



The Positive Authority of International Criminal Court Judgments before the National Judiciary.

الحجية الإيجابية لأحكام المحكمة الجنائية الدولية أمام القضاء الوطني.

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Article abstract:

The International Criminal Court (ICC) faces challenges in enforcing its judgments due to state sovereignty, limiting its ability to intervene in domestic affairs. However, states can enter into cooperation agreements with the ICC, enabling oversight of judgment implementation. The ICC may delegate the enforcement process to the national judiciary of the designated state. The procedures for enforcing foreign judgments depend on the internal laws of the enforcing state. Therefore, establishing clear objective and procedural guidelines is crucial for defining the ICC's jurisdiction and enhancing international cooperation in implementing its rulings.

Key words : International Criminal Court (ICC) ; National Judiciary ; Implementation of Judgments; Foreign Criminal Judgment; Judicial Cooperation.

ملخص المقال:

لا يجوز للمحكمة الجنائية الدولية أن تشرع أو تتدخل في عملية تنفيذ الأحكام الصادرة عنها ذلك أنها تعد مسألة من مسائل السيادة وإلا كانت في حالة تدخل في شؤون الدولة الداخلية، ولكن مع ذلك يجوز عقد اتفاقية تنسيق وتعاون بين الدولة المعنية والمحكمة الجنائية الدولية في هذا الخصوص، حيث تكون عملية الإشراف والمتابعة للمحكمة الجنائية الدولية على تنفيذ أحكامها، كما لها أن تنيب القضاء الداخلي للدولة المعنية في عملية التنفيذ، فليس ثمة شك في أن بيان الجهة المختصة بالنظر في طلب تنفيذ حكم أجنبي، وبيان الإجراءات التي تتبع في الالتجاء إلى هذه الجهة، هما من المسائل التي تخضع للقانون الداخلي في الدولة المطلوب تنفيذ الحكم على إقليمها، وضمن هذا النهج كان لابد من تحديد الضوابط الموضوعية والاجرائية التي تحدد مجال ممارسة المحكمة الجنائية الدولية لاختصاصها في تنفيذ الأحكام الصادرة عنها حسب متطلبات تفعيل التعاون الدولي مع الدولة المنفذة.

كلمات مفتاحية: المحكمة الجنائية الدولية، القضاء الوطني، تنفيذ الأحكام، الحكم الجنائي الأجنبي، التعاون القضائي.



Introduction

The International Criminal Court (ICC) possesses legal personality independent of its founding states, functioning as a foreign judicial authority rather than part of national legal systems. This applies to both member states and non-signatory nations. Despite the foreign nature of its rulings, the enforcement of ICC judgments follows a distinct mechanism that sets it apart from other foreign criminal judgments. Member states of the Rome Statute are obligated to execute all or part of the ICC's punitive decisions.

The significance of this study lies in exploring the substantive and procedural aspects established by international criminal law, aimed at fostering international cooperation in judgment enforcement. This cooperation extends beyond mere solidarity in punishing offenders to include investigation, trial, and enforcement processes. The ICC relies on international collaboration in all its judicial activities.

Therefore, this study aims to uncover efforts directed toward enhancing international cooperation in enforcing judgments, as well as to examine the procedures for implementing ICC rulings. This analysis seeks to affirm the positive legal authority of ICC decisions and recognize their international legal significance, which is crucial for combating crimes globally and preventing impunity. This must be pursued while maintaining a balance between national and international judicial systems, prioritizing national courts in accordance with the principles of judicial cooperation with the ICC.

The core issue addressed in this study is the objective and procedural criteria that define the International Criminal Court's (ICC) jurisdiction in enforcing its judgments, particularly regarding the activation of international cooperation with the executing state. To answer this pivotal question, the study aims to explore the ICC's scope in implementing its rulings while affirming the positive authority of its decisions and the requirements for fostering international collaboration. The research will utilize a descriptive and analytical methodology to examine how domestic legal systems engage with the imperative of integrating the national judiciary's role in judgment enforcement alongside reinforcing the ICC's authority, in alignment with the objectives of preventing impunity.

