Chapter 19

The ICC and Central Europe: Why should we care?

Rebecca Lilla Hassanova

Abstract

The following article explores the implications of the ICC and its Rome Statute on Central Europe, focusing particularly on Hungary, the Slovak Republic, the Czech Republic, and Germany. It examines the integration of the Rome Statute into national legal systems, highlighting both the operational challenges faced during its implementation and the varying degrees of compliance among the examined countries. Through a detailed analysis of Hungary's complex implementation issues, the Slovak Republic's smoother ratification process, the Czech Republic's legislative hesitations, and Germany's proactive approach, the study illustrates the multifaceted relationship between international and domestic law concerning international criminal justice. Central themes include the principle of complementarity, the treatment of high-ranking officials' immunity, and the successful incorporation of core international crimes into national legislation.

Keywords: Rome Statute, International Criminal Court, implementation, legislation, international criminal law

Rebecca Lilla Hassanova (2025) 'The ICC and Central Europe: Why we should care?'. In: Nóra Béres (ed.) *The ICC at 25: Lessons Learnt*, pp. 409–432. Miskolc–Budapest, Central European Academic Publishing.

https://doi.org/10.54237/profnet.2025.nbicc_19

1. Introduction

The advent of international criminal law changes the nature and atmosphere of international law as such on two levels. On the first level, international criminal justice brings, on the one hand, an element of mandatory judicial jurisdiction, which distinguishes it from the fundamentally optional nature of international justice in general. On the second level, it creates another level of responsibility for violations of the rules of international law, thereby affording the rules of international law a higher degree of protection. International criminal law, as part of public international law, can be directly enforced. The nature of responsibility is, however, different than in the broader international law, since the international responsibility regime generally aims to restore the original state, which can be tricky or even impossible to achieve in criminal matters.[1]

The framework contains an individual substantive law establishing the circumstances of responsibility for committing a crime, as well as a procedural law providing supranational criminal courts with tools for prosecuting the perpetrators of those crimes. The establishment of such a system has many effects, many positive but others possibly adverse, such as the erosion of the principle of sovereignty in criminal matters.[2]

The Rome Statute, as with other similar statutes, establishes and governs the entire functioning of the International Criminal Court (ICC). All of its articles have an influence on the national laws of the countries which ratified the document. Some of these articles are clear, but others contribute to a confusion in matters of international criminal law. Its significance is evident in relation to the application of law, as the Rome Statute is the first item of international criminal legislation that expressly stipulates the sources of law which are to be applied by the Court.[3]

The criminal justice systems of Central European countries do not differ from each other in terms of basic principles. The main features follow the basic principles of the civic law system, which was established at the end of the 18th century.[4] These systems most resemble those of the German, Austrian and other Central European states. When researching the impact of the ICC on Central Europe, one comes first to the question of the process of integrating the Rome Statute – which establishes the ICC – into the legal systems of these countries. This study focuses on this issue, as well as how the selected countries introduced the core crimes of the Statute into their domestic substantive law. The countries analysed are Hungary, the Slovak Republic, the Czech Republic and the Federal Republic of Germany.

1 Mareček, 2020, p. 94.
2 See Bartkó and Sántha, 2022, p. 300; Nagy, 2004, pp. 105–106; Nyitrai, M, 2006, pp. 16–20; Hollán, 2000, pp. 226–237.
3 Bitti, 2015, p. 411.
4 Vigh, 2000, pp. 135–148.

2. Implementation of the Rome Statue

The Court faced numerous challenges, both during its creation and subsequently in its operations, and political debates and actions by member states still have some impact on the Court's functioning. Even though the Court has a legal personality as an international body, its members aspire to influence it to a certain degree. In this matter, it is necessary to mention the Bernadotte dictum, stipulated in the advisory opinion of the ICJ case in the year 1949. The formula states that when the vast majority of the members of international community have the power, in conformity with international law, to create an international entity, it has to possess an objective international personality. In the case of the ICC, given that the Rome Statute was adopted by a vote of 120 to 7, with 21 abstentions, the first element (the support of the vast majority of the international community) has been fulfilled.[5] The ICC therefore has the full capacity to act in situations of the most severe international crimes. Its jurisdiction is, however, based on the complementarity principle,[6] and is therefore complementary to the national jurisdiction of the member states, allowing each state concerned to resolve and decide cases appropriately on its own.[7]

The principle of complementarity as a fundamental principle establishing the basic functioning system of the ICC takes the principle of state sovereignty into consideration. The criminal law is closely related to numerous values that countries share and accept, a link that may be even stronger and more significant in the countries of Central Europe. The core values of this region are reflected in the criminal justice system, which is one of the instruments by which state sovereignty is exercised. The principle of complementarity is a principle that aims to respect the sovereign power of its ratifying states to exercise criminal jurisdiction over their own citizens and their own territory. In additional, via this principle, the ICC reminds itself that states are in a better position to decide upon criminal matters happening within their own jurisdictions. National courts are established based upon the common values of the state and its citizens. Their knowledge of the relationships, mentality and national legislation, including the placement in the country, act as the foundation for quicker and more accurate decisions.[8]

Although the ICC through the Rome Statute claims not to intrude on the sovereign powers of the ratifying states, general acceptance of the Statute has not been easy, and different states have raised different arguments regarding inconsistencies in jurisdiction and applicable procedures. Recognition of the ICC's jurisdiction to prosecute significant crimes in the field still faces problems, such as the non-recognition

5 Even States which voted against the adoption of the Rome Statute acted during the Rome Diplomatic Conference as promoters of establishing the Court. Those who voted against did so based on allegations of textual flaws or the lack of inclusion of certain crimes.

6 It means that the ICC has secondary jurisdiction after national courts, and can only act in a given situation if the relevant states are unwilling or unable to prosecute the crimes within their jurisdiction.

7 Kovacs, 2018, p. 228.

8 Mihes, 2022, p. 125.

of jurisdiction by major international states, such as the USA, China and Russia. On the other hand, individual member states of the European Union and the EU as a whole played a significant role in the creation and development of the Court. There are therefore various differences in the varying dimensions of support for the ICC in terms of geopolitics. These multiple differences in questions of support can be explained by a combination of factors, primarily international and political. Moreover, these differences have deepened over time, primarily due to interactions between the US and the EU during the creation and early development of the Court.[9]

"Implementation", defined as the actual incorporation of international obligations at the domestic level by transforming international legal norms into national laws and regulations,[10] means ensuring practical results and incorporating provisions through specific means into the domestic systems of the ratifying countries. This term has been reflected in many UN General Assembly resolutions, international conventions and other legal instruments.[11]

The content of international criminal law is the criminalisation of specific acts and the attribution of individual criminal responsibility to their perpetrators. The implementation of war crimes and other international crimes into the domestic legislation of states can be achieved in several ways, as shown by how states have gone about this. This means that specific behaviours become criminal offences within each state's criminal system, thereby becoming subject to criminal proceedings within the national systems of individual states.

