

CHAPTER III

THE POLITICS OF INTERNATIONAL CRIMINAL COURT AND TRIBUNALS

Treaties are concluded by states as the subject of international law. However, there is a part of international law that the primary subject is individuals, which is international criminal law. International criminal law differs with other international law, such as international humanitarian law, because it puts personal responsibility and liabilities before an international forum.

A. International Criminal Law: Definitions, Development, and Sources

International crimes can be simplified as “crimes that are of concern of every state because of the corrosive effect on international society or their particularly appalling nature.”¹⁰⁵ As mentioned above, it is individual that commit international crimes; not states. International crimes might be prosecuted inside the state that has the legislation where international crimes occurred,¹⁰⁶ or referred to international tribunals or court.

The definition of international criminal law differs on where one might ask. According to M. Cherif Bassiouni, International criminal law combined two different disciplines on the field of law. The two disciplines meant by Bassiouni are international law and national criminal law.¹⁰⁷ The definition of international

¹⁰⁵ Anthony Aust, *Handbook of International Law*, (New York: Cambridge University Press, 2005), 250.

¹⁰⁶ Ibid.

¹⁰⁷ Ademola Abbas, *Complete International Law: Text, Cases, and Materials*, (New York: Oxford University Press, 2012), 556.

criminal law will be much clearer when addressing the sources of international criminal law and how it developed.

Before focusing on the sources of international criminal law, how personal responsibility and liabilities came to being in international criminal law will be explored. The statement in Nuremberg International Military Tribunal (IMT) argued that it recognizes that “crimes against international law are committed by men, not abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced.”¹⁰⁸ The statement may be stated at Nuremberg, however assigning one individual responsible for violating international law goes way back when the Treaty of Versailles tried to hold the German Kaiser for initiating World War I.¹⁰⁹

The first international tribunal that tried to prosecute international crime is the Nuremberg IMT. The tribunal was made when the four Allies of World War II signed the London Agreement on 8 August 1945. The tribunal received indictment on 10 October 1945 in Berlin and after receiving the indictments the tribunal moved to Nuremberg, its namesake. The trial of the tribunal lasted for over ten months with 403 sessions, three defendants and three of six indicted organizations were acquitted. Twelve defendants were sentenced to death while seven were sentenced to imprisonment ranging from ten years to life.¹¹⁰

Another tribunal related to World War II was the Tokyo International Military Tribunal. The tribunal was set up on January 1946 by the proclamation of

¹⁰⁸ Ibid., 558.

¹⁰⁹ Robert Cryer, Håkan Friman, Darryl Robinson and Elizabeth Wilmshurst, *An Introduction to International Criminal Law and Procedure*, (Cambridge: Cambridge University Press, 2010), 110.

¹¹⁰ Ibid., 111-112.

General Douglas MacArthur acting as the Supreme Commander of the Allied Powers in order to implement the Postdam declaration. The tribunal started with the submission of indictment on 29 April 1946. There were fifty-five indictments that charged twenty-eight defendants with the trials that lasted two and a half years. The judgment found all defendants guilty, and sentenced seven defendants to death, one to twenty years imprisonment, one to seven years imprisonment, and the rest with incarceration for life.¹¹¹

Both the Nuremberg Tribunal and the Tokyo Tribunal set the precedence of creating an international tribunal for international crimes. They illustrated the victor's justice phase of the development of international criminal law, where victorious allies tried their enemies for their war crimes but not for themselves. The second phase is the Security Council justice where the tribunals were set up by UN Security Council in response to specific situations, the tribunals in this phase are the International Criminal Tribunal for Former Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR). The current phase of International criminal law's development is the community justice phase, as in this phase all states are invited to shape the rules, leading to the Rome Statute and International Criminal Court.¹¹²

As international criminal law is a part of international law, its sources are those of international law's, i.e. treaties, customary international law, general principles of law, judicial decisions, and writings of publicist.¹¹³ Treaty based

¹¹¹ Ibid., 115-116.

