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AWARENESS AND CONSCIOUSNESS ABOUT THE WORKING OF THE INTERNATIONAL CRIMINAL COURT

Prasoon Das*

ABSTARCT

The International Criminal Court (ICC) plans to advance not only justice, but harmony too. It has been broadly censured for doing neither, yet it has to battle with some extreme auxiliary and political troubles: it has restricted assets, it faces institutional limitations, it is controlled by states, and it is reprimanded for a supposed selectivity in the manner it apportions equity. Notwithstanding, the ICC could contribute fundamentally to the advancement of worldwide equity and harmony, and majorly affect the anticipation of wrongdoing, since its indictments speak to an unmistakable danger to profoundly positioned people who submit genuine violations. This article focuses on the structure of the ICC. It contends that, the commitment of the ICC to international justice and harmony depends on its institutional force and the help it gets from states, all alone unprejudiced work, and in transit it is seen by expected hoodlums and casualties in the world.

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INTRODUCTION

The ICC, also known as International Criminal Court is an independent international court that was established to investigate, prosecute and try individuals accused of committing most serious crimes such as genocide, crimes against humanity, war crimes and crimes of aggression, these crimes are a huge concern for the international community as a whole.¹

The ICC was created in the year 2002, its objective is to put an end to the impunity of the accused. After the WWII the Nuremberg and Tokyo tribunals were established and in the year 1948 the Convention on the Prevention and Punishment of the Crime of Genocide was adopted by the United Nations General Assembly, therefore it was speculative to have acted as a permanent International Court with such crimes against humanity.² After the Cold War, the International criminal justice was re-constituted, therefore an ad hoc tribunal was needed to emerge. These events had quite an impact on the decision to convene the conference which established the ICC in Rome in the summer of 1998.³

In 1998, 160 states became a signatory to the first treaty based permanent international criminal court.⁴ This treaty was adopted by the conference which was later known as the Rome Statute of the ICC. Every once a year the Assembly of State Parties meet to set and regulate the general policies of administration of the Court and reviews its activities. They also review new projects and annual budget. Approximately 120 countries are State Parties to the Rome statute, Africa, Asia-Pacific, Eastern Europe, Latin America, Western European, North and Latin America are represented by these states.

Even though the Court is The Hague, the Rome Statute permits the court to sit elsewhere wherever the judges see desirable since there are multiple offices globally to conduct investigation. The ICC is funded by the voluntary contribution by the State Parties from their governments, International Organisations, Individuals, Corporations and other entities.⁵ The ICC has no intention to replace national courts or their justice systems, rather it wishes to

¹ UICC, Understanding the International Criminal Court, p 4 , para 3 , [https:// www. icc- cpi. int/ iccdocs/ PIDS/ publications/ UICCEng. pdf](https://www.icc-cpi.int/iccdocs/PIDS/publications/UICCEng.pdf)

² UICC, Understanding the International Criminal Court, p 3 , para 1 , [https:// www. icc- cpi. int/ iccdocs/ PIDS/ publications/ UICCEng. pdf](https://www.icc-cpi.int/iccdocs/PIDS/publications/UICCEng.pdf)

³ KP Coleman, International Organisations And Peace Enforcement: The Politics Of International Legitimacy, Cambridge : Cambridge University Press, 2007 , p 283 .

⁴ UICC, Understanding the International Criminal Court, p 3 , para 6 , [https:// www. icc- cpi. int/ iccdocs/ PIDS/ publications/ UICCEng. pdf](https://www.icc-cpi.int/iccdocs/PIDS/publications/UICCEng.pdf)

⁵ UICC, Understanding the International Criminal Court p 5 , para 2 , [https:// www. icc- cpi. int/ iccdocs/ PIDS/ publications/ UICCEng. pdf](https://www.icc-cpi.int/iccdocs/PIDS/publications/UICCEng.pdf)

compliments them. All the State Parties may allow ICC to prosecute as agreed in the Rome Statue to submit itself to the jurisdiction of the ICC with respect to the crimes enumerated in the Statute , try individuals if the concerned state does not or is unable/ unwilling to do so, as it may lead to unintended shielding of the accused. This is also known as the Principle of Complementarity⁶, under which priority is given to national system, as it is the states which retain primary responsibility for trying the perpetrators of the most serious of crimes.

