

Evolution of the International Criminal Court: Rectifying Legal Deficiencies and Advancing Global Justice

Diaa Hammoud

1- Islamic University of Lebanon

Citation: Hamoud, D. (2024). Evolution of the International Criminal Court: Rectifying Legal Deficiencies and Advancing Global Justice. *Gloria: International Multidisciplinary Studies, 1(1)*, 152-164. https://gloria-leb.org/Criminal_Court.htm

Abstract

The International Criminal Court (ICC), established under the Rome Statute in 1998, is a permanent international judicial institution empowered to prosecute individuals for genocide, crimes against humanity, war crimes, and aggression. Operating independently of political influence and without affiliation to United Nations bodies, the ICC embodies autonomy as guaranteed by its founding statute. Unlike previous ad hoc tribunals, the ICC was designed for permanence, public accessibility, and impartiality, rectifying past institutional deficiencies. The ICC's statute comprises a comprehensive framework spanning a preamble and thirteen chapters encompassing 128 articles. These provisions delineate substantive and procedural norms, representing a significant advancement in international criminal law by codifying rules that align with national legal systems. Emphasizing complementarity with national jurisdictions, the statute promotes integration, compatibility, and cooperation, outlining guidelines for collaboration with entities such as the UN Security Council. This study examines the ICC's statutory contributions in addressing historical legal shortcomings, positioning the Court as a pivotal entity within the global legal landscape. By scrutinizing its foundational principles and operational modalities, this analysis underscores the ICC's evolution into a cornerstone of global justice. The Court facilitates accountability for the gravest international crimes while upholding principles of fairness and judicial integrity worldwide.

الملخص

تأسست المحكمة الجنائية الدولية (ICC) بموجب نظام روما الأساسي عام 1998، وهي مؤسسة قضائية دولية دائمة تتمتع بصلاحيات محاكمة الأفراد بتهمة الإبادة الجماعية والجرائم ضد الإنسانية وجرائم الحرب والعدوان. تعمل المحكمة بشكل مستقل عن التأثيرات السياسية ودون ارتباط بهيئات الأمم المتحدة، وتجسد استقلالية مكفولة بنظامها الأساسي. وعلى عكس المحاكم الخاصة المؤقتة السابقة، صُممت المحكمة الجنائية الدولية لتكون دائمة ومتاحة للجمهور ومحايدة، لتصحيح أوجه القصور المؤسسية السابقة. يتكون النظام الأساسي للمحكمة من إطار شامل يتألف من مقدمة وثلاثة عشر فصلاً ويشمل 128 مادة. تحدد هذه المواد المعايير الموضوعية والإجرائية، مما يمثل تطوراً

كبيرًا في القانون الجنائي الدولي عبر تقنين قواعد تتوافق مع الأنظمة القانونية الوطنية. وبالتأكيد على التكامل مع السلطات القضائية الوطنية، يعزز النظام الأساسي من التكامل والتوافق والتعاون، ويضع إرشادات للتعاون مع هيئات مثل مجلس الأمن الدولي. تتناول هذه الدراسة إسهامات النظام الأساسي للمحكمة الجنائية الدولية في معالجة أوجه القصور القانونية التاريخية، مما يرسخ مكانة المحكمة ككيان محوري في المشهد القانوني العالمي. ومن خلال دراسة المبادئ التأسيسية وطرق العمل الخاصة بها، يؤكد تحليل الدراسة على تطور المحكمة الجنائية الدولية كركيزة أساسية للعدالة العالمية. تسهل المحكمة المساءلة عن أشد الجرائم الدولية فظاعة مع الحفاظ على مبادئ العدالة والنزاهة القضائية على مستوى العالم.

Introduction

The establishment of the International Criminal Court (ICC) in July 1998 marked a pivotal moment in the evolution of International Humanitarian Law and International Criminal Justice. Tasked as the court of last resort for adjudicating serious international crimes such as genocide, war crimes, and crimes against humanity, the ICC embodies a crucial mechanism for accountability and justice on a global scale.