¹¹² Darryl Robinson and Gillian MacNeil, "The Tribunals and the Renaissance of International Criminal Law," *The American Journal of International Law*, vol. 110:191 (2016): 210.

¹¹³ Ademola Abbas, *International Law*, 27.

sources of international criminal law are the 1907 Hague Regulations, 1959 Geneva Convention and their additional protocols, and the 1948 Genocide Convention. The three treaties subsequently become the basis for the statute of international tribunals and courts, which are also treaties. Security council resolutions 827(2003) and 955(2004) created International Criminal Tribunal for the former Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR) and because of the binding nature of security council resolutions, they constitute as treaties.¹¹⁴ Meanwhile the Rome Statute as a treaty created the International Criminal Court (ICC).

While general principles of international law also apply to international criminal law, there are principles that are specific for international criminal law. One of them is *nullum crimen sine lege* which literally means “no crime without a law.” This principle is important as it enshrined on the Article 15 of 1966 UN International Covenant on Civil and Political Rights requiring that no one can be presumed guilty on actions that do not constitute as a crime.¹¹⁵ Furthermore, Article 22 of the Rome Statute stated that:

1. A person shall not be criminally responsible under this Statute unless the conduct in question constitutes, at the time it takes place, a crime within the jurisdiction of the Court. 2. The definition of a crime shall be strictly construed and shall not be extended by analogy. In case of ambiguity, the definition shall be interpreted in favour of the person being investigated, prosecuted or convicted.

Another principle of international criminal law is *nulla poena sine lege* which literally means “no penalty without a law.” This principle generally means that

¹¹⁴ Robert Cryer et al., *An Introduction to International Criminal Law and Procedure*, 9.

¹¹⁵ Ademola Abbas, *International Law*, 560.

punishment for an international crime must be in accordance with the specific law.¹¹⁶

B. Crimes under International Criminal Law

There are four crimes that are recognized under international criminal law. Those crimes are genocide, crimes against humanity, war crimes, and aggression.

1. Genocide

Genocide was first defined by the UN General Assembly Resolution 96(1) that stated genocide as “denial of the right of existence of entire human groups, ... such denial of the rights of existence shocks the conscience of mankind, result in great losses in the form of cultural and other contributions represented by these human groups,”.¹¹⁷ The definition then deliberated again to fulfil the technical criteria of genocide by the Genocide Convention,¹¹⁸ especially Article 2 that stated

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such : (a) Killing members of the group;(b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.

The definition proposed by the Genocide Convention then taken in verbatim by the Rome Statute on its Article 6.

¹¹⁶ Ademola Abbas, *International Law*, 561.

¹¹⁷ General Assembly resolution 96(1), *The Crime of Genocide*, A/RES/97/1 (9 January 2017), available from <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/033/47/IMG/NR003347.pdf?OpenElement>.

¹¹⁸ *Convention on the Prevention and Punishment of the Crime of Genocide*, New York, 9 December 1948, *United Nations Treaty Series*, vol. 78, No. 1021, p. 280, available from <https://treaties.un.org/doc/publication/unts/volume%2078/volume-78-i-1021-english.pdf>.

For an act against the protected group (national, ethnical, racial, or religious) to be genocide, the material and the mental element are needed. The first aspect of the material element of genocide is covered by Article 6 of the Rome Statute. The mental element of genocide is intent, “to destroy” - physical and biological destruction - of the protected group. And “in whole or in part” set by historical precedence. The historical precedence is when Nazi Germany seeks to destroy Jewish population in Europe and attempts in Rwanda alone to destroy the Tutsis.¹¹⁹

2. Crimes against Humanity

Crimes against humanity is a rather umbrella term of act that involves murder, enslavement, torture, rape, apartheid, and other inhumane acts. Such inhumane acts may fall under genocide or war crimes, however the former and latter one may differ in certain cases. An armed conflict and/or discriminatory measures are the aspect not required for an act to be considered as a crime against humanity,¹²⁰ and Article 7 of the Rome Statute simply defines crimes against humanity as attacks committed towards civilians systematically with awareness of the acts.

