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Trafficking in Persons under International Law and its Incorporation within Enslavement as a Crime against Humanity

Siller, Nicole

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Statements accompanying the dissertation

“Trafficking in Persons under International Law and its Incorporation within Enslavement as a Crime against Humanity”

1. While the 2000 Palermo Protocol is credited with creating the first international legal definition of human trafficking, this phenomenon has been a definable concept under international law since 1904 (Chapter 2).
2. The international legal construct of trafficking in persons has undergone a definitional evolution over the last 115 years (Chapters 2-3).
3. Although ‘trafficking in persons’ is classified as a transnational organized crime under international law, its material elements require neither an aspect of transnationality, nor commission by an organized criminal group (Chapter 3).
4. ‘Exploitation creep’ is the increasing prevalence and proliferation of cross-over rhetoric addressing human trafficking and human exploitation. Without using the relevant international law to distinguish these concepts from one another, their substantive meanings become lost—a potentially fatal problem in law (concept borrowed from Janie Chuang, Chapter 4).
5. The Rome Statute’s definition of ‘enslavement’ as a crime against humanity permits the prosecution of human traffickers before the International Criminal Court (Chapter 5).
6. Human traffickers were already prosecuted in the Nuremberg Subsequent Proceedings but were there prosecuted for the crimes of enslavement and deportation to slave labor (Chapter 6).
7. The commission of trafficking in persons can satisfy the material elements of enslavement as a crime against humanity (Chapters 4-7).
8. ‘The prosecutor, who is supposed to carry the burden of proof, really is an author’ (Scott Turow).
9. ‘Sometimes the scandal is not what law was broken, but what the law allows’ (Edward Snowden).