

Forum: Legal Committee (GA6)

Issue: Redefining The Rome Statute On Crimes Against Humanity

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INTRODUCTION

The Rome Statute was adopted on July 17th, 1998. It became active on July 1st, 2002, and has been ratified by 125 countries and signed by 30 more. It established three separate bodies: The Assembly of States Parties, the International Criminal Court (ICC), and the Trust Fund for Victims (TVF). The Statute condemns 4 categories of crimes: crimes of aggression, genocide, crimes against humanity, and war crimes. Its main goal is to hold accountable those responsible for such crimes on an international scale, but it faces obstacles, such as Member States, which hold influence and power, refusing to sign/ ratify it, which limits its ability to efficiently address its cases. For instance, the USA signed it but never ratified it, because of concerns regarding sovereignty and politically driven prosecutions. China has neither signed nor ratified the Statute. Russia signed it in 2000 but withdrew its support in 2016, citing concerns about bias.

Crimes against humanity are condemned within the Statute, in Article 7, which defines them. Through its establishment, the Rome Statute grants the ICC the power to investigate and prosecute international cases of great importance to the international justice system. Yet, all organs of the Statute are responsible for impactful actions, specifically, the TVF handles the rehabilitation of victims, and the Assembly manages the oversight and legislation of the ICC.

Overall, with the establishment of the Rome Statute, the signing states intended for it to address topics that have perpetually troubled the international justice system. Some examples are the rise of authoritarian regimes and the failure of primary jurisdiction and national courts to prosecute the guilty parties for crimes that include the aforementioned. According to a Human Rights Watch declaration, “there have been countless victims of crimes against humanity. These grave crimes have proliferated in the absence of a treaty.”¹

It is generally supported that redefinition of the Rome Statute as a whole, as well as the sections regarding crimes against humanity, is essential. Modern crimes and new forms of violence have emerged since its establishment in 1998, which are not covered by the Statute and include Cybercrime, the weaponization of technology, ecocides, and cultural destruction. This is a limitation that curbs the effectiveness of the ICC. Furthermore, the international community has been endorsing the creation of accountability mechanisms for years to update the Statute and its subsequent bodies to modern standards, establish control over their

¹ “UN: Approve next Steps on Crimes against Humanity Treaty.” *Human Rights Watch*, 20 Nov. 2024, www.hrw.org/news/2024/11/20/un-approve-next-steps-crimes-against-humanity-treaty. Accessed 9 July 2025.

credibility, and build a better-structured Statute capable of prosecuting all crimes that fall under its jurisdiction.

DEFINITION OF KEY-TERMS

Crimes against Humanity

The term “Crime against Humanity” is defined in Article 7 of the Rome Statute as serious violations committed within a large-scale attack against civilians, namely murder, rape, imprisonment, enforced disappearances, enslavement- more specifically of women and children-, sexual slavery, torture, apartheid, and deportation. They are committed as part of a widespread or systematic attack against civilians in peacetime. The term was first introduced in the Charter of the International Military Tribunal (IMT). Its goal was to define and punish the crimes of the Nazi leaders after World War II in 1945.

Crimes of Aggression

The term “crime of aggression” was defined in Article 8 bis of the Rome Statute at the 2010 Review Conference in Kampala. The term refers to the planning, preparation, initiation, or execution of an act of aggression that is a manifest violation of the United Nations Charter, carried out by a political or military leader. On December 15th, 2017, the Assembly of States Parties adopted the resolution by consensus.

Manifest Violation

The term “manifest violation”, in the context of the Rome Statute, refers to a serious, large-scale breach of the UN Charter. It can involve the use of armed force by one state against another, in an attempt to undermine the sovereignty, territorial integrity, or political independence of the targeted state.

Genocide

The term “Genocide” refers to the deliberate attempt of destroying in whole or a part of a national, ethnic, racial or religious group by killing its members or by other means such as inflicting serious bodily or mental harm, fostering conditions of life which will cause physical destruction, enforcing measures which prevent births within a group, or forcibly transferring children of a group to another one. The term was first introduced in 1945 to describe the crimes of Nazi leaders in the Nuremberg Trials.

War Crimes

The term “War Crime” refers to serious breaches of the Geneva Conventions, within armed conflict, and includes the use of child soldiers, killing or torturing of civilians and prisoners of war, intentional attacks against hospitals, historic monuments, and buildings dedicated to religion, education, art, science, or charities.