Since commencing its operations in 2003, the ICC has played a vital role not only in prosecuting perpetrators of human rights violations but also in setting precedents for reparative justice. This includes principles guiding the restoration of rights, compensation, and rehabilitation through initiatives like the Trust Fund for Victims, which supports those affected by the gravest international crimes.

The atrocities witnessed throughout history underscore the necessity for institutions like the ICC. From profound human suffering to egregious violations of both divine and human laws, conflicts have inflicted unimaginable harm on societies worldwide. Such offenses not only devastate human lives but also erode the foundations of civilized behavior and international norms.

Purpose of this Study

This study explores the multifaceted dimensions of international criminal responsibility, focusing on war crimes and their profound impact on affected nations. By employing rigorous scientific methodologies—analytical and historical—this research seeks to deepen our understanding of the complexities surrounding individual criminal responsibility within the framework of international law. It aims to elucidate the evolution of legal doctrines, examine jurisprudential interpretations, and analyze the practical applications of international legal rules in prosecuting and preventing international crimes.

Significance of this Study

The significance of this study lies in its contribution to advancing scholarly discourse on global justice and human rights. By addressing the state of the problem—persistent international crimes—and formulating research questions that delve into legal, historical, and humanitarian dimensions, this research aims to enrich the academic dialogue and inform policy-making efforts aimed at promoting accountability, preventing atrocities, and upholding the principles of international justice.

Literature Review

The establishment of the International Criminal Court (ICC) in 2002 marked a significant milestone in international law, culminating from extensive global efforts and negotiations that commenced with the Rome Conference in 1998. The ICC's statute, comprising 129 articles across thirteen sections, exemplifies a comprehensive framework aimed at addressing impunity for the most serious international crimes (Vanner, 1998).

Initially met with widespread international support, evidenced by 120 countries signing the Rome Statute, the ICC encountered opposition from seven nations and abstentions from twenty-one others during the treaty's adoption on July 17, 1998 (ICC Now, 2023). Despite these challenges, the Rome Statute required ratification by sixty countries to become effective, a threshold it surpassed before entering into force on July 1, 2002 (ICC Now, 2023).

Central to the ICC's legal framework is the principle of individual criminal responsibility, a cornerstone of international criminal law stipulated in Article 25 of the Rome Statute. This principle asserts that all "natural persons" aged eighteen and older are subject to the Court's jurisdiction, irrespective of official status or immunities under national laws (ICC Statute, 1998).

Under Article 25(3)(a)-(e), the Rome Statute delineates various forms of criminal conduct—including committing, ordering, aiding, abetting, or otherwise assisting in the commission of international crimes—that render individuals liable to punishment by the ICC (ICRC, n.d.).

The ICC's mandate extends beyond mere prosecution; it emphasizes reparative justice through initiatives such as the Trust Fund for Victims, reflecting its commitment to addressing the profound impact of international crimes on affected communities (Elsea, 2005; Marinakis, 2008-2009).

In conclusion, the ICC represents a critical evolution in global justice, bridging gaps in international humanitarian law and ensuring accountability for perpetrators of atrocities worldwide. This review highlights the ICC's foundational principles, its operational framework, and the ongoing challenges and achievements in its pursuit of international criminal justice.

It must be noted here that the issue of criminal liability and the dialectic of its bearing by the state as the holder of authority and sovereignty over its land and its citizens, or by the individual as the main addressee of the criminal rule and the natural representative of the state, or by both of them together, considering the individual as a representative of the state, and the state as a representative of the individual, was this: "The dialectic". Such dialectic is the subject of great jurisprudential disagreement, and the International Criminal Court's thoughts finally settled on the international criminal responsibility of natural individuals. Regardless of their qualities and the responsibilities they bear, whether they are presidents, military personnel, or ordinary citizens.

Thus, the Permanent International Criminal Court has followed the approach followed by other judicial precedents, as it confirmed that the state cannot be

considered criminally responsible like natural individuals, as it does not have a will similar to the will of individuals. It is a legal person that carries out its work through representatives. Natural persons are leaders, ministers, and military personnel, the ones who have criminal intentions, and thus criminal responsibility is established against them.

