REVIEW

of the supervisor of the dissertation for the degree of PhD in International Law by doctoral student

Wang Heyong, on the topic «Jurisdiction of the International Criminal Court to Prosecute Individuals»

The dissertation is devoted to the study of one of the key aspects of international criminal law - the jurisdiction of the International Criminal Court (ICC). The issues raised by the author are of fundamental importance for ensuring international justice and preventing impunity for serious crimes against humanity.

Relevance of the study.

Modern international relations are characterized by significant challenges in the field of human rights, international security and the fight against impunity for crimes that harm all humanity. Against this background, the role of the International Criminal Court as the central body of international criminal justice becomes especially significant. Studying the jurisdiction of the ICC is important for understanding its capabilities, limitations and impact on the international legal system.

The author emphasizes that the globalization of conflicts, the growth of transnational crimes and the complexity of the interaction between national and international justice systems require an in-depth analysis of the legal mechanisms for bringing individuals to justice. The dissertation clearly demonstrates this relevance and proposes concrete approaches to solve the problems associated with the ICC jurisdiction.

This study points out that the International Criminal Court is a product of the world federal movement and is an ideal project created by the international community by analogy with the domestic monistic legal system. However, the legal system of the international community is dualistic, and the international community is a society based on sovereign states. Therefore, the activities of the International Criminal Court are full of difficulties in the real international community.

This study presents the German "functionalist theory of criminal law" and points out that the International Criminal Court uses the method of functionalist interpretation to interpret the Rome Statute in judicial practice. Functionalist interpretation means not adhering to the formal meaning of the norms and even departing from the literal meaning of the norms and the original intention of the legislator to interpret the text of the norms on the merits, and then expanding the definition of crimes falling under its jurisdiction and the scope of admissible cases in order to achieve the goal of criminal policy of "eliminating impunity". It also provides the reasons for the International Criminal Court's adoption of a functionalist interpretation of the Rome Statute: the uncertainty of the normative terms and methods of legal interpretation of the Rome Statute, as well as the conflict between multiple objectives, prompt the Court to adopt a functionalist interpretation of the Statute. Since the functionalist interpretation violates the principle of the legality of crime and punishment, undermines the Statute's function to protect human rights,

goes beyond the powers of state parties and violates the principle of state sovereignty, the International Criminal Court faces a crisis of legitimacy.

Scientific novelty.

The author's work is distinguished by its scientific originality and depth of analysis. Among the key achievements of the study are:

1. Rethinking the principle of complementarity - the author examines in detail how national courts can interact with the ICC and in what cases this interaction becomes difficult.

2. Consideration of the personal jurisdiction of the ICC over high-ranking officials - the dissertation offers an original view on the issue of immunity and responsibility of heads of state. 3. Justification of approaches to expanding territorial jurisdiction - the author analyzes issues related to jurisdiction in situations where crimes are committed in states that are not parties to the Rome Statute.

4. Analysis of case law - the author pays attention to cases pending before the ICC and uses them to confirm his theoretical conclusions.

These aspects demonstrate a high level of novelty and relevance of the study, which enriches modern scientific literature on international criminal law.

Theoretical and practical significance.

The work has both theoretical and applied value. The theoretical significance lies in the systematization of knowledge about the ICC jurisdiction and the proposal of new approaches to solving problems related to its effective functioning. The author raises issues that have not yet been sufficiently developed in science, for example, the intersection of the principles of complementarity and universal jurisdiction.

The practical significance is expressed in the fact that the author's recommendations and conclusions can be used:

1. In the development of international treaties and other regulations governing the interaction of national judicial systems and the ICC.

2. In law enforcement practice, especially in difficult situations when national courts are unable or unwilling to hold those responsible accountable.

3. For educational purposes, since the dissertation is a valuable resource for students and teachers of international law.

Structure and content of the work.

The dissertation has a clear, logical structure and a deep elaboration of each of the parts. The author skillfully distributes the material, starting with general theoretical issues and moving on to the applied aspects of the ICC jurisdiction. The analysis is based on a wide base of sources, including:

- International legal documents (Rome Statute, statutes of international tribunals).
- Judicial practice of the ICC and other international courts (cases against Omar al-Bashir, Laurent Gbagbo, etc.)

The style of presentation is logical, consistent and clear. The dissertation is structured, key provisions are clearly highlighted, and the sources used are carefully analyzed. The author demonstrates a deep knowledge of international criminal law,

which is confirmed by an extensive bibliography and an appeal to modern scientific research.

Despite the high scientific value of the work, several aspects can be noted that could be further disclosed:

1. A detailed analysis of the effectiveness of the ICC's interaction with states that are not parties to the Rome Statute.

2. Deepening the study of jurisdictional issues in cases where international crimes are committed in the context of hybrid conflicts. These aspects, although they do not diminish the value of the work, could enrich the study.

The dissertation "Jurisdiction of the International Criminal Court to Prosecute Individuals" is a significant contribution to the development of the science of international criminal law. It is distinguished by its relevance, originality and practical significance. The work demonstrates the high level of professionalism of the author and deserves a positive assessment.

The dissertation is recommended for defense, and its author is worthy of being awarded the academic degree of PhD in International Law.

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ЗАВЕРЯЮ
Начальник управления подготовки и аттестации
научных кадров КазНУ им. аль-Фараби
«08» 01 2025 ж./г.

«ӘЛ-ФАРАБИ АТЫНДАҒЫ ҚАЗАҚ ҰЛТТЫҚ УНИВЕРСИТЕТІ» КОММЕРЦИЯЛЫҚ ЕМЕС АКЦИОНЕРЛІК ҚОҒАМЫ
НЕКОММЕРЧЕСКОЕ АКЦИОНЕРНОЕ ОБЩЕСТВО «КАЗАХСКИЙ НАЦИОНАЛЬНЫЙ УНИВЕРСИТЕТ ИМЕНИ АЛЬ-ФАРАБИ»
NON-PROFIT JOINT STOCK COMPANY «AL-FARABI KAZAKH NATIONAL UNIVERSITY»
ӘЛ-ФАРАБИ УНИВЕРСИТЕТІ
БИН 990140001154