. Situating this strategy within the complementarity regime of the International Criminal Court (ICC), it is argued that there is an opportunity for dialogue and debate around the contested aspects of international norms as opposed to uncritical acceptance. The book uses the crime of rape as a case study and offers a new perspective on one of the most contentious debates within international and domestic criminal law: the relationship between consent and coercion in the definition of rape. In analysing the ICC definition of rape, it is argued that the omission of consent as an explicit element is flawed. Arguing that the definition is in need of revision to explicitly include a context-sensitive notion of consent, the book goes further, setting out draft legislative amendments to the ICC Elements of Crimes definition of rape and its Rules of Procedure and Evidence. Turning its attention to the domestic landscape, the book drafts amendments to the United Kingdom's Sexual Offences Act 2003 and to the Youth Justice and Criminal Evidence Act 1999, thereby showing how the revised version of the ICC definition can be applied in context of the UK.

The Oxford Handbook of International Criminal Law

Darryl Robinson, 2020-02-24. In the past twenty years, international criminal law has become one of the main areas of international legal scholarship and practice. Most textbooks in the field describe the evolution of international criminal tribunals, the elements of the core international crimes, the applicable modes of liability and defences, and the role of states in prosecuting international crimes. *The Oxford Handbook of International Criminal Law* however takes a theoretically informed

and refreshingly critical look at the most controversial issues in international criminal law challenging prevailing practices orthodoxies and received wisdoms Some of the contributions to the Handbook come from scholars within the field but many come from outside of international criminal law or indeed from outside law itself The chapters are grounded in history geography philosophy and international relations The result is a Handbook that expands the discipline and should fundamentally alter how international criminal law is understood

New Critical Spaces in Transitional Justice Arnaud Kurze, Christopher K. Lamont, 2019-01-10 Since the 1980s transitional justice mechanisms have been increasingly applied to account for mass atrocities and grave human rights violations throughout the world Over time post conflict justice practices have expanded across continents and state borders and have fueled the creation of new ideas that go beyond traditional notions of amnesty retribution and reconciliation Gathering work from contributors in international law political science sociology and history *New Critical Spaces in Transitional Justice* addresses issues of space and time in transitional justice studies It explains new trends in responses to post conflict and post authoritarian nations and offers original empirical research to help define the field for the future

Human Rights and Power in Times of Globalisation Ekaterina Yahyaoui Krivenko, 2017-12-18 How does globalisation affect the ability of human rights to constrain power This is the central question of this volume that tackles the issue from a variety of perspectives It covers such branches of international law and human rights as diplomatic protection powers of the UN Security Council responsibility of international organisations accountability of multinational corporations third generation rights law of armed conflict and state sovereignty The contributions problematize the role of human rights and call for rethinking of the structure and functioning of human rights The contributions adopt a variety of disciplinary perspectives that all elucidate difficulties human rights face in a globalised world and suggest ways forward

States of Justice Oumar Ba, 2020-07-02 This book theorizes how weaker states in the international system use the ICC to advance their security and political interests

The International Criminal Court, 2025-09-29 The International Criminal Court Legal Policy and Political Challenges is a collection of essays by prominent international criminal law and policy commentators responsive to questions of interest to the Prosecutor of the International Criminal Court Topics include Superior Responsibility after the Bemba Appeals Judgment Completion Strategies for Situations under Investigation The Emerging Use of Cyber Evidence and Open Source Material at the ICC U S Sanctions on the Court Support Opposition and Off Ramps The Gravity Threshold Cyber Operations and Cyberwarfare under the Rome Statute Non Western Law at the ICC What Is Its Place Decentralized Accountability ICC Engagement with State Courts and Regional Entities

Victims, Atrocity and International Criminal Justice Rachel Killean, 2018-07-03 While international criminal courts have often been declared as bringing justice to victims their procedures and outcomes historically showed little reflection of the needs and interests of victims themselves This situation has changed significantly over the last sixty years victims are increasingly acknowledged as having various rights while their need for justice has been deployed as a

means of justifying the establishment of international criminal courts. However, it is arguable that the goals of political and legal elites continue to be given precedence and the ability of courts to deliver justice to victims remains contested. This book contributes to this important debate through an examination of the role of victims as civil parties within the Extraordinary Chambers in the Courts of Cambodia. Drawing on a series of interviews with civil parties, court practitioners and civil society actors, the book explores the way in which both the ECCC and the role of victims within it are shaped by specific political, economic and legal contexts, examining the gap between the legitimising value of the imagined victim and the extent to which victims are able to further their interests within the courtroom.

The International Criminal Court - An International Criminal World Court? Sarah Babaian, 2018-05-31. This book provides an analysis of whether the International Criminal Court can be regarded as an International Criminal World Court capable of exercising its jurisdiction upon every individual, despite the fact that not every State is a Party to the Rome Statute. The analysis is based on a twin pillar system which consists of a judicial and an enforcement pillar. The judicial pillar is based on the most disputed articles of the Rome Statute; its goal is to determine the potential scope of the Court's strength through the application of its jurisdiction regime. The enforcement pillar provides an analysis of the cooperation and judicial assistance mechanism pursuant to the Rome Statute's provisions and its practical implementation through States' practices. The results of the analysis and the lack of an effective enforcement mechanism demonstrate that the ICC cannot in fact be considered a criminal world court. In conclusion, possible solutions are presented in order to improve the enforcement pillar of the Court so that the tremendous strength of the ICC's judicial pillar and with it the exercise of worldwide jurisdiction can be effectively implemented.