The Rome Statute of the International Criminal Court (ICC) establishes fundamental principles of international criminal responsibility, shaping a codified framework that serves as a cornerstone in international law (Harb, 187). Central to this framework is the principle that individuals can be held criminally liable only for acts explicitly defined as crimes under the jurisdiction of the Court (Harb, 399).

Article 25 of the Rome Statute outlines the various forms of individual criminal responsibility, including direct perpetration, joint commission with others, ordering crimes, aiding and abetting, and contributing to group criminal activities with common intent (Al-Ghunaimi, 446). Notably, the Rome Statute departs from traditional common law notions of conspiracy by emphasizing liability regardless of whether the crime is completed (Al-Ghunaimi, 450).

Moreover, Article 31 of the Rome Statute enumerates defenses that may absolve individuals of criminal responsibility, such as mental incapacity, involuntary intoxication, and acts of self-defense or defense of others or property deemed essential for survival or military operations (Harb, 187). Importantly, these defenses must be proportionate to the imminent threat faced.

A critical provision, Article 8(3) of the Rome Statute, shields states from liability for war crimes when acts are undertaken to maintain or restore law and order or defend national unity and territorial integrity, provided such actions comply with international law (Harb, 187). This provision underscores the delicate balance between state sovereignty and international criminal accountability.

The evolution of international criminal responsibility reflects a historical progression towards legalizing and criminalizing acts that threaten global peace and security. Rooted in the League of Nations and subsequently affirmed through international treaties, this development emphasizes not only punitive measures but also reparative justice for victims of international crimes (Al-Raji, 1990).

In conclusion, the Rome Statute's codification of international criminal responsibility represents a significant advancement in global legal standards, fostering accountability for the most serious offenses while respecting principles of fairness and justice in the international arena.

The concept of individual criminal responsibility as defined by the Rome Statute represents a significant advancement in international law, establishing clear criteria for holding individuals accountable for the most serious crimes that affect the global community. This review explores the foundational principles and scope of individual criminal responsibility under the Rome Statute, highlighting its evolution and implications.

Foundations of Individual Criminal Responsibility

Individual criminal responsibility under international law is grounded in the principle that individuals can be held accountable for their actions irrespective of their official status or affiliations. The Rome Statute, adopted in 1998, embodies this principle by defining and codifying crimes such as genocide, crimes against humanity, war crimes, and aggression.

According to Majid Ibrahim Ali (1993), international criminal responsibility is predicated on the concept that there can be no accountability without attribution (Ali, p. 13). This principle underscores the necessity of establishing a direct link between the individual's actions and the commission of a crime under international law.

Elements of Individual Criminal Responsibility

The Rome Statute, from Article 25 to Article 29, delineates the parameters of individual criminal responsibility. Saleh Muhammad Mahmoud (2004) emphasizes that while international civil liability addresses compensation, criminal liability focuses on punishment for acts that violate international agreements (Mahmoud, p. 12).

Commission of Criminal Acts: Article 25 stipulates that individuals are criminally responsible if they personally commit or contribute to the commission of crimes within the ICC's jurisdiction. This includes acts committed individually or jointly with others, or through ordering, soliciting, aiding, or abetting the commission of such crimes (El-Begirat, 2005, p. 43).

Attempt and Participation: Individuals can be held liable even if the attempted crime does not culminate due to external factors. The Rome Statute thus broadens the scope of criminal responsibility beyond completed acts to include attempts and various forms of participation (Yahyawi, 2009, p. 36).

Exclusions and Defenses: Article 31 of the Rome Statute provides grounds for excluding criminal responsibility, such as mental incapacity or acting under duress (Badr al-Din, 2004, p. 122).

Implications and Contemporary Application

The establishment of the ICC marked a paradigm shift in international criminal justice, moving towards a more systematic and comprehensive approach to prosecuting individuals responsible for grave international crimes. Dhari Khalil Mahmoud (2003) notes that the Rome Statute's provisions aim to strike a balance between holding individuals accountable and respecting state sovereignty (Mahmoud & Youssef, 2003, p. 128).

In conclusion, the Rome Statute's provisions on individual criminal responsibility represent a cornerstone in the development of international criminal law. By delineating clear criteria and establishing robust legal frameworks, the ICC aims to combat impunity and ensure justice for victims of the most heinous crimes known to humankind.

