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Patrycja Grzebyk, Bartłomiej Krzan, Karolina Wierczyńska, *Polish Contributions to International Criminal Law*,

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The monograph *Polish Contributions to International Criminal Law*, co-authored by Patrycja Grzebyk, Bartłomiej Krzan and Karolina Wierczyńska, constitutes a comprehensive study dedicated to the contribution of Polish scholars, diplomats and institutions to the development of public international law and international criminal law. The book was originally published in Polish by the Publishing House of the Institute of Justice in 2023, and subsequently in 2025 as an English-language edition by Brill. It exhaustively reconstructs the century-long history of Polish legal thought, restoring the memory of key experts and initiatives that played a pivotal role in shaping the definitions of international crimes, the principles of individual criminal responsibility and the procedures for their enforcement.

The book is divided into two parts: a historical section and a thematic section. The first part analyses the development of Polish doctrine in chronological order. Chapter I (1918–1939) focusses on the regaining of independence, the participation of Poles in the Versailles Peace Conference, their work on the Commission on the Responsibility of the Authors of the War and their activities in international legal organisations, in particular the International Association of Penal Law. Chapter II (1939–1945) outlines the efforts of the Polish government-in-exile (operating in London between September 1939 and July 1945) and of the agencies of the Underground State in occupied Poland to document Nazi crimes. This section also

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discusses the involvement of Polish legal scholars-in-exile during the Second World War in drafting principles for prosecuting international crimes, as expressed in the St James' Palace Declaration of 13 January 1942 and in the operations of the United Nations War Crimes Commission (UNWCC). Chapter III (1945–1989) details the Polish reception of the Nuremberg law, the Polish delegation's participation in the proceedings before the International Military Tribunal as well as the Polish investigative bodies' coordination of the evidence-collecting of wartime crimes in Poland (i.e. the Chief Commission for the Investigation of German Crimes in Poland) and in Germany (i.e. the Polish Military Mission in Germany), the jurisprudence of the Polish Supreme National Tribunal and the engagement of Polish delegates within the UN during the Cold War. Chapter IV (1989–2018) analyses the period of political transformation, including Tadeusz Mazowiecki's role as the UN Special Rapporteur on Human Rights in the former Yugoslavia, Poland's commitment to establishing the International Criminal Tribunal for the former Yugoslavia, initiatives in drafting the Rome Statute of the International Criminal Court,[1] Polish judges among international bodies and the activities of the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation. All the chapters are organised according to a logical structure, linked by sections devoted to legislation, the judiciary and academic life in the respective periods. The second part of the book is thematic, focussing on the genesis of the definitions of international crimes and the principles governing the prosecution and punishment of their perpetrators. Chapters V–IX present the conceptual evolution of the definitions of core crimes and the Polish contribution to criminalising the crime of aggression, war crimes, crimes against humanity and genocide. Chapters X–XII discuss procedural aspects of international criminal law and the stance of the Polish legal scholarship regarding the rules of exercising criminal jurisdiction, individual responsibility for international crimes and the non-applicability of statutory limitations to international crimes.

The authors of the monograph made use of carefully selected sources: the rich domestic and foreign secondary literature and archival research conducted both in Poland and abroad, including the Wiener Library in London, the General Sikorski Institute, the Peace Palace Library in The Hague, the UN Archives in Geneva and the Central Archives of Modern Records in Warsaw. Of key significance are the preparatory works (*travaux préparatoires*) of international conventions, UN General Assembly resolutions and reports from expert bodies, such as the International Law Commission and the UNWCC. Extensive use was also made of jurisprudence,

[1] Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002). 2187 UNTS 90.

