

Ideally, a fifth crime should be introduced in the RS to grant the ICC jurisdiction over a crime of ecocide, based on the IEP's proposed definition in 2021. However, given that this does not seem a realistic option, at least in the short to medium term, and, above all, that the ICC-OTP is asking for contributions within the current RS' framework, the following remarks will move within such current limits. Yet, the key point of departure is that the ICC can and must enhance its accuracy, fairness and effectiveness in investigating an5.32 §prosturing atime thet atnus cnvironmedtalaanrm



Some of these following practices should or could be considered:

- Concerning \_\_\_\_\_, a mixed approach should be used, i.e. combining general and specific perspectives (as recommended above), to embrace and systematize the most relevant environmental crimes (through a non-exhaustive list of specific crimes that result in environmental damage within the ICC's legal framework) in a consistent manner, including the key criteria that determine the severity and scale required.
- Regarding \_\_\_\_\_, it seems crucial to better work on scrutinizing all the facts linked with all the elements of the environmental crimes in line with the art. 54.1.a of the RS. To this end, it is worth undertaking/improving:
  - o Cooperation and information sharing: Foster strategic collaboration with significant entities and individuals to share important info and gather evidence. Therefore, it seems crucial ensure/strengthen collaboration with Relevant *international bodies*, being UNEP the main one in the intergovernmental sphere.  
*Hybrid or singular entities*, in particular the IUCN and the ICRC.  
*NGOs* such as Amnesty International, CEOBS, HRW, ICEL, PAX, Stop Ecocide, among others.  
*States* (those *affected* or otherwise concerned).  
*Experts*.
  - o Development of environmental specialized units within the ICC (devoted to the investigation and prosecution of environmental crimes), equipped with expertise in environmental law, forensic science, ecological impacts, transitional justice, etc.
  - o Leverage of remote sensing technologies, satellite imagery, and geographic information systems to monitor environmental damage and gather evidence (through own and third entities' means via memoranda of understanding or agreements).
  - o Expert testimony: Engage qualified environmental experts as witnesses to provide testimony on the ecological impact of the crimes concerned...
- With regards to \_\_\_\_\_:
  - o Facilitate meaningful participation of affected communities and individuals in the investigative and judicial processes, ensuring their voices are heard...
  - o Consider restorative justice approaches that, in addition to punitive judgements, can somehow promote ecosystems reparation and

- And finally, it seems vital to [redacted] about the link between environmental damage and international crimes, both within legal circles and among the public, to get more support for enforcement efforts; [redacted] in ICC processes related to environmental crimes, including [redacted]; and [redacted].

March 13, 2024  
Montserrat Abad Castelos