



# International Criminal Court (ICC)

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The [International Criminal Court \(ICC\)](#) has issued arrest warrants against [Taliban](#) leaders under **Article 7(1)(h) of the Rome Statute** for **crimes against humanity**, citing systematic **gender and political persecution** in Afghanistan.

## International Criminal Court (ICC)

- **About:** ICC is the **world's first permanent international court** established to **prosecute individuals** for the **most serious crimes of global concern**.
  - It is headquartered in **Hague, Netherlands** and governed by the **Rome Statute**, which is the **founding treaty of the ICC**, adopted on **17th July 1998** and entered into force on **1st July 2002**.
- **Crimes Under ICC:** The **Rome Statute** grants the ICC jurisdiction over 4 core international crimes- **Genocide, Crimes against Humanity, War Crimes, Crime of Aggression**.
- **Jurisdiction & Mandate:** The ICC prosecutes **individuals**, not states, for grave international crimes and cover **crimes committed after 1st July 2002**, the date the **Rome Statute** came into effect.
  - It acts **only when national jurisdictions are unwilling or unable** to prosecute.
  - The Court has jurisdiction **in countries that are parties to the Rome Statute**, or in **non-member states** if referred by the [UN Security Council \(UNSC\)](#).
- **Parties to ICC:**
  - The **Rome Statute** has been ratified by **125 countries**, including the **UK and most European nations**. Over **30 others have signed** but not yet ratified the treaty.
  - Afghanistan has been a member since 2003, while **India**, along with countries like the **US, Israel, China** are **not parties** to the ICC.
    - India has raised objections due to concerns over **sovereignty** and the **UNSC's referral powers** within the Court's framework.
- **Structure:** The **Presidency, Judicial Divisions, Office of the Prosecutor** and the **Registry** are its 4 main organs.
  - The **Assembly of States Parties (ASP)**, consisting of representatives from **member states**, provides **legislative oversight and ensures proper governance of the ICC**.
- **Enforcement:** The ICC **lacks its own police or enforcement mechanism** and relies on voluntary cooperation of member states for arresting and surrendering accused individuals, freezing assets, and implementing its sentences.

# Differences between the ICJ and the ICC

The International Court of Justice (ICJ) and the International Criminal Court (ICC) are two courts with different functions within the international legal system.

	 <b>ICJ</b> International Court of Justice	 <b>ICC</b> International Criminal Court
<b>Established</b>	1945	2002
<b>UN-relationship</b>	Highest court of the UN	Not part of the UN
<b>Location</b>	The Hague, the Netherlands	The Hague, the Netherlands
<b>Jurisdiction</b>	UN member-states	Individuals
<b>Types of cases</b>	Legal disputes between states and requests for advisory opinions on legal questions	Prosecutes individuals for the most serious crimes as per the Rome Statute
<b>Appeals</b>	No	Yes
<b>Enforcement power</b>	None - relies on the UN Security Council to uphold judgements, with permanent members having veto power	None - relies on cooperation from member states to enforce its decisions

**Read More:** [International Criminal Court \(ICC\), ICJ Proceedings: South Africa vs. Israel](#)

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