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# International Criminal Law

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**Abstract:** Criminal legal problems arising in connection with the commission of acts of a criminal nature can also manifest themselves in the field of interstate relations. New challenges and threats, primarily international terrorism, drug trafficking, organized crime, the danger of the proliferation of weapons of mass destruction and their means of delivery, illegal migration and others of a global nature, require an adequate response from the entire international community and joint efforts to overcome them.

**Key words:** international criminal law, Rome Statute, International Criminal Court, human rights violations, international crime.

## Introduction

The intensification of international crime and the need to improve cooperation between states in preventing and suppressing international crimes of an international nature served as the basis for the formation of an independent branch of public international law - international criminal law (the law of international cooperation in the fight against crime).

In legal reference literature, international criminal law is considered as a branch of international law, closely related to the national criminal law of states, which is a system of principles and norms governing the cooperation of states in the prevention, investigation and punishment (in a special manner) for crimes provided for in international treaties. At the same time, as a feature of this branch of public international law, its complex nature is indicated, since it includes the norms of criminal, criminal procedural and criminal executive law.

**The purpose of the study** is a comprehensive international legal analysis established by the provisions of the Rome Statute, the mechanism of international criminal justice, as well as the practice of the International Criminal Court exercising its jurisdiction to prosecute persons guilty of criminal violations of human rights.

To achieve these goals, it seems necessary to solve the following problems:

- a study of the historical background for the creation of a universal, permanent body of international criminal justice - the International Criminal Court;
- a brief overview of the creation and activities of *ad hoc* international criminal tribunals, as well as the development of the principles and norms of international law and the doctrine of international law that predetermined the emergence of this body;
- study of the legal status and structure of the International Criminal Court;
- consideration of the possibility of the International Criminal Court exercising universal jurisdiction over international crimes, in the context of the international criminal responsibility of individuals for crimes falling under the jurisdiction of the International Criminal Court;

- consideration of the procedure for applying the principles and norms of international law by the Court;
- legal analysis of the general principles of criminal liability for criminal violations of human rights falling within the jurisdiction of the Court;
- legal analysis of specific elements of international crimes falling under the jurisdiction of the International Criminal Court, as well as problems of qualification and delimitation of these elements;
- consideration of the practice of the International Criminal Court in the exercise of the jurisdiction of this body of international criminal justice in relation to criminal violations of human rights.

**Research methods:**

These methods include general scientific methods of scientific research, such as analysis, synthesis, deduction, induction and others. These methods made it possible to determine the necessary framework of the study, ensure its consistency and consistent achievement of the set goals. In addition, the work used such private scientific methods as: historical-legal, comparative-legal and formal-legal.

**Main part.**

The emergence and activity of international criminal tribunals *ad hoc*, the criminalization of international crimes by treaty norms of international law, as well as the development of the science of international criminal law created the necessary basis for the creation of a permanent body of international criminal justice. Such a body was the International Criminal Court, established in accordance with a universal international legal act - the Rome Statute of the International Criminal Court, adopted at the Diplomatic Conference of Plenipotentiaries held in Rome from June 16 to July 17, 1998.

It can be considered that as a result of the practical implementation of the idea of international criminal justice, three models of international criminal justice have emerged:

- the "Nuremberg justice" model, characterized by the exclusive competence of the tribunal in relation to major international criminals;
- the model of international criminal tribunals *ad hoc* (ICTY and ICTR), characterized by the preferential jurisdiction of international tribunals over the jurisdiction of national courts;
- a universal model of the International Criminal Court, characterized by the principle of complementarity, that is, the complementarity of the jurisdiction of the International Criminal Court in relation to the jurisdiction of national courts.

According to A. Matta and Y. Nuzban, who believe that the Court is an independent international organization [1].

The fact that the International belongs to international organizations is evidenced by the presence of features inherent in these derivative subjects of international law. In addition to the legal personality fixed in the Statute, these are:

- establishment and operation in accordance with international law;
- formation by virtue of an interstate agreement (constitutive act - the Rome Statute of the International Criminal Court);
- participation in international legal relations on one's own behalf;
- permanent nature of the activity;
- existence of internal law.

[1] Matta A., Nuzban Y. International Criminal Court / A. Matta, Yu. Nuzban // Institutes of International Justice: Textbook. manual / edited by V.L. Tolstykh. P. 434

At the same time, the uniqueness of the institutional structure of the International Criminal Court is emphasized. When studying the structure of the International Criminal Court as an international organization and as a body of international criminal justice, the dissertation concludes that the International Criminal Court has a dual legal nature - an international organization and a body of international justice. While the substantive competence of the International Criminal Court is common, as an intergovernmental organization and as a judicial body, differences in jurisdictional competence and areas of direct practical activity are obvious. The legal nature of an international organization provides the International Criminal Court with the proper level of international legal personality and the representation of states parties to the Statute necessary for international rule-making activities. At the same time, the lack of integration of the Assembly of States Parties to the Rome Statute directly into the structure of the Court does not allow this body to interfere in the process of administering justice. The legal nature of an international judicial body is a necessary condition for a normal judicial process and ensuring the legal rights of interested parties.

The duality of the legal nature of the International Criminal Court gives this body the potential to exercise "unconditional" universal jurisdiction. The international legal personality of the International Criminal Court allows, in the event of delegation of relevant powers to it by states, and the fulfillment of a number of other conditions, to independently exercise this jurisdiction in full.

The application by the International Criminal Court of the principles and norms of international law not related to the provisions of the Rome Statute, and the principles and norms of the domestic law of various states, is of a subsidiary nature. Without making adjustments and additions to the specific elements of international crimes falling under the jurisdiction of the Court, these legal principles and norms can help the Court to follow the generally accepted understanding, the special terminology used in the provisions of the Statute, in a legally correct assessment of the contextual circumstances and the degree of gravity of certain criminal acts.

In general, according to the author, the Rome Statute, having united and codified various norms of international criminal law, has made significant progress towards overcoming the fragmentation of this branch of public international law.

**Conclusion.**

The author states that liability for criminal violations of human rights in the context of the provisions of the Statute of the International Criminal Court is the criminal liability of individuals for international crimes falling under the jurisdiction of the Court. The author proposes for the purposes of the study to consider the concepts of "international crimes" and "criminal violations of human rights" as identical.

The author shares the opinion that criminal violations of human rights are violations of fundamental human rights, freedoms and legitimate interests protected by international criminal law. The Rome Statute of the International Criminal Court is the international legal act that, to date, has most fully codified these norms.

The author examines the composition of international criminality falling under the jurisdiction of the International Criminal Court: object, subject, objective side, subjective side, as well as the contextual element. The latter term is used in the science of international law to denote the connection of the crime with the circumstances qualifying it as an international criminal act (such as an armed conflict for a war crime, a large-scale or systematic attack on any civilians for a crime against humanity, and the like).

With regard to the subjective side of criminal acts falling under the jurisdiction of the Court, the author concludes that for these acts, indirect intent ("dolus eventualis") is an acceptable and possible form of guilt.

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