OPERATIONS OF THE ICC

As stated by Katherina Coleman, the power of an institution depends on how many and which states are part of this organisation.⁷ Three out of the five permanent members of the UNSE are not party to ICC, they are Russia, USA and China, even India is not party to the ICC. The independence of the ICC has always been at risk by the external attempts by the State Parties that seek to exercise control over its operations. As sovereign states utilize ICC for political purposes while acting legally, which from time to time work against the principles of ICC.⁸ In the Libya case in 2011 an analyst for the journal Foreign Policy suggested that the UNSC members might have considered ‘stopping the ICC process in exchange for the peaceful transfer of power’.⁹ This corresponds to the argument made by the realist author EH Carr, according to whom law ‘cannot be understood independently of the political foundation on which it rests and of the political interests which it serves’.¹⁰

The 18 appointed Judges, including the three adjudicators of the Presidency, are allotted to the Court's three legal divisions: The Pre-Trial Division (made out of seven adjudicators), the Trial Division (made out of six appointed Judges), and the Appeals Division (made out of five adjudicators). They are allotted to the accompanying Chambers: The Pre-Trial Chambers (each made out of one or three appointed Judges), the Trial Chambers (each made out of three adjudicators) and the Appeals Chamber (made out of the five adjudicators of the Appeals Division). The jobs and obligations of the adjudicators are delineated beneath, by class of Pre-

⁶ L Feinstein & T Lindberg, Means To An End: Us Interest In The International Criminal Court, Washington, Dc : Brookings Institution Press, 2009

⁷ KP Coleman, International Organisations And Peace Enforcement: The Politics Of International Legitimacy, Cambridge: Cambridge University Press, 2007 , p 283

⁸ CLARK, ‘ LAW, POLITICS AND PRAGMATISM ’ , pp 37 – 45 ; & Ramesh Thakur: Icc’ s Competing Ethics Of Conviction, Responsibility , Daily Yomiuri, 31 July 2008 , [http:// www. cigionline. org/ articles/ 2008 / 07 / iccs - competing- ethics- conviction- responsibility .](http://www.cigionline.org/articles/2008/07/iccs-competing-ethics-conviction-responsibility)

⁹ D Bosco, The Libya resolution: prosecution as bargaining chip? , Foreign Policy, 27 February 2011, [http:// bosco. foreignpolicy. com/ posts/ 2011 / 02 / 27 / the_ libya_ resolution_ prosecution_ as_ bar_ gaining_ chip .](http://bosco.foreignpolicy.com/posts/2011/02/27/the_libya_resolution_prosecution_as_bar_gaining_chip)

¹⁰ EH Carr, THE TWENTY YEARS’ CRISIS, 1919 – 1939, New York: Perennial, 2001, p 166.

Trial, Trial, and Appeals Chambers.¹¹ The adjudicators are people of high good character, fair-mindedness and trustworthiness who have the capabilities required in their particular States for arrangement to the most noteworthy legal workplaces. All have broad experience applicable to the Court's legal movement. The appointed authorities are chosen by the Assembly of States Parties based on their set up fitness in criminal law and method and in significant territories of universal law, for example, International Humanitarian law and the law of human rights. They have broad aptitude on explicit issues, for example, brutality against women or children.¹² The appointment of the adjudicators considers the requirement for the portrayal of the vital legitimate frameworks of the world, a reasonable portrayal of people, and fair topographical circulation. The appointed authorities guarantee the reasonableness of procedures and the best possible organization of equity.

The Court will have the option to exercise its jurisdiction over a crime of aggression, emerging from an act of aggression submitted by a State Party, except if that State Party has recently pronounced that it doesn't acknowledge such purview.¹³ But when the circumstance is alluded to the Court by the United Nations Security Council, the Court has no purview over act of aggression submitted in the region of a State which isn't involved with the Rome Statute or by its citizens.¹⁴ The Court will have jurisdiction just over acts of aggression carried out one year after 30 States Parties approve or acknowledge the changes of the Rome Statute in connection with the crimes of aggression, which were embraced by the Assembly of States Parties in June 2010.

