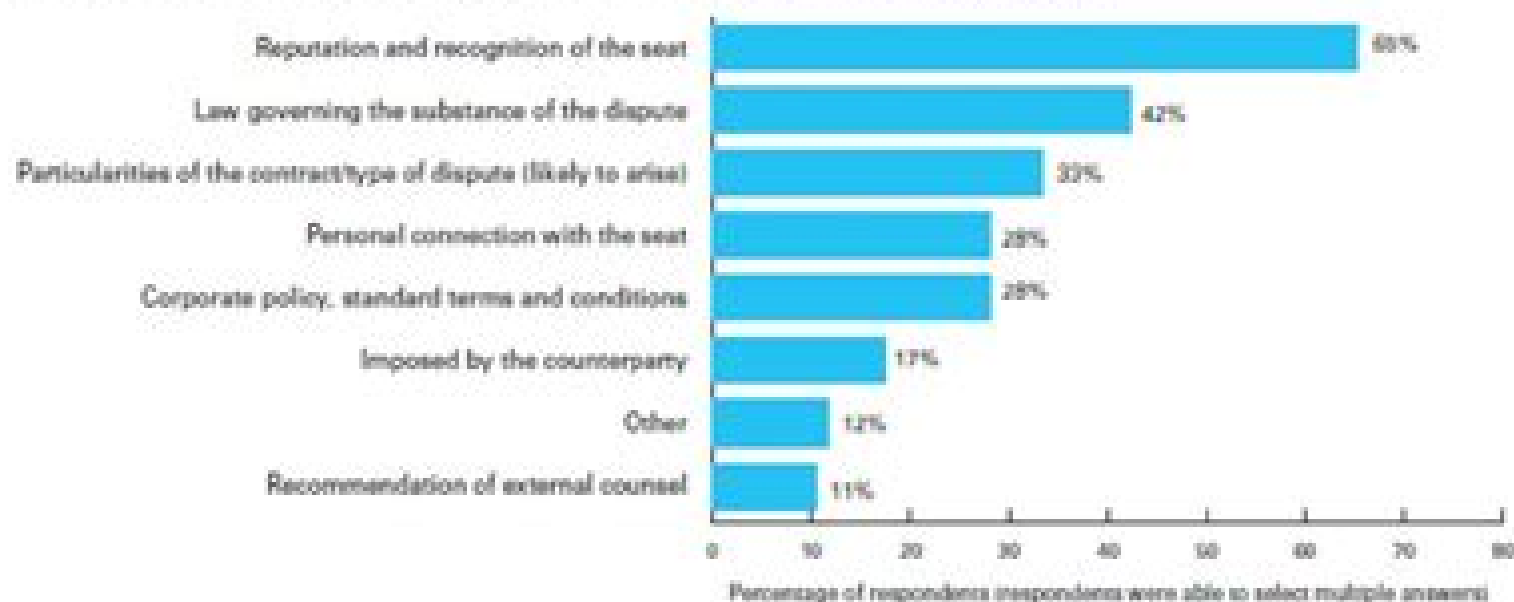


## Interplay between procedural and substantive aspects of the case

- Relationship between the seat of arbitration and the law governing the substance
  - *Reasons for selecting preferred seats of arbitration:*



2015 International Arbitration Survey, Improvements and Innovations in International Arbitration, p. 13

# Substantive And Procedural Aspects Of International

**Chia-Jui Cheng, Jiarui Cheng**



## **Substantive And Procedural Aspects Of International:**

Substantive and Procedural Aspects of International Criminal Law: Commentary, 2000      *Substantive and Procedural Aspects of International Criminal Law*, 2000      **Substantive and Procedural Aspects of International Criminal Law**  
Gabrielle Kirk McDonald, Olivia Swaak-Goldman, 2022-10-24 The second volume of this unique two volume work seeks for the first time to address in a comprehensive fashion both substantive and procedural aspects of international criminal law as applied by international and national courts Substantive topics include individual criminal responsibility genocide war crimes crimes against humanity crimes against UN and associated personnel core crimes and defenses while procedural aspects include the right of suspects and accused the protection of victims and witnesses and pre trial trial and appeal procedures and practices In addressing these subjects the work focuses on the practical application of the relevant norms and provides both detailed commentaries by experts in the field Commentary volume as well as the underlying documentation for each of the topics addressed Documents and Cases volume With the establishment of the International Criminal Court the experiences of other international courts notably the ad hoc tribunals for the former Yugoslavia and Rwanda as well as their predecessors in addressing these issues are of great value and this work is intended to assist practitioners and scholars alike Additionally because national courts still have a vital role to play in the application of these norms attention is given to prosecutions in national jurisdictions With this work the editors seek both to assist the reader in understanding these important concepts as well as to provide the background documentation such that the reader can conduct his or her own research and come to his or her own conclusions The print edition is available as a set of two volumes 9789041111357

