

# In Dubio Contra Reum

**Hannah Arendt**

*Elements of War Crimes under the Rome Statute of the International Criminal Court* Knut Dörmann, 2003-03-27 The Elements of War Crimes will assist the International Criminal Court (ICC) in the interpretation and application of the articles of the ICC Statute defining the crimes under its jurisdiction. These will not only be necessary for the future work of the ICC in interpreting the crimes provisions, but also for national courts, which have primary responsibility in the prosecution of international crimes under the Rome Statute. This commentary provides a critical insight into the travaux préparatoires of the Preparatory Commission leading to the adoption of the elements of war crimes. It contains an analysis of existing case law related to each war crime in the Statute. It will provide States, judges, prosecutors and international and national lawyers with key background information to implement international humanitarian law in future cases dealing with war crimes under the ICC. A unique, indispensable tool for prosecuting and defense lawyers working in international criminal law.

The Routledge International Handbook on Decolonizing Justice Chris Cunneen, Antje Deckert, Amanda Porter, Juan Tauri, Robert Webb, 2023-07-03 The Routledge International Handbook on Decolonizing Justice focuses on the growing worldwide movement aimed at decolonizing state policies and practices, and various disciplinary knowledges including criminology, social work and law. The collection of original chapters brings together cutting-edge, politically engaged work from a diverse group of writers who take as a starting point an analysis founded in a decolonizing, decolonial and/or Indigenous standpoint. Centering the perspectives of Black, First Nations and other racialized and minoritized peoples, the book makes an internationally significant contribution to the literature. The chapters include analyses of specific decolonization policies and interventions instigated by communities to enhance jurisdictional self-determination; theoretical approaches to decolonization; the importance of research and research ethics as a key foundation of the decolonization process; crucial contemporary issues including deaths in custody, state crime, reparations, and transitional justice; and critical analysis of key institutions of control, including police, courts, corrections, child protection systems and other forms of carcerality. The handbook is divided into five sections which reflect the breadth of the decolonizing literature: • Why decolonization? From the personal to the global • State terror and violence • Abolishing the carceral • Transforming and decolonizing justice • Disrupting epistemic violence This book offers a comprehensive and timely resource for activists,

students, academics, and those with an interest in Indigenous studies, decolonial and post-colonial studies, criminal legal institutions and criminology. It provides critical commentary and analyses of the major issues for enhancing social justice internationally. The Open Access version of this book, available at [www.taylorfrancis.com](http://www.taylorfrancis.com), has been made available under a Creative Commons Attribution-Non Commercial-No Derivatives 4.0 license.

Untersuchungen zur Unschuldsvermutung Carl-Friedrich Stuckenberg, 2012-10-24 Keine ausführliche Beschreibung für Untersuchungen zur Unschuldsvermutung verfügbar.

**State Aid Law and Business Taxation** Isabelle Richelle, Wolfgang Schön, Edoardo Traversa, 2016-10-18 This book is a compilation of contributions exploring the impact of the European Treaty provisions regarding state aid on Member States' legislation and administrative practice in the area of business taxation. Starting from a detailed analysis of the European Courts' jurisprudence on Art.107 TFEU the authors lay out fundamental issues - e.g. on legal concepts like "advantage", "selectivity" and "discrimination" - and explore current problems - in particular policy and practice regarding "harmful" tax competition within the European Union. This includes the Member States' Code of Conduct on business taxation, the limits to anti-avoidance legislation and the options for legislation on patent boxes. The European Commission's recent findings on preferential "rulings" are discussed as well as the general relationship between international tax law, transfer pricing standards and the European prohibition on selective fiscal aids.

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?

**Eichmann in Jerusalem** Hannah Arendt, 2006-09-22 The controversial journalistic analysis of the mentality that fostered the Holocaust, from the author of *The Origins of Totalitarianism* Sparking a flurry of heated debate, Hannah Arendt's authoritative and stunning report on the trial of German Nazi leader Adolf Eichmann first appeared as a series of articles in *The New Yorker* in 1963. This revised edition includes material that came to light after the trial, as well as Arendt's postscript directly addressing the controversy that arose over her account. A major journalistic triumph by an intellectual of singular influence, *Eichmann in Jerusalem* is as shocking as it is informative—an unflinching look at one of the most unsettling (and unsettled) issues of the twentieth century.

