

# Contested Justice

The Politics and Practice of  
International Criminal Court  
Interventions

Edited by Christian De Vos,  
Sara Kendall and Carsten Stahn



CAMBRIDGE

# Contested Justice Politics International Interventions

**Randle C. DeFalco**



## **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 **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 **The Amicus Curiae in International Criminal Justice** Sarah Williams, Hannah Woolaver, Emma Palmer, 2020-02-06 The amicus curiae or friend of the court is the main mechanism for actors other than the parties including civil society actors and states to participate directly in proceedings in international criminal tribunals Yet reliance on this mechanism raises a number of significant questions concerning the functions performed by amici which actors seek to intervene and why and the influence of amicus interventions on judicial outcomes Ultimately the amicus curiae may have a significant impact on the fairness representativeness and legitimacy of the tribunals proceedings and decisions This book

provides a comprehensive examination of the amicus curiae practice of the International Criminal Court and other major international criminal tribunals and offers suggestions for the role of the amicus curiae. In doing so the authors develop a framework to augment the potential contributions of amicus participation in respect of the legitimacy of international criminal tribunals and their decisions while minimising interference with the core judicial competence of the tribunal and the right of the accused to a fair and expeditious trial. Complementarity, Catalysts, Compliance Christian M. De Vos, 2020-04-23 Critically explores the International Criminal Court's evolution and the domestic effects of its interventions in three African countries. *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: feminism, 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 (UK) 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. **Vigilantes Beyond Borders** Mette Eilstrup-Sangiovanni, J. C. Sharman, 2022-04-05 How and why NGOs are increasingly taking independent and direct action in global law enforcement from human rights to the environment. Nongovernmental organizations (NGOs) have generally served as advocates and service providers leaving enforcement to states. Now NGOs are increasingly acting as private police, prosecutors and intelligence agencies in enforcing international law. NGOs today can be found investigating and gathering evidence, suing and prosecuting governments, companies and individuals and even catching lawbreakers red handed. Examining this trend *Vigilantes beyond Borders* considers why some transnational groups have opted to become enforcers of international law regarding such issues as human rights, the environment and corruption while others have not. Three factors explain the rise of vigilante enforcement: demand, supply and competition. Governments commit to more international laws but do a poor job of policing them leaving a gap and creating demand. Legal and technological changes make it easier for nonstate actors to supply enforcement as in the instances of NGOs that have standing to use domestic and international courts or smaller NGOs that employ satellite imagery, big data analysis and forensic computing. As the growing number of NGOs vie for limited funding and media attention, smaller more

marginal groups often adopt radical strategies like enforcement Looking at the workings of major organizations including Amnesty International Greenpeace and Transparency International as well as smaller players such as Global Witness the Sea Shepherd Conservation Society and Bellingcat Vigilantes beyond Borders explores the causes and consequences of a novel provocative approach to global governance **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 **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

**The Congo Trials in the International Criminal Court** Richard Gaskins, 2022-05-26 This is the first in depth study of the first three ICC trials an engaging accessible text meant for specialists and students for legal advocates and a wide range of professionals concerned with diverse cultures human rights and restorative justice Now with an updated postscript for the paperback edition it offers a balanced view on persistent tensions and controversies Separate chapters analyze the working realities of central African armed conflicts finding reasons for their surprising resistance to ICC legal formulas The book dissects the Court's structural dynamics which were designed to steer an elusive middle course between high moral ideals and hard political realities Detailed chapters provide vivid accounts of courtroom encounters with four Congolese suspects The mixed record of convictions acquittals dissents and appeals resulting from these trials provides a map of distinct fault

lines within the ICC legal code and suggests a rocky path ahead for the Court's next ventures

**Principles of International Criminal Law** Gerhard Werle, Florian Jeßberger, 2020 Principles of International Criminal Law is one of the leading textbooks in the field of international criminal justice. This fourth edition retains the detailed and systematic approach of previous editions whilst adding substantial new material on new theories, laws and prosecutions

**Invisible Atrocities** Randle C. DeFalco, 2022-03-17 This book assesses the role aesthetic factors play in shaping what forms of mass violence are viewed as international crimes

