

PROBLEMATIC ISSUES OF SUBSTANTIVE AND PROCEDURAL LAW IN WAR CRIMES AND CRIMES AGAINST HUMANITY

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ABSTRACT: *The subject of this paper is to analyse the practical implications of the establishment of the International Criminal Court, seeking to identify the legal obstacles to the proper functioning of this institution. In terms of substantive law, the need to incriminate the offence of aggression and the offence of using nuclear weapons in national legislation is highlighted. In terms of procedure, the article deals with aspects of the ne bis in idem principle, the problems and specificities of gathering the evidence needed to prove war crimes and crimes against humanity, as well as possible conflicts between the legal principles of the judicial systems of the States Parties to the Statute of the International Criminal Court, in particular between the principles of Anglo-Saxon law and those of Romano-Germanic law.*

KEYWORDS: *International Criminal Court, genocide, crimes against humanity, war crimes, war in Ukraine.*

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¹Birtu-Pîrăianu A.-M., *A fi sau a nu fi genocid? Drama femeilor din Darfur/Sudan-piesa unui genocid ascuns*, in the Annals of „Ovidius” University, series Istorie, vol. 6, 2009, pp. 173-196.