- Objective and Procedural Criteria Defining the International Criminal Court's Jurisdiction in Enforcing Judgments (First Section)
- The Role of Domestic Judiciary in Implementing the International Criminal Court's Judgments in Light of International Cooperation Requirements (Second Section)

1. Objective and Procedural Criteria Defining the International Criminal Court's Jurisdiction in Enforcing Judgments.

Article 10 of the Statute outlines that the enforcement of judgments by the International Criminal Court (ICC) is subject to several criteria. (ABOUGHAZALA, 2005, p. 283) The Rome Statute employs the principle of complementarity for executing sentences, as the ICC lacks direct enforcement mechanisms. The approach to implementing these judgments varies depending on the type of penalty. (Al-Kalabi, 2015, p. 341)

An examination of Articles 80, 105, and 102 indicates that the ICC relies on the legal systems of state parties to enforce its judgments, whether they involve imprisonment or financial penalties such as fines and confiscation. (SAID, p. 6)

Accordingly, the criteria governing enforcement are divided into those related to the implementation of custodial sentences (Section 1) and those concerning the enforcement of financial penalties (Section 2).

1.1 Criteria for the Implementation of Imprisonment Sentences:

The criminal judiciary is tasked with issuing judgments, while the execution of those judgments falls under the authority of the executive branch. In the case of the International Criminal Court, the absence of dedicated correctional facilities necessitates cooperation among states to carry out its rulings. Therefore, the execution of prison sentences is subject to several criteria, which can be summarized as follows:

1.1.1 Defining the Geographical Scope of Execution

According to the first paragraph of Article 103, the International Criminal Court (ICC) defines the geographical scope for executing prison sentences by identifying the state where the sentence will be served. (Farija, 2014, p. 325) This is based on a list of states, primarily in Western Europe, (Al-Kalabi, 2015, p. 343) that have expressed their willingness to accept sentenced individuals. For a prison sentence to be executed within a contracting state, that state must explicitly declare its acceptance; mere ratification of the statute does not imply this acceptance. (BROOMHALL, 1999, p. 148)

Paragraph 1 of Article 103 mandates that the concerned state must promptly notify the ICC if it agrees to the execution request. If the state refuses, the ICC may select another state for execution, as indicated in subparagraph (b). Furthermore, if a state indicates its readiness to accept sentenced individuals, it may impose conditions on this acceptance, which must be approved by the ICC and comply with the provisions of Chapter Ten that govern the execution of sentences. (Yahya, 2004, pp. 125-126)

The executing state must refrain from any actions that could violate its obligations, such as deciding on the early release of individuals or reducing their sentences. The International Criminal Court (ICC) may agree to the conditions set by the executing state and will notify it accordingly. However, if the ICC rejects these conditions, it has the discretion to take appropriate measures, including transferring the convicted individual to a prison in another state. (ABOUGHAZALA, 2005, p. 285)

1.1.2 Specific Provisions for Implementing Prison Sentences:

Articles 104 and subsequent articles of Chapter Ten of the Rome Statute of the International Criminal Court outline the implementation of prison sentences. They cover the extradition process for convicts to the executing state, supervisory provisions for sentence implementation, and conditions of imprisonment. Additionally, they emphasize the principle of specificity in implementation. The following sections will provide a detailed presentation of these provisions.

First: Transfer of the Convicted Individual to the Designated Enforcement State

To carry out a prison sentence handed down by the International Criminal Court, the individual found guilty must be transferred to the state chosen by the Court for enforcement. According to Rule 202 of the Rules of Procedure, this transfer can only occur once the conviction is finalized.