**Global Impact of the Ukraine Conflict** Shuichi Furuya, Hitomi Takemura, Kuniko Ozaki, 2023-11-30 The invasion of Ukraine by the Russian Federation and the subsequent military campaigns entail several classical aspects of armed conflict. First, it is a type of international armed conflict between two sovereign states that had been prevalent until the middle of the twentieth century but not in the last several decades. It is also a direct intervention by a superpower into a neighboring state with the former's aspiration of territorial expansion. This action evokes a scheme of war reminiscent of the nineteenth or early twentieth century. At the same time, however, the invasion is generating in the international community a sense of new phenomena leading to a new era that may be different from the past three decades following the end of the Cold War. In fact, the hostilities between the Russian Federation and Ukraine, as well as reactions by other states and international organizations, have raised legal and political issues that require scholars to reexamine existing frameworks of the international community and individual rules of international law. The process of applying international law to states is a dynamic one. Rules of international law may and should regulate the behavior of states and provide standards to decide whether a particular act by a state is permissible. At the same time, however, states may change or replace existing rules, and a significant event or series of such events may be a strong motivator to create a new legal framework. In this regard, rules of international law and the conduct of states are in a dialectical relationship. International law can both shape a mode of conduct and be shaped by that conduct, being its creator as well as its creation. The Ukraine conflict is not an exception. We can discuss the conduct of the Russian Federation, Ukraine, other states, and international organizations and evaluate their legality and legitimacy from the viewpoint of existing rules. However, we may also reevaluate the current rules of international law through the lens of the Ukraine conflict and discuss possible changes to those rules in the future. Inspired by the latter aspect of the international legal process, the present book aims to examine the impact of the Ukraine conflict, whether salient or potential, on various rules of international law. Most of the authors are from Japan and other Asian countries that are geographically remote from the site of the conflict. It is often true, however, and particularly in this case, that those keeping an appropriate distance can look at relevant issues in a broader view and from a more objective perspective. To what extent and in what manner may the Ukraine conflict have an impact on the legal framework of the international community and the rules of international law? This book is the first to answer those questions in a comprehensive manner.

**The UN Friendly Relations Declaration at 50** Jorge E. Viñuales, 2020-10-08 The year 2020 marks the 75th anniversary

of the United Nations Organisation and the 50th anniversary of the United Nations Friendly Relations Declaration which states the fundamental principles of the international legal order In commemoration some of the world's most prominent international law scholars from all continents have come together to offer a comprehensive study of the fundamental principles of international law Each chapter in this volume reflects decades of experience work and reflection by the most authoritative voices of the field At the same time the book is an invitation to end narrow specialisation and re engage with the wider body of rules and processes that lie at the foundations of the international legal order

**Africa and the ICC** Kamari M. Clarke, Abel S. Knottnerus, Eefje de Volder, 2016-10-27 By investigating how the International Criminal Court ICC is portrayed in Africa this book highlights how perceptions of justice are multilayered Law, Memory, Violence Stewart Motha, Honni van Rijswijk, 2016-02-22 The demand for recognition responsibility and reparations is regularly invoked in the wake of colonialism genocide and mass violence there can be no victims without recognition no perpetrators without responsibility and no justice without reparations Or so it seems from law's limited repertoire for assembling the archive after the disaster Archival and memorial practices are central to contexts where transitional justice addressing historical wrongs or reparations are at stake The archive serves as a repository or storehouse of what needs to be gathered and recognised so that it can be left behind in order to inaugurate the future The archive manifests law's authority and its troubled conscience It is an indispensable part of the liberal legal response to biopolitical violence This collection challenges established approaches to transitional justice by opening up new dialogues about the problem of assembling law's archive The volume presents research drawn from multiple jurisdictions that address the following questions What resists being archived What spaces and practices of memory conscious and unconscious undo legal and sovereign alibis and confessions And what narrative forms expose the limits of responsibility recognition and reparations By treating the law as an archive this book traces the failure of universalised categories such as perpetrator victim responsibility and innocence posited by the liberal legal state It thereby uncovers law's counter archive as a challenge to established forms of representing and responding to violence

