

CRIMINAL JUSTICE, LAW ENFORCEMENT AND CORRECTIONS

POWER TIONISM IN INTERNATIONAL CRIMINAL JUSTICE

Farhad Malekian

NOVA

Farhad Malekian

Tallyn Gray



Farhad Malekian:

Allegation by Political Laundering Farhad Malekian, 2018-10-29 The Julian Assange case reminds us of the well known Scandinavian narrative Keiserens Nye klæder The Emperor's New Clothes Once upon a time two tailors weaved new clothes for an emperor They claimed they used a magic fabric that apparently less talented people could not see In reality they wove nothing they had no loom at all However they pretended with gestures of the hand that the loom was active No one wanted to be the less gifted person so everyone lied and confirmed the clothes were progressing The emperor finally put on the magic clothes and marched naked around the capital city with the members of his entourage holding the magic train Unexpectedly a guiltless little child shouted out with a confident voice Men har jo ikke noget paa But he doesn't have anything on The emperor knew the child was right but decided he must bear it until the procession was over Human rights or international criminal justice is not simply hocus pocus but it seems to be so in the case of Assange who has enlightened the world population about the hidden criminal political laundering of the big powerful states This book explores the propensity towards evil in the nature of collective entities based on political and economic gains against the international community as a whole It underlines that immoral criminal political laundering is the basic reason for money laundries throughout the globe

Corpus Juris of Islamic International Criminal Justice Farhad Malekian, 2018-09-30 This pioneering scholarly oeuvre evaluates the major comparative philosophy of Islamic international criminal justice It represents an in depth analysis of the necessities of creating an Islamic international criminal court its possible jurisdiction proceedings judgments and sanctions It implies a court functioning under the legal personality of the International Criminal Court with comparative international criminal lawyers with basic knowledge of Shariah contributing to the prevention of crimes and impunity at an international level The morality and philosophy of Islamic justice are highly relevant with reference to the atrocities committed explicitly or implicitly under the pretext of Islamic rules by superiors groups and governments The volume focuses on substantive criminal law and three methods of the criminal procedure namely the inquisitorial adversarial and acquisitorial The first two constitute the corpus juris of civil and common law systems The third term presents a hybrid of the first two methods The intention is to enhance the scope of each method of the criminal procedure comprehensively The volume examines their variations and effects on a shared system of international criminal justice The inherence of comparable norms in the foundation of Islamic and international criminal law affirms their efficiency in the implementation of the essence of the complementarity principle This book will appeal to readers who are interested in comparative criminal law international criminal justice and Shariah criminal law It is recommended for course literature

Jurisprudence of International Criminal Justice Farhad Malekian, 2014-06-30 Introduction written by Professor Benjamin B Ferencz This challenging volume examines the jurisprudence of international criminal justice from various points of view The philosophy of justice may vary from time to time and from nation to nation depending on prevailing attitudes towards the substantive rules which deal

in one way or another with cultural norms In the national and international area the principles of criminal justice have a key role in examining the scope of the most serious violations of international criminal law It is on the basis of appropriate judgment that these principles may be accumulated and achieved for the future conduct of man This volume therefore examines the principles and dimensions of the constitutions of various international criminal tribunals courts with particular focus on the Statute of the International Criminal Court ICC As such the volume offers a comprehensive evaluation of the rule of law and criminal justice and their legal tasks within the complementarity system of international criminal jurisprudence The volume emphasises the prosecution and punishment of all those who may successfully escape from the proceedings of national and international criminal courts because of their juridical political religious economic or military power It demands the implementation of international law of jus cogens The provisions of the Statute should not be deduced in contradiction to the norms from which no derogation is possible such as prohibitions governing crimes against humanity torture apartheid rape war crimes genocide and aggression If the value of the task of the Court is to be realised by the majority of states in the international community the cycle of impunity has to be abolished in the case of all states including the five permanent members of the Security Council of the United Nations

The Mirage of International Criminal Law

Farhad Malekian, 2018-10-01 This book explores from various perspectives Kant's codex of the categorical imperative and the supreme principle of morality in juxtaposition with the monopolisation of the rules of international criminal law Kant's reference to the term propensity to evil in human nature is a much more serious iniquity universally in the nature of the Security Council than the concepts of a mens rea and actus reus in criminal law His decisive warning foreshadows that the inclinations towards self interest self love and intent in collective mens rea within the resolutions of the Security Council prevent states from striving towards the supreme maxim of a genuine international moral worth The idea of international criminal law is thus viewed as a mirage Essentially certain rules of the United Nations Charter the system of international criminal justice human rights law and humanitarian law like a fata morgana are crucial if unattainable The permanent members of the Security Council are deceiving the world by propagating a variety of excuses with the core objective of economic gain This book will be of interest to anyone enthusiastic about positive law the nature of criminal justice classical moral philosophy politics and economics