On the off chance that the United Nations Security Council confirms that a crime of aggression has been submitted, the ICC Prosecutor can choose to open an examination, under the conditions referenced previously.¹⁵ The Prosecution may look at the circumstance and, in light of its evaluation, may tell the United Nations Secretary General of the circumstance. In the event that, inside a half year of being told by the Prosecution, the United Nations Security Council doesn't make an assurance on whether the acts of aggression have been submitted, the

¹¹ UICC, Understanding the International Criminal Court, p 11 , para 3 , [https:// www. icc- cpi. int/ iccdocs/ PIDS/ publications/ UICCEng. pdf](https://www.icc-cpi.int/iccdocs/PIDS/publications/UICCEng.pdf)

¹² United Nations, Rome Statute Of The International Criminal Court, [http:// treaties. un. org/ Pages/ View Details.aspx? src= TREATY& mtdsg_ no= XVIII -10 & chapter= 18 & lang= en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-10&chapter=18&lang=en)

¹³ Prosecutor V. Mathieu Ngudjolo Chui, Icc - 01 / 04 - 02 / 12.

¹⁴ International Criminal Court, Statement By Icc Prosecutor Concerning Mali , 28 January , 2013, [http:// www. icccpi. int/ en_ menus/ icc/ press% 20 and% 20 media/ press% 20 releases/ news% 20 an d% 20 highlights/ Pages/ otpstatement 280113 . aspx](http://www.icccpi.int/en_menus/icc/press%20and%20media/press%20releases/news%20and%20highlights/Pages/otpstatement280113.aspx)

¹⁵ Kj Heller, Situational Gravity Under The Rome Statute , The Hague: Asser Press, 2009 , p 227 – 253.

Prosecutor may even now continue with an examination concerning a wrongdoing of hostility, subject to authorization by the ICC's Pre-Trial Division.

PROCEEDINGS OF THE ICC

Any State Party to the Rome Statute can demand the Office of the Prosecutor to do an examination. A State not involved with the Statute can likewise acknowledge the jurisdiction of the ICC as for wrongdoings submitted in its domain or by one of its nationals, and appeal the Office of the Prosecutor to complete an examination. The United Nations Security Council may likewise allude a circumstance to the Court. The Prosecutor decides if, his opinion would be entertained, the Court has locale regarding the supposed wrongdoings. Following an intensive examination of the accessible data, the Prosecution chooses whether there is a sensible premise to continue with an examination. In this manner, it must set up whether the wrongdoing of massacre, violations against humankind or atrocities may have been carried out and, provided that this is true, regardless of whether they were perpetrated after 1 July 2002.¹⁶

The Prosecution should also find out whether any national specialists are leading a veritable examination or preliminary of the supposed culprits of the violations. In conclusion, it must inform the States Parties and different States which may have purview of its goal to start an examination.¹⁷ The Office of the Prosecutor sends its specialists to gather proof in zones where violations are asserted to have been submitted. The examiners must be mindful so as not to make any hazard to the people in question and the witnesses. The Office of the Prosecutor also needs to demand the participation and help of States and worldwide associations. The examiners search for proof of a speculator's blame or guilt. The Court won't have the option to bring to equity each individual associated with carrying out justice to the entire international community.¹⁸ The prosecutorial strategy of the Office of the Prosecutor is to concentrate its examinations and indictments on the individuals who, having respect to the proof accumulated, bear the best duty regarding such crimes and atrocities.

¹⁶ International Criminal Court, Letter From The Prosecutor, The Hague , 9 February 2006 , p 9, http://www2.icc-cpi.int/NR/rdonlyres/F596D08D-D810-43A2-99BBB899B9C5BCD2/277422/OTP_letter_to_senders_re_Iraq_9_February_2006.pdf

¹⁷ International Criminal Court, Report On Preliminary Examination Activities 2012 , November 2012, <http://www.icccpi.int/NR/rdonlyres/C433C4627C4E-4358-8A72-8D99FD00E8CD/285209/OTP2012ReportonPreliminaryExaminations22Nov2012.pdf>.

