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CORE CRIMES DEFINED IN THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

What crimes are under the jurisdiction of the International Criminal Court?

The Rome Statute, the founding treaty of the International Criminal Court (ICC or Court), identifies for the purposes of exercising jurisdiction the most serious violations of international human rights and humanitarian law. These violations are grouped within the categories of genocide, crimes against humanity, war crimes and the crime of aggression.

When can the Court exercise its jurisdiction over such crimes?

With the entry into force of the Rome Statute of the ICC on 1 July 2002, the Court's jurisdiction over three of these four core crimes began to run: the crime of genocide, crimes against humanity and war crimes. The Court will exercise jurisdiction over the crime of aggression only once the terms of its definition have been agreed upon by the countries supporting the Court and formally amended into the Statute.

How are the crimes under the Court's jurisdiction defined?

Genocide:

The Rome Statute defines the crime of genocide as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group:

- Killing members of the group
- Causing serious bodily or mental harm to members of the group
- Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part
- Imposing measures intended to prevent births within the group
- Forcibly transferring children of the group to another group.

Crimes Against Humanity:

Crimes against humanity are defined as any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- Murder
- Extermination
- Enslavement
- Deportation or forcible transfer of population
- Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law

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About the NGO Coalition for the International Criminal Court (CICC)

The CICC is a global network of over 2,000 civil society organizations supporting a fair, effective and independent International Criminal Court. For more information, visit us online at: www.iccnw.org

- Torture
- Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity
- Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognized as impermissible under international law
- Enforced disappearance of persons
- The crime of apartheid
- Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Further definitions of each of the preceding qualifications are explained in Article 7, paragraph 2 of the Rome Statute.

War Crimes:

- Under the Rome Statute, war crimes are any of the following breaches of the Geneva Conventions of 12 August 1949, perpetrated against any persons or property:
 - Willful killing
 - Torture or inhuman treatment, including biological experiments
 - Willfully causing great suffering, or serious injury to body or health
 - Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly
 - Compelling a prisoner of war or other protected person to serve in the forces of a hostile power
 - Willfully depriving a prisoner of war or other protected person of the rights of fair and regular trial
 - Unlawful deportation or transfer or unlawful confinement
 - Taking of hostages.

Under the definition of war crimes, the Court will also have jurisdiction over the most serious violations of the laws and customs applicable in international armed conflict within the established framework of international law. These violations are defined extensively in Article 8, subparagraph (b) of the Rome Statute

In the case of armed conflict not of an international character, the Court's jurisdiction will cover breaches of Article 3 common to the four Geneva Conventions of 12 August 1949.

Crime of Aggression:

The Court will have jurisdiction over the crime of aggression once a provision defining the crime has been adopted.

Can the definitions of crimes be extended to include other elements?

Under Article 9, amendments to the elements of crimes that assist the Court in the interpretation and application of Crimes under the Court's jurisdiction, may be proposed by any State party, the judges acting by an absolute majority, or the Prosecutor for the Court. All proposals are subject to the approval of two-thirds majority of the members of the Assembly of States Parties.