both international and the rich body of decisions from domestic Polish common courts and the Supreme National Tribunal, which are rarely cited in the foreign literature. In light of such scrupulous archival research, it would have been valuable to supplement the compiled sources with the original text of the Polish indictment at the Nuremberg Trial discussed in Chapter II. Basing the discussion of the report titled *German Crimes Against Poland: Official Report of the Polish Government to be Submitted to the International Military Tribunal* (1945)[2] on Gabriel Finder and Alexander Prusin's commentary led to the repetition of incomplete information regarding the report's authorship[3] (it was signed by Poland's delegate to the UN-WCC, Mieczysław Szerer, and drafted jointly by Szerer and Manfred Lachs, not by Lachs alone) and the inclusion of the notion of "intended systematic genocide" in the document. The term "genocide" was not actually used in the report *German Crimes against Poland*, which nevertheless describes with scrutiny the methods of systematic extermination of ethnic and national groups employed by the occupying authorities in Poland. It is also worth drawing attention to a unique source utilised in the monograph: interviews which the authors conducted with distinguished experts, Polish practitioners and theoreticians of international law.

Owing to its chosen theme and methodology – which combines legal theory, systemic analysis and comparative methods while recognising "historical interpretation as an element that is necessary to the comprehension of law" – the monograph fits squarely into a new wave of research on international criminal law that connects legal theory and history, institutional history and biographical perspectives. In a work that is fundamental to shaping this direction of international legal scholarship[4] (i.e. moving away from strict doctrinal and systemic interpretation towards reconstructing the historical context in which specific ideas arose and uncovering the motivations of their authors), Martti Koskenniemi argued that understanding international law requires not only knowledge of theory and doctrine, but also of the history of the individuals who shaped it. Over the past two decades, this call has been reflected in numerous publications by foreign scholars, including Mark Lewis, Kerstin von Lingen, Philippe Sands, Mark Mazower, Immi Tallgren and Frédéric Mégret.[5] The time frame adopted by the authors of *Polish Contributions*

[2] Republic of Poland, *German crimes against Poland. Official report of the Polish Government to be submitted to the International Military Tribunal*, London: 1945.

[3] G. Finder, A. Prusin, *Justice behind the Iron Curtain. Nazis on Trial in Communist Poland*, University of Toronto Press, Toronto-Buffalo-London: 2018, p. 57.

[4] M. Koskenniemi, *The Gentle Civilizer of Nations The Rise and Fall of International Law 1870–1960*, Cambridge University Press, Cambridge: 2001, pp. 5–7.

[5] M. Lewis, *The Birth of the New Justice. The Internationalization of Crime and Punishment 1919–1950*, Oxford University Press, Oxford: 2014; K. von Lingen, *"Crimes against Humanity". Eine Ideengeschichte der Zivilisierung von Kriegsgewalt 1864–1945*, Ferdinand Schöningh, Padeborn: 2018; P. Sands,

to International Criminal Law is broader than that of the aforementioned studies, which focus mainly on the first few decades of the 20th century, the origins of the UN and the early post-war period, which serves as a major asset of this monograph. The broad chronological framework expands the research field and allows one to trace the trajectory of key concepts (such as the criminalisation of aggression, war crimes, the persecution of minorities, crimes against humanity, genocide or the definition and penalisation of terrorism) over a longer horizon. This invites questions about the continuity and evolution of ideas whose roots go back over a century, while assessing their relevance in subsequent decades up to modern times, including during treaty negotiations that were not always successful.

Another major asset of the monograph is its commemoration of forgotten figures who participated in (and frequently initiated) work on fundamental instruments of international law. These include draft frameworks for prosecuting war crimes prepared even before 1945 (including within the UNWCC), the Convention on the Prevention and Punishment of the Crime of Genocide,[6] the Convention for the Protection of Cultural Property in the Event of Armed Conflict[7] and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.[8] Both parts of the book – historical and thematic – examine the involvement of Polish lawyers and investigative bodies in documenting international crimes committed during WWII and prosecuting their perpetrators before the International Military Tribunal in Nuremberg, the Supreme National Tribunal and Polish domestic courts; in this context, the reception and interpretation of Nuremberg law in Poland is also addressed. The authors demonstrate that Polish jurists and diplomats – even those operating within the Eastern Bloc during the Cold War – exerted a real influence on definitions within international criminal law and codification processes at the UN. By emphasising the importance of Polish contributions to the development of this discipline, the work serves as a valuable contribution to deconstructing dominant narratives and breaking away from existing research paradigms that marginalise Central and Eastern Europe. Such an approach allows the book's conclusions to be read within the framework of Second World Approaches to International Law (SWAIL), a new, critical stream of

