

International Criminal Court

Why in news?

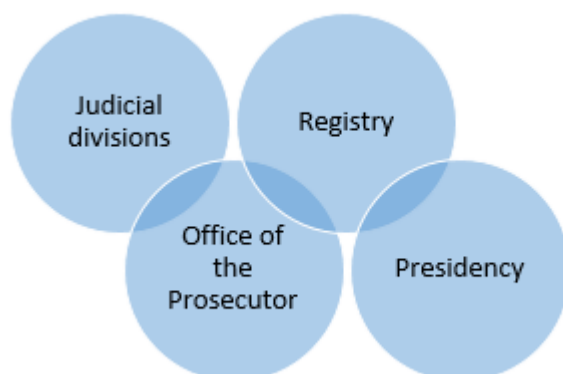
Recently, the International Criminal Court has issued arrest warrants to Israeli Prime Minister Benjamin Netanyahu, his former defence minister, and a Hamas leader, for alleged war crimes and crimes against humanity.

What is International Criminal Court?

- **ICC** - International criminal court was established under a treaty called the *Rome Statute*.
- It is the founding treaty that governs the framework of the ICC.
- The Rome Statute was adopted at the Rome Conference on July 17, 1998, and entered into force on July 1, 2002.
- The ICC is the ***world's first permanent international criminal court***.
- **Headquarters** - Hague, Netherlands.
- **Member countries** - Presently, ***124 countries*** are party to the Rome Statute.
- ICC members include all European Union nations, the UK, Japan, Brazil, Afghanistan, Australia, and Canada, as well as the Palestinian territories and Jordan in the Middle East.
- ***India is not a member of the ICC.***
- **Function** - It investigates and punishes individuals charged with the gravest crimes of concern to the international community.
- **Decisions are binding** - The judgement of ICC are binding to the member parties.
- It relies on the cooperation of States for support, particularly for making arrests, freezing assets, and enforcing sentences.

What is the organizational structure of ICC?

- The ICC is composed of 4 primary organs, which are:



- **The Presidency** - It is responsible for the *overall administration* of the Court.
- **The judicial divisions** - It is responsible to *issue arrest warrants* and hear appeals.
- **The Office of the Prosecutor** - It is responsible for receiving substantiated information on crimes, *conducts investigation*, and prosecution before the Court.
- **The Registry** - It provides *judicial and administrative support* to all organs of the Court.

What is the jurisdiction of the International Criminal Court?

- **Territorial jurisdiction** - ICC have jurisdiction ***on both State Parties and non-state Parties*** which commits crime on the territory of a State Party.
- The ICC can also practice its jurisdiction over cases referred by the UN Security Council to it.
- **Functional jurisdictions** - ICC has jurisdiction over the following crimes
- **Genocide** - Intentional acts to destroy the nation, ethnic, racial, or religious group by killing its members.
- **Crime against humanity** - Inhumane acts directed against a civilian population.
- **War crimes** - Crimes that breaches Geneva Conventions in the context of armed conflict which includes:
 - Use of child soldiers,
 - Killing or torture of persons such as civilians or prisoners of war and
 - Intentional attacks against hospitals, historic monuments or buildings dedicated to religion, education, art, science, or charitable purposes.
- **Crime of aggression** - It is the use of armed force by a State against the sovereignty, integrity or independence of another State.

What does this arrest warrant mean?

- **Background of the arrest warrant** - Palestine had referred the war crimes by Israel to ICC which is reinforced by other member countries such as Bangladesh and South Africa.
- **Reason for warrant** - Charges against Israel Prime Minister Netanyahu and his allies include the ***use of starvation*** as a method of warfare, murder, persecution and other inhumane acts.
- Hamas military Chief Mohammed Deif is accused of ***mass killings, hostage-taking and rape during*** the attacks on Israel.
- **Significance** - Although ***Israel is not a member***, ICC have jurisdiction over crimes committed by non-state Parties on the territory of a State Party.
- **Obligation to members** - The members of the ICC, are obliged to arrest the two Israelis and hand them over to the court.

This kind of arrest warrant curtails international travel for those accused and deepens international pressure on Israel.

How ICC is different from ICJ?

International Court of Justice	International Criminal Court
<ul style="list-style-type: none">• UN's principal judicial organ.	<ul style="list-style-type: none">• Independent of the UN and it can receive referrals from the UN Security Council.
<ul style="list-style-type: none">• 193 UN member states.	<ul style="list-style-type: none">• 123 member states.
<ul style="list-style-type: none">• Resolves disputes between states such as border issues or treaty violations.	<ul style="list-style-type: none">• Prosecutes individuals for crimes like genocide, war crimes, and crimes against humanity.

What lies ahead?

- Strengthen accountability and justice through global cooperation.
- Address the concerns about political bias and improve transparency in investigations.
- Promote diplomatic collaboration to enhance the legitimacy of international justice systems.
- Independent and impartial investigation to stop the inhumane activities across the world.

Reference

[The Indian Express | ICC Issues Arrest Warrants for Netanyahu](#)