Implementation can be achieved by a variety of means. The first approach consists of the application of already valid written or customary national criminal law and is based on crimes already regulated in national legislation (such as murder, torture, grievous bodily harm and other common crimes) that are closest to the conduct in question. Such an approach, quite common during trials that followed World War II, was and is still used in more recent cases involving international crimes.[12]

The second possibility is the criminalisation of serious violations of international humanitarian law through general reference to the treaties to which the state is a party, international law in general or, most often, to the laws and customs of war, followed by a definition of the range of punishments. This approach can be found in many criminal codes. It is relatively simple to adopt and can easily be applied to all serious violations of international law, including those occurring under customary law. In addition, no new legislation is required if the relevant legislation is amended accordingly. Custom, as an unwritten rule of conduct, continuously develops, so no special acceptance process is necessary when new duties arise. The same applies to

9 Groenleer, 2015, p. 923.
10 See Garner, 2014.
11 Shulzhenko, 2020, p. 530.
12 Ferdinandusse, 2006, p. 19.

the ratification of an international treaty when the state becomes a party to a newly drafted binding document.

The third option consists of the incorporation of a list of specific criminal acts into national law, a list that corresponds to the crimes listed in the relevant treaties of international criminal law – specifically the Rome Statute in the current situation. This can be achieved in various ways: by direct reference to specific articles of the statute; by rewriting the entire list of crimes into national law using the exact wording of the statute and adding only the appropriate sanctions applicable to each crime or category of crimes; or by incorporating each crime individually and reformulating it to better match the overall text of the relevant articles. Such a specific criminalisation approach would clearly prove a major task for any legislative body, requiring considerable efforts in terms of research and drafting, with the additional risk of substantial modifications to the definitions of offences that may have different meanings. This could, in turn, entail a major revision of existing criminal law legislation, making the process long and cumbersome. On the other hand, a factor that might recommend this approach would be the perceived opportunity for legislators to amend other unrelated parts of the code as well. Nevertheless, if criminalisation is too specific and detailed, it could lack the flexibility available within other options when adaptation to new developments in international law is needed.[13]

A fourth method of implementation can follow a mixed approach and achieve criminalisation through a generic reference to international criminal law combined with the explicit and specific inclusion of certain serious crimes (such as genocide) in criminal codes. States frequently used this method before the adoption of the Rome Statute, as it enables full fulfilment of the obligations arising from the treaty while retaining an appropriate differentiation of individual crimes. However, this solution could require judges to interpret both international and domestic law, with the possibility of conflicting provisions having to be taken into account.[14]

Finally, the introduction of international criminal law is also possible through the direct application of international law in domestic law without any explicit reference to the national legislation. This is usually made possible by the wording of codes and rules that legally define the relationship between national and international law, or the provisions of a constitution in which the provisions of international law are recognised as a source for the application of the provisions of international criminal law. Another possibility is to assign a universally superior role to international law over national law in the text of a state's constitution.

13 La Rosa and Chavez-Tafur, 2010, p. 712.
14 Chavez-Tafur, 2008, pp. 1061–1075.

3. Implementation in various Central European countries

Regarding the methods whereby the Rome Statute was implemented into the national systems of Central European countries, the author discovered different approaches,[15] some of which are analysed below in terms of the similarities and differences in those approaches. The analysed countries illustrate examples of the impact of the establishment of the ICC and the implementation of the Rome Statue in Central Europe.

3.1. Hungary

The internal law of each state relates in some way to international legal norms. The relationship between international law and domestic law is a public law issue that has been dealt with in the constitutional development of the enforcement of international legal rules within the Hungarian state. Questions related to the procedure for implementing Hungary's international commitments have been ignored for decades. The Hungarian constitutional system regards international law as a separate legal system, the norms of which can only be enforced in the Hungarian legal system after a separate transformation. Hungary, therefore, applies a dualistic model to issues regarding the relationship of national and international law. In the light of the interpretation of the Constitution, called the Fundamental Law, by the Constitutional Court of Hungary, universal customary international law and the rules of international law requiring unconditional application, as well as the general legal principles recognised by the international community, are incorporated into the national system via a so-called "general transformation". International treaties, however, are implemented in Hungarian national law with a "special transformation".[16]

Nevertheless, a decision by the Hungarian Constitutional Court in 1998 stipulates that if a promulgated international treaty codifies a rule of international law that requires unconditional application, such a contractual commitment can be enforced even if it contains elements contrary to the Fundamental Law.[17]

Hungarian government representatives were present when the Rome Statute was created and accepted in 1998. In 1999, Hungary signed the treaty, and it was ratified by the Hungarian Parliament in 2001. In July 2002, the treaty gained binding force. However, the President has still not officially promulgated it, which means that Hungarian domestic law has not fully implemented the treaty. The barrier to completing the procedure is based on the arguments of the Office of the President, claiming that the Rome Statute gives rise to certain constitutional issues. Although the Hungarian

15 Hassanová, 2021, pp. 43–45.
16 Molnár, 2018, p. 1.
17 Hungarian Constitutional Court decision, N. 53/1993 (X.13).

academic community has regularly been vocal on this matter, progress in the near future seems unlikely.[18]

No official statement has been issued by the President's office regarding the reasons for not promulgating the treaty, but certain indications can be deduced from parliamentary discussions and documentation. These suggest that the main issue that concerns the President is the immunity clause, in particular its application to the head of state.[19]

Both the previous Hungarian Criminal Code and the Code of Criminal Procedure during their amendment procedures, and later the newly adopted law, included many implicit and explicit references to the ICC or an "international criminal court". However, Art. 13 of the Fundamental Law declares the functional immunity of the Hungarian President. It stipulates the conditions for his impeachment in cases of intentionally violating the Fundamental Law or a law in connection with the exercise of his office, or when committing an intentional crime. The impeachment procedure, which has never been implemented in Hungary, revolves around the idea of indignity, of becoming unworthy, in connection with the actions of a person who should have the highest moral character. This is therefore significant from the point of view of public trust.[20]

Apart from failing to promulgate the treaty, Hungary also failed to ratify the additional resolution 6 from 2010; this inserted Art. 8 bis introducing the crime of aggression. This is also probably directly connected to the issue of the immunity of the head of state since the mandatory element of the crime states that responsibility for the crime is borne by a 'person in a position effectively to exercise control over or to direct the political or military action of a State'.[21] The Fundamental Law states in Art. 9 that the President is the Commander-in-Chief of the Hungarian Armed Forces;[22] however, according to the Constitutional Court's position, the status as commander is a constitutional status and does not constitute a rank or position in the Defence Forces or the Border Guards. The position is similar to that of a director and not a leader.[23]

Taking the arguments mentioned and the possible application of law into account, the author considers the fear as unfounded and the reasoning as insufficient. First of all, even within the framework of a Hungarian special legal order, it is unlikely that the head of state, as a member of the National Defence Council, would take part in decisions to commit serious international crimes. Furthermore, there is very little possibility that the Hungarian President in his or her personal non-official

18 Kovács, 2019, p. 70.

19 The clash between the application of the Rome Statute and the issue of personal immunity is discussed later in the chapter.

