

ROUTLEDGE RESEARCH IN INTERNATIONAL LAW

Prosecuting Juvenile Piracy Suspects

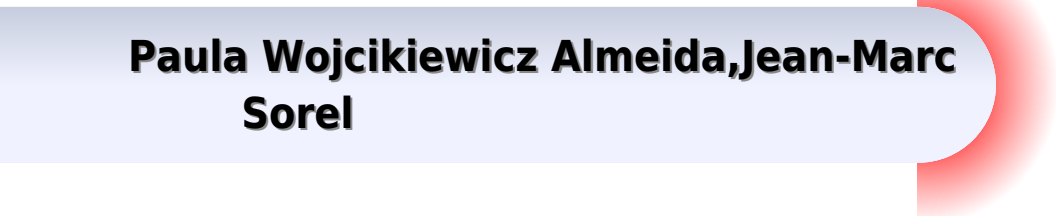
The International Legal Framework

Milena Sterio



Prosecuting Juvenile Piracy Suspects International

**Paula Wojcikiewicz Almeida, Jean-Marc
Sorel**



Prosecuting Juvenile Piracy Suspects International:

Prosecuting Juvenile Piracy Suspects Milena Sterio, 2017-08-14 Duncan Gaswaga a former judge of the Seychelles Supreme Court who has presided over numerous piracy trials asked the following question What is a judge to do when a bearded piracy suspect facing justice asserts that he is fourteen This book addresses this important question by focusing on the treatment of juvenile piracy suspects under international law within national prosecutorial regimes Beginning with the modern day Somali piracy model and exploring the reasons for piracy organizers and financiers to have employed Somali youth as pirates author Milena Sterio analyzes the relevant international legal framework applicable to the treatment of juvenile criminal suspects such as international human rights law international criminal law including the statutes of several international and ad hoc tribunals as well as legal issues related to the use of child soldiers as a parallel to the use of child pirates This volume examines recent national piracy prosecutions involving juvenile suspects in Germany Spain India Italy Malaysia the Seychelles and the United States developing a set of recommendations and best practices for all piracy prosecuting nations dealing with juvenile suspects to refer to in developing their national policy toward the treatment of juvenile piracy suspects

Counter-Piracy Law in Practice Jessica Larsen, 2023-03-03 This book is a socio legal study of counter piracy It takes as its case the law enforcement efforts after 2008 to suppress piracy off the coast of Somalia Through ethnographic fieldwork the book invites the reader onto a Danish warship patrolling the western Indian Ocean for piracy incidents and into the courtroom in Seychelles where more than 150 suspects were prosecuted The aim is to understand how counter piracy worked in practice The book uses assemblage theory to approach law as a social process and places emphasis on studying empirical enforcement practices over analysing legal provisions This supplements existing scholarship on the legal aspects of counter piracy Scholarship has mainly examined applicable law governing counter piracy This book steps into the field to examine applied law Its methodology renders visible areas of legal ambiguity and identifies practices that suggest impunity and question legal certainty It thus contributes with new policy relevant knowledge for international security governance The relevance is one of urgency Counter piracy off Somalia has served as a governance paradigm which is replicated in other maritime domains Consideration of the implications for policy is therefore needed The book will be of interest to policy makers security practitioners and scholars who share a methodological commitment to practice

Fighting and Victimhood in International Criminal Law Joanna Nicholson, 2017-10-12 The act of fighting or being a fighter has certain consequences in international law The most obvious example can be found in international humanitarian law where a distinction is drawn between fighters and civilians with fighters being military objectives and civilians being protected from attack Another example is from international human rights law where it has been held that the particular characteristics of military life have to be taken into account when interpreting the human rights of members of state armed forces This volume focuses on the field of international criminal law and asks the question what relevance does fighting have

