

<<Direct Application o>>

图书基本信息

书名：<<Direct Application of International Criminal Law in National Courts国际法庭上国际刑法的直接应用>>

13位ISBN编号：9789067042079

10位ISBN编号：9067042072

出版时间：2006-1

出版时间：Cambridge Univ Pr

作者：Ferdinandusse, W.N.

页数：437

版权说明：本站所提供下载的PDF图书仅提供预览和简介，请支持正版图书。

更多资源请访问：<http://www.tushu007.com>

<<Direct Application o>>

内容概要

When national courts judge international crimes like genocide, crimes against humanity and war crimes, they can draw on both national and international criminal law. The relationship between these two bodies of law is not always clear. Can national courts base prosecutions of international crimes directly on international criminal law? In a world where national laws often proscribe international crimes in an incomplete or deficient manner, this question has considerable practical relevance for the enforcement of international criminal law. Yet, it has received little attention in doctrine while practice shows widely divergent approaches of national courts to the feasibility of direct application. The author examines the concept of the direct application of international criminal law in national courts. He provides a rich description of the relevant practice in many different States ranging from Argentina to Senegal. Easily accessible, this book is a valuable tool for academics and practitioners alike. 作者

简介： Legal Officer, specialising in international criminal law, with the Dutch Department of Public Prosecutions.

<<Direct Application o>>

书籍目录

Preface Acknowledgments List of Abbreviations Chapter I Introduction 1. Introduction to the Problem 2. Methodology 3. Limitations 4. Defining the Framework: International Law in National Courts 5. Applicable Law: Substantive Criminality for the Core Crimes 6. Structure Chapter II Practice: Core Crimes Prosecutions in National Courts 1. Introduction 2. Prosecution on the Basis of National Law 2.1 Prosecution as an Ordinary Crime 2.2 Prosecution as an International Crime 2.2.a International Crimes in National Law 2.2.b Case Study: Genocide 3. Prosecution on the Basis of International Law: Direct Application 3.1 Introduction 3.2 Specific Rule of Reference 3.2.a Rule of Reference for Substantive Criminality 3.2.b Rule of Reference to Establish Jurisdiction 3.3 General Rule of Reference 3.3.a Introduction 3.3.b Germany 3.3.c Switzerland 3.3.d Australia 3.3.e Senegal 3.3.f Belgium 3.3.g United States of America 3.3.h England and Wales 3.3.i Canada 3.3.j France 3.3.k Netherlands 3.3.l Ethiopia 3.3.m Argentina 3.3.n Hungary 3.3.o Other States 4. Conclusion Chapter III Underlying Considerations: What Crime, What Law? 1. Introduction 2. Minimalism and Selectivity in Core Crimes Prosecution 3. Sovereignty 4. Democratic Legitimacy 5. Separation of Powers 6. Manageability of the Law 7. Development and Coherence of Core Crimes Law 8. Underinclusion and Overinclusion 9. Rank and Effects of the Crime and the Law 10. Penalties 11. Conclusion Chapter IV The Public International Law Framework of Implementation 1. Introduction 2. Theory: Monism-Dualism 3. The General Rule: Freedom of Implementation 4. The Doctrine of Self-Executing Treaties 5. Limits and Qualifications of the General Rule 5.1 Limits of the Freedom of Implementation 5.2 The Principle of Consistent Interpretation 5.3 Separate Regimes for Specific Categories? 5.3.a International Law of a Humanitarian Character 5.3.b Jus Cogens 6 Conclusion Chapter V The Framework of Implementation for the Core Crimes 1. Introduction 2. Characteristics of International Criminal Law 3. Characteristics of the Core Crimes 3.1 The Grave Character of the Core Crimes 3.2 The Jus Cogens Status of the Core Crimes 3.3 The Duty to Prosecute Core Crimes 3.3.a Basis of the Duty to Prosecute in International Law Chapter VI Chapter VII

<<Direct Application o>>

版权说明

本站所提供下载的PDF图书仅提供预览和简介，请支持正版图书。

更多资源请访问:<http://www.tushu007.com>