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The International Criminal Court and its Judicial and Administrative Bodies

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Abstract :

The International Criminal Court represents the first lasting international judicial institution, coming into existence when the Rome Statute took effect on July 1, 2002. Its core mission is to deliver justice for those affected by armed conflicts and hold accountable individuals responsible for the world's gravest crimes.

For the Court to function effectively, it must have a solid judicial and administrative framework as set out in parts of the Rome Statute, specifically in Chapter Four (notably Article 34) and Chapter Eleven (Article 112). The Court's structure revolves around a central Presidency and comprises three core divisions: the Pre-Trial Chamber, the Trial Chamber, and the Appeals Chamber. This hierarchical design aligns with the conventional two-tier judicial framework found in numerous legal systems, where initial adjudication occurs at the trial level, followed by a potential appellate review to ensure procedural fairness and legal accuracy.

Given that the Court's judicial components alone do not suffice to exercise its full mandate, the International Criminal Court complements them with additional bodies. In addition to the General Assembly of States Parties—the primary hub for administrative, financial, and policy-making functions—the Court's framework incorporates the Office of the Prosecutor. This office serves a pivotal function in overseeing the procedural aspects of cases and safeguarding the integrity of judicial processes at every stage.

This multi-faceted organizational setup underscores the Court's commitment to balancing both the judicial and administrative aspects of international justice, thereby enhancing its overall effectiveness. **Keywords:** International Criminal Court; Presidency; Court Divisions; Prosecutor; Court Registry.

Introduction:

The drive to establish the International Criminal Court arose from the pressing imperative to address the widespread human suffering caused by armed conflicts and systematic atrocities. Countless innocent lives were lost—caught in the crossfire of wars or brutally targeted in genocidal campaigns—often at the hands of ruthless leaders driven solely by personal ambition. Faced with such indiscriminate suffering, many nations rallied to the cause, advocating for a dedicated judicial system equipped to address and redress these monumental injustices.

Following the Rome Statute's entry into force on July 1, 2002, the International Criminal Court (ICC) emerged as the first permanent international tribunal dedicated to prosecuting individuals responsible for grave international offenses, including genocide, crimes against humanity, war crimes, and aggression. Its foundational purpose is to enforce accountability for these acts, ensuring perpetrators—regardless of their official position—face legal consequences. The Court is devoted to supporting victims of armed conflict, and its smooth operation depends on a well-defined judicial and administrative foundation, as detailed in Part Four, particularly Article 34, as well as the only provision in Part Eleven—Article 112.

The Court's judicial framework centers on a Presidency supported by three primary divisions—namely, the Appeals, Trial, and Pre-Trial Divisions. This design mirrors the familiar two-tier litigation approach, where cases are initially tried and subsequently reviewed on appeal, underlining the indispensable role of judges whose expertise brings the ICC its essential human touch. Yet, the judicial organs alone cannot fulfill the Court's mandate. To complete the picture, a robust administrative system is in place: The Court's operations are supported by three key pillars: the Assembly of States Parties, which serves as its governing body; the Office of the Prosecutor, responsible for legal proceedings; and the Court Registry, handling administrative functions. Their coordinated efforts guarantee streamlined judicial processes and ensure all trials adhere to rigorous standards of justice and impartiality. This integrated approach highlights the Court's commitment to not only adjudicating serious international crimes but also to providing a balanced, transparent, and effective judicial process.

The International Criminal Court is built, like any well-functioning judicial body, on both a judicial and an administrative foundation. To achieve its goals, the Rome Statute crafted this dual structure by referencing Article 5 of the 1994 draft developed by the International Law Commission, as well as drawing on the lessons learned from the tribunals established for Yugoslavia and Rwanda. This thoughtful design ensures the Court is equipped with the right blend of institutions to effectively carry out its mission. One can see this balanced composition as a key element that empowers the ICC to tackle some of the world's gravest crimes while providing justice to its victims¹.

In this study, we explore two central issues: what makes up the judicial bodies of the International Criminal Court and how its administrative framework and overall organization are structured. To explore these themes, the study is

structured into two primary parts. The first section, titled "Judicial Framework of the ICC," examines the organizational design and operational roles of the Court's judicial divisions. The second, "Administrative Architecture of the ICC," analyzes the logistical and managerial frameworks supporting its daily functions. This division aligns with the foundational principles outlined in Part Four of the Rome Statute—which governs the Court's institutional architecture and governance—and Article 112's provisions concerning the Assembly of States Parties' oversight responsibilities.

This approach not only clarifies the distinct roles within the ICC but also provides a balanced view of how judicial processes and administrative functions work together to fulfill its mandate. One might also consider exploring how these structures compare with those of other international courts, as well as the challenges they face in adapting to evolving legal and political landscapes.