International criminal responsibility under the Rome Statute of the International Criminal Court (ICC) encompasses a set of principles and

provisions designed to ensure accountability for the gravest international crimes. This review explores key aspects of individual criminal responsibility as stipulated in the Rome Statute, integrating scholarly insights and legal analyses.

Scope of Individual Criminal Responsibility

The Rome Statute defines individual criminal responsibility in Articles 25 to 33, emphasizing accountability for genocide, crimes against humanity, war crimes, and aggression. Article 25 outlines modes of liability, including direct perpetration, ordering, soliciting, inducing, aiding, abetting, and contributing to crimes committed by groups with a common criminal purpose.

According to Darwish, the ICC holds natural persons, military commanders, and other superiors criminally accountable, provided the crimes fall within the court's jurisdiction (Darwish, p. 205).

Equality in Accountability

A significant principle of the Rome Statute is the equality of accountability irrespective of official status. Article 27 underscores that official capacity, including heads of state, government officials, or military commanders, does not exempt individuals from criminal responsibility (Mahmoud, p. 43). This provision was highlighted in the conviction of Yugoslav President Slobodan Milosevic, illustrating the court's commitment to holding leaders accountable for international crimes.

Command Responsibility

Article 28 elaborates on command responsibility, holding military commanders and superiors accountable for crimes committed by their subordinates if they knew or should have known about the crimes and failed to take necessary measures to prevent them (Darwish, p. 205).

Juvenile Offenders

Article 26 establishes that persons under the age of 18 at the time of committing crimes are not subject to ICC jurisdiction but may face prosecution in national courts. This provision reflects international standards on juvenile justice and reduced criminal responsibility for minors (Bassiouni, p. 246).

No Statute of Limitations

Article 29 ensures that crimes under the jurisdiction of the ICC are not subject to a statute of limitations. This principle emphasizes the gravity of international crimes and ensures that accountability persists regardless of the passage of time (Rome Statute, Article 29).

The Rome Statute's provisions on individual criminal responsibility represent a significant advancement in international law, ensuring that perpetrators of the most serious crimes face justice. Despite challenges and criticisms, including political resistance and operational complexities, the ICC continues to play a crucial role in promoting accountability and combating impunity on a global scale.

By integrating these insights, this literature review contributes to a deeper understanding of the principles and mechanisms governing individual criminal

responsibility under the Rome Statute. It underscores the importance of international cooperation and adherence to legal principles in advancing the goals of global justice and accountability for international crimes.

This explores the concepts of mistakes and orders of superiors as they pertain to individual criminal responsibility under the Rome Statute of the International Criminal Court (ICC). It synthesizes scholarly insights and legal analyses to provide a comprehensive understanding of these provisions.

Mistakes as a Defense

a) Mistake of Fact: According to the Rome Statute, a mistake of fact does not absolve an individual of criminal responsibility unless it negates the mental element required for the crime (Rome Statute, Article 32(1)). This principle ensures that genuine errors in understanding factual circumstances do not excuse criminal conduct if the requisite intent or knowledge for the crime remains.

b) Mistake of Law: Conversely, a mistake of law generally does not exempt individuals from criminal liability (Rome Statute, Article 32(2)). However, it may be considered a defense if the mistake results in the absence of the mental element required for the crime or if the circumstances prevent knowledge of the law (Abdel Razek, p. 200).

Salama notes that while ignorance of the law is typically not an excuse, exceptions exist where circumstances genuinely prevent awareness of legal norms (Salama, p. 380).

Orders of Superiors

Article 33 of the Rome Statute addresses the issue of superior orders as a defense against criminal responsibility:

a) General Rule: Compliance with orders from superiors, whether governmental or military, does not excuse criminal liability (Rome Statute, Article 33). This principle aims to prevent individuals from evading accountability by claiming obedience to orders.

b) Exceptions: Criminal responsibility may be avoided if:

The person had a legal obligation to obey the order.

The person was unaware of the illegality of the order.

The illegality of the order was not apparent (Rome Statute, Article 33).