20 Hungarian Fundamental Law, Art. 13, sec.1–2.

21 Rome Statute, Art. 8bis, Sec. 1.

22 Hungarian Fundamental Law, Art. 9, Sec. 2.

23 The mentioned decision was in connection with a taxi blockade, a protest against the gasoline price increase in Hungary in October 1990. Decision of the CC 48/1991. IX.26. point A/3 a).

capacity would take part in criminal actions. Regarding actions carried out before being elected, there is almost zero possibility that such a person would be able to conceal having taken part in crimes such as those stipulated in the Rome Statute. Still, if the contrary were to appear to be true, the Parliament can remove the head of state from office through impeachment.[24]

Finally, to conclude the situation in Hungary, based on the correct legislative initiative of the creators of the Criminal Code, the majority of the elements in the Statute are already included in the texts of domestic laws in almost identical form. Art. 142 prohibits genocide, defining the act as intending the total or partial destruction of a national, ethnic, racial or religious group. The concrete methods of committing the crime are exactly the same as in the Statute and the sanction of imprisonment is set from ten to twenty years or life imprisonment. Art. 143 defines crimes against humanity in almost identical fashion to the definition set down in the Statute with only minor differences, such as the addition in the Hungarian law of human trafficking or forced labour as additional methods of committing the crime, or the inclusion of 'acts causing serious physical or mental harm' replacing the crime of torture. The sanction for perpetrating these acts is ten to twenty years of imprisonment.[25]

Articles 146 to 157 stipulate the individual war crimes. Besides the crime of prohibited recruitment, ceasefire violation or violence against a representative of the enemy, numerous crimes under Art. 8 of the Statute are included in a separate prohibitive act. Examples include Art. 151 (crime of using living shields), which corresponds to the Statute's Art. 8 section 2 b) ii); Art. 152 (crime of prohibited recruiting), which corresponds to Art. 8 section 2 a) v); and Art. 154 (war looting), linked to Art. 8 section 2 a) iv). Hungarian law also prohibits the following crimes: violence against protected persons, instructions to kill survivors, attacks on protected property, use of a weapon prohibited by international treaty, attacks on a humanitarian organisation or the misuse of a badge or sign protected by international law.[26]

While there are no specific references to the crime of committing physical mutilation or forcibly carrying out medical or scientific experiments on persons in captivity,[27] it is possible to conclude that Hungarian law appropriately reflects the Rome Statute. Accordingly, the measures embodied in the Statute can be applied without further promulgation. Nonetheless, considering that there was no case concerning Hungary before the ICC, it would appropriate to promulgate the law before the issue of Hungary's failure to do so becomes a subject of discussion in The Hague.

24 Kovács, 2019, p. 80.
25 Hungarian Criminal Code, n. 2012/C, Art. 142–143.
26 Hungarian Criminal Code, n. 2012/C, Art. 146–157.
27 Rome Statute, 2002, Art. 8, sec. 2. b) x).

3.2. Slovak Republic

The ratification process in the Slovak Republic was far less interesting than in Hungary. After approval by the Government of Slovakia, the National Council decided that the Rome Statute is an international treaty according to Art. 7 para. 5. of the Constitution and therefore has priority over domestic legislation. Ratification by the President took place on 8 April 2002, and since 1 July 2002, it has been legally binding. An additional entry into the Collection of Laws was made and the treaty itself became enforceable under no. 333/2002.

Nonetheless, some of the processes that took place in Slovakia prior to the ratification should be mentioned, including the many changes introduced in order to fulfil the ratification requirements. The Constitutional Court of the Slovak Republic, in its second report on the constitutional issues that arose in connection with the ratification of the Rome Statute, presented the content of comments on the issue and the reservations of other states.[28] This report clearly shows that Slovakia had no reservations when accepting the Rome Statute. In the framework of the public administration of the Permanent Mission of the Slovak Republic to the United Nations, there is also a report related to the implementation of the Rome Statute into the legal system of the Slovak Republic.[29] This report specifies what adjustments were made to create the legal framework before ratification. The amendments addressed selected issues, such as the inclusion of crimes against humanity, the expansion of the universal scope of the Criminal Code, and the definition of war, as well as the question of the responsibility of a military commander for the acts of subordinates.[30]

The amendments to the Slovak Constitution, required to enable ratification of the Statute, were firstly drawn up in preparation for the application of the Convention on extradition between member states of the European Union by law n. 90/2001. In this context, the constitution changed the original wording of Art. 23 stipulating that 'a citizen cannot be forced to leave his homeland, and he cannot be extradited to another country' by erasing the final clause.[31] Currently the appropriate term for such an action is to "surrender" the offender to the ICC, and the term "extraditing" is not used.

Substantive provisions of the Statute were introduced into the already existing legislation of the domestic legal order, that is, the Criminal Code of the Slovak Republic. The implementing legislation clarified and broadened the scope of substantive crimes

28 Addendum to the second report of the Slovak Constitutional Court on constitutional issues that arose in connection with the ratification of the Rome Statute of the International Criminal Court. SDL-INF(2001)001. adopted by the European Commission for Democracy through Law at its 76th plenary session. 2008.

29 Report of the Permanent Mission of the Slovak Republic to the United Nations New York. No. 223/2009-USSM/EC.

30 Ferenčíková, 2022, p. 207.

31 Constitutional Law of the Slovak Republic, n. 90/2001, which amends the law n. 460/1992. Art. 1. sec. 9.

through reference to the Statute. However, a remarkable number of the substantive provisions were incorporated into chosen provisions of the Criminal Code. These included the crime of Incitation, Defamation of and Threating Persons by Reason of Race, Nation, Nationality, Colour of Skin, Ethnic Group or Origin under Art. 424, the act of apartheid under Art. 424a and crimes against humanity (described as the crime of "cruelty") under Art. 425. For this crime, the article states that a perpetrator is one who carries out a large-scale or systematic attack directed against the civilian population using methods such as murder, extermination of people, enslavement, deportation or forced transfer of the population and torture. Although some subsections are in a different order, the text of the article is the same as Art. 7 of the Rome Statute. The scope of the sentence is set from twelve to twenty-five years or life imprisonment.[32]

The crime of genocide is defined in Art. 418 as an act intended to destroy, in whole or in part, any nation or any national, ethnic, racial or religious group by any one of several means: a) causing serious injury or death to members of the group; b) implementing measures which prevent the birth of children to members of the group; c) forcibly transferring children from the group; or d) creating living conditions that are intended to lead to the complete or partial destruction of the group. The sanction for the act is set as imprisonment from fifteen to twenty years. The second section of the article prescribes the aggravated form of the act perpetrated during war or armed conflict.[33]

Slovak criminal law had already recognised many war crimes, such as using prohibited means or illegal methods of engaging in combat, looting in an area of war operations, abuse of internationally recognised designations and state symbols, endangerment of cultural values or abuse of the right of requisition. After ratification, the law was supplemented by Art. 431 (defining the crime of "cruelty" in war) and Art. 432 (persecution of the population). The war crime of "cruelty" declares that whoever violates the regulations of international law during war through cruel treatment of the defenceless civilian population, refugees, wounded, members of the armed forces who have already laid down their arms or prisoners of war shall be punished by imprisonment for four to ten years. Under the article, failure to take effective measures to protect persons who need such help, especially children, women, the wounded or the elderly, is also prohibited, as well as preventing or hindering the civil protection organisations of an enemy, neutral or other state from fulfilling their humanitarian tasks.[34] The crime of persecution is defined as committing inhuman acts resulting from national, racial or ethnic discrimination or terrorising a defenceless civilian population by violence or the threat of its use.[35] Nev-

32 Ibid., Art. 425.
33 Slovak Criminal Code (Trestný zákon), n. 300/2005. Art. 418.
34 Ibid. Art. 431.
35 Slovak Criminal Code (Trestný zákon), n. 300/2005. Art. 432.

ertheless, after the implementation of the Rome Statute, the list of war crimes was further supplemented by Art. 433 on war crimes, where the text reads as follows:

> *'Whoever commits an act considered a war crime by Article 8 of the Rome Statute of the International Criminal Court shall be punished by imprisonment for twelve to twenty-five years or life imprisonment'.*[36]

Ratification produced the need for new procedural provisions. The prerequisites to make possible the extradition of a citizen of the Slovak Republic for prosecution before the ICC were created by amendment of the Constitution in 2001 and amendment of both the Criminal Code (in 2002) and the Criminal Procedural Code. In relation to the Procedural Code, this meant the amendment of Art. 477, 478 and 480 of the fifth part devoted to the issue of legal relations with foreign states.[37] Art. 81 of the Law of the Enforcement of Prison Sentences concerning units with a safety regime was amended, to include the ability of the state to carry out sentences imposed by the ICC.[38] The law was replaced by a new one in 2008, but this action carried out prior to implementation proves the genuine intent of the Slovak government to amend the vast majority of rules related to criminal matters according to the terms and demands of the Rome Statute.