The Court is responsible for sending the designated enforcement state all relevant details about the convicted individual. This includes their name, nationality, date and place of birth, a copy of the final judgment, the length of the sentence, its start date, any remaining time to be served, and essential health information, including details about any medical treatments received, as outlined in Rule 204 of the Rules of Procedure and Evidence. (Yahya, 2004, p. 128)

Second: Oversight of Sentence Implementation and Prison Conditions

The conditions in which a convicted individual is imprisoned fall under the jurisdiction of the enforcing state. However, these conditions must align with international standards for prisoner treatment as defined by widely recognized treaties. Additionally, they should not be more lenient or harsh than the conditions experienced by inmates serving similar sentences in that state (as stated in Article 106/2 of the Court's Statute). The enforcing state has specific obligations in this matter, and the Court plays a crucial role in overseeing how the sentence is executed. (Matar, p. 604) The prison

sentence must be adhered to by the States Parties, which cannot alter it. Only the Court has the authority to consider a reduction of the sentence.

Third: Principle of Specificity in Execution

The principle of specificity dictates that once a convicted individual is extradited to the enforcing state, they can only serve the sentence imposed by the Court. This means they cannot face prosecution or punishment for any prior offenses in that state, nor can they be extradited to a third country for such matters. This is outlined in Article 108 of the Court's Statute, which emphasizes restrictions on prosecuting or punishing for other crimes. (Al-Qanawi, 2010, p. 365)

However, this principle has exceptions. If the individual voluntarily stays in the enforcing state for over thirty days after completing their sentence, they may then face prosecution for prior acts or be extradited to another state, as per Article 108/3. Furthermore, the enforcing state can employ the convict if its laws allow for similar penalties for domestic crimes, treating the International Criminal Court's judgment as equivalent to its own court decisions. Identifying the convict accurately is crucial, especially if there are discrepancies in names. (Al-Shawaribi, pp. 43-44) The enforcing state must also honor any delays in execution due to health issues; once the health reasons are resolved, the individual must return to prison to complete their sentence.

1.2 Implementation of Financial Penalties

The International Criminal Court (ICC) imposes financial penalties, including fines and confiscation, but these face significant challenges due to jurisdictional constraints. Article 109 of the Court's Statute addresses this by requiring member states to implement the fines and confiscation orders as prescribed by the ICC. This implementation must align with Chapter VII of the Statute, safeguarding the rights of innocent third parties while adhering to the procedural norms set by the national laws of the enforcing country. (Faris, 2007, pp. 423-424)

1.2.1 Obligation of States Parties to Enforce Financial Penalties:

In contrast to imprisonment, which cannot be executed within a State Party unless it explicitly agrees to accept the convicted individuals, the enforcement of financial penalties—such as fines and confiscation—is mandatory for all States.

When assets belonging to a convicted individual are present within a State Party's jurisdiction, that state is obligated to take all necessary actions to seize the value of those assets derived from the crime. Subsequently, these funds must be transferred to the International Criminal Court. This ensures that financial penalties are effectively implemented, reinforcing the ICC's authority and the collective responsibility of member states.

1.2.2 Implementation Provisions for Fines and Confiscation

Article 109 of the Court's Statute outlines the framework for enforcing judgments that involve fines and confiscation. It grants the Court's Presidency the authority to request cooperation from States Parties linked to the convicted individual—through nationality, permanent residence, or the location of their assets. This cooperation is crucial for executing orders related to fines, confiscation, and compensation.

To facilitate this process, the confiscation order must detail the following:

1. The identity of the individual subject to the order.
2. The specific proceeds, property, and assets that the Court has mandated for confiscation.
3. If the State Party cannot execute the confiscation for certain assets, it must take steps to recover their equivalent value.