The First Section: Judicial Bodies of the International Criminal Court

Article 34 of the Rome Statute functions as the foundational pillar defining the International Criminal Court's judicial framework. It explicitly identifies the Court's core organs that are exclusively tasked with judicial responsibilities, establishing their distinct roles in upholding international justice. Essentially, it establishes the Presidency along with its various divisions—which together are responsible for prosecuting those accused of committing any of the four major crimes that have a profound impact on humanity².

We will examine the composition of these bodies by focusing on the individuals involved, whether they serve as judges, members of the Presidency, or as part of the Chambers. This will be explored across the following three sections:

The First Requirement: Judges

The International Criminal Court arranges its judges into two primary groups. One is the Presidency, which plays a central leadership role. The second category—the Court's judicial apparatus, encompassing its adjudicative functions—is structured into three specialized divisions: Pre-Trial, Trial, and Appeals. At its inception, the judicial bench consisted of 18 judges, reflecting a balance between expertise and representation across the Court's core mandates³. The Assembly of States Parties set up an Advisory Committee on Nominations to manage the process of candidate proposals. Each State Party can nominate one candidate, regardless of whether that candidate is one of its own nationals or from another Party under the Rome Statute. Ultimately, the elected candidate must secure both the highest vote count and the endorsement of no fewer than two-thirds of the member states participating in the voting process.

Candidates must embody the core attributes expected of any judge. Chief among these are a reputation for unwavering integrity and exemplary moral character, along with the essential qualifications for securing top judicial appointments. Moreover, Judges must exhibit a comprehensive grasp of criminal law and its procedural dimensions. Their advanced proficiency in pivotal branches of international law—notably humanitarian and human rights law—alongside

unyielding ethical principles and professional competence, equips them to adeptly address the multifaceted challenges embedded within global judicial processes.

Beyond these requirements, it might be interesting to delve into how these standards compare with judicial selection processes in other international institutions and what additional qualities might enhance a judge's ability to adapt in evolving legal landscapes⁴.

Beyond requiring candidates to demonstrate a solid academic foundation in legal theory and fluency in at least one of the Court's official languages, States Parties emphasize the need for equitable geographic distribution that represents the world's diverse global legal systems. Mirroring the International Court of Justice's approach, significant emphasis is placed on achieving gender parity within the judiciary, ensuring a balanced composition that aligns with modern standards of inclusivity and representation⁵.

The Rome Statute generally provides that judges serve for nine years. However, at the first election, the judges are divided by lot: one-third serve for three years, one-third for six years, and the remaining one-third for nine years. Additionally, a judge can be re-elected for a further three-year term. Importantly, once appointed, a judge remains in office until any trial or appeal—whether at first instance or on appeal—that was underway at the time of their appointment is completed.

This setup ensures continuity in judicial proceedings while allowing for periodic renewal of the Court's membership. One intriguing feature of the Court's design is its staggered term system for judges. This approach ensures that not all judges are replaced simultaneously, which is key to maintaining continuity and institutional memory. By retaining experienced judges over extended periods, the Court safeguards consistency in its jurisprudence and decision-making⁶.

In the event of any vacancy, an election is convened following the same procedure as before. The judge elected in this process will serve out the remaining term of their predecessor. However, if this remaining period is three years or less, the judge may also be re-elected for a complete nine-year term, as previously noted⁷.

To safeguard the Court's neutrality and autonomy, the framers of the Rome Statute integrated explicit safeguards into the Statute's framework. These provisions not only guarantee judicial autonomy but also outline protocols to shield judges from being assigned tasks that risk undermining their impartiality or exposing them to external influences⁸.

In addition to explicit rules for disqualifying judges for personal or objective reasons, if a judge's behavior does not warrant outright disqualification, Even with the autonomy afforded by the Charter, accountability remains a top priority. Judges remain accountable to the disciplinary framework enshrined in Article 47 of the Rome Statute. The specifics of these procedures—including investigation protocols and potential sanctions—are further clarified in the Rules of Procedure and Evidence, ensuring transparency and consistency in addressing judicial misconduct⁹.

The Second Requirement: The Presidency

The President of the International Criminal Court serves as the institution's highest judicial authority, working alongside a leadership triumvirate that includes the President, First Vice-President, and Second Vice-President. These pivotal roles are assigned to judges chosen through an absolute majority vote among the Court's 18-member judiciary, who serve renewable three-year terms. This framework emphasizes the necessity of authoritative judicial stewardship while promoting institutional stability and equitable governance practices¹⁰.