The list of acts categorized as crimes against humanity are exhaustive, according to Article 7 of the Rome Statute:

- (a). Murder; (b). Extermination; (c). Enslavement; Deportation or forcible transfer of population; (d). Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; (e). Torture; (f). Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable

¹¹⁹ Ademola Abbas, *International Law*, 581.

¹²⁰ Robert Cryer et al., *An Introduction to International Criminal Law and Procedure*, 234-235.

gravity; (g). Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court; (h). Enforced disappearance of persons; The crime of apartheid; (i). Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

3. War Crimes

War crimes are the violation of international humanitarian law that seeks to apply laws and customs in armed conflict. War crimes fall under the jurisdiction of modern international tribunals and courts, especially by ICC through its Article 8(1) that stated:

The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.

Definition and acts that fall under war crimes are exhaustive, however, some examples of them adjudicated by the international tribunals and ICC are crimes against non-combatants, attacks on prohibited targets, attacks that inflict excessive civilian damage, attacks against property, prohibited means and methods of warfare, etc.¹²¹

As a part of international humanitarian law, war crimes happened in an armed conflict. However, there are thresholds between an armed conflict and internal disturbances or riot. The latter one which is not covered by international humanitarian law and states are expected to use their own national laws in dealing with them. Like any crimes under international criminal law, the individual alleged to commit a war crime must have their intent and knowledge of their conduct.

¹²¹ Ademola Abbas, *International Law*, 583.

4. Aggression

Previously known as the “crime against peace”, the first attempt to define aggression was by the statute of Nuremberg IMT on Article 6(a) that defines it as “planning, preparation, or initiation or waging of a war of aggression, or a war in violation of treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishing of any of the forgoing.” The next attempt to define aggression was through UN General Assembly Resolution 3314(XXIX) Article 1 that states “Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition.”¹²²

Even though the Rome Statute listed aggression as one the crimes that is under its jurisdiction, the definition was not agreed by member states until 2010 when ICC Review Conference was held in Kampala, Uganda.¹²³ The Review Conference adopted Resolution RC/Res.6 adding Article 8 *bis* Paragraph 1 that stated:

For the purpose of this Statute, “crime of aggression” means the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations.

However, jurisdiction of ICC toward the crime of aggression cannot be activated yet by virtue of Article 15 *bis* Paragraph 3

The Court shall exercise jurisdiction over the crime of aggression in accordance with this article, subject to a decision to be taken after 1 January

¹²² Ademola Abbas, *International Law*, 562.

¹²³ Ademola Abbas, *International Law*, 563.

2017 by the same majority of States Parties as is required for the adoption of an amendment to the Statute.

and Article 15 *ter* Paragraph 3

The Court shall exercise jurisdiction over the crime of aggression in accordance with this article, subject to a decision to be taken after 1 January 2017 by the same majority of States Parties as is required for the adoption of an amendment to the Statute.

The decision on how shall ICC exercise jurisdiction over the crime of aggression have not taken up by the state parties until recently.

Aggression is exceptional compared with other international crimes. First, aggression is explicitly tied to state acts of aggression,¹²⁴ thus a state acts of aggression must first be found in virtue of UN Charter. Second, aggression is related more to *jus ad bellum* rather than *jus in bello*,¹²⁵ holding perpetrators of the crime of aggression to account for their preparatory action, decision, and acts related to initiation of war of aggression. Third, aggression is a strictly government leadership crime in which the accused must be the person in charge of a state's political or military actions.¹²⁶

C. International Criminal Tribunals: Successes and Failures

There are two international criminal tribunals that are founded after the Nuremberg Tribunal and the Tokyo Tribunal: International Criminal Tribunal for Former Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR). Both tribunals reflect the Security Council justice phase because they

¹²⁴ Jocelyn Getgen Kestenbaum, "Closing Impunity Gaps for the Crime of Aggression," *Chicago Journal of International Law*, vol. 17(1) (2016): 62.