Additionally, the International Criminal Court is responsible for providing the State with relevant information regarding the whereabouts of the assets involved in the confiscation order. (Al-MahdiBllah., 2009, p. 810)

2. The Role of Domestic Judiciary in Implementing ICC Rulings and International Cooperation

2.1 The Role of Domestic Judiciary in Implementing ICC Rulings and International Cooperation:

The domestic judiciary is vital in enforcing sentences issued by the International Criminal Court (ICC), encompassing two primary aspects. The first aspect is positive, emphasizing the establishment of guarantees for implementation that comply with the international obligations of the enforcing state. This involves promoting judicial cooperation with the ICC to ensure adherence to its rulings.

The second aspect is negative, focusing on the obstacles that impede judicial cooperation with the ICC. These challenges may include legal, political, or procedural barriers that prevent states from executing cooperation requests, thereby affecting their commitment to implementing ICC mandates. Addressing both aspects is crucial for strengthening the effectiveness of international cooperation in the pursuit of justice.

Before implementing a criminal ruling issued by the International Criminal Court (ICC), an order must be obtained from the competent authorities of the state where the ruling will be enforced. Once the implementation is completed, the state will have fulfilled its obligations in accordance with the principles of legitimacy surrounding the application of penalties. This process requires the intervention of the judicial authority, making it essential to clearly define the functional scope of the enforcement judge within the concerned state. We will discuss this aspect in detail shortly.

2.1.1 Execution of ICC Judgments by the Competent Authority:

When a judgment from the International Criminal Court (ICC) becomes final and the offender is handed over to the executing state, the competent authority in that state must issue an order to execute the judgment in accordance with its applicable laws. Typically, this order is issued by the Public Prosecution Office, which is the approach adopted by most legal systems.

The execution process concludes in the following scenarios:

- **For custodial penalties:** Execution ends when the imposed prison term is completed, as specified in the judgment.
- **For financial penalties:** The process concludes once the full fine amount is paid.
- **For confiscation penalties:** If the judgment includes both imprisonment and confiscation, execution is complete when the state where the assets are located successfully seizes and confiscates them, regardless of whether that state is the executing state or another.

If the convict dies during the execution of their sentence, the sentence automatically expires upon death. The International Criminal Court (ICC) must be notified of this event, and the convict's remains should be sent to their country of nationality if it differs from the executing state. Once this process is completed, the executing country has fulfilled its obligations and is relieved of responsibility. However, it is important to note that the executing country cannot extradite the deceased convict or present them to a country that has requested extradition for offenses committed prior to their transfer, nor for the execution of any sentence against them. This is only permissible if the ICC consents, based on a request from the executing country, and after considering the statements of the convict, as outlined in Article 108/1 and 2 of the Statute.

2.1.2 Determining the Scope of the Functional Role of the Enforcement Judge in the Relevant State:

If the stages of investigation and trial are secured by constitutional, legal, and judicial guarantees, the same principles apply to the stage of penal enforcement. Legislators have established safeguards to ensure that the rights of convicts are not violated by the penal administration. One of the

most significant guarantees is the involvement of the judiciary during this critical phase, which is essential for protecting the freedoms and rights of detainees.

The penal enforcement process must operate within the framework of legal respect, referred to as the legitimacy of applying penalties, which derives from the broader principle of the legitimacy of crimes and penalties, (Muftah, 2015, p. 184) This principle ensures that detainees are not unjustly deprived of their rights, except to the extent necessary for their rehabilitation and social reintegration, as outlined by law. In this regard, Article 2 of Law No. 05/04, which governs the regulation of prisons and the social reintegration of prisoners, underscores the importance of balancing punishment with efforts to rehabilitate inmates and prepare them for reintegration into society. To uphold these principles effectively, national legislation has endowed the enforcement judge with several powers, which are as follows:

First: The Supervisory Role in the Field of Implementation

The enforcement judge plays a crucial supervisory role in the penal system, wielding several powers granted by law to ensure proper execution of sentences. One of the primary responsibilities of the enforcement judge is overseeing the duration of the deprivation of liberty.