Under Articles 4 and 38 of the Rome Statute, the Presidency is tasked with overseeing the Court's administrative systems and institutional framework, including monitoring the Registry's operations. The Presidency is also assigned supplementary duties outlined in the Statute to uphold seamless and efficient functioning of the Court's core operations¹¹. The Presidency works in close coordination with the Office of the Prosecutor to maintain coherence in shared responsibilities. A central duty involves formulating a set of ethical guidelines for legal counsel, drafted in consultation with the Registrar and informed by discussions with the Prosecutor's Office. Following their election, the Presidency compiles a roster of qualified nominees for Registrar and Deputy Registrar roles, presenting these candidates to the Assembly of States Parties for evaluation. Upon the Registrar's election under Article 43 of the Rome Statute, the Presidency collaborates on administrative tasks while refraining from engaging in judicial activities linked to the Registrar's position.

The Presidency is authorized to decide whether judges assume full-time or part-time roles, propose adjustments to the judicial roster (subject to the Assembly of States Parties' endorsement), and manage the delegation or reassignment of judges' case-related duties.

The Rome Statute provides judges with immunities and privileges designed to protect their independence and shield them from external influences while they perform their duties. To prevent these safeguards from undermining judicial neutrality, the statute empowers the Presidency to revoke a judge's immunities and privileges following a formal request from peers if an inquiry confirms concerns about their impartiality. This provision is essential for upholding the integrity of the Court's judicial process.¹²

It's worth highlighting that on April 11, 2003, the International Criminal Court made history by electing its very first President, appointing the distinguished Canadian judge Philippe Kirsch to serve a three-year term. His election marked a significant milestone in establishing the Court's leadership and governance.¹³ Judge Akuakoinehia, representing Ghana, was elected as the First Vice-President, while Judge Audibopinet from Costa Rica assumed the role of Second Vice-President. This arrangement not only highlights the diverse geographic representation within the Court's leadership but also reinforces its commitment to upholding impartiality and balanced justice across different legal traditions¹⁴.

The Third Requirement: The Chambers

Under Article 39 of the Rome Statute, after the 18 judges are elected, the Court promptly divides its judicial framework into three specialized chambers: the Appeals Chamber, Trial Chamber, and Pre-Trial Chamber. This structure is rooted

in the institutional blueprint defined by Article 34 of the Statute. The allocation of judges to these Chambers is determined not only by the distinct responsibilities each Chamber handles but also by taking into account the specific qualifications and experience that individual judges bring to the table. This careful and deliberate approach ensures that every Chamber is staffed in a way that optimally supports its specialized judicial functions, thereby enhancing the overall effectiveness of the Court's operations¹⁵.

These three chambers constitute the foundation of the Court's judicial framework. They oversee all stages of legal proceedings—from the Prosecutor's Office's evidence-gathering and presentation to the conclusive adjudication of cases through rulings. By adhering to the Rome Statute's tiered approach, this system reinforces transparency in the administration of justice while safeguarding defendants' rights through equitable hearings. Furthermore, its methodical design reduces the likelihood of procedural, human, or legal oversights that might otherwise undermine the integrity of outcomes¹⁶.

Within the ICC's judicial architecture, specialized Chambers—each integrated into one of the Court's three core divisions—execute the adjudicative responsibilities central to its mandate. These Chambers play a pivotal role in the litigation lifecycle: they rigorously assess evidence and factual submissions presented by the Office of the Prosecutor, culminating in authoritative rulings. This tiered structure guarantees that every phase of a case benefits from focused scrutiny and specialized expertise, reinforcing both the legitimacy and equity of the judicial process.

The following provides a detailed breakdown of the ICC's three divisions, ordered in alignment with Article 34 of the Rome Statute:

Branch One: The Appeals Division

The Appeals Chamber is composed of a President and four judges, selected based on their profound expertise in criminal law, procedural justice, and international legal frameworks. Judges appointed to this chamber serve full terms dedicated exclusively to its functions, with no concurrent roles permitted in other divisions of the Court. This dedicated focus helps ensure that the appeals process is managed with the highest level of specialization and consistency. Moreover, to maintain impartiality, judges who are nationals of either the complainant's State or the accused's State are generally barred from serving in the division handling that particular case¹⁷.

The Appeals Division occupies the highest position in the ICC's judicial hierarchy, serving as the ultimate authority in the Court's decision-making process. This Chamber holds jurisdiction to assess appeals against rulings issued by the Office of the Prosecutor and the Pre-Trial Chamber. Its most critical function lies in scrutinizing final verdicts delivered by the Trial Chamber, serving as the final tier of appellate oversight. By mandating rigorous review of pivotal legal rulings, the Appeals Chamber reinforces the Court's dedication to equitable and uniform application of justice across all cases¹⁸.

Branch Two: The Trial Division

The Trial Division consists of no fewer than six judges, ensuring that each trial benefits from broad expertise and balanced judicial oversight. To ensure that its responsibilities are managed effectively, the division may be organized into two or more Chambers when necessary. This flexible structure allows the Court to handle complex cases efficiently and maintain a high standard of judicial performance¹⁹.