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editors seek both to assist the reader in understanding these important concepts as well as to provide the background documentation such that the reader can conduct his or her own research and come to his or her own conclusions *An Introduction to International Criminal Law and Procedure* Robert Cryer, Håkan Friman, Darryl Robinson, Elizabeth Wilmshurst, 2014-06-12 By offering both a comprehensive update and new material reflecting the continuing development of the subject this continues to be the leading textbook on international criminal law Its experienced author team draws on its combined expertise as teachers scholars and practitioners to offer an authoritative survey of the field The third edition contains new material on the theory of international criminal law the practice of international criminal tribunals the developing case law on principles of liability and procedures and new practice on immunities It offers valuable supporting online materials such as case studies worked examples and study guides Retaining its comprehensive coverage clarity and critical analysis it remains essential reading for all in the field Substantive and Procedural Aspects of International Criminal Law : The Experience of International and National Courts: Materials Gabrielle Kirk McDonald, 2000-03-01 The second volume of this unique two volume work seeks for the first time to address in a comprehensive fashion both substantive and procedural aspects of international criminal law as applied by international and national courts Substantive topics include individual criminal responsibility genocide war crimes crimes against humanity crimes against UN and associated personnel core crimes and defenses while procedural aspects include the right of suspects and accused the protection of victims and witnesses and pre trial trial and appeal procedures and practices In addressing these subjects the work focuses on the practical application of the relevant norms and provides both detailed commentaries by experts in the field Commentary volume as well as the underlying documentation for each of the topics addressed Documents and Cases volume With the establishment of the International Criminal Court the experiences of other international courts notably the ad hoc tribunals for the former Yugoslavia and Rwanda as well as their predecessors in addressing these issues are of great value and this work is intended to assist practitioners and scholars alike Additionally because national courts still have a vital role to play in the application of these norms attention is given to prosecutions in national jurisdictions With this work the editors seek both to assist the reader in understanding these important concepts as well as to provide the background documentation such that the reader can conduct his or her own research and come to his or her own conclusions The print edition is available as a set of two volumes 9789041111357 **The Premises of International Criminal Procedure** Megumi Ochi, 2024-11-22 How does international criminal procedure differ from any domestic legal principles and why What premises of international criminal procedure do give rise to such differences Can we provide any unified socio legal explanation for the differences between the procedure of the International Criminal Court and the domestic legal principles This boils down to the question what are the premises inherent in international criminal procedure Applying the premise theory of general principles of law this book conducts a comparative analysis of various general principles of international

criminal procedure with corresponding principles that are valid domestically and in general international law and identifies special premises in the procedural law of the ICC This book discloses the four points that have not been identified in previous studies A the fact that the value of international criminal procedure frequently mentioned in previous studies has not actually had much of an impact i the premise of seriousness of the core crime has little influence at the procedural level and ii the premise of deterring illegal investigations has little impact B the factors that have not been recognized as circumstances or values on which international criminal procedure is premised in previous research significantly influence international criminal procedure iii the entire procedure is based on the primitive premise of speed and first come first served and iv the impact of the premise of consideration for national sovereignty which is associated with the fact that the ICC is an international organization based on a treaty is critical The ICC's institutional premises of the value of expeditiousness and lacking centralized control over its limbs have had a significant impact on the various aspects of international criminal procedure

**Procedure and Substance in International Environmental Law** Jutta Brunnée, 2021-02-22 The interplay between procedure and substance has not been a major point of contention for international environmental lawyers Arguably the topic's low profile is due to the mostly uncontroversial nature of the field's distinction between procedural and substantive obligations Furthermore the vast majority of environmental law scholars and practitioners have tended to welcome the procedural features of multilateral environmental agreements and their potential to promote regime evolution and effectiveness However recent developments have served to put the spotlight on certain aspects of the procedure substance topic ICJ judgments revealed ambiguity on aspects of the customary law framework on transboundary harm prevention that the field had thought largely settled In turn in the treaty context the Paris Agreement's retreat from binding emissions targets and its decisive turn towards procedure reignited concerns in some quarters over the proceduralization of international environmental law The two developments invite a closer look at the respective roles of and the relationship between procedure and substance in this field and more specifically in the context of harm prevention under customary and treaty law