to victimhood in international criminal law Among the topics which are explored are how have international criminal courts and tribunals untangled lawful casualties of war from victims of war crimes How have they determined who is a member of an organised armed group and who is not What crimes can those who fight be victims of during hostilities When does it become relevant in international criminal law that an alleged victim of a crime was a person hors de combat rather than a civilian Can war crimes be committed against members of non opposing forces Can persons hors de combat be victims of crimes against humanity and genocide What special considerations surround peacekeepers and child soldiers as victims of international crimes The author carries out an in depth exploration of case law from international criminal courts and tribunals to assess how they have dealt with these questions She concludes that the import of fighting upon victimhood in the context of international criminal law has not always been appreciated to the extent it should have been *Queering International Law* Dianne Otto, 2017-07-14 Beyond the push in the human rights field to ensure respect for the rights of people with diverse sexual orientations and gender identities queer legal theory provides a means to examine the structural assumptions and conceptual architecture that underpin the normative framework and operation of international law highlighting bias and blind spots and offering fresh perspectives and practical innovations *Latin America and the International Court of Justice* Paula Wojcikiewicz Almeida, Jean-Marc Sorel, 2016-11-25 This book aims to evaluate the contribution of Latin America to the development of international law at the International Court of Justice ICJ This contemporary approach to international adjudication includes the historical contribution of the region to the development of international law through the emergence of international jurisdictions as well as the procedural and material contribution of the cases submitted by or against Latin American states to the ICJ to the development of international law The project then conceives international jurisdictions from a multifunctional perspective which encompasses the Court as both an instrument of the parties and an organ of a value based international community This shows how Latin American states have become increasingly committed to the peaceful settlement of disputes and to the promotion of international law through adjudication It culminates with an expansion of the traditional understanding of the function of the ICJ by Latin American states including an analysis of existing challenges in the region The book will be of interest to all those interested in international dispute resolution including academic libraries the judiciary practitioners in international law government institutions academics and students alike **China, Cultural Heritage, and International Law** Hui Zhong, 2017-11-27 China is a country that is rich in antiquities but it is also a victim of looting that occurred during the period from the First Opium War to the end of the Japanese Occupation 1840 1945 when innumerable cultural objects were lost overseas The Chinese Government insists on asserting its interest over its wrongfully removed cultural heritage and has sought for the return of lost cultural heritage by all means in accordance with relevant international conventions and Chinese laws However securing the return has been and continues to be problematic Little research has been done regarding the question as to whether China has a legal basis for

recovery which is the first legal hurdle that China needs to get over In addition China does not have a legal basis for all cultural heritage taken during the period of 1840 1945 Claims for return without a legal basis are usually silenced or at best discussed only but very rarely facilitated This book provides an answer for the return of Chinese cultural heritage It examines the law contemporaneous to the removal of Chinese cultural heritage and its application For this lack of a legal basis this book argues that a new customary international law is emerging according to which the interests of the states of origin in their wrongfully removed heritage should be prioritised This proposed customary rule supports the return of wrongfully removed heritage Once this proposed customary rule is accepted it will provide a stronger argument not only for China but also for other states of origin with a similar dilemma including South Korea Egypt Greece Cambodia Turkey Peru and Italy to recover their wrongfully removed heritage While dealing with a large pool of return cases this book is valuable to museums and art collectors in the event of buying and accepting art objects and settling recovery disputes with states of origin It will also be of interest to researchers academics policymakers and students in the fields of cultural heritage law international law international trade and human rights law

The UN Security Council and Domestic Actors Machiko

Kanetake,2017-12-01 This book analyses the exercise of authority by the UN Security Council and its subsidiary organs over individuals The UN Security Council was created in 1945 as an outcome of World War II under the predominant assumption that it exercises its authority against states Under this assumption the UN Security Council and those individuals were distanced by the presence of member states that intermediate between the Security Council s international commands and those individuals that are subject to member states domestic law However in practice the UN Security Council s exercise of authority has incrementally removed the presence of state intermediaries and reduced the Security Council s distance to individuals This book demonstrates that this phenomenon has increased the relevance of domestic law in developing the international normative frameworks governing the UN Security Council and its subsidiary organs in safeguarding the rights obligations and interests of those affected individuals This book presents how the UN Security Council s exercise of authority has been received at the domestic level and what would be the international implications of the Security Council s extensive encounter with the actors who primarily reside in a domestic legal order

Prosecuting Maritime Piracy Michael P.

Scharf,Michael A. Newton,Milena Sterio,2015-05-28 This book addresses maritime piracy by focusing on the unique and fascinating issues arising in the course of domestic piracy prosecutions from the pursuit and apprehension of pirates to their trial and imprisonment It examines novel matters not addressed in other published works such as the challenges in preserving and presenting evidence in piracy trials the rights of pirate defendants and contending with alleged pirates who are juveniles A more thorough understanding of modern piracy trials and the precedent they have established is critical to scholars practitioners and the broader community interested in counter piracy efforts as these prosecutions are likely to be the primary judicial mechanism to contend with pirate activity going forward

Security and International Law Mary E

Footer, Julia Schmidt, Nigel D White, Lydia Davies-Bright, 2016-06-16 Of the many challenges that society faces today possibly none is more acute than the security of ordinary citizens when faced with a variety of natural or man made disasters arising from climate and geological catastrophes including the depletion of natural resources environmental degradation food shortages terrorism breaches of personal security and human security or even the global economic crisis States continue to be faced with a range of security issues arising from contested territorial spaces military and maritime security and security threats relating to energy infrastructure and the delivery of essential services The theme of the book encompasses issues of human political military socio economic environmental and energy security and raises two main questions To what extent can international law address the types of natural and man made security risks and challenges that threaten our livelihood or very existence in the twenty first century Where does international law fall short in meeting the problems that arise in different situations of insecurity and how should such shortcomings be addressed Hostages and Human Rights Sofia Galani, 2021-07-08 The first comprehensive study of the human rights of hostages

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