

Information Technology & Law Series – Volume 25

Privacy-Invasive Technologies and Privacy by Design
Safeguarding Privacy, Liberty and Security in the 21st Century

by

Demetrius Klitou

Challenged by rapidly developing privacy-invasive technologies (PITs), this book provides a convincing set of potential policy recommendations and practical solutions for safeguarding both privacy and security. It shows that benefits such as public security do not necessarily come at the expense of privacy and liberty overall.

Backed up by comprehensive study of four specific PITs – Body scanners; Public space CCTV microphones; Public space CCTV loudspeakers; and Human-implantable microchips (RFID implants/GPS implants) – the author shows how laws that regulate the *design and development* of PITs may more effectively protect privacy than laws that only regulate data controllers and the use of such technologies. New rules and regulations should therefore incorporate fundamental privacy principles through what is known as ‘Privacy by Design’.

The numerous sources explored by the author provide a workable overview of the positions of academia, industry, government and relevant international organizations and NGOs.

Demetrius Klitou has a Ph.D. in Law from Leiden University. He carried out his research under the auspices of the Centre for Law in the Information Society (eLaw@Leiden), Leiden, The Netherlands. He is currently serving as a consultant, specialized in the non-technological aspects of technology policies, innovation activities/policies, policy development processes and project management.

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The Crime of Conspiracy in International Criminal Law

by

Juliet R. Amenge Okoth

The concept of *Conspiracy* was introduced into international criminal law for purposes of prevention and to combat the collective nature of participation in the commission of international crimes. Its function in the prosecution of international crimes is displayed by the author analyzing the decisions on conspiracy by the international criminal tribunals, however finally culminating in the failure to include *Conspiracy* in the Rome Statute.

While the function of conspiracy as a mode of liability is satisfactorily covered by the modes of participation in the Rome Statute, its function as a purely inchoate crime used to punish incomplete crimes is missing. This book creates a case for inclusion in the Rome Statute the punishment of conspiracies involving international crimes that do not extend beyond the conceptual stage, to reinforce the Statute's purpose of prevention. The conspiracy concept proposed is one that reflects the characteristics acceptable under both common law and civil law systems.

Researchers and Practitioners in International Criminal Law will appreciate the valuable contribution the author makes to the debate concerning the development of solid and balanced legal tools in the struggle for worldwide justice and security.

Juliet R. Amenge Okoth is presently working in the Department of Commercial Law of the University of Nairobi, Kenya.

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The Crime of Aggression in International Criminal Law
Historical development, Comparative Analysis and Present State

by

Sergey Sayapin

Since after the Second World War, the crime of aggression is – along with genocide, crimes against humanity and war crimes – a “core crime” under international law. However, despite a formal recognition of aggression as a matter of international criminal law and the reinforcement of the international legal regulation of the use of force by States, numerous international armed conflicts occurred but no one was ever prosecuted for aggression since 1949. This book comprehensively analyses the historical development of the criminalisation of aggression, scrutinises in a detailed manner the relevant jurisprudence of the Nuremberg and Tokyo Tribunals as well as of the Nuremberg follow-up trials, and makes proposals for a more successful prosecution for aggression in the future.

In identifying customary international law on the subject, the book draws upon a wealth of applicable sources of national criminal law and puts forward a useful classification of States’ legislative approaches towards the criminalisation of aggression at the national level. It also offers a detailed analysis of the current international legal regulation of the use of force and of the Rome Statute’s substantive and procedural provisions pertaining to the exercise of the International Criminal Court’s jurisdiction with respect to the crime of aggression, after 1 January 2017.

A first monograph on the crime of aggression written by an author from the Commonwealth of Independent States (CIS) for an international audience, the book assembles the normative experience of States representing the major legal systems of the world, and will be useful to practitioners, academics and students of international law.

Sergey Sayapin is Legal Advisor at the Regional Delegation of the International Committee of the Red Cross (ICRC) in Central Asia. He earned law degrees from universities in Uzbekistan, the United Kingdom and Germany.

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Applying International Humanitarian Law in Judicial and Quasi Judicial Bodies

International and Domestic Aspects

Edited by

Derek Jinks, Jackson N. Maogoto and Solon Solomon

International humanitarian law has been perceived till now as encompassing only judicial cases concerning refugee protection or war crimes prosecutions, particularly in domestic fora. Yet, the last decade has witnessed a revolution in the way judicial bodies – international and domestic alike – are ready to tackle complex security aspects pertaining to the laws of war. The present volume follows the international and domestic courts' jurisprudential evolution as they deal with issues like the classification of armed conflicts, direct participation in hostilities and the nexus between international humanitarian law and human rights law. Projecting the field's jurisprudential development in the future, the volume examines the role of international humanitarian law also in the realms of quasi-judicial bodies.

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