Primary Jurisdiction

The term “Primary Jurisdiction” entails the creation of a temporary, international court or tribunal, focused on the prosecution of a specific set of violations. This court has exclusive jurisdiction over the cases it is dealing with and priority over national courts, regarding prosecution, and no state court or authority can appeal or intervene in its decisions. In some cases, such tribunals are imposed by the victors of a conflict and can be supported by military occupation or international authority to enforce their mandates.

Complementary Jurisdiction

The term “Complementary Jurisdiction” refers to an international court that serves as the final step in the process of prosecuting major crimes and violations of the UN Charter. National courts refer cases to courts of complementary jurisdiction, such as the International Criminal Court, after having failed to prosecute the responsible parties. Such courts rely on state cooperation and have appeal systems in place.

Core International Crimes

The term “core international crimes” is defined by the European Union Agency for Criminal Justice Cooperation as the four crimes of Genocide, the Crime of Aggression, War Crimes, and Crimes against Humanity.

BACKGROUND INFORMATION

Historical background

In the late 1990s, after the genocides against the people of Rwanda and North Macedonia (formerly Former Yugoslav Republic of Macedonia), it was made clear that an International Criminal Court had to be created that would remain unbiased to third-party influences and hold accountable those responsible for crimes in violation of the UN Charter, on a scale superior to national and regional crimes.

Of course, the creation of such an organization did not solve all issues that threaten the fundamental Human Rights of persons all over the world. In the 21st century and even more so in the 2020 decade, clear violations of multiple treaties and the Declaration of Human Rights have been reported in Ethiopia, Ukraine, Israel, the Palestinian territory, Sudan, Myanmar, Syria and in many other Member States, that resulted in destructions of schools, hospitals, cultural heritage, homes, administrations and other elements vital to the inhabitants of these countries. Thus, it has been repeatedly demonstrated that the reevaluation of the Rome Statute should take place in order to adjust it to modern standards.

[The Charter of the International Military Tribunal \(IMT\) - London Agreement and Charter](#)

Before the adoption of the Statute, there had been attempts to deal with different violations of such nature, but their jurisdiction was Primary and thus their effectiveness was curbed to a certain extent. For instance, the IMT refers to the trial of 24 Nazi defendants who

had diplomatic, economic, political, and military leadership positions during World War II (WWII). On the 20th of November 1945, following the end of WWII, the Nuremberg Trials officially commenced. The United States of America, the French Republic, the United Kingdom, and the Russian Federation (previously the Union of Soviet Socialist Republics, or USSR) provided a judge and prosecution team for the specific trial. The defendants were indicted on 18th October 1945 for the crimes of conspiracy to commit crimes against peace, war crimes, and crimes against humanity. The crimes considered during the Trial were committed exclusively during the War. The verdict was reached on 1st October 1946 and included the execution of 12 defendants. “By the late 1950s, nearly all of those who had been convicted but not executed were released. Of the convicted IMT defendants who were not hanged, only one spent the rest of his life in prison”.²

The trial was held after the signing of the Moscow Declaration of German Atrocities on 1st November 1945 by the Allied leaders. The Declaration condemned Nazi crimes and the signatories committed to the prosecution of the persons accountable for them. It specifically mentioned that the criminals would be officially tried according to the legislation of the Member States, in which their crimes occurred.

Challenges

Member States' Apathy

The Rome Statute and, by extension, the ICC have limitations regarding their jurisdiction. Firstly, groups such as Islamic State of Iraq and the Levant (ISIL) /Da'esh do not fall under the Court's jurisdiction, because it is limited to states parties' territories and their nationals. Unless there is a request by the Security Council, they cannot conduct investigations in certain territories, and the Court is widely criticised for its limited jurisdiction. Since they can investigate only certain Member States' crimes, others go uninvestigated and unpunished because the countries accused of committing them are not signatories to the Rome Statute, and those countries can hold military and financial power, such as India, Turkiye, China, and Israel.