**Taxation at the European Court of Human Rights** Robert Attard, Paulo Pinto de Albuquerque, 2023-02-07 Although the European Convention on Human Rights (ECHR) mentions taxation only once – and in a context that, rather than conferring rights, limits their application – references to public prerogatives pertinent to taxation are present in several of the ECHR's articles, giving rise to an implied normative framework that has influenced the tax jurisprudence of the European Court of Human Rights (ECtHR). Especially given the enormous impact of the famous *Yukos* cases, the ECtHR has made it abundantly clear that tax policies of State Signatories must be regularly stress-tested against the requirements of the Convention. This book is the first to critically analyse over 500 of the ECtHR's important 'tax cases', which create a human rights code of conduct for ECHR State Signatories in matters involving taxation. Adopting a method by which relevant articles of the ECHR are each addressed by a detailed analysis of successful and non-successful tax cases flowing from it, the book provides the following invaluable knowledge base and guidance on the ECHR's relevance to taxation: the ECHR's legal concept 'margin of appreciation' and the ECtHR's supervisory jurisdiction in taxation matters; the legal avenues to impugn tax measures on the basis of Article 1 of Protocol 1 ECHR and other Articles of the ECHR; the lines of defence hampering judicial activism in the tax arena; the concept of 'emergency' in tax policy; the effects of tax penalty classification and retrospectivity; the right to a fair trial in tax disputes; and the extent tax policy may hamper the right to privacy and other fundamental human rights. In its elaboration of the nexus between taxation and human rights, this book contributes a crucial element to the ongoing debate focusing on the tax-related jurisprudence of the European Court of Human Rights. With its practice-oriented tax policy rulebook drawn from the judgments of the ECtHR, tax practitioners and in-house counsel will approach any case with full awareness of its human rights implications and constitutional consequences.

**Refugee Support and Moral Practice in Slovakia** Eva-Maria Walther, 2024-07-02 This ethnography explores the

political quandaries and personal dilemmas that refugee supporters—volunteers and NGO employees—in Slovakia face while working with their target group. Operating in a refugee-hostile political and public climate, they navigate scarce or absent refugee care infrastructures and strict supervision by state authorities. Building on extensive participant observation in three different refugee support organizations, the book shows how moral codes and emotional templates shape the implementation of refugee support, structuring encounters and clashes between refugees, helpers, and bureaucrats. The ethnography illustrates how, despite a plenitude of divergent constraints, the actors produce remarkably permanent makeshift solutions for “good enough” care. At the same time, it is on the level of personal encounters and clashes that ideological and practical delineations between state and non-state actors, and between refugee-hostile and refugee-friendly positions, become blurred: NGO refugee supporters sometimes converge with state policies in practices of control while state authorities occasionally become deeply invested in providing empathetic care. The book revisits narratives of illiberal backsliding and xenophobia in Central and Eastern European countries by describing the complicated emergence and perpetuation of refugee-hostile sentiments in an exemplary setting.

**Liquid Legal - Sustaining the Rule of Law** Kai Jacob,Dierk Schindler,Roger Strathausen,Bernhard Walzl,2025-05-05 This book is a comprehensive guide for legal, business, and technology professionals seeking to understand the intersection of sustainability and emerging technologies in the legal ecosystem. The book takes a critical look at the role of AI and cloud technologies in promoting sustainable legal practices and addresses the potential risks and ethical considerations associated with these technologies. The book explores the concept of sustainability in a legal context, highlighting the need for the legal system to sustain itself in order to sustain society at large. The chapters cover a wide range of topics, from the use of generative AI and open legal data to promote access to justice, to the codification of corporate cultural intelligence to mitigate risks associated with AI. The book also addresses the potential dark side of AI in the legal market, including the risks of autonomy, liability, legal, and ethical issues that arise when using AI in legal decision-making processes. The authors explore the need for sustainable digital transformation as a prerequisite for sustainable law, highlighting the importance of understanding the ethical and legal implications of AI in the legal system.

**Perceptions of Jewish History** Amos Funkenstein,2023-09-01 Perceptions of Jewish History scintillates with original ideas and insights. It will appeal to a broad audience. --Michael A. Signer, University of Notre Dame Students of the Jewish past will welcome this volume; it will also attract readers with the widest possible range of interests. --Robert Chazan, New York University Perceptions of Jewish History scintillates with original ideas and insights. It will appeal to a broad audience. - --Michael A. Signer, University of Notre Dame Students of the Jewish past will welcome this volume; it will also attract readers with the

**Justice in Extreme Cases** Darryl Robinson,2020-12-17 In Justice in Extreme Cases, Darryl Robinson argues that the

encounter between criminal law theory and international criminal law (ICL) can be illuminating in two directions: criminal law theory can challenge and improve ICL, and conversely, ICL's novel puzzles can challenge and improve mainstream criminal law theory. Robinson recommends a 'coherentist' method for discussions of principles, justice and justification. Coherentism recognizes that prevailing understandings are fallible, contingent human constructs. This book will be a valuable resource to scholars and jurists in ICL, as well as scholars of criminal law theory and legal philosophy.