According to Article 39 of the Court Regulations, if the President determines that maintaining smooth operations requires it, a judge who usually serves in the Trial Division may be temporarily transferred to the Pre-Trial Division, and vice versa. This flexibility ensures that judicial resources are allocated where they are needed most to keep the Court functioning effectively. This provision allows for a flexible allocation of judicial resources, ensuring that the Court can adapt and maintain smooth operations whenever specific needs arise during its proceedings²⁰. However, if a judge from the Trial Division has already been involved in a case during the pre-trial phase, they are not allowed to participate in that case's hearing once it moves to the trial stage²¹.

Judges who participated in pre-trial proceedings must withdraw from the case once it moves to trial, either through voluntary recusal or formal exclusion by the Court. Governed by the Rome Statute, the Trial Division is responsible for conducting legal proceedings. This division initiates the adjudicative phase, where an initial verdict is delivered against the accused. If the defendant does not appeal this decision within the stipulated timeframe, the verdict is finalized and legally binding²².

The Trial Division begins its proceedings once two prerequisites are met. First, the Pre-Trial Chamber must validate the charges filed by the Office of the Prosecutor. Second, the Court's President must officially transfer the case to the Trial Division. The division's mandates, operational protocols, and decision-making mechanisms are comprehensively defined in Articles 64 to 87 of the Rome Statute. These articles not only delineate the Trial Division's jurisdictional scope but also stipulate procedural guidelines and clarify the criteria for rendering judgments²³.

Branch Three: The Pre-Trial Division

Much like the Trial Division, the Pre-Trial Division is supported by a pool of at least six judges who possess specialized expertise in criminal proceedings. However, when it comes to deliberations, the division typically functions either as a panel of three judges or, in certain cases, through the decision of a single judge. Judges appointed to the Pre-Trial Division normally serve a term of three years, which can be extended if they are actively involved in a case, ensuring their continued participation until the matter reaches its conclusion²⁴.

Mirroring the Trial Division's framework, judges from the Pre-Trial Division may be temporarily reassigned to the Trial Division at the discretion of the Court's President. Such transfers aim to uphold judicial efficiency and ensure the Court's operations proceed without disruption, prioritizing the fair and timely resolution of cases. It is important to note that any judge who has already taken part in

presenting a case during its Pre-Trial phase is not allowed to subsequently participate in that same case at the trial stage. This prohibition is a critical safeguard under criminal justice rules, designed to protect the defense and ensure a fair and orderly trial. Any violation of this rule is viewed as a serious breach of an individual's right to a just legal process²⁵.

According to Article 57 of the Rome Statute, the Pre-Trial Division carries out its responsibilities by issuing orders and making decisions that must be approved by a majority of its members ²⁶. Furthermore, The Rome Statute grants the Prosecutor independent authority to launch an inquiry provided there is a substantiated basis and the matter unequivocally falls under the Court's legal purview. Consequently, the Pre-Trial Division stands as an integral pillar of the Court's prosecutorial architecture, which is structured across three specialized branches: the Pre-Trial, Trial, and Appeals Chambers. Additionally, By confirming charges—a process that establishes the legal foundation for transferring an accused individual to trial through an assessment of the Prosecutor's evidentiary case—the Pre-Trial Chamber effectively acts as the gatekeeper of the trial phase. This critical function underscores its role in ensuring only viable, legally sound cases proceed to adjudication²⁷.

Section Two: The Administrative Organs of the International Criminal Court

The ICC's mission—to prosecute and hold accountable those responsible for some of the gravest crimes in the world—relies on more than just its judges and judicial officials. Recognizing that the complex task of enforcing international justice exceeds the capabilities of a purely judicial body, The Rome Statute introduced supplementary bodies to bolster the Court's mission. Central to this framework are three institutions: the Office of the Prosecutor, the Registry, and the Assembly of States Parties. These entities oversee critical administrative processes fundamental to the Court's smooth functioning. The following sections provide an in-depth analysis of these core administrative pillars, detailing their mandates, operational dynamics, and collective impact on international justice.

Requirement One: The Office of the Prosecutor

The Office of the Prosecutor is a central pillar of the International Criminal Court, operating independently from the other entities. Its key duties involve receiving inquiries and all documented evidence related to crimes within the Court's jurisdiction. Additionally, it is responsible for conducting investigations and executing its prosecutorial functions, ensuring that the pursuit of justice is both thorough and impartial. The Prosecutor leads the office with complete authority over its operations, organization, personnel, facilities, and resources. This autonomy guarantees that the office's members remain free from external directives, ensuring that their decisions are based solely on evidence and legal merit. By operating independently, the integrity and impartiality of its actions are preserved, which is essential for maintaining trust in the Court's pursuit of justice²⁸.

The Office of the Prosecutor is directed by the Prosecutor, who is assisted by one or more Deputy Prosecutors and a specialized team of skilled personnel

selected directly by the Prosecutor. This structure is intended to guarantee that the office functions with the requisite experience and professionalism to accomplish its purpose efficiently²⁹.

