The Review Conference and the Future of the International Criminal Court

Proceedings of the First AIDP Symposium for Young Penalists in Tübingen, Germany, co-organized by the AIDP YP Committee

edited by

Christoph Burchard · Otto Triffterer · Joachim Vogel
# Content

**Introduction by the Editors** .................................................. V

**Welcoming Words** ............................................................ 1

Welcoming words by
Peter Wilkitzki ................................................................. 3

Welcoming Words by
Zoe N. Konstantopoulos ...................................................... 5

**Key-Note-Speech** ............................................................... 7

Otto Triffterer
The Court in Danger? Future Perspectives for International Criminal Law and its Enforcement Mechanisms ...................................................... 9

**Substantive International Criminal Law** ........................................ 65

Thomas Weigend
Superior Responsibility: Complicity, Omission or Over-Extension of the Criminal Law? ................................................................. 67

Boris Burghardt
Modes of Participation and their Role in a General Concept of Crimes under International Law ................................................................. 81

Björn Jesse
The Rome Statute’s Relative Significance and the Need for Its Immanent Interpretation ................................................................. 95

Mohamed Elewa Badar
Some Reflections on Article 30 of the Rome Statute in Light of the Lubanga & Katanga Decisions on the Confirmation of Charges ......................... 109

Dov Jacobs
The Sheep in the Box: The Definition of the Crime of Aggression at the International Criminal Court ................................................................. 131

**International Criminal Responsibility of Collective Units** ............... 153

Larissa van den Herik
Subjecting corporations to the ICC regime: analyzing the legal counterarguments ...................................................... 155

Marc Engelhart
International Criminal Responsibility of Corporations ...................................................... 175

Athanasios Chouliaras
State Crime and Individual Criminal Responsibility: Theoretical Inquiries and Practical Consequences ...................................................... 191
Content

International Criminal Procedure .................................................. 215

Kanako Takayama
ICC Proceedings and Comparative Law ........................................... 217

Steven Becker
The Appearance of Impartiality: The Disqualification of Judges for Pre-Elevation Activities and Opinions –
The Tension between Qualification and Bias .................................. 225

Emmanuelle De Bock
Multi-accused Cases and the ICC:
Challenges Concerning General Principles, Admissibility and Evaluation of Incriminating Evidence .................................................. 237

Interplay of National and International Jurisdictions ....................... 253

Christian Ritscher
International Criminal Law in the Domestic Legal Order: An Introduction from the Perspective of German Legal Practice ........................................... 255

Julia Geneuss
Interplay of National and International Jurisdictions:
The German Code of Crimes Against International Law .................. 263

Dawn Sedman
Article 20 ICCSt and the principle of Ne Bis In Idem ....................... 277

Frank Zimmermann
Judicial assistance and equality of arms – to what extent can European Cooperation in Penal Matters serve as a model for the reviewed Rome Statute? ........ 287

About the Authors ........................................................................ 309