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### Threats posed to human security by non-state corporate actors : the answer of international criminal law / Cedric Ryngaert and Heleen Struyven

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Abstract:	Judicial precedents as regards corporate liability under international criminal law are scarce. In fact, the leading body of relevant case law is composed of a number of judgments rendered by Allied war crimes tribunals after World War II. As will be set out in section 2, these judgments developed legal principles to address German industrialists' complicity in international crimes perpetrated by the Nazi regime. Although the various tribunals' decisions are not always consistent, and all times lack legal clarity, they continue to be cited as leading standards for assessing corporate complicity. This is mainly so because later international criminal tribunals (Rwanda, Yugoslavia, and the International Criminal Court) have not heard corporate complicity cases, although they have further develop the general complicity standard (section 3). That being said, in recent times, corporate complicity litigation has been increasing in domestic courts, in particular in United States (UN) federal courts hearing tort cases against MNCs under the Alien Tort Claims Act (ATCA) (section 4), but also elsewhere, e.g. in the Netherlands (section 5). This increasing case law combined with historical precedents, the Rome Statute of the International Criminal Court (ICC), and considerations of criminal policy, allow us, in section 6, to develop general principles of corporate complicity that may guide future litigation brought by public prosecutors, or by victims of human security violations. For the sake of clarity, section 1 provides a definition, or rather definitions, of complicity, with a specific focus on corporate complicity.
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