

Nullum Crimen Sine Lege

Sara Paiusco

American common law and the principle nullum crimen sine lege Stanislaw Pomorski, 2012-05-02 No detailed description available for American common law and the principle nullum crimen sine lege.

Nullum Crimen Sine Lege Stefan Glaser, 1942

Judicial Practice, Customary International Criminal Law and Nullum Crimen Sine Lege Thomas Rauter, 2017-09-05 This study analyzes the methods used by international criminal tribunals when determining customary international criminal law and to consider the compatibility of these approaches with the nullum crimen sine lege principle. In this context, the following research questions are of particular importance: Is there one approach common to all international criminal tribunals, or can different approaches be detected in their jurisprudence when determining customary international law? Do international criminal tribunals regard both traditional elements of customary international law – State practice and opinio iuris – as necessary elements for the establishment of customary international law? Do international criminal tribunals argue along the lines of the International Court of Justice (ICJ), requiring a high frequency and consistency of State practice that is both “extensive and virtually uniform”? In addition, the book analyzes the evidence used by international criminal tribunals in order to establish the constituent elements of customary international law. It then poses the question: Do international criminal tribunals distinguish, as defined by Schwarzenberger, between the “law-creating processes” of public international law on the one hand, and the “law-determining agencies” as a subsidiary means of determining rule of law on the other? Assuming that they exist, how can different methodological approaches to determine customary international law be assessed in light of the nullum crimen sine lege principle? Does the principle require judges to apply the traditional method to establish customary international law as being based on extensive, uniform and enduring State practice accompanied by opinio iuris? Can the principle balance the desire for justice and the specificities of law creation of the international legal order with fairness for the accused? How can the law be accessible and criminal punishment foreseeable, when the underlying legal basis for criminal convictions, namely customary international criminal law, is unwritten in nature?

Nullum Crimen Sine Lege, the European Convention on Human Rights and the Foreseeability of the Law Sara Paiusco, 2021-06-17 Das Buch untersucht nullum crimen sine lege als europäischen Grundsatz. Die Untersuchung konzentriert sich auf die Rolle der Vorhersehbarkeit als Lösung für die Legalitätsprobleme, die sich aus dem Richterrecht im

Strafrecht ergeben. Die Vorhersehbarkeit und seine Entwicklung werden in der Rechtsprechung des EGMR untersucht. Aktuelle Lösungen, die von Zivilrechtsstaaten (Italien und Deutschland) angenommen wurden, werden auch unter Berücksichtigung der theoretischen Grundlagen von ncs1 analysiert. Darüber hinaus wird die Rolle der Vorhersehbarkeit im EU-Recht als Beispiel für eine wirkungsorientierte Rechtsordnung betrachtet. Abschließend werden Zukunftsperspektiven für die Umsetzung der Vorhersehbarkeit analysiert.

Nullum Crimen Sine Lege Andrea Jelacic, 2013

Genocide, Crimes Against Humanity, War Crimes Machteld Boot, 2002 3.1 The Tokyo Charter

American common law and the principle "Nullum crimen sine lege" (Amerykańskie common law a zasada "nullum crimen sine lege", engl Stanislaw Pomorski, 1975

UN Security Council Referrals to the International Criminal Court Alexandre Skander Galand, 2018-11-26 This book offers a unique critical analysis of the legal nature, effects and limits of UN Security Council referrals to the International Criminal Court (ICC). Alexandre Skander Galand provides, for the first time, a full picture of two competing understandings of the nature of the Security Council referrals to the ICC, and their respective normative interplay with legal barriers to the exercise of universal prescriptive and adjudicative jurisdiction. The book shows that the application of the Rome Statute through a Security Council referral is inherently limited by the UN Charter as well as the Rome Statute, and can conflict with other branches of international law, including international human rights law, the law on immunities and the law of treaties. Hence, it spells out a conception of the nature and effects of Security Council referrals that responds to these limits and, in turn, informs the reader on the nature of the ICC itself.

General Principles of Law in the Decisions of International Criminal Courts and Tribunals Fabián Raimondo, 2008

International lawyers usually disregard the vital functions that general principles of law may play in the decisions of international courts and tribunals. As far as international criminal law is concerned, general principles of law may be crucial to the outcome of an international trial, inter alia because the conviction of an accused in respect of a particular charge may depend on the existence of a given defence under this source. This volume examines the role that general principles of law have played in the decisions of international criminal courts and tribunals. In particular, it analyses their alleged a ~subsidiary (TM) nature, their process of determination, and their transposition from national legal systems into international law. It concludes that general principles of law have played a significant role in the decisions of international criminal courts and tribunals, not only by filling legal gaps, but also by being a fundamental means for the interpretation of legal rules and the enhancement of legal reasoning.

