



# Atrocity, Punishment, and International Law

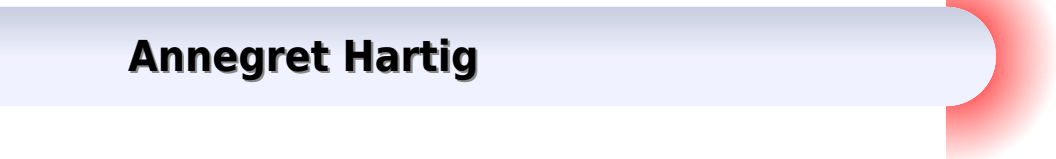
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# Atrocity Punishment And International Law

**Annegret Hartig**



## **Atrocity Punishment And International Law:**

**Atrocity, Punishment, and International Law** Mark A. Drumbl, 2007 This book examines the sentencing differences for atrocities such as genocide in an international setting

*Philosophy of Law* Larry May, Jeff Brown, 2009-05-18 Philosophy of Law provides a rich overview of the diverse theoretical justifications for our legal rules systems and practices Utilizes the work of both classical and contemporary philosophers to illuminate the relationship between law and morality Introduces students to the philosophical underpinnings of International Law and its increasing importance as we face globalization Features concrete examples in the form of cases significant to the evolution of law Contrasts Anglo American law with foreign institutions and practices such as those in China Japan India Ireland and Canada Incorporates diverse perspectives on the philosophy of law ranging from canonical material to feminist theory critical theory postmodernism and critical race theory

**A Critical Introduction to International Criminal Law** Carsten Stahn, 2019 Presents theories practices and critiques alongside each other to engage students scholars and professionals from multiple fields This title is also available as Open Access on Cambridge Core

*Why Punish Perpetrators of Mass Atrocities?* Florian Jeßberger, Julia Geneuss, 2020-02-20 Examines the purpose of international punishment and how different theories of punishment influence the practice of the International Criminal Court

**Reflections on Global Law** Shavana Musa, Eefje de Volder, 2013-11-21 Reflections on Global Law provides an interesting and vital look into the newly emerging field of global law It allows the possibility for readers to discover global law from the perspective of various academic experts who stem from a whole range of different legal disciplines In a globalised world it is important that one is able to look beyond the local given that there are now a whole host of different types of jurisdictions at work This book touches upon the interdisciplinary character and complexities of global law and demonstrates the further need within academia to delve into this newly emerging field of law

*Impediments to the Prevention and Intervention of Genocide* Samuel Totten, 2017-09-08 Academics NGOs the United Nations and individual nations are focused on the prevention and intervention of genocide Traditionally missions to prevent or intervene in genocide have been sporadic and under resourced The contributors to this volume consider some of the major stumbling blocks to the avoidance of genocide Bartrop and Totten argue that realpolitik is the major impediment to the elimination of genocide Campbell examines the lack of political will to confront genocide and Theriault describes how denial becomes an obstacle to intervention against genocide Loyle and Davenport discuss how intervention is impeded by a lack of reliable data on genocide violence and Macgregor presents an overview of the influence of the media Totten examines how the UN Convention on Genocide actually impedes anti genocide efforts and how the institutional configuration of the UN is itself often a stumbling block Addressing an issue that is often overlooked Travis examines the impact of global arms trade on genocide Finally Hiebert examines how international criminal prosecution of atrocities can impede preventive efforts and Hirsch provides an analysis of the strengths weaknesses and effectiveness of major international and national prescriptions

developed over the last decade The result is a distinguished addition to Transaction s prestigious Genocide Studies series

All the Missing Souls David Scheffer,2013-01-27 This title is Scheffer s account of the international gamble to prosecute those responsible for genocide war crimes and crimes against humanity and to redress some of the bloodiest human rights atrocities in our time

