

## The International Criminal Court

The International Criminal Court (ICC) is the first permanent global court capable of trying individuals accused of the most serious crimes under international law. It came in to force on 1 July 2002. Known as the “court of last resort,” the ICC is an independent treaty-based organization that is designed to serve as a safety net for use only when national courts are unwilling or unable to act

The Court is located in The Hague, the Netherlands and is now a fully-functional judicial institution. Currently more than hundred countries not including India representing all regions of the world have satisfied the requirements necessary to become members of the ICC’s governing Assembly of States Parties.

The ICC will be able to prosecute individuals for serious violations of humanitarian law – namely genocide, war crimes and crimes against humanity, and the crime of aggression once it is defined.

- **Genocide** includes the acts of killing / causing bodily or mental harm to members of a group with the intent to destroy a national, ethnic, racial or religious group.
- **War crimes** include wilful killing, torture or inhuman treatment, mutilation, attacking or bombarding undefended towns / villages / dwellings / buildings which are not military targets, intentionally directing attacks against civilian population, committing outrages upon personal dignity and using children under the age of fifteen years to participate actively in hostilities.
- **Crimes against humanity** include widespread or systematic extermination of civilians, murder, extermination, enslavement, enforced disappearances, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence.

Unlike the International Court of Justice (ICJ) the ICC will prosecute only individuals, not states. With the precise purpose of respecting state sovereignty, the ICC works on the principle of complementarity – that is, primary responsibility for prosecutions lies with the state; the ICC would act only in situations where the state is either unwilling or unable to prosecute the offenders.