The International Criminal Court: Contemporary Challenges and Reform Proposals Richard H. Steinberg, 2020-07-20. The International Criminal Court: Contemporary Challenges and Reform Proposals is a collection of essays by prominent international criminal law commentators responsive to questions of interest to the Office of the Prosecutor of the International Criminal Court. Topics include Sexual and Gender Based Violence, Obtaining Evidence, Outreach Challenges, Communicating with Victims, Witnesses and Others, ICC State Party Withdrawals, Measuring the ICC's Performance, The Crime of Aggression, Scope and Anticipated Difficulties, The Rome Statute at Twenty, Reform Proposals.

Discourse, normative change and the quest for reconciliation in global politics Judith Renner, 2018-02-28. This book offers a new and critical perspective on the global reconciliation technology by highlighting its contingent and highly political character as an authoritative practice of post-conflict peacebuilding. After retracing the emergence of the reconciliation discourse from South Africa to the global level, the book demonstrates how implementing reconciliation in post-conflict societies is a highly political practice which entails potentially undesirable consequences for the post-conflict societies to which it is deployed. Specifically, the book shows how the reconciliation discourse brings about the marginalisation and neutralisation of political claims and identities of local post-conflict populations by producing these societies as being composed of the victims and perpetrators of past human rights

violations which are first and foremost in need of reconciliation and healing This book will interest students and teachers of transitional justice and international relations *International Criminal Law in Context* Philipp Kastner,2017-10-20

International Criminal Law in Context provides a critical and contextual introduction to the fundamentals of international criminal law It goes beyond a doctrinal analysis focused on the practice of international tribunals to draw on a variety of perspectives capturing the complex processes of internationalisation that criminal law has experienced over the past few decades The book considers international criminal law in context and seeks to account for the political and cultural factors that have influenced and that continue to influence this still emerging body of law Considering the substance procedures objectives justifications and impacts of international criminal law it addresses such topics as the history of international criminal law the subjects of international criminal law transitional justice and international criminal justice genocide crimes against humanity war crimes and the crime of aggression sexual and gender based crimes international and hybrid criminal tribunals sentencing under international criminal law and the role of victims in international criminal procedure The book will appeal to those who want to study international criminal law in a critical and contextualised way Presenting original research it will also be of interest to scholars and practitioners already familiar with the main legal and policy issues relating to this body of law **Imagining Justice for Syria** Beth Van Schaack,2020 Focused on the international community's

response to the conflict in Syria this is a book about the inexorable quest for justice even in the face of seemingly impenetrable obstacles erected by actors intent on ensuring impunity It features a number of creative ideas emerging from states and civil society actors intent on pursuing justice for atrocities in Syria **International Criminal Tribunals and Domestic Accountability** Patryk I. Labuda,2023-05-17 In the 1990s the promise of justice for atrocity crimes was

associated with the revival of international criminal tribunals ICTs More recently however there has been a renewed emphasis on domestic accountability for international crimes across the globe In identifying a complementarity turn a paradigm shift toward domestic accountability in the field of international criminal justice this book investigates how the shadow of international criminal tribunals influences the treatment of serious crimes at the national level Drawing on research and interviews in Rwanda the Democratic Republic of Congo and Sierra Leone this book develops a tripartite framework to analyse how states and tribunals work with despite or against one another in the fight against impunity While international prosecutors and judges use the principle of complementarity to foster cooperation and decrease tension with government actors Patryk I Labuda argues that too much deference by ICTs toward states reduces the likelihood of accountability and may enable national elites to consolidate authoritarian power By interrogating how international accountability stakeholders relate to their domestic counterparts *International Criminal Tribunals and Domestic Accountability* advocates improvements to ICTs institutional design and more dynamic interactions with states to strengthen the enforcement of international criminal law **The International Criminal Court and Peace Processes** Linus

Nnabuike Malu,2019-05-31 This book explores the extent to which the International Criminal Court ICC has influenced peace processes in Cote d'Ivoire Kenya and Uganda It examines how the prosecution of those who bear the greatest responsibility for crimes committed in these countries may have negatively or positively influenced the process of making peace in their wake It is concerned with how international accountability affects post conflict countries and what the ICC brings to peace processes The central question addressed by the book is whether justice spurs peace in post conflict societies or whether justice complicates the peace process If so how Relying on qualitative studies in these countries this book comparatively analyses the impact of the interventions of the ICC in Uganda 2004 Kenya after the 2007 2008 post election violence and Cote d'Ivoire Its aim is to provide an evidence based account of how the involvement of the ICC in these countries influences the processes of promoting peace To gauge this Malu develops an analytical framework which is based on four variables deterrence victims rights reconciliation and accountability to the law This book will appeal to those interested in post conflict reconstruction transitional justice peace studies conflict transformation and international criminal law including peace practitioners and those working in the field of international justice

Distant Justice Phil Clark,2018-11-08 Following the controversy stirred by the International Criminal Court ICC in Africa Clark analyses its multi level impact on national politics and ordinary communities

The Politics of International Criminal Law Holly Cullen,Philipp Kastner,Sean Richmond,2020-12-15 The Politics of International Criminal Law is an interdisciplinary collection of original research that examines the often noted but understudied political dimensions of International Criminal Law ICL As a nascent legal regime that seeks to regulate the longstanding power of states to manage war and crime ICL faces challenges to its legitimacy including disagreement over its aims and effectiveness inequality in the work of its institutions and opposition from dominant countries The editors bring together eleven senior and emerging scholars and practitioners from Europe Asia Africa Australia and North America to analyse these challenges from an illuminating range of theoretical and empirical perspectives Taken together the collection ultimately helps advance our understanding of the particularly charged relationship between law and politics in ICL

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