Modern penal policy focuses on rehabilitating inmates, and one of its core elements is encouraging practices that aid in reforming convicts. In this context, prisoners can participate in supervised work that benefits them upon reentry into society after completing their sentence. This approach aligns with Rule 211/2 of the Procedural and Evidence Rules, which provides for the use of "external workshops." This allows prisoners sentenced by the International Criminal Court to work in teams outside the penal institution, under the supervision of the prison administration. These work programs may be carried out for public bodies, institutions, or private entities contributing to public benefit projects.

The authority of the enforcement judge in this area is reflected in the ability to issue orders for detainees to return to the penal institution once the period specified in an agreement has expired or if the agreement is terminated. Throughout the execution of the sentence, the International Criminal Court (ICC) maintains supervisory control to ensure compliance.

Regarding health and cultural care, prisons are no longer seen merely as places of confinement. Modern penal institutions have embraced a new concept, focusing on using the period of incarceration as an opportunity to rehabilitate and reform convicts. The goal is to help them return to society as responsible, law-abiding individuals. This shift underscores the importance of both health care and educational or cultural programs in supporting the reintegration of inmates into the community.

Given the potential violations a convict may commit during the execution of their sentence, it is expected that such infractions would affect the level of care they receive. Penal administrations may impose disciplinary actions by restricting certain forms of care as punishment, though health care services must remain unaffected, regardless of the circumstances. (Saidahm., pp. 283-284) The enforcement judge has an essential role in overseeing these disciplinary measures, ensuring they are fair and do not infringe upon the basic rights of the convict. However, this oversight does not extend to interfering with the administrative or organizational functions of the penal institution, which remain within its core jurisdiction. (Al-Qanawi, 2010, p. 372)

In some legal systems, the enforcement judge is also tasked with handling complaints from prisoners. The judge reviews these complaints, may order investigations, and can issue decisions that the penal administration is obligated to follow. The Algerian legislator, for instance, has enshrined the right of prisoners to file complaints and grievances in Article 79 of the law regulating prisons and the social reintegration of prisoners. While the Algerian legislator has not granted the enforcement judge direct disciplinary authority, the judge is responsible for considering grievances submitted by prisoners when they face third-degree disciplinary measures. This role ensures an additional layer of protection for the rights of inmates, promoting fairness in the disciplinary process.

Second: The Decision-making Authority:

The decision-making authority is central to the role of the judge overseeing the enforcement of penalties, as oversight and supervision are ineffective without the ability to issue binding decisions. (Saidahm., p. 289) This authority ensures that the implementation of penalties proceeds smoothly and within the legal framework set by the legislator, ultimately achieving the intended objectives of the punishment.

In Algerian legislation, the judge responsible for applying penalties is empowered to issue both orders and decisions. Regarding orders, the judge has the authority to issue directives related to the movement of detainees, such as their extraction or transfer. Additionally, the judge is responsible for issuing orders concerning the return of detainees to penal institutions upon the expiration or termination of agreements related to external workshops.

The judge also holds decision-making power in other critical areas, such as the revocation of conditional release. This may occur if a new conviction is issued against the parolee or if they fail to comply with the specific obligations and monitoring measures that were part of the conditional release agreement. This function ensures that the penalty enforcement process remains aligned with both legal requirements and the rehabilitation goals set by the judicial system.

Decisions issued by the judge responsible for applying penalties, such as those concerning conditional release or community service, can be enforced when the person is imprisoned based on a ruling from a national court. However, in the case of an individual imprisoned under a ruling from the International Criminal Court (ICC), certain decisions, particularly those related to community service, cannot be implemented. This is because community service is not a recognized penalty within the ICC's legal framework, as outlined in the Rome Statute.

The Rome Statute addresses international crimes of a serious nature—such as genocide, war crimes, and crimes against humanity—which warrant severe penalties. Given the gravity of these offenses, lighter penalties such as community service are not deemed appropriate or applicable.

