

## Summary for the Workshop of International criminal Justice\*

Distinguished president of AIDP prof. De la Cuesta, and AIDP Mexican Chapter Prof. Fernando, Chairman prof. Epp, Colleagues, ladies and Gentlemen,

I with my colleague Mr. Peter Wilkitzi co-chaired the workshop of International Penal Justice in the afternoon of Nov. 19. At the beginning, both of us felt that it would be very easy for us to finish our task because prof. Bassiouni and De la Cuesta had established very good basis for our afternoon discussion. Two of them together gave us a whole picture of international penal justice through their opening lectures in that morning. However, very soon after the workshop started, we found that we looked like eye witnesses or defendants who were cross examined by you, experts, scholars and law school students and most of questions raised by the participants are related to common law system, civil law system, Mexican domestic criminal law or other national criminal law issues. Then we found that it is true. There is no globalization in view of law, the world is not unified and there is no inheritance of international penal justice as prof. Bassiouni and De la Cuesta said.

There is lacking universal accepted international penal law and form of international penal justice in practice. However, we share the common sense that international crimes especially genocide, crime against humanity, war crime, terrorism crime and other serious crimes shake the conscience of human beings. We share the common value, criteria, norms and principles as well for fighting those international crimes. Basing on these recognition, international society successfully conduct Nuremberg and Tokyo trials after World War II, the tribunals not only clarified and defined the crimes, but also created the principle of individual criminal responsibility as well; successfully established ICTY and ICTR in accordance with UN Security Council Resolutions after cold war, the tribunals further develop the international penal justice by many ways such as involving crimes committed during arm conflict with no-international characteristic within the jurisdiction of tribunal, which was provided by Geneva Convention common article three; successfully created ICC and principle of complementarity and responsibility of commanders and other superiors. ICC starts to deal with situations referred by governments of Democratic Republic of Congo, Central Africa, and Uganda, and Sudan Darfur situation referred by UN Security Council.

Besides that, there are several internationalized special courts in East Timor, Sierra Leone, Cambodia and newly established Special Tribunal for Lebanon.

All these international or internationalized tribunals and courts show that international society needs international penal justice to maintain the peace and security of the world, and gradually accept the norms and principles of international penal justice, at least the 105 states become the state parties of Rome Statute can be the proof on the one hand, on the other hand, it shows that we still have a long way to go for international criminal law and penal justice. We believe that the AIDP lead by our president Prof. De la Cuesta will contribute our great efforts to international

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\* Workshop coordinator: Peter Wilkitzki and Wang Xiumei. Workshop panelist: Higinio Ramiro Ramos.

penal justice by researching and drafting universal accepted principles and play key role in harmonizing criminal law in global world.