¹²⁵ *Ibid.*

¹²⁶ *Ibid.*, 63.

were created through UN Security Council resolutions, Security Council resolutions 827(1993) established ICTY while 955(1994) established ICTR.

1. International Criminal Tribunal for Former Yugoslavia

ICTY was established by the UN Security Council Resolution 827 that was adopted on 25 May 1993. Article 2 of the Resolution stated that:

Decides hereby to establish an international tribunal for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia between 1 January 1991 and a date to be determined by the security council upon the restoration of peace and to this end to adopt the Statute of the International Tribunal annexed to the above-mentioned report;

The crimes that are under the jurisdiction of the ICTY are war crimes (Article 2 & 3 of Statute of the ICTY), genocide (Article 4), and crimes against humanity (Article 5). The Jurisdiction of ICTY extends to the territories of the former Yugoslavia with the period beginning on 1 January 1991 according to the Article 8 of ICTY's statute. ICTY and national courts in the former Yugoslav republics have concurrent status with each other, however the tribunal has the primacy over national courts and may defer cases of national courts to the tribunal (Article 8). ICTY puts criminal responsibility on individuals and their position or their actions that were in pursuant with their superior's order do not relieve them of their responsibility (Article 7).

2. International Criminal Tribunal for Rwanda

ICTR was also created by the UN Security Council Resolution, however on the resolution the tribunal was created on the request of the Rwandan government, as Article 1 of UN Security Council Resolution 955 stated:

Decides hereby, having received the request of the Government of Rwanda (S/1994/1115), to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994 and to this end to adopt the Statute of the International Criminal Tribunal for Rwanda annexed hereto;

The jurisdiction of the tribunal extended to acts committed on the territory of Rwanda or by Rwandan nationals between 1 January 1994 and 31 December 1994 (Article 1 of Statute of the ICTR). The crimes that are within the jurisdiction of ICTR are genocide (Article 2), crimes against humanity (Article 3) and violation of Article 3 common to the Geneva Convention and of Additional Protocol II (Article 4). It is significant to note that crimes happened in Rwanda is categorized as in internal conflict, as it has come to an end.¹²⁷ ICTR and national court of Rwanda have concurrent status with each other, however the tribunal has the primacy over national court and may defer cases of national courts to the tribunal (Article 8). ICTR also puts criminal responsibility on individuals, their position or their actions that were in pursuant with their superior's order do not relieve them of their responsibility (Article 6).

3. Evaluation of the Tribunals

As of January 2017, 161 persons have been indicted by the ICTY. 10 have been in custody at UN ICTY detention unit, 7 ongoing proceedings with 1 currently in trial (Ratko Mladić, the trial judgment expected November 2017) and 6 on the Appeals Chamber, 83 sentenced, 19 acquitted, 13 referred to national jurisdictions, 37 have their indictments withdrawn or are deceased, and 2 retrials

¹²⁷ Ademola Abbas, *International Law*, 588.

are to be conducted by the MICT (Mechanism for International Criminal Tribunal),¹²⁸ a UN body mandated to perform functions done by ICTY and ICTR when the tribunals comes to closure.¹²⁹

Meanwhile, ICTR has indicted 93 individuals. 62 are sentenced, 14 acquitted, 10 referred to national jurisdiction for trial, 3 fugitives referred to the MICT, 2 deceased prior to judgment, and 2 indictments are withdrawn.¹³⁰ The ICTR has come to a close since 31 December 2015, with the most cases status completed while 8 persons are fugitive,¹³¹ and functions of the ICTR has been taken over by the MICT.

