

Warsaw, 2 June 2022

REPORT of the scientific activities of the Polish Group of the International Criminal Law Association, 2021/2022

In 2021, starting from the meeting on March 23, 2021, regular meetings of the Polish group of the International Criminal Law Association and its effective activities were resumed. At this meeting, a preliminary version of the regulations of the Polish group of the International Criminal Law Association was adopted. The regulation has been accepted by the General Assembly of the Polish group.

Two main directions of activities of the renewed Polish group were set. Firstly, the preparation of the Polish report as part of a questionnaire prepared every four years by AIDP, this time concerning the issues of criminal law and AI (artificial intelligence) – entitled “Traditional Criminal Law Categories and AI: Crisis or Palingenesis?”. The second direction of the Polish section's activities was to disseminate knowledge about the existence and activities of the Polish group of the International Criminal Law Association and to encourage people to join the group.

The Polish section organized scientific meetings with outstanding experts of international renown in the field of intelligent systems: on May 25, 2021, our guest was Prof. Roman Słowiński, who presented an introduction to the subject of artificial intelligence and how to understand it in a paper entitled “Artificial intelligence as a factor in the development of technology and scientific research”. On June 15, 2021, we had the pleasure to listen to two papers: “What is artificial intelligence” – delivered by Paweł Wawrzyński, PhD, Eng., from the Warsaw University of Technology, and “Artificial intelligence as a legal problem” – delivered by Dr. Michał Araszkievicz, from the Jagiellonian University.

On November 25, 2021, a scientific conference entitled “New technologies in criminal law – desirable directions of reforms” was held at the University of Wrocław, organized by the Incubator of Scientific Excellence – Digital Justice and the International Association of Criminal Law (AIDP) – Polish Section. The third panel of the conference was devoted to the subject of the Polish section of the AIDP national report, and it was entitled “The use of artificial intelligence in decision-making in criminal law” (AIDP National Report). As part of this panel, the following papers were presented: Attribution of the perpetration of a criminal act in the face of new technologies. Challenges of substantive law; The development of

artificial intelligence and the need to change the specific part of criminal law – selected issues; The use of artificial intelligence to prevent and detect crimes and to try their perpetrators - science or fiction?; Responsibility of automatic weapons for crimes of international law?

Since February 2022 the Polish group is active mostly in one domain – in the field of research and analysis conducted as regards crimes of international law committed in result of the aggression of Russia on Ukraine. On 11 March 2022 a national seminar was organised entitled: Criminal liability before the International Criminal Court for crimes committed in connection with the war in Ukraine, where among others, a paper was presented on „Possibility and effectiveness of prosecution for the crime of aggression of persons responsible for the attack on Ukraine”.

One of the most important areas of activities in this area of research is the cooperation of the Polish group of the AIDP in the „Project Sunflowers” ([Home Page \(projectsunflowers.org\)](http://projectsunflowers.org)). This project, established as cooperation among numerous organisations is designed to be complementary to the activities of state authorities or any international courts established to prosecute and adjudicate war crimes, a war against humanity, genocide, aggression, or other serious human rights violations connected to the recent Russian invasion of Ukraine.

The founders of the Project Sunflowers are: the Peace and Justice Initiative, the Polish group of the International Association of Penal Law (AIDP), the Ukrainian group of AIDP, the Pravo Justice Project, the Centre for IHL and Transitional Justice, ECOM, the Polish Bar Council, the Association of Legal Intervention and Ewa Hofmańska. The founders of this initiative came to a conclusion that there is a need to identify potential witnesses for the ongoing investigation of the situation in Ukraine by the Office of the Prosecutor (OTP) of the International Criminal Court in The Hague, as well as current and future investigations by the national prosecutor's offices of countries into crimes committed in Ukraine. At the same time, there is also a need to identify victims for future reparation proceedings, whether at the international or national level. The number of potential witnesses to the crimes committed in Ukraine is enormous, and no justice system is able to cope with the sheer volume of information they possess. Past experience in international and domestic criminal proceedings for such crimes indicates that only a few of the victims will testify before prosecutors, and even fewer will testify on the stand in a court. Therefore, as the founders of this project stated,

it is important to collect information regarding evidence of such crimes. This project is designed to be complementary to the activities of state authorities or any international courts established to prosecute and adjudicate war crimes, war against humanity, genocide, aggression, or other serious human rights violations connected to the recent Russian invasion of Ukraine. The goal of this cooperation is to establish a network of lawyers, who will collect the information on evidence and harm suffered as a result of crimes committed in Ukraine from the refugees, protecting their confidentiality. It will serve as a potential source of information for criminal proceedings and for the preservation of the historical truth.

In the frames of this initiative the Polish group of the AIPD co-organized three seminars:

- “Collecting information and victims’ rights regarding atrocities committed in Ukraine since 24 February 2002”, presided by Marina Lostal and Matthiew Gillet, on 4 March 2002;

- “Gathering information on violations of international humanitarian law and other atrocities committed in Ukraine since 24 February 2022” – where the main speaker was Anna Adamska-Gallant, Ph.D., lawyer with vast professional experience in international criminal law; served as an international judge in Kosovo, where she heard war crimes against humanity; a key international expert on the judiciary of Pravo Justice, the biggest EU project supporting the judicial reform in Ukraine, on 19 May, 2022.

- “Victims' rights before the International Criminal Court, the current stage of the Ukraine situation, and what can victims do at this stage”, with – among others – Philipp Ambach, Ph.D., Chief of the Victims Participation and Reparations Section at the International Criminal Court, as the speaker, on 24 May 2022.

With best regards

Hanna Kuczyńska, the Secretary of the Board of the Polish group of the AIDP