The Prosecutor and their Deputies—each coming from a different nationality—devote themselves full-time to their duties, employing the most effective investigative techniques available. In addition, the Prosecutor has the authority to recruit a diverse team of experts, legal advisers, investigators, and other specialists in various forms of violence. This power ensures that the team not only brings together a broad range of expertise from different justice systems but also reflects proper geographic representation and gender balance.

The Assembly of States Parties elects the Prosecutor through a secret ballot, requiring that the candidate secure an absolute majority of the votes cast by its members. In a similar manner, the Assembly also elects one or more Deputy Prosecutors from a shortlist of candidates proposed by the elected Prosecutor. This approach guarantees that leadership in the Office of the Prosecutor is bolstered by persons whose experience and vision correspond with the Court's mission for fair justice³⁰.

Both the Prosecutor and the Deputy (or Assistant) Prosecutor must originate from distinct nations, so maintaining a measure of diversity in the Court's leadership. They are anticipated to exhibit exemplary personal integrity with established proficiency in prosecution, criminal law, and pertinent areas of international law—particularly international humanitarian law and human rights law. Furthermore, both individuals must possess proficiency in at least one of the working languages indicated in paragraph 21 of Article 50 of the Rome Statute.

The International Criminal Court is widely recognized as the first enduring international judicial body, established on July 1, 2002, when the Rome Statute entered into force. Its core mission is to deliver justice for those affected by armed conflicts and hold accountable individuals responsible for the world's gravest crimes³¹.

According to Article 42(6) of the Rome Statute, the Presidency of the International Criminal Court (ICC) has the power to interfere in particular cases by dismissing the Prosecutor or Deputy Prosecutor when warranted by the circumstances. The Presidency is authorized, according to the Rules of Procedure and Evidence, to solicit or mandate the resignation or exemption of certain officials or judges. This procedure guarantees that participants in court proceedings maintain the highest standards of integrity and independence, whether they resign freely or are mandated to do so by the Court³².

When carrying out his duties, the Prosecutor must avoid any involvement in cases that could raise questions about his neutrality. If a case is brought before a criminal court, or if it turns out that he has participated in any capacity in another related national case involving the same individual under investigation or on trial, he is deemed disqualified from further participation³³. The Appeals Division has the ultimate jurisdiction to adjudicate any disqualification challenges presented by people undergoing inquiry or trial, irrespective of the timing of these claims. Simultaneously, both the Prosecutor and the Deputy Prosecutor has the right to

articulate their opinions, guaranteeing that all relevant viewpoints are taken into account throughout the decision-making process.

According to the Rome Statute, the Prosecutor has the right to initiate investigations either *ex officio* or in reaction to a complaint or referral, contingent upon the offenses being within the Court's jurisdiction. Upon commencing an investigation, the Prosecutor must meticulously assess the veracity and gravity of the facts at hand. They are authorized to solicit further information from States, the United Nations, non-governmental organizations, or other credible sources to guarantee a comprehensive evaluation of the matter³⁴.

In every instance, the Prosecutor must substantiate each allegation with robust, persuasive evidence and demonstrate that there are reasonable reasons to suspect the defendant committed the purported offense. This careful evidentiary foundation is essential to ensuring that each charge is not only well-founded but also capable of withstanding thorough legal scrutiny³⁵. In addition, the Prosecutor is responsible for securing all information and physical evidence collected during investigations. To guarantee the proper operation of the Office of the Prosecutor, he collaborates closely with the Registry to draft and revise the norms that regulate its functions concerning issues that may impact his Office. This collaborative setup guarantees meticulous handling of all evidence and alignment of administrative processes with the requirements of the prosecuting process³⁶.

On 21 April 2003, the Assembly of States Parties achieved a crucial milestone by choosing Luis Moreno Ocampo of Argentina as the Prosecutor of the International Criminal Court. Garnering unanimous support from 90 states, his appointment reflected robust international confidence in his abilities, and he officially assumed office on 16 June 2003. Later, on 10 October 2004, the Assembly selected Fato Bensouda as Deputy Prosecutor, awarding her a decisive mandate with 58 votes out of 78 States Parties³⁷.

Requirement Two: The Registry of the Court

The Registry serves as the principal administrative division of the Court, overseeing all non-judicial operations and delivering essential support services. Significantly, it does this without encroaching upon the autonomous power of the Prosecutor, as outlined in Article 42 of the Rome Statute. Its role is multifaceted: not only does it handle various administrative tasks related to the Court's overall management, but it also plays a crucial role in coordinating services for victims and witnesses³⁸. The Registry is also in charge of administering detention facilities and running support programs, while simultaneously maintaining robust communication channels between the Court and various international, national, and government organizations. This dual role guarantees the seamless management of both internal processes and external relations. The Registry is overseen by the Registrar. To maintain seamless operations, the Registrar must get prior permission from the Presidency when selecting critical staff members who facilitate the Court's daily functions³⁹.