Pursuant to Article 7 par. 5 of the Constitution of the Slovak Republic, the Rome Statute directly establishes the rights and obligations of natural persons or legal entities and therefore takes precedence over the laws of the Slovak Republic, given that the Slovak Republic follows a monist legal approach whereby international law takes precedence over national law. The application of the Rome Statute within the legal system does not represent a significant problem. The only questions arise regarding the self-execution of the statute or its possible direct effect, namely in its application.[39] In addition, the issue of the immunity of officials, as set forth in Art. 27 of the Statute, was omitted since there is no explicit provision concerning the mentioned collision. Although Slovakia's criminal law legislation has been further amended since then, the changes due to the adoption of the Rome Statute represented a significant shift as well as step forward for Slovak criminal law.

3.3. Czech Republic

The acceptance process in the Czech Republic can be seen as falling somewhere between the previous examples of Hungary and Slovakia. The Czech delegation was one of those that played an active role in advancing the negotiations during the

36 Ibid.

37 Report of the Permanent Mission of the Slovak Republic to the United Nations New York. No. 223/2009-USSM/EC.

38 Law of the Enforcement of Prison Sentence (Zákon o výkone trestu odňatia slobody) n. 475/2005, para. 81.

39 Šmigová, 2019, p. 89.

creation of the Statute, and their proposals were often in opposition to those of the U.S. The Czech representatives signed the treaty in 1999, but the Czech Parliament delayed its approval due to doubts as to whether the document was in accordance with the Czech constitutional order. Consequently, this meant that the Czech Republic was the last European Union state to ratify the treaty.[40]

During the period when the Czech Republic was a party to the treaty but still had not ratified it, Czech scholars lobbied strongly for the process to be completed. Supporters claimed that the country was missing opportunities to participate in the operation and further development of the ICC. In addition, it could not refer to the ICC cases that in its opinion deserved attention and in which prosecutions should be instituted. Furthermore, the country's failure to ratify also directly influenced the composition of the Court.[41]

Parliament's multiple rejections of ratification were the result of concerns arising from other issues. Members of the Parliament were of that opinion that, in order to ratify the Statute, the Republic had to amend the Constitution in relation to the question of the immunity of its high officials, such as the head of state, members of Parliament or judges of the Constitutional Court. In addition, there were proposals to amend the competence of the president to grant amnesties, as well as the Czech Charter of Fundamental Rights and Freedoms in relation to the prohibition on forcing citizens to leave their country.[42] However, these observations regarding the ratification of the Statute were based on the procedure envisaged by the then Art. 10 of the Constitution, which put international treaties on an equal footing with ordinary laws, not with the constitutional order of the Czech Republic.[43]

The change was represented by the efforts to accede to the European Union and the amendment of the Constitution, which, among other things, introduced a new category of international treaties according to Art. 10a of the Constitution. The pertinent provision deals with the relationship between international and domestic law. It stipulates that 'some powers of the authorities of the Czech Republic may be transferred to an international organization or institution by an international treaty'. Therefore, in the proceedings on accession to the EU and its various treaties, the Parliament of the Czech Republic did not find it necessary to amend the Constitution and the constitutional order or to define how they were affected by EU law. As the Rome Statute is also an international treaty that transfers certain powers hitherto exercised by Czech authorities, the EU precedent meant there were no grounds for halting the ratification procedure.[44]

Furthermore, on the basis of the analysis carried out by the Czech Ministry of Justice in the matter of the compliance of substantive criminal law with the so-called

40 Majerčík, 2003, p. 23.
41 Hamáček, 2008, p. 212.
42 The Czech Republic has a so-called constitutional order which includes the Constitution and the Charter of Fundamental Rights and Freedoms, which have the same legal force.
43 Červenková, 2007, p. 6.
44 Malenovský, 2007, p. 28.

substantive provisions of the ICC Statute, it is possible to state that the valid Czech substantive criminal law was, in principle, more or less consistent with the Statute.[45] Where Czech law did not provide certain provisions demanded by the Statute, revisions of the relevant norms were already underway in the legislative process.[46]

Later on, in 2008, the Parliament agreed to ratification and the president, after some hesitation, signed the treaty on 8 July 2009. This strengthened the group of Central European states in the Assembly of the Contracting Parties and further contributed to reducing the risk that this group could be outvoted by Third World states in the Assembly. In addition, Czech citizens gained the right to apply for the positions of judges, and thus the activities of the Court could also be influenced by the Czech legal tradition, while, conversely, the jurisprudence of the Court could affect the legal order of the Czech Republic.[47]

In matters relating to the implementation of the Statute's provisions on core crimes, the wording of the Czech Criminal Code is similar to that of the Slovak one. Art. 400 prohibits genocide as it is stated in the Statute, the sanction being imprisonment from twelve to twenty years. No special aggravated form is stipulated in the provision.[48] The following Art. 401 defines crimes against humanity as defined in Art. 7 in the Statute, with a sanction of twelve to twenty years or life imprisonment.[49]

Part 2 of Chapter XIII, entitled 'crimes against humanity, crimes against peace and war crimes' is devoted to the topic of war crimes and crimes against peace.[50] The war crimes listed are the following: use of a prohibited means of combat and illegal conduct of combat (Art. 411), cruelty of war (Art. 412), persecution of the population (Art. 413), looting in an area of war operations (Art. 414), misuse of internationally recognised and national emblems (Art. 415), abuse of the flag and the truce (Art. 416) and harming enemy *parlementaires* (Art. 417). Some provisions specifically prohibit certain types of aggressive actions not included in the Rome Statute, such as Art. 411,[51] which explicitly prohibits destroying or damaging a dam, nuclear power plant or similar facility containing dangerous forces. However, some crimes are omitted in the text of the Code, such as the prohibition of attacks on protected cultural property or on humanitarian organisations.[52]

The legal framework accordingly implemented the necessary elements of crimes set by the establishing document of the ICC. Although some provisions in the Rome Statute are missing from the Czech substantive law, the Czech framework can be

45 Explanatory report of the Czech Ministry of Justice to the Act to amend certain laws in connection with the Criminal Code, 2009.

46 Křivánek, 2008, p. 183.

47 Bílková, 2007, p. 9.

48 Czech Criminal Code, n. 40/2009, Art. 400.

49 Czech Criminal Code, n. 40/2009, Art. 401.

50 The first provision defines the crime of aggression, while five later articles relate to crimes against peace. The articles dealing with the crime of aggression will be analysed later on in the chapter dealing with issues of actual and current cooperation.

