

From Russia and beyond: the ICC global standing, while countries' resignation is getting serious

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ABSTRACT

This article aims to critically examine the International Criminal Court, established in 2002 to complement domestic jurisdiction in prosecuting the gravest crimes (war crimes, crimes against humanity, genocide, and – most recently – crimes of aggression), in a multidimensional manner, assessing its place in relation to public international law, international criminal law and international human rights law.

Simultaneously, it will problematize compatibility of the Rome Statute, the Court's founding treaty, with national jurisdictions of both Member and Nonmember states to the ICC, and raise questions about the dynamics between the institution and the UN Security Council, which plays a crucial supranational role in the process of initiating and authorizing prosecutions of crimes committed on the territories, or by the nationals of Non-member countries.

In the light of the recent crisis the ICC suffered in the form of African demarche (with South Africa, Gambia and Burundi declared their pull-out in November 2016), followed closely by Russia's signature withdrawal, and Kenyan, Ugandan and Filipino authorities expressing their significantly undermined trust in the judicial institution, the need to reflect on the relevance and feasibility of the initial hopes put in the Rome Statute comes particularly acute, as the international community is puzzled by the controversial question of how to improve the Court while managing to attract as many states (with often mutually exclusive viewpoints on the principles of international law) to sign the Statute.

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TAG: *aggressione, crimini, diritti umani, genocidio, Diritto internazionale, Diritto penale internazionale*

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