

# International criminal court



**ASSIGN  
BUSTER**

International Criminal Court (ICC) is an end result of multilateral treaty which involved at least 100 states. The idea of coming up with an International Criminal Court was born in Rome on July 17 1998 by 120 countries attending a conference international came up with the idea. However it took at least 3 years before the idea was ratified into law taking into consideration the that the ICC Statute came into force in July 2002, 60 days after the 60th ratification need to create the Court was received on April 11th at a special event at the United Nations. According to Schebes (2004) ICC was established through a treaty known as the " Rome Statute" and charged with the responsibility of investigating and prosecuting war crimes and other related crimes against humanity in order to ensure that no repeat of such events are experienced in the future. The ICC is different from the International Criminal Tribunal (ICT) which was only temporary and established to address crimes that occurred in a specific situation (Ad Hoc). Key among the ICT include but not limited to the International Criminal Tribunal for Rwanda, International Criminal Tribunal for former Yugoslavia and the Special Court for Sierra Leone (ICJT, 2012).

ICC is also different from International Court of Justice (ICJ) in a number of uncountable ways and key among them include the fact that ICJ does not entertain individual cases (Broomhall, 2004). This means that ICJ is a civil tribunal whose jurisdiction is limited to disputes between states. Unlike the ICJ which is considered the principle organ of the United Nations, ICC is independent of the UN with its headquarters situated in Hague Netherlands (Schiff, 2008). It is noteworthy that ICC cases are only limited to cases committed after the ratification of the Rome statute in 2002 and as such it

cannot prosecute cases that took place before July 1 2002. Another major objective of establishing ICC was to create an international criminal court that would compliment national courts that lacked the capacity to prosecute and try genocide, crimes against humanity and war crimes (Q&A: International, 2012). ICC cannot involve in cases where a state involved has jurisdiction over it. A country that is shielding a suspect from responsibility for ICC crimes can be considered “ Unwilling” while a country whose legal system has collapsed will be considered “ Unable”.

The court relies a lot on the willingness and goodwill of the state parties considering that they are obliged to cooperate fully with the Court throughout the investigation and the prosecution processes. The state parties cooperates with the court in a number of ways which include, relocating witnesses, arresting suspects, supplying the court with evidence, inter alia, and enforcing the sentences of persons charged with crimes against humanity. Non state parties have the discretion of cooperating with the court as well. International organizations are also free to provide support to the Court (Zimmermann, 2003). ICC operates under four major organs which include Presidency, Judicial Divisions, Office of the Prosecutor, Registry and other semiautonomous offices. The Presidency is responsible for overseeing overall administration of the Court, except the Office of the Persecutor. The Judicial division is served with eighteen judges organised into sub divisions namely; pre-trial, trial and appeal division. The office of the prosecutor main responsibility is to examine and prosecute submitted referrals and substantiated information relating to the crimes under the

jurisdiction. The Prosecutor is elected for term of nine years non renewable by the State parties.

The Registry which is headed by the Registrar is only concerned with non judicial aspects relating to the administration and servicing of the Court. Other semi autonomous offices include office of public counsel for victims and office of public counsel for defence. Schabas (2011) asserts that the ICC is renowned for investigating and prosecuting three major crimes that is Crimes against humanity, Genocide and war crimes. Despite having its headquarters in the Hague ICC can conduct its cases elsewhere as per the wish of the judges. The ICC proceeding often incorporates several stages which include Preliminary examination stage, Pre-trial stage, Trial stage, and finally the Appeal stage (Zimmermann, 2003). There are two types of victims involved in the ICC process and they include the victim as a participant and victim as a witness.