*The Holocaust, Corporations, and the Law* Leora Yedida Bilsky,2025-04-14 The Holocaust Corporations and the Law explores the challenge posed by the Holocaust to legal and political thought by examining issues raised by the restitution class action suits brought against Swiss banks and German corporations before American federal courts in the 1990s Although the suits were settled for unprecedented amounts of money the defendants did not formally assume any legal responsibility Thus the lawsuits were bitterly criticized by lawyers for betraying justice and by historians for distorting history Leora Bilsky argues class action litigation and settlement offer a mode of accountability well suited to addressing the bureaucratic nature of business involvement in atrocities Prior to these lawsuits legal treatment of the Holocaust was dominated by criminal law and its individualistic assumptions consistently failing to relate to the structural aspects of Nazi crimes Engaging critically with contemporary debates about corporate responsibility for human rights violations and assumptions about law she argues for the need to design processes that make multinational corporations accountable and examines the implications for transitional justice the relationship between law and history and for community and representation in a post national world Her novel interpretation of the restitution lawsuits not only adds an important dimension to the study of Holocaust trials but also makes an innovative contribution to broader and pressing contemporary legal and political debates In an era when corporations are ever more powerful and international Bilsky s arguments will attract attention beyond those interested in the Holocaust and its long shadow

*Rwanda's Gacaca Courts* Paul Christoph Bornkamm,2012-01-12 Rwanda s Gacaca courts provide an innovative response to the genocide of 1994 Incorporating elements of both African dispute resolution and of Western style criminal courts Gacaca courts are in line with recent trends to revive traditional grassroots mechanisms as a way of addressing a violent past Having been devised as a holistic approach to prosecution and punishment as well as to healing and repairing they also reflect the increasing importance of victim participation in international criminal justice This book critically examines the Gacaca courts achievements as a mechanism of criminal justice and as a tool for healing repairing and reconciling the shattered communities Having prosecuted over one million people suspected of crimes during the 1994 genocide the courts have been both praised for their efficiency and condemned for their lack of due process Drawing upon extensive observations of trial proceedings this book is the first to provide a detailed analysis of the Gacaca legislation and its practical implementation It discusses the Gacaca courts within the framework of transitional and international criminal justice and argues that despite the trend towards local tailor made solutions to the challenges of political transition there is a common set of principles to be respected in addressing the past Evaluating the Gacaca courts against the backdrop of existing or emerging principles such

as the duties to investigate and prosecute and the right to the truth the book provides a sophisticated critique of Rwanda's reconciliation policy In doing so it contributes to the development and the clarification of these principles It concludes that Gacaca courts have achieved a great deal in stimulating a basic discourse on the genocide but they have also contributed to assigning collective responsibility and may thus end up deepening the divides within Rwandan society

**Genocide Matters** Joyce Apsel, Ernesto Verdeja, 2013-08-21 This edited book provides an interdisciplinary overview of recent scholarship in the field of genocide studies The book examines four main areas The current state of research on genocide New thinking on the categories and methods of mass violence Developments in teaching about genocide Critical analyses of military humanitarian interventions and post violence justice and reconciliation The combination of critical scholarship and innovative approaches to familiar subjects makes this essential reading for all students and scholars in the field of genocide studies

