

ICC JURISDICTION AND VICTIM PROCEDURES: THE BASICS

What is the jurisdiction and nature of the cases handled by the International Criminal Court (ICC)?

The ICC is the first permanent, independent court capable of investigating and bringing to justice individuals who have committed the most serious violations of international humanitarian law, namely war crimes, crimes against humanity, and genocide after July 1, 2002. The Court can do so if either:

- the state on which the crime occurred is, or
- the suspected person is a national of, a State Party of the Rome Statute.

What are States Parties and the Rome Statute?

A State Party is a country that has ratified the Rome Statute, which defines the ICC's jurisdiction, structure and functions.

What if the suspect is from a Non-States Party?

A suspect of a Non-States Party can be prosecuted by the ICC, if either:

- the state on which the crime occurred is a State Party,
- that Non-States Party accepted the jurisdiction of the ICC on an ad hoc basis, or
- the Security Council referred the case.

In what ways does the ICC affect the laws and jurisdiction of States Parties?

Countries that ratify or accede to the Rome Statute must also adopt complementary national legislation to enable full cooperation with the ICC and to allow for national-level prosecutions of the same crimes. The ICC cannot proceed with a case if national-level prosecution exists, based on the principles of "complimentarily", which define the ICC as a complement, not a superseder, of national courts. However, the ICC does have the ability to act if the country is "unwilling" or "unable" to genuinely investigate or prosecute.

What are the limitations of the ICC's authority?

The ICC does not have direct enforcement powers, thus it relies on those of the state to carry out different aspects of the investigations, including: search and seizure, providing documentation, and issuing arrest warrants. In Article 86 of the Rome Statute, the states parties are obligated to fully cooperate with the ICC; however, non-states parties are under no such obligation. If a state refuses to assist or surrender accused persons residing in their territory, the ICC has no authority to force cooperation.

How can a situation be referred to the ICC?

A situation can be referred to the Prosecutor of the ICC in one of three ways:

- by a State Party,
- the Security Council, or
- the Prosecutor, him or herself, based on information received from credible sources. However, in this case, the Prosecutor must attain the authorization of the Pre-Trial Chamber before beginning the investigation.

The Coalition for the International Criminal Court is a global network of over 2,000 civil society organizations supporting a fair, effective and independent International Criminal Court.

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Who can file complaints to the ICC? When and how?

Individuals, victims, and non-governmental organizations are entitled to file submissions on issues concerning the eligibility of their case, the competence of the court, as well as providing evidence to the Prosecutor. This can be done at any moment during the pre-trial, proceedings or appeal.

What is the procedure to file a submission?

A written application must be sent to the Victim's Participation and Reparation Unit (VPRU) of the Court Registrar, which will then submit the application to the appropriate Chamber. If upon review, the Chamber concludes that the applicant is indeed the victim of a crime under the jurisdiction of the Court, the victim will then choose council or have a shared legal representative with others victim to the same crime.

Where can I get the application and where do I send it?

At present, a standard form is being created to send to the VPRU at:

ICC - International Criminal Court
Victim's Participation and Reparation Unit
Maanweg, 174
2516 AB The Hague
The Netherlands

The VPRU can also be contacted by telephone at + 31 (0)70 515 8515 , fax at +31 (0)70 5158555 and email at vpru@icc-cpi.int.

Are there security measures in place for those appearing before the Court?

A Victims and Witnesses Unit (VWU) was created in the registry under article 43, paragraph 6 of the Statute, ensuring the safety and protection of all victims and witnesses appearing before the Court. More specifically, the VWU ensures the victims and witnesses receive the proper medical and psychological care needed, as well as coordinate not only short, but long-term plans in their protection.