As the second phase of the development of international criminal law, the tribunals have achieved several achievements, one which will be elaborated here is their contribution in developing international law. Both tribunals demonstrated potential effectiveness of modern international criminal law in action,¹³² thus set precedence important for modern international criminal law enforcement, in terms of system of modern international justice as well as the substance and procedure of international humanitarian and international criminal law procedures.¹³³

¹²⁸ “Key Figures of the Cases,” *International Criminal Tribunal for the Former Yugoslavia*, last modified August 8, 2016, <http://www.icty.org/en/cases/key-figures-cases>.

¹²⁹ “About the MICT,” *Mechanism for International Criminal Tribunal*, accessed January 10, 2017, <http://www.unmict.org/en/about>.

¹³⁰ “The ICTR in Brief,” *Mechanism for International Criminal Tribunal*, accessed January 10, 2017, <http://unictr.unmict.org/en/tribunal>.

¹³¹ “The Cases,” *Mechanism for International Criminal Tribunal*, accessed January 10, 2017, <http://unictr.unmict.org/en/cases>.

¹³² George S. Yacoubian Jr., “Evaluating the Efficacy of the International Criminal Tribunals for Rwanda and the Former Yugoslavia,” *World Affairs*, vol. 165(3) (2003): 136.

¹³³ “Achievements,” *International Criminal Tribunal for the Former Yugoslavia*, accessed January 10, 2017, <http://www.icty.org/en/about/tribunal/achievements>.

D. The Rome Statute and International Criminal Court

Preparation for the establishment of International Criminal Court has been started since 1995 when the UN General Assembly convened the United Nations Preparatory Committee on the Establishment of an International Criminal Court (PrepCom) mandated to create a draft text to be adopted. The PrepCom then sent a draft containing 116 articles. The works of negotiations, drafting, and adopting the Rome Statute bequeathed on the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (the Rome Conference).¹³⁴ By 17 July 1998 The Rome Statute was adopted by 120 votes.¹³⁵

The crimes that are under the jurisdiction of the ICC are genocide, crimes against humanity, war crimes, and aggression (Article 5 of the Rome Statute). ICC has been able to exercise its jurisdiction on genocide, crimes against humanity, and war crimes since the Rome Statute's entry into force on 1 July 2002. However, on the case of the crime of aggression, ICC cannot yet exercise jurisdiction, in pursuant of the amendment of the statute Article 15 *bis* Paragraph 3 and Article 15 *ter* Paragraph 3; although the definition for aggression has been agreed on 2010 by way of amendment Article 15 *bis* Paragraph 1.

The precondition for ICC to exercise its jurisdiction is the member states (Article 12 Paragraph 1), however it is still possible for non-member state of ICC to accept jurisdiction of ICC, according to Article 12 Paragraph 3:

¹³⁴ John Washburn, "The Negotiation of the Rome Statute for the International Criminal Court and International Lawmaking in the 21st Century," *Pace International Law Review*, vol. 11(2) (1999): 362-363.

¹³⁵ *Ibid.*, 361.

If the acceptance of a State which is not a Party to this Statute is required under paragraph 2, that State may, by declaration lodged with the Registrar, accept the exercise of jurisdiction by the Court with respect to the crime in question. The accepting State shall cooperate with the Court without any delay or exception in accordance with Part 9.

There are three trigger mechanism of the exercise of ICC jurisdiction, explained by Article 13:

The Court may exercise its jurisdiction with respect to a crime referred to in article 5 in accordance with the provisions of this Statute if: (a) A situation in which one or more of such crimes appears to have been committed is referred to the Prosecutor by a State Party in accordance with article 14; (b) A situation in which one or more of such crimes appears to have been committed is referred to the Prosecutor by the Security Council acting under Chapter VII of the Charter of the United Nations; or (c) The Prosecutor has initiated an investigation in respect of such a crime in accordance with article 15.