*Arcs of Global Justice* Margaret M. DeGuzman, Diane Marie Amann, 2018 M Cherif Bassiouni Human rights and international criminal justice in the twenty first century the end of the post WWII phase and the beginning of an uncertain new era Thomas A Cromwell and Bruno G Linas Faucher William Schabas The Canadian Charter of rights and freedoms and international human rights law Emmanuel Decaux The International Convention on the Protection of All Persons from Enforced Disappearance as a victim oriented treaty Kathleen Cavanaugh and Joshua Castellino The politics of sectarianism and its reflection in questions of international law state formation in The Middle East Sandra L Babcock International law and the death penalty a toothless tiger or a meaningful force for change Marc Bossuyt The UN optional protocol on the abolition of the death penalty Christof Heyns and Thomas Probert and Tess Borden The right to life and the progressive abolition of the death penalty Zhao Bingzhi Progress and trend of the reform of the death penalty in China Margaret M DeGuzman Criminal law philosophy in international criminal law scholarship Fr d ric M gret Is the ICC focusing too much on non state actors Shane Darcy The principle of legality at the crossroads of human rights and international criminal law Alain Pellet Revisiting the sources of applicable law before the ICC Mireille Delmas Marty The ICC as a work in progress for a world in process Carsten Stahn Legacy in international criminal justice Andrew Clapham and Paola Gaeta Torture by private actors and gold plating the offence in national law an exchange of emails in honour of William Schabas Hirad Abtahi and Philippa Webb Secrets and surprises in the Travaux pr paratoires of the genocide convention J r mie Gilbert Perspectives on cultural genocide from criminal law to cultural diversity Beth Van Schaack Crimes against humanity repairing Title 18's blind spots Leila Nadya Sadat A new global treaty on crimes against humanity future prospects Mark A Drumbl Justice outside of criminal courtrooms and jailhouses Charles Chernor Jalloh Toward greater synergy between courts and truth commissions in post conflict contexts lessons from Sierra Leone Geoffrey Nice and Nevenka Tromp Criminal trial as a tool to control historical narrative Mary Ellen O Connell The arc toward justice and peace Adama Dieng The maintenance of international peace and security through prevention of atrocity crimes the question of co operation between the UN and regional

arrangements Emma Sandon Law and film curating rights cinema Wayne Jordash The role of advocates in developing international law Diane Marie Amann Bill the blogger

**Transitional Justice in West Africa** Linus Nnabuike Malu, 2022-08-19 This book explores the challenges of transitional justice in West Africa specifically how countries in the region have dealt with transitional justice problems in the last 30 years 1990 2020 and how they have managed the process Using comparative historical and legal analyses it examines the politics of justice after violent conflicts in West Africa the major transitional justice mechanisms established in the region and how countries have used these institutions to address injustice and the pains of war in some West African countries The book examines how transitional justice mechanisms have contributed to victims rights reconciliation and peace in transitional societies and whether transitional justice mechanisms deployed in West Africa were suitable or ill fitted and the politics of deploying them The book is addressed to a wide audience policymakers and graduate and post graduate students of transitional justice conflict resolution peace studies conflict transformation international criminal law law and similar subjects This book will be of great value to academics and researchers as well as lecturers in tertiary institutions offering relevant courses legal practitioners peace practitioners NGOs and those working in the field of transitional justice and human rights

**The Oxford Handbook of Ethics of War** Seth Lazar, Helen Frowe, 2018 Recent years have seen a resurgence of interest among both philosophers legal scholars and military experts on the ethics of war Due in part due to post 9 11 events this resurgence is also due to a growing theoretical sophistication among scholars in this area Recently there has been very influential work published on the justification of killing in self defense and war and the topic of the ethics of war is now more important than ever as a discrete field The 28 commissioned chapters in this Handbook will present a comprehensive overview of the field as well as make significant and novel contributions and collectively they will set the terms of the debate for the next decade Lazar and Frowe will invite the leading scholars in the field to write on topics that are new to them making the volume a compilation of fresh ideas rather than a rehash of earlier work The volume will be divided into five sections Method History Resort Conduct and Aftermath The contributors will be a mix of junior and senior figures and will include well known scholars like Michael Walzer Jeff McMahan and David Rodin

**The African Court of Justice and Human and Peoples' Rights in Context** Charles C. Jalloh, Kamari M. Clarke, Vincent O. Nmechiele, 2019-05-16 This volume analyses the prospects and challenges of the African Court of Justice and Human and Peoples Rights in context The book is for all readers interested in African institutions and contemporary global challenges of peace security human rights and international law This title is also available as Open Access on Cambridge Core