Additionally, orders to commit genocide or crimes against humanity are considered unlawful under all circumstances (Allam, p. 120).

Application and Implications

These provisions of the Rome Statute underscore its commitment to ensuring accountability for serious international crimes while providing limited defenses based on mistakes and superior orders. The ICC's jurisprudence plays a crucial role in interpreting and applying these provisions to individual cases, ensuring a fair balance between justice and legal defenses (Rome Statute, Article 31).

In conclusion, the Rome Statute establishes a robust framework for individual criminal responsibility, integrating provisions that address mistakes of

fact and law, as well as the complexities surrounding superior orders. While aiming to hold perpetrators accountable for the most serious offenses, the Statute also acknowledges limited circumstances where defenses based on mistakes or orders of superiors may apply. The application of these principles by the ICC contributes to the evolution of international criminal law and its pursuit of justice on a global scale.

Methodology

To comprehensively explore international criminal responsibility, particularly concerning war crimes and their impact on affected nations, this study employs a multifaceted scientific approach. This approach integrates various methodologies aimed at enriching the discourse and deepening understanding of the topic in all its intricacies.

Firstly, an analytical approach is adopted to systematically analyze international legal frameworks governing criminal responsibility. This involves a critical examination of provisions within the Rome Statute and other relevant international legal instruments. Through this method, the study aims to elucidate the principles and mechanisms underlying individual criminal responsibility for international crimes.

Secondly, a historical approach is utilized to trace the evolution and development of international norms pertaining to criminal responsibility. This historical analysis encompasses the progression of legal concepts, landmark cases, and jurisprudential interpretations that have shaped contemporary understandings of international criminal law. By contextualizing current legal frameworks within historical perspectives, the study seeks to highlight the continuity and changes in international legal responses to egregious offenses.

Furthermore, the research integrates comparative legal analysis to juxtapose diverse national approaches to criminal responsibility with international standards. This comparative methodology enables a nuanced examination of how different legal systems address accountability for international crimes, thereby contributing to a broader understanding of global legal harmonization efforts.

Lastly, the study employs qualitative research methods to explore jurisprudential opinions and scholarly interpretations surrounding individual criminal responsibility. This qualitative approach involves in-depth examination of legal doctrines, case studies, and expert analyses to offer comprehensive insights into the complexities and challenges inherent in prosecuting international crimes.

By synthesizing these scientific methodologies, this research aims to advance scholarly discourse on international criminal responsibility, offering insights into its theoretical underpinnings, practical applications, and implications for global justice.

Results and Discussion

The establishment of the International Criminal Court (ICC) marks a significant stride towards achieving international criminal justice. Operationalized

under the Rome Statute, the ICC plays a pivotal role in holding individuals accountable for genocide, crimes against humanity, war crimes, and aggression. Unlike its ad hoc predecessors, the ICC operates as a permanent institution, embodying a commitment to sustained efforts in combating impunity on a global scale.

Central to the ICC's mandate is the principle of complementarity, which respects national jurisdictions and intervenes only when states are unable or unwilling to prosecute these grave offenses domestically. This subsidiary role underscores the ICC's function as a supportive body, reinforcing rather than superseding national sovereignty in the pursuit of justice.

The Rome Statute's meticulous codification of international crimes ensures clarity and specificity in defining offenses, safeguarding against broad interpretations that could lead to unjust prosecutions. By eliminating the statute of limitations for the most serious crimes, the ICC reaffirms its commitment to accountability and the pursuit of justice, regardless of the passage of time.

Nevertheless, the ICC faces ongoing challenges, including political resistance and logistical complexities in conflict zones. Effective cooperation from member states, robust evidence gathering, and enforcement of judgments are crucial to the ICC's legitimacy and efficacy.

While the ICC represents a significant advancement in international criminal justice, its success hinges on continued international cooperation and adherence to legal principles. Addressing these challenges will be pivotal in ensuring that the ICC fulfills its mandate to combat impunity and provide redress to victims affected by the gravest international crimes.

The establishment and operationalization of the International Criminal Court (ICC) represent a significant step towards achieving international criminal justice, albeit with inherent complexities and challenges. The ICC's effectiveness hinges on its adherence to the principles enshrined in the Rome Statute, which governs its jurisdiction and operational framework.