¹⁸ D Wippman, Atrocities, Deterrence, And The Limits Of International Justice , Fodham International Law Journal, 23 (2) , 1999 , p 473 – 488.

ARRESTS AND RIGHTS OF THE SUSPECT

After the commencement of an examination, just a Pre-Trial Chamber may, in line with the Prosecution, issue a warrant of capture or request to show up if there are sensible grounds to accept that the individual concerned includes carried out a wrongdoing inside the ICC's Jurisdiction.

When the Prosecution requests the issuance of a warrant of arrest or summons to appear, it must provide the judges with the following information:

- The name of the person;
- A description of the crimes the person is believed to have committed;
- A concise summary of the facts (the acts alleged to be crimes);
- A summary of the evidence against the person;

The reasons why the Prosecution believes that it is necessary to arrest the person.¹⁹

The appointed judges will give a warrant of capture on the off chance that it seems important to guarantee that the individual will really show up at preliminary, that the person in question won't hinder or imperil the examination or the Court's procedures, or on the other hand to keep the individual from proceeding to carry out the sessions. The Registrar would demand for a cooperation for the arrest and give up the suspect to the State Parties, but this process would depend upon the choice of the appointed authorities and judges for every situation. When the individual is arrested and the Court ensures that it guarantees that the individual gets a duplicate of the warrant of capture in a language which the individual completely comprehends and speaks.²⁰

The Court doesn't have its own police power. Appropriately, it depends on State Parties cooperation, which is fundamental to the capture and give up of suspects. As indicated by the Rome Statute, States Parties will collaborate completely with the Court in its examination and arraignment of wrongdoings inside the locale of the Court. The obligation to uphold warrants of arrest in all cases stays with States.²¹ The ICC & the States set up a framework dependent

¹⁹ P Akhavan, Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities?, American Journal of International Law, 95 (7) , 2001 , pp 7 – 31.

²⁰ D Kaye, Who' s Afraid Of The International Criminal Court? , Foreign Affairs, May – June 2011 , p 3.

²¹ R Nagy, Transitional Justice As Global Project: Critical Reflections , Third World Quarterly, 29 (2) , 2008 , p 275 – 289.

on two columns. The Court itself is the legal column. The operational column has a place with States, including the implementation of Court's requests.

The States Parties to the Rome Statute have a lawful commitment to participate completely with the ICC.²² At the point when a State Party neglects to conform to a request to collaborate, the Court may make an action with that to impact and allude the issue for additional activity to the Assembly of States Parties.²³ At the point when the Court's locale is set off by the Security Council, the obligation to coordinate stretches out to all UN Member States, whether or not or not they are a Party to the Statute. The crimes inside the jurisdiction of the Court are the gravest violations referred to crimes against humanity and as accommodated by Article 29 of the Statute they will not be dependent upon any legal time limit.

A captured individual is brought expeditiously before the equipped legal expert in the custodial State, which decides if the warrant is to be sure for the captured individual, regardless of whether the individual was captured reliably with fair treatment and whether the individual's privileges have been regarded.²⁴ When a request for give up is given, the individual is conveyed to the Court²⁵, and held at the Detention Centre in The Hague, The Netherlands.

Everybody is assumed to be innocent until proven guilty under the steady gaze of the Court. The Prosecution must demonstrate the blame of the suspect and a Trial Chamber will convict the accused person only if the charges have been proved beyond reasonable doubt.²⁶ Suspects are presumed innocent. They are present in the courtroom during the trial, and they have a right to a public, fair and impartial hearing of their case. To this end, a series of guarantees are set out in the Court's legal documents, including the following rights, to mention but a few:

- to be defended by the counsel (lawyer) of their choice, present evidence and witnesses of their own and to use a language which they fully understand and speak;
- to be informed in detail of the charges in a language which they fully understand and speak;
- to have adequate time and facilities for the preparation of the defence and to

²² Prosecutor V. Kenyatta And Prosecutor V. Ruto, Icc-01/09-01/11-414 (Ruto) And Icc-01/09-02/11-425 (Kenyatta), 24 May 2012.

