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The Territorial Jurisdiction of the International Criminal Court: Certain Contested Issues

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Certain Contested Issues**

Propositions

(in accordance with Article 12 of the Leiden University PhD Regulations 2008)

1. Article 12(2)(a) of the Rome Statute may be interpreted in line with the theories of subjective and objective territoriality, ubiquity and the effects doctrine of anti-trust jurisdiction, so as to extend the Court's territorial jurisdiction.
2. The territorial jurisdiction of the International Criminal Court over crimes committed in State Party territory occupied by a State not Party remains unaffected by the fact of belligerent occupation.
3. The International Criminal Court has territorial jurisdiction for crimes committed in occupied Cyprus as territory of the Republic of Cyprus, under Article 12(2)(a) Rome Statute.
4. The teleological interpretation of Article 12(2)(a) of the Rome Statute cannot be restricted due to the principle of delegation of authority.
5. The principle of legality under contemporary international criminal law is not applicable in the interpretation of the Article 12(2)(a) of the Rome Statute.
6. The right to a fair trial may be conditionally applicable to the interpretation of the territorial jurisdiction of the International Criminal Court.
7. Under contemporary international law, the limits to the Court's territorial jurisdiction are to be deduced primarily by recourse to the principle of non-intervention, viewed in the light of Mann's doctrine of jurisdiction ('the doctrine of connecting links').
8. The rationale underlying the implementation of the effects doctrine of jurisdiction developed in the field of anti-trust criminal law and customary international law is transposable to the prosecution of core crimes by the International Criminal Court.
9. The expansive territorial jurisdiction of the International Criminal Court may facilitate transparent democratic governance and become a vehicle of social change in local societies.
10. The expansive jurisdiction of the International Criminal Court will facilitate transparency in international economic transactions by adding to any prior cost-benefit analysis by an interested undertaking the consideration that geographic distance between the place of the transaction/business activity and the entrepreneur(s) involved in it is not per se a sufficient bar to international prosecution and punishment.

11. The promotion of the ideal of international justice through the teleological interpretation of the territorial jurisdiction of the International Criminal Court will strengthen the vision of the creation of a contemporary *civitas maxima*.

12. The teleological interpretation of the territorial jurisdiction of the International Criminal Court has the potential of strengthening the crystallization of the perception of the minimum standards of moral behaviour acceptable on the international plane.