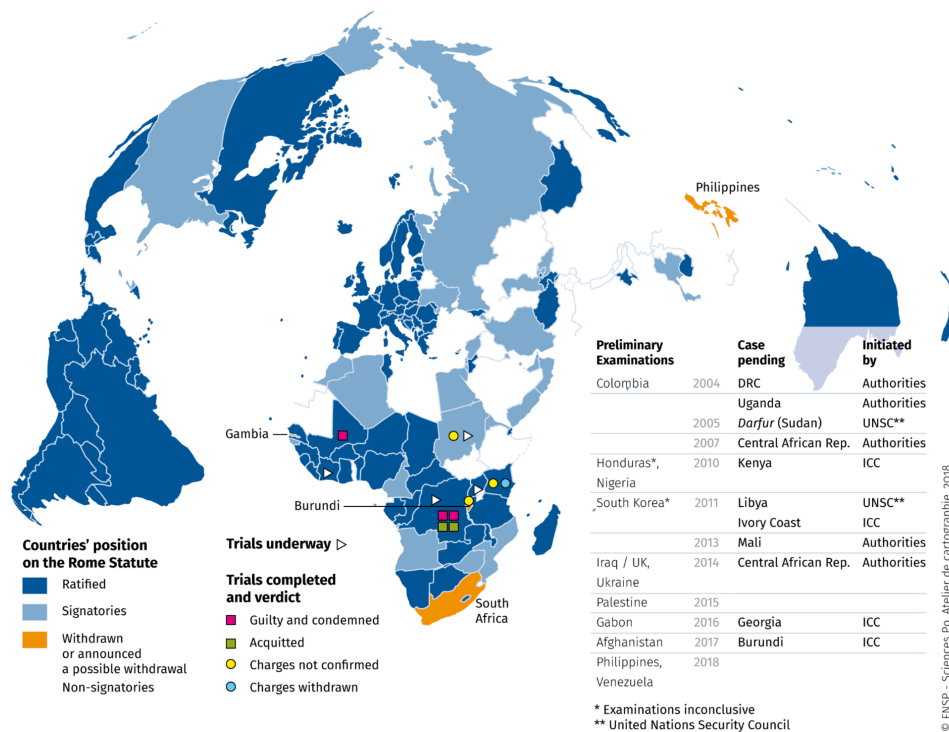
The ICC can also face obstacles because not all countries are willing and able to investigate accusations regarding the Core International Crimes. Some States, for instance, do not cooperate with the organisation because of their political agenda. As a result, the identification verification of the crimes is a challenging and long-term process, and the effectiveness of the Statute is curbed.

Corruption and Political Influences

Furthermore, because State Parties are responsible for the majority of the funds the ICC has access to, one can assume that the budget they can allocate to every case is limited and may be a barrier within investigations and prosecutions, which is connected to another concern: the fact that there is no transparency regarding the actual allocation of the budget, so allegation of corruption arise. For years, the ICC has been accused of being corrupt and subject to political

² United States Holocaust Memorial Museum . “International Military Tribunal at Nuremberg.” Ushmm.org, 2019, encyclopedia.ushmm.org/content/en/article/international-military-tribunal-at-nuremberg.

influence, losing global support due to varying news headlines. The White House issued an official statement in 2020 criticising the ICC: “an unaccountable and ineffective international bureaucracy that targets and threatens United States personnel as well as personnel of our allies and partners. Despite repeated calls by the United States and our allies to reform, the International Criminal Court has taken no action to reform itself and continues to pursue politically-motivated investigations against us and our allies, including Israel. [...] Further, we have strong reason to believe there is corruption and misconduct at the highest levels of the International Criminal Court Office of the Prosecutor.”³, which resulted in the end of the investigation regarding war crimes committed by the USA in Afghanistan in 2003 and 2004.



Source: United Nations, <https://treaties.un.org>

Atlas depicting the position of every country regarding the Rome Statute and the status of cases undertaken by the ICC in each country by 2018.⁴

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

The ICC

³ “Statement from the Press Secretary – the White House.” Archives.gov, The White House, 11 June 2020, trumpwhitehouse.archives.gov/briefings-statements/statement-press-secretary-129/.

⁴ “International Criminal Court (ICC), June 2018.” Sciencespo.fr, 2018, espace-mondial-atlas.sciencespo.fr/en/topic-regulatory-efforts/map-6C30-EN-international-criminal-court-%28icc%29-june-2018.html.

The International Criminal Court was established within the Rome Statute as a last resort to deal with instances that meet specific conditions. Its four main principles are to protect the accused if they have been prosecuted before national courts, respect the national sovereignty in the exercise of criminal jurisdiction, promote greater efficiency because of the limitations regarding the cases it can undertake, and pressure states to do their duty under international and national law to investigate and prosecute alleged Core International Crimes. It intends to “complement, not to replace, national criminal systems”⁵.