²³ D Wippman, Atrocities, Deterrence, And The Limits Of International Justice , Fodham International Law Journal, 23 (2) , 1999.

²⁴ Prosecutor V. Gbagbo, Icc - 02 / 11 - 01 / 11 - 312 , 12 December 2012.

²⁵ P Akhavan, Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities? , American Journal of International Law, 95 (7) , 2001 , pp 7 – 31.

²⁶ L VINJAMURI, DETERRENCE, DEMOCRACY, AND THE PURSUIT OF INTERNATIONAL JUSTICE , Ethics and International Affairs, 24 (2) , 2010 , pp 191 – 211.

communicate freely and in confidence with counsel;

- to be tried without undue delay;
- not to be compelled to testify or to confess guilt and to remain silent, without such silence being a consideration in the determination of guilt or innocence;
- to have the Prosecution disclose to the defence evidence in its possession or control which it believes shows or tends to show the innocence of the accused, or to mitigate the guilt of the accused, or which may affect the credibility of the Prosecution's evidence.²⁷

TRIALS

Trials happen at the seat of the Court in The Hague, except if the appointed judges choose to open the proceedings somewhere else.²⁸ This issue has been brought up in a few cases. The accused must be available at their trials, which is held out in the open, except if the Chamber discovers that specific procedures be directed in shut meeting so as to secure the wellbeing of witnesses and victims or the secrecy of sensitive evidentiary material.

At the beginning of the preliminary, the Trial Chamber makes the charges against the accused be perused out to that person and ensure if the person understands him. The Chamber at that point asks the charged to make an affirmation of blame or to plead not guilty. The Trial Chamber guarantees that the accused comprehends the nature and ramifications for the confirmation of guilt, that the affirmation is consensual and is made by the accused²⁹, after adequate conference with their legal advisor and that the admission of guilt is bolstered by the realities of the case that are contained in the proof and charges brought by the Prosecution and conceded by the blamed.

Where the Trial Chamber is fulfilled that these conditions have been met, the convict is charged. If such conditions are not fulfilled, the Chamber will consider the confirmation of blame as not having been put forth, in which case it will arrange that the Trials be continued. At the Trial, the Prosecution and Counsel for the defence have the chance to introduce their

²⁷ T NARDIN, INTERNATIONAL POLITICAL THEORY AND THE QUESTION OF JUSTICE, International Affairs, 2006 , p 449 – 465.

²⁸ International Criminal Court, Report Of The Bureau On The Strategic Planning Process Of The International Criminal Court , 6 November 2012 , p 3 – 4 , https://asp.icc-cpi.int/iccdocs/asp_docs/ASP11/OR/ICC-ASP-11-20-VolI-ENG.pdf.

²⁹ L Vinjamuri & J Snyder, Advocacy and scholarship in the study of international war crime tribunals and transitional justice , Annual Review of Political Science, 2004 , p 352 – 356.

case. The prosecution must present proof or the evidence to the Court to demonstrate that the accused individual is liable.³⁰ This proof might be as records, other substantial articles, or witness explanations. The Prosecution should likewise unveil to the blamed any proof which may show that he or then again, she is guiltless.

The Prosecution presents its case first and calls observers to affirm. At the point when the Prosecution has wrapped up analysing each witness, the Counsel for the defence is allowed the chance to examine the witness.³¹ When the Prosecution has presented all its proof, it is the turn of the accused, with the help of their guidance, to introduce their defence. Their perspectives and concerns are presented by their legitimate delegates in the court.

Is ICC the answer to prevent crimes from occurring in the long term?

The ICC could eventually have an impact and forestall future monstrosities.³² By arrainging heads of government, the ICC denotes the finish of exemption for pioneers who do not find a way to secure their citizens, or effectively harm them. The ICC hence helps actualize the idea of 'duty to protect' settled upon by the UN General Assembly in 2005.³³ Its reality could also support civilian army gatherings to lessen viciousness, public courts to act against lawbreakers, and pioneers to change legislative issues inside state parties. Created by the ICC, just as crafted by international courts, may also affect regional and local courts.³⁴ For example, the ICC empowered Nigeria to compose preliminaries to pass judgment on individuals from the terrorist organization Boko Haram, and furthermore Kenya to compose domestic preliminaries for war crimes.³⁵ The work of the ICC may be the reason behind conversations on the creation by the au of a regional crime court.³⁶ Researchers have additionally demonstrated that international law can impact politics. specifically, the ICC screens decisions so as to assemble proof on violence. This was the situation in the DRC in 2011.³⁷

³⁰ JN Clark, Peace, Justice And The International Criminal Court: Limitations And Possibilities , Journal of International Criminal Justice, 9 (3) , 2011 , p 537.