International Criminal Law M. Cherif Bassiouni, 2008 Volume 1 deals with international crimes. It contains several significant contributions on the theoretical and doctrinal aspects of ICL which precede the five chapters addressing some of

the major categories of international crimes. The first two chapters address: the sources and subjects of ICL and its substantive contents. The other five chapters address: Chapter 3: The Crime Against Peace and Aggression (The Crime Against Peace and Aggression: From its Origins to the ICC; The Crime of Aggression and the International Criminal Court); Chapter 4: War Crimes, Crimes Against Humanity & Genocide (Introduction to International Humanitarian Law; Penal Aspects of International Humanitarian Law; Non-International Armed Conflict and Guerilla Warfare; Mercenarism and Contracted Military Services; Customary International Law and Weapons Control; Genocide; Crimes Against Humanity; Overlaps, Gaps, and Ambiguities in Contemporary International Humanitarian Law, Genocide, and Crimes Against Humanity); Chapter 5: Crimes Against Fundamental Human Rights (Slavery, Slave-Related Practices, and Trafficking in Persons; Apartheid; International Prohibition of Torture; The Practice of Torture in the United States: September 11, 2001 to Present); Chapter 6: Crimes of Terror-Violence (International Terrorism; Kidnapping and Hostage Taking; Terrorism Financing; Piracy; International Maritime Navigation and Installations on the High Seas; International Civil Aviation); Chapter 7: Crimes Against Social Interest (International Control of Drugs; Challenges in the Development of International Criminal Law: The Negotiations of the United Nations Convention Against Transnational Organized Crime and the United Nations Convention Against Corruption; Transnational Organized Crime; Corruption of Foreign Public Officials; International Criminal Protection of Cultural Property; Criminalization of Environmental Protection).

Dynamic Interpretation in International Criminal Law Alexander Grabert, 2015-06-17 The interpretive process in International Criminal Law (>ICL<) is characterised by a conflict between the requirements for stability and change. On the one hand, ICL provides for the >criminal< responsibility of individuals. Thus, there is an enhanced requirement for legal certainty: According to the principle of legality, the addressee of the law must be able to identify the prohibited conduct in advance in order to be able to avoid criminal sanctions. On the other hand, however, ICL forms part of >international< law. Hence, it derives to some extent from international treaties. Whereas the forms of criminal conduct are continuously evolving, treaties are rather static instruments – they cannot be adapted to a changing environment within a short period of time. Thus, reality is developing at a pace that the law cannot always match. In consequence, there is a certain need to account for evolving circumstances within the framework of interpretation. The aim of this book is to review the consequences of this conflict for the interpretation of ICL. How can the conflicting requirements be brought into balance? Can substantive rules of ICL be interpreted in a >dynamic< fashion to the detriment of the accused without violating the principle of legality? How do international criminal courts and tribunals deal with this issue?

The Changing Nature of Customary International Law Noora Arajärvi, 2014-04-24 This book examines the evolution of customary international law (CIL) as a source of international law. Using the International Criminal Tribunal for the former Yugoslavia (ICTY) as a key case study, the book explores the importance of CIL in the development of international criminal

law and focuses on the ways in which international criminal tribunals can be said to change the ways in which CIL is formed and identified. In doing so, the book surveys the process and substance of CIL, as well as the problematic distinction between the elements of state practice and *opinio juris*. By applying an inclusive positivist approach, Noora Arajärvi analyses the methodologies of identification of CIL in selected cases of the ICTY, and their normative foundations. Through examination of the case-law and the reasoning of courts and tribunals, Arajärvi demonstrates to what extent the court's chosen method of identification of CIL affects the process of custom formation and the resulting system of norms in general. The book will be of great value to researchers and scholars of international law, international relations, and practitioners with interests in customary international law.

American common law and the principle "Nullum crimen sine lege" (Amerykańskie common law a zasada "nullum crimen sine lege", engl.- Transl. by Elżbieta Chodakowska.) 2., rev. and enl. ed Stanisław Pomorski, 1975

The Oxford Companion to International Criminal Justice Antonio Cassese, 2009 How to face international crimes -- Fundamentals of international criminal law -- The interplay of international criminal law and other bodies of law -- International criminal trials.

"Nullum Crimen Sine Lege" Andrew John L. Young, 1985

The Law of the International Criminal Tribunal for the Former Yugoslavia M. Cherif Bassiouni, Peter Manikas, 1996 This thorough commentary on the International Criminal Tribunal for the Former Yugoslavia draws on legislative history, international and comparative law sources, and the Tribunal's Rules of Procedure and Evidence to analyze its workings, effectiveness, and significance in the development of international criminal law. In addition to its penetrating commentary, the book provides an overview of the conflict of the former Yugoslavia, an article-by-article analysis of the Statute, and annotated texts of the Rules of Procedure, the Rules on Detention, and the Directives for the Assignment of Defence Counsel.

The International Criminal Tribunal for the former Yugoslavia 2003 André Klip, Göran Sluiter, 2008

Nullum Crimen Sine Lege (iure) and Jurisdiction in the Adjudication of International Crimes in National Jurisdictions Andries Albertus Lamprecht, 2010

Judicial Interpretation and Nullum Crimen Sine Lege at the International Criminal Court Matthew Alan Wetherill, 2019

Judicial Procedure in Dismissal of Clerical Exempt Religious Wenceslas Cyrill Michalicka, 1923

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





























































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






































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