

Frontiers of International Criminal Law and Justice

**Monday, 1 December 2025, 13:15-15:00,
The Hague, World Forum, 'Europe 1-2'**

A side-event (with lunch) to the 24th Session of the ICC Assembly of States Parties, convened by the Centre for International Law Research and Policy (CILRAP), sponsored by Korea, Norway and Sweden, co-sponsored by the European Anti-Fraud Office (OLAF), Stockholm Centre for International Law and Justice, Grotius Centre for International Legal Studies, Human Rights Law Centre (University of Nottingham), Institute for International Peace and Security Law of the University of Cologne, Coalition for International Criminal Justice (CICJ), European Center for Constitutional and Human Rights, and the Norwegian Helsinki Committee (NHC).

Statement by Professor Claus Kreß

University of Cologne; Judge Ad Hoc, International Court of Justice

It is wonderful that we have come together today to launch – and celebrate – the publication of the book [Legal Construction of Common Humanity: Human Agency in a Cosmopolitan War Crimes Law](#) and the essay collection [Norm Efficacy and Justification in International Criminal Law](#).

It is wonderful for two reasons.

The first reason is that we can hereby give due recognition to Dr. Tianying Song, the author of the monograph, and Gunnar Ekelove-Slydal, the editor of the essay collection, for both their important scholarly work. And please allow me to happily make use of this opportunity to also warmly congratulate Gunnar on having received the [2024 M.C. Bassiouni Justice Award](#).

The second reason is that today's book launch has been given a place within the framework of a gathering of States. I take this as a sign that State diplomats and other legal practitioners are interested in the ideas of scholars – which is a necessary condition for improving international criminal law and international criminal justice.

I am invited to share a few reflections on Dr. Song's monograph. It is with delight that I now follow this invitation.

For it is remarkable that, at a moment in time, when authoritarianism and chauvinism have been recovering ground in world affairs, a young scholar has chosen to – most capably – paint an enchanting picture of a cosmopolitan understanding of war crimes law and international criminal law more broadly.

That this scholar is of Chinese descent adds a powerful biographic flavour to her argument.

But as one would expect it, Dr. Song does not leave it with an enchanting portrait of cosmopolitan international law, but she also turns her attention to the *disenchanting* side of things.

She puts the matter sharply when she submits that “a cosmopolitan war crimes law is inherently paradoxical” because, as she puts it, “war begins where cosmopolitanism cracks: particular identity is prioritized over human identity, particular interests over universal interests, and exchange of brute force over rational communication”.

This is an astute observation and one on which Dr. Song elaborates in quite some detail and with great precision.

Again, Dr. Song could have left it there – with a view to being recognized as a ‘critic’ of international criminal law.

Dr. Song, however, believes – to use the words of *Francis Bacon* – “in a space between the arrogance of dogmatism and the despair of scepticism”.

In this spirit, she points to pathways potentially leading to re-enchantment, through an attempt at reconciling due consideration of the individual soldier's immediate ‘cognitive environment’ with the existence of universal legal standards.

I recommend revisiting the divergent opinions among the judges of the ICC Trial Chamber in the recent case of *Al Hassan* in light of Dr. Song's highly stimulating book.

Dr. Song's book displays one more praiseworthy feature: Powerful as her arguments are, the author presents them in a style which is free of the slightest touch of intellectual triumphalism – this significantly adds to the pleasure of reading.

In light of all this, you won't be surprised if I conclude by saying: Dr. Song's book was rightly awarded the Antonio Cassese Prize for the best doctoral thesis in international law.