



## THE ROME STATUTE SIMPLIFIED

The ICC Statute agreed upon in Rome on July 17, 1998 is comprised of 13 sections and 128 articles. The following is a brief outline of the parts and subject matter of the Rome Statute. The full text of the Rome Statute is available on the CICC webpage at [www.iccnnow.org](http://www.iccnnow.org).

### **PART 1: Establishment of the Court**

Part 1 is comprised of articles 1 to 4. It concerns the establishment of the Court and its relationship with the United Nations.

The Court is to be established by treaty and based in The Hague, the Netherlands. The relationship of the Court to the UN will be determined by an agreement under negotiation at the Preparatory Commission.

### **PART 2: Jurisdiction, Admissibility, and Applicable Law**

Part 2 is comprised of articles 5 to 21. It concerns crimes within the Court's jurisdiction, the role of the Security Council, the admissibility of cases, and the law applicable to cases coming before the Court.

The Court initially will have jurisdiction over war crimes, genocide, and crimes against humanity. Additionally, the Court will exercise jurisdiction over the crime of aggression once agreement can be reached on a definition of this crime. It also establishes the principle of complementarity, by virtue of which the Court will only exercise its jurisdiction when the States that would normally have national jurisdiction are either unable or unwilling to exercise it.

### **PART 3: General Principles of Criminal Law**

Part 3 is comprised of articles 22 to 33. It concerns principles of criminal law drawn from different legal systems with the objective of providing all guarantees of due process.

This section includes the principle of non-retroactivity, whereby the Court will not have jurisdiction over acts committed prior to the Statute's entry into force. It recognizes the principle of individual criminal responsibility, which makes it possible to prosecute individuals for serious violations of international law. This part also addresses the responsibility of leaders for actions of subordinates, the

age of responsibility, the statute of limitations, and an individual's responsibility for both an act and an omission.

#### **PART 4:                   Composition and Administration of the Court**

Part 4 is comprised of articles 34 to 52. It details the structure of the Court and the qualification and independence of judges.

The Court will be comprised of the Presidency, an Appeals Division, a Trial Division and a Pre-Trial Division, the Office of the Prosecutor and the Registry. Eighteen judges will be elected by the Assembly of States Parties for nine year terms. They must have strong personal and professional qualifications in the fields of international and criminal law. The composition of the Court will reflect an adequate balance of the different legal systems of the world, geographic regions and gender equality.

#### **PART 5:                   Investigation and Prosecution**

Part 5 is comprised of articles 53 to 61. It addresses the investigation of alleged crimes and the process by which the Prosecutor can initiate and carry out investigations. It also defines the rights of individuals suspected of a crime.

#### **PART 6:                   The Trial**

Part 6 is comprised of articles 62 to 76. It deals with trial proceedings, the question of a trial in the absence of the accused or following an admission of guilt, and the rights and protection of the accused. The Statute states that "everyone shall be presumed innocent until proved guilty in accordance with law." This part also provides for the establishment of a Victims and Witnesses unit and the ability of the Court to determine the extent of damages and to order a guilty person to make reparation.

#### **PART 7:                   Penalties**

Part 7 is comprised of articles 77 to 80. It covers applicable penalties for persons convicted of a crime, which include: life imprisonment, imprisonment for a designated number of years, and fines, among other sentences. The death penalty is not a sentence of the Court. This part of the statute also establishes a trust fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of victims.

#### **PART 8:                Appeal and Review**

Part 8 is comprised of articles 81 to 85. It addresses appeals against judgment or sentence, appeal proceedings, the revision of a conviction or sentence, and the compensation to a suspect, accused, or convicted person. A convicted person, or the Prosecutor, may bring an appeal before the Court on the basis that the fairness of the proceedings was affected. The Statute states that anyone wrongfully arrested, detained, or convicted is entitled to compensation from the Court.

**PART 9: International Cooperation and Judicial Assistance**

Part 9 is comprised of articles 86 to 102. It addresses international cooperation and judicial assistance between States and the Court. It involves the surrender of persons to the Court, the Court's ability to make provisional arrests, and State responsibility to cover costs associated with requests from the Court.

**PART 10: Enforcement**

Part 10 is comprised of articles 103 to 111. It includes the recognition of judgments, the role of States in enforcement of sentences, the transfer of the person upon completion of a sentence, and parole and commutation of sentences.

**PART 11: Assembly of States Parties**

Part 11 is comprised of article 112. It establishes an Assembly of States Parties, formed by one representative of each State Party, to oversee the various organs of the Court, its budget, and reports and activities of the Bureau of the Assembly. Representatives will have one vote and decisions will be reached either by consensus or some form of a majority vote. The Assembly of States Parties will also have the power to adopt or amend the draft texts of the Rules of Procedure and Evidence and Elements of Crimes.

**PART 12: Financing of the Court**

Part 12 is comprised of articles 113 to 118. It states that funding for the Court shall be provided by three sources: (a) assessed contributions from States Parties; (b) funds provided by the United Nations; and (c) voluntary contributions from governments, international organizations, individuals, corporations and other entities.

**PART 13: Final Clauses**

Part 13 is comprised of articles 119 to 128. It addresses the settlement of disputes, reservations and amendments of the Statute, and ratification. It states that no reservations may be made upon ratification of the treaty. However, seven years after the treaty has entered into force, any State Party may propose amendments to the Statute at a Review Conference. The final clauses called for the Statute to be open for signature from July 17, 1998 to December 31, 2000 by all States that attended the Rome Conference. The Statute allows for a State Party to withdraw from the Statute by notifying the Secretary-General of the United Nations, in writing.