Similarly, the conditional release mechanism does not apply under the ICC's jurisdiction. The state tasked with executing the ICC's sentence and holding the convict in its penal institutions lacks the authority to issue conditional release orders. This restriction stems from the Statute's provisions, which maintain strict guidelines for the enforcement of sentences, reflecting the seriousness of the crimes prosecuted by the ICC. Thus, while national courts may allow for conditional release, states enforcing ICC sentences must adhere to the conditions set forth by the ICC, without deviating through mechanisms like conditional release.

Third: The Advisory Role:

The advisory task is the third responsibility assigned to the judge overseeing the application of penalties. This role involves providing opinions on specific matters related to the enforcement of penal sentences.

The penal administration may seek the opinion of the judge responsible for enforcing penalties, either voluntarily or because the law mandates that the administration consults the judge before undertaking specific actions. This requirement serves as a safeguard for the convict who may be affected by such actions. (Saidahm., p. 295)

2.2 Obstacles Preventing States from Implementing Requests for Cooperation Issued by the International Criminal Court:

Numerous factual and legal factors hinder the effectiveness of the International Criminal Court (ICC) in exercising its jurisdiction over international criminal responsibility. The execution of arrest and surrender requests issued by the ICC by national judicial authorities requires appropriate constitutional and legal measures to facilitate cooperation between these national bodies and the Court.

The practical application of the principle of non-recognition of official status before the ICC depends significantly on the degree of cooperation from states, especially regarding the lifting of diplomatic immunity for their representatives.

Furthermore, the need to respect immunity in the context of cooperation between states and the ICC has resulted in provisions that seek a compromise between the Court's authority and state sovereignty. This balancing act presents challenges, particularly when fulfilling other international obligations of states becomes difficult due to conflicting demands.

2.2.1 Restricting Requests for Cooperation to the Condition of Prior Waiver of Diplomatic Immunity:

The rules governing international cooperation in the context of the relationship between states and the International Criminal Court (ICC) do not possess a higher legal standing than other international law provisions. Specifically, the provisions of the Rome Statute do not obligate states to act in ways that contradict the general principles recognized in international law. Consequently, requests for cooperation from the ICC may be contingent upon a prior waiver of diplomatic immunity, reflecting the need to harmonize these requests with existing international legal frameworks.

2.2.2 Balancing Obligations of States Parties with Existing International Commitments:

It is essential to consider the relationship between the obligations of States Parties to the Rome Statute to cooperate with the International Criminal Court (ICC) and their existing commitments under other international agreements, such as bilateral extradition treaties and the Vienna Convention on Diplomatic Relations. One notable attempt to reconcile these obligations is found in the first paragraph of Article 98 of the Rome Statute. (Sam, 2013, p. 235)

A preliminary reading of this paragraph suggests that the Court lacks effective mechanisms to waive the immunity enjoyed by heads of state and other leaders, thus hindering their prosecution. Specifically, the article indicates that the ICC can only request the extradition of these individuals from a country other than their state of nationality, thereby complicating efforts to bring them to trial. This underscores the challenges faced by the ICC in reconciling its mandates with the existing principles of international law and the immunity protections afforded to certain individuals. (Aal, 2011, p. 613)

According to Article 98 of the Rome Statute, the International Criminal Court (ICC) is required to request that the state of nationality of the accused waive their recognized immunity under national law. If that state refuses to comply, the ICC cannot compel the country where the accused are present to disregard its obligations under international agreements that mandate respect for the accused's immunity. This situation is critical in avoiding potential diplomatic tensions that may arise from extraditing individuals without the consent of their home state. Such tensions underscore the complexities involved in balancing the ICC's mandate with the sovereignty and legal protections afforded to individuals by their respective countries. (Ahmed, 2011, p. 106)

The formulation of the first paragraph of Article 98 creates a significant challenge for the International Criminal Court (ICC), as it effectively restricts the court's ability to exercise jurisdiction unless it obtains the consent of the concerned state, specifically the state of nationality of the accused. This situation presents a contradiction with Article 27, which aims to eliminate the defense of immunity for individuals facing prosecution under the court's jurisdiction. (Mustafa, 2013, p. 409)