**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

*The "Third" United Nations* Tatiana Carayannis, Thomas G. Weiss, 2021-02-04 The Third UN is the ecology of supportive non state actors intellectuals scholars consultants think tanks NGOs the for profit private sector and the media that interacts with the intergovernmental machinery of the First UN member states and the Second UN staff members of international secretariats to formulate and refine ideas and decision making at key junctures in policy processes Some advocate for particular ideas others help analyze or operationalize their testing and implementation many thus help the UN think While think tanks knowledge brokers and epistemic communities are phenomena that have entered both the academic and policy lexicons their intellectual role remains marginal to analyses of such intergovernmental organizations as the United Nations

**Handbook on Intervention and Statebuilding** Nicolas Lemay-Hébert, 2019-12-27 This innovative Handbook offers a new perspective on the cutting edge conceptual advances that have shaped and continue to shape the field of intervention and statebuilding

*The President on Trial* Sharon Weill, Kim Thuy Seelinger, Kerstin Bree Carlson, 2020-05-27 During the 1980s thousands of Chadian citizens were detained tortured and raped by then President Hiss ne Habr s security forces Decades later Habr was finally prosecuted for his role in these atrocities not in his own country or in The Hague but across the African continent at the Extraordinary African Chambers in Senegal By some accounts Habr s trial and conviction by a specially built court in Dakar is the most significant achievement of global criminal justice in the past decade Simply creating a court and commencing a trial against a deposed head of state was an extraordinary success With its 2016 judgment affirmed on appeal in 2017 the hybrid tribunal in Senegal exceeded expectations working to deadlines and within its budget with no murdered witnesses or self dealing officials This book details and contextualizes the Habr trial It presents the trial and its impact using a novel structure of first person accounts from 26 direct actors Part I accompanied by academic analysis from leading experts on international criminal justice Part II Combined these views present both local and international perspectives through distinct but inter locking parts empirical source material from understudied actors both within and outside the court is then contextualized with expert analysis that reflects on the construction and work of the Extraordinary African Chamber EAC as well as wider themes of international criminal law Together with an introduction laying out the work and significance of the EAC and its trial of Hiss ne Habr the book is a comprehensive consideration of a history making trial

Narratives of Mass Atrocity Sarah Federman, Ronald Niezen, 2022-09-08 Offers a narrative approach to post conflict intervention showing how legalism following mass violence encourages dangerous binaries



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## **Table of Contents Contested Justice Politics International Interventions**

1. Understanding the eBook Contested Justice Politics International Interventions
  - The Rise of Digital Reading Contested Justice Politics International Interventions
  - Advantages of eBooks Over Traditional Books
2. Identifying Contested Justice Politics International Interventions
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Contested Justice Politics International Interventions
  - User-Friendly Interface
4. Exploring eBook Recommendations from Contested Justice Politics International Interventions
  - Personalized Recommendations
  - Contested Justice Politics International Interventions User Reviews and Ratings
  - Contested Justice Politics International Interventions and Bestseller Lists

5. Accessing Contested Justice Politics International Interventions Free and Paid eBooks
  - Contested Justice Politics International Interventions Public Domain eBooks
  - Contested Justice Politics International Interventions eBook Subscription Services
  - Contested Justice Politics International Interventions Budget-Friendly Options
6. Navigating Contested Justice Politics International Interventions eBook Formats
  - ePub, PDF, MOBI, and More
  - Contested Justice Politics International Interventions Compatibility with Devices
  - Contested Justice Politics International Interventions Enhanced eBook Features
7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Contested Justice Politics International Interventions
  - Highlighting and Note-Taking Contested Justice Politics International Interventions
  - Interactive Elements Contested Justice Politics International Interventions
8. Staying Engaged with Contested Justice Politics International Interventions
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Contested Justice Politics International Interventions
9. Balancing eBooks and Physical Books Contested Justice Politics International Interventions
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Contested Justice Politics International Interventions
10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
11. Cultivating a Reading Routine Contested Justice Politics International Interventions
  - Setting Reading Goals Contested Justice Politics International Interventions
  - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Contested Justice Politics International Interventions
  - Fact-Checking eBook Content of Contested Justice Politics International Interventions
  - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

### 14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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