Table of Contents

Preface	vii
Abbreviations	xv
Table of Cases	xix
Table of Instruments of the International Criminal Court	xlv
Table of International Instruments	lxv
Historical Introduction	1
PREAMBLE	29
PART 1. ESTABLISHMENT OF THE COURT	
Article 1. The Court	57
Article 2. Relationship of the Court with the United Nations	63
Article 3. Seat of the Court	87
Article 4. Legal status and powers of the Court	94
DART 2 HIRICOICTION ADMICCIPILITY	
PART 2. JURISDICTION, ADMISSIBILITY AND APPLICABLE LAW	
Article 5. Crimes within the jurisdiction of the Court	101
Article 6. Genocide	119
Article 7. Crimes against humanity	137
Article 8. War crimes	188
Article 9. Elements of Crimes	258
Article 10.	269
Article 11. Jurisdiction ratione temporis	273
Article 12. Preconditions to the exercise of jurisdiction	277
Article 13. Exercise of jurisdiction	293
Article 14. Referral of a situation by a State Party	
Article 15. Prosecutor	314
Article 16. Deferral of investigation or prosecution	325
Article 17. Issues of admissibility	335
Article 18. Preliminary rulings regarding admissibility	353
Article 19. Challenges to the jurisdiction of the Court	
or the admissibility of a case	361
Article 20. Ne bis in idem	373
Article 21. Applicable law	381

PART 3. GENERAL PRINCIPLES OF CRIMINAL LAW	
Article 22. Nullum crimen sine lege	403
Article 23. Nulla poena sine lege	413
Article 24. Non-retroactivity ratione personae	417
Article 25. Individual criminal responsibility	421
Article 26. Exclusion of jurisdiction over persons under eighteen	443
Article 27. Irrelevance of official capacity	446
Article 28. Responsibility of commanders and other superiors	454
Article 29. Non-applicability of statute of limitations	466
Article 30. Mental element	472
Article 31. Grounds for excluding criminal responsibility	480
Article 32. Mistake of fact or mistake of law	499
Article 33. Superior orders and prescription of law	507
PART 4. COMPOSITION AND ADMINISTRATION	
OF THE COURT	
Article 34. Organs of the Court	517
Article 35. Service of judges	520
Article 36. Qualifications, nomination, and election of judges	524
Article 37. Judicial vacancies	536
Article 38. The Presidency	539
Article 39. Chambers	550
Article 40. Independence of the judges	563
Article 41. Excusing and disqualification of judges	568
Article 42. The Office of the Prosecutor	574
Article 43. The Registry	585
Article 44. Staff	601
Article 45. Solemn undertaking	607
Article 46. Removal from office	
Article 47. Disciplinary measures	
Article 48. Privileges and immunities	619
Article 49. Salaries, allowances, and expenses	627
Article 50. Official and working languages	634
Article 51. Rules of Procedure and Evidence	642
Article 52. Regulations of the Court	
The Court of the Court	
PART 5. INVESTIGATION AND PROSECUTION	
Article 53. Initiation of an investigation	655
Article 54. Duties and powers of the Prosecutor	
with respect to investigations	672

Table of Contents		хi
Article 55. Rights of persons during an investigation		683
Article 56. Role of the Pre-Trial Chamber in relation		
to a unique investigative opportunity		690
Article 57. Functions and powers of the Pre-Trial Chamber		695
Article 58. Issuance by the Pre-Trial Chamber of a warrant		
of arrest or a summons to appear		702
Article 59. Arrest proceedings in the custodial State		715
Article 60. Initial proceedings before the Court		721
Article 61. Confirmation of the charges before trial		732
	1	
PART 6. THE TRIAL		
Article 62. Place of trial		747
Article 62. Trial in the presence of the accused		750
Article 63. Functions and powers of the Trial Chamber		760
Article 64. Proceedings on an admission of guilt		774
Article 66. Presumption of innocence		782
Article 60. Fights of the accused		
Article 67. Rights of the accused Article 68. Protection of the victims and witnesses and		792
		821
their participation in the proceedings Article 69. Evidence		836
Article 70. Offences against the administration of justice		
Article 70. Offences against the administration of justice Article 71. Sanctions for misconduct before the Court		852
		859
Article 72. Protection of national security information	. 70	861
Article 73. Third party information or documents		870
Article 74. Requirements for the decision Article 75. Reparations to victims		872
		878
Article 76. Sentencing		884
PART 7. PENALTIES		
Article 77. Applicable penalties		891
Article 78. Determination of the sentence		898
Article 79. Trust Fund		909
of penalties and national laws		918
PART 8. APPEAL AND REVISION		
Article 81. Appeal against decision of acquittal or conviction	1000	
or against sentence		929
Article 82. Appeal against other decisions		938
		500 Sec. 10-30

Article 83. Proceedings on appeal	950
Article 84. Revision of conviction or sentence	958
Article 85. Compensation to an arrested or convicted person	964
Titlete op. Competition	
PART 9. INTERNATIONAL COOPERATION	
AND JUDICIAL ASSISTANCE	
AND JUDICINE MOOIS IMAGE	
Article 86. General obligation to cooperate	973
Article 87. Requests for cooperation: general provisions	978
Article 88. Availability of procedures under national law	986
Article 89. Surrender of persons to the Court	993
Article 90. Competing requests	1001
Article 91. Contents of request for arrest and surrender	1007
Article 92. Provisional arrest	1011
Article 93. Other forms of cooperation	1015
Article 94. Postponement of execution of a request	
in respect of ongoing investigation or prosecution	1026
Article 95. Postponement of execution of a request in	
respect of an admissibility challenge	1029
Article 96. Contents of request for other forms of	
assistance under article 93	1032
Article 97. Consultations	1035
Article 98. Cooperation with respect to waiver of	
immunity and consent to surrender	1037
Article 99. Execution of requests under articles 93 and 96	1047
Article 100. Costs	1051
Article 101. Rule of speciality	1054
Article 102. Use of terms	1058
PART 10. ENFORCEMENT	
TART TO. ENFORCEMENT	
Article 103. Role of States in enforcement of sentences of imprisonment	1065
Article 104. Change in designation of State of enforcement	1075
Article 105. Enforcement of the sentence	1077
Article 106. Supervision of enforcement of sentences and	
conditions of imprisonment	1080
Article 107. Transfer of the person upon completion of sentence	1084
Article 108. Limitation on the prosecution or punishment	
of other offences	1089
Article 109. Enforcement of fines and forfeiture measures	1095
Article 110. Review by the Court concerning reduction of sentence	110
Article 111. Escape	1108

Table of Contents	xiii
PART 11. ASSEMBLY OF STATES PARTIES	
Article 112. Assembly of States Parties	1115
PART 12. FINANCING	
Article 113. Financial Regulations	1137
Article 114. Payment of expenses	1141
Article 115. Funds of the Court and of the Assembly of States Parties	1144
Article 116. Voluntary contributions	1149
Article 117. Assessment of contributions	1152
Article 118. Annual audit	1155
PART 13. FINAL CLAUSES	
Article 119. Settlement of disputes	1159
Article 120. Reservations	1166
Article 121. Amendments	1174
Article 122. Amendments to provisions of an institutional nature	1183
Article 123. Review of the Statute	1186
Article 124. Transitional provision	1192
Article 125. Signature, ratification, acceptance, approval or accession	1195
Article 126. Entry into force	1201
Article 127. Withdrawal	1205
Article 128. Authentic texts	1208

1211

Index