Classical Morality in International Peremptory Criminal Law

Farhad Malekian, 2018-10-09 This book begins with the belief that if a moral principle cannot be identified in the language of the law if law is not underpinned by a moral understanding of the norm if the moral accusation is not attached to the violations of certain indispensable norms of the law then we are violating the peremptory character of the universality of the moral law The book vicariously objects to any dispute for the advantage of the impunity of those who have cruelly contravened the corpus juris of international peremptory criminal law What justifies the law in recognizing certain principles as peremptory derives from the highest genetic merit for the international human community as a whole Here the term peremptory for

classical morality is seen to encompass love for the spirit of truth for the strength of equality of arms and for the reaffirmation of the value of the essence of man where its infringements violate the indispensable universal rights of nature This is regardless of whether its perpetrators are Western or non Western

Principles of Islamic International Criminal Law Farhad Malekian, 2011-06-22 The goal of this book is to minimize the misunderstandings and conflicts between International law and Islamic law The objective is to bring peace into justice and justice into peace for the prevention of violations of human rights law humanitarian law international criminal law and impunity

Conundrums of Humanity Jonathan Power, 2007 Sixty years since the end of World War II is two generations And two generations is long enough to measure whether there has been a substantial change in direction in how mankind orders its affairs It is clear that it has Not just in matters of war and peace there has not been a Third World War but in its attitude to poverty economic progress human rights its habitat and its relationship to the other sex and its offspring In all there have been great strides forward that at the time of the ending of the war seemed barely conceivable *Conundrums of Humanity* poses eleven questions for our future progress ranging from Can we diminish War to How far and fast can we push forward the frontiers of Human Rights to Will China dominate the century The answers to these questions the author believes growing out of his long experience as a foreign correspondent and columnist for the International Herald Tribune are largely positive ones despite the hurdles yet to be overcome They all depend for fruition partly on building on the important work already accomplished partly on creating a more benign and positive atmosphere in the world order and partly on demonstrating how the world can be even better in the future and thus giving the world's peoples a sense of forward momentum

Islam and International Criminal Law and Justice Tallyn Gray, 2018-11-16 This book explores a broad range of issues on Islam and international criminal law and justice Ten authors shed detailed light on the relationship between Islam Islamic law and Islamic thought and international criminal law

[International Criminal Law, Volume 1: Sources, Subjects and Contents](#) M. Cherif Bassiouni, 2008-12-31 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 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 **The Rome Statute and Islamic Law** Majed Handi Alsolami, 2024-09-16

This book examines in depth the degree of compatibility and incompatibility between the general principles and jurisdiction of Islamic law and international criminal law the Rome Statute It discusses the controversy related to the non ratification of the Rome Statute by some Islamic and Arab countries The author analyses arguments that maintain that Islamic law cannot be compatible with international criminal law and makes it clear that there are no fundamental differences between the principles of Islamic law and the principles of international criminal law The book considers Saudi Arabia as a case for reference *Gravity of Wisdom in International Criminal Law* Farhad Malekian, 2021 In this comprehensive work Malekian introduces the importance of the noble principle of the population of wisdom which relates to the far reaching foundation of the systems of international human rights law and international criminal justice This principle is not dependent upon the norm of inequality nor upon the threat of use of force and the killing of millions nor does it seek to destroy the truth in order to exploit nations Malekian trusts that an equitable system of international law based in wisdom can provide a forum for a deeper philosophical understanding of the value of our perception which struggles to establish quality standards rather than an exorbitant number of human rights provisions If international human rights law and international criminal law do not encounter the high moral values as their virtue they cannot make ethically wise decisions or attain long term legal efficiency We may successfully increase the significance of legal disciplines such as human rights law the law of the United Nations and the moral capacity of the norm of perception through the magnificent power of wisdom This book discusses original theories addressing serious questions concerning the ethical normative and moral values of human essence on a variety of issues in order to decrease violations and increase perceptions of true humanization The musings on the distinctive values of this book are presented to those who are not afraid to honor the truth Read the book with a vigilant heart and scrutinize it with an open minded attitude **The Shari'a and Islamic Criminal Justice in Time of War and Peace** M. Cherif Bassiouni, 2014 Shows that the shari a and Islamic law are compatible with contemporary international human rights laws and norms and appropriate for use in Muslim societies **International Criminal Law, Volume 2: Multilateral and Bilateral Enforcement Mechanisms** M. Cherif Bassiouni, 2008-12-31 Volume 2 addresses jurisdiction and the various mechanisms and modalities of international cooperation in penal matters which for all practical purposes apply to both the direct and indirect enforcement methods of ICL These mechanisms and modalities of international cooperation are used not only in

