

## Launch of the book 'Legal Responses to Transnational and International Crimes. Towards an Integrative Approach', followed by a Panel Discussion

7 February 2018

On 7 February, the T.M.C. Asser Instituut, the Cassese Initiative and the IHCL Platform jointly organised a launch event of the book '[Legal Responses to Transnational and International Crimes. Towards an Integrative Approach](#)'. The book was co-edited by Prof. Harmen van der Wilt (University of Amsterdam) and Dr. Christophe Paulussen (Senior Researcher at the T.M.C. Asser Instituut).

**Dr. Christophe Paulussen** is one of the co-editors of the book. He opened the event by welcoming all the speakers and guests. After a brief introduction of the co-organisers and of the ongoing francophone [training programme on international and transnational criminal law](#) with African judges and prosecutors taking place at Asser that week, he drew attention to the growing focus on the interaction between transnational crimes and international crimes these years. He highlighted one example, the crime-terror nexus, which has been increasingly put on the agenda of international agencies including the United Nations Security Council (UNSC), the United Nations Office on Drugs and Crime (UNODC) and Europol. However, he continued, the current book addresses not only terrorism, but a number of transnational crimes and their interaction with non-controversial international crimes, with a particular focus on the applicable legal frameworks and their challenges. He then introduced the content of the book chapter by chapter while drawing attention to the multi-faceted nature of the issues covered by the contributions. Dr. Paulussen then handed over the first copy of the book to Mr. Ladislav Hamran, President of Eurojust, and welcomed him to the floor.

**Mr. Ladislav Hamran's** keynote speech was titled 'Fighting Transnational and International Crimes: A Shared Responsibility Empowered by Judicial Cooperation'. He considered that the editors and authors of the book offered 'a fascinating reading about the state of affairs in international criminal law' and welcomed the contributions to the ongoing debate on the role and limits of national justice systems. International courts and tribunals have been ensuring that the investigation and the prosecution of crimes are not left only to the states. After Nuremberg, a new era of international criminal justice started in The Hague following the opening of the International Criminal Court (ICC), with several ad hoc tribunals in between these landmark developments. Mr. Hamran emphasised that international criminal justice is a journey that requires a lot of patience and its results are not always immediate. The ultimate goal of any judicial authority is to promote the idea of justice and the rule of law—a solemn, noble and ambitious mission as well as a long, difficult journey. Indeed, the road to justice is paved by evidence and the journey to ending impunity is not a seamless highway. Instead, it is full of challenges and leads through more than 300 jurisdictions. 'With the efforts of all of us', Mr. Hamran said, 'we will bring to a final end the era of impunity for inhuman acts.' He concluded his speech by emphasising the importance for national and international jurisdictions to work more closely together, in order to achieve this goal.

Following the presentation by Mr. Hamran, **Dr. Marta Bo**, Researcher at the T.M.C. Asser Instituut and one of the contributors to the book, guided the audience through a specific case study, based on her chapter in the book, titled 'Piracy at the Intersection Between International and National: Regional Enforcement of a Transnational Crime'. Dr. Bo first drew the audience's attention to the differences between international criminal law (ICL) and transnational criminal law (TCL) and located the crime of piracy under TCL. She began her reasoning by referring to various articles in the United Nations Convention on the Law of the Sea (UNCLOS) and argued that the main purpose of the piracy regime under UNCLOS is to provide states with an additional ground of jurisdiction in order to fill the gap of impunity caused by geographical and technical constraints, which mirrors the characteristics of TCL as well as the suppression conventions. The doctrinal basis for the criminalisation of piracy differs from that of international crimes: while the criminalisation of international crimes draws heavily on moral doctrines, piracy is criminalised based on economic, technical and geographical grounds. On the other hand, the regime of TCL that governs the prosecution of piracy is also in the embryonic stage, as opposed to crimes under ICL. Finally, states often adopt national definitions of piracy that are different from that provided in UNCLOS or are divergent from each other. Dr. Bo then moved on to examine

the theoretical and practical implications of such differences. She specifically focused on the fragmentation of criminal procedure in the prosecution of piracy, as a suspect often is handled by several jurisdictions in the apprehension, arrest and detention stages before trial. Certain states, for example, only recognise a part of the whole process to be within their jurisdiction, sometimes only after a suspect is transferred to the mainland. Informal forms of cooperation such as informal transfer of suspects also occur among states, which may have an impact on the criminal procedure. After raising these challenges, Dr. Bo posed this question: how do we want to conceptualise criminal proceedings in relation to transnational crimes? She invited the audience to draw lessons and practices from the international criminal tribunals. At the same time, she recognised several achievements in relation to piracy, such as successful cooperation among states in terms of deterrence and increased attention on topics fairly overlooked in TCL such as the human rights of suspects of crimes at sea. She concluded her presentation with comments on the potential of developing guidelines on transnational criminal procedure, which left the audience with much food for thought.

The audience joined in an engaging discussion with the speakers during the Q&A session following the presentations. The exchange largely concerned the piracy case study delivered by Dr. Bo, as several rounds of questions were raised on existing examples of piracy prosecution, remedy for procedural problems, and the relationship between TCL and international human rights law.