East West Street: On the Origins of Genocide and Crimes Against Humanity, Orion Publishing, London: 2017; F. Mégret, I. Tallgren (eds.), *The Dawn of a Discipline: International Criminal Justice and Its Early Exponents*, Cambridge University Press, Cambridge: 2020.

[6] Convention on the Prevention and Punishment of the Crime of Genocide (adopted 9 December 1948, entered into force 12 January 1951), 78 UNTS 277.

[7] Convention for the Protection of Cultural Property in the Event of Armed Conflict (adopted 14 May 1954, entered into force 7 August 1956), 249 UNTS 240.

[8] Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (adopted 26 November 1968, entered into force 11 November 1970), 754 UNTS 73.

research on international law and international relations.[9] The book undeniably fills many gaps in the history of international law, as well as in Polish legal history and biographical studies, which in recent years have helped recall the meritorious, though often forgotten figures of Polish legal theory and practice.[10]

The innovative nature of the approach adopted in the book is demonstrated by how it supplements the fragmentary narratives dominant in previous studies and systematically organises scattered knowledge regarding Polish international legal thought after 1918 and its representatives' contributions to the development of international criminal law. The work sheds new light not only on the achievements of well-known figures such as Rafał Lemkin and Hersch Lauterpacht, but also on Emil Stanisław Rappaport, Ludwik Ehrlich, Stefan Glaser, Jerzy Sawicki, Manfred Lachs, Tadeusz Cyprian and Helena Wiewiórska. It describes the engagement of the Polish delegates and representatives during UN treaty negotiations and sessions of the International Law Commission, and it provides a detailed account of Polish participation in international criminal justice, including the work of the International Criminal Court, the Extraordinary Chambers in the Courts of Cambodia, the Special Tribunal for Lebanon and the EULEX Mission in Kosovo. Although many of the individuals featured in the study are introduced only by name and position, the authors deserve immense praise for establishing the identities of so many experts involved over the course of a century in advancing the discipline of international criminal law. Any remaining gaps regarding the details of their biographies and individual contributions (particularly of the women rediscovered through the book) can be taken as an impetus for further research inspired by the authors of this outstanding monograph.

[9] M. Wasiński, P. Labuda, *Special Issue Editorial: Second World Approaches to International Law*, 28(2-3) International Community Law Review 89 (2026).

[10] *See e.g.* A. Przyborowska-Klimczak et al. (eds.), *Polska nauka prawa międzynarodowego. Dziedzictwo przeszłości i wyzwania współczesności* [Polish scholarship of international law: The legacy of the past and contemporary challenges], KUL, Lublin: 2022; P. Grzebyk, R. Tarnogórski (eds.), *Siła prawa zamiast prawa siły. Ludwik Ehrlich i jego wkład w rozwój nauki prawa międzynarodowego oraz nauki o stosunkach międzynarodowych* [The rule of law instead of the law of force: Ludwik Ehrlich and his contribution to the development of international legal scholarship and international relations], PISM, Warszawa: 2020; D. Uczkiewicz, *Accountability for War Crimes in the Policy of the Polish Government-in-Exile: A Legal and Historical Analysis*, Brill-Nijhoff, Leiden-Boston: 2026; Sands, *supra* note 5; P. Madajczyk, *The Biographical Landscapes of Raphael Lemkin*, Routledge, Abingdon-on-Thames: 2024 and the biographical literature on Lemkin and his contemporaries cited there.