

Forum	Human Rights Council
Issue	Reforming the International Criminal Court to more effectively prosecute human rights violations
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Introduction

The ICC needs to be reformed to better prosecute heinous atrocities against human rights and bring more accountability on the part of individuals. The ICC has to grapple with various challenges like political interference by powerful uncooperative states, a limited scope of jurisdiction, and ability to prosecute crimes committed in only specific countries. It also faces inefficiency in performing its services effectively due to lack of sufficient budget allocation. The changes would make the ICC stronger, increase its jurisdiction to more countries, and foster more cooperation with national courts. Meeting these challenges and strengthening justice for victims, deterrence of future crimes would go a long way in deepening international commitments to human rights and the rule of law.



Figure 1 The International Criminal Court

Definition of Key Terms

Human Rights Violation

Human rights violations take place when a state directly violates basic rights and freedoms of an individual or group, or when it fails to uphold those rights. This includes everything from structural failures to act-like discrimination or refusal of necessary services- to overt violent acts like torture or arbitrary arrest. Human rights violations, occurring, more often than not, with conflicts and repression by governing powers, affect vulnerable communities in the undermining of civil, political, economic, social, and cultural rights.

International Criminal Court

The ICC investigates and prosecutes the suspects of major crimes with worldwide ramifications such as crimes against humanity, war crimes, genocide, and aggression. It does not replace national courts but instead supports them. The operations of the ICC are governed by an international treaty known as the Rome Statute.

Rome Statue

The Rome Statute is the international treaty that established the ICC in 1998. By defining the court's responsibilities, jurisdiction, and the crimes the court can prosecute, including crimes against humanity, war crimes, genocide, and aggression, it is the foundational legal text of the court.

History

The ICC has been criticized by many countries, including Russia and several African nations, on the basis that it is biased, politically motivated, and arbitrary in its justice. The most serious criticism, however, is that the ICC focuses disproportionately on African countries, such as Sudan, Kenya, and the Democratic Republic of Congo, while turning a blind eye to crimes committed by Western nations or their allies. This has led to accusations of selective justice and even neo-colonialism, prompting some African states, like Burundi, to withdraw from the ICC altogether. Although Russia signed the Rome Statute, it never ratified it, and in 2016, the country formally withdrew its signature due to perceived efforts by the court to undermine national sovereignty and being driven by political interests. For example, Russia has rejected any investigation of the ICC into the 2008 Russia-Georgia war as biased and unjust.

Another major problem in this respect is the limited jurisdiction of the ICC, it can prosecute only crimes committed on the territory of a member state or by a national of a

member state, except when the UN Security Council refers a case. A gaping loophole opens here; thus, powerful non-member states like the U.S., Russia, and China are virtually shielded from any prosecution of accusations of double standards in international justice. It does not have an enforcement mechanism of its own, only through the states members to arrest suspects or to enforce the ruling of the Court. It is for this reason that several highly publicized failures have taken place, including that of the indictment against Sudanese President Omar al-Bashir for genocide, who freely travels to a number of ICC member states with impunity. These have indeed raised very serious questions about the fairness, effectiveness, and impartiality of justice that the ICC can deliver on a global scale.

Besides that, the ICC has been criticized for over-reliance on state cooperation, which mostly results in political interference and delayed justice. For example, the investigations of the court into the situations in Afghanistan and Palestine have been strongly resisted by powerful states, which has also catalyzed perceptions of partiality and ineffectiveness. The budget and resource constraints on the ICC have also been an issue, with some arguing that the court is not adequately funded to fulfill its mandate. Furthermore, the latter focus on the individual criminal liability has been reproached for letting large structural and systemic factors connected with conflict and human rights violations go unattended. These critiques represent the complexity of the hurdles that the ICC has to tackle in the course of its search for justice globally, emphasizing how constant scrutiny and reform are essential to tackle perceived flaws.

Major Parties Involved

Parties to the Rome Statute

There are currently 125 States Parties to the Rome Statute of the International Criminal Court. Of these, 33 are African states, 19 from the Asia-Pacific region, 20 from Eastern Europe, 28 from Latin America and the Caribbean, and 25 from Western Europe and other regions.

