

Legacy of ICTY and its Impact on Statute and Case Law of ICC

Establishing of International Criminal Court is a significant moment in evolution of international criminal law. It is the first permanent institution of international justice with personal jurisdiction and it was founded for one purpose only – to finally end the era of impunity for war criminals all over the world.

But ICC didn't appear from nowhere. There was a long road towards its establishment and who knows if it would ever happen without influence of so called *ad hoc* tribunals, International Criminal Tribunal for the former Yugoslavia and International Criminal Tribunal for Rwanda. It is a sad truth that international criminal law made its biggest evolution as a reflection of the world's most horrible conflicts.

The purpose of this thesis is to analyze a legacy of one of these tribunals, International Criminal Tribunal for the former Yugoslavia, and to explore its influence not only on the Statute of International Criminal Court, but also on its case law. International Criminal Court is not operating for long, but we can still notice many references on ICTY case law in its judgments. The reason for this research is my particular relation towards Balkan region as well as my interest in international justice in general.

The thesis is composed of four chapters. First two are presenting the two institutions whose case law I am about to research – ICC and ICTY. These chapters are rather brief as they aim merely to introduce the nature of these institutions.

One of the main goals of this thesis concerns influence of ICTY case law on Statute of ICC. My focus is directed merely on material regulations of ICC, particularly on crimes against international law themselves. This research also covers some of the most important general principles of criminal law which are featured in part 3 of ICC's Statute. The result of this analysis can be found in chapter three.

Other goal of my thesis is to analyze case law of ICC and to examine influences of ICTY. This analysis should show not only if the legacy of ICTY is still used, but also how international criminal law changed since 1990's.

Conclusions are drawn in the end of thesis. Among others they show that Statute of ICC and case law of ICC are heavily influenced by ICTY, especially by the well-known case Tadić.