51 Similarly, as in Art. 426 sec. 2 b) of the Slovak Criminal Code.

52 Czech Criminal Code, Art. 411–417.

judged to have effectively and appropriately reacted to the challenges arising from the country's prolonged ratification procedures.

3.4. Federal Republic of Germany

In an attempt to give a more complex overview of the issue of the implementation of the Rome Statute, the author presents the approach of a more Western but still Central European country. Germany, with its broadly influential legal tradition and strong Constitutional Court, has an impact on the perception of international law. Germany was preparing for the implementation of the Rome Statute from the moment of its creation: the Rome Statute was ratified on 10 December 1998 and German ratification took place almost exactly two years later, on 11 December 2000. Numerous implementation measures followed the ratification, with the Code of Crime against International Law and the Act on Cooperation with the ICC worthy of special mention. The acts implementing the Statute entered into force no later than the Rome Statute.[53]

Interestingly, the approach of German legislators differed from the point of view of the other states mentioned above. The definitions of crimes in the Rome Statute did not take precedence over those already included in Germany's Criminal Code. The law only stipulates the principle of *lex specialis derogat legi generali,* which in this sense means that the prevailing norm is domestic law.[54]

The act, which ratified the Statute pursuant to the Art. 59 of the German Basic Law,[55] declared the Statute an integral part of the German legislative framework and that those articles specifying the rights and duties of individuals have direct applicability. However, as a law whose status is that of an act of Parliament, many subsequent domestic laws prevail over these provisions. The duty to avoid conflict lies in the hands of the bodies applying them, that is, courts or public authorities.[56]

In many contexts, Germany's implementation measures extended the jurisdiction of German courts. The Code of Crimes against International Law declared the universality principle, enabling the German courts to use decisive powers in relation to the Statute's core crimes (genocide, crimes against humanity, war crimes and crime of aggression), including situations not directly connected to the Republic. The only precondition is that the pertinent crime be a serious criminal offence, that is, carrying a sentence with a minimum of one year of imprisonment under German law. However, this means that some crimes, like failure to report a crime, do not fall within the scope of these measures.[57]

53 German Implementation Act (Gesetz zur Ausfiihrung des Romischen Statuts des Internationalen Strafgerichtshofes), 21 June 2002, 1 July 2002. German Code of Crimes against International Law (Gesetz zur Einfiihrung des Vo1kerstrafgesetzbuches), n. 3150, 26 June 2002, 22 December 2016.

54 Trondle and Fischer, 2007, para 39–46.

55 German Basic Law (Grundgesetz), 23 May 1949, Art. 59, sec. 2.

56 HeS, Knust and Schuon, 2005, p. 134.

57 Neuner, 2003, p. 106.

Some of the crimes stipulated in the Rome Statute were *stricto sensu* unknown to the German legal framework before the implementation procedures. Since the legislators were aware that even without the Rome Statute the law needed to comply with customary international law, the implementation process seemed to be the perfect occasion to amend existing laws and also create new ones, in order to fill the current gaps in the criminal law. To give a specific and important example, Germany had not transformed the Geneva Conventions of 1949 and their Additional Protocols into its domestic law. Hence, with the creation of the new law the legislators were also able to satisfy the obligations stemming from the Geneva Conventions. The aim was therefore to transpose the Rome Statute into German law by way of a modified codification that would be both comprehensive and independent. The exact form was the already mentioned act entitled the Code of Crimes against International Law, which represented a perfect tool to achieve this goal.[58]

The Code of Crimes against International Law implemented the crime of genocide in its first chapter, section 6, with a sanction of life imprisonment or, if certain mitigating circumstances obtain, a sentence of no less than five years. Section 7 defines crimes against humanity in a similar fashion to the Rome Statute, with a sanction of life imprisonment or, if certain mitigating circumstances obtain, a sentence of no less than three to five years.[59] The second chapter deals with war crimes, such as war crimes against persons, against property and other rights, against humanitarian operations and emblems, the use of prohibited methods of warfare or consisting employment of prohibited means of warfare. When analysing the provisions one can conclude that the act completely followed the definitions laid down in the Statute.[60]

Although German law already included some provisions prohibiting the crimes set out in the Statute (for example, Germany had in 1954 ratified the Genocide Convention and transformed the international regulation into a new offence of genocide in s. 220a of the German Criminal Code), German legislators decided to implement all of the core crimes in one package, including those which were defined in the Geneva Conventions.[61] In addition, the Code of Crimes includes some extra crimes, such as violation of the duty of supervision by a commander who intentionally or negligently omits supervision of a person under their effective control and when a subordinate commits an offence prohibited by the above-mentioned act. Another crime, failure to report a crime, also relates to a commander's responsibility to report a crime committed by a subordinate.[62] Therefore, by including such measures, the German Code of Crimes demands an even higher standard than does the Rome Statute.

In a similar fashion to the approach described above, in relation to the implementation of the text setting out the means of cooperation between the ICC and the

58 Werle and Jessberger, 2002, p. 200.
59 German Code of Crimes against International Law, 2016, sec. 6–7.
60 Ibid., Sec. 8-12.
61 Gropengieser, 2005, p. 330.
62 German Code of Crimes against International Law, 2016, sec. 14–15.

German authorities, German legislators decided to create a new, self-contained Cooperation Act rather than amend the already existing legal framework. In addition, legislators had previous experience arising from their partnership with two criminal tribunals, the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda. Given that the Cooperation Act properly distinguishes between vertical and horizontal cooperation, it served later as model for other countries on how to properly introduce cooperation with the ICC into their legal systems.[63]

Germany currently tends to apply universal jurisdiction in significant cases, mainly relating to crimes committed in the Syrian context,[64] but during the implementation procedures the German legislators went even further than necessary and established a procedure that enables the German authorities to arrest individuals for surrender even before the request for surrender has itself been formulated. This is to enable those strongly suspected of committing one of the core crimes of the Statute to be surrendered to the ICC, including cases where there is high risk that the suspect will try to obstruct the investigation.[65]

When the constitutional issues regarding the immunity of high-ranking officials are taken into consideration, the German standpoint was deeply trustful. As the provision in the Rome Statute cannot affect Germany's existing obligations under international law, it implies that the ICC will examine the relevant immunities before requesting the suspect's surrender. In this regard, the question of immunity presented less of a problem than was the case in the other countries discussed here.[66]

The case law in the matter developed even further, when in 2021 the Federal Court of Justice stipulated that in customary international law, officials who hold subordinate positions cannot invoke functional immunity when facing prosecution abroad for war crimes and other serious international crimes. The state always enjoys immunity for *acta iure imperii*, but the principle of sovereign immunity cannot leave violations of the *ius cogens* law unsanctioned.[67]

The German legal system very rarely concedes competence in legal matters, with the strong position of the German Constitutional Court especially notable in this regard. In this context, certain landmark decisions – mainly concerning EU law – should be noted. Nevertheless, the ICC is one international institutions on which Germany has conferred some of its sovereign power, meaning that in cases of conflicting laws, the Rome Statute decides which norm takes precedence.[68] Consequently, by creating new acts, Germany improved the development of the ICC and thereby aided the application of international criminal law.

63 Wilkitzki, 2002, p. 198.
64 Voelkerrechtsblog. (n.d.). *The sadly neglected crime of aggression*).
65 Wilkitzki, 2002, p. 202.
66 HeS, Knust and Schuon, p. 159.
67 Case of n. 3 StR 564/19, 28 January 2021, para 11, 13, 17, 23, 35 and 43.
68 German International Criminal Court Act (Internationaler Strafgerichtshof-Statutgesetz), 17 July 1998, 8 December 2000.