The International Criminal Court

The International Criminal Court is an independent judicial body created by the Rome Statute in 2002 to prosecute persons responsible for genocide, war crimes, and other serious crimes against humanity.

Timeline

Date	Description of Event
1919	Proposal for an international court in the Treaty of Versailles.
1945	Establishment of the Nuremberg and Tokyo tribunals.
1993	Creation of the International Criminal Tribunal for the Former Yugoslavia (ICTY).
1994	Establishment of the International Criminal Tribunal for Rwanda (ICTR).
1998	Adoption of the Rome Statute, establishing the ICC.
2002	Rome Statute enters into force, making the ICC operational.
2012	ICC issues its first judgment against Thomas Lubanga for war crimes.
2016	Jean-Pierre Bemba convicted of crimes against humanity and war crimes.

Previous Attempts to Solve the Issue

The ICC has taken various significant steps to deflect criticism regarding its efficiency and lack of attention.

The most far-reaching measure taken to date has been to increase transparency in its operations. The ICC publishes detailed reports on cases and decisions so as to make understandable its *modus operandi* to the general public, which would engender trust within the international community.

The ICC, in a bid to shed its reputation for concentrating its efforts in African nations, has since widened operations in other parts of the world. In 2016, the first major investigation into events outside of Africa began with the country of Georgia. That was important for showing that what the ICC does is about filling serious crimes worldwide, rather than regionalism.

It has also pursued high-profile cases of influential individuals, announcing investigations into suspected torture and abuse by U.S. military personnel in Afghanistan. However, that investigation has had its challenges, as it has gone through changes in leadership; all it has shown is that the ICC is even willing to take on powerful countries for their actions.

The ICC presence has also galvanized countries to probe their military personnel. A notable example is the Australian Defense Force, which launched its own inquiry into reports of misconduct by its soldiers in Afghanistan. This is indicative of how the ICC can motivate nations to take responsibility for their actions, particularly when there are concerns about potential scrutiny from the court.

Finally, the ICC is relevant to current conflicts around the world. For example, when Russia invaded Ukraine, many countries quickly referred the situation to the ICC for possible investigation. While the ICC cannot prosecute Russia for aggression because it is not a signatory, this reaction underlines the fact that many countries still find value in the court as a way to pursue justice.

In that respect, through these actions, the ICC will try to repair its image and efficiency. Responding to the criticisms, widening its scope, and encouraging responsibility both internationally and nationally, the ICC is bound to achieve its vision of realizing justice for grave crimes around the world.

Possible Solutions

The ICC can solve criticisms through the following steps that the International Criminal Court can make to improve its functioning. It allows for unchecked powers because one of the biggest criticisms of the ICC is biased or unfair. Often, it's usually persecuting countries or regions while letting others go free. In this respect, the ICC needs to be more transparent about making its decisions so that fairness rules its actions. Another criticism leveled against the ICC is that its procedures are very slow, with cases taking several years to get resolved. The court can work on expediting its processes so that justice is delivered more quickly for victims and their families. Besides, the ICC has difficulties in enforcing its decisions due to its dependence on countries for the arrest of suspects and execution of its decisions.

Strengthening relations with governments and international organizations may allow the ICC to enforce its judgments. Besides that, the Court should try harder to explain itself in view of the public, especially among communities where crimes under investigation

occurred, listen more to them, and show how what it is doing contributes to justice; that will earn greater support and more legitimacy for the ICC. With that, the ICC, being more transparent, more efficient, and closer to the people it is serving, will be able to respond to criticisms and solidify its role in promoting international justice.

Appendix

International Criminal Court. "International Criminal Court." *Icc-Cpi.int*, www.icc-cpi.int/.

This is the official website of the International Criminal Court and contains vast information relating to its aim, goals, and its development. This is a very helpful website for all those individuals who want to understand ICC in depth.

Soken-Huberty, Emmaline . "What Are "Human Rights Violations"?" *Human Rights Careers*, 16 May 2020, www.humanrightscareers.com/issues/what-are-human-rights-violations/.

This source solely deals with human rights violations. Any delegate who may feel clueless about the topic can refer to this for a better understanding of the criteria that define a case as a violation of human rights. This should serve as an informative outline to help shed light on confusion over this vital issue.

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