bilateral interstate cooperation in penal matters but they are also employed by international tribunals including the ICC in their relations with states This volume is divided into 5 chapters which are titled as Chapter 1 Policies and Modalities Modalities of International Cooperation in Penal Matters The Duty to Prosecute and or Extradite Aut Dedere Aut Judicare Globalization of International Enforcement Mechanisms The Problem of Legitimacy Globalization of Law Enforcement and Intelligence Gathering and Sharing Chapter 2 Jurisdiction Extraterritorial Jurisdiction Universal Jurisdiction Competing and Overlapping Jurisdictions Immunities and Exceptions The European Union and the Schengen Agreement Chapter 3 Extradition Law and Practice in the United States The European Approach Commentary on the United Nations Draft Model Law on Extradition Chapter 4 Judicial Assistance and Mutual Cooperation in Penal Matters United States Treaties on Mutual Assistance in Criminal Matters Commentary on the United Nations Draft Model Law on Mutual Legal Assistance Inter State Cooperation in Penal Matters in the Commonwealth The Council of Europe and the European Union European Perspective on International Cooperation in Matters of Terrorism Freezing and Seizing of Assets Controlling Money Laundering Chapter 5 Recognition of Foreign Penal Judgments Transfer of Criminal Proceedings and Execution of Foreign Penal Sentences Introduction to Recognition of Foreign Penal Judgments Introduction to Transfer of Criminal Proceedings Transfer of Criminal Proceedings The European System The Lockerbie Model of Transfer of Proceedings International Perspective on Transfer of Prisoners and Execution of Foreign Penal Judgments United States Policies and Practices on the Execution of Foreign Penal Sentences

Introduction to International Criminal Law, 2nd Revised Edition M. Cherif Bassiouni, 2012-11-09
 Written by one of the world's pioneers and leading authorities on international criminal law this text book covers the history nature and sources of international criminal law the *ratione personae* *ratione materiae* sources of substantive international criminal law the indirect enforcement system the direct enforcement system the function of the international criminal court rules of procedure and evidence applicable to international criminal proceedings and the future of international criminal law This textbook is fully updated comprehensive easy to read and ideally suited for classroom use Also available as hardback isbn 9789004264977

Judgments of Love in Criminal Justice Farhad Malekian, 2017-03-31 This volume is a new chapter in the future history of law Its general perspective could not be more original and its critical ethical edge on the state of international law could not be timelier It explores a compassionate philosophical approach to the genuine substance of law criminal procedure international criminal law and international criminal justice It divides law into three interrelated disciplines i.e. legality morality and love The norm love is derived from human reason for man's advancement and the securing of natural law It is more than a mere mandatory norm Its goal is to generate a normative and positive powerful result therefore avoiding any impurity that may exist in the application of other norms because of political or juridical pressures a one-eyed justice The norm love also renders justice with the principles of legal accountability transparency and the high moral authentic values of humanity The notion of justice cannot be trusted in the absence of the norm love The

volume indicates the conditions of its efficiency by proving the reasons for its existence in the context of fairness objectivity and concern for all individuals and entities The concept of the norm love should be the core academic corpus for lecturing law in all faculties of law It is simply the enlightenment of the 21st century A lawyer with requisite knowledge and skill is not a lawyer if he cannot understand that the law does not need a lawyer with ethical competence in its provisions for income purposes but one with knowledge of its essence for the advanced morality of justice and the sheer essence of love for justice

Gravity of Wisdom in International Law Farhad Malekian,2021 In this comprehensive work Malekian introduces the importance of the noble principle of the population of wisdom which relates to the far reaching foundation of the systems of international human rights law and international criminal justice This principle is not dependent upon the norm of inequality nor upon the threat of use of force and the killing of millions nor does it seek to destroy the truth in order to exploit nations Malekian trusts that an equitable system of international law based in wisdom can provide a forum for a deeper philosophical understanding of the value of our perception which struggles to establish quality standards rather than an exorbitant number of human rights provisions If international human rights law and international criminal law do not encounter the high moral values as their virtue they cannot make ethically wise decisions or attain long term legal efficiency We may successfully increase the significance of legal disciplines such as human rights law the law of the United Nations and the moral capacity of the norm of perception through the magnificent power of wisdom This book discusses original theories addressing serious questions concerning the ethical normative and moral values of human essence on a variety of issues in order to decrease violations and increase perceptions of true humanization The musings on the distinctive values of this book are presented to those who are not afraid to honor the truth Read the book with a vigilant heart and scrutinize it with an open minded attitude

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Condemning the Use of Force in the Gulf Crisis Farhad Malekian,1994

The Global Community Yearbook of International Law and Jurisprudence 2014 (Volume 1) Giuliana Ziccardi Capaldo,2015-09-15 The 2014 edition of The Global Community Yearbook both updates readers on the important work of long standing international tribunals and introduces readers to more novel topics in international law This edition includes expert introductory essays by prominent scholars in the realm of international law on topics as diverse and current as the intervention of the United States and coalition partners in territories under the control of the Islamic State of Iraq and the Levant ISIL to the weak area in the institutional and normative framework of the Revised Treaty of Chaguaramas

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