4. Current cooperation and activities between the ICC and the Central European countries

The jurisprudence of the ICC concerning Central European countries is fortunately close to zero. However, some specific activities concerning the region can be analysed. Besides acting as a traditional court, the ICC has been concluding projects fostering cooperation, complementarity and universality between its signatory states. In Central Europe, it has conducted several missions. In Slovakia, a delegation of the Registry of the ICC met in 2019 with representatives of various Slovak ministries and discussed practical ways to enhance cooperation with the Court. The aim of the meeting was to take part in in-depth debates with regard to advancing endeavours in the field of voluntary cooperation.[69] With regard to current cooperation, the Czech Republic in 2022 handed over evidence of alleged war crimes perpetrated in Ukraine to the ICC. The prosecutor of The Hague Tribunal met the head prosecutor in Prague to discuss the investigation on the basis that the Czech National Centre against Organized Crime had provided testimonies from several dozen people, mostly refugees from Ukraine.[70] In Germany in 2013, the ICC concluded several regional cooperation seminars to foster cooperation with the Court and promote mutual understanding.[71] Germany also contributed financially to the Trust Fund for Victims in 2021 to support reparative justice.[72] In terms of Hungarian cooperation, we can mention the organising of a special side-event co-hosted by the Coalition for the ICC dealing with the question of the legal representation of victims.[73]

The Court's effects can be seen in various interesting forms. In March 2023, a case was filed in Germany in relation to crimes committed in Myanmar before and after the coup on the basis of universal jurisdiction. The claim was brought against senior Myanmar military generals and other actors who allegedly committed genocide, war crimes, and crimes against humanity. Myanmar does not fulfil any of the conditions for the ICC's jurisdiction. However, with the adoption of the Rome Statute, several countries updated their criminal legislation and introduced the necessary legal framework to proceed with universal jurisdiction prosecutions. In Germany, the legal grounds for the Myanmar case served the already analysed German Code of Crimes against International Law, being the result of the implementation procedure. It proves that European countries have the operational scope to address impunity even in the context of armed conflicts in Africa or Asia.[74]

69 International Criminal Court. (n.d.). *Cooperation*.
70 ČT24. (n.d.). 2023.
71 International Criminal Court. (n.d.). *Seminars fostering cooperation ICC-Germany*.
72 International Criminal Court. (n.d.). *Germany sends important message in support of reparative justice with EU110,000 contribution to Trust Fund*.
73 Statement by H.E. Gyula Sümeghy at the General Debate of the 12th Session of the Assembly of States Parties to the Rome Statute of the International Criminal Court, 2012.
74 EJIL: Talk!. (n.d.). *New universal jurisdiction case filed in Germany for crimes committed in Myanmar*

The current developments in the substantive law also represent the implementation of the newer crime of aggression into the domestic legal framework. In this sense, some Central European countries have already moved further than the others. Five Central and Eastern Europe states (Croatia, the Czech Republic, Poland, Slovakia and Slovenia), have ratified the amendment regarding the crime of aggression,[75] though the legal provisions concerning the crime have been introduced in different ways in most of these countries. In the Czech Republic, Art. 405a of the Criminal Code defines aggression by direct reference to international law.[76] In the special part of the Polish Criminal Code, Art. 117(1) sets out a vague definition of aggression, as follows: 'whoever initiates or wages a war of aggression'.[77] The Slovak legislation introduced the crime in Art. 417 under the title "Endangering Peace", prohibiting acts endangering peaceful coexistence among nations by any act of warmongering, propagating war or supporting war propaganda.[78] The Croatian and Slovenian legislators decided to reproduce the exact definition from the Rome Statute. The Hungarian and Romanian governments decided not to ratify the crime of aggression,[79] also termed the "Kampala amendment".[80] As Germany was also discussed above, it should be mentioned that Germany ratified the Kampala amendment in 2013 and implemented it through Art. 13 of the German Code of Crimes against International Law. The definition itself refers to acts which constitute a violation of the Charter of the United Nations. The provision also adds that only those persons in a position to effectively exercise control over or to direct the political or military action of a state can be held liable.[81]

5. The decline of international criminal law

'The nightmare was not long in coming; the euphoria of the 1990s was soon to be replaced with harsh reality'.[82]

before and after the coup: On complementarity, effectiveness, and new hopes for old crimes.

75 Status of the ratification and implementation of the Resolution RC/Res. 6 of the Review Conference of the Rome Statute. Information as of 29 July 2023.

76 Criminal Code of the Czech Republic. N. 40/2009, 2009, Art. 405a.

77 Criminal Code of Poland, 1997, Art. 117, sec.1.

78 Criminal Code of Slovak Republic, n. 300/2005, 2005, Art. 417.

79 Neither the Hungarian nor the Romanian Penal Code recognises the crime of aggression.

80 Bartkó and Sántha, p. 321.

81 German Code of Crimes against International Law. Federal La GazetteI, p. 2254, 22 December 2016, 2016, Art. 13.

82 Dugard, 2016, p. 6.

The above was written by Emeritus Professor of Law of the University of Leiden and ad hoc Judge of the International Court of Justice, John Dugard, in 2016, commenting on the situation of international criminal law, the ICC and civil society.

The establishment of the ICC was a long-awaited and, at first glance, successful development for criminal justice in Europe. However, dissension regarding elements of the Rome Statute soon came to the fore. Article 27 of the Statute made it clear that heads of state and government do not enjoy immunity *ratione personae* from prosecution by the Court. Based on the evidence regarding the ratification and implementation process in the above countries, we can conclude that the most problematic provision to implement was the one concerning the immunity of high-ranking officials. This question led to the prolonged and problematic implementation process in the Czech Republic, Hungary's continuing failure to promulgate the Statute and it was intentionally avoided in Slovakia.

In a judgement of the International Court of Justice in 2002 named Arrest Warrant, the ICJ declared that the high-ranking officials mentioned as well as the foreign minister possess functional immunity throughout their mandate.[83] Later, in 2012, in Germany v Italy, the ICJ even broadened the concept of immunity, when the judgement elaborated that the same immunity is applicable with regard to civil actions brought against foreign governments for committing international crimes.[84] Furthermore, the same attitude was used by the European Court of Human Rights in its 2001 decisions in the Al-Adsani case[85] and the 2014 Jones v United Kingdom case.[86]

Consequently, this immunity can protect officials from being subjected to the ICC's jurisdiction. States have generally accepted the interpretation of the majority of European courts, meaning that many states refused to incorporate Art. 27 of the Rome Statute into their national legislation. Hence, even if a person is suspected of having committed serious international crimes while holding office, the ICC cannot prosecute. Efforts to apply universal jurisdiction in cases of senior government officials in national courts have therefore regularly failed: examples include attempts to prosecute Muammar Ghaddafi,[87] Ariel Sharon[88] and Robert Mugabe.[89]

Maximo Langer published a study in 2011 showing how many European countries, including France, England, Spain and Belgium, changed their legislation after the year 2000 to limit the application of universal jurisdiction in cases concerning high-ranking foreign political entities.[90] This was followed by several attempts to

