

OPEN PEER REVIEW

Admissibility of Cases and the Prohibition of Double Jeopardy in the Statute and Jurisprudence of the International Criminal Court

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1. Round 1

1.1. Reviewer 1

Reviewer:

The explanation of the principle of res judicata is well-articulated. However, consider elaborating on how this principle applies differently in the context of national vs. international courts to provide clearer foundational context for readers.

“This principle encompasses both individual and societal interests.” This sentence could be enhanced by briefly specifying examples of these interests, which would help readers understand the implications better.

When discussing the international dimension of double jeopardy, the narrative could benefit from the inclusion of a real-world case where conflicting jurisdictions led to a complex legal dilemma.

Consider clarifying why the statute allows for retrial under certain circumstances, as this explanation feels too brief and might leave readers questioning the legal rationale.

The explanation of exceptions to double jeopardy is clear, but the argument could be bolstered by contrasting it with domestic legal systems that do not allow for such exceptions.

Your critique of the Rome Statute’s ambiguity is insightful. However, suggest specific wording changes or interpretations that could reduce these ambiguities.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

You mention the human dignity aspect of double jeopardy. To strengthen this argument, consider referencing specific human rights instruments, like the European Convention on Human Rights, to provide a comparative perspective.

“Moreover, the judicial system, as an essential part of governance, benefits from having every criminal case concluded in a timely manner, preventing excessive costs.” It may be helpful to cite data or studies that demonstrate how adherence to the double jeopardy rule reduces judicial inefficiencies or costs.

The analysis of Article 11 of the Nuremberg Tribunal Statute is insightful, but it could be improved by discussing the historical context of why membership in criminal organizations was treated differently.

“From the foregoing, it can be concluded that the rule of double jeopardy, as articulated in Article 20 of the Statute, must be considered in conjunction with Article 17.”. This linkage between Articles 20 and 17 could be expanded by explaining how this impacts the admissibility criteria of cases more explicitly.

The discussion could be improved by including an example of a case where new evidence led to a revision of judgment, to illustrate how this exception works in practice.

The section could benefit from defining “ordinary crimes” in a more concise way and offering examples to make the legal distinction clearer for the reader.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.