

INTERNATIONAL CRIMINAL JUSTICE: WORKING TOGETHER TO CLOSE THE IMPUNITY GAP

At the turn of the century, one of the pioneers of international criminal law, the late prof. Cherif Bassiouni, observed that international law was having difficulty adapting to the new needs of international criminal justice, and called for its globalization.¹ The question may also be asked today: Is international law successfully adapting to the needs of international criminal justice?

In the past twenty-five years important steps have been taken to achieve that globalization. The International Criminal Court, whose future was uncertain when the Rome Statute was adopted in 1998, now has 123 States Parties² and has been operational for two decades. At the Kampala Review Conference in 2010 States have agreed to adopt the amendment on the crime of aggression enabling the Court to exercise jurisdiction also for this crime thus empowering Court to act in relation to all atrocity crimes. It has 17 situations from 4 continents on its docket, two of them referred by the UN Security Council. There has also been a significant increase in investigation and prosecution of international crimes at the national level, based on the principle of universal jurisdiction.³ Several States are building important expertise in investigating war crimes, crimes against humanity and genocide through so called structural investigations conducted by specialized “international crimes units”. New non-judicial mechanisms, tasked with collection, preservation, and analysis of evidence of international crimes have been created and issues involving mass atrocities are increasingly being addressed by the International Court of Justice.

The landscape of international criminal justice has changed, but questions about its future remain. The ICC may be busier than ever but also faces more challenges than ever. Cooperation between States is vital for effective investigation and prosecution of international crimes at the domestic level, but the legal framework around mutual legal assistance is lacking. Then there is the question of applying existing international criminal law norms to new types of warfare.

The objective of this event is to reflect on the fight against impunity in the 21st Century and the future of international criminal justice. Questions discussed by the panellists will include:

- Is the future of international criminal justice domestic?
- What role does the ICC play in the global pursuit of justice and how to strengthen it? Is there a distinction between the crime of aggression and other int. crimes?
- How to align international criminal justice with 21st century challenges such as cyberwarfare and destruction of the environment?
- How to achieve the full potential of tools for mutual legal assistance, such as the Ljubljana-The Hague Convention?
- What is the impact of the fight against impunity on global peace and security?

¹ M. Cherif Bassiouni, *The Future of International Criminal Justice*, 11 *Pace Int'l L. Rev.* 309 (1999), at 311.

² Since Armenian Parliament ratified the Rome Statute on 3 October 2023 and President signed a declaration on the ratification on 16 October 2023 it might become 124 State Party to the Statute.

³ Trial International, *Universal Jurisdiction Annual Report 2023*, published 17 April 2023, available at <https://trialinternational.org/latest-post/2022-highlights-in-the-universal-jurisdiction-annual-review-ujar/>.