## CONTENTS

	Preface page ix List of Abbreviations xv
1	Creation of the Court 1 The Nuremberg and Tokyo Trials 5 The International Law Commission 9 The Ad Hoc Tribunals 11 Drafting of the Rome Statute 16
2	The Court Becomes Operational 23 The Rise and Fall and Rise of US Opposition 25 The First Situations: Civil War in Central Africa 31 Security Council Referrals: Sudan and Libya 36 Post-Election Violence: Kenya and Côte d'Ivoire 41 Cultural Property in Mali 42 Civil War in Georgia 44 Malaise in Africa 44 The Future of the ICC 49
3	Jurisdiction51Temporal (Ratione Temporis) Jurisdiction58Personal (Ratione Personae) Jurisdiction64Territorial (Ratione Loci) Jurisdiction72Acceptance of Jurisdiction by a Non-Party State76Subject-Matter (Ratione Materiae) Jurisdiction81
4	Triggering the Jurisdiction 151 State Party Referral 154 Security Council Referral 159 Proprio Motu Authority of the Prosecutor 168 Security Council Deferral 175

5	Admissibility 181 Complementarity 182 Gravity 195
6	General Principles of Criminal Law Sources of Law 203 Interpreting the Rome Statute 213 Presumption of Innocence 216 Rights of the Accused 220 Individual Criminal Responsibility 226 Responsibility of Commanders and Other Superiors 234 Mens Rea or Mental Element 237 Defences 240 Statutory Limitation 247
7	Investigation and Pre-Trial Procedure 249  Preliminary Examination 252  Initiation of an Investigation 255  Investigation 259  Arrest and Surrender 271  Appearance before the Court and Interim Release 280  Confirmation Hearing 284  Rulings on Jurisdiction and Admissibility 292  Preparation for Trial 297
8	Trial and Appeal 301 Presence at Trial 304 Defence and Right to Counsel 309 Guilty Plea Procedure 311 Evidence 313 Protective Measures for Witnesses 322 Decision 325 Sentencing Procedure 330 Appeal and Revision 331
9	Punishment 338 Available Penalties 343 Enforcement 348

## 10 Victims of Crimes and Their Concerns 353 Victim Participation in Proceedings 359 Reparations for Victims 370 Institutions for Victims 373 11 Structure and Administration of the Court 380 Headquarters in The Hague Relationship with the United Nations 381 Presidency 382 Chambers 383 Office of the Prosecutor 390 396 Registry Coordination Council 397 Advisory Committee on Legal Texts 397 **Detention Unit** 397 398 Outreach 399 Defence Bar Assembly of States Parties 402 Review Conference 404 Friends of the Court 405 Privileges and Immunities 406 407 Languages Funding 408 Settlement of Disputes 410 Reservations and Declarations 410 Amendment 415 Signature, Ratification, Approval, Accession and

## Appendices 421

Withdrawal

Authentic Text

417

419

Appendix 1 Rome Statute of the International Criminal
Court 423

Appendix 2 States Parties and Signatories to the Rome
Statute 518

Bibliography 525 Index 600