*Human Rights in Thick and Thin Societies* Seth D. Kaplan, 2018-08-16 Introduces the idea of a flexible approach to the human rights movement that returns to basics in an increasingly diverse and multipolar world

*Transitional Justice for Child Soldiers* K. Fisher, 2013-10-10 This book examines and offers suggestions for how post conflict practices should conceptualize and address harms committed by child soldiers for successful social reconstruction in

the aftermath of mass atrocity It defends the use of accountability and considers the agency of youth participants in violent conflict as responsible moral entities *Transitional Justice and Peacebuilding on the Ground* Chandra Lekha Sriram, 2013

This book seeks to refine our understanding of transitional justice and peacebuilding and long term security and reintegration challenges after violent conflicts As recent events following political change during the so called Arab Spring demonstrate demands for accountability often follow or attend conflict and political transition While traditionally much literature and many practitioners highlighted tensions between peacebuilding and justice recent research and practice demonstrates a turn away from the supposed peace vs justice dilemma This volume examines the complex relationship between peacebuilding and transitional justice through the lenses of the increased emphasis on victim centred approaches to justice and the widespread practices of disarmament demobilization and reintegration DDR of excombatants While recent volumes have sought to address either DDR or victim centred approaches to justice none has sought to make connections between the two much less to place them in the larger context of the increasing linkages between transitional justice and peacebuilding This book will be of great interest to students of transitional justice peacebuilding human rights war and conflict studies security studies and IR **Courting Democracy in Bosnia and Herzegovina** Lara J.

Nettelfield, 2010-05-17 This study shows the impact of the ICTY on Bosnian society and its role in translating international law in domestic contexts *Judging State-Sponsored Violence, Imagining Political Change* Bronwyn Leebaw, 2011-04-18

How should state sponsored atrocities be judged and remembered This controversial question animates contemporary debates on transitional justice and reconciliation This book reconsiders the legacies of two institutions that transformed the theory and practice of transitional justice Whereas the Nuremberg Trials exemplified the promise of legalism and international criminal justice South Africa s Truth and Reconciliation Commission promoted restorative justice and truth commissions Leebaw argues that the two frameworks share a common problem both rely on criminal justice strategies to investigate experiences of individual victims and perpetrators which undermines their critical role as responses to systematic atrocities Drawing on the work of influential transitional justice institutions and thinkers such as Judith Shklar Hannah Arendt Jos Zalaquett and Desmond Tutu Leebaw offers a new approach to thinking about the critical role of transitional justice one that emphasizes the importance of political judgment and investigations that examine complicity in and resistance to systematic atrocities

**Making Aggression a Crime Under Domestic Law** Annegret Hartig, 2023-03-13 This book offers a comprehensive analysis of the legal questions that arise for the legislative branch when implementing the crime of aggression into domestic law Despite being the supreme international crime that gave birth to international criminal law in Nuremberg its ICC Statute definition has been incorporated into domestic law by fewer than 20 States The crime of aggression was also omitted in the rich debate held among German scholars in the early 2000s regarding the legislative implementation of other ICC Statute crimes The current inability of the International Criminal Court to respond to the

Russian aggression towards Ukraine invites the continuation of these academic debates without neglecting the particularities of the crime of aggression. The fundamental issues discussed in this volume include the obligation to criminalize aggression, the core wrong of the crime, the normative gaps under domestic law and the jurisdictional gaps under the ICC Statute. To facilitate the operationalization of domestic implementation, the book explores the technical options for incorporating the definition into domestic law, the geographical ambit of domestic jurisdiction, most notably universal jurisdiction, as well as legal challenges such as immunities. The book is aimed primarily at researchers and States with an interest in the domestic implementation of international criminal law, but those already working in the field should also find much of interest contained within it. Dr. Annegret Hartig is Program Director of the Global Institute for the Prevention of Aggression and worked as a researcher at the University of Hamburg where she obtained her doctoral degree in international criminal law.

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