

GLOBAL POLITICS AND THE RESPONSIBILITY
TO PROTECT

The Responsibility to Protect and the International Criminal Court

Protection and prosecution in Kenya

Serena K. Sharma



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Laura Ausserladscheider Jonas



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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

Implementing International Humanitarian Law Yusuf Aksar, 2004 This book examines the international humanitarian law rules and their application by the ad hoc tribunals with regard to the substantive laws of the International Criminal Tribunals for the Former Yugoslavia ICTY and Rwanda ICTR

Is R2P a Legal Norm? Dareen H. Aboul Naga, 2024-09-09 Many ask if R2P is legally binding or not By following the development of R2P from 2000/2002 and governments interactions with it throughout those years internationally regionally and nationally a perspective is given regarding its development as a norm within international law The state practice and opinio juris of countries from different regions representing varying perspectives and the application of R2P throughout those years provide the reader with insights on where R2P stands after more than 20 years of being part of the international fora

End of Immunity Chile Eboe-Osuji, 2024-10-15 Russia's invasion of Ukraine in 2022 has shown the world the critical importance of whether and how to punish heads of state heads of government and sundry strong men when accused of crimes of aggression genocide war crimes and other crimes against humanity In *End of Immunity* former President of the International Criminal Court Chile Eboe Osuji probes the history and theory of the concept of immunity for heads of state underscoring tribunal achievements pointing out gaps in the existing framework of accountability and the hypocrisies that produced them and offering workable solutions to the loopholes that government leaders still use to escape consequences today Eboe Osuji traces the development of international law from the pre World War I era that left wars of aggression as the prerogative of sovereigns able to wage them through the peacetime conferences of the Hague at the turn of the 20th century the momentous Article 227 of the Versailles Peace Treaty of 1919

which communicated the resolve of the Allies and Associated Powers to prosecute German Emperor and King of Prussia Kaiser Wilhelm II before an international tribunal how the legal norms applied in the post WWII Nuremberg trial transformed the norms of modern international law how 1990 s Africa breathed new life into arguments against immunity for heads of state and how modern day Russia flouts those laws with Putin s war of aggression on Ukraine Going as far back as the Middle Ages and the ancient doctrine of the divine right of kings and concluding with a fresh new proposal for the ways in which international law can be shored up to prosecute those leaders who wage wars of aggression Eboe Osuji investigates the journey of international law s rejection of immunity for anyone including heads of state in particular when they are suspected or accused of atrocities that international law has proscribed as crimes The result is the definitive account of a profoundly vital principle for international relations and global humanity Multi-Actor Human Rights Protection at the International Criminal Court Emma Irving,2020-03-05 Examines the shared responsibilities and challenges for protecting the human rights of witnesses and accused at the International Criminal Court Biolaw and International Criminal Law Caroline Fournet,Anja Matwijkiw,2020-11-30 The originality of this volume lies in the interdisciplinary synergies that emerge through the issues it explores and the approaches it adopts It offers legal and ethical reflections on the criminal qualification of a series of conducts ranging from human experimentation and non consensual medical interventions to organ transplant trafficking and marketing of human body parts It also considers procedural matters notably related to psychiatric and medical evidence In so doing it combines legal and other types of conceptualizations to examine such contemporary issues as rights of the LGBTIQ population access to medical care corporate criminal liability rights of children and Islamic jurisprudence Individual Criminal Responsibility for the Financing of Entities involved in Core Crimes Laura Ausserladscheider Jonas,2021-12-28 War crimes crimes against humanity genocide and the crime of aggression so called core crimes often could not be committed without financial assistance This book examines the basis for individual criminal liability under international law for persons who finance core crimes Despite the need for clear rules neither international courts nor scholars agree upon whether or not or under what circumstances such liability exists To determine the minimum standard of liability this work analyses the legal rules relating to complicity both under international criminal law and domestically in twenty selected jurisdictions in Africa Asia Europe Latin America North America and Oceania The aim of these analyses is to determine whether there are general principles of law recognised by the community of States regarding the minimum standard of liability for aiders and abettors This book proposes a comparative framework for assessing legal rules relating to complicity and it advances a normative claim as to how legal rules should be structured concerning the criminal responsibility of individuals who finance the commission of core crimes The analysis of the applicable international law and the comparative analysis of national jurisdictions lead to the conclusion that currently the minimum standard of knowledge for aiding and abetting is active knowledge However the author argues that this standard should be revised to

include wilful blindness Regarding the intent requirement the analyses find that *dolus eventualis* is included in the definition of intent

Prosecutorial Discretion at the International Criminal Court Anni Pies, 2020-07-09 This timely book provides a comprehensive guide to and rigorous analysis of prosecutorial discretion at the International Criminal Court This is the first ever study that takes the reader through all the key stages of the Prosecutor's decision making process Starting from preliminary examinations and the decision to investigate the book also explores case selection processes plea agreements culminating in the question of how to end engagement in specific country situations The book serves as a guide to the Rome Statute through the lens of the Prosecutor's activities With its unique combination of legal theory and specific policy analysis it addresses broader questions that will be relevant to other international and hybrid criminal courts and tribunals The book will be of interest to students practitioners of law academics and the wider public concerned with international law criminal justice and international relations

De facto International Prosecutors in a Global Era Melinda Rankin, 2022-08-18 This book shines light on the role of de facto international prosecutors as an emerging phenomenon

The Subjects and Subjectivities of International Criminal Law Emily Haslam, 2024-02-22 This book provides a critical introduction to the core elements of international criminal law It does so by provoking thought on what international criminal law is or could be by contrasting the practice of widely recognised state based actors and institutions such as the International Criminal Court with practices associated with non state actors in particular citizens tribunals International criminal law is now established as an essential legal and institutional response to atrocity However it faces a series of political and practical challenges It is vital to consider its limits and potential as well as the ways and extent to which those limitations might be addressed Many actors with very different visions of its nature and parameters play a role in shaping the meaning of international criminal law whether that be in official or unofficial spaces This book explores the principles and institutions of international criminal law alongside the alternative visions of it put forward by citizens tribunals In so doing it encourages reflection on that law's multiple meanings and usages in order to provoke consideration of what it means and might mean to deploy international criminal law today

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