It relies on countries and other organisations for support, which includes making arrests, transferring arrested persons to the ICC detention centre in The Hague, freezing assets when needed, and enforcing sentences, because it does not have its own enforcement body. The ICC, in efforts to build understanding and cooperation, organises seminars and conferences worldwide and works under a specific legislation. Firstly, it does not convict underage persons, and before an investigation can be carried out by the Prosecutor, a preliminary examination must be conducted. The examination is meant to consider matters such as sufficient evidence, jurisdiction, and the gravity of each case. What is more, all defendants are considered innocent until proven otherwise. The BCC News channel

The European Union (EU)

The EU fervently supports the Statute and the Court. Their support is depicted in their various actions and collaborations with the ICC, like Decision 2006/313/CFSP⁶. The specific Act, the EU official agrees to closely cooperate with the ICC on matters of mutual interest, through regular contact. This cooperation entails the exchange of information and documents between the organs and the waiver of EU privileges and immunities for persons under the jurisdiction of the ICC. Furthermore, the European Union agreed to consult and support the Court in the training of judges, prosecutors, and officials.

The African Union

According to recent reports, Member States of the African Union have been gradually withdrawing their support from the Statute. The reasoning behind their decision has been the accusations of the ICC being biased. These allegations include claims of neo-colonialist and imperialist behaviours, and unjustified prosecution against citizens, despite the Union having repeatedly requested the ICC to distance its decision from such influences. Allegations of such nature began in 2009, after the arrest of the President of Sudan, Omar Al-Bashi, r for criminal conduct in the Darfur conflict. At the same time, the Court was conducting similar investigations and prosecutions against citizens from 4 other African countries.

⁵ International Criminal Court. “How the Court Works.” *International Criminal Court*, 2025, www.icc-cpi.int/about/how-the-court-works.

⁶ “Decision - 2006/313 - EN - EUR-Lex.” *Europa.eu*, 2025, eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32006D0313.

The root of the problem is the distrust of the ICC among citizens of the African Union, stemming from the Court's limited prosecution of allegations of equivalent crimes committed by Western countries.

Russia

The conflict between Russia and Ukraine started in 2014, and on the 24th February 2022, Russia invaded Ukraine. This particular event marks the escalation of international tension and the repeated violations of Human Rights by Russian soldiers. The specific war has been ongoing until today, and it has been characterized as the deadliest one in Europe since WWII. According to a UN report⁷, Russia has committed war crimes and crimes against humanity during that time, and despite the sanctions imposed on the country by the Security Council and the European Council, the war has not de-escalated. The crimes committed vary from forced disappearances to systematic attacks against the civilian population. Furthermore, the territories under Russian occupation have been struggling to preserve Ukrainian culture, from the language itself to literature and history.

The ICC received repeated referrals from state parties, like North Macedonia and Japan, regarding the situation in Ukraine and issued arrest warrants against Vladimir Putin for the war crime of unlawful deportation and transfer of population (children) from occupied areas of Ukraine to Russia. In particular, they individually hold Putin accountable for the aforementioned crimes, as well as his failure to control his “civilian and military subordinates who committed the acts, or allowed for their commission, and who were under his effective authority and control, pursuant to superior responsibility (article 28(b) of the Rome Statute).”⁸

Israel

The State of Israel is currently being accused of committing acts of war crimes, genocide, and crimes against humanity against the Palestinian population. Despite the ICC's interventions and legal actions, in 2024, Israel challenged the Court's jurisdiction over the situation and Israeli nationals. Nonetheless, the challenge was rejected by the Pre-Trial Chamber, citing the Court's jurisdiction over the crimes committed in Palestinian territory from 1st January 2015. At the time of the challenge, no arrest warrants had been issued, rendering it premature. On 21st November 2024, the ICC issued arrest warrants against Israeli officials for committing war crimes and crimes against humanity. More specifically, for the crimes of intentional starvation of civilians, restricting humanitarian aid, murder, and persecution of civilians for discriminatory reasons. The specific conflict is ongoing, and the reevaluation of the

⁷ Dickinson, Peter. “UN Report: Russia Is Guilty of Crimes against Humanity in Occupied Ukraine.” Atlantic Council, 27 Mar. 2025,

www.atlanticcouncil.org/blogs/ukrainealert/un-report-russia-guilty-of-crimes-against-humanity-in-occupied-ukraine/.

⁸ ---. “Situation in Ukraine: ICC Judges Issue Arrest Warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova.” International Criminal Court, 17 Mar. 2023,

www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and.