**Dictatorship and Political Police** E.K. Bramstedt, 2013-09-27 First Published in 1998. Initially written in the period between 1942 and 44, with additional notes in the appendices of 1945, this volume looks at the areas of the secret Police, the secret control as developed by Fascism and National Socialism as laid on the Third Reich and the relationship between the law and the Political Police and their co-ordination with propaganda and the impact of the instrument of terror on the people.

*Public Prosecutors in the United States and Europe* Gwladys Gilliéron, 2014-04-14 This research examines the role of prosecutors within the United States and in Switzerland and is completed by an overview of the prosecution institutions in France and Germany. The research recognizes that despite seemingly very different legal traditions and structures, prosecutors in these systems are similar enough that each system might learn from the others. Drawing upon the experiences of other nations, this research proposes solutions to the problems identified in connection with the position and powers of public prosecutors in the United States. Furthermore, it outlines the problems related to the increase of prosecutorial power and the lessons the European criminal justice systems surveyed can draw from the experience in the US. In terms of methodology, this research not only considers formal legal provisions but also systematic structural factors, academic literature and statistics revealing how the law and governing principles actually work in practice.

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 ncsL 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.

Presumption of Innocence in EU Anti-Cartel Enforcement Aistė Mickonytė, 2018-11-26 In this monograph, Aistė Mickonytė examines the compliance of the European anti-cartel enforcement procedure with the presumption of innocence under Article 6(2) of the European Convention on Human Rights (ECHR). The author maintains that the pursuit of manifestly severe punishment with insistence of the European Commission on administrative-level procedural safeguards is inconsistent

with the robust standards of protection under the Convention. Arguing that EU anti-cartel procedure is criminal within the meaning of the Convention, this work considers this procedure in light of the core elements of the presumption of innocence such as the burden of proof and the principle of fault. The author zeroes in on the de facto automatic liability of parental companies for offences committed by their subsidiaries.

Principles of Polish Criminal Procedure Jaroslaw Zagrodnik, Kazimierz Zgryzek, 2023-12-14 Little is available in English on the procedural aspects of the Polish criminal justice system and the tenets of its criminal process. This authoritative new work addresses this gap. It sets out an analysis of the founding principles, its main phases and of those systemic and structural components which inform it. Taking an applied, practical approach, it surveys the process from beginning to end. Pre-trial, trial, post-trial, questions of evidence and remedies are all clearly addressed. The authors, two acknowledged experts in the field, also explore the role of more general rule of law/standards of law questions that are currently impacting on the law and its interpretation. Comparative criminal lawyers will welcome this important new work.

**Lustrum Band 62 - 2020** Marcus Deufert, Irmgard Männlein-Robert, 2022-05-16 Der in englischer Sprache verfasste Forschungsbericht zu Ovids Metamorphosen wurde von einem Forscher:innenteam der Universität Huelva unter Leitung von Antonio Ramírez de Verger und Luis Rivero García erstellt und arbeitet die schier unüberschaubare Literatur zu diesem gegenwärtig wohl meistgelesenen und meisterforschten Werk der römischen Dichtung kritisch auf. Im Zentrum des ersten von zwei Teilen stehen Arbeiten zur Überlieferungsgeschichte und Textkritik der Metamorphosen, außerdem Arbeiten zu solchen Aspekten des Werkes, die in den in letzten Jahrzehnten besonders intensiv erforscht wurden: u. a. Gattungsfragen, Religion, Kult und Magie, Liebe, Sexualität und Gender.

**Strafe - Maßregel - Sicherungsverwahrung** Tobias Mushoff, 2008 Die Sicherungsverwahrung gilt als die fragwürdigste Maßregel des strafrechtlichen Rechtsfolgensystems. Hinsichtlich der dogmatischen Einordnung der Maßregeln als Straf- oder Polizeirecht und der Bewertung des Verhältnisses der strafrechtlichen Spuren untereinander bestehen große Unsicherheiten. Diese Unsicherheiten sind nicht neu, sondern Ausdruck des bisher nicht gelösten Streits über das Verhältnis von Schuld und Prävention im Strafrecht. Ausgehend von den Straftheorien wird daher die Dogmatik des zweispurigen Rechtsfolgensystems unter besonderer Berücksichtigung der Sicherungsverwahrung untersucht und verfassungs- und menschenrechtlich gewürdigt. Überlegt wird, wie die Spannungen im Maßregelrecht abgemildert werden können und die Renaissance der Sicherungsverwahrung zu erklären ist.

**The tanker truck driver** Joe Benda, 2025-04-08 For the main and secondary characters, after initial failure, a new development often arises that they themselves did not expect, but which is very favorable for them. The tanker driver, following his motto eyes shut and through, manages to pacify his conflict-prone family circumstances. The heating installer commits crimes in the employment relationship, is fired and, after further setbacks, manages to run a company in the same

industry. The same or a similar fate befalls the others.

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