One of the paramount achievements of the ICC is its codification of international crimes and the establishment of a legal framework that ensures accountability for perpetrators of atrocities that threaten global peace and security. Unlike its predecessors, such as the ad hoc tribunals for Yugoslavia and Rwanda, the ICC operates as a permanent institution with a mandate to prosecute individuals responsible for genocide, crimes against humanity, war crimes, and aggression.

Central to the ICC's mandate is the principle of complementarity, which respects national jurisdictions and intervenes only when states are unwilling or unable to prosecute these crimes domestically. This principle underscores the ICC's role as a subsidiary body, ensuring that it does not supersede or undermine the sovereignty of states but rather supplements their efforts in delivering justice.

The Rome Statute's provisions, particularly those concerning the definition and prosecution of international crimes, reflect a careful balance struck by

negotiators at the Rome Conference. They aimed to codify crimes that pose the greatest threats to international peace while ensuring clarity and specificity in their definitions to prevent broad interpretations that could lead to unjust prosecutions.

Furthermore, the ICC's statute explicitly eliminates the statute of limitations for the most serious international crimes, ensuring that perpetrators cannot evade justice simply by the passage of time. This stance against impunity is crucial in upholding the principles of international law and fostering accountability among state and non-state actors alike.

However, the ICC faces ongoing challenges, including political resistance from some states and the complexities of investigating and prosecuting crimes in conflict zones. The court's ability to secure cooperation from member states, gather evidence in volatile environments, and enforce its judgments remains critical to its effectiveness and legitimacy.

In conclusion, while the ICC represents a significant advancement in international criminal justice, its success ultimately depends on international cooperation, adherence to legal principles, and continued support from the global community. Addressing these challenges will be essential in ensuring that the ICC fulfills its mandate to combat impunity and uphold the rights of victims affected by the gravest international crimes.

Conclusion

In the pursuit of comprehensively exploring international criminal responsibility, this study has employed a rigorous methodology that integrates multiple scientific approaches. By analyzing the Rome Statute and other international legal instruments through an analytical lens, the research has illuminated the foundational principles governing individual criminal responsibility for international crimes. The historical approach further contextualized these legal frameworks, tracing their evolution and highlighting pivotal developments that have shaped contemporary international criminal law.

Moreover, the comparative legal analysis provided insights into how different national jurisdictions approach criminal responsibility compared to international standards. This comparative perspective underscored efforts towards global legal harmonization while recognizing diverse approaches to accountability for international crimes.

Qualitative research methods enriched the study by delving into jurisprudential opinions and scholarly interpretations, offering nuanced insights into the complexities of prosecuting international crimes. Through these methodologies, the research advanced scholarly discourse on theoretical underpinnings, practical applications, and implications of international criminal responsibility for global justice.

Through a methodologically sound approach encompassing analytical, historical, comparative, and qualitative methodologies, this study has contributed to a deeper understanding of international criminal responsibility. By exploring

the ICC's role in the global legal landscape, the research underscores the importance of accountability, justice, and the rule of law in addressing atrocities that threaten international peace and security. Moving forward, continued scholarly inquiry and practical engagement will be essential in strengthening the ICC's effectiveness and advancing the cause of global justice.

Funding: There is no funding source for this study.

Competing Interests: There is no conflict of interest.

