

**New Approaches to International Law**  
*The European and the American Experiences*

*Edited by*

José María Beneyto and David Kennedy

*Assisted by*

Justo Corti Varela and John Haskell

This volume offers a unique reflection on the historic and contemporary influence of the New Approaches to International Law (NAIL) movement within the context of Europe and America. In particular, the contributions focus on the intellectual product of NAIL's founder, David Kennedy, in relation to three legal streams: human rights, legal history, and the law of war. On the one hand, the volume is valuable reading for a broad audience interested in the current challenges facing global governance, and how critical studies might contribute to innovative intellectual and practice-oriented developments in international law. On the other hand, stemming from a 2010 seminar in Madrid that brought together scholars to discuss David Kennedy's scholarship over the last three decades, the contributions here are a testament to the community and ideas of the NAIL tradition. The volume includes scholars from a wide field of legal interests and backgrounds.

Professor **José María Beneyto** is Director of the Institute for European Studies in Madrid, Spain. Professor **David Kennedy** is Director of the Institute for Global Law and Policy at Harvard Law School, Cambridge, USA.

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## International Disaster Response Law

*Edited by*

Andrea de Guttry, Marco Gestri and Gabriella Venturini

*With a Foreword by Kristalina Georgieva, European Commissioner for International Cooperation, Humanitarian Aid and Crisis Response*

Over the last decades natural and man-made disasters have been increasing in terms of frequency, size, number of people affected and material damage caused. There is growing awareness of the importance of adequate national and international legal frameworks for disaster prevention, mitigation and response. The implementation of these frameworks, however, poses serious challenges.

This book analyses International Disaster Response Law as developed in recent times and identifies the main existing normative gaps. The authors address the rights and duties of States in preventing and mitigating disasters, in facilitating access to their territory for humanitarian relief actors, as well as issues related to liability and compensation. Due attention is paid to European Union law governing disaster response (and to its reform in the light of the Lisbon Treaty) and to the main trends in domestic legislation. Human rights obligations are thoroughly examined and the potential relevance of international criminal law is assessed. Additional topics such as the status of relief personnel, the hindrances to the delivery of relief consignments by customs and excise administration, the use of civilian and military defence assets in emergency situations, the mechanisms and procedures available to offer financial support for recovery and rehabilitation, risk insurance, and the issue of corruption during disaster-related activities are specifically addressed.

By drawing on the expertise of lawyers, political scientists, economists and humanitarian practitioners, the book promotes much-needed interdisciplinary dialog and sheds light on a largely uncharted field of research. It is therefore essential reading for academics and practitioners in international and EU law, policy makers, civil protection and humanitarian operators and for anyone interested in exploring the legal facets of the international community's response to large-scale calamitous events.

**Andrea de Guttry** is Professor of International Law at the Scuola Superiore Sant'Anna di Studi Universitari e di Perfezionamento, Pisa (Italy); **Marco Gestri** is Professor of International Law at the Università degli Studi di Modena e Reggio Emilia (Italy); **Gabriella Venturini** is Professor of International Law at the Università degli Studi di Milano (Italy).

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## **Prisoners of the international community**

*The legal position of persons detained at international criminal tribunals*

by

Denis Abels

This book addresses a specific aspect of international criminal law. It describes the legal position and conditions of persons detained under the jurisdiction of international criminal tribunals, particularly as regards their internal legal position, their rights and duties inside the remand facility. Central to the book is the understanding that the circumstances surrounding these persons' detention are different from a domestic context.

The author's primary aim is to disclose the law of detention of international criminal tribunals. The book sets out the applicable law, including the law's underlying principles, and focuses on a number of specific procedural and substantive legal issues. As to procedural issues, it examines the available disciplinary and complaints procedures as well as procedures applicable to the designation of States for the enforcement of the tribunals' sentences. In respect of substantive law, it focuses on the detainees' right to contact with the outside world, including contact with their relatives, with their lawyers and with the media. The book further examines whether the positive law corresponds to the relevant international penal standards and human rights law.

As an outcome of immediate exchanges (interviews) between the author and the authorities involved, the author provides a substantial clarification and critical assessment of the current issues and paradoxes of the domain in question.

The book will be an extremely useful guidance for practitioners in applying the law and principles of the tribunals' detention law, particularly because it is the first monograph written on the topic.

Dr. **Denis Abels** is Assistant Professor of Criminal Law at the University of Amsterdam and a research fellow at the Amsterdam Center of International Law.

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## Mistake of Law

### *Excusing Perpetrators of International Crimes*

by

Annemieke van Verseveld

*With a Foreword by Prof. Dr Thomas Weigend, Director of the Institute for Foreign and International Criminal Law, University of Cologne, Germany*

When a perpetrator of an international crime argues in his defence that he did not realise that he had violated the law, is this a reason not to punish him? International crimes constitute serious offences and it could be argued that he who commits such an offence must know his act is punishable. After all, everyone is presumed to know the law. However, convicting someone who is mistaken about the wrongfulness of his act may be in violation of the principle of 'no punishment without guilt'.

This book investigates what would be the circumstances under which the defence of *mistake of law* should exculpate the perpetrator of an international crime and whether those circumstances are covered by the current international codification of *mistake of law*. It demonstrates that the issue of *mistake of law* goes to the heart of individual criminal responsibility and therewith contributes to the development of a systematic approach toward the structure of international offences.

Written in an accessible style, this academic research is of great value and interest to academics and practitioners in the field of International Criminal Law.

**Annemieke van Verseveld** is presently working as an Assistant Professor of International Criminal Law at the University of Amsterdam, the Netherlands.

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