The Registrar is elected via confidential voting, where they must secure an outright majority among the Court's judges. This electoral procedure also considers recommendations put forward by the Conference of States Parties. If

needed, a Deputy Registrar is appointed using the same method. The Registrar is appointed for a five-year term and may be re-elected only once, thereby limiting their total time of service on the Court. In the same vein, Deputy Registrars are appointed for terms that do not exceed five years, as determined by an absolute majority of the judges⁴⁰.

The Registrar and Deputy Registrars may be fired by an absolute majority vote for neglecting their duties or demonstrating incompetence or unethical behavior, in order to ensure the Court's proper operation. Under the Court's immunity framework, they receive protections akin to those afforded to diplomatic mission leaders while performing official duties, with these privileges also applying to Registry personnel. Nonetheless, this immunity is not absolute: the Presidency alone has the authority to waive it for the Registrar, but the Registrar has the capacity to withdraw immunity for Deputies and other personnel.

The Registrar oversees the Registry and acts as the Court's principal administrative officer, while the President maintains supervisory oversight. The Registrar works in conjunction with the Prosecutor to delineate their responsibilities, thereafter obtaining the Presidency's approval to formulate and amend operational rules for the Court's effective functioning⁴¹.

The Prosecutor's Office have the jurisdiction to collect, share, and process information, as well as to construct essential communication networks, while the Registrar's function acts concurrently. The Registrar guarantees the enforcement of the Court's security standards via meticulous coordination with the Presidency, the Prosecutor, and the Host State. Additionally, the Registrar supervises the preservation of the Court's official archives and the establishment of a consolidated database that catalogs all cases submitted to the Court. While stringent measures are taken to shield sensitive personal data within this system, non-confidential information remains publicly accessible. Notably, immunity waivers differ by role: the Presidency must authorize lifting immunity for the Registrar, while the Registrar holds this authority for Deputies and staff⁴².

Notably, Mr. Bruno Catala from France was designated as the first Registrar of the International Criminal Court in June 2003. Later that same year, on 9 September, the Assembly of States Parties elected Serge Bramerts as Deputy Registrar, granting him a term of six years⁴³.

Requirement Three: The Assembly of States Parties

Dr. Essam Abdel Fattah Matr highlights the Assembly of States Parties as the central body overseeing critical functions that depend entirely on the collaborative decision-making processes of its member states. This includes crucial tasks like electing judges and prosecutors and approving the budget. Additionally, It acts as a vital bridge, fostering dialogue on political issues between the Court and its member States Parties.⁴⁴

The Assembly of States Parties is recognized as the supervisory entity of the International Criminal Court, analogous to the United Nations General Assembly's function in fostering international unity and collaboration among states. Functioning as the legislative body of the Court, it is the primary mechanism that propels the ICC's activities. Numerous proponents contend that

its function is essential, guaranteeing the universal acceptance and complete execution of the Rome Statute, thereby maintaining the Court's accountability to the community of States Parties⁴⁵.

The Assembly comprises delegates from all member states bound by the Rome Statute. Each participating state holds the right to designate a primary representative, who may be accompanied by substitutes or advisers. Meanwhile, non-member states that have acceded to the Statute—without attaining full membership status—are permitted observer participation in the Assembly's proceedings⁴⁶.

The Assembly of States Parties have the authority to create subsidiary organizations when considered appropriate. One such body is an independent oversight mechanism tasked with examining, analyzing, and addressing challenges related to the Court's functions. These efforts are ultimately aimed at streamlining the Court's operations and ensuring resources are used judiciously.

The Assembly of States Parties is empowered to establish the Court's governing regulations and operational guidelines—aligned with the framework of the Rome Statute—that govern the appointment and removal procedures for judges, prosecutors, and administrative officials, including registrars, as explicitly specified in Article 46 of the Statute.

The Assembly assists the Court by meticulously examining and approving its budgets to guarantee effective resource management. It also proactively tackles instances when States Parties fail to meet their duties, so maintaining the integrity and accountability of the international framework created by the Rome Statute⁴⁷.

To facilitate the Assembly's effective execution of its duties, the architects of the Rome Statute included a specialized Secretariat. The leadership team comprises a President, two Vice-Presidents, and 18 delegates, all elected by the Assembly for renewable three-year terms. When electing these officials, the Assembly prioritizes equitable regional diversity and the incorporation of the world's predominant legal traditions to ensure balanced and inclusive governance⁴⁸.

