

CAN THE INTERNATIONAL CRIMINAL COURT BE USED AS A SOURCE OF FAKE NEWS?

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***Summary:** The paper aims to review the scope and competences of the International Criminal Court in order to assess the accuracy of the information regarding the prosecution of high officials responsible for the crimes in Ukraine, punished by the statutes of the Court. The study does not aim to explore all news related to the main topics, but to signal out how the information extracted by the media might generate conclusions that do not have legal standing.*

***Keywords:** International Criminal Court, Ukraine war, fake news, prosecution*

Introduction

We started the analysis of the subject because the situation in Ukraine has been challenging the world and especially the European legal order for many years, but also because one of the instruments of force of this order is the criminal liability of those responsible for this humanitarian crisis. At the same time, the media propagates the idea of an investigative action carried out by the Office of the Prosecutor of the International Criminal Court (OTP - Office of the Prosecutor), and consequently, in a general manner, by the International Criminal Court, which will hold Putin accountable. This last idea juxtaposed in the broad context of many other ideas regarding the situation in Ukraine asserts itself as a myth: a Magnificent, Bravery and Unprecedented action of bringing criminal liability to an individual who has the ability to shudder the European world

investigative approach, which will be useful at the forensic level, namely at the level of documentation and probation of the crimes committed in Ukraine. However, given the present status quo, as described above, we believe that international criminal law does not yet allow for the indictment of President Putin by the International Criminal Court¹⁶.

Also here, we will highlight an idea, not necessarily a conclusion, namely that the Romanian Vespasian Pella is the promoter of the idea of an international criminal court, an idea realized almost half a century later¹⁷.

Finally, affirming for now that there is no *opinio jure sive necessitatis* for the exercise of jurisdiction by the International Criminal Court, ignoring the requirement of complementarity, even if the approach of the prosecutor of this court is a salutary approach, we must point out that no event of international resonance remains without consequences and reactions from the international community. It should therefore be noted that the exercise of universal jurisdiction over acts that represent international crimes is an essence of the conscience of international civil society that may lead to the mobility of the jurisdictional limits of the members of the community, so as to reach the final goal of satisfying its requirements¹⁸.

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¹⁶ It should be noted here that an extensive study has been made on the effects of treaties in force, by means of a systematic field-wide evidence synthesis to evaluate the effects of international treaties, which included a rigorous systematic review of all existing quantitative impact evaluations of treaties based on a published protocol. The study found that in the field of humanitarian law, the treaties failed to reach their desired scope, given the lack of enforcement mechanisms. For more details, Steven J. Hoffman *et alli*, *International treaties have mostly failed to produce their intended effects*, PNAS 2022 Vol. 119 No. 32.

¹⁷ Vespasian Pella, *La criminalité collective des États et le droit pénal de l'avenir*, București, Imprimerie de L'État, 1925

¹⁸ Andrei Palade, *Jurisdicția universală asupra crimelor internaționale*, ed. Universitară, 2006, pp. XIII-XVI

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