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*“Role of the International Criminal Court in providing
accountability for the gravest crimes under international
law, especially crimes against children”*

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International Criminal Court



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ICC-UNAFEI Agreement

On 21 October 2022, ICC and UNAFEI concluded an agreement to enhance cooperation and encourage the exchange of knowledge, experience and expertise between the two institutions.



Founding treaty of the ICC

- *Rome Statute of the International Criminal Court*
- Adopted 17 July 1998
- Entered into force 1 July 2002
- Created ICC as a permanent institution



ICC's activities

- ICC has opened investigations in 16 different countries, on 4 continents
- A total of 31 cases involving 51 suspects or accused have been brought before the Court



ICC's States Parties

- 123 States have joined the Rome Statute
- Obligation to cooperate fully with ICC and to participate in funding the Court
- Japan joined the Rome Statute in 2007
- Asian countries underrepresented in the ICC system



Judges of the ICC



- 18 judges all come from different States Parties to the Rome Statute
- Elected for one term of 9 years
- Expertise in criminal law & procedure and/or international law
- Regional and gender balance on the bench



Chambers of the ICC

- Pre-Trial Chambers authorise investigations, issue warrants of arrest, confirm charges
- Trial Chambers decide on guilt/innocence, sentence and reparations
- Appeals Chamber is a second-instance court, hears appeals from the parties



Office of the Prosecutor

- Conducts initial analysis of information on alleged crimes
- Conducts investigations
- Represents prosecution in the courtroom



How are ICC investigations started?

Three "triggering mechanisms"

1. Referral from a State Party to the Rome Statute
2. Referral from the UN Security Council
3. A *Proprio motu* request from ICC Prosecutor to Judges to open an investigation.



ICC Registry

- Administrative and operational support
- Legal support for the defence and victims
- Witness protection and support
- Court management
- Security and safety section



ICC Presidency

- Organises the work of Chambers
- Oversees the administration of the Court (with the exception of the Office of the Prosecutor)
- Represents the ICC externally



Assembly of States Parties

- Approval of ICC budget; election of Judges and Prosecutor; management oversight



Cooperation of States with ICC

- Critical to the functioning of the ICC
- *Obligatory* cooperation for States Parties: arrest and transfer of suspects; freezing of assets; enabling access to witnesses and evidence
- Various forms of *voluntary* cooperation: enforcement of sentences, relocation of witnesses under threat



Victims

- ICC provides victims with access to justice - part of Sustainable Development Goal 16 of United Nations' Agenda 2030
- Victims have the right to *participate* in proceedings with legal assistance
- Victims have the right to request *reparations*



Reparations to victims

- Psychological & physical rehabilitation; projects for education and healthcare, etc.
- Trust Fund for Victims collects donations



Legal system of the ICC

- Judicial independence, impartiality and fairness – key principles
- *Sui generis* international criminal procedure
- Contains elements of different legal systems of the world



Principle of complementarity

- National jurisdictions have primacy
- ICC is a court of last resort
- National capacity building crucial to address Rome Statute crimes
- Education and training: possible cooperation between ICC and UNAFEI



Crimes under ICC's jurisdiction

- Genocide
- Crimes against humanity
- War crimes
- Crime of aggression



ICC and children

- Several crimes under the ICC Statute concern children explicitly
- ICC organs possess special expertise on crimes against children
- Special attention is given to the needs of children as victims or witnesses



Crimes against children

- Use of child soldiers
- Rape and sexual enslavement of children
- Forcible transfer of children to another group
- Trafficking of children
- Attacks on buildings dedicated to education
- Children born out of rape

Restorative justice: reparations





Thank you for your attention



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