The Assembly's Secretariat holds annual meetings, as mandated by Article 10/112, typically at the ICC's main venue or the UN's headquarters, and adopts the same official languages used by the UN General Assembly. Special sessions may be held as necessary, either initiated by the Secretariat or upon a written request by a minimum of one-third of the member states. Attendance at these sessions includes the Assembly's President, the Prosecutor, the Registrar, or their designated representatives. Their involvement helps in distributing the responsibilities of conducting the Court and facilitates the clarification of any topics being discussed⁴⁹. This rule is bypassed when the Assembly reaches unanimous, objection-free agreement to elect a mutually accepted candidate or list of candidates, thus eliminating the need for a formal vote.

In the Assembly's voting system, every State Party is allotted one vote, and the goal is always to reach decisions by consensus. However, if consensus cannot be achieved, the rules differ based on the type of matter. For substantive issues, a two-thirds majority of the members present and voting is required. In contrast,

for procedural matters, only a simple majority of the parties present and voting is necessary⁵⁰.

The Rome Statute provides that if a member state does not pay its contributions to the Court's expenses for two consecutive full years, it will lose its voting rights within both the Assembly and its Secretariat. However, if the Assembly determines that the non-payment was due to force majeure—circumstances truly beyond the state's control—it may choose to allow the state to retain its voting rights⁵¹.

The Assembly of States Parties is not included in the official enumeration of the Court's organs as per Article 34 of the Rome Statute and does not possess judicial jurisdiction equivalent to that of the Court's principal bodies, its operational influence remains indispensable to the institution's governance. The Assembly is deeply connected to the ICC by overseeing key administrative and financial aspects, thereby ensuring that the Court operates smoothly and efficiently⁵². Although the Assembly of States Parties plays a crucial role in the administration of the International Criminal Court and its sensitive mission, the Rome Statute offers no legal direction about its organization and activities. Only Article 112 explicitly outlines its responsibilities, leaving much of its operational framework to evolve through practice rather than statutory prescription. As Linda Maamar Yachoui observed, this narrow treatment falls short, as a more detailed exposition of its membership and functions would have been highly beneficial.

In September 2002, the Assembly of States Parties convened and unanimously elected His Royal Highness Zaid Bin Ra'ad of Jordan as its President for a three-year term. Soon after, on 4 and 6 February 2003, the General Assembly met to elect 18 judges for the Court. This process culminated on 11 March 2003, when the International Criminal Court held its first foundational meeting to formally establish those judges⁵³.

Conclusion

Based on the analysis of the ICC's structure—with its diverse judicial and administrative components and their respective roles—it becomes evident that to function as an independent and enduring judicial institution, the Court's organs have been carefully defined. They not only cover the essential responsibilities of investigation, prosecution, and trial, but also incorporate the necessary administrative functions to support and sustain these core activities.

To enhance the International Criminal Court's mandate, the creators of the Rome Statute established specialized judicial and administrative frameworks manned by trained professionals, guaranteeing the institution functions with both authority and professionalism. In some parts of the statute, the Court is presented as a unified institution, while in others it distinguishes specific organs or organizations assigned with particular functions.

For both theoretical and administrative purposes, all the organs and mechanisms of the International Criminal Court—whether judicial or administrative—should be viewed as forming one unified international judicial system. Nonetheless, considering the clear separation maintained between the judicial and prosecution roles—rooted in professional ethics, honesty, and the

principles of a fair trial—the ICC should be seen as a holistic entity of international justice. It operates through a highly qualified, international team that remains free from directives imposed by States Parties' governments.

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¹ Nasser Bousamah, *The International Criminal Court, Part One*, Dar Houma, Algeria, 2008, pp. 136–137.

² Ziad Ghitani, *The International Criminal Court and the Evolution of International Criminal Law*, 1st Edition, Publications of Al-Halabi Al-Huquqiyah, Beirut (Lebanon), 2009, p. 289

³ Ibid.

⁴ See paragraph 3(b) of Article 36 of the Rome Statute of the International Criminal Court.

⁵ See paragraph 8(a) of Article 36 of the Rome Statute of the International Criminal Court.

⁶ Reda Shadlan, *The Formation of the International Criminal Court*, Al-Milaf Journal, Issue 22, Casablanca (Morocco), June 2014, p. 170; also see paragraphs 9–10 of Article 36 of the Rome Statute of the International Criminal Court.

⁷ See Article 37 of the Rome Statute of the International Criminal Court.

⁸ Refer to Articles 40–41 of the Rome Statute of the International Criminal Court

⁹ Ali Jamil Harb, *International Criminal Justice*, Volume 1, Dar Al-Manhal Al-Libnani for Studies, Beirut, Lebanon, 2010, p. 207.

¹⁰ Ibid., p. 217.

¹¹ Hisham Mohammed Farijeh, *International Criminal Justice and Human Rights*, [no edition number], Dar Al-Khaldouniyah for Publishing and Distribution, Algeria, 2012, p. 250.