Rome Statute and the related legislation would greatly contribute to ensuring accountability for those violations.

TIMELINE OF EVENTS

DATE	DESCRIPTION OF EVENT
<i>18th October 1945</i>	The indictment of Nazi officials for war crimes, crimes against humanity, and crimes against peace by the IMT.
<i>1st November 1945</i>	The signing of the Moscow Declaration of German Atrocities by the Allied leaders. The Declaration condemned Nazi crimes, and the signatory governments committed to the prosecution of the persons accountable for them.
<i>20th November 1945</i>	Commencement of Nuremberg Trials.
<i>11th November 1970</i>	The enforcement of Resolution 2391 (XXIII), which established war crimes and crimes against humanity as non-applicable for statutory limitations.
<i>17th July 1998</i>	The adoption of the Rome Statute.
<i>1st July 2002</i>	The Rome Statute became active.
<i>2006</i>	Russia withdrew its support of the Rome Statute.
<i>10th April 2006</i>	The adoption of Decision 2006/313/CFSP between the European Council and the ICC

<i>26th February 2011</i>	The adoption of UNSC Resolution 1970, which condemned systematic violence and crimes against humanity with a unanimous vote.
<i>1st January 2015.</i>	Palestine accepted the ICC's jurisdiction over its territory.
<i>15th December 2017</i>	The enforcement of Article 8 bis of the Rome Statute, which was adopted by the Assembly of States Parties at the 2010 Review Conference in Kampala.
<i>6th December 2019</i>	The adoption of Resolution ICC-ASP/18/Res.5, at the sixth Assembly of State Parties to the Rome Statute plenary meeting, which defined starvation as a war crime.
<i>11th June 2020</i>	Official press release by the White House characterizing the ICC as biased in its prosecutions and investigations.
<i>24th February 2022</i>	The Russian invasion of Ukrainian territory.
<i>21st November 2024</i>	The ICC issued an official arrest warrant against Israeli officials for war crimes and crimes against humanity.

RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

[Resolution 2391 \(XXIII\)](#)

The convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity adopted Resolution 2391 (XXIII). This resolution has been ratified by 56 Member States; it entered into force on 11th November 1970. It established that war crimes,

crimes against humanity, and breaches of humanitarian law can be prosecuted regardless of when they were committed. With its adoption, it was ensured that perpetrators could be held accountable without time limitations, and it was the foundation for the creation of the Rome Statute. Nonetheless, it faced similar limitations to the ICC, namely, that it had no jurisdiction in countries that had not ratified it, and was accused of being politically driven and lenient towards Western regimes. Overall, it holds great significance because it rejects state apathy and impunity for crimes against humanity, war crimes, and genocide.

[UNSC Resolution 1970 - Libya](#)

The Security Council resolution 1970 was unanimously adopted on 26th February 2011, as a response to Gaddafi's violent civilian protests during the uprising in Libya. It condemned systematic violence and crimes against humanity and referred the situation in Libya to the ICC. Additionally, it imposed sanctions, called for humanitarian access, and the respect of human rights. The ICC's effectiveness was limited. Although the Court issued warrants for the arrest of Muammar Gaddafi and his son, the former died and the latter escaped before prosecution. Furthermore, the Libyan authorities reportedly did not cooperate with the ICC officials. Similarly, when the Italian authorities arrested a Libyan suspect, he was later released and relocated to Libya because of procedural issues.

[Resolution RC/Res.6 - Kampala Aggression Amendments](#)

The Kampala Amendments were adopted in 2010 and defined the crime of aggression, under the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity. This allows the ICC to prosecute such crimes from 2018. After the amendments' adoption, the Rome Statute was widely considered as completed in terms of effectiveness, since it officially covered all the Core International Crimes. The challenges it faces are similar to the ones faced by the Rome Statute and the ICC, since their enforcement is dependent upon each Member State. Naturally, this is limiting, since not all governments have the capacity or political stability to prosecute individuals who should be held responsible under the provisions of the resolution.

