

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 Carsten Stahn *University of Leiden*

It is an honour and a pleasure to join this prestigious panel to launch this new volume of our [Quality Control Series](#) on [fraud and corruption investigations](#). Many thanks to Morten Bergsmo, CILRAP and the entire team for this wonderful initiative.

Our series now has five books and around 90 chapters. It has brought together more than 100 authors to reflect on innovative ways to analyse, test and re-think core elements of fact-finding, preliminary examination, and investigation in criminal matters.

The biggest gift is: the volumes are all open access. This means they can be freely used by academics and practitioners all over the world. The Series has at the same time been a success story in academic terms. The volumes have been reviewed in journals, such as the *European Journal of International Law*, the *Nordic Journal of International Law*, and the *Journal of International Criminal Justice*.

There is an intrinsic link to Leiden. The first volume on [fact-finding](#) was dedicated to the memory of the late Professor Frits Kalshoven, who was the first Chair of the UN Security Council Commission of Experts for the former Yugoslavia. The second volume on Preliminary Examination was a result of a joint expert meeting held in The Hague, with the support of the Norwegian Ministry of Foreign Affairs. It became so successful that it turned into two volumes [Vols. [1](#) and [2](#)]. The third volume moved to [investigations](#) and preparation of fact-rich cases. It was supported by a [conference](#) in New Delhi, which involved many experts from The Hague community. The idea of exploring new frontiers, which underpins our panel today, coincides with the theme of a research programme of our Grotius Centre at Leiden: 'Exploring the Frontiers of International Law'.

What unites the volumes in the Quality Control Series is the attempt to build a culture of critical scrutiny and continuous assessment of working methods and procedures of criminal justice, in order to identify strengths and weaknesses, encourage institutional learning, or openness for course correction.

Inside the criminal process, this type of scrutiny is usually exercised by a range of actors: judges, the defence, internal review processes inside the prosecution, and to some extent through the participation of victims in proceedings. The Series encompasses all of these different perspectives, and it adds an important dimension: external expert scrutiny. It brings in civil society, new academic visions, and lessons from practice, in order to enable actors to look into the mirror, engage in self-criticism, review their own practices.

And this is how this new volume emerged. It shows that the gradual refinement of the working methods of international criminal procedures, which we have seen in so many areas, such fact-finding, evidence and procedure, has positive spillover effects for other fields and professional communities.

The intellectual credit for this volume is entirely owed to Mr. Tom Willems from OLAF. He stimulated the ideas and prepared draft chapters, which form the core of the book. He had read our volumes on preliminary examination and investigation and was inspired to organize a critical, social-science-driven review of judgment- and decision-making in fraud and corruption investigations. He stretched out to some of us in peak vacation time in August 2022! He sent a very polite e-mail, asking whether we would be willing to look at working methods in financial investigations through some of the insights of the quality-control project. This resulted in OLAF's first-ever conference on the issue in December 2022. I have never seen any conference which was more meticulously co-ordinated, planned and pre-prepared as the one led by Tom – and the rest is history. We are here to celebrate the outcome today, almost exactly three years later, together with the co-editors Darren Frey and Antonio Angotti.

Tom is best placed to explain why the volume is pioneering for OLAF and the European Public Prosecutor's Office (EPPO). He already mentioned some of the key aspects: the book looks into the cognitive processes that

underpin human perception, decision-making, and reasoning. It develops models of presenting proof and demonstrating *mens rea*. It is one of the first works which applies the concept of ‘noise’, that is the unwanted variation of error in human judgment, as Daniel Kahneman, Olivier Sibony and Cass Sunstein have defined it, to the investigative process, in order to improve analytical methods, limit errors of cognition, and improve decision-making.

Why is the book, which results from a partial spillover of knowledge of international criminal justice to the field of financial crime, equally relevant for international criminal lawyers? I would say there are several reasons.

The first one relates to the interplay between the fields. In most statutes of international or hybrid court, financial crime is sidelined and marginalized, although many of the underlying conflicts are driven or reinforced by money laundering, financial fraud or corruption. The idea that we can or should draw a clear line between atrocity crime and financial crime is somewhat artificial. It sidelines the economic drivers of conflict, which are often at the root cause of violations in the first place. Some novel instruments, such as the Malabo Protocol, which is intended to give the African Court of Human Rights and Justice criminal jurisdiction over international crimes, break these silos. The Protocol has express provisions on economic crimes, such as money laundering, illicit exploitation of natural resource, or ‘grand corruption’, that is, acts of corruption that affect “the stability of a state, region or the [African] Union”. It also has an innovative provision on corporate criminal responsibility. It embraces the insight that financial crime cases may be an important element to challenge leadership responsibility and drivers of conflict, in cases where atrocity crime investigations or prosecutions may be barred or politically volatile. Ultimately, Al Capone was convicted for tax evasion, rather than system criminality. The production of this work is a reminder that the two fields should not operate in isolation, but may learn from other, and complement each other, both in procedural and substantive ways.

The second reason is that there are ongoing initiatives towards the establishment of an International Anti-Corruption Court. This idea has been supported by many civil society organizations, and experts, such as Justice Richard J. Goldstone. It is an important means to create trust in governments, institutions and justice and curtail power at a time where autocratic forms of governance are on the rise. A first ‘zero draft’ statute has been completed in 2024 and refined this year. Susan R. Lamb has discussed the ‘[Recent Progress Toward a Proposed International Anti-Corruption Court](#)’ in a new TOAEP Policy Brief that has just been published. The Court would be the first international criminal court with jurisdiction over legal persons, such as corporations. It recognizes that prosecution of a legal person is not tied to the responsibility of individuals. It has authority to freeze and seize laundered stolen assets. It fills a gap on the international plane, since many of the existing treaty instruments, such as the UN Convention against Corruption, have decentralized or soft enforcement mechanisms. The draft Statute provides a potential avenue to address ‘grand corruption’ in cases where states are unwilling or unable to enforce their own laws against powerful corrupt actors. It also has provisions on victim participation and reparation and clarifies that immunities would not bar investigation or prosecution of heads of states. It thereby goes beyond the Malabo Protocol and applies the ICC Appeals Chamber’s jurisprudence, according to which personal immunities do not bar investigations or prosecutions before international courts, to financial crimes.

The roadmap towards such a potential new multilateral court is still open. But any future international prosecutorial office, any domestic jurisdictions involved in this project, as well as domestic actors dealing with complex fraud and corruption investigations, will benefit from the insights and methodologies of the book.

It is an honour to launch it here today with you, in the presence of three of our editors. We look forward to the discussions and reception of the book, and to the next steps of the Quality Control Project.

Many thanks for your kind attention.