¹² Reda Shadlan, *ibid.*, p. 171.

¹³ Ali Jamil Harb, *ibid.*, p. 217.

¹⁴ Reda Shadlan, *ibid.*, p. 170.

¹⁵ Ibid., p. 171.

¹⁶ Ali Jamil Harb, *ibid.*, p. 221.

¹⁷ Omar Mahmoud Al-Makhzoumi, *International Humanitarian Law in the Light of the International Criminal Court*, Volume 1, Dar Al-Thaqafa for Publishing and Distribution, Amman, Jordan, 2008, p. 203.

¹⁸ Ali Jamil Harb, *ibid.*, p. 237.

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²⁰ Walid Youssef Maouloud, *The International Criminal Court Between the Law of Force and the Force of Law*, [no edition number], Dar Al-Amal, New City, Tizi Ouzou (Algeria), 2013, p. 68.

²¹ Ali Youssef Al-Shukri, *ibid.*, p. 116.

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²³ Ibid.

²⁴ Reda Shadlan, *ibid.*, p. 172.

²⁵ Issam Abdel Fattah Matr, *The International Criminal Court (Foundations of its Establishment, its Legal Personality, its Relations with the United Nations and States, the Rules of Subject-Matter and Procedural Jurisdiction, Methods of Appeal, and Mechanisms of Enforcement)*, [no edition number], Dar Al-Jami'ah Al-Jadidah, Al-Azareet, Alexandria (Egypt), 2010, p. 148

²⁶ Reda Shadlan, *ibid.*, p. 172.

²⁷ Ali Jamil Harb, *ibid.*, p. 227; and see Article 82(2) of the Rome Statute of the International Criminal Court.

²⁸ Ibid.

²⁹ See paragraphs 1–2 of Article 42 of the Rome Statute of the International Criminal Court.

³⁰ Ali Youssef Al-Shukri, *ibid.*, p. 116.

³¹ Ali Abd al-Qader Al-Qahouji, *International Criminal Law (The Most Important International Crimes, International Criminal Courts)*, 1st Edition, Publications of Al-Halabi Al-Huquqiyah, Lebanon, 2001, p. 320.

³² Paragraph 5 of Article 42 of the Rome Statute of the International Criminal Court.

³³ Also refer to Rules 23, 29, 35, and 37 of the Rules of Procedure and Rules of Evidence.

³⁴ Omar Al-Makhzoumi, *ibid.*, p. 205.

³⁵ Khalil Hussein, *Crimes and Courts in International Criminal Law: Criminal Responsibility of Presidents and Individuals*, 1st Edition, Dar Al-Manhal Al-Libnani, Beirut, Lebanon, 2009, p. 80.

³⁶ Issam Abdel Fattah Matr, *The International Criminal Court (Foundations of its Establishment, its Legal Personality, its Relations with the United Nations and States, the Rules of Subject-Matter and Procedural Jurisdiction, Methods of Appeal, and Mechanisms of Enforcement)*, [no edition number], Dar Al-Jami'ah Al-Jadidah, Al-Azareet, Alexandria (Egypt), 2010, p. 155.

³⁷ See Rules 9–10 of the Rules of Procedure and Rules of Evidence.

³⁸ Yachwi Lenda Ma'amar, *ibid.*, p. 229.

³⁹ Regarding the responsibilities of the Registry concerning victims and witnesses, see Rule 16 of the Rules of Procedure and Rules of Evidence.

⁴⁰ Issam Abdel Fattah Matr, *ibid.*, p. 159.

⁴¹ See Articles 43(3–5) of the Rome Statute of the International Criminal Court.

⁴² See Article 43(2) of the Rome Statute of the International Criminal Court.

⁴³ See Rules 13–15 of the Rules of Procedure and Rules of Evidence.

⁴⁴ Fida Najeeb Hamad, *The International Criminal Court: Towards International Justice*, Volume 1, Publications of Al-Halabi Al-Huquqiyah, Beirut, Lebanon, 2006, p. 95.

⁴⁵ Issam Abdel Fattah Matr, *ibid.*, p. 163.

⁴⁶ Reda Shadlan, *ibid.*, p. 175.

⁴⁷ See Article 112(1) of the Rome Statute of the International Criminal Court.

⁴⁸ Yachwi Lenda Ma'amar, *ibid.*, p. 231.

⁴⁹ See Article 112(3)(b) of the Rome Statute of the International Criminal Court.

Fida Najeeb Hamad, *ibid.*, p. 98.

⁵⁰ Hisham Mohammed Farijeh, *ibid.*, p. 257.

⁵¹ Omar Mahmoud Al-Makhzoumi, *ibid.*, p. 210.

⁵² Reda Shadlan, *ibid.*, p. 175.

⁵³ Yachwi Lenda Ma'amar, *ibid.*, p. 232.