

The International Criminal Court: An Overview

Franklin M. Ebdalin

46 ATENEO L.J. 318 (2001)

SUBJECT(S): INTERNATIONAL CRIMINAL COURT, CRIMINAL LAW

KEYWORD(S): INTERNATIONAL CRIMINAL COURT, ROME STATUTE

In 1998, 120 states adopted the Statute for the Establishment of the International Criminal Court (Rome Statute). The International Criminal Court (ICC), permanent in character and unrestricted by geographical boundaries, would try, and deter, criminals guilty of the most heinous and egregious crimes, most especially war crimes.

The Author traces the beginnings of the ICC and the Rome Statute. He summarizes the salient features of the ICC and its jurisdiction and procedures. The issues during the debates and discussion of the Rome Statute focused on the category of crimes covered by the ICC. In the end, the jurisdiction of the Court limited itself to “core” crimes that are of concern to the international community such as war crimes, genocide, crimes against humanity, and aggression. The ICC is also underpinned by the principle of complementarity, meaning that the Court does not replace national courts.

While the Author applauds the institution of the Rome Statute, the same laments the opposition from some members of the Security Council, specifically the United States and China. India and Israel, as well as a number of states, that have not ratified the Rome Statute and seriously cast doubt on its viability.