**Principles of International Criminal Law** Gerhard Werle, Florian Jessberger, 2014 Principles of International Criminal Law is one of the leading textbooks in the field This third edition builds on the highly successful work of the previous editions setting out the general principles governing international crimes as well as the fundamentals of both substantive and procedural international criminal law

An Introduction to the Law of International Criminal Tribunals Geert-Jan Knoops, 2014-09-11 In An Introduction to the Law of International Criminal Tribunals Geert Jan Alexander Knoops offers an overview of the basic topics in international criminal law ICL It discusses main characteristics of International Criminal Tribunals ICTs as well as definitions of international crimes The book will delve into issues of jurisdiction and complementarity liability principles and specialized defences Other topics are due process rights evidence trials in absentia and State cooperation A new chapter is devoted to the geopolitical effects of international criminal prosecutions The second

revised edition includes a chapter on the new crime of aggression and is updated with the most recent developments in ICL. The book is essential to everyone becoming familiar with the basic topics and challenges within ICL.

**Minority Groups and Judicial Discourse in International Law** Gaetano Pentassuglia, 2009. Set against previous stages of minority protection under international law, this book discusses the role of courts and court-like bodies, particularly in the Americas, Africa, and Europe, in articulating and accommodating the interests and needs of ethno-cultural minority groups as part of the human rights discourse. Conceptually, it exposes different moments of intervention by such bodies involving the recognition of group existence or identity, the adjustment of human rights norms to accommodate the group's perspectives, the establishment of processes designed to address the complexities resulting from competing claims, and the expansion of procedural avenues within litigation. The result is a fresh comparative practical and theoretical perspective on international jurisprudence as an emerging distinctive component in the complex history of the field.

*International Criminal Law M.* Cherif Bassiouni, 2008. Volume 3 addresses the direct enforcement system, namely international criminal tribunals, how they came about, and how they functioned, tracing that history from the end of WWI to the ICC, including the post-WWII experiences. They address the IMT, IMTFE, ICTY, ICTR, the mixed model tribunals, and the ICC. It also contains a chapter which addresses some of the problems of the direct enforcement system, namely the general procedural, evidentiary, and sanctions parts of ICL, which is largely made of what is contained in the statutes of the tribunals mentioned above, as well as the jurisprudence of the established tribunals. In addition, this volume addresses national experiences with the enforcement of certain international crimes. It is divided into 4 chapters which are titled as follows: Chapter 1: History of International Investigations and Prosecutions; International Criminal Accountability; International Criminal Justice in Historical Perspective; Chapter 2: International Criminal Tribunals and Mixed Model Tribunals; The International Criminal Tribunal for the Former Yugoslavia; The International Criminal Tribunal for Rwanda; The Making of the International Criminal Court; Mixed Models of International Criminal Justice; Special Court for Sierra Leone; Special Tribunal for Cambodia; East Timor; Chapter 3: National Prosecutions for International Crimes; National Prosecutions for International Crimes; National Prosecutions of International Crimes: A Historical Overview; The French Experience; The Belgian Experience; The Dutch Experience; Indonesia; The U.S. War Crimes Act of 1996; Enforcing ICL Violations with Civil Remedies; The Case of the U.S. Alien Tort Claims Act; Chapter 4: Contemporary Issues in International Criminal Law; Doctrine and Practice; Command Responsibility; Joint Criminal Enterprise; The Responsibility of Peacekeepers; The General Part; Judicial Developments; Ne bis in idem; Plea Bargains; Issues Pertaining to the Evidentiary Part of International Criminal Law; Penalties and Sentencing; Penalties From Leipzig to Arusha; Victims' Rights in International Law.

**The International Minimum Standard and Fair and Equitable Treatment** Martins Paparinskis, 2013-01-31. Investment protection treaties generally provide for the obligation to treat investments fairly and equitably, even if the wording of the rule and its relationship with the customary international standard may differ. The open

textured nature of the rule the ambiguous relationship between the vague treaty and equally vague customary rules and States interpretations of the content and relationship of both rules not to mention the frequency of successful invocation by investors make this issue one of the most controversial aspect of investment protection law This monograph engages in a comprehensive analysis of the relationship between the international minimum standard and fair and equitable treatment It provides an original argument about the historical development of the international standard a normative rationale for reading it into the treaty rules of fair and equitable treatment and a coherent methodology for establishing the content of this standard The first part of this book untangles the history of both the international minimum standard and fair and equitable treatment The second part addresses the normative framework within which the contemporary debate takes place After an exhaustive review of all relevant sources it is argued that the most persuasive reading of fair and equitable treatment is that it always makes a reference to customary law The third part of the book builds on the historical analysis and the normative framework explaining the content of the contemporary standard by careful comparative human rights analysis