[International Law Commission's \(ILC\) 2019 draft on Crimes Against Humanity](#)

In its 71st session, in 2019, the ILC adopted and submitted to the General Assembly a set of 15 draft articles on Crimes against Humanity. Its ultimate goal is to eliminate gaps regarding such crimes within international legislation. It specifically references the Rome Statute as a central legal framework, which aligns with the goals of the Articles, addresses gender-based crimes, and, through 15 provisions, it establishes the prevention, investigation, and prosecution of crimes against humanity as state obligations- a clarification that was needed since originally the Rome Statute did not include it. As defined in a Human Rights Watch report,

the draft articles “provide the starting point for negotiations for an eventual treaty”⁹. Furthermore, the report included that “State parties to a crimes against humanity treaty would have a binding legal obligation to incorporate these crimes into their domestic law for national prosecution as well as to cooperate with other treaty member states in investigating and prosecuting suspects, regardless of whether they have ratified the Rome Statute.”, hence highlighting the necessity of such articles being adopted.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

The Rome Statute has been reevaluated multiple times in order to address and update the framework to ensure it remains effective regarding current affairs, developments, and injustices in the international community.

[Resolution ICC-ASP/18/Res.5](#)

In August 2019, Switzerland proposed an amendment to Article 8, which would establish starvation as an official war crime against civilians in non-international armed conflicts and would condemn it. The proposal, within Resolution ICC-ASP/18/Res.5, was adopted on 6th December 2019 in the 9th plenary meeting of the Assembly of State Parties to the Rome Statute and allowed for relevant investigations to be carried out for the first time in history. In the modern political scene, the specific amendment is repeatedly cited by the international community, specifically, regarding the allegations of Israel fostering the starvation of Palestinians. If the allegations are proven intentional and systematic, Israel could be prosecuted for conducting genocide, under the specific amendment.

POSSIBLE SOLUTIONS

Redefinition of Crimes against Humanity (relevant legislations and amendments to the Statute)

As previously highlighted, it is vital that member states engage in the negotiation and adoption of amendments that modernize the definition given to crimes against humanity. The current wording of the relevant article - Article 7 - does not fully reflect the extent of contemporary crimes against humanity and thus, such crimes cannot be properly prosecuted under the Court’s jurisdiction. A revised version of the Statute should include clarifications regarding terms that can be described as ambiguous in certain contexts, such as “systematic/ widespread attacks”. All in all, Member States should focus on aligning the Statute to modern human rights standards, according to the dangers posed by digital and cultural violence.

Strengthening of cooperation mechanisms

⁹Human Rights Watch. “Toward a Crimes against Humanity Treaty.” Human Rights Watch, 9 Oct. 2024, www.hrw.org/news/2024/10/09/toward-crimes-against-humanity-treaty.

The ICC, under the Rome Statute, relies on the voluntary cooperation of its member states in order for it to be operationally viable. Nonetheless, this dependency has proven to be a counter-productive strategy: as accusations against the Court increase, the support it receives from Member States decreases and subsequently, so do its funds, jurisdiction, and effectiveness on an international scale. For this to be addressed, legal assistance treaties should be encouraged along with new guidelines on the operations of the ICC. The treaties should endorse robust interstate cooperation for information-sharing mechanisms, victim protection, and enforcement. Furthermore, in order to tackle the issue of lack of support from Member states, the new guidelines introduced could include measures that promote cooperation with the ICC and TVF without the signing and ratification of the Rome Statute as a requirement. This is consistent with Article 87(5) of the Statute, which allows for ad-hoc arrangements with States not party to it, on a case-by-case basis.

Modernisation of Accountability tools

To ensure that the Rome Statute remains effective to the fullest extent, the ICC needs to adopt policies regarding accountability within its organisation and structure. For this reason, as well as for the continuation of the support it receives from its signatories, relevant tools must be created regarding its internal and external policy. Regarding the former, transparency mechanisms should be of utmost priority. For example, the way the Court uses its funds is paramount to prolong trust and dismiss accusations of corruption and misuse of funds to promote specific political agendas. This could be achieved through the creation of an organ solely responsible for the supervision of the actions and rulings of all three organs that the Rome Statute established. This organ should serve the purpose of assessment and ensure the upkeep of complete transparency, regarding the funds, as well as prosecutions and verdicts.

As for the external mechanisms, the ultimate goal is to ensure that regular reevaluation of the Rome Statute takes place. This reevaluation should include the update of protocols, which concern investigations of crimes that are considered non-traditional, like ecocide and cybercrime, both of which are not currently addressed under the Statute and thus, they cannot be prosecuted by the ICC. As previously highlighted, because the Rome Statute was adopted in the 20th century, before the extreme advancement of technology occurred, the legislation it abides by can be considered out-dated, in the sense that it does not include contemporary forms of international crime, which despite their recent formation they should be deemed threatening to the same extent as traditional ones.

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