

Proceedings before the International Criminal Court and the role of victims

Primož Baucon, LL.B., Postgraduate Criminal Law Student at the Faculty of Law, Poljanski nasip 2 1000 Ljubljana, Slovenia

The paper summarises changes in international substantive and procedural criminal law that have occurred with the adoption and implementation of the Statute of the International Criminal Court. It devotes particular attention to the role held or supposed to be held by victims of crimes under the jurisdiction of International Criminal Court. Criminal proceedings before the International Criminal Court, which are by their nature a mixture of adversarial and inquisitorial procedure, are presented by individual stages. Criminal prosecution, particularly those conducted at the supranational level, can only be more effective by the active participation of victims in criminal proceedings. The Rome Statute therefore contains a number of provisions relating to victims of criminal offences. In order to improve the position of victims in criminal proceedings, it is necessary to: adopt precise rules defining the rights of victims to participate in criminal proceedings; introduce possibilities for victims themselves to initiate criminal proceedings; enable victims to participate in criminal proceedings in certain cases as co-prosecutors; enable victims to lodge a revision against a decision of dismissal; enable victims to file motions and pose questions to parties at all stages of criminal proceedings; facilitate the presentation of evidence indicating that victims suffered damage, loss or injury; enable better participation in criminal proceedings to selected non-government organisations for human rights which would take care of the interests of victims (perhaps even in the role of a party to the proceedings or at least of an important participant) etc.

Keywords: international criminal law, international criminal courts, criminal proceedings, the Rome Statute, victim, the position of victims

UDC: 343.122: 341.64