³¹ R Dowden, ICC In The Dock , Prospect Magazine, 134 , 2007 , [http:// www. prospect - magazine. co. uk/ article_details. php? id= 9269](http://www.prospect-magazine.co.uk/article_details.php?id=9269).

³² D Wippman, Atrocities, Deterrence, And The Limits Of International Justice , Fodham International Law-Journal, 23 (2) , 1999 , pp 473 – 488.

³³ United Nations, General Assembly Of The Un , para 4 , 2005 , [http:// www. responsibilitytoprotect. org/ index. php? option= com_content& view= artic le& id= 398](http://www.responsibilitytoprotect.org/index.php?option=com_content&view=article&id=398).

³⁴ WW Burke- White, Proactive Complementarity: The International Criminal Court And National Courts In The Rome System Of International Justice, Harvard International Law Journal, 2008 , p 53 – 108.

³⁵ D Kaye, Who' s Afraid Of The International Criminal Court? , Foreign Affairs, May – June 2011 , p 3.

³⁶ Africa: Leaders' Summit To Discuss Regional War Crimes Court , THE STAR, 23 January 2013, [https:// allafrica. com/ stories/ 201301231408. html? viewall= 1](https://allafrica.com/stories/201301231408.html?viewall=1).

³⁷ BA Simmons, Mobilizing For Human Rights: International Law In Domestic Politics , Cambridge: Cambridge-

Do the victims of these atrocities welcome this symbolic justice?

The response of casualties to the work by the ICC is uncertain, yet by and large it appears to be positive. From one viewpoint, victims can differ with the work crafted by the ICC, as they feel it gives emblematic equity, it is one-sided, it doesn't give assurance, it doesn't give equity as they get it, and it doesn't address their necessities. Equity must be representative, given the predetermined number of cases researched by the ICC. Just 30 individuals have been prosecuted since 2002. Victims in conflict can differ with the ICC on its decision of individual arraigned. For example, in the DRC the Hema's public, who are from a similar ethnic bunch as Thomas Lubanga, didn't comprehend why Lubanga was arrested.³⁸ Casualties are frequently hesitant to vouch for the ICC because of a paranoid fear of further assault. Casualties could favour nearby equity frameworks to equity dispensed by an international court. They might be agreeable to restorative justice through compromise, and not of retributive equity through discipline. Individuals may see the ICC as a neo-provincial body.³⁹ Further, a few people in struggle zones feel that the ICC is disengaged from their everyday concerns, and that their government assistance and will to live in a quiet society ensuring secure condition are not taken into consideration.⁴⁰ They don't really consider the points of the ICC a need, and are commonly more concerned with the battle against destitution than the battle for justice. On the other hand, symbolism can be important, retributive justice is valued by people and the ICC is making an effort to address the concerns of victims. The ICC brings the idea of justice into local and national politics in the places where it is known by people.⁴¹ Victims do seem to agree with the ICC.

University Press, 2009.

³⁸ Icc Monitoring Pre- Election Violence In Dr Congo , CONGO PLANET, 11 November 2011 , [http:// www.congoplanet.com/news/ 1904 / international - criminal- court- monitoring- election- violence- in- dr- congo. jsp](http://www.congoplanet.com/news/1904/international-criminal-court-monitoring-election-violence-in-dr-congo.jsp)

³⁹ ALL EYES ON UPCOMING ELECTIONS AS KENYA WORKS TO PREVENT THE RECURRENCE_ OF_ ATROCITIES, 28 February, 2013, [http:// icrtopblog. org/ category/ international - criminal- court / .](http://icrtopblog.org/category/international-criminal-court/)

