

OPEN PEER REVIEW

The Role of the Prosecutor in the Collection and Evaluation of Evidence in the International Criminal Court

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1. Round 1

1.1. Reviewer 1

Reviewer:

The sentence "The Court may entirely reject the Prosecutor's evidence which stems from the weaknesses of the Prosecutor" is somewhat vague. Clarify what specific weaknesses you are referring to in the role of the prosecutor (e.g., lack of investigative resources, political interference).

You cite "5229 individuals were recognized by the Court as victims," but no information is given about the process of victim recognition. Elaborate on the standards and procedures for victim recognition in ICC cases to enhance the reader's understanding.

The sentence "The Prosecutor's reliance on witness testimony rather than documentary evidence" raises the question of the reliability of different types of evidence. Discuss the challenges associated with reliance on witness testimony in international trials, particularly in politically charged cases.

In your discussion of Laurent Gbagbo's trial, you mention that "the Prosecutor failed to present sufficient evidence." Be more specific about what type of evidence was lacking (e.g., forensic, testimonial, or documentary) and why this was critical to the outcome of the case.

\When discussing the use of written statements, it is unclear how these are weighed compared to oral testimony. Add a brief comparison of the evidentiary weight between oral and written testimony within the ICC's legal framework.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

When discussing the fairness of the trial, you mention the rights of the accused and the rights of the defense but fail to address the rights of victims. Consider expanding on the balance between the rights of the accused and the victims in international criminal proceedings.

The phrase "Equality forms the core of the substantive formula for justice" is quite broad. Provide examples or citations from key literature that support this assertion in the context of international criminal law.

While you mention a "descriptive-analytical and library-based method," no specific details are provided about how the data were collected or analyzed. Include information about how sources were selected, evaluated, and synthesized in your study.

The statement "No international actor like a police force can exercise power within the territory of a state" requires further explanation. This could benefit from a comparison of this limitation with examples from previous cases, such as those involving cooperation with the ICC or other tribunals.

The phrase "contradictory evidence led the Chamber to a decision not to confirm the charges" needs further analysis. Specify the nature of the contradictions in the evidence and how the court addressed these issues.

You conclude that the "evidence problem" is a systemic issue for the ICC, but you do not offer any recommendations for improvement. Consider adding suggestions or potential reforms that could address these recurring challenges in evidence collection and evaluation.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.