83 International Court of Justice, *DRC v Belgium*. Reports 3, 2002.
84 International Court of Justice, *Germany v Italy*. Report 99, 2012.
85 International Court of Justice, *Al-Adsani v United Kingdom* 24. 123.
86 International Court of Justice, *Jones v United Kingdom*. Judgment. 14 January 2014.
87 French Cour de Cassation, *Chaddafie* case. Arret no. 1414, 125 ILR 245, 2001.
88 Belgian Cour de Cassation, *Re Sharon and Yaron*, 42 ILM 596, 2003.
89 U.S. District Court for the Southern District of New York, *Tachiona v Mugabe*. N. 169 F. Supp 2d 259. 2001.
90 See Langer, 2011, pp. 7–42.

empower the notion of universal jurisdiction. Belgium filed a complaint in 2003 against former President of the United States George Bush and his Vice-President Dick Cheney for acts committed during the Gulf War. The development followed the idea, and in 2009 Spain amended its legislation, attempting the prosecution of officials responsible for crimes committed in Guantanamo Bay prison.[91]

Although in many countries, including Central European countries, the provision regarding immunities of officials, mainly heads of state, represented or still represents the key issue, it can be stated that the fear is unfounded. First of all, the constitution of each of these countries empowers the Parliament to deprive the heads of state of their function through an impeachment procedure. Furthermore, ICJ and ECtHR case law has frequently given precedence to the principle of immunity over the right to prosecute. Despite various attempts to bring these officials in front of the ICC, they usually failed.

6. Conclusion

The focus of this study was presenting similarities and differences in the implementation procedures of the Rome Statute in various Central European countries, providing an insight into the issues raised during its ratification, implementation and promulgation. The study also described the exact provisions which implemented the four core crimes of the ICC. The implementation of an international treaty concerning international criminal law, such as the Rome Statute, is shown to be part of a broader issue linked to the relationship between international and national law, which is regulated by the constitutional laws of the contracting states. It is therefore a matter for each contracting state to regulate this question. In addition, complications arising from the specific nature of criminal law and criminal responsibility are associated with this issue.[92]

Many Central European countries faced the issue of the collision of norms, mainly in relation to the immunity of high-ranking officials. As a result, the ratification process extended for many years in some cases, as in the Czech Republic, and in others the problem remains unresolved, as in Hungary which has still not promulgated the Statute as required for its proper application in domestic law. Although the Kampala amendment regarding the crime of aggression can be seen as problematic, all of the countries discussed here incorporated the crime of genocide, crimes against humanity and war crimes into their legislation in an appropriate fashion. The implementation of the Rome Statute in this sense meant a step forward in the story of the development of criminal justice in Central European countries.

91 Dugard, 2016, p. 8.
92 Repík, 2004, p. 29.

The fact that several large states continue to refuse to participate in the work of the Court, perhaps out of fear of their own citizens being prosecuted, is widely contested by critics. These are economically and militarily important states that often participate in foreign missions or have long-term disputes over sovereign territory with separatists, that is, states where the probability of serious crimes being committed is relatively high. While these citizens would escape the Court's jurisdiction, soldiers who are citizens of Central European countries and participate in missions under a foreign flag are at risk of possible prosecution.

The non-participation of the great powers raises doubts about the meaningfulness of the ICC. In cases involving these states, the Court will not be able to fairly punish their citizens and can only exercise its powers to the detriment of smaller, politically less influential states, which join common projects in an attempt to gain more influence on the international scene. The scepticism stemming from the belief that without the support of the great powers the ICC is powerless is also understandable.[93]

Despite the criticisms, the Court is undoubtedly of importance in the Central European region, including in terms of its preventive influence. The determination not to let the perpetrators of crimes escape and the awareness of perpetrators that they will not find shelter in the territory of another state and will not avoid punishment certainly has such a result. In addition, there is the harmonising effect of incorporating common criminal legislation, which upholds the principle of the 'same conduct same person' test.[94]

We can see that, with time, it is becoming accepted that high-ranking political and military leaders who commit serious crimes against the populations of their own countries should be brought before domestic criminal courts or the ICC. Today, in most countries of the world, it is taken for granted that the ability of political and military leaders to act with impunity must be ended.[95] In this sense, the implementation and, if necessary, application of the Statute has definitely a place and time in Central European countries.

93 Bílková, 2008, p. 11.
94 Oikya, 2022, p. 53.
95 Farkas, 2010, pp. 32–33.

References

Addendum to the second report of the Slovak Constitutional Court on constitutional issues that arose in connection with the ratification of the Rome Statute of the International Criminal Court. SDL-INF(2001)001. adopted by the European Commission for Democracy through Law at its 76th plenary session. 2008.

Bartkó, R. Sántha, F. (2022) International Criminal Law and International Crimes. In: Várady-Csema. E. Criminal Legal Studies. European Challenges and Central European Responses in the Criminal Science of the 21st. Century. Miskolc-Budapest. CEA Publishing.

Belgian Cour de Cassation. Case of Re Sharon and Yaron, 42 ILM 596, 2003.

Bitti. G. (2015) Article 21 and The Hierarchy of Sources of Law before the ICC, In: Stahn, C. The Law and Practice of International Criminal Court.

Bílková, V. (2007) V roli unijního solitéra? Česká republika a Mezinárodní trestní soud. Ústav mezinárodních vztahů Praha: 2007.

Bílková. V. (2008) Ratifikace statutu Mezinárodního trestního soudu opět na stole. In: *Právní rozhledy.* 2008.

Case of n. 3 StR 564/19, 28 January 2021.

Chavez, T. G. (2008) Using International Law to By-pass Domestic Legal Hurdles: On the Applicability of the Statute of Limitations in the Menéndez et al. Case. In: *Journal of International Criminal Justice*. Vol. 6. n.5, 2008.

Criminal Code of the Czech Republic. N. 40/2009, 2009.

Criminal Code of Poland, 1997.

Červenková, I. (2007) Předmluva. In Sborník příspěvků ze Semináře o Mezinárodním trestním soudu: Ministerstvo zahraničních věcí, Mezinárodněprávní odbor. Poslanecká sněmovna Parlamentu ČR, 2007.

Constitutional Law of the Slovak Republic, n. 90/2001, which amends the law n. 460/1992.

Criminal Code of Slovak Republic (Trestný zákon), n. 300/2005.

Decision of the CC 48/1991. IX.26. point A/3 a).

Dugard, J. (2016) International Criminal Law, the International Criminal Court, and Civil Society, In: *Acta Juridica*. Vol. 1. 2016.

Explanatory report of the Czech Ministry of Justice to the Act to amend certain laws in connection with the Criminal Code, 2009.

Farkas. Á. (no date) Nemzetközi büntetőjog és nemzetközi büntető igazságszolgáltatás. OTKA K63795. sz. projekt zárójelentése.

French Cour de Cassation, Chaddafie case. Arret no. 1414, 125 ILR 245, 2001.

Ferdinandusse. W. (2006) Direct Application of International Criminal Law in National Courts.

Ferenčíková, S. (2022) Slovakia: National Regulations in the Shadow of a common past. In: Várady-Csema. E. Criminal Legal Studies. European Challenges and Central European Responses in the Criminal Science of the 21st. Century. Miskolc-Budapest. CEA Publishing.

German Basic Law (Grundgesetz), 23 May 1949.

German Implementation Act (Gesetz zur Ausfiihrung des Romischen Statuts des Internationalen Strafgerichtshofes), 21 June 2002, 1 July 2002. German Act to Introduce a Code of Crimes against International Law (Gesetz zur Einfiihrung des Vo1kerstrafgesetzbuches),26 June 2002, 30 June 2002.