**International Criminal Law, Volume 3: International Enforcement** M. Cherif Bassiouni, 2008-12-31 Volume 3 addresses the direct enforcement system namely international criminal tribunals how they came about and how they functioned tracing that history from the end of WWI to the ICC including the post WWII experiences They address the IMT IMTFE ICTY ICTR the mixed model tribunals and the ICC It also contains a chapter which addresses some of the problems of the direct enforcement system namely the general procedural evidentiary and sanctions parts of ICL which is largely made of what is contained in the statutes of the tribunals mentioned above as well as the jurisprudence of the established tribunals In addition this volume addresses national experiences with the enforcement of certain international crimes It is divided into 4 chapters which are titled as Chapter 1 History of International Investigations and Prosecutions International Criminal Accountability International Criminal Justice in Historical Perspective Chapter 2 International Criminal Tribunals and Mixed Model Tribunals The International Criminal Tribunal for the Former Yugoslavia The International Criminal Tribunal for Rwanda The Making of the International Criminal Court Mixed Models of International Criminal Justice Special Court for Sierra Leone Special Tribunal for Cambodia East Timor Chapter 3 National Prosecutions for International Crimes National Prosecutions for International Crimes National Prosecutions of International Crimes A Historical Overview The French Experience The Belgian Experience The Dutch Experience Indonesia The U S War Crimes Act of 1996 Enforcing ICL Violations with Civil Remedies The Case of the U S Alien Tort Claims Act Chapter 4 Contemporary Issues in International Criminal Law Doctrine and Practice Command Responsibility Joint Criminal Enterprise The Responsibility of Peacekeepers The General Part Judicial Developments Ne bis in idem Plea Bargains Issues Pertaining to the Evidentiary Part of International Criminal Law Penalties and Sentencing Penalties From Leipzig to Arusha Victims Rights in International Law

*Basic Documents on International Trade Law* Chia-Jui Cheng, Jiarui Cheng, 1990-02-22      *International Aviation Law* Ron

Bartsch,Ronald I.C. Bartsch,2016-05-23 International Aviation Law A Practical Guide explains the international context and application of the law as it applies to commercial and recreational aviation and to the broader aviation environment It provides a comprehensive introduction to all aspects of aviation law from criminal law to contract law to the legal duties and responsibility of aircrew and other aviation personnel including airport operators air traffic controllers and aircraft engineers Each area of the law is clearly explained in accessible language and supported with practical case studies to illustrate the application of the law within an operational aviation context It also provides advice on how to avoid or minimize legal liability for aviation practitioners and enthusiasts     The Triggering Procedure of the International Criminal Court Héctor

Olásolo,2005-10-01 The Rome Statute unlike the statutes of the International Criminal Tribunals for the former Yugoslavia and for Rwanda creates a permanent court whose dormant jurisdiction covers the territory and includes the nationals of States Parties and is universal in cases where the Security Council makes a referral Besides unlike the ad hoc tribunals which have jurisdiction over specific crisis situations whose personal territorial and temporal parameters have been defined in their respective statutes by the UN Security Council in the case of the ICC it is not possible to determine a priori in which situations the ICC will be involved As a result the most relevant activity of the Court is the determination of those situations regarding which the dormant jurisdiction of the Court will be triggered The book The Triggering Procedure of the International Criminal Court constitutes the first comprehensive analysis of the proceedings that prior to any criminal investigation aim to make such a fundamental determination     **Prosecuting International Crimes in Africa** Chacha

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Waincymer,2012-05-23 Central to the book s purpose is the procedural challenge facing arbitrators at each and every stage of the arbitral process when fairness arguments conflict with efficiency concerns and trade offs must be determined Some key themes include how can a tribunal be fair and in particular be neutral if parties are so diverse How can arbitration be made efficient and cost effective without undue inroads into fairness and accuracy How does a tribunal do what is best if the parties are choosing a suboptimal process When can or must an arbitrator ignore procedural choices made by the parties The author thoroughly evaluates competing arguments and adds his own practical tips expertly synthesizing and engaging with the conference literature and differing authors views He identifies criteria that offer a harmonized approach to each stage of the arbitral process with particular attention to such aspects of international arbitration as appropriate trade offs between flexibility and certainty the rights duties and powers of arbitrators appointment and challenge of arbitrators responses to



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