# International Criminal Court

## Why in news?

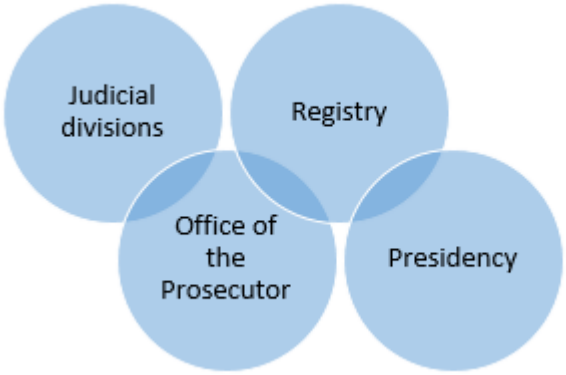
Recently, the International Criminal Court has issued arrest warrants to Israeli Prime Minister Benjamin Netanyahu, his former defence minister, and a Hamas leader, for alleged war crimes and crimes against humanity.

## 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 |
|---|---|
| • UN's principal judicial organ. | • Independent of the UN and it can receive referrals from the UN Security Council. |
| • 193 UN member states. | • 123 member states. |
| • Resolves disputes between states such as border issues or treaty violations. | • 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]

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