⁴⁰ M Wrong, Indictée For President! , International Herald Tribune, 11 March 2013 , [http:// latitude. blogs. nytimes. com/ 2013 / 03 / 11 / being - prosecuted- by- the- i- c- c- helped- uhuru- kenyattas- chances- in- kenyas- election/ .](http://latitude.blogs.nytimes.com/2013/03/11/being-prosecuted-by-the-icc-helped-uhuru-kenyattas-chances-in-kenyas-election/)

⁴¹ International Criminal Court, report of the bureau on the strategic planning process of the international Criminal court , 6 November 2012 , pp 3 – 4, [https:// www. icc- cpi. int/ iccdocs/ asp_docs/ ASP11 / ICC - ASP- 11 - 30 - ENG. pdf.](https://www.icc-cpi.int/iccdocs/asp_docs/ASP11/ICC-ASP-11-30-ENG.pdf)

CONCLUSION

The ICC has goal-oriented points, as it isn't just worried about setting up global equity, yet additionally harmony. Jurists differ on the effect a council can have on harmony and peace in the international community. For certain scholars the two points of equity and harmony can repudiate each other and, thus, in its journey to build up justice, unfortunately the ICC doesn't generally serve the reason for Justice. Furthermore, the conditions under which the ICC works make Justice considerably harder to accomplish.⁴²

In contrast to the Tribunals in Nuremberg and in Tokyo, the ICC doesn't for the most part work in the midst of justice, yet in the midst of contention.⁴³ The Court is unavoidably brought into dynamic clash circumstances, and winds up being viewed as a one-sided entertainer. The ICC can also be condemned for endeavouring to render standards of liberal vote-based system to all states, and to force 'one-size-fits-all' arrangements in request to give international justice and equity.⁴⁴ The ICC must concentrate on reasonableness, nearby equity and global social equity in request to improve its authenticity and work. Despite the fact that the ICC faces power governmental issues requirements when violations are submitted in a state which has not joined the ICC Statute, the ICC is attempting to embrace a reasonable and fair way to deal with conveying equity by researching violations submitted everywhere throughout the world, and by the two sides to a contention.

So as to upgrade the flaws of the Court, jurists are talking about its chance prosecuting organizations and their heads, however this would require a revision to the Statute.⁴⁵ The ICC ought to be available to conversations with, and aware of, neighbourhood equity frameworks, state foundations and individuals who live in struggle regions. Interestingly individuals must believe in their own legitimate and political frameworks. So as to improve the effect of the ICC, its individuals such as the assigned authorities, have an essential job to play in supporting the Court to provide international justice. They should make a safe condition for those victims

⁴² J Mayerfeld, The Democratic Legacy Of The International Criminal Court , Fletcher Forum of World Affairs, 28 (2) , 2004 , <http://faculty.washington.edu/jasonm/mayerfeld.pdf> & Vinjamuri & Snyder, Advocacy And Scholarship In The Study Of International War Crime Tribunals And Transitional Justice.

⁴³ D Armstrong, T Farrell & H Lambert, International Law And International Relations, Cambridge University Press, 2007, p 95.

⁴⁴ L Hovil & JR Quinn, Peace First, Justice Later: Traditional Justice In Northern Uganda , Refugee Law Project WorkingPaper, Kampala, 2005, <http://www.refugeelawproject.org/resources/papers/workingpapers/%20RLP.WP17.pdf>.

⁴⁵ JN Clark, Peace, Justice And The International Criminal Court: Limitations And Possibilities , Journal of International Criminal Justice, 9 (3) , 2011 , p 537.

who would be ready to affirm at the ICC, and shield them from further brutality. States Parties of the ICC should also execute its capture warrants, and add to the ICC's reparations framework for survivors of crime.⁴⁶ States parties to the ICC could, for instance, include support for victims of grave crimes into their programmes on development. More broadly states must work on promoting justice for all people, independently from the work of the ICC focused on punishment for particular individuals.

⁴⁶ J Mayerfeld, The Democratic Legacy Of The International Criminal Court , Fletcher Forum of World Affairs, 28 (2) , 2004.