German International Criminal Court Act (Internationaler Strafgerichtshof-Statutgesetz), 17 July 1998, 8 December 2000.

German Code of Crimes against International Law. Federal La GazetteI, p. 2254, 22 December 2016, 2016.

Groenleer. M. (2015) The United States, the European Union, and the International Criminal Court: Similar values,different interest? In: *I-CON*. Vol. 13. No. 4.

Gropengieser, H. (2005) The Criminal Law of Genocide. In: International Criminal Law Review. Vol. 5.

Hamáček, J. (2007) ČR a Mezinárodní trestní soud. In Sborník příspěvků ze Semináře o Mezinárodním trestním soudu: Ministerstvo zahraničních věcí, Mezinárodněprávní odbor. Poslanecká sněmovna Parlamentu ČR.

Hungarian Fundamental Law. April 25, 2011.

Hungarian Constitutional Court decision. N. 53/1993 (X.13).

Hes, M., Knust. N. and Schuon C. (2005) Implementation of the Rome Statute in Germany. In: *Finnish Yearbook of International Law*. Vol. CVI.

Voelkerrechtsblog. (n.d.). *The sadly neglected crime of aggression*. [Online] Available at: https://voelkerrechtsblog.org/the-sadly-neglected-crime-of-aggression/ (Accessed July 27, 2023)

International Criminal Court. (n.d.). *Cooperation*. [Online] Available at: https://www.icc-cpi.int/about/cooperation?f%5B0%5D=country%3A532 (Accessed July 27, 2023)

ČT24. (n.d.). *Česko předá Mezinárodnímu trestnímu soudu důkazy o válečných zločinech na Ukrajině*. [Online] Available at: https://ct24.ceskatelevize.cz/domaci/3531070-cesko-preda-mezinarodnimu-trestnimu-soudu-dukazy-o-valecnych-zlocinech-na-ukrajine (Accessed July 31, 2023)

International Criminal Court. (n.d.). *Seminars fostering cooperation ICC-Germany*. [Online] Available at: https://www.icc-cpi.int/about/cooperation/seminars-fostering-cooperation-icc-germany (Accessed August 4, 2023)

International Criminal Court. (n.d.). *Germany sends important message in support of reparative justice with EU110,000 contribution to Trust Fund*. [Online] Available at: https://www.icc-cpi.int/news/germany-sends-important-message-support-reparative-justice-eu110000-contribution-trust-fund (Accessed August 4, 2023)

EJIL: Talk!. (n.d.). *New universal jurisdiction case filed in Germany for crimes committed in Myanmar before and after the coup: On complementarity, effectiveness, and new hopes for old crimes*. [Online] Available at: https://www.ejiltalk.org/new-universal-jurisdiction-case-filed-in-germany-for-crimes-committed-in-myanmar-before-and-after-the-coup-on-complementarity-effectiveness-and-new-hopes-for-old-crimes (Accessed August 14, 2023)

International Court of Justice. Case of DRC v Belgium. Reports 3. 2002.

International Court of Justice. Case of Germany v Italy. Report 99. 2012.

International Court of Justice. Casae of Al Adsani v United Kingdom 24. 123.

International Court of Justice. Casae of Jones v United Kingdom. Judgment. 14 January 2014.

Kovács, P. (2018) On the Specificities of the International Legal Personality of the international Criminal Court, *Hungarian Yearbook of International Law and European Law*.

Kovács. P. (2019) Miért nincs még kihirdetve a Római Statútum? Gondolatok a Római Statútum és az Alaptorvény Osszeegyeztethetoségének egyszeruségérol. In: Állam és *Jogtudomány*. Vol. LX. 1. Issue.

Křivánek (2008) Prospects for Ratification and Implementation of the Rome Statute by the Czech Republic. In: *International Criminal Law Review*. Vol.8.

La Rosa, A., Tafur. G. C. (2010) International Humanitarian Law through the Rome Statute. In: Bellelli, R. (2010) International Criminal Justice and Practice from the Rome Statute to Its Review.

Langer. M. (2011) The Diplomacy of Universal Jurisdiction: The Political Branches and the Transnation Prosecution of International Crimes, In: *American Journal of International Law*, Vol. 105. N. 1.

Law of the Enforcement of Prison Sentence (Zákon o výkone trestu odňatia slobody) n. 475/2005.
Mareček, L. (2020) Zamyslenie sa nad vývojom a významom medzinárodného trestného práva, In: Zborník z medzinárodnej vedeckej konferencie Bratislavské právnické forum.
Majerčík, Ľ. (2003) Mezinárodní trestní soud. Bakalářská závěrečná práce. MU FSS: Katedra mezinárodních vztahů a evropských studií. Brno.
Molnár, T. (2018) A nemzetkozi jog és a magyar jog viszonya. In: Jakab. A. and Fekete B. (eds.) Internetes Jogtudományi Enciklopédia.
Mihes, C.D. (2022) Romania: National Regulations in the Shadoe of a Common Past. In: Várady-Csema. E. (ed.) Criminal Legal Studies. European Challenges and Central European Responses in the Criminal Science of the 21st. Century. Miskolc-Budapest. CEA Publishing.
Neuner. M. (2003) General Principles of International Criminal Law in Germany. In: Neuner. M. National Legislation Incorporating International Cimes. Approaches of Civil and Common Law Countries. BWV, Berlin.
Oikya, U. A. (2022) Trends of National Implementation of the Rome Statute: Theoretical Perspective. In: *Pécs Journal of International and European Law.* Vol. II.
Repík, B. (2004) Problémy implementace Statutu Mezinárodního tretsního soudu do právního řádu. C.H. Beck. Prague.
Report of the Permanent Mission of the Slovak Republic to the United Nations New York. No. 223/2009-USSM/EC.
Report of the Permanent Mission of the Slovak Republic to the United Nations New York. No. 223/2009-USSM/EC.
Shulzhenko. N., Romashkin. S., Shulzhenko. O. and Mokhonchuk. S. (2020) Implementation of international crimes under the Rome Statute into national legal systems. In. *Amazonia Investiga*, Vol. 8. Issue 28.
Statement by H. E. Gyula Sümeghy at the General Debate of the 12th Session of the Assembly of States Parties to the Rome Statute of the International Criminal Court, 2012.
Šmigová. K. (2019) Princíp komplementarity v medzinárodnom trestnom práve.
Status of the Ratification and Implementation of the Resolution RC/Res. 6 of the Review Conference of the Rome Statute. Information as of July 29, 2023.
Trondle. H. and Fischer. T. (2007) Strafgesetzbuch and Nebengesette, 55th edn, Beck, Munich.
U.S. District Court for the Southern District of New York. Case of Tachiona v Mugabe. N. 169 F. Supp 2d 259. 2001.
Vigh, J. (2000) Some Basic Principles of Criminal Justice in Hungary, In: *Annales Universitatis Scientiarum Budapestinensis de Rolando Eotvos Nominatae: Sectio Iuridica*, vol. 41.
Werle, G. And Jessberger, F. (2002) International Criminal Justice is Coming Home: The New German Code of Crimes against International Law. In: Criminal Law Forum. Vol. 13.
Wilkitzki. P. (2002) The German Law on Co-operation with the ICC. In: *International Criminal Law Review.*