

INTERNATIONAL OUTLAWS

UNDESERVING AFTER ACQUITTAL



UNDESERVING BEFORE AN INDICTMENT



A REAL PROBLEM



ARTICLE 1(F) REFUGEE CONVENTION

The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

- (a) He has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
- (b) He has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;
- (c) He has been guilty of acts contrary to the purposes and principles of the United Nations.

THE RISE OF ICL



PARADIGM SHIFT: NATIONAL CRIMINAL JUSTICE



REFUGEE L CRIMINAL L

Mismatch

- Connected but different fields of law

Reference to criminal law

- Disparity; scope unclear

Import of criminal law

- Broad concepts of liability

THE NEED FOR REVIEW

- Exclusion should not undermine humanitarian purpose Refugee Convention
- Harmonize 'trigger-mechanisms' bearing in mind human rights development
- Recalibration of 'rights side' and 'obligations side'

‘UNDESERVING’ OF PROTECTION

- *Hostis humani generi*
- Legal limbo > no rights?
- Questions around citizenship : can you forfeit it?
- Trials outside regular court system > jurisdictional bubble