

# ***Legal Certainty, Legal Diversity in International and European Criminal Law***

**Abstract Professor Wolfgang Schomburg  
Durham University, United Kingdom**

Diversity in different societies has to be appreciated in the context of criminal law. The law must, on the one hand, reflect the cultural background of each individual society in a broader sense. Legal certainty, on the other hand, is one of the cornerstones of any fair trial. How best to reconcile these two approaches before International Criminal Courts and Tribunals and on the European level? Which principle should prevail? In dubio pro reo? In favour of the strictest available regime? In favour of a coherent International Criminal law? In favor of political solutions found by judges, not by legislators as envisaged by Montesquieu? This question shall be globally assessed in light of recent controversies not only between International Criminal Courts but also among the different appellate benches of the ICTY and ICTR. Furthermore, the present EU approach to criminal law (harmonisation, and mutual recognition) raises a big question mark in this context: Quo vadis, Europe?