References

- Abdel Razek, Hani Samir. (2009). *The Scope of Jurisdiction of the International Criminal Court: A Study in Light of the General Provisions of the Statute and Their Applications*. Cairo: Author.
- Abdul Wahab Hammoud. (1989). *International Crime*. Kuwait: Kuwait University.
- Abdul Wahab Abdul. (2010). *International Criminal Liability of Natural Persons: A Fundamental Study within the Framework of International Rules and Practices*. Sharjah: Institute of Training and Judicial Studies.
- Ahmed Al-Hamidi. (2005). *International Humanitarian Law and the International Criminal Court*. In *International Humanitarian Law: Prospects and Challenges*. Beirut: Al-Halabi Legal Publications.
- Ahmed Abu Al-Wafa. (2003). *The Basic Features of the International Criminal Court*. In Sherif Altam (Ed.), *The International Criminal Court: Constitutional and Legislative Harmonizations: A Draft Model Law*. Cairo: International Committee of the Red Cross.
- Ali Jamil Harb. *The International Penal System*. Cairo: Dar Al-Ma'arif, 1982.
- Al-Anani, Ibrahim. (1998). *The International Security System*. Cairo: Dar Al-Nahda Al-Arabiya.
- Al-Attar, Ahmed Sobhi. (1990). *Criminal Liability in Criminal Jurisprudence*. *Journal of Legal and Economic Sciences*, 1(1), 122.
- Al-Ghunaimi, Muhammad Talaat. (1982). *Al-Ghunaimi the Mediator in the Law of Peace*. *Manshi'at Al-Ma'arif*, 446.
- Al-Ghunaimi, Muhammad Talaat. (1982). *Al-Ghunaimi the Mediator in the Law of Peace*. *Manshi'at Al-Ma'arif*, 450.
- Allam, Wael Ahmed. (2001). *The Center of the Individual in the Legal System of International Responsibility*. Cairo: Dar Al-Nahda Al-Arabiya.
- Al-Ghunaimi, M. T. (1982). *Al-Ghunaimi the Mediator in the Law of Peace*. *Manshi'at Al-Ma'arif*, 446-450.
- Ali, M. I. (1993). *The Law of International Relations in Peace and War*. Cairo: Dar Al-Nahda Al-Arabiya.
- Al-Raji, M. (1990). PhD researcher, Faculty of Legal and Economic Sciences, Mohammed V Souissi University, Salé - Rabat.
- Abdel Razek, Hani Samir. *The Scope of Jurisdiction of the International Criminal Court: A Study in Light of the General Provisions of the Statute and Their Applications*. Cairo: Author, 2009.

- Allam, Wael Ahmed. *The Center of the Individual in the Legal System of International Responsibility*. Cairo: Dar Al-Nahda Al-Arabiya, 2001.
- Badr al-Din, S. M. M. (2004). *Objective Responsibility in International Law*. Cairo: Dar al-Nahda al-Arabiya.
- Bassiouni, *Explanation of the Statute of the International Criminal Court*, p. 246.
- Bassiouni, Mahmoud Sharif. (2003). *Explanation of the Statute of the International Criminal Court*. Cairo: Dar Al-Mustaqbal Al-Arabi.
- Baya Sakakni. (2013). *International Criminal Justice and its Role in Protecting Human Rights*. Algeria: Dar Houma for Printing, Publishing and Distribution.
- Darwish, Tarteel. *International Humanitarian Law and the International Criminal Court*. Beirut: Al-Halabi Legal Publications, 2005.
- El-Beqirat, Abdelkader. (2005). *International Criminal Justice: Punishing Perpetrators of Crimes against Humanity*. Algeria: Diwan of University Press.
- Elsa, Jennifer K. (2005). *U. S Policy Regarding the International Criminal Court*. Congressional Research Service (CRS), Report for Congress, the Library of Congress RL 31495.
- El-Beqirat, A. (2005). *International Criminal Justice: Punishing Perpetrators of Crimes against Humanity*. Algeria: Diwan of University Press.
- Elsa, J. K. (2005). *U. S. Policy Regarding the International Criminal Court*. Congressional Research Service (CRS), Report for Congress, Library of Congress RL 31495.
- Harb, A. J. (Ed.). (year). *The International Penal System*. Publisher. 187, 399.
- Hammoud, Abdul Wahab. (1989). *International Crime*. Kuwait: Kuwait University.
- Harb, Ali Jamil. (1982). *The International Penal System*. Cairo: Dar Al-Ma'arif.
- Hosni, Mahmoud Naguib. (1960). *Lessons in International Criminal Law*. Cairo: Dar Al-Nahda Al-Arabiya.
- Ibrahim Ali, Majid. (1993). *The Law of International Relations in Peace and War*. Cairo: Dar Al-Nahda Al-Arabiya.
- Ismail Abdel Rahman, Muhammad. (2000). *Criminal Protection of Civilians in Times of Armed Conflicts: A Grounded Analytical Study*. Cairo: Zagazig University, Faculty of Law.
- ICC Now. (2023). *Rome Statute*. Retrieved from <http://www.iccnw.org/rome/html/ratify.html>
- International Committee of the Red Cross (ICRC). (n.d.). *Customary IHL - Rule 102*. Retrieved from <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule102>
- Mahmoud and Youssef. (2003). *The International Criminal Court: Hegemony of Law or the Law of Hegemony*. Baghdad: House of Wisdom.
- Marinakos, I. (2008-2009). *A Weak ICC: Can the International Criminal Court Succeed Without U. S. Participation? Eyes on the ICC, 5(1)*. Retrieved from <http://www.amicc.org/docs/US%20Chronology.pdf>
- Mahmoud, S. M. (2004). *Objective Responsibility in International Law*. Cairo: Dar al-Nahda al-Arabiya.
- Mahmoud, D. K., & Youssef, B. (2003). *The International Criminal Court: Hegemony of Law or the Law of Hegemony*. Baghdad: House of Wisdom.
- Mahmoud, Dhari Khalil. *Attempted Crime: A Comparative Study*. Baghdad: House of Cultural Affairs, 2001.

