



Diploma Thesis Evaluation Form

Author: Vlad Mihai
Title: The role of the UN Security Council in front of the ICC
Programme/year: 2017/2018
Author of Evaluation (supervisor): JUDr. Milan Lipovský, Ph.D.

Criteria	Definition	Maximum	Points
Major Criteria			
	Research question, definition of objectives	10	10
	Theoretical/conceptual framework	30	30
	Methodology, analysis, argument	40	35
<i>Total</i>		80	75
Minor Criteria			
	Sources	10	8
	Style	5	4
	Formal requirements	5	4
<i>Total</i>		20	16
TOTAL		100	91



Evaluation

Major criteria:

The author has chosen a current topic of the relationship between the International Criminal Court and the United Nations Security Council. Since the ICC has only celebrated the 15th anniversary of the Rome Statute's coming into force last year and the judicature of the Court is still quite unsettled in many aspects, since the SC permanent members have played a significant role in the creation of the Rome Statute and its amendments, since the role of the UNSC, legally speaking and based on the text of the Rome Statute, is both controversial and very important aspect, the author has chosen an important, current and controversial topic that is on one hand fairly covered by doctrine and on the other hand still opened to large discussions.

He has decided to describe the way the UNSC-ICC relationship works and asked himself whether the ICC indeed targets predominantly the African countries?

The thesis follows a logical structure, is easy to read and to understand the author's logics. He decided to start with brief history introduction, followed by description of the Rome Statute legal framework of the relationship, description of the relevant UNSC resolutions and few cases (situations) in order to finalize the work with the description of various permanent members of the UNSC attitude towards to ICC and conclusion.

The author proved that he understands the topic, correctly grasped the issues and learned the required amount of information in order to understand the international criminal law. The thesis covers almost every possible aspect. I would suggest to add one more though – the scope of jurisdiction of the ICC and the difference of the scope based on whether the State Parties/prosecutor or the UNSC triggered the jurisdiction itself. In that regard I would like to submit a question to the author – how does the scope differ and what is the source for this difference?

There are some minor misunderstandings in the work. The author should differentiate between waiver of immunities based on ratification of the Rome Statute as opposed to customary international law as well as waiver of immunities before domestic and international tribunals. That would help him to solve some of the problems.



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Minor criteria:

The thesis works with a satisfactory amount of sources. I would however recommend to be more precise in the way they are referred to. The author sometimes uses brackets to refer to a source, sometimes footnotes. Some of the footnotes lack indication of page on which the referred text is located and last but not least, the international treaties should definitely be described using the UNTS code, date of conclusion and date of entry into force. On the other hand none of the sources has been described in such a way that it would be impossible to locate it.

Regarding the sources, I would also suggest to have a look at the so-called Nuremberg principles (adopted as a resolution of the UNGA) and describe them. The author could also give more attention to how the role of the UNSC changed in various historical documents prepared by the ILC that he described.

Overall evaluation:

Another question to be answered during the defence: On page 23 the author describes a fictitious scenario. My question is – would the scenario be different, and if so how, in case the jurisdiction was triggered by the Security Council?

Overall, I recommend the thesis to defence because off all the above-mentioned reasons. The authors has proven his deep interest in the topic and more than satisfactory understanding of it.

Suggested grade:

I recommend to grade the thesis (with condition of answering the questions laid) excellent.

Signature:

JUDr. Milan Lipovský, Ph.D.
supervisor