



**Matjaž Ambrož, Ljubo  
Bavcon, Zvonko Fišer, Damjan  
Korošec, Vasilka Sancin,  
Liljana Selinšek, Mirjam Škrk:  
*Mednarodno kazensko pravo  
(International Criminal Law).***

**Ljubljana: Uradni list Republike Slovenije, 2012, 542 pp.**

Ten years after the enforcement of the Rome Statute in 2002, which established the first permanent international criminal court (ICC), and after numerous textbooks on international criminal law in other languages, Slovenian students, practitioners and theoreticians finally got their first comprehensive textbook on international criminal law written in Slovene.

There have been but a few textbooks in this field, beginning with the *Mednarodno kazensko pravo (International Criminal Law)*, written in 1997 by Ljubo Bavcon, et al, which marked the emergence of this field in Slovenia. This was at the time the International Tribunal for the Former Yugoslavia and Rwanda were starting to have some effect. This text focused only on international crimes and activities of the Council of Europe. Beyond that, international criminal law only found its place in textbooks on national criminal law. The new textbook is therefore the first Slovenian textbook which comprehensively covered all relevant parts of international criminal law: introduction, substantive international criminal law, organisational criminal law, international cooperation and procedure at the International Criminal Court (ICC).

The introductory section discusses the development of international criminal law from roman times, with special emphasis on the period beginning with first Geneva conventions from 1864, the sources of international criminal law and various views on relation between national and international criminal law, which has been very contentious due to the sovereignty of states. The sovereignty of states has been slowly devolving though for the benefit of prosecution and prevention of the most horrible international crimes.

The General section of substantive international criminal law analyses all typical substantive criminal law issues, which can be found in national criminal codes; principles, complicity in crimes, guilt, defences, attempt, rules on statute of limitation, command responsibility and sentences.



Its special section deals with core international crimes (genocide, war crimes, crimes against humanity and aggression) and other international crimes (for example torture, terrorism, crimes against the economy). The first group is called the core, because they can be prosecuted on national and international levels, whereas the second group has been regulated in international treaties and has to be implemented into national legislation. They are both discussed in an evolutionary manner and from the viewpoint of statutory regulation, theory and existing case law.

The chapter on international and mixed tribunals discusses the jurisdiction, organisation, procedure and other relevant characteristics of all tribunals that have existed so far (to name only few: the Nuremberg Tribunal, International Tribunal for Former Yugoslavia, Special Chambers of Cambodia, Special War Chamber in Sarajevo, etc.).

Under the subtitle “Elements of international cooperation in criminal matters,” one can learn much about traditional and newer forms of international cooperation, such as extradition and surrender, and the last chapter focuses on procedures at ICC.

What also makes this textbook so important is the nature of its evolution. It was namely written in cooperation between two different chairs: chair for criminal and international law. This is of significance, because there is usually a dispute between these two law fields, each claiming the ownership of international criminal law and consequently imposing its fundamental characteristics. This textbook however tries to combine, and make compromise between, both views.

Although the topic seems abstract and theoretical at first sight, this is not necessarily the case. The textbook is also very valuable not only for students of this subject, but also for practitioners as well. Slovenia has universal jurisdiction for the prosecution of criminal acts committed outside the territory of Slovenia, when the perpetrator is apprehended in Slovenia, and after amendments to the Criminal Code in 2011, also without their apprehension. Slovenia has also ratified the Rome Statute and is therefore obliged to prosecute perpetrators of international crimes within its reach. When we combine these two facts it is clear that Slovenia has international obligation under the Rome Statute and under other international acts and the day may come, when it will be obliged to fulfil it, not only if an armed conflict occurs in Slovenia, but also, if a perpetrator of international crimes is found on Slovenian territory. When prosecuting other crimes with international elements, Slovenia also often finds itself in a need of cooperation with other states, in and outside the European Union. Thirdly, Slovenia is a member of European Union, which has also put much emphasis on the simplification and enforcement of rules on international cooperation in criminal matters. Fourthly, Slovenia is sending military contingents to military missions very often and Slovenian soldiers could face criminal responsibility for their acts, if they were to commit criminal acts. Knowledge of international criminal law is therefore crucial and it can certainly be found in this textbook, which can be equalled to any textbook in English or other foreign language, written by prominent authors, such as *Cassese* and *Ambos*.

All these chapters make 494 pages of text, followed by the subject index, which makes it quite an extensive textbook and a very thorough scientific work. This can



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be substantiated by the width of the subject and extensive bibliography, which covers fundamental and also current works on the topic. What one maybe misses is at least some discussion on European criminal law, which could, however, fill another textbook.

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