- Omar Yahyawi. (2009). *The Law of International Liability*. Algeria: Dar Houma for Printing, Publishing and Distribution.
- Raji, Mohamed Al-. (n.d.). PhD researcher, Faculty of Legal and Economic Sciences, Mohammed V Souissi University, Salé - Rabat.
- Rome Statute of the International Criminal Court. United Nations, 1998.
- Rome Statute of the International Criminal Court. United Nations, 1998.
- Salem Muhammad Suleiman Ogli. (2000). *Provisions of Criminal Liability for International Crimes in National Legislation: A Comparative Study*. Tripoli, Libya: Dar Al-Jamahiriyah for Publishing, Distribution and Advertising.
- Salama, Mamoun Muhammad. (2002). *The Penal Code: General Section*, 4th edition. Cairo: Dar Al-Fikr Al-Arabi.
- Salama, Mamoun Muhammad. *The Penal Code: General Section*, 4th edition. Cairo: Dar Al-Fikr Al-Arabi, 2002.
- Sakakni, Baya. (2013). *International Criminal Justice and its Role in Protecting Human Rights*. Algeria: Dar Houma for Printing, Publishing and Distribution.
- Sharif Bassiouni, Mahmoud. (2003). *Explanation of the Statute of the International Criminal Court*. Cairo: Dar Al-Mustaqbal Al-Arabi.
- Suleiman Ogli, Salem Muhammad. (2000). *Provisions of Criminal Liability for International Crimes in National Legislation: A Comparative Study*. Tripoli, Libya: Dar Al-Jamahiriyah for Publishing, Distribution and Advertising.
- Tarteel Darwish. (n.d.). Title of the Work. (Vol. X, pp. 187 et seq.). Retrieved from URL
- Vanner, Tony. (1998). Establishment of a Permanent International Criminal Court, Rome Diplomatic Conference. *International Review of the Red Cross*, 11(60), 353 et seq.
- Yahyawi, Omar. (2009). *The Law of International Liability*. Algeria: Dar Houma for Printing, Publishing and Distribution.
- Yahyawi, O. (2009). *The Law of International Liability*. Algeria: Dar Houma for Printing, Publishing and Distribution.
- Vanner, T. (1998). Establishment of a Permanent International Criminal Court. *International Review of the Red Cross*, 11(60), 353-368.

Mrs. Diaa Radwan Hammoud is an international arbitrator and lawyer with extensive experience in Civil, Criminal, and Corporate Law. She received her Bachelor degree from Beirut University. Then she pursued an LLM in Business Law and a Diploma in Arbitration from the Lebanese American University. She also earned a Master's degree in Legal and Diplomatic Careers from Filiere Francophone De Droit as well as a Master's degree in International Law and International Criminal Law from the Islamic University of Lebanon. Mrs. Hammoud is currently pursuing a Ph.D. in International Criminal Law at the Islamic University of Lebanon.