And Article 12 Paragraph 2 explained the extent of the jurisdiction:

In the case of article 13, paragraph (a) or (c), the Court may exercise its jurisdiction if one or more of the following States are Parties to this Statute or have accepted the jurisdiction of the Court in accordance with paragraph 3: (a) The State on the territory of which the conduct in question occurred or, if the crime was committed on board a vessel or aircraft, the State of registration of that vessel or aircraft; (b) The State of which the person accused of the crime is a national.

Unlike ICTY and ICTR that have supremacy over national courts, ICC is a court of last resort.¹³⁶ Its jurisdiction is only complementary to its member states' national courts. Complementarity of ICC reconcile two features, national sovereignty and international jurisdiction over international crimes. The rationale behind ICC's complementarity is that national institutions is the optimal position for justice, as it is where the evidence and the alleged most likely to be found,¹³⁷ and it is also in line with the Paragraph 6 of the Preamble to the Rome Statute that stressed the duty of states to investigate and try those who are responsible for

¹³⁶ Ademola Abbas, *International Law*, 594.

¹³⁷ Ademola Abbas, *International Law*, 595.

international crimes. Thus, because of its complementarity nature, ICC relied on cooperation of the state parties to enforce warrants, judgments, and ensuring that the individuals are tried before the court.¹³⁸ Article 86 stated that:

States Parties shall, in accordance with the provisions of this Statute, cooperate fully with the Court in its investigation and prosecution of crimes within the jurisdiction of the Court.

The composition of ICC is explained on Article 34:

The Court shall be composed of the following organs: (a) The Presidency; (b) An Appeals Division, a Trial Division and a Pre-Trial Division; (c) The Office of the Prosecutor; (d) The Registry.

The Presidency is mainly responsible for administration of the court except the office of the prosecutor (Article 38 Paragraph 3(a)). The Office of the Prosecutor is a separate organ of ICC responsible for examining referrals and information on crimes within jurisdiction of the ICC as well as organizing investigations and prosecutions before the Court. and headed by the Prosecutor, in pursuant of Article 42 Paragraph 1 & 2. The registry is responsible for non-judicial aspects of ICC, headed by a Registrar, in pursuant of Article 43 Paragraph 1 & 2.

There are 18 judges in total (Article 36 Paragraph 1). The judges of ICC are elected as full-time members of the ICC in pursuant of Article 35 Paragraph 1 and the conditions for a judge of ICC are established on Article 36 Paragraph 3:

(a) The judges shall be chosen from among persons of high moral character, impartiality and integrity who possess the qualifications required in their respective States for appointment to the highest judicial offices. (b) Every candidate for election to the Court shall: (i) Have established competence in criminal law and procedure, and the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings; or (ii) Have established competence in

¹³⁸ Ademola Abbas, *International Law*, 598.

relevant areas of international law such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court;

Geographical, legal systems, and gender representation of the judges are to be taken into account when voting the judges, in pursuant of Article 36 Paragraph 8.

Until recently, there are 124 state parties of the Rome Statute, 34 from Africa, 19 from Asia Pacific, 18 from Eastern Europe, 28 from Latin America and the Caribbean, and 25 from Western Europe and North America. The Office of the Prosecutor currently investigating in Uganda, the DRC, CAR, CAR II, Darfur (Sudan), Kenya, Libya, Côte d'Ivoire, Mali, and Georgia with 10 preliminary examinations in Afghanistan, Burundi, Colombia, Gabon, Guinea, Iraq, Nigeria, Palestine Ukraine, and the Registered Vessels of Comoros, Greece and Cambodia. So far, the court has issued 25 arrest warrants, 9 summons that have appeared before the court, 6 persons in custody, and 13 suspects at large. There are 23 cases that have been brought before the court; 5 are currently at trial, 1 at appeals stage, and 3 at the reparations stage.¹³⁹

¹³⁹ “The Court Today,” *International Criminal Court*, last modified October 25, 2016, <https://www.icc-cpi.int/iccdocs/PIDS/publications/TheCourtTodayEng.pdf>.