Article 98 introduces a serious exception that undermines efforts to hold individuals accountable for international crimes. While this provision is framed within the context of cooperation with the court regarding immunity waivers and assistance, it imposes a limitation on the application of Article 27. Despite Article 27 asserting that immunity should not serve as a legal defense against prosecution, the stipulations of Article 98 reintroduce the sovereignty of states and their prerogative to deviate from the obligations outlined in the Rome Statute. (Al-Zayat, pp. 345-346)

This conditional requirement for immunity waivers places the ICC's ability to secure cooperation at the mercy of the political will of individual states. To address the inherent contradiction between Articles 27 and 98, legal scholar Antoine Buchet proposed a solution that involves merging these two articles into a single provision. This would obligate a state to lift the immunity of its president and facilitate extradition. However, if that president is located in a foreign country, they would retain their immunity and thus not be subject to extradition. (Azizah, 2012, p. 199)

Additionally, some legal interpretations have sought to limit the implications of the first paragraph of Article 98 by examining the term "third country." This perspective suggests that the restriction on immunity applies solely to states that are not parties to the Rome Statute. Consequently, states that are party to the agreement would be required to immediately waive the immunity of any of their citizens when they are sought by the ICC. This interpretation aims to enhance the court's ability to pursue accountability for international crimes while navigating the complexities of state sovereignty. (Sam, 2013, p. 241) While paragraph 1 of Article 27 of the Rome Statute reflects customary international law on this matter, paragraph 2 of Article 98 establishes a treaty obligation that states must adhere to. This creates a nuanced balance between the ICC's jurisdiction and the need to respect states' obligations under international law, particularly concerning immunity.

Regarding submission for crimes outlined in the Rome Statute, the wording of the second paragraph of Article 98 prioritizes bilateral agreements. This aligns with the overall objective of the Rome Statute to combat impunity through the principles of complementarity and treaty law. According to international law, the Rome Statute cannot invalidate existing obligations that states have with non-party states under prior agreements. Consequently, this article refers to agreements made before the signing or ratification of the Statute, not subsequent agreements that might grant immunities to citizens of the states that enter into them. This interpretation is upheld by the United States, which has sought to establish bilateral agreements with other states to ensure immunity for its citizens.

Conclusion:

The International Criminal Court (ICC) relies on state cooperation to implement its rulings, as it lacks its own penal institutions. Member states are obligated to treat ICC rulings as if they were issued by their national courts, ensuring implementation without discrimination or obstacles, and in accordance with their domestic laws.

Our study identified critical findings regarding the ICC's functioning:

- The effectiveness of the ICC is closely tied to the willingness of states to cooperate. The Rome Statute does not provide mechanisms for the court to operate independently; thus, the prosecution of individuals accused of international crimes is contingent on state cooperation, which can be hindered by various obstacles present in the Statute.
- Achieving international justice requires more than just states signing the Rome Statute. It necessitates establishing strong judicial cooperation frameworks that facilitate investigations, allow for the waiving of immunity, and enable the arrest of accused individuals. This cooperation is influenced by the political will of states, significantly impacting the ICC's ability to carry out its judicial functions.

In light of these findings, we recommend several measures:

- States should commit to not granting political asylum to perpetrators of international crimes to prevent them from evading accountability.
- The United Nations should adopt an international agreement to recognize and implement foreign criminal judgments, including those from the ICC, on a broad scale.
- The ICC's cooperation with states should be expanded to include appointing ICC representatives to supervise the execution of sentences.
- An integrated legal framework should be developed to clarify the objective and procedural aspects of international criminal responsibility, potentially requiring amendments to certain articles of the Rome Statute to prioritize international obligations over contractual ones.

